

OFFICE USE ONLY

Case # _____

Date Rec'd _____

Amount Rec'd _____

Rec'd by: _____

TOWN OF ASHLAND

20 HIGHLAND STREET – PO BOX 517

ASHLAND, NH 03217

603-968-4432 – FAX 603-968-3776

landusezba@ashland.nh.gov

Zoning Board of Adjustment Application

Property Owner(s) / Applicant(s)

Name(s): _____

Mailing Address: _____

Physical Address of Property: _____

Tax Map & Lot: _____ Zone: _____

Work Telephone: _____ Home Telephone: _____

Email address: _____

Please be advised that if you, as the property owner, are having an agent present your application to the Zoning Board, the Letter of Authorization form (page 7) must be filled out completely and submitted with the application.

Agent(s)

Name(s): _____

Address: _____

Contact information: _____

SECTION 1: TYPE OF APPLICATION (Check all that apply)

- Appeal of Administrative Decision (*Complete Sections 2, 3 and 6*)
- Application for Special Exception (*Complete Sections 2, 3 and 5*)
- Application for Variance (*Complete Sections 2, 3 and 4*)
- Application for Rehearing of ZBA Decision (*Complete Sections 2 and 3*)

All submissions must include Site Plans prepared by a New Hampshire licensed surveyor containing, at a minimum, the following details:

- The lot dimensions and any bounding streets with their right of way and pavement widths.
- The locations and dimensions of existing or required service area, buffer zones, landscaped areas, recreational areas, signs, right-of-way, streams, drainage, and easements.
- All existing and proposed buildings, additions, or other structure with their dimensions.
- All setback dimensions (front, rear, side) and building heights.
- Computed lot and building areas with percentages of lot occupancy.
- Elevations or contours if required or relevant.
- The location and number of parking spaces and traffic lanes with their dimensions.
- Any required loading, unloading and trash storage areas.

All site plans shall be submitted electronically as well as hard copy (seven 11" x 17" and three 22" x 34").

NOTE: This application is not acceptable unless all required statements have been made.

SECTION 2: ALL NOTIFICATION LETTERS

For the purpose of proper notification of all parties concerned, this application must include the correct names and mailing addresses of all abutters, property owner(s), agent(s) and any professionals consulted in the preparation of this application (for example: engineers, architects, land surveyors and soil scientists). For condos, only the Homeowners' Association board has to be notified. If additional space is required, use additional paper.

RSA 672:3 Abutter. – "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Property Owner(s): _____

Mailing Address: _____

Licensed Professional(s): _____

Mailing Address: _____

Agent: _____

Mailing Address: _____

Abutters:

Tax Map & Lot: _____ Name(s): _____

Mailing Address: _____

Tax Map & Lot: _____ Name(s): _____

Mailing Address: _____

Tax Map & Lot: _____ Name(s): _____

Mailing Address: _____

Tax Map & Lot: _____ Name(s): _____

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Mailing Address: _____

Tax Map & Lot: _____ Name(s): _____

Mailing Address: _____

Tax Map & Lot: _____ Name(s): _____

Mailing Address: _____

Tax Map & Lot: _____ Name(s): _____

Mailing Address: _____

SECTION 3: FEES

Application Fee: \$ 110.00 (includes ad)

Abutter Notices: _____ X \$10 Number of notification letters

Total \$ _____ (Checks to be payable to the Town of Ashland)

**Notice to Applicant: The Board reserves the right to require payment of additional fees or costs that may be required during consideration of the application.

SECTION 4: VARIANCE

Reason for Variance Request

Denial by Planning Board.

Date: _____ **Reason:** _____

(Attach Notice of Decision)

Denial by Building Inspector

Date: _____ **Reason:** _____

(Attach denied permit application)

Other (cite Zoning Ordinance section with requirement that cannot be met) _____

Brief Description of Proposal:

Your Variance cannot be granted unless the Zoning Board finds that the following statements are true. Attach a written explanation and supporting evidence for each of these statements.

1. The variance will not be contrary to the public interest.
2. The spirit of the ordinance is observed;
3. Substantial justice is done;
4. The values of surrounding properties are not diminished;
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - a. For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area;
 - (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; and
 - (ii) 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 reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The definition of “unnecessary hardship” set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

I/We certify that we have read and personally reviewed this application and the materials submitted herewith, and that the information contained herein is true, correct, and complete to the best of my/our knowledge and belief. I/We have read and will prepare testimony in support of the above necessary findings of fact.

Applicant Signature

Date

Co-Applicant Signature

Date

Agent Signature

Date

SECTION 5: SPECIAL EXCEPTION

Reason for Special Exception Request

Denial by Planning Board

Date: _____ **Reason:** _____

(Attach Notice of Decision)

Other *(cite Zoning Ordinance section)* _____

Description of Proposal:

Your Special Exception cannot be granted unless the Zoning Board finds that the following statements are true. You must be prepared to discuss or provide evidence in support of these statements.

Attach a written explanation and supporting evidence for each of these statements.

- The specific site is an appropriate location for the intended use or structure.
- The use will be compatible with neighboring land uses.
- The property values in the zone and in the surrounding area will not be reduced by such a use.
- There will be no nuisance or serious hazard to vehicles or pedestrians.
- Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- The proposed use will comply with the minimum lot sizes, frontage and setback requirements.
- Existing roads and highways are capable of carrying the additional traffic.

I/We certify that we have read and personally reviewed this application and the materials submitted herewith, and that the information contained herein is true, correct and complete to the best of my/our knowledge and belief. I/We have read and will prepare testimony in support of the above necessary findings of fact.

Applicant Signature

Date

Co-Applicant Signature

Date

Agent Signature

Date

SECTION 6: ADMINISTRATIVE APPEAL

“Appeals from an administrative decision taken under RSA 676:5 shall be filed within 30 calendar days of the decision or when such decision becomes known or reasonably could have been known by the petitioner as determined by the board.” From *ZBA Rules of Procedure*

Attach a signed statement of the facts, as you understand them to be, and the grounds on which you will argue that the administrative official erred in his or her order, requirement, decision, or determination made in the application* of the Ashland Zoning Ordinance.

I/We the undersigned allege there is an error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the Town of Ashland Zoning Ordinance.

Applicant Signature

Date

Co-Applicant Signature

Date

Agent Signature

Date

**Note: RSA 676:5 II. (b) “It does not include a discretionary decision to commence formal or informal enforcement proceedings, but it does include any construction, interpretation or application of the terms of the ordinance which is implicated in such enforcement.”*

In other words, if the reason the decision for an enforcement to be carried out is based on interpretation of the zoning ordinance, it can be timely appealed. The commenced enforcement action itself cannot be appealed.

