

INSTRUCTIONS TO APPLICANTS APPEALING TO THE
NEW IPSWICH ZONING BOARD OF ADJUSTMENT FOR A
VARIANCE

IMPORTANT: READ CAREFULLY BEFORE FILLING OUT ATTACHED APPLICATION

The Zoning Board of Adjustment (ZBA) strongly recommends that, before making any appeal, you become familiar with the Zoning Ordinance, and also with the New Hampshire Statutes Title LXIV, RSA Chapters 672-677, www.gencourt.state.nh.us/rsa/html/indexes, covering planning and zoning.

Once the application has been completed, the applicant should schedule an appointment with the ZBA to submit the completed application. A fee is charged sufficient to cover the cost of preparing and mailing the legally-required notices (see application). Make check payable to the Town of New Ipswich and remit with your application. Failure to pay the required fee will result in denial of your application.

The Board will schedule a public hearing within 30 days of receipt of the properly completed application. Public notice of the hearing shall be given in the Monadnock Ledger and shall be posted at the New Ipswich Post Office and at the Town Office not less than 5 days before the date fixed for the hearing. Notice will also be mailed to the applicant, all abutters and to other parties whom the Board may deem to have an interest, at least 5 days before the date of the hearing. The applicant 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 and all other parties to the case will be sent a Notice of Decision. 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 may 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.)

APPLICATION FOR A VARIANCE
TOWN OF NEW IPSWICH, NH

TO BE COMPLETED BY APPLICANT

BOARD OF ADJUSTMENT USE

Name _____
Address _____

Telephone # _____
Date _____
Property Location _____
Tax Map/Lot # _____

Case Number _____
Date Received _____
Fee Paid \$ _____ Date _____
Received by _____
Date Accepted _____
Hearing Date _____
Action Taken _____

Do you own the property? Yes ____ No ____ If you are not the owner of the property, provide duly notarized documentary evidence that you are the owner's authorized agent.

The following information is required for acceptance of your application unless specifically waived by the Board:

- ** Copy of tax map showing your property in relation to town/state roads and abutters.
- ** List of all abutting property owners and other interested parties including addresses. The Assessors' Office will assist you with the list but the accuracy of the list is your responsibility.
- ** A drawing prepared by a licensed land surveyor or registered professional engineer in the State of New Hampshire.

A variance is requested from Article _____ Section _____ of the Zoning Ordinance to permit

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

Facts supporting this request:

1. The proposed use would not be contrary to the public interest because:

2. The use is not contrary to the spirit of the ordinance because:

3. Granting the variance would do substantial justice because:

4. The proposed use would not diminish property values because:

5. Literal enforcement of the ordinance would result in unnecessary hardship to the owner because the following special conditions of the property distinguish it from other properties in the area:

AND

a. 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:

b. The proposed use is a reasonable one because:

OR

If the criteria in 5.a. and 5.b. are not met, the property cannot be reasonably used in strict conformance with the ordinance because:

I certify that all information provided in this application is true and correct to the best of my knowledge.

Signature _____

Date _____

Fee Determination

| | |
|--|---------|
| Board of Adjustment fee | \$50.00 |
| Newspaper advertisement | 50.00 |
| Certified Mailings (# x # of abutters) | _____ |
| Decision letters (\$ x # abutters) | _____ |
| Additional expenses | _____ |
| Total payable to the Town of New Ipswich | _____ |

12/14