

**ZONING BOARD OF ADJUSTMENT**

**APPLICATION FOR APPEALS**

To: Zoning Board of Adjustment  
PO Box 175  
Town of Chesterfield, NH 03443

For Office Use Only:

Case Name: \_\_\_\_\_  
Date Filed \_\_\_\_\_  
Fees: \$50.00 Application  
\$6.00 per Certified -  
Includes 1 for applicant  
Fee Paid: \_\_\_\_\_  
\_\_\_\_\_  
signature of person receiving application

**PLEASE PRINT OR TYPE**

Name of Applicant\* \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Location of Property \_\_\_\_\_  
Map & Lot # \_\_\_\_\_ Zone \_\_\_\_\_  
Daytime Phone # \_\_\_\_\_ Evening Phone # \_\_\_\_\_  
Owner \_\_\_\_\_

\* Anyone other than the property owner representing the property MUST HAVE Power of Attorney or a STATEMENT from the property owner.

Existing Use of Property:  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Use of Property:  
\_\_\_\_\_  
\_\_\_\_\_

**LIST OF ABUTTERS\*\***

\*\*An abutter is any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration, or who owns land within 200 feet of the boundaries of the land under consideration.

Also include:

- 1) The name and address of the firm and/or persons who's stamp is present on the site plan
- 2) Anyone wishing to subdivide must supply the names of holders of conservation, preservation, or agricultural preservation restrictions on the subdivision property.

1) Name: \_\_\_\_\_ 2) Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Map & Lot #

Map & Lot #

3)

4)

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Map & Lot #

Map & Lot #

5)

6)

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Map & Lot #

Map & Lot #

7)

8)

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Map & Lot #

Map & Lot #

9)

10)

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Map & Lot #

Map & Lot #

11)

12)

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Map & Lot #

Map & Lot #

13)

14)

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Map & Lot #

Map & Lot #

**ZONING BOARD OF ADJUSTMENT**

**PROCESS SHEET FOR ZONING BOARD OF APPEALS**

At Selectmen's Office

Submitted	Not Submitted	
_____	_____	Process Sheet and Application
_____	_____	Application Fee
_____	_____	Determine Ownership (Copy of Deed)
_____	_____	Verify Zone & Zone Requirements Restrictions
_____	_____	Determine Abutters – with mailing addresses
_____	_____	Copy made of Property from Zoning Map
_____	_____	Copy made of Property card showing building size, if applicable.

**ZONING BOARD OF ADJUSTMENT REQUIREMENTS:**

Five (5) sets of plans of the proposed project shall accompany the application. In certain instances, reproducible plans may also be required. Plans shall generally include the information set forth below except that the Zoning Board of Adjustment may waive certain data requirements where appropriate. The site plan (not less than 18" X 24") shall include the entire property.

**All information must be submitted to the Selectmen's Office no later than 18 days prior to the second Tuesday in the following month. IT IS THE RESPONSIBILITY OF THE APPLICANT TO ENSURE THAT ALL OF THE REQUIRED INFORMATION IS ACCURATE AND COMPLETE. The Zoning Board of Adjustment has the right to require additional information above and beyond what is submitted at the time of this application.**

**INCOMPLETE OF INACCURATE APPLICATION SHALL BE REFUSED**

Applicant has read and understands this Process Sheet:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Selectmen's Office hours are Monday – Thursday, 8:00 AM – 4:00 PM

Public Hearings: 2<sup>nd</sup> Tuesday in the month at 7:30 PM at the Town Offices, unless otherwise posted.

**ZONING BOARD OF ADJUSTMENT**

Note: Fill in Section 1, 2 or 3 as appropriate. This application is not acceptable unless all required statements have been made. Addition information may be supplied on a separate sheet if the space provided is inadequate.

**Section 1 Appeal From An Administrative Decision**

Relating to the interpretation and enforcement of the provisions of the Zoning Ordinance.

Decision of the enforcement officer to be review:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

Article \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning Ordinance in question:

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

**Section 2 Application for a Special Exception**

Description of proposed use showing justification for a special exception as specified in the Zoning Ordinance Article \_\_\_\_\_ Section \_\_\_\_\_

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

**Criteria for Special Exceptions: (ALL 6 MUST APPLY)**

True/False

- \_\_\_\_\_ 1. The Zoning Ordinance specifically authorizes the special exception.
- \_\_\_\_\_ 2. The proposed use will not be injurious or detrimental to the neighbors.
- \_\_\_\_\_ 3. Any special conditions required by Article II, Article III or Article V of the Zoning Ordinance will be complied with
- \_\_\_\_\_ 4. The proposed use will not make an excessive demand on municipal services.
- \_\_\_\_\_ 5. The proposed use will not generate traffic volumes that will overburden existing roads or streets.
- \_\_\_\_\_ 6. The proposed use will not have an adverse impact on the natural environment.

Applicant signature \_\_\_\_\_ Date \_\_\_\_\_

**Section 3 Application for Variance**

A variance is requested from Article \_\_\_\_\_ Section \_\_\_\_\_ of the zoning ordinance to permit \_\_\_\_\_

Facts supporting this request:

1. The variance is not contrary to the public interest because:

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

2. The variance will not be contrary to the spirit and intent of the ordinance because:

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

3. Substantial justice is done because:

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

4. The variance will not diminish the values of surrounding properties because: \_\_\_\_\_

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

5. Literal enforcement of the ordinance would result in unnecessary hardship.

(A) Because of the special conditions of the property that distinguish it from other properties in the area:

(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.

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

(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 reasonable used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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

Have any prior variances been requested concerning this property? If yes, please state the date of the Public Hearing(s) held: \_\_\_\_\_

Applicant signature \_\_\_\_\_ Date \_\_\_\_\_

# Requirements for Granting a Variance: A Suggested Approach

**THE APPLICANT MUST ESTABLISH ALL OF THE FOLLOWING.**

Requirement	Explanation
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."
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 or to other individuals.
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.
<p>5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means:</p> <p><i>Because of</i> special conditions of the property that distinguish it from other properties in the area:</p> <p style="padding-left: 40px;">(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; <i>and</i></p> <p style="padding-left: 40px;">(b) The proposed use is a reasonable one.</p> <p><i>Alternatively</i>, unnecessary hardship means that, 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.</p>	<p>The applicant must establish that the property is burdened by the zoning restriction in a manner that is distinct from other similarly situated property.</p> <p>(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.</p> <p>(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.</p> <p>As an alternative to (a) and (b) above, 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.</p>