

Town of Sunapee  
23 Edgemont Rd., Sunapee NH  
Phone (603) 763-2212 ext. 1023 / Website [www.town.sunapee.nh.us](http://www.town.sunapee.nh.us)  
Email [zoning@town.sunapee.nh.us](mailto:zoning@town.sunapee.nh.us)

CASE #: \_\_\_\_\_

FEE PAID: \_\_\_\_\_

METHOD: \_\_\_\_\_

## Zoning Board of Adjustment (ZBA) Variance Application

Questions? Please contact the Zoning Administrator. All dates and deadlines are published on the ZBA calendar; see Page 6. For helpful guidelines on completing this application, see page 4-5.

**Attach additional sheets of paper as necessary.**

1. Landowner(s) Name(s): \_\_\_\_\_

2. Parcel ID: \_\_\_\_\_ 3. Zoning District: \_\_\_\_\_

1. Project Location (Street & #): \_\_\_\_\_

2. Mailing Address: \_\_\_\_\_

3. Phone Number: \_\_\_\_\_

4. Email: \_\_\_\_\_

**ABUTTERS LIST:** You must prepare a list of all abutting property owners and attach it to your application. If you have any difficulty, consult the town office, but the accuracy of the list is your responsibility. You can download an abutters list by using the Tax Maps/GIS on the town's website (directions attached).

**FEES:**      \_\_\_ Application Fee: Please See Fee Schedule Attached  
                 \_\_\_ Abutter Notification Fee: Please See Fee Schedule Attached  
                 \_\_\_ Newspaper Notification Fee: Please See Fee Schedule Attached

\* NOTE: All checks should be made payable to the Town of Sunapee.

**ATTACHMENTS:** To assist the board, please attach sketches, photos, surveys, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior Zoning or Planning decisions concerning the property. If you have something in writing stating that your proposed project does not meet zoning, please attach that to this application. It may be a letter, email or denied permit. A professional survey by a licensed surveyor is strongly recommended for variances related to setback requirements. For properties located in the Shorelines Overlay District, a professional survey is required.

*Applications will not be considered complete unless all the questions are answered, the fees are paid, and an Abutters Mailing List is attached.*

**GENERAL DESCRIPTION:** This is a place to give a general summary of the proposed project as an introduction and overview for the public hearing. For example, where is the property located? Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. What do you propose to do? Why does your proposal require an appeal to the board of adjustment?

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**Attach additional sheets of paper as necessary.**

**SPECIFIC REASON THE VARIANCE IS NECESSARY:** A Variance is requested from Zoning

Ordinance, Article \_\_\_\_\_, Section \_\_\_\_\_ to permit \_\_\_\_\_

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**Facts in support of granting the variance:**

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

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

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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: \_\_\_\_\_

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

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: \_\_\_\_\_

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

**OR**

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. \_\_\_\_\_

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

**NOTE:**

For person(s) with physical disabilities,  
please see RSA 674:33 regarding alternative hardship criteria for a Variance.

**SIGNATURE:** I understand that the public hearing will be held at the scheduled date and time unless a request is made by me for a new hearing. Any rehearing will require a new public notice and notification to abutters, the cost of which will be borne by the applicant. Further, I hereby give permission to the ZBA members and zoning officials to visit the subject property prior to the public hearing. To the best of my knowledge, the above is true and correct.

\_\_\_\_\_  
Landowner(s) Signature(s)

Town of Sunpee

\_\_\_\_\_  
Date

Variance Application  
Updated January 2024

## APPENDIX A

### Helpful Guidelines for Completing the Variance Application, Part 1

**This information shall not be construed as legal advice  
or interpretation of the law in any way or form.**

**PURPOSE OF ZONING:** For more information about the “Purpose of Zoning” see Sunapee Zoning Ordinance Article I, Section 1.20 “Purpose”; Article II, Section 2.30 “District Purposes and Description”; and NH RSA 674:17 “Purposes of Zoning Ordinances” (as may be amended).

**ABOUT THE 5 VARIANCE QUESTIONS: (SEE APPENDIX B)** 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. The Zoning Board of Adjustment (ZBA) must determine that the variance request satisfies the following 5 criteria. Please note that all criteria must be satisfied in order for a variance to be granted. Please provide a written response along with any other supporting documentation for each of the following criteria. Attach additional pages if necessary. Failure to satisfactorily prove any single criteria will result in denial of the application. The Applicant has the burden of proof. Applicants should be prepared to present information pertinent to the variance being requested. To obtain a legally granted variance, you must demonstrate/prove that the proposal satisfies ALL FIVE of the variance criteria.

