



Zoning Board of Adjustment Notice & Instructions to Applicants

Overview. “Zoning” refers to land use controls approved and amended at the local level as a legislative function (i.e. town meeting). Zoning regulations are intended to guide and control the direction of future growth in the community. The zoning ordinance necessarily provides for the Zoning Board of Adjustment (ZBA). Acting in a quasi-judicial capacity, the ZBA functions as a “constitutional safety valve” for the protection of the citizens. Generally the ZBA evaluates whether an application merits relief (special exception or variance) from the ordinary application of the zoning ordinance. Additionally, the ZBA considers appeals of zoning-related, administrative decisions. The express powers of the ZBA are defined several state statutes including but not limited to RSA 674:33. Processes by which the ZBA conducts its affairs are governed by both state statutes and Rules of Procedure (by-laws) adopted by the ZBA. It is strongly recommended that before making any application to the ZBA applicants become familiar with the types of appeals made to the Zoning Board of Adjustment and the criteria set forth in the Meredith Zoning Ordinance and applicable state statutes (RSA’s). For additional reference see also: “The Board of Adjustment in New Hampshire- A Handbook for Local Officials” (latest edition). It is the applicant’s responsibility to be properly prepared and familiar with applicable laws and regulations pertaining to their appeal. Applicants having questions regarding the applicability of the Zoning Ordinance, application requirements or the application process are encouraged to contact the Community Development Department at 677-4215.

Application Requirements/ Complete Applications. The Zoning Board of Adjustment has established basic application requirements which collectively constitute a complete application. These requirements are set forth in checklist fashion within in the respective application forms to be completed by the applicant. The Zoning Board of Adjustment requires that only complete applications be scheduled for public hearing.

Photographs showing the area of the property for which relief is sought are NOT required as part of an application. However, applicants at their discretion may choose to submit photographs in support of their application.

Plans. One of the application requirements is a plan. The plan provides a visual presentation of the applicant’s intentions. The plan also aids the Board and abutters in their understanding of what is being proposed. All plans must be accurate and drawn to scale.

Minimum Plan Content. The Zoning Board of Adjustment has established **minimum** content requirements of the plan that must be provided. Plan requirements are included in the application in checklist fashion to be completed by the applicant. If a plan is submitted that does not address each of the plan checklist requirements, then the application will be deemed “incomplete” and will not be scheduled for public hearing.

Dimensional Relief. The Zoning Board of Adjustment requires that in instances where dimensional relief is sought from lot line setbacks or from wetland setbacks, the plan shall be prepared by a NH Licensed Land Surveyor.

Partial Plans. There may be circumstances when it is appropriate to depict only a portion of the subject property on the plan. This is acceptable PROVIDED the scope of the plan sufficiently and clearly depicts the entirety of the applicant's intentions.

Additional Plan Content. Applicants are encouraged to provide additional plan content beyond the MINIMUM requirements to the extent it may be helpful in demonstrating: (1) the scope and nature a proposal, (2) the presence of pertinent site features and characteristics not included on the checklist, (3) project impacts and efforts to mitigate impacts; and (4) how the proposal meets the applicable criteria. For example, topography and grading information is NOT a requirement of all plans. However in a hypothetical scenario where runoff may be a consideration, topographic information could demonstrate that runoff is not an issue or that runoff impacts have been mitigated.

Exception to Plan Requirement. Plans are not required of applications pertaining to appeals of an administrative decision (provided the appeal is not dimensional in nature). Plans are required of all other applications as set for in the application and checklist.

Requiring Additional Information. Notwithstanding the above, the Zoning Board of Adjustment reserves the right to require additional information as it determines necessary to make an informed decision.

Application Deadlines & Filing. The Zoning Board of Adjustment has established deadlines for the filing of applications in anticipation of future meeting/hearing dates. The Meeting Schedule and Application Due Dates are available from the Community Development Department. If required Information is not filed by the application deadline the Board and/or abutters do not have sufficient review opportunity. This will result in the rejection of the application as incomplete.

Complete applications must be filed with the Clerk of the Zoning Board at the Community Development Department office located at 5 Highland Street, by 3:00 PM, 17 calendar days prior to the advertised meeting date. Please refer to the Zoning Board Meeting Schedule and Application Due Dates (deadlines) as approved by the Board.

Application Review. The Zoning Administrator/Code Enforcement Officer, the Zoning Clerk or in their absence the Chairman of the Zoning Board of Adjustment or his/her designee shall review all ZBA applications to determine whether all requirements for filing have been met (i.e. whether all required forms have been fully completed and all items on the checklists submitted). If such person determines that the application is complete, it will be placed on an agenda for consideration and hearing by the board at a regularly scheduled public meeting. If an application is determined to be incomplete, it will not be scheduled for public hearing. Incomplete applications will be returned to the applicant with an explanation of the outstanding items. Such decision regarding incomplete applications may be appealed as a decision of an administrative official under RSA 674:33, 1 (a). Applications filed and deemed incomplete will experience delay. To avoid delay, applicants are strongly encouraged to file the application well

in advance of the deadline. Doing so provides an opportunity for an administrative review of completeness and an explanation of outstanding items, if any. Filing an application well in advance of a deadline allows an applicant to address application deficiencies prior to the deadline, thus avoiding delay.

