APPLICATION FOR VARIANCE **MAP:** **LOT:**
TOWN OF SWANZEY (New 1/10;
Revised 8/22)

To: Board of Adjustment, Town of Swanzey:

NAME OF APPLICANT:	**MAILING ADDRESS OF APPLICANT:**
Contact phone number:	
OWNER OF PROPERTY: (If same as applicant, write "same")	**MAILING ADDRESS OF OWNER:** (If same as applicant, write "same")
LOCATION OF PROPERTY (Give Zoning District in which located & current street address)	

FEES:

- Application fee: $75
- Current rates for Keene Sentinel Legal Notices
- $10/abutter certified mail notice

Fees will be billed and **must** be paid prior to public hearing.

1. ☐ **SITE PLAN –** The site plan need not be done professionally, but **must** be to scale; the scale should be appropriate for the size of the project & the plan must be readable. Plans must indicate the size of the lot in acres or square feet, show the placement of all **existing** and **proposed** buildings on the lot and include setbacks required by the zoning ordinance. The plan must include a written and visual depiction of the scale used.

2. ☐ If applicable, indicate on the Site Plan the location of:

septic system and/or leach field
water supply
curb cuts
parking area (and size of parking spaces)
waterways
wetland areas
tree lines
drainage ways
loading docks
underground tank locations
impervious surfaces

It is the applicant's responsibility for including all information on the plan that is pertinent to their application and proposed project.

3. ☐ _____Attach completed and up-to-date listing of ALL abutters with addresses.

4. ☐ _____Provide a brief description of the project/request.

A Variance is requested from the terms of Section _____, Article _____ of the Zoning Regulations of the Town of Swanzey.

FACTS IN SUPPORT OF GRANTING THE VARIANCE:

1. Granting the variance would not be contrary to the public interest because:

2. Granting the variance would observe the spirit of the ordinance because:

3. Granting the variance would do substantial justice because:

4. Granting the variance would not diminish the values of surrounding properties because:

5. Unnecessary Hardship
Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:

The "Special Conditions" of this property that distinguish it from other properties in the area are as follows:

A. Owing to the special conditions of the property as set forth above 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:

If the criteria in subparagraph A.i. **and** A.ii. are not established, an unnecessary hardship will be deemed to exist if, and only if:

B. Owing to special conditions of the property as set forth above 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 the property because:

Note: The definition of "unnecessary hardship" set forth in subparagraph 5 shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

_____ Date:_____
Signature of Applicant

_____ Date:_____
Signature of Property Owner

THIS VARIANCE IS HEREBY:

☐ **GRANTED** ☐ **DENIED**

by the Swanzey Zoning Board of Adjustment. The following are reasons and/or conditions:

CHECKLIST FOR GRANTING A VARIANCE
(for use by Swanzey Zoning Board of Adjustment)

1. Could the variance be granted without being contrary to the public interest?

_____ Yes _____ No

2. Would the spirit of the ordinance be observed if the variance were granted?

_____ Yes _____ No

3. Would granting the variance do substantial justice?

_____ Yes _____ No

4. Could the variance be granted without diminishing surrounding property values?

_____ Yes _____ No

5. Do special conditions of the property exist that distinguish it from other properties in the area?

_____ Yes _____ No

A.i. Owing to the special conditions of the property that distinguish it from other property in the area, there is not a fair and substantial relationship between the general public purpose of the ordinance and the specific application of the provision to the property?

_____ _____

Yes/Agree No

And

A.ii. Is the proposed use a reasonable one?

_____ _____

Yes No

If the criteria in subparagraph A.i. **and** A.ii. are not met, an unnecessary hardship will be deemed to exist if, and only if:

B. Owing to the 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 necessary to enable a reasonable use of the property:

_____ _____

Yes No

If the answer to questions 1, 2, 3, 4 and 5 (5A or 5B) is "yes," the variance should be granted.

If the applicant fails to meet any one of the five variance requirements (1, 2, 3, 4 and/or 5), it cannot be legally granted and should be denied. Note: The applicant only needs to meet either 5A or 5B to satisfy criteria 5.