

5/2/22

# TOWN OF TEMPLE ZONING BOARD OF ADJUSTMENT

## APPLICATION FOR A VARIANCE

Revised June 2019

Applicant Name: Marc and Kimberly Petit, owners of Dewzen L.L.C.

**When filing for a Variance, the applicant must complete the ZBA's General Application Form as well as this specific application.**

As the applicant, it is your responsibility to provide evidence that you meet each of the requirements for the type of decision you are requesting. simply stating that the standard is met is not sufficient.

You may want to consult with an attorney or other professional as you prepare your application.

In order for the ZBA to grant a Variance, it must determine that each of the following conditions are met. At the time of application for a Variance, you must submit documentation regarding the following conditions which, in your judgment, are relevant including discussions with and responses from neighbors.

You must provide answers to the following five questions:

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

The garage at 173 General Miller Hwy, Temple NH 03084 was allowed to be used for business under Special Zoning Exception in it's current location from 2019 to 2021

2. The spirit of the ordinance is observed because:

The location of the garage has not caused concern in the community when it was constructed in 1988 and operated as a business in Temple in the years up to application for the Special Exception Zoning.

3. Substantial justice is done because:

The Town of Temple has allowed the garage to be used as a place of business, in it's current location, for over 10 years, with no written objection from the town or from neighbors.

4. The values of surrounding properties are not diminished because:

The proposed business will be in the current building. There are no plans to expand garage.

KP

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5. Literal enforcement of the provisions of the ordinance would result in an “unnecessary hardship” because:

To move the garage back to meet requirements is not financially feasible.

- a. For purposes of this paragraph, “unnecessary hardship” means that special conditions of the property distinguish it from other properties in the area.

(i) Owing to these special conditions, 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:

The garage was constructed on land raised with gravel to support its thick, concrete floor. The water table at 173 General Miller Hwy is high and the rest of the property would need the same building up to be used as an alternative location for the structure.

(ii) The proposed use is reasonable since:

The garage is 36' x 60' x 20', insulated and already has electricity and water. It was previously run as a business with no concern from the Town of Temple or neighbors in its current location.

- 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 following special conditions of the property make the variance necessary in order to enable a reasonable use of it:

The property at 173 General Miller Hwy was purchased on the understanding a special exception for a business to operate in the current garage was in place. An assumption this was allowable by the Town of Temple is why we believe a variance is reasonable.

Kjo