

**Pittsfield Zoning Board of Adjustment
Town of Pittsfield
85 Main Street
Pittsfield, NH 03263**

Application for Variance

Applications must be complete and legible

Name of applicant: _____

Mailing address: _____

_____ Telephone no.: _____

Name of property owner: _____

Mailing address: _____

_____ Telephone no.: _____

Name of representative: _____

Mailing address: _____

_____ Telephone no.: _____

Location of the property concerned (street address): _____

Tax map and lot no.: _____ Lot area: _____

Zoning district or districts of the property concerned (circle the district name or names):

Commercial Light Industrial/Commercial Urban

Suburban (with town W and S) Suburban (w/o town W and S) Rural

The application is for a variance from:

Article: _____ Section: _____

Purpose of the variance: _____

Has the zoning ordinance administrator decided that the proposed use needs a variance?

___ Yes ___ No. Please attach the notice of decision if yes. You cannot apply for a variance if the zoning ordinance administrator has not decided that the proposed use needs a variance. (Pittsfield Zoning Ordinance, article 7, section 2, (b).)

Describe any existing variances, special exceptions, and other permits now in effect with regard to the property concerned: _____

Was this or any similar request denied in the past?: _____

Reason: _____ Date: _____

Present use of the property concerned: _____

Proposed use of the property concerned : _____

Type and number of existing structures: _____

Number of dwelling units: Existing _____ Proposed _____

Number of off-street parking spaces available to the proposed use whenever the proposed use needs them: _____

Will your request require subdivision approval? _____

Will your request require site plan approval? _____

Explain your proposal fully (attach additional sheets if necessary):

Explain how the proposed variance will satisfy the following conditions. Use additional sheets if necessary.

A. The variance will not be contrary to the public interest.

B. The spirit of the ordinance is observed.

C. Substantial justice is done.

D. The values of surrounding properties are not diminished.

E. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

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

(a) 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; and

(b) The proposed use is a reasonable one.

(2) If the criteria in subparagraph (1) are not established, an 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. **Note: You do not have to explain why an unnecessary hardship exists under this subparagraph (2) if you explained why an unnecessary hardship exists under subparagraph (1).**

This page is reserved for the board of adjustment's use. The board's secretarial assistant shall copy onto this page an image of the applicant's check for the application fee.

BOARD OF ADJUSTMENT HEARING SCHEDULE

The board of adjustment will schedule hearings on applications as soon as possible subject to the following:

1. The board schedules its meetings on either the second Thursday of the month or the fourth Thursday of the month.
2. RSA 676:7, I, (a), requires the board to give public notice of the hearing at least 5 days before the date of the hearing.
3. The board uses the *Suncook Valley Sun* to give public notice of the board's hearings unless the applicant asks the board to use the *Concord Monitor*.
4. The *Suncook Valley Sun* appears weekly on Wednesday.
5. The *Concord Monitor* appears daily.
6. The board must buy the advertisement before 4:00 PM on the Thursday before the Wednesday when the notice will appear when the board uses the *Suncook Valley Sun*.
7. The board must buy the advertisement before 4:00 PM two business days before the day when the notice will appear when the board uses the *Concord Monitor*.
8. The board's secretarial assistant needs about four days of lead time to review the application and to prepare the notice.

BOARD OF ADJUSTMENT RULES OF PROCEDURE, PITTSFIELD ZONING ORDINANCE, AND NEW HAMPSHIRE STATUTES

The board of adjustment encourages applicants and other people having business with the board to review the board's rules of procedure; the Pittsfield Zoning Ordinance, especially articles 2, 3, 5, 6, and 7; and applicable state statutes, especially RSA 674:33, RSA 674:33-a, RSA 676:5 through RSA 676:7, and RSA 677:1 through RSA 677:16 as preparation for making an application to the board and as preparation for the board's public hearing on the application. Copies of the board's rules of procedure and the Pittsfield Zoning Ordinance are available from the board's secretarial assistant and on the town web site. New Hampshire statutes are available on the New Hampshire State Legislature's web site.

Please see the next page for filing instructions and for where to get help.

FILING INSTRUCTIONS

Please file this application with the board of adjustment's secretarial assistant or, in the absence of the secretarial assistant, with the town administrator or the zoning ordinance administrator. The board encourages applicants to ask for a receipt of filing showing the application stamped with the date of filing.

HELP FOR APPLICANTS

The board of adjustment encourages all people having business with the board to ask for help from the board's secretarial assistant, for example, in explaining what avenues of appeal are available, what application forms are available, what information the application forms ask applicants to give, how to file applications, and other such matters. The board cautions people asking for help from the secretarial assistant that the secretarial assistant's help is best effort, is advisory only, and is not a decision of either the zoning administrative officer or the board of adjustment. See rule III, 3, of the board of adjustment's rules of procedure for guidelines of the help that the board asks the secretarial assistant to give.

INDIVIDUAL-NOTICE LIST

The board of adjustment must give notice of the scheduled hearing to the applicant, to all holders of conservation, preservation, or agricultural preservation restrictions, and to all abutters. (RSA 676:7, I, (a).) The board must give this notice not less than 5 days before the hearing; the board must use certified mail for the notice; and the applicant must pay for the notice. (RSA 676:7, I, (a).)

RSA 672:3 effective July 15, 2002, defines “abutter” as follows: “Abutter” means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Name of applicant: _____

Address: _____

City/State: _____ Zip code: _____

Property concerned: Tax map: _____ Lot number: _____

The following are holders of conservation, preservation, or agricultural preservation restrictions on the property concerned. Attach additional sheets with page numbers as needed.

Name: _____ Name: _____

Address: _____ Address: _____

The following are all properties and their owners that abut the property concerned. Attach additional sheets with page numbers as needed.

1. Tax map: _____ Lot: _____
Name: _____
Address: _____
City/State: _____ Zip: _____

2. Tax map: _____ Lot: _____
Name: _____
Address: _____
City/State: _____ Zip: _____

3. Tax map: _____ Lot: _____
Name: _____
Address: _____
City/State: _____ Zip: _____

4. Tax map: _____ Lot: _____
Name: _____
Address: _____
City/State: _____ Zip: _____

5. Tax map: _____ Lot: _____
Name: _____
Address: _____
City/State: _____ Zip: _____

6. Tax map: _____ Lot: _____

Name: _____

Address: _____

City/State: _____ Zip: _____

7. Tax map: _____ Lot: _____

Name: _____

Address: _____

City/State: _____ Zip: _____

8. Tax map: _____ Lot: _____

Name: _____

Address: _____

City/State: _____ Zip: _____

9. Tax map: _____ Lot: _____

Name: _____

Address: _____

City/State: _____ Zip: _____

10. Tax map: _____ Lot: _____

Name: _____

Address: _____

City/State: _____ Zip: _____