

***APPLICATION FOR APPEAL  
ZONING BOARD OF ADJUSTMENT  
PROCEDURE FOR FILING PETITIONS***

**1. To file a petition before the Zoning Board of Adjustment (Board), three items are required:**

**A. Completed Application:**

The original application must be submitted. Forms may be obtained from the Planning and Development Department or on-line at [www.claremontnh.com](http://www.claremontnh.com). The forms provided by the City must be used. The accuracy of the information supplied shall be the responsibility of the applicant(s) at all times. An appeal filed, by person(s) other than the property owner of record must be accompanied by a letter of authorization signed by the owner of record. Requests should be identified as one of the following:

Appeal of an Administrative Decision,  
Enlargement of a Nonconforming Use,  
Special Exception,  
Variance,  
Equitable Waiver of Dimensional Requirements.

**B. Plot Plan:**

A scaled drawing must be submitted, showing the locations and dimensions of all structures and open spaces on the lot in question and on the adjacent lots. Plans do not have to be professionally drawn. The plot plan must be 8 1/2" X 11".

**C. Abutters List:**

A statement must be submitted listing the tax map numbers and addresses of all properties adjoining or directly across the street or water body from the property in question. In some instances, this may include properties on another tax map. In cases where the subject property is near a river or stream, the applicant shall include the upstream dam, if any, and the NHDES Dam Bureau in the list of abutters. In cases where the City tax maps are the accepted authority for map and lot numbers but may not provide the most recent information regarding the record owner. An abutters' list form may be obtained from the Planning and Development Department.

The above information must be submitted to the Planning and Development Department Staff by 5:00 PM on the day of the filing deadline. Deadlines and meeting dates may be obtained from the Planning and Development Department. Until **all** of the required information is received, the petition **will not** be placed on the agenda.

2. The Planning and Development Department will notify the applicant(s) and all abutters of the property in question (using the information supplied in the abutters list) by certified mail of the date, time and place for a public hearing, and shall cause a public notice of the hearing to be published in a newspaper of general circulation in the area at least five (5) days prior to the date fixed for the hearing of the petition.

3. The applicant(s) shall pay to the Planning and Development Department at the time of filing a non-refundable application fee, legal notice fee, and abutter notification fee in accordance with the current fee schedule, approved by the City Council.



## **GENERAL INFORMATION**

The Planning and Development Department Staff will be available to respond to questions the applicant(s) may have regarding the application form, drawings and plans. Legal assistance should be obtained from the applicant's personal attorney.

A decision is usually rendered by the Board at the same meeting at which the public hearing is held. In some instances, the decision may be made at a later date. If this is the case, the applicant(s) will be informed of when the decision is to be made. In making its decision, the Board will make findings of fact and then set forth the reasons for its decision.

If a petition is denied, the applicant(s) may file a motion for a rehearing specifying the grounds for rehearing the petition. Every ground upon which it is claimed that the decision rendered is unlawful or unreasonable must be set forth fully. Said motion for rehearing must be filed with the Planning and Development Department within thirty (30) days of the date the decision is rendered. If a motion for rehearing is denied by the Board, the applicant(s) may appeal to the Superior Court within thirty (30) days after the decision has been rendered.

## **RULES OF PROCEDURE FOR CONDUCT OF MEETINGS**

Each petitioner is entitled to a hearing by a five-member Board. If, for any reason, five members are not available, the petitioner(s) may elect to postpone the hearing and decision until the next meeting of the Board at which five members are present.

For the benefit of those in attendance at public hearings, the Chairman will briefly explain the procedure before the hearings begin and introduce the members of the Board.

The public hearings will be held first with the applicant(s) and/or his/her representative presenting the petition. Then those wishing to speak in favor of the petition may do so, followed by those wishing to speak in opposition to the petition. After this the applicant(s) and those in favor may speak in rebuttal, followed by the rebuttal of those in opposition. The debate may be closed when the Chairman deems it appropriate. All public hearings and Board deliberations are tape recorded. All comments must be addressed to the Chair. Anyone rising to address the Chair should identify him/herself, giving his/her name and address. No one will be allowed to speak twice until all who wish to speak have been heard.

Reasons will be given for all decisions of the Board and references made to the appropriate sections of the Zoning Ordinance. In the event the Board wishes to postpone making a decision, the applicant(s) will be so advised. All decisions will be announced by the Chair at the time they are made, and formal written notification will be mailed to the applicant(s) within five (5) business days after the decision is rendered. In the event neither the applicant nor the applicant's agent is available to present a petition to the Board at the public hearing, and no written request to continue the petition has been received by the Board not less than 84 hours prior to the scheduled hearing, the petition will be automatically dismissed. A petition may be withdrawn by the applicant(s) by notifying the Board that the petition is being withdrawn.



