Town of Effingham, New Hampshire

Application Form

Zoning Board of Adjustment

Case No._____

Property Owner

Name _____

Address _____

_____

Telephone _____

Fax _____

Email _____

Applicant's Agent

Name _____

Address _____

_____

Telephone _____

Fax _____

Email _____

Location of Property

Address _____

Tax Map _____ Lot _____

Applicant's Request(s)

(Check applicable request(s))

☐ Variance from Article ____ Section _____in order to _____

☐ Special Exception to allow _____

☐ Appeal from Administrative Decision of _____

on _____*(date)* regarding _____

☐ Equitable Waiver of Dimensional Requirements

☐ Rehearing

Property Owner's Consent

I have read Effingham's land use regulations and will comply with all the requirements therein and any on-site inspections.

_____

Signature(s) of *all* property owners date

Initial _____

1. Instructions to Applicants

The Board of Adjustment strongly recommends that, before making any appeal, you become familiar with the Effingham Zoning Ordinance. Forms must be obtained from the Municipal Office or Effingham's official website. 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 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; and
5) Literal enforcement of 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, owning to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonable used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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.

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 Effingham 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.

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.

Rehearing

You or any other affected party have the right to appeal the board's decision by filing a re-hearing request, in writing, within thirty (30) 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.

2. Documentation

Initial _____

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.

If you are appealing an **Equitable Waiver of Dimensional Requirements,** does the request involve a dimensional requirement, not a use restriction? If you answer "No" you are not entitled to an equitable waiver of dimensional requirement. These waivers may not be granted from use restrictions. On a separate sheet of paper:

1. Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the town.
2. Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser and how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.
3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.
4. Explain how the cost of correction far outweighs any public benefit to be gained.

3. General Information

For any appeal, the application should be properly filled out and complete. Incomplete forms will be returned.

Attach a list of all abutters using attached abutter list (abutter includes property abutting yours and any across any street or stream). Your abutters can be found on the tax map at the Municipal Office. (If you need help in finding them, the office clerk will assist you with this.) Provide 3 mailing labels for each abutter, the applicant, and/or the owner.

Obtain and include a complete copy of the Town tax assessment card or cards; available from the Municipal Office.

Include all pages of original permit application as well as documentation copies of all decisions of the Zoning and Administrative officer(s) or administrative body(ies) to be appealed. The board will schedule a public hearing once your application has been accepted as complete. Public notice of the hearing will be posted at the Town Hall, post office and published in a local newspaper. 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, agent or attorney for the applicant must attend the hearing or the application will be considered withdrawn and all costs forfeited.**

Include a drawing of the situation on the ground, including 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. In some cases, more detailed information may be required, including but not limited to maps, drawings to scale, prints, survey or plat plans, etc. A sample plan is attached.

Initial _____

4. **Fees**: Include a check or money order, made out to the Town of Effingham for the proper amount, with the application.

1 – A flat rate of $100.00 per application ….. (Effective 1-1-05)

2 – Plus $10.00 per each abutter for certified mailing costs …..(Effective (9-29-11)

3 – Plus $20.00 fee for certified notification of hearing date and certified mailing of the Notice of Decision to the applicant or Agent…… (Effective 2-3-10)

Mail the complete application, labels and check to:
Effingham Board of Adjustment, 68 School Street, Effingham NH 03882

