



## Variance Application

**Name of Applicant** \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

Email \_\_\_\_\_

**Name of Property Owner** \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

Email \_\_\_\_\_

**Property Address** \_\_\_\_\_

Map/LotNumber \_\_\_\_\_ ZoningDistrict \_\_\_\_\_

**Please respond to each of the following sections. Additional information may be supplied on a separate sheet if the space provided is inadequate.**

### **A. BACKGROUND**

Please provide a brief description of your project, including your intended use of the property and/or intended improvements to the property, if applicable: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Please note that upon review, Department Staff may request that you submit a plot plan of the property if deemed necessary for the ZBA to properly evaluate your application.*

*(continued on reverse side)*

### **Staff Use Only**

Received by: \_\_\_\_\_ Date \_\_\_\_\_

**\$225 Application Fee + \$50 Legal Ad + \$10 per abutter Total Cost \_\_\_\_\_ Check # \_\_\_\_\_**

ZBA Case # \_\_\_\_\_ Date of ZBA Hearing \_\_\_\_\_

**B. VARIANCE REQUESTED**

A variance is requested from section(s) \_\_\_\_\_  
of the zoning ordinance to permit \_\_\_\_\_

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**C. THE FIVE VARIANCE CRITERIA**

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

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2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

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3. Granting the variance would do substantial justice because:

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4. The value of surrounding property will not be diminished because:

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5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. “Unnecessary hardship” means that, *owing to special conditions of the property that distinguish it from other properties in the area:*

(A)(i) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because

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(A)(ii) The proposed use is a reasonable one because

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**IF NOT (A) (i) & (ii), THEN (B)**

(B) 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 because

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I have read this Application and state that the above is correct, and acknowledge that I have read and understand the Application Instructions on Page 5 of this Application form.

Date \_\_\_\_\_ Applicant's Signature \_\_\_\_\_

# Abutter List

## **INSTRUCTIONS**

1. Please print the names and legal mailing addresses of all abutters. Visit the Town Assessor's website at <https://www.windhamnh.gov/162/Assessing> to access GIS to determine which parcels are abutting and for the most up-to-date Ownership Information.
2. An abutter means any person whose property is located in New Hampshire and adjoins, is directly across, or within 50-feet diagonally of the street or stream from the land under consideration. *See RSA 672:3.*
3. Also include the names and legal mailing addresses of the applicant, property owner (if different), and any professionals (engineers, lawyers, etc.) involved with the application.
4. TWO SETS OF MAILING LABELS FOR EACH LISTING MUST ALSO BE SUBMITTED.

Map	Block	Lot	Name	Mailing Address
			<b>Do Not Write in Shaded Areas</b>	
			<b>Do Not Write in Shaded Areas</b>	
			<b>Do Not Write in Shaded Areas</b>	
			<b>Do Not Write in Shaded Areas</b>	
			<b>Do Not Write in Shaded Areas</b>	
			<b>Do Not Write in Shaded Areas</b>	
			<b>Do Not Write in Shaded Areas</b>	

## APPLICATION INSTRUCTIONS

1. All supporting materials for the ZBA's consideration should be supplied to the Community Development Department with the submission of this application. Applicants are responsible for providing ten (10) copies of their application, and ten (10) copies of supporting materials to the Community Development Department in advance of the scheduled hearing. Additionally, applicants are responsible for providing a digital copy of their application and plans upon initial submission of their application. Failure to do so will result in an immediate return of the application until digital copies are provided. Two (2) sets of mailing labels including all abutters is required upon initial submission of the application.
2. The community development department will schedule a public hearing before the Town of Windham Zoning Board of Adjustment ("ZBA") within 30 days of receipt of a completed application. Public notice of the hearing will be posted at the Town Hall and Community Development Department, and printed in a local newspaper. Notices will be mailed to those listed on the abutters list as provided by the applicant, at least 7 days prior to the hearing.
3. Failure to provide any of the information required for the filing of this application shall be cause for the rejection of this application. This application will not be processed unless all required information has been provided.
4. Owner/owners must supply written authorization to allow agents and/or other representatives, to apply and appear on the owner/owners behalf.
5. Acceptance of this application and inclusion of the application on the ZBA's agenda does not infer that all zoning requirements have been satisfied. Neither the review of any plan by officials of the Town of Windham, nor any subsequent inspection of the premises, should be relied upon as an assurance of conformity to legal requirements.
6. Owner/owner's representative is strongly encouraged to attend the scheduled meeting to present the application before the ZBA. Failure to do so may result in the application being denied without prejudice and would require a new application to be filed and new fees paid.
7. Please note that the ZBA may conduct a Site Walk of the property that is the subject of this application when properly posted in accordance with RSA 91-A.
8. Applicants who wish to withdraw their applications or reschedule their hearing for a later meeting shall file a written request with the Community Development Department before the hearing notice for the scheduled hearing is mailed to the abutters, posted in a public place, or appears in a local newspaper. Requests to withdraw or reschedule received by the Department after the hearing notice has been mailed to the abutters, posted in a public place, or appears in a local newspaper, shall be considered by the ZBA at the scheduled hearing.