



APPLICATION FOR VARIANCE
Zoning Board of Adjustment
Town of Fremont
P.O. Box 120
Fremont, New Hampshire 03044

Do not write in this space.

Case # _____

Date filed: _____

Hearing Date: _____

Total Fees Received: _____

Signed: _____

Location of property Map # _____ Lot # _____

Zoning District of Property: _____

Is the property in the Aquifer Protection District? Yes____ No____

Is the property in the Flood Zone? Yes____ No____

Name of applicant: _____

Address: _____

Phone: _____

Other contact information: _____

Name of owner: _____

(if same as applicant, write "SAME AS")

Address: _____

Phone and Email: _____

Other contact information: _____

NOTE: This application is not acceptable unless all required statements in the appropriate section have been completed. **Additional information may be supplied on a separate sheet if the space provided is inadequate.**

APPLICATION FOR VARIANCE

A Variance is requested from Article _____ Section _____ of the Zoning Ordinance to permit:

Facts supporting this request:

1. The variance will not be contrary to the public interest because;

2. The spirit of the ordinance is observed because;

3. Substantial Justice is done because;

4. The values of surrounding properties are not diminished because;

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

(A) 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:

(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;

AND;

(ii) The proposed use is a reasonable one.

OR

(B) If the criteria in subparagraph (A) 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.

Signed: _____

(Actual property owner)

**Town of Fremont
Zoning Board of Adjustment
PO Box 120
Fremont NH 03044-0120**

APPLICATION and PROCEDURE

PROCEDURE – To apply to the Zoning Board of Adjustment for relief, you must follow these steps:

1. Obtain a letter of denial from the Board of Selectmen or Building Inspector.
2. Compile a typed list of the names and addresses of all current abutters. Submit list in excel (if available) and hardcopy. This is to be obtained from the Fremont Selectmen's Office prior to submission of this application. An abutter is anyone whose property physically abuts the subject property or is directly across a street or stream. Include the subject property, applicant, and anyone whose seal or stamp appears on the plan. The accuracy of the abutters list is the sole responsibility of the applicant.
3. All requests for required reports or other correspondence (such as indicated in Article IX Section H) must be sent by the applicant via certified mail with return receipt requested or date stamped by the recipient. This is for proof of date of delivery.
4. Applications can be left at the Town Hall at 295 Main Street in Fremont; or mailed to the Town of Fremont at the above address. The proper check amount for the fees due made payable to the Town of Fremont must be included with your application.

CHECKLIST FOR APPLICATION

This Application Includes:

_____ cover letter of intent

_____ Letter of denial

_____ 8 copies of plan set(s) and full application package

_____ current abutters list in excel and hard copy

_____ proper check amount

_____ letter of approval to allow representation

FEE SCHEDULE

Fee Item	Fee	Paid
VARIANCE \$200.00 <i>For the first request</i>	\$200.00	
VARIANCE \$50.00 <i>for each additional request if a separate Zoning Article</i>		
ADVERTISING <i>Current rate of expense.</i>	\$150.00	
ABUTTER NOTIFICATION \$6.00 <i>per abutter plus current applicable postage rate. See "2" above for definitions of an abutter.</i>	\$15.95	
Total		

INSTRUCTIONS TO APPLICANTS APPEALING TO THE ZONING BOARD OF ADJUSTMENT

VARIANCE

The Board strongly recommends that, before making any appeal, you become familiar with the Zoning Ordinance and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672-677 covering planning and zoning.

VARIANCE

A Variance is an authorization, which may be granted under special circumstances, to use your property in a way that is not permitted under the strict terms of the zoning ordinance.

If you are applying for a Variance, you must first have some form of determination that what you propose for your property is not permitted without a Variance. Most often this determination is a denial of a building permit and/or a letter of denial from the Selectmen, or their designee.

For a Variance to be legally granted, you must show that your proposed use meets all of the following conditions:

- (1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - (A) 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:
 - (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; and
 - (ii) The proposed use is a reasonable one.
 - (B) If the criteria in subparagraph (A) 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.