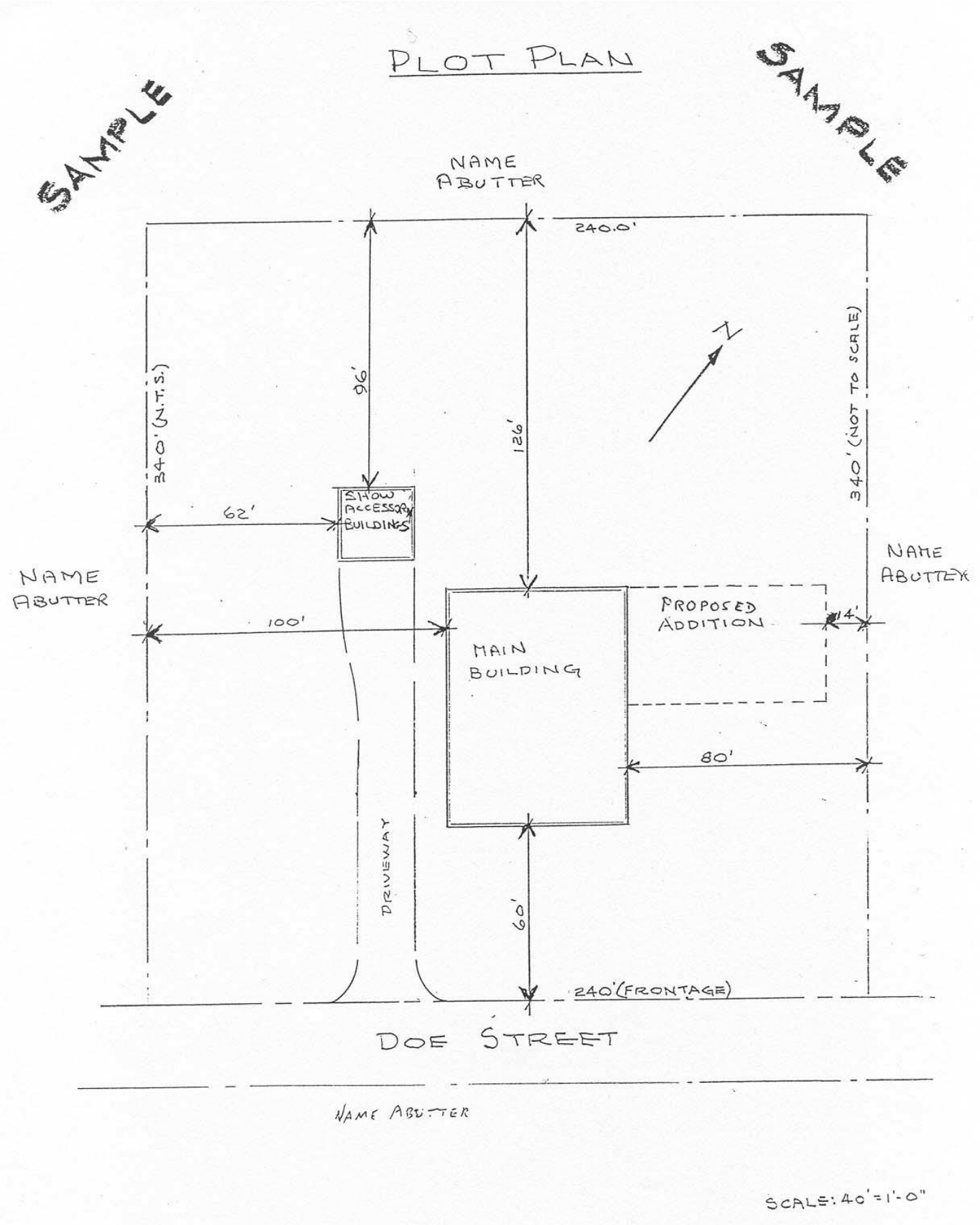
Initial _____

ABUTTER LIST

Abutter's names and addresses, including applicant and any agents, must be provided by applicant on 3 sets of mailing labels, and enclosed with the application.

Map/Lot	Abutter	Address	City	State	Zip

Initial _____


PLOT PLAN
SAMPLE
SAMPLE
NAME ABUTTER
240.0'
N
96'
126'
340' (N.T.S.)
340' (NOT TO SCALE)
SHOW ACCESSORY BUILDINGS
62'
NAME ABUTTER
NAME ABUTTER
100'
PROPOSED ADDITION
14'
MAIN BUILDING
80'
DRIVEWAY
60'
240' (FRONTAGE)
DOE STREET
NAME ABUTTER
SCALE: 40' = 1'-0"