**MORE INFORMATION:** It is recommended that you become familiar with the Sunapee Zoning Ordinance, as well as the state statutes that cover planning and zoning (New Hampshire RSA Chapters 672- 678). You can purchase a copy of the Sunapee Zoning Ordinance at the town office, or download a copy from the town’s website ([www.town.sunapee.nh.us](http://www.town.sunapee.nh.us)). The State’s RSAs can be viewed online at <http://www.gencourt.state.nh.us/rsa/html/indexes/default.html>.

**WHAT HAPPENS NEXT:** The board will promptly schedule a public hearing upon receipt of your properly completed application. Public notice of the hearing will be posted and printed in a newspaper and notice will be mailed to you and to all abutters at least five days before the date of the hearing. You and all other parties are invited to appear in person (or by agent or counsel) to state reasons why the appeal should or should not be granted. After the public hearing, the board will reach a decision. An official Notice of Decision will be made available within 5 business days, along with the minutes of the hearing.

**IF THE VARIANCE IS GRANTED, HOW LONG DO I HAVE TO BUILD IT?** If after a period of twenty-four (24) months from the date a Variance or Special Exception is granted by the Zoning Board of Adjustment, the applicant has neither applied for nor received a Certificate of Compliance from the Board of Selectmen, the Variance or Special Exception will become void. An extension may be granted by the Zoning Board of Adjustment. Reference Article X, Section 10.16 (e).

**WHAT IF I DISAGREE WITH THE BOARD’S DECISION?** Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty (30) days of the date of the hearing. The necessary first step before any appeal may be taken to the courts, is to apply to the Zoning Board for a rehearing. The motion for a rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677 for details.

# APPENDIX B

## Helpful Guidelines for Completing the Variance Application – Part 2

**This information shall not be construed as legal advice  
or interpretation of the law in any way or form.**

SOURCE: State of NH Office of Planning and Development, 2022 Handbook for Local Officials  
for The Board of Adjustment in New Hampshire.

<b><u>VARIANCE CRITERIA GUIDELINES</u></b>	
<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.	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.”  As it is in the public’s interest to uphold the spirit of the ordinance, these two criteria are related.
2. The spirit of the ordinance is observed.	
3. Substantial justice is done.	The benefit to the applicant should not be outweighed by harm to the general public.
4. The values of surrounding properties are not diminished.	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.
5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship can be shown in either of two ways:  First is to show that because of special condition of the property that distinguish it from other properties in the area: <div style="margin-left: 20px;">                     (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                      (b) The proposed use is a reasonable one.                 </div> <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.	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.  (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.  (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.  <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.

**TOWN OF SUNAPEE  
ZONING BOARD  
2024 APPLICATION DEADLINES  
FOR PUBLIC HEARINGS**

<u>MEETING DATE</u>	<u>DEADLINE DATE</u>
January 4, 2024	December 7, 2023
February 1, 2024	January 4, 2024
March 7, 2024	February 1, 2024
April 4, 2024	March 7, 2024
May 2, 2024	April 4, 2024
June 6, 2024	May 2, 2024
July 4, 2024	June 6, 2024
August 1, 2024	July 4, 2024
September 5, 2024	August 1, 2024
October 3, 2024	September 5, 2024
November 7, 2024	October 3, 2024
December 5, 2024	November 7, 2024
January 2, 2025	December 5, 2024

**ALL APPLICATIONS *MUST* BE IN BY 3 O'CLOCK ON THE DEADLINE DATE. THIS WILL BE STRICTLY OBSERVED.**

**THE CHAIRMAN RESERVES THE RIGHT TO CALL SPECIAL MEETINGS TO SATISFY RSA REQUIREMENTS REGARDING TIMELINES OF THE ZONING BOARD.**



# TOWN OF SUNAPEE FEE SCHEDULE

## ZONING BOARD FEES

Application Type	Fee
Variance	\$150 + \$15/per abutter + \$60 notice
Special Exception	\$150 + \$15/per abutter + \$60 notice
Motions for Rehearing*	\$150 + \$15/per abutter + \$60 notice <b>*IF GRANTED</b>
Appeals	\$150 + \$15/per abutter + \$60 notice
Equitable Waivers	\$150 + \$15/per abutter + \$60 notice

## PLANNING BOARD FEES

Application Type	Fee
<b>Subdivision:</b>	\$150
Major Subdivision	+\$300 / per lot
Minor Subdivision	+ \$150/per lot
Annexation	\$150
Lot Line Adjustment	\$75
Voluntary Mergers	\$75
<b>Site Plan Review:</b>	\$150
Additional Over 2000 sq. ft	+\$75 / per 1000 sq. ft
5000 sq. ft additional and disturbed (outside of building footprint)	+\$75/ per 5000 sq. ft
Additional units after 2	\$100 / per unit

\* All fees are subject to a 10% yearly increase at the discretion of the Sunapee Selectboard

\*Adopted by the Sunapee Selectboard on August 21, 2023