

**TOWN OF NEW LONDON
ZONING BOARD OF ADJUSTMENT**

**INSTRUCTIONS TO APPLICANTS APPEALING
THE ZONING BOARD OF ADJUSTMENT**

**IMPORTANT: READ CAREFULLY BEFORE
FILLING OUT THE ATTACHED APPLICATIONS
INSTRUCTIONS TO APPLICANTS**

Revised: 2/2013

I. GENERAL INFORMATION

1. You must submit an application in writing on the form(s) approved by the Zoning Board of Adjustment requesting a hearing for the granting of a special exception, variance, appeal from an administrative decision or an equitable waiver of dimensional requirements before the Board will meet and make a determination.
2. Applicants must include a copy of any orders, notices of violation or other communications received from either the Board of Selectmen or the Planning Board that pertains to the property concerned in the application to the Zoning Board of Adjustment. In addition, a copy of the tax map should be included with the packet. If the request involves a structure, a copy of the assessment card should also accompany the application.
3. If a variance is requested, it must be based on a referral by the Board of Selectmen or the Planning Board. All other requests may be made directly to the Zoning Board of Adjustment.
4. The applicant **MUST** submit a list of abutters within two hundred feet (200') of all borders of the property for which the action by the Zoning Board of Adjustment is requested. The list must contain the current mailing address for each abutter.

The list of abutters together with their mailing address may be obtained from the records on file at the Town Offices. Applicants should be aware that if a property in question abuts a street, the Board of Selectmen receives a notice as an abutter. If the property abuts a State Highway, the State Department of Transportation, as well as the Board of Selectmen both receive notices as abutters. If an order was received from the Planning Board, they will be listed as an additional abutter.

Please be aware that Board members have no prior knowledge of the application ahead of time, so the more information that can be provided, the better. Please include the following with your application:

- 1. Tax map showing surrounding properties.**
- 2. Aerial photo with subject property highlighted (Google Earth is a good resource).**
- 3. Plan indicating scale and north direction – one piece plan, large if available.**
- 4. Photos of the site that reveals as much information as possible.**

If possible, these items should be available via email in .doc or .pdf formats.

5. The following fees are due at the time of application submittal: application fee of \$150, certified notices of the hearing to each abutter (including the property owner) at the current postal rate, and an advertising fee of \$56.00 to cover the cost of the required advertisement of the hearing in a local newspaper. Please make checks payable to the Town of New London and remit with your application.

**PLEASE SEND ALL INFORMATION TO:
New London Zoning Board of Adjustment**

**375 Main Street
New London, NH 03257**

The Board will schedule a public hearing within 30 days of receipt of your properly completed application. Public notice of the hearing will be posted and printed in a newspaper, and notice will be mailed to you, to all abutters, and to parties whom the Board may deem to have interest, at least five days before the date of the hearing. You 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 (the decision could be postponed to a date specific however, to allow for the availability of additional information or to consult with Town Counsel). 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 Zoning Board of adjustment 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 will not re-open a case based on the same set of facts unless it is convinced that injustice would be created by not doing so. Whether or not a rehearing is held, the same procedure is followed as for the first hearing, including public notice to abutters. See RSA Chapter 677 for more detail on rehearing and appeal procedures.

For any appeal, the application form must be properly filled out. In addition to the questions listed on the application, be sure to include the following information:

1. WHO owns the property? If the applicant is not the owner, this must be explained.
2. WHERE is the property located? Be sure to include a copy of the tax map, which shows the property and the area surrounding.
3. DESCRIBE the property. Provide area, frontage, side and rear lines, slopes and natural features, etc. Plans must include pertinent measurements relative to your request, i.e. measurements from property lines, wetlands, driveways, etc.
4. WHAT do you propose to do? Attach copy of the tax map, sketches, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior applications concerning the property.
5. WHY does your proposed use require an appeal to the Zoning Board of Adjustment?
6. WHY should the appeal be granted?

Please read the attached application carefully and supply all requested information. If the required information is incomplete, it will be returned. This will cause a delay in the processing of your application for a hearing before the Zoning Board of Adjustment.

The applicant should appear at the hearing. If the applicant is represented by an attorney and if the attorney desires to present a written brief in the case, the brief can be delivered with the application or at the time of the hearing. If the applicant has any other representative, that individual should be present at the hearing.

The Board strongly recommends that, before making any appeal, you become familiar with the New London Zoning Ordinance, Site Plan Review Regulations or the Land Subdivision Regulations (whichever applies) and also with the New Hampshire Statutes Title LXIV, RSA Chapters 672-677, covering planning and zoning.

Five types of appeals can be made to the Zoning Board of Adjustment:

I. APPEAL OF AN ADMINISTRATIVE DECISION

If you have been denied a building permit or are affected by some other decision regarding the administration of the New London Zoning Ordinance, Site Plan Review Regulations or Land Subdivision Control Regulations, you may appeal the decision to the Zoning Board of Adjustment. The appeal must be made within 20 days of the decision, according to the Rules of Procedure of the New London Zoning Board of Adjustment. The appeal will be granted if you can show that the decision was indeed made in error.

If you are appealing an administrative decision, a copy of the decision appealed for must be attached to the application.

II. SPECIAL EXCEPTION

Certain sections of the Zoning Ordinance provide that uses, buildings or activities 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.

If you are applying for a special exception, you may also need site plan review or subdivision approval, or both, from the Planning Board. Even in those cases where no Planning Board approval is needed, presenting a site plan to the Planning Board will assist in relating the proposal to the overall zoning. This should be done before you apply for a special exception.

III. 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. If you are applying for a variance, you must first have some form of determination that your proposed use

is not permitted without a variance. Most often, this determination is a denial of a building permit but could be a referral from the Planning Board. A copy of the determination must be attached to your application. For a variance to be legally granted, you must show that your proposed use meets all of the conditions listed in the application.

V. EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

If you have found that your structure does not conform to the dimensional requirements for the zone district in which it is located as a result of an error by your builder, yourself or a public official, you may be eligible for an equitable waiver of dimensional requirement. This does not mean that your structure is then a legal non-conforming use but rather recognizes the error and prevents any enforcement action against that error in the future. All subsequent construction at the site must then comply with all dimensional requirements.

In signing this Zoning Board of Adjustment (ZBA) application, the owner agrees that the information submitted is true and authorizes members of the ZBA who will be hearing the case to access the property described herein for the purpose of more clearly understanding the facts in the case.