

TOWN OF HAMPSTEAD
BOARD OF ADJUSTMENT
11 MAIN STREET, HAMPSTEAD, N.H. 03841

INSTRUCTIONS TO APPLICANTS

The Zoning Board of Adjustment strongly recommends that all applicants become familiar with the town's zoning ordinances before making any appeal. **Accuracy of information is the sole responsibility of the applicant.** To aid the applicant, the following describes the types of appeals that are within the jurisdiction.

TYPES OF APPEALS WHICH MAY BE MADE TO THE Z.B.A.

VARIANCE

NOTE: All of the following criteria must be met if a variance is to be granted.

1. There will be no diminution of surrounding property values.
2. Granting the variance would not be contrary to the public interest.
3. The proposed use is not contrary to the spirit and intent of the ordinance.
4. Denial of the variance would result in unnecessary hardship to the owner.
5. There are special conditions of the property that require an area variance necessary to enable the applicant's use of the property.
6. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant, other than an area variance.
7. Substantial justice would be done if this variance is granted.

Special Exception: Certain sections of the zoning ordinance provide that a particular use of your property will be permitted by Special Exception if specified conditions are met. The applicant must meet all of the required conditions.

Appeal from an Administrative Decision: If you have been denied a building permit or if you are affected by a decision regarding the administration of the Hampstead Zoning Ordinance and you believe the decision was made in error with respect to the ordinance, you may appeal the decision to the Board of Adjustment. You must provide evidence that the decision was, in fact, made in error.

Equitable Waiver of Dimensional Requirements: When a lot or structure is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance, the board can grant an equitable waiver from the requirement if the board makes certain findings. (RSA 674:33-a) The burden of proof is on the property owner. An equitable waiver granted under this section shall not be construed as a non-conforming use.

BOARD PROCEDURES

The Zoning Board of Adjustment normally holds its public hearings on the first Wednesday of each month in the Town Office Building. All meetings are posted at the Town Office Building, the Hampstead Public Library and in The Union Leader. The applicant and each abutter will be notified by certified mail approximately one week before the hearing. The applicant and abutters are asked to appear in person or by agent or counsel to state reasons why the request should or should not be granted.

After each appeal is concluded, the board will render its decision. A notice of decision will be sent to the applicant and certain town officials. The minutes of the meeting are on file at the Town Office Building. If you believe the decision was made in error, you have the right to appeal. Selectmen, Planning Board or any affected party have the same right of appeal. The appeal process requires that you file an application for rehearing within 30 days of the board's original decision. The rehearing request must set forth the grounds on which the decision is to be considered unlawful or unreasonable. The board may grant a rehearing if, in its opinion, good reason is given in the request for a rehearing. The board will not reopen a case based on the same information being presented. Whether or not a rehearing is granted, you must have requested one before appealing to the courts. When a rehearing is held, the same basic procedures apply as the first hearing, including public notices, notice to abutters, etc.

STEPS TO FOLLOW TO BE PLACED ON B.O.A. AGENDA

1. A Board of Adjustment application must be obtained at the Building Department office, after a request for something such as a building permit has been denied. It is recommended that the applicant, at that time, obtain a copy of the Town of Hampstead Zoning Ordinance from the Town Clerk's office or on the Town's website, for reference.
2. Town maps and listings of property owners are available to help you in the compilation of your abutters' list. This list should include your name and mailing address as well as your abutters' and must be validated by the clerk.
If the number of abutters totals 10 or more the applicant must provide three copies of each mailing label.
3. Fill out the attached application and include a check for \$250 plus \$10 for each abutter. Make checks payable to the Town of Hampstead.
4. You have the option of returning your completed application to the Building Department or mailing it to the Board of Adjustment secretary at 11 Main St. no later than 15 business days prior to the hearing date. **ALL APPLICATIONS REQUIRING REVIEW BY THE BUILDING INSPECTOR AND POTENTIAL DENIAL, MUST BE SUBMITTED NO LATER THAN THREE DAYS PRIOR TO THE FILING DEADLINE.** If you have additional questions, you can get assistance from the Board of Adjustment secretary in the Building Department
5. The agenda will be set according to the order the applications are received.

