

## CHECKLIST FOR ZBA APPLICANTS

Applications to the ZBA must be received 24 days prior to a ZBA meeting, the second Thursday of each month. Check for your deadline with Town Hall, 603-284-7701 or [www.sandwichnh.org](http://www.sandwichnh.org)

Complete the following pages for your application (use this Checklist):

- Application Pages.
- Signature page.
- Notification List. The names and addresses should be those of the current owners as published in the Town of Sandwich tax records. Find these on the Town website in the **Avitar Assessors tab** for records. Make sure you give the mailing address, not the physical address of the abutter. Include all properties that abut your property. The accuracy of the list is your responsibility. Under the Law all abutters must be notified of the hearing on your Appeal. Failure to include any abutter might invalidate the proceedings. Your list of abutters should include yourself as applicant, your agent if you have one, and any licensed professional whose stamp is on the plan. Include the holders of any conservation easements.
- Fee Schedule. Check that you included yourself and your agent!
- Disclaimer to sign.

Submit Relevant Additional Pages

- Agent page. If you are not the owner of the property, the owner must sign this to authorize you to serve as his or her agent. If your attorney or surveyor will speak for you or assist you at the hearing, you must authorize him or her.
- Waivers. Your surveyor will help you decide if you need any Town rule or ordinance waived. Perhaps your particular case does not require that the plat show steep slopes or wetlands, for example.
- Denial of Building Permit by Town Compliance Officer
- Denial or inspection reports by any other Town or State agency
- Applicant's summary of request. Use formal letter format, addressed to Zoning Board of Adjustment
- Property tax card from property file
- Pertinent past decisions by Town boards
- Letters of support from abutters, if any
- Surveyed Plat by licensed surveyor showing all relevant details as prescribed in the *Sandwich Site Plan Review Regulations*.

Mail or deliver **Eleven (11)** sets of completed Application forms and all attachments with the appropriate Fee to:

**Town of Sandwich  
Zoning Board of Adjustment  
PO Box 194  
Center Sandwich, NH 03227-0194**

The Town office is open Monday-Thursday, 7:30 a.m. to 5:30 p.m.

Make checks payable to the Town of Sandwich.

When your application is received, the Land Use Secretary will schedule a public hearing. Public Notice will be mailed, via verified mail, to you and to all Abutters, and if any, Agents, Licensed Professionals whose stamp is on the submitted plan, and easement holders.

Notice of the meeting will be posted at the Town Hall and two Post Offices and on the Town website [www.sandwichnh.org](http://www.sandwichnh.org) at least 10 days prior to the Hearing.

**Zoning Board of Adjustment  
P.O. Box 194  
Center Sandwich, NH 03227**

**Application for Variance**  
(RSA 674: 33; Sandwich Zoning Ordinance,  
Article XV Section 150-104)

Applicant: \_\_\_\_\_

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

\_\_\_\_\_

Owner: \_\_\_\_\_

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

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

*If Applicant is the same as Owner write SAME, above. If not, you must complete an Agent Form, and include a statement of your vested interest.*

Physical Address of Property:

\_\_\_\_\_

Zoning District \_\_\_\_\_ Tax Map \_\_\_\_\_ Lot # \_\_\_\_\_ Lot Size \_\_\_\_\_

Shore Frontage \_\_\_\_\_ feet Road Frontage \_\_\_\_\_ feet

The property is used for year-round residential use \_\_\_\_\_, seasonal residential use \_\_\_\_\_, other (please specify) \_\_\_\_\_.

Have any previous appeals/decisions or permits (State and or Town) been made in regard to this property? \_\_\_\_\_ (If yes, attach copies)

Provide a brief description of the application (to be used in public notices of your case).

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

<b>Administrative use only:</b>
<b>CASE #</b>
Date Filed _____
Rec. by _____
Hearing Date _____
Decision _____
Decision Date: _____

A variance is requested from Article \_\_\_\_\_ Section \_\_\_\_\_ of the Town of Sandwich Zoning Ordinance, to permit:

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

*The Zoning Board of Adjustment shall have the power to authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance, using the criteria listed below (RSA 674:33):*

FACTS SUPPORTING THIS REQUEST in accordance with RSA 674:33 I

(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.

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

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

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(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.

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.

*Be advised, your financial situation cannot be the sole hardship, it must be tied to the special condition of the property that creates the unnecessary hardship to use the property reasonably.*

The undersigned applicant hereby applies for the granting of said Variance, Special Exception, Relief from Administrative Decision, Request for Rehearing, or Equitable Waiver of Dimensional Requirements under penalties of perjury; I/we represent that to the best of my/our knowledge, the data and information submitted as part of this Application is true and correct.

