
***APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS
ZONING BOARD OF ADJUSTMENT
PROCEDURE FOR FILING PETITIONS***

1. To file a petition before the Zoning Board of Adjustment, 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. 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 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. 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 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, 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 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 Boards and Commissions Coordinator within thirty (30) days after 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 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 AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

An Equitable Waiver of Dimensional Requirements is requested from Section (s) _____ of the Zoning Ordinance to permit:

To approve, the Zoning Board of Adjustment must find that all requirements are met.

DESCRIBE YOUR RESPONSE TO EACH REQUIREMENT:

1. That the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by any government authority:

2. Explain how the nonconformity was noticed or discovered after the structure in violation had been substantially completed, or until after a vacant lot or other division of land in violation had been subdivided by or conveyed to a bona fide purchaser for value.

3. That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or legitimate mistake.

4. That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property.

5. That the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

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 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: _____

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

Abutter(s) Information				
Map:	Lot:		Name:	Address:
Map:	Lot:		Name:	Address:
Map:	Lot:		Name:	Address:
Map:	Lot:		Name:	Address:
Map:	Lot:		Name:	Address:
Map:	Lot:		Name:	Address:
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Map:	Lot:		Name:	Address:
Map:	Lot:		Name:	Address:

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

Applicant Signature

Date

CITY OF
CLAREMONT
2010 PLANNING AND ZONING FEES

Historic District Commission Specific:			
Certificate of Appropriateness	Application Fee	\$50.00	
	Legal Notice	\$50.00	
	Abutter's Notice	\$4.00 per abutter	
Planning Board Specific:			
Subdivision	Major and Minor	Application Fee	\$100.00 per lot
		Legal Notice	\$50.00
		Abutter's Notice	\$4.00 per abutter
		Registry Recording	\$50.00 per plan + \$25.00 LCHIP fee
	Lot Line Adjustment	Application Fee	\$50.00
		Legal Notice	\$50.00
		Abutter's Notice	\$4.00 per abutter
		Registry Recording	\$50.00 per plan + \$25.00 LCHIP fee
Site Plan Review	Residential	Application Fee	\$100 + \$25 ea. new or redeveloped dwelling unit (\$100 min, \$5,000 max)
		Legal Notice	\$50.00
		Abutter's Notice	\$4.00 per abutter
		Registry Recording	\$50.00 per plan + \$25.00 LCHIP fee
	Nonresidential	Application Fee	\$200 + \$0.15 per square foot (\$200 min, \$5,000 max) of Developed or Redeveloped Property
		Legal Notice	\$50.00
		Abutter's Notice	\$4.00 per Abutter
	Personal Wireless Service Facility**	Cell Tower	\$500 + all Nonresidential Site Plan Review Fees
	<i>LCHIP Fee for any plan required to be registered with the Registry of Deeds (Land and Community Heritage Investment Program) \$25.00 per plan</i>		
	<i>** As permitted under the Provisions of RSA 673:16(II), this fee shall be in addition to all other fees paid by an applicant for a Personal Wireless Service Facility, including the Site Plan Review and Building Permit fees. This fee shall be assessed only once for each personal wireless service facility and it shall be assessed at the time of an application for Site Plan Review or at the time of the Building Permit application, whichever is first</i>		
Zoning Board Specific:			
Appeal of Administrative Decision	Application Fee	\$100.00	
	Legal Notice	\$50.00	
	Abutter's Notice	\$4.00 per Abutter	
Variance/Special Exception	Application Fee	\$100.00	
	Legal Notice	\$50.00	
	Abutter's Notice	\$4.00 per Abutter	
Continuation	Applicant is responsible for all associated costs and documentation.		
Application for Petition to Amend Zoning Ordinance	Application Fee	\$100.00	
	Legal Notice	\$50.00	
	Abutter's Notice	\$4.00 per Abutter	
Other Fees:			
Waiver Request	Site Plan Review	\$50.00	
Change of Use	Without site plan review	\$200.00	
Rehearing	Applicant is responsible for all associated costs and documentation.	\$50.00 + Related Fees	
Determination of Completeness	Request for a determination of completeness by the Board of an application which has been previously determined as incomplete	\$250 for each discrete consideration of the application by the board.	
Recording Plats	Recording of corrected or additional plats or documents subsequent to an initial recording	\$50.00 plus the cost of the recording fees charged by Sullivan County Registry of Deeds.	
Request for Further Consideration	Request for further consideration by the Board of an application which has been previously approved	\$200 for each discrete consideration of the application by the board	
Sign Permit	\$30.00 minimum per sign, \$200.00 max per sign	\$00.75 per SQ FT of sign area	
Junkyard License		\$150.00 per junkyard (RSA 236:122)	
Master Plan Copy		\$25.00	
Zoning Ordinance	Per Zone or Entire Chapter	\$5.00 per Zone, \$20.00 for Chapter 22	
Voluntary Lot Merger	Individuals seeking to merge two lots in exact same name & ownership	\$50.00 plus cost of recording fees	

**ZONING BOARD OF ADJUSTMENTS
SUBMISSION/MEETING DATES**

2010

Application Deadline	Public Notice Posted	Public Hearing
December 18	December 22	January 4
January 15	January 21	February 1
February 12	February 18	March 1
March 19	March 25	April 5
April 16	April 22	May 3
May 21	May 27	June 7
June 18	June 24	July 6
July 16	July 22	August 2
August 20	August 27	September 7 (<i>Tuesday 9/6 is Labor day</i>)
September 17	September 23	October 4
October 15	October 21	November 1
November 18	November 24	December 6

Zoning Board of Adjustment Public Hearings/Meetings are normally held the 1st Monday of each month. The Board will meet providing there are valid issues for presentation requiring approval. *Holiday schedules/observances will cause a change in the normal meeting dates.*