Approvals required from both Land Use Boards. In instances where Special Exception is required of projects subject to site plan approval by the Planning Board, the Conditional Approval Notice of Decision from the Planning Board shall be filed with the Board of Adjustment as part of any application for Special Exception. See Zoning Ordinance Article VII, Section A, Subsection (d) for reference.

Applications for Special Exception- Wetlands Related

A separate application is provided for instances where Special Exception is sought regarding the Water Resources Conservation Overlay District. Please note that there are additional informational requirements set forth in the application checklist. Additionally the application includes criteria specific to wetlands applications as set forth in the Water Resources Conservation Overlay District. See Zoning Ordinance Article V, Section D-9, H-5 for reference.

Article V, Section D-9, H-2 requires that the Conservation Commission or an authorized subcommittee of the Conservation Commission provide written comments and/or recommendations to the ZBA within 30 days of the receipt of an applicant's written proposal. Applicants should drop off wetlands related applications at the Town Hall, 41 Main Street to the attention of the Meredith Conservation Commission and have the application date stamped as "received". By ordinance the MCC has 30 days to review and comment on the proposal. If a ZBA public hearing is scheduled within the 30 day comment period and MCC comments have NOT been received, the application would not proceed to the ZBA public hearing.

Applications for Special Exception- Additional Specific Criteria

The zoning ordinance provides additional criteria specific to certain uses including: Accessory Apartments, Two Family/Duplexes, Boathouses, Group Homes and Wireless Telecommunication Towers. In addition to the general Special Exception criteria, these additional specific criteria need to be addressed in respective application.



Zoning Board of Adjustment Application for Use Variance

Date Filed:	_____
Rec'd by:	_____
Case No.:	_____
App. Fee:	_____
Notification Fee:	_____
Total Fee Rec'd:	_____

Name of Applicant: _____

Mailing Address: _____

Phone: _____ E-mail: _____

Owner (If same as applicant, write "same"): _____

Mailing Address: _____

Phone: _____ E-mail: _____

Tax Map/ Lot # (s): _____ Zoning District (s): _____

Street Address: _____

OWNER AUTHORIZATIONS & STATEMENTS OF ASSURANCE:

1. I/we do hereby authorize _____ to file this application with the Zoning Board of Adjustment, to appear before the Board and to act on my/our behalf; and
2. I/we do hereby authorize members of the Zoning Board of Adjustment and/or staff to enter upon the property for purposes of reviewing this application; and
3. I/we have read the Notice and Instructions to Applicants; and
4. To the best of my/our knowledge the information contained in this application is complete and accurate.

Owner(s) Signature(s): _____ Date: _____

_____ Date: _____

_____ Date: _____

NOTE: This application is not acceptable unless all required statements have been made.
Additional information may be supplied on a separate sheet if the space provided is inadequate.

A variance is requested from article _____ section _____
of the Zoning Ordinance to permit _____

Facts in support of granting the variance:

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

2. If the variance were granted, the spirit of the ordinance would be observed because:

3. Granting the variance would do substantial justice because:

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

5. Unnecessary Hardship

- a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
- 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 because:

-and-

- ii. The proposed use is a reasonable one because:

- 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.

USE VARIANCE APPLICATION CHECKLIST

ITEM	REQUIRED	SUBMITTED
1. Completed Application, signed by the owner	X	
2. Completed Notification List	X	
3. Payment of Application and Notification Fees	X	
4. One (1) 11' X 17" copy of the plan If available (1) 22" x 34" copy of the plan	X	
5. Elevation drawings for all proposed structures including critical dimensions	X	
6. Project Description (narrative)	X	
7. An accurate plan drawn to scale		
Plan Checklist:		
a. Date of plan	X	
b. Name and signature of the preparer	X	
c. Owner(s) of record	X	
d. Scale	X	
e. Tax Map and Lot No.	X	
f. Street Address	X	
g. Zoning District (s)	X	
h. Lot lines with dimensions	X	
i. Lot line setbacks as per the Zoning District	X	
j. Approximate location and dimensions of all existing and proposed structures	X	
k. Indicate the area(s) of the site that includes and/or supports the proposed use	X	

NOTE: The Zoning Board of Adjustment reserves the right to require additional information as it determines necessary to make an informed decision.



Town of Meredith Application Notification List

Applicant: _____ **Tax Map/ Lot #:** _____

Address: _____

The following information shall be submitted as part of all applications to the Zoning Board of Adjustment or Planning Board. Your application cannot be processed without a completed, legible Notification List. The list shall include all of the following:

1. The name and address of the **owner(s)** of the subject property if other than the applicant; and
2. The name and mailing address of the owners of all **abutting properties**, vacant or improved. The name and address shall be from the Town Assessor's records not more than 5 days before the filing of the application. "Abutter" for purposes of notification means any person whose property adjoins or is directly across the street or stream from the land under consideration. See RSA 672:3 for reference; and
3. The name and business address of all **professionals** whose seal appears on any plan submitted to the board as part of the application.
4. The name and mailing address of all parties holding conservation, preservation, or agricultural preservation **restrictions on the property**. See RSA 477:45 for reference.

Tax Map & Lot No.	Name	Address	City, State

[illegible]