The undersigned applicant hereby authorizes the Zoning Board of Adjustment Members and/or Town Staff to inspect the subject property for the purpose of evaluating this Application.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Signature of Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

**NOTIFICATION LIST**

Name of Applicant: \_\_\_\_\_

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

(Location of property)

Tax Map # \_\_\_\_\_ Lot # \_\_\_\_\_ Zoning District \_\_\_\_\_

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

(Mailing)

ABUTTER means any person whose property adjoins or is directly across the street or stream from the land under consideration by the Zoning Board of Adjustment. **For noticing purposes, it also includes the property owner, applicant, any agent who may represent you, any licensed professional whose stamp is on the plan, and any easement holder.** (RSA 672:3)

1. Name: \_\_\_\_\_ Tax Map No. \_\_\_\_\_ Lot No. \_\_\_\_\_

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

2. Name: \_\_\_\_\_ Tax Map No. \_\_\_\_\_ Lot No. \_\_\_\_\_

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

3. Name: \_\_\_\_\_ Tax Map No. \_\_\_\_\_ Lot No. \_\_\_\_\_

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

4. Name: \_\_\_\_\_ Tax Map No. \_\_\_\_\_ Lot No. \_\_\_\_\_

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

5. Name: \_\_\_\_\_ Tax Map No. \_\_\_\_\_ Lot No. \_\_\_\_\_

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

6. Name: \_\_\_\_\_ Tax Map No. \_\_\_\_\_ Lot No. \_\_\_\_\_

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

7. Name: \_\_\_\_\_ Tax Map No. \_\_\_\_\_ Lot No. \_\_\_\_\_

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

8. Name: \_\_\_\_\_ Tax Map No. \_\_\_\_\_ Lot No. \_\_\_\_\_

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

9. Name: \_\_\_\_\_ Tax Map No. \_\_\_\_\_ Lot No. \_\_\_\_\_

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

This Board is not responsible for the information supplied above. The most current property information is available at the County Registry’s office, and at [www.sandwichnh.org](http://www.sandwichnh.org) under the Avitar Assessors Tab. Use a separate page as necessary to list all abutters.

**FEE SCHEDULE**

<u>Appeal</u>	<u>Fee</u>	<u>Amount Submitted</u>
<b>Variance</b>	<b>\$50</b>	<b>\$ _____</b>
<u>Associated Fees</u>		
Letters to Abutters via Certified Mail	# of letters _____ x \$10.00	\$ _____
Public Hearing Newspaper Notice	\$60.00	\$ _____
	<b>Total Due</b>	<b>\$ _____</b>

Please note: Fees are set by the Board of Selectmen and may not be waived by the Zoning Board of Adjustment. Fees were last amended, 7/18/22



**DISCLAIMER**

Name of Applicant/Agent:

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Physical Address

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Mailing Address:

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Tax Map # \_\_\_\_\_ Lot # \_\_\_\_\_ Zoning District \_\_\_\_\_

Signature of Applicant/Agent:

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The Town of Sandwich, its employees, the Planning Board and the Zoning Board of Adjustment are here to help an applicant through the process of applying for either a Site Plan Review, Boundary Line Adjustment, Subdivision of Property, Excavation Permit, Preliminary Consultation, Design Review, Scenic Road Tree Cut, Variance, Special Exception, or Appeal of an Administrative Decision, Equitable Waiver or Motion for Rehearing.

Town employees are not trained or licensed to give legal advice or to provide answers to any substantive questions (those requiring interpretation of the Town’s Zoning Ordinance and/or Regulations).

There is no promise or guarantee for the outcome of an application, case or review. Land Use boards -- the Planning Board and Zoning Board of Adjustment, meet in public and only make decisions at those public meetings.

The Town staff and the Land Use Secretary will gladly help with questions within these constraints. If you find that you need additional help to successfully complete the application process, please seek advice from a lawyer or surveyor.

Thank you for your understanding. We look forward to working with you.

**AGENT FORM**

Complete this form if Applicant is other than the Owner of the property

Agent's Name \_\_\_\_\_ Phone \_\_\_\_\_

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

Give a statement of your vested interest: (You may supply this statement on a separate sheet if additional space is necessary.)

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

Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_

The undersigned Owner hereby authorizes the above-named agent to present this Appeal and furnish all required information and for Sandwich Zoning Board of Adjustment members and/or town staff to inspect the subject property for the purpose of evaluating this Appeal.

Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

**WAIVERS:**

I (we) am (are) requesting a waiver\* of the following:

- Section \_\_\_\_\_ of the Sandwich Zoning Ordinance
- Section \_\_\_\_\_ of the Zoning Board of Adjustment Rules of Procedure;
- The requirement \_\_\_\_\_ of the Zoning Board of Adjustment Application

For the following reasons: (please use a separate page as appropriate)

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I (we) understand that a denial of the waiver request may result in the application being continued until all required documents are provided.

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Applicant(s) or Agent

\* A waiver may be granted if the Board finds, by majority vote, that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the Board’s Regulations or that specific circumstances relative to the appeal indicate that the waiver will properly carry out the spirit and intent of the Board’s Regulations. The basis for any waiver granted by the Board shall be recorded in the minutes of the Board.

This application does not require any waivers.

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