



TOWN OF
PETERBOROUGH

ZONING BOARD OF ADJUSTMENT
APPLICATION

DO NOT WRITE IN THIS SPACE

Date Application Received: _____

Date Fees Paid: _____

Clerk: _____

Case Number: _____

DIRECTIONS

Please fill out this application, including the corresponding section for your application type, in its entirety. This application may not be accepted if there are areas left blank. The use of additional sheets of paper to provide information is welcomed.

If you have questions about this application, please contact the Office of Planning and Building at (603) 924-8000 ext 104 or ocd@peterboroughnh.gov

1. Type of Application: (check all that apply)

Special Exception

See Section 1, page 5

Variance

Section 2, page 6

Equitable Waiver of Dimensional Requirement

See Section 3, page 7

Appeal of Administrative Decision

See Section 4, page 7

2. Applicant: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

3. Property Owners Name(s): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

4. Primary Contact: _____

Phone: _____ Email: _____

Applicant

Owner

Attorney

Surveyor/Engineer

5. Project Name: _____

Street Address: _____

Parcel ID Number(s): _____

6. Zoning Districts & Overlay Districts

Zoning Districts (check all that apply):

- Business/Industrial District
- Commercial District
- Commerce Park District
- Downtown Commercial District
- Family District
- General Residence District
- Monadnock Community Health Care District
- Office District
- Rural District
- Village Commercial District
- West Peterborough District
- Retirement Community District

Overlay Zones and Districts (check all that apply):

- Bulk Fuel Storage District
- Floodplain District
- Groundwater Protection Overlay Zone
- Rural Gateway Overlay Zone
- Shoreland Conservation Zone
- Traditional Neighborhood Overlay Zone I
- Wetland Protection Overlay Zone

9. Relief is requested from Chapter 245, Article: _____, Section: _____, Paragraph: _____

In order to: (purpose of request) _____

Please use an additional sheet of paper, if necessary

AUTHORIZED SIGNATURES

I/We certify that this application is correctly and accurately completed in accordance with the Town of Peterborough's Zoning ordinance and the requirements of this application.

Applicant's Name Printed

Applicant's Signature

Date

As property owners, I/We give the applicant and/or agent, as stated hereon, our authorization to submit this application and represent us on matters relative to the Town's Zoning Board of Adjustment process. I/We also authorize members of the Peterborough Zoning Board of Adjustment and its agent's access to the property described on this application for on-site review of the proposed application if necessary.

Property Owner's Signature

Date

Property Owner's Signature

Date

INSTRUCTIONS FOR SUBMITTING A COMPLETE APPLICATION

For an application to be scheduled on the next available Zoning Board of Adjustment agenda, the following items SHALL be submitted to the Office of Planning and Building by the submission deadline, found on the annually updated Board meeting schedule found on the [Town's website](#).

1. Completed and signed Zoning Board of Adjustment (ZBA) Application Form. The application will not be placed on the ZBA agenda unless all required signatures are on the application. The property owner SHALL sign the application form.

2. Other pertinent information to provide (if applicable).

- (a) Provide five (5) copies of a plot plan of the lot as shown on the Town Parcel Map which shows the existing and proposed improvements, drawn to scale, along with existing and proposed setback distances.
- (b) Provide pictures or construction plans showing each elevation (front, side, or rear) to which any improvements are proposed to be made.
- (c) Applications that involve the Groundwater Protection, Wetlands, Shoreland Conservation, or Floodplain Districts shall show the location of the Districts on the plot plan and provide, at a minimum, the following additional written information:
 - (i) Written narrative describing the proposed intrusion into the aforementioned Districts, why it is necessary, why alternatives are not available, and what steps will be taken during and after construction to minimize disruption of the Groundwater Protection, Wetlands, Shoreland Conservation, or Floodplain Districts.
 - (ii) Applications involving wetlands shall be delineated by a wetlands scientist for reference by the Conservation Commission and the Office of Planning & Building Staff.
 - (iii) Applicants of applications involving wetlands and/or shorelands (per Zoning Ordinance definition) shall meet with the Conservation Commission to discuss the proposal and receive a written report that will be forwarded to the Zoning Board of Adjustment prior to the **FINAL** public hearing.

3. Abutters Mailing List. On a separate sheet of paper, you must prepare a mailing list to include the name and mailing address of all abutting property owners as defined by RSA 672:3, licensed professionals on plan; property owners; and applicants.

Abutter information may be obtained by visiting the Town of Peterborough's [ParcelViewer](#), found on the Town website.

4. Fees. All fees must be paid in accordance with page 4 of this application.

Application Process

All applications shall be completed as described in this document and submitted to the Office of Planning and Building by the submission deadline outlined in the annually updated [Zoning Board Meeting Schedule](#), which can be found on the Town website.

The application and plans will be reviewed by the Code Enforcement Officer to ensure they comply with the Board's Application Policy and applicable zoning regulations. If an application is incomplete or unclear, the applicant will be notified, and a meeting will be set up to discuss the application. Applications that also involve Planning Board issues will require a meeting with the Code Enforcement Officer, the Director of Planning & Building, and the applicant.

