

**Town of Jaffrey – Zoning Board of Adjustment**  
**APPLICATION FOR A VARIANCE**

Do not write in this space.

Case No. \_\_\_\_\_

Hearing Date \_\_\_\_\_

Application Date \_\_\_\_\_

Property Owner(s) \_\_\_\_\_

Email Address \_\_\_\_\_ Phone \_\_\_\_\_

Map & Lot # \_\_\_\_\_ Property Address \_\_\_\_\_

Town Water? YES or NO    Town Sewer? YES or NO    Zoning District \_\_\_\_\_

Name of Applicant/Agent *(if different than owner)* \_\_\_\_\_

Address \_\_\_\_\_

Email Address \_\_\_\_\_ Phone \_\_\_\_\_

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate pages if the space provided is inadequate.

**APPLICATION FOR A VARIANCE**

A variance is requested from section \_\_\_\_\_ article \_\_\_\_\_ of the zoning ordinance to permit

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

*The Jaffrey Land Use Code can be found on the Town website at **[townofjaffrey.com](http://townofjaffrey.com)***

Facts in support of granting the variance:

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

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

**2. If the variance were granted, the spirit of the ordinance would be observed because:**

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

3. Granting the variance would do substantial justice because:

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4. If the variance were granted, the values of the surrounding properties would not be diminished because:

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5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary **hardship** because:

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:**

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and:

ii. **The proposed use is a reasonable one because:**

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B. Explain how, 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.

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

**Questions?** Please contact Rob Deschenes CEO/BI at 603-532-7445, x-108 or email [rdeschenes@townofjaffrey.com](mailto:rdeschenes@townofjaffrey.com) or Becky Newton at 603-532-7445, x-102, [bnewton@townofjaffrey.com](mailto:bnewton@townofjaffrey.com).

**\* PLEASE INCLUDE THE FOLLOWING WITH YOUR COMPLETED APPLICATION \***

**1) Abutter List**

- Map/Lot # and Owner Name of all abutting properties (*including across the street, road or stream*)
- Name and Address of all professionals whose seal appears on the plans submitted
- The owner of the property
- The agent, if different than the owner
- The name and address of all parties holding a conservation, preservation, or agricultural preservation restriction on the property

**Abutter information may be obtained by visiting the  
Town of Jaffrey's online assessing and GIS Map, found on the Town website [townofjaffrey.com](http://townofjaffrey.com).**

**2) Payment** – checks should be may payable to the Town of Jaffrey

Application Fee: \$ 100.00

Abutter Fee: \$6/abutter \$ \_\_\_\_\_

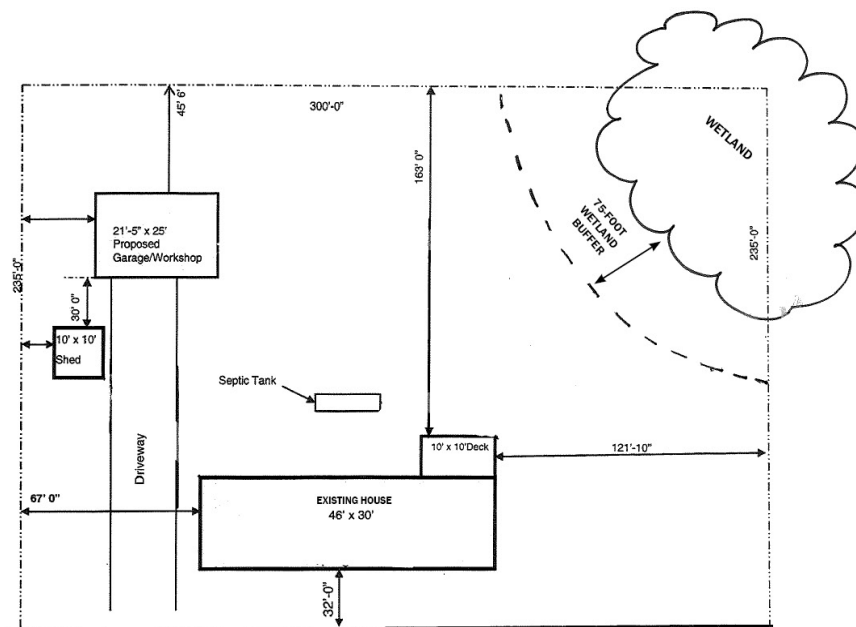
Recording Fee: \$ 13.00

**TOTAL DUE:** \$ \_\_\_\_\_

**3) Owner Authorization Letter, if needed for agent**

**4) Plot Plan:**

- Show all proposed and existing buildings (including sheds, etc.)
- Show measurements to all boundaries from all buildings, existing and proposed
- Show all wetlands with measurements to existing buildings, proposed buildings, and driveways including parking areas.
- Show building and wetlands setback requirements (including lakes, streams and other surface waters) for zoning district where the property is located.



**Sample plot plan**

Owner Name  
Parcel Address  
Map & Lot  
Date  
Owner Signature

*Revised October 2023*

## VARIANCE CRITERIA GUIDELINES

<b>Statutory Requirements (RSA 674:33, I(b))</b>  <i>APPLICANT MUST SATISFY ALL OF THE FOLLOWING</i>	<b>Explanation</b>
1. The variance is not contrary to the public interest.	<p>The proposed use must not conflict with the explicit or implicit purpose of the ordinance, and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”</p> <p>As it is in the public’s interest to uphold the spirit of the ordinance, these two criteria are related.</p>
2. The spirit of the ordinance is observed.	
3. Substantial justice is done.	<p>The benefit to the applicant should not be outweighed by harm to the general public.</p>
4. The values of surrounding properties are not diminished.	<p>Expert testimony on this question is not conclusive, but cannot be ignored. The board may also consider other evidence of the effect on property values, including personal knowledge of the members themselves.</p>
<p>5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship can be shown in either of two ways:</p> <p>First is to show that because of special condition of the property that distinguish it from other properties in the area:</p> <ul style="list-style-type: none"> <li>(a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property; and</li> <li>(b) The proposed use is a reasonable one.</li> </ul> <p><i>Alternatively</i>, unnecessary hardship exists 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.</p>	<p>The applicant must establish that the property is burdened by the zoning restriction in a manner that is distinct from other land in the area.</p> <ul style="list-style-type: none"> <li>(a) Determine the purpose of the zoning restriction in question. The applicant must establish that, because of the special conditions of the property, the restriction, as applied to the property, does not serve that purpose in a “fair and substantial” way.</li> <li>(b) The applicant must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood.</li> </ul> <p><i>Alternatively</i>, the applicant can satisfy the unnecessary hardship requirement by establishing that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.</p>