

Town of Bethlehem  
Variance Application Instructions

Dear Applicant,

A variance is needed when unique circumstances cause your project to fail to conform with the requirements of the Zoning Ordinance. You will find some questions repetitive but it is important that you fill out all the parts.

- Obtain a variance application form at the Bethlehem Planning/Zoning Department or online at [www.bethlehemnh.org](http://www.bethlehemnh.org)
- Fill out the application **completely**, including the criteria. *(See helpful hints.)*
- Prepare a site map and exterior drawing. *(See checklist.)*
  - Both must be of sufficient detail to support the complexity of the project.
  - Site maps for small projects do not need to be completed by a professional engineer or surveyor; however, they must be drawn to scale and accurately reflect existing and proposed conditions and projects.
  - For small projects, the site map may be drawn on an 8½" x 11" sheet of grid paper.
  - It is suggested to use the GIS map on the town website for mapping assistance.
- More than one map may be needed to explain your project.
- Use the checklist to be sure your application and site maps are complete.
- Return these items with the application fee to the Zoning Board Clerk.
- A hearing will be scheduled within 30 days from submission. You will be notified when the date is set.
- At the hearing, the Zoning Board will check that your application is complete. If the application is not complete, the hearing will be continued to another date.
- The Board will evaluate the application according to the criteria set out by NH RSA 674:33.
- You must meet all criteria for the Zoning Board to grant a variance.
- Variances shall be valid for 2 years from the date of final approval.

If you have any questions or need more information, contact the planning/zoning clerk.  
Monday – Thursday 9am to 1pm    [planning@bethlehemnh.org](mailto:planning@bethlehemnh.org)    603 869 3351 x103

Town of Bethlehem  
Variance Application  
[planning@bethlehemnh.org](mailto:planning@bethlehemnh.org)  
603 869 3351 x103

Do not write in this space. Case No. _____ Date Filed _____ _____ (signed - ZBA)
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**Applicant information:**

Owner Name \_\_\_\_\_

Mailing address \_\_\_\_\_

Email \_\_\_\_\_ phone \_\_\_\_\_

Agent Contact if not owner: Name \_\_\_\_\_

Email \_\_\_\_\_ phone \_\_\_\_\_

**Property information:**

Physical address of property \_\_\_\_\_

Tax Map and Lot Number \_\_\_\_\_ District \_\_\_\_\_ Lot size: \_\_\_\_\_ acres

Type of property: \_\_\_single home\_\_\_ multi-family \_\_\_commercial\_\_\_ other \_\_\_\_\_

**Variance from Article** \_\_\_\_\_ **Section** \_\_\_\_\_ of the Zoning Ordinance.

Please describe the proposed use or change in use: -Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation. (additional paper may be used)

Please indicate what town departments and state agencies you have spoken to about this project. What was their feedback? (If applicable) (Additional paper may be used.)

Please indicate any deed restrictions and/or assessor documents relevant to the application.

Please indicate if you have spoken to neighbors about this project.



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:

- and -

ii. The proposed use is a reasonable one because:

(if not A (i) &(ii) then B)

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.

Owner \_\_\_\_\_

(Signature)

Date \_\_\_\_\_

Agent (If not owner.) \_\_\_\_\_

(Signature)

Date \_\_\_\_\_

## **Helpful tips for filling out the Zoning Variance Criteria**

An applicant for a variance has to show that the zoning regulation deprives reasonable use of the property and that the standard is too restrictive and doesn't properly balance the municipality's right to zone with the landowner's right to use the property. You will find that some of the criteria answers are redundant but it is important for you to answer each criterion thoroughly.

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

To complete this statement, explain whether granting the variance would:

- alter the essential character of the neighborhood,
- affect the public health, safety, welfare, and/or create hazards,
- have detrimental demand on public services such as fire and police.

### **2. The spirit of the ordinance is observed**

To complete this statement, explain what you think is the purpose of the ordinance and how your proposal does not conflict with that purpose.

The purpose of ordinances could be reasons such as:

- protect health and safety,
- provide less congestion,
- keep rural space,
- protection from light and noise pollution,
- fire safety etc.

### **3. Substantial justice is done.**

To complete this statement, explain how justice might play a role in your situation.

- The benefits to you would not be outweighed by harm to the general public or to other individuals,
- A variance would be fair and reasonable.

### **4. The values of surrounding properties are not diminished.**

To complete this statement, explain if your project could increase and/or decrease surrounding property values as well as yours.

- Would it improve the looks of the property? And how?
- How does it change the value of your property?
- Is the project visible from other properties?

## 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:**

To complete this statement, consider the purpose of the zoning restriction in question and explain:

- why there is no reasonable use that can be made of the property that would be permitted under the ordinance,
- how the unique conditions of the land render the use for which the variance is sought 'reasonable',
- any details of the property that are different than the surrounding properties such as slopes, wetlands, size, etc.

(ii) **The proposed use is a reasonable one because:**

To complete this statement, establish the unique conditions of the property that cause the proposed use to be reasonable.

- explain how the use does not alter the essential character of the neighborhood.

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.**

To complete this statement, explain why the use is reasonable and won't alter the character of the neighborhood.

- Explain the unique conditions of the property, and why there is no reasonable use that can be made of the property that would be permitted under the ordinance.

**Variance Checklist: An application must include a site plan that contains the following information:**

*Most residential projects do not need a professionally drafted site map and architectural drawing but must be to scale and readable. Variance projects that require site plan review will have the condition that the project gets approved by the Planning Board. The Zoning Board may waive requirements that do not apply to your project.*

**Check that all of the following are included with your application.**

applicant		board
	Copy of tax card	
	Architectural drawing showing the shape, size, height, and other exterior details of proposed structures.	
	Vicinity map showing the location of the site in the town	
	List of the names and addresses of all abutters	
	<b>Site map must include:</b>	
	Name and address of applicant/developer	
	Name and number and signed seal of surveyor or engineer (if applicable)	
	Date of plan	
	Scale	
	North arrow	
	Size of lot in acres or square feet	
	District	
	Property lines with name of all abutters (May be a separate map.)	
	Location and dimension of existing building footprints. (Note if it will remain.)	
	Location and dimensions of proposed building	
	Existing and proposed roads/driveways	
	Existing and proposed sewage and water supply	
	Proposed building setback distances to property lines	
	Setback distance from road right of way (as appropriate)	
	Wetlands, streams, ponds... (show direction of flow) (if applicable)	
	Location of all building on abutting properties within 100ft. of the project.	
	Any information specifically requested by Zoning Board.	
	<b>Commercial projects, that will need site plan review, must also include the following.</b>	
	Name and address of preparer & official seal of licensed engineer/surveyor	
	Computed percentage of lot coverage of the structure	
	Contour lines showing existing and proposed grades	
	Storm drainage and basins	
	Size of proposed septic system with distance from buildings and property lines	
	Distances from building of proposed water supply	
	Location, type and size of all proposed and existing landscaping and screening	
	Exterior lighting plan and signs	
	Proposed provision for fire protection	
	Proposed parking, sidewalks (show width and direction of traffic)	
	Proposed exits and entrances and traffic flow	
	Any information specifically requested by Zoning Board	