



**PLANNING AND DEVELOPMENT**  
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**APPLICATION FOR A VARIANCE**

Application Received By:		Scheduled Zoning Board Meeting Date:		Case #
Application Fee:		Date Submitted:	Tax Map:	Lot:
Legal Notice Fee:				Zone:
# of Abutters @\$4/each				
Recording Fee				
Total Due:		Date Paid:	Ck#	

The undersigned hereby applies to the Claremont Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

**SECTION I - GENERAL INFORMATION**

Name(s) of Applicant(s) \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_  
 Name(s) of Owner(s) \_\_\_\_\_  
 Address \_\_\_\_\_  
 Location of Property \_\_\_\_\_  
 (street, number, subdivision and lot number, if any)

**SECTION II - LOT CHARACTERISTICS**

Tax Map & Parcel Number \_\_\_\_\_ Zoning District \_\_\_\_\_  
 Lot Dimensions: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_  
 Lot Area: Acres \_\_\_\_\_ Square Feet \_\_\_\_\_  
 % of Lot Covered as defined in Code Sec. 22-1 (buildings, pools, decks, etc.): Existing \_\_\_\_\_ % Proposed \_\_\_\_\_ %  
 % of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing \_\_\_\_\_ % Proposed \_\_\_\_\_ %

Present Use \_\_\_\_\_

Proposed Use \_\_\_\_\_

Property Restrictions (easements, covenants, etc.) \_\_\_\_\_

**SECTION III - AFFIDAVIT**

I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. I also authorize the Zoning Administrator or his/her designee and members of the Board to enter onto the subject property for purposes of inspection as part of this appeal.

\_\_\_\_\_ Date \_\_\_\_\_  
 (Signature of Owner or Authorized Agent)

Please Print Name \_\_\_\_\_

**INSTRUCTIONS FOR COMPLETING THE VARIANCE APPLICATION**  
Use the guidance pointers below to complete the variance questions on the next page.

***GUIDANCE FOR THE FIVE VARIANCE CRITERIA***

An application for a variance from the Zoning Ordinance must answer all questions listed in the application as well as any extra considerations required by the section of the Zoning Ordinance that is the object of the variance request. It is important to include supporting information (e.g. plans, maps, photos, expert opinions, etc.). ***The burden of proof is upon the applicant; the applicant must convince the Zoning Board of Adjustment (ZBA) all five criteria have been met.***

The following guidance addresses the variance review criteria based on the NH OSI publication, "*The Board of Adjustment in New Hampshire: A Handbook for Local Officials*" available online at <https://www.nh.gov/osi/planning/resources/publications.htm>. The ZBA, during its review of an application, is encouraged to pay close attention to the review standards and potential impacts of a proposal upon neighboring properties, City facilities (including roads and emergency services), public utilities, natural resources and easements or conservation areas.

**Criterion 1: Public Interest**

A way to consider this specific case is whether the proposal will have a detrimental impact on the community including neighboring properties, community facilities, public safety, and welfare.

- Is the proposal contrary to the intent of the Zoning Ordinance?
- Does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?

**Criterion 2: Spirit of the Ordinance**

While the first criterion is specific to the local impacts of the proposed project this criterion, though very similar, may consider the broader implications of the variance application in the context of the overall Zoning Ordinance and Zoning Map. It is important to note the Zoning Ordinance is an attempt to implement the vision for land use and development as outlined in the Master Plan.

- Are the proposed uses outlined in this application appropriate for this zoning district?
- Are there specific statements or provisions of the Zoning Ordinance that prevent these proposed uses or the scale of these uses?

**Criterion 3: Substantial Justice**

The NH OEP publication provides very short guidance on this: "Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. The injustice must be capable of relief by granting a variance that meets the other four qualifications. A board of adjustment cannot alleviate an injustice by granting an illegal variance."

**Criterion 4: Surrounding Property Values**

Inherent in this criterion is a value judgement that will be subjective to the property owner and those objecting to the application. It is also important for each member of the ZBA to use his/her personal experience and local knowledge to decide this point.

**Criterion 5: Unnecessary Hardship**

This criterion is likely the most challenging to address because of its lack of clarity over time. There are two parts to this criterion that may be addressed. Most commonly an applicant addresses 5(A). Under this part there is an attempt to, "balance the public good resulting from the application of the ordinance against the potential harm to a private land owner," (NH OSI). Criterion 5(B) has been included in state law to address the rare occurrence when enforcement of the Zoning Ordinance fundamentally deprives the owner of any reasonable use of the land - an unconstitutional taking.



(A) For purposes of this subparagraph, “unnecessary hardship” means owing to special conditions of the property that distinguish it from other properties in the area:

(i) Explain how no fair or substantial relationship exists between the general public purposes of the Section(s) of the ordinance from which relief is sought and the specific application of the Section(s) to the property:

(ii) Explain how the proposed use is a reasonable one:

Alternatively, if and only if the criteria in subparagraph (A) cannot be established:

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

**ABUTTERS LIST**

The abutter list shall identify:

- All properties adjoining or directly across the street or stream from the property in question.
- Where the subject property is within 500 feet a river or stream the applicant shall include the NHDES Dam Bureau.
- For properties abutting a municipal boundary, the applicant shall list all abutting land owners in that neighboring municipality.
- The officers of a collective or association in the case of an abutting property being under a condominium or other collective form of ownership.
- The manufactured housing park owner and tenants who own manufactured housing adjoining or directly across the street or stream from the property in question.
- Every holder of conservation, preservation, or agricultural preservation restrictions on or abutting the subject property.

The City tax map records are the accepted authority for map and lot numbers but may not contain current record owner information.

**Applicant Information:**

Printed Name: \_\_\_\_\_ Contact Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

<b>Owner/Agent Information</b> <i>(\$4 fee per abutter including owner and agent)</i>			
<b>Map:</b>	<b>Lot:</b>	<b>Name:</b>	<b>Address:</b>

<b>Abutter(s) Information</b>			
<b>Map:</b>	<b>Lot:</b>	<b>Name:</b>	<b>Address:</b>
<b>Map:</b>	<b>Lot:</b>	<b>Name:</b>	<b>Address:</b>
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<b>Map:</b>	<b>Lot:</b>	<b>Name:</b>	<b>Address:</b>

Owner/Agent Information			
Map:	Lot:	Name:	Address:

Easement Holders, Engineers, Architects, Surveyors, & Soil Scientists Information	
Name:	Address:

I, the undersigned \_\_\_\_\_, certify that to the best of my knowledge, the above is an accurate and complete abutters list.

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Date**