The completed application will be placed on the agenda for a public hearing. Public notice of the hearing will be posted and printed in a newspaper, and notice will be mailed to you and to all abutters and other parties whom the Board may deem to have an interest, at least ten days before the date of the hearing. You and all other parties will be invited to appear in person or by agent or counsel to state reasons why the appeal should or should not be granted.

After the public hearing, the Board will reach a decision. You will be sent a copy of the decision and excerpts of the meeting minutes as they pertain to your case.

If you believe the Board's decision is wrong, you have the right to appeal. The Selectmen or any party affected, have similar rights to appeal the decision in your case. To appeal, you must first ask the Board for a rehearing. The motion for rehearing must be in the form of a letter to the Board. The motion must be made within 30 days of the Board's decision and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in its opinion, good reason is stated in the motion. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal to the courts. When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters. See RSA Chapter 677 for more detail on rehearing and appeal procedures.

If you have any additional questions, please contact the Office of Planning & Building at (603)924-8000 ext. 104 or the Code Office at (603)924-8000 ext. 118.

Zoning Board of Adjustment Application Fee

| | |
|--|-----------|
| BASE APPLICATION FEE <ul style="list-style-type: none">• All new applications shall be charged a fee of two hundred dollars (\$200)• All rehearing's/appeals shall be charged a fee of one hundred dollars (\$100) | |
| ABUTTER FEES <ul style="list-style-type: none">• Abutter notification is ten dollars (\$10) per abutter• Notification of all licensed professionals whose professional seal appears on any of the submittal documentation is ten dollars (\$10) per professional | |
| <i>TOTAL APPLICATION FEE</i> | \$ |

SECTION 1: SPECIAL EXCEPTION DOCUMENTATION

At the time of application, the applicant shall submit documentation regarding each of the following considerations which, in the judgment of the applicant, are germane. Answers shall be the basis for decisions by the Zoning Board of Adjustment on special exceptions.

It is important to note that the section of zoning which you are seeking a special exception from will indicate what special exception criteria you shall respond to in this application. The section of which you are applying for a special exception from may either:

- (A) include a list of considerations for the Zoning Board of Adjustment to review AND require that you respond to the usual special exception criteria, as listed in (§245-41),
- (B) where no additional considerations are listed for the Zoning Board of Adjustment to review, require that you respond to only the usual special exception criteria, as listed in (§245-41), or,
- (C) the section may provide its own separate and unique list of special exception criteria.

The space below is for applicants to respond to the necessary special exception criteria. **Please indicate which sections of the Zoning Ordinance each response relates to.** You are welcome to use additional sheets of paper to respond to the special exception criteria questions.

1) _____

2) _____

3) _____

4) _____

5) _____

6) _____

7) _____

8) _____

9) _____

10) _____

SECTION 2: VARIANCE DOCUMENTATION

In order for the Board of Adjustment to grant a Variance, the Board must make all of the following findings that apply to the case. At the time of application for a Variance, the applicant shall submit documentation regarding the following considerations which, in the judgment of the applicant, are germane, including information regarding consultative efforts made with any neighborhood groups or other affected parties.

Facts supporting this request for a **variance**:

1. Granting the variance would not be contrary to the public interest because: _____

2. The spirit of the ordinance is observed because: _____

3. Substantial justice is done because: _____

4. The values of surrounding properties are not diminished because: _____

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 special conditions of the property distinguish it from other properties in the area; **Please describe these special conditions:**

(i) Owing to these special conditions, 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 because:

(ii) And, the proposed use is a reasonable one since:

(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.

(i) The following special conditions of the property make the variance necessary in order to enable a reasonable use of it:

SECTION 3: APPEAL FROM AN ADMINISTRATIVE DECISION, PER NH RSA 676:5

For an **Administrative Appeal** request, please attach a letter with this application explaining:

1. What decision was made by the administrative officer per RSA 676:5, I or 2; or, what zoning interpretation was made by the Planning Board that you are appealing per NH RSA 676:5,III that you are seeking to appeal;
2. Why you believe there was an error in the interpretation of this decision; and,
3. Please state the date that the decision was made that you are appealing from.
4. The appeal period as specified by the Board's Rules of Procedure is 30 days from the date of the administrative decision or interpretation, and not thereafter.

If your appeal has to do with the denial of a building permit, the applicant must demonstrate to the satisfaction of the Board all of the requirements of **RSA 674:41** in order to receive relief.

SECTION 4: APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

In order for the Zoning Board of Adjustment to grant an Equitable Waiver of Dimensional Requirements, the Board must make all of the following findings:

1. That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value.
2. 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 by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority.
3. That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, not interfere with or adversely affect any present or permissible future uses of any such property; and
4. That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, 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.

- or -

In lieu of the findings required by the Board under paragraphs 1 through 4, the owner may demonstrate to the satisfaction of the Board that the violation has existed for ten (10) years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected.