



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

Town of Merrimack Zoning Board of Adjustment Application for Variance

I. Site Information			
Site Address:		Map & Lot:	
Zoning Districts:	<input type="checkbox"/> R-1 (by map) <input type="checkbox"/> R-1 (soils) <input type="checkbox"/> R-2 (soils) <input type="checkbox"/> R-3 (soils) <input type="checkbox"/> R-4 (soils)		
	<input type="checkbox"/> C-1 <input type="checkbox"/> C-2 <input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> I-3		

II. Petitioner Information			
Petitioner Name:		Phone:	
Petitioner Address:			
E-mail:			
Firm Name:			
Firm Address:			

III. Owner Information			
Owner Name:		Phone:	
Owner Address:			
E-mail:			

IV. Variance Criteria

A variance is being requested from Section

In order to permit:

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

2. The spirit of the ordinance is observed 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

- a. Owing to the following special conditions of the property that distinguish it from other properties in the area, explain how no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property:**

- b. The proposed use is a reasonable one because:**

-OR-

- a. Owing to the following special conditions of the property that distinguish it from other properties in the area, explain how 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:**

V. Abutter Notification

Please be advised that, per RSA 676:7, the Zoning Board of Adjustment is required to notify the following parties by verified mail - mailed at least five (5) days prior to the date of the meeting at which an item is to be discussed:

1. Applicant;
2. Abutters*;
3. Holders of conservation, preservation, or agricultural preservation restrictions; and
4. Every engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan.

***The Town of Merrimack requires that abutters are to be "as indicated in the town assessing records not more than 5 days before the day of filing", per RSA 676:4 (I)(b). While this is a Planning Board-specific statute, it allows the consistent processing of applications to both Boards.**

Definition of "Abutter" (RSA 672:3): 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. 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. 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.

In order for the Community Development Department to properly comply with the statutory requirements for Zoning Board of Adjustment notices, the Applicant shall provide mailing information for all of the above-mentioned parties, and provide payment to cover the costs of notice. Failure to do so will constitute sufficient reason for the application to be denied as "incomplete".

Please sign the following certification:

I hereby certify that the attached abutter information is as indicated in the Town of Merrimack

Assessor's records as of _____
(date)

(Petitioner's Signature)

VI. Authorization to Enter Upon Subject Property

I/we hereby give permission for the members of the Merrimack Zoning Board of Adjustment, their agents, employees and assigns, and any employees of the Merrimack Community Development Department to enter upon the property which is the subject of this application at any reasonable time for the purpose of conducting such surveys, tests, studies inspections or examinations as may be appropriate to enable this application to be processed and I/we hereby waive and release any claim or right I/we may now or hereafter possess against the Town, any Zoning Board of Adjustment member or their agents, employees or assigns, that arises or may arise as the result of any such surveys, tests, studies, inspections or examinations conducted on my/our property in connection with this application.

Owner's Signature: _____ **Date:** _____

VII. Authorization for Petitioner who is NOT the Owner

I/we, the undersigned owner(s) of the property that is the subject of this application, hereby certify that I/we have read and understand the information contained in the completed application form of which this statement is a part, that information provided herein is true and accurate to the best of my knowledge and belief, and I/we do hereby authorize the petitioner named on this application to apply for all permits, licenses and approvals necessary to process this application.

Owner's Signature: _____ **Date:** _____

VIII. Petitioner who IS ALSO the Owner

I/we, the undersigned owner(s) of the property that is the subject of this application, hereby certify that I/we have read and understand the information contained in the completed application form of which this statement is a part, and that the information provided herein is true and accurate to the best of my/our knowledge and belief.

Owner's Signature: _____ **Date:** _____

IX. Submittal Requirements

The following items must be submitted to the Community Development Department alongside this completed application:

1. Where setbacks to property lines are at issue, the Petitioner, at the request of the Community Development Department, **shall submit a current plot plan prepared by a Professional Land Surveyor** duly licensed by the State of New Hampshire;
2. Thirteen (13) 11" x 17" copies of plans (as applicable);
3. One (1) list of abutters including the property owner, applicant and any licensed professional whose name and professional seal appears on the plans;
4. Two (2) sets of abutter mailing labels;
5. All required fees (make checks payable to Town of Merrimack); and
6. Completed and signed application.

Please note that additional plans, studies and materials may be required after review of the completed application as determined by Town staff and/or the Zoning Board of Adjustment. Additional fees will be required for peer reviews of engineering, legal documents and/or other studies/analyses provided as part of this application.

X. Variance Application Fee Computation Sheet

1. APPLICATION FEE [RSA 676:7, I(a)]:

- Single Family Dwelling fee is **\$50.00** \$_____
- Other Residential Dwelling fee is **\$100.00** \$_____
- Commercial/Industrial fee is **\$100.00** \$_____

SUBTOTAL: \$_____

2. ABUTTER NOTIFICATION FEE [RSA 676:7, IV]:

- **\$12.00** per abutter
- # of abutters _____ \$_____

SUBTOTAL: \$_____

3. NEWSPAPER PUBLICATION FEE [RSA 676:7, IV]:

- Newspaper publication fee is **\$50.00** \$_____

SUBTOTAL: \$_____

GRAND TOTAL: \$_____

Staff Use Only

- ☐ Cash
☐ Check

Total Received: \$_____

Check # _____ **Date Received:** _____

Received by: _____