**APPLICATION FOR APPEAL**

Application Received By:		Scheduled Zoning Board Meeting Date:		Case #
Application Fee:		Date Submitted:	Tax Map:	Lot:
Legal Notice Fee:				Zone:
# of Abutters @\$4/each				
Total Due:		Date Paid:	Ck#	

The undersigned hereby applies to the Claremont Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

**TYPE OF APPEAL - MARK AS MANY AS NECESSARY**

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

**SECTION I - GENERAL INFORMATION**

Name(s) of Applicant(s) \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_  
 Name(s) of Owner(s) \_\_\_\_\_  
 Address \_\_\_\_\_  
 Location of Property \_\_\_\_\_  
 (street, number, subdivision and lot number, if any)

**SECTION II - LOT CHARACTERISTICS**

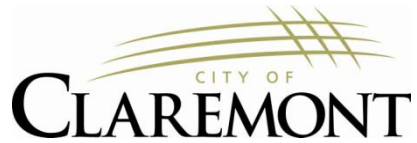
Tax Map/Parcel Number \_\_\_\_\_ Zoning District \_\_\_\_\_  
 Lot Dimensions: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_  
 Lot Area: Acres \_\_\_\_\_ Square Feet \_\_\_\_\_  
 % of Lot Covered as defined in Code Sec. 22-1 (buildings, pools, decks, etc.): Existing \_\_\_\_\_ Proposed \_\_\_\_\_  
 % of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing \_\_\_\_\_ Proposed \_\_\_\_\_  
 Present Use \_\_\_\_\_  
 Proposed Use \_\_\_\_\_  
 Property Restrictions (easements, covenants, etc.) \_\_\_\_\_

**SECTION III - AFFIDAVIT**

I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. I also authorize the Zoning Administrator or his/her designee and members of the Board to enter onto the subject property for purposes of inspection as part of this appeal.

\_\_\_\_\_ Date \_\_\_\_\_  
 (Signature of Owner or Authorized Agent)

Please Print Name \_\_\_\_\_



PROPERTY ADDRESS \_\_\_\_\_

## ***APPLICATION FOR A VARIANCE***

### ***I. DESCRIBE BRIEFLY THE PROJECT:***

A Variance is requested from Section (s) \_\_\_\_\_ of the Zoning Ordinance to permit:

### ***II. DESCRIBE BRIEFLY YOUR RESPONSE TO EACH OF THE FOLLOWING CONDITIONS:***

1. Explain why granting the Variance will not be contrary to the public interest:
  
2. Explain why the proposal and the variance sought is not contrary to the spirit of the ordinance:
  
3. Explain how the variance, as requested above for the subject property, would do substantial justice:
  
4. Explain why the proposal as described above will not diminish surrounding property values:
  
5. Explain why denial of the variance by literal enforcement of the ordinance would result in unnecessary hardship to the owner.  
  
(A) For purposes of this subparagraph, “unnecessary hardship” means owing to special conditions of the property that distinguish it from other properties in the area:
  - (i) Explain how no fair or substantial relationship exists between the general public purposes of the Section(s) of the ordinance from which relief is sought and the specific application of the Section(s) to the property:
  
  - (ii) Explain how the proposed use is a reasonable one:

Alternatively, if and only if the criteria in subparagraph (A) cannot be established

(B) Explain the special conditions of the property that distinguish it from other properties in the area, why the property cannot be reasonably used in strict conformance with the ordinance and why, therefore, a variance is necessary to enable a reasonable use of the property.



### ABUTTERS LIST

The abutter list shall identify:

- All properties adjoining or directly across the street or water body from the property in question.
- Where the subject property is near a river or stream the applicant shall identify the nearest upstream dam, if any, and include the upstream dam owner and the NHDES Dam Bureau.
- For properties abutting a municipal boundary, the applicant shall list all abutting land owners in that neighboring municipality.
- The officers of a collective or association in the case of an abutting property being under a condominium or other collective form of ownership
- The manufactured housing park owner and tenants who own manufactured housing abutting the property in question.

The City tax maps records are the accepted authority for map and lot numbers but may not current record owner information.

**Applicant Information:**

Printed Name: \_\_\_\_\_ Contact Telephone: \_\_\_\_\_

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

<b>Owner/Agent Information</b> <i>(\$4 fee per abutter including owner and agent)</i>			
<b>Map:</b>	<b>Lot:</b>	<b>Name:</b>	<b>Address:</b>

<b>Abutter(s) Information</b>			
<b>Map:</b>	<b>Lot:</b>	<b>Name:</b>	<b>Address:</b>
<b>Map:</b>	<b>Lot:</b>	<b>Name:</b>	<b>Address:</b>
<b>Map:</b>	<b>Lot:</b>	<b>Name:</b>	<b>Address:</b>
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<b>Map:</b>	<b>Lot:</b>	<b>Name:</b>	<b>Address:</b>

I, the undersigned \_\_\_\_\_, certify that to the best of my knowledge, the above is an accurate and complete abutters list.

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Date**