

Town of Newington, New Hampshire

Application Form

Zoning Board of Adjustment

Property Owner

Name _____
Address _____

Telephone _____
Fax _____
Email _____

Applicant's Agent

Name _____
Address _____

Telephone _____
Fax _____
Email _____

Location of Property

Address _____
Tax Map ____ Lot ____

Fee

\$50

Applicant's Request(s)

(Check applicable requests)

- Variance from Article ____ in order to _____
- Special Exception to allow _____
- Administrative Appeal from the decision of _____
on _____ (date) regarding _____
- Equitable Waiver of Dimensional Requirements
- Rehearing

Property Owner's Consent

I have read Newington's land use regulations and will comply with all the requirements therein.

Signature(s) of *all* property owners & date signed

Instructions to Applicants

The Board of Adjustment strongly recommends that, before making any appeal, you become familiar with the Newington Zoning Ordinance. You may file for five different types of requests:

Variance: A variance is an authorization, which may be granted under special circumstances, to use your property in a way that is not permitted under the strict terms of the Zoning Ordinance. For a variance to be legally granted, you must show that the proposed use meets all five of the following conditions:

- 1) The proposed use would not diminish surrounding property values.
- 2) Granting the variance would be of benefit to the public interest.
- 3) Denial of the variance would result in unnecessary hardship to the owner.
Hardship, as the term applies to zoning, results if a restriction, when applied to a particular property, becomes arbitrary, confiscatory or unduly oppressive because of the conditions of the property that distinguish it from other properties under similar zoning restrictions. Hardship, under zoning law, has nothing to do with the physical or economic conditions of the owner.
- 4) Granting the variance would do substantial justice.
- 5) The proposed use is not contrary to the spirit of the ordinance.

Appeal from an Administrative Decision: If you have been denied a building permit or are affected by some other decision regarding the administration of the Newington Zoning Ordinance, and you believe that the decision was made in error, under the provisions of the ordinance, you may appeal the decision to the Board of Adjustment. The appeal will be granted if you can show that the decision was indeed made in error.

Special Exception: Certain sections of the Zoning Ordinance provide that a particular use of the property in a particular zone will be permitted by Special Exception if specified conditions are met. The necessary conditions for each Special Exception are given in the ordinance. Your appeal for a Special Exception will be granted if you can show that the conditions stated in the ordinance are met.

Equitable Waiver of Dimensional Requirements: When a property is found to be inadvertently in violation of zoning requirements, the board may grant a waiver in the event that certain criteria are met. These criteria are spelled out in detail in NH RSA 674:33-a.

Documentation

If you are applying for a **variance**, you must have determined that your proposed use is not permitted without a variance. On a separate sheet of paper, indicate how your proposal meets all five variance criteria cited above.

If you are appealing an **administrative decision**, a copy of the decision being appealed should be attached to your application.

General Information

For any appeal, the application should be properly filled out and complete. An application fee of \$50 must also accompany the application.

The board will schedule a public hearing upon receipt of your application. Public notice of the hearing will be posted at the Town Hall and published in Fosters Daily Democrat. Notices will be mailed to the applicant, all abutters, and any other party that the board may deem to have an interest, at least five days before the date of the hearing. The applicant must be present or represented by an agent in order for the board to consider the application.

A plot plan must accompany the application, and should include at a minimum, the following: dimensions of the lot, locations and dimensions of all structures on the lot, setbacks from boundaries, parking areas, names of current abutters, and names of abutting streets or roads. The plan does not need to be drawn by a professional engineer, but must be reasonably accurate. A sample plan is attached.

Rehearings

You or any other affected party have the right to appeal the board's decision by filing a re-hearing request, in writing, within twenty (20) days of the board's decision. The request must include the grounds for the claim that the decision is unlawful or unreasonable. The board will not hold a second hearing based on the same set of facts. The board will grant a re-hearing if it is convinced that an injustice will be done by not doing so. The second hearing will be subject to the same notification procedures as the initial hearing.

PLOT PLAN

SAMPLE

SAMPLE