**HAMPSTEAD BOARD OF ADJUSTMENT
Town of Hampstead
11 Main Street, Hampstead, N.H. 03841**

**APPLICATION FOR APPEAL/VARIANCE/SPECIAL
EXCEPTION/REHEARING/WAIVER**

Date Filed _____ Fee Paid \$ _____ Hearing Date _____

Application Information

Name of Applicant (owner) _____

Address _____ Telephone _____

Mailing Address _____

Property Information

Owner of Property (if different) _____

Address _____ Telephone _____

Mailing Address _____

**Location of property for which appeal, variance or special exception is being
requested:** _____

Tax Map/Lot Number _____ Zone _____

Property Description

Description of property (acreage, frontage, etc.) _____

Proposed Use or Existing Use Affected _____

FILL OUT SECTION BELOW AS APPLICABLE

Section 1 **Application for Special Exception**

The undersigned requests a Special Exception as provided in Article ___ Section _____ of the zoning ordinance and asks that the terms be waived to permit: _____

Date: _____ **Signed** _____

Section 2 **Application for a Variance**

The undersigned requests a variance to the terms of Article ___ Section _____ and asks that the terms be waived to permit: _____

Date: _____ **Signed** _____

Section 3 **Request for Equitable Waiver of Dimensional Requirements**

An Equitable Waiver of Dimensional Requirements is requested from Article _____ Section _____ of the zoning ordinance to permit: _____

Date: _____ **Signed** _____

Section 4 **Appeal from Administrative Decision**

The undersigned alleges that an error was made in the decision, determination or requirement by: _____ on _____ to _____ in relation to Article ___ Section _____ of the zoning ordinance and hereby appeals said decision.

Date: _____ **Signed** _____

Section 5 **Request for a Rehearing**

The undersigned requests a rehearing of the decision by the Board of Adjustment on the matter of _____ setting forth the grounds on which the decision is to be considered unlawful or unreasonable _____

Date: _____ **Signed** _____

DOCUMENTATION

The following documents must accompany applications, **as applicable**.

1. Names and mailing addresses of all abutters on the appropriate form. Abutters are those whose property adjoins or is directly across the street or stream, as defined per RSA 672:3. Applicant and landowner must appear on the list. The certified letter serves as your legal notice and both state and town laws require it. **The applicant is responsible for supplying all abutter names and mailing addresses, which can be found in the Building Department.**

2. A plot plan indicating the following:

Dimension of lot

Setbacks from lot lines and buildings

Approximate footprint of building

Location of structure on lot

Soil type or wetlands location, if applicable

Distance and location of abutting septic systems and wells, if applicable

3. Other documentation required:

Accurately dimensioned drawings of existing structure and proposed changes

State septic approval

State subdivision and driveway permits, if applicable

Said plan does not have to be drawn by a professional, but it does have to be accurate.

Scale must be no less than 1 inch equals 100 feet.

4. Authorization for an agent to act on your behalf if you will not appear in person.

5. Fees

APPLICATION FEE	\$ 100.00
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Legal Ad	\$ 150.00
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Abutters' fee	\$10 x # of Abutters	\$ _____
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TOTAL DUE:	\$ _____
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SUBMISSION INFORMATION

1. Fees are due with the application. Checks, money orders or cash are accepted. Checks or money orders should be payable to: Town of Hampstead
2. Completed applications and fees must be received no later than 15 business days prior to the scheduled hearing date. **ALL APPLICATIONS REQUIRING REVIEW BY THE BUILDING INSPECTOR THAT MIGHT RESULT IN DENIAL, MUST BE SUBMITTED NO LATER THAN THREE DAYS PRIOR TO THE FILING DEADLINE**
3. If any items are missing from the application or fees are not paid, the application will be returned for completion.
4. Please sign the application. **APPLICATIONS MUST BE SIGNED BY BOTH THE APPLICANT AND LAND OWNER.**

ACKNOWLEDGEMENT & SIGNATURES

I acknowledge the receipt of an information sheet with this application and I understand that failure to provide any of the required information may be cause for rejection of the application.

() Please check here and sign below for authorization for an agent to represent you on your behalf.

I, _____ give permission for _____
to represent me before the Hampstead Zoning Board of Adjustment.

Applicant's signature	Date
LandOwner's signature	Date
Agent's signature	Date