

**ARTICLE VIII
VARIANCES AND SPECIAL EXCEPTIONS**

175-25. Variances.

- A. ***Types of Variances.*** The Zoning Board of Adjustment may grant variances from the requirements of this ordinance as provided for in state law.
- B. ***Standards for the Granting of Variances.*** The Zoning Board of Adjustment shall grant a variance only if it finds that the request meets the criteria set forth in state law.
- C. ***Accommodation of Persons with a Recognized Physical Disability.*** The Zoning Board of Adjustment may grant a variance from the dimensional standards of this ordinance without finding a hardship when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:
 - 1. Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.
 - 2. In granting any variance under this paragraph, the Zoning Board of Adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.
- D. ***Variances from Flood Hazard Overlay District Provisions.*** For applications for a variance from the provisions of Article XV, the applicant shall have the burden of showing, in addition to the usual variance standards, the following:
 - 1. The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 - 2. If the variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 - 3. The variance is the minimum necessary considering the flood hazard, to afford relief.

The Zoning Board of Adjustment shall notify the applicant in writing that:

1. The issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
2. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions.

The Town shall maintain a record of all variance actions, including the justification for their issuance, and report such variances issued in its annual or biennial report submitted to FEMA's Flood Insurance Administrator.

175-26. Special Exceptions.

- A. *Criteria for the Granting of Special Exceptions.* The Zoning Board of Adjustment shall grant a special exception only if it finds that all of the following criteria are met. For the purposes of this chapter, the following are established as conditions upon the grant of all "special exceptions," subject to such further conditions as may be defined elsewhere herein as to the uses concerned.
1. That the use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and nature of other uses in the vicinity or by reason of obvious and adverse violation of the character or appearance of the neighborhood.
 2. That the use will not be injurious, noxious and thus detrimental to the neighborhood by reason of any of the causes stated in Part B. of this chapter.
 3. That the use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal or similar adverse causes of conditions.
 4. As to all nonresidential uses subject to site review by the Planning Board or Technical Review Committee pursuant to RSA 672 through RSA 677, that written approval by the Planning Board or Technical Review Committee of the applicant's site plans must be on file with the Board of Adjustment.

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