



TOWN OF LISBON, NEW HAMPSHIRE

INCORPORATED 1763

LISBON ZONING BOARD OF ADJUSTMENT

46 School Street

Lisbon, NH 03585

Telephone: 603-838-6376 Fax: 603-838-6790

APPLICATION FOR VARIANCE

INSTRUCTIONS:

- Step 1: Complete the entire application. Attach additional pages for explanations that require more space than available on this form.
- Step 2: Abutters List: Compile the names and mailing addresses of everyone that must be notified of the public hearing on your application. This includes owners of all abutting properties as indicated in Town records not more than five (5) days before you will file this application (include tax map and lot number). Please be sure to include parcels across a stream or street from yours. Please also provide the name and address of any party that holds a conservation, preservation or agricultural preservation restriction on your property.
- Step 3: Application Fee: Contact the Town Office to find out what the application fee and cost of public hearing notices will be.
- Step 4: Mail the application, with both any additional information and abutters list attached, and check or money order payable to the Town of Lisbon enclosed, to the Lisbon Zoning Board of Adjustment at the address listed above or hand deliver during regular business hours.

The Zoning Board may require additional information not included in this application.

OWNERSHIP INFORMATION:

A. Applicant's Name: _____

Mailing Address: _____

E-mail: _____ Telephone # _____

B. Owner(s) if not applicant: _____

Mailing Address: _____

E-mail: _____ Telephone # _____

LOCATION INFORMATION:

C. Where is the land on which you are seeking a Variance?

Property address: _____

Street that will provide access: _____

Tax map and lot # _____

Lot size _____ acres or _____ sq ft

Frontage _____ ft

D. In what zoning districts is the property for which you are requesting a Variance?

___ A ___ B ___ C ___ D ___ Industrial

___ Pearl Lake ___ Flood and Erosion Hazard ___ Shoreland ___ Wetland

PROJECT DESCRIPTION:

E. Existing use of the property/# of dwelling units _____

Proposed use of the property/# of dwelling units _____

Proposed changes _____

Description and dimensions of any structures/additions proposed:

Include sketch/plan showing existing and proposed structures and setbacks in sufficient detail to assist the Board in reviewing your proposal. If larger than 8 1/2 x 11 please provide 5 copies.

VARIANCE DETAILS:

F. For what specific requirement of the Zoning Ordinance are you requesting a Variance?

Section _____

G. Please describe the Variance from that requirement that you are requesting:

H. Please provide the dates and details of any Variances or Special Exceptions previously granted to this property:

I. Please provide the dates and details of any previous applications for a Variance that were denied on this property:

J. If there has been a previous denial, please explain how this application differs:

K. VARIANCE CRITERIA

In order for the Zoning Board of Adjustment to grant a Variance, state law (RSA 674:33) requires that the Board must find that all five of the criteria (a through e) below will be met. Please provide facts/reasons to document each of the criteria below. See Appendix for further explanation of the criteria.

(a) The variance will not be contrary to the public interest because:

(b) If the variance were granted, the spirit of the ordinance would be observed because:

(c) Granting the variance would do substantial justice because:

(d) If the variance were granted, the values of surrounding properties would not be diminished because:

(e) Please explain below using part (1) or part (2) why literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(1) Owing to special conditions of the property that distinguish it from other properties in the area:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

--- and ---

ii. The proposed use is a reasonable one because:

----- OR -----

(2) Explain how, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

OWNER(S) SIGNATURES(S)

I hereby declare that I have examined this application, including the accompanying exhibits and to the best of my knowledge and belief, it is true and complete.

I hereby authorize the Zoning Board of Adjustment and its agents to access my land for the purpose of reviewing this application, including for the purposes of a publicly noticed site visit, and for performing any inspection deemed necessary by the Board or its agents to ensure conformance with conditions of approval if any and all other applicable ordinances and regulations.

The Applicant named in Section A on Page 1, if not the owner, is authorized to Act on my/our behalf for the purposes of this application.

Owner Signature: _____

Date: _____

FOR TOWN USE ONLY BELOW THIS LINE:

___/___/___ Date application received

___/___/___ Date abutters notices mailed

\$_____ Fees paid

___/___/___ Date notice published in paper

___/___/___ Date of public hearing

_____ Approved _____ Denied _____ Approved with Conditions

Chair

Date

APPENDIX

REQUIREMENTS CHECKLIST for GRANTING A VARIANCE

APPLICANT MUST ESTABLISH ALL OF THE FOLLOWING:

Requirement	Explanatio
1. The variance is not contrary to the public interest.	The proposed use must not conflict with the explicit or implicit purpose of the Ordinance, and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”
2. The spirit of the Ordinance is observed.	
3. Substantial justice is done.	The benefit to the applicant should not be outweighed by harm to the general public or to other individuals.
4. The values of surrounding properties are not diminished.	Expert testimony on this question is not conclusive, but cannot be ignored. The board may also consider other evidence of the effect on property values, including personal knowledge of the members themselves.
<p>5. Literal enforcement of the Ordinance would result in unnecessary hardship.</p> <p>“Unnecessary hardship” means that owing to a special condition of the property that distinguish it from other properties in the area:</p> <p>(a) There is no fair and substantial relationship between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and</p> <p>(b) The proposed use is a reasonable one.</p> <p><i>Alternatively</i>, if the (a) and (b) criteria above are not established, “unnecessary hardship” will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p>The applicant must establish that the property is burdened by the zoning restriction in a manner that is distinct from other similarly situated property.</p> <p>Determine the purpose of the zoning restriction in question. The applicant must establish that, because of the special conditions of the property, the restriction, as applied to the property, does not serve that purpose in a “fair and substantial” way.</p> <p>The applicant must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood.</p> <p><i>Alternatively</i>, the applicant can satisfy the unnecessary hardship requirement by establishing that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the Ordinance, this alternative is not available.</p>

(Source, Town of Hanover, N.H.)