

Submission Items

The following items must be submitted for all applications:

Names and addresses of all abutters on the appropriate form - Abutters are those whose property adjoins or is directly across a street or stream. Abutters are defined per RSA 672:3. Applicant and landowner must be on the abutters list. The certified letter serves as your legal notice and both State and Town law require it. The applicant is responsible for supplying all abutter names and addresses, which can be found at the Selectmen's Office at the Town Hall, during regular business hours.

Envelopes and certified mail slips for each of the property abutters must be addressed with the appropriate certified mail postage affixed. Please check with the Post Office regarding the use of metered mail for these envelopes. Dated mail may not be accepted by the Post Office and could result in a delay to your application. RETURN RECEIPT REQUIRED.

A Plot Plan indicating the following:

- A. Dimensions of lot
- B. Location of structures on lot (existing and proposed)
- C. Names of abutting streets
- D. Off street parking areas
- E. North arrow
- F. Location of well
- G. Soil type
- H. Location of septic system
- I. Wetland location
- J. Setbacks from lot boundaries
- K. Slope
- L. Setbacks from buildings
- M. Distance and location of abutting septic systems and wells
- N. Approximate surface (footprint) of buildings at ground level.

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.

Other Documentation:

- A. State Subdivision Approval (if applicable).
- B. State Driveway Approval (if applicable).
- C. Town Driveway Permit (if applicable).
- D. State Septic Approval (if applicable).
- E. Building Permit
- F. Rejection/Denial Notices
- 5. Authorization for an agent to act on your behalf if you will not appear in person.

Three Types of Appeals - A Brief Explanation

I. Variance:

A variance is an authorization which may be granted to use your property in a way normally permitted under the strict terms of the Zoning Ordinances. For a variance to be legally granted, you must show that your proposed use meets all five of the conditions:

- A. The proposed use would not diminish surrounding property values.
- B. Granting the variance would not be contrary to the public interest.
- C. Granting the variance would do substantial justice.
- D. The proposed use is not contrary to the spirit of the ordinance.
- E. Denial of the variance would result in unnecessary hardship to the owner.

Hardship used here does not concern itself with the economic situation of the property owner. Hardship, as the term applies to zoning, results if:

- 1) The property has a unique setting in its environment which would cause the application of the zoning ordinance to interfere with its reasonable use.
- 2) A fair and substantial relationship does not exist between the general purpose of the zoning ordinance and the specific restriction on the property for which the variance is being requested;
- 3) The variance requested would not injure the public or private rights of others. If you are applying for a variance, you must first have some form of determination that the proposed use is not permitted without a variance. Most often, this determination is denial of a building permit. A copy of the determination must be attached to your application.

II. 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 Sandown Zoning Ordinance and you believe the decision was an 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. A copy of the decision being appealed must be attached to your application.

III. Special Exceptions:

Certain sections of the Zoning Ordinances provide that a particular use of your property be permitted by special exception if specific conditions are met. The applicant must meet all of the required conditions in order for the special exception to be granted.

If you are applying for a special exception, you may also need a site plan 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 applying for a special exception.

Application Procedure

1. The application must be obtained at the Selectmen's Office. We recommend that the applicant, at that time, obtain a copy of the Zoning Ordinances for reference purposes.
2. Town maps and listings of property owners are available to aid in the composition of your abutters list. This list must (by statute) include your name and address as well as your abutters and must be validated by one of the office staff at the Selectmen's Office.
3. ZBA envelopes will be provided by the office staff at the Selectmen's office. Envelopes, certified mailing slips and return receipt cards should be filled out with name, address and correct postage affixed for each abutter and applicant.
4. The attached application shall be filled out and include a check for \$175.00 plus \$5.00 for each abutter. For example, application plus 6 abutters would be \$205.00. Make all checks payable to: Town of Sandown, NH.
5. All completed applications should be returned to the Selectmen's office during normal business hours or mailed to: Sandown Town Hall, PO Box 1756, Sandown, NH 03873.
6. All applications must be received at least five business days prior to the meeting through the Selectmen's Office if you wish to be placed on the ZBA agenda.
7. Meetings are held on the last Thursday of the month and are posted in two public places and in a local newspaper.
8. Applications received as of the deadline will be reviewed and a vote of acceptance will be taken by the Board to be placed on the next month's agenda.

Decisions and Appeals

After each appeal is heard, the ZBA will render its decision within 30 days (but for most cases, decisions are rendered immediately). A notice of decision will be sent to the applicant and certain town officials as well as being posted at the Sandown Town Hall - if you believe the decision was made in error, you have the right to appeal. The Selectmen, Planning Board or any affected party has that same right of appeal. The appeal process requires that you request a rehearing in writing within 20 days of the ZBA's decision. The rehearing must set forth the grounds on which the decision is given in the request for a rehearing. The ZBA 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, notices to abutters, etc.

ZBA Information

The Zoning Board is comprised of five regular members and three alternates who meet on the last Thursday of the month at 7:00 pm in the Sandown Town Hall, Route 121A, Sandown, NH. The applicant, property owner, abutters and general public are invited to attend. If you have any questions, please direct them to the Selectmen's office at 887-3646 and someone will respond as soon as possible.

Zoning Board of Adjustment Application

Abutter's List

This Abutters List must be filled in and validated by the Selectmen's Office before submitting a ZBA application.

Remember to include the applicant's name for notification purposes.

Abutter's NameMailing AddressTax Map/Lot #This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Validating Signature:_____ Date:_____

**APPLICATION FOR AN EQUITABLE WAIVER
OF DIMENSIONAL REQUIREMENTS**

Application is not acceptable unless all required information and statements have been submitted. Additional information may be supplied on a separate sheet of paper.

This equitable waiver of dimensional requirements under the provisions of RSA 674:33-a, ONLY applies to violations of a physical layout, mathematical or dimensional requirement.
The waiver is not provided for use restrictions.

Name of Applicant: _____ Tel #: _____
Address of Property: _____
Owner of Property: (If same as above, write same) _____ Tel #: _____
Address of Owner: (If same as above, write same) _____
Location of Property: Map #: _____ Lot #: _____

Fees:	Application Fee	\$ 175.00
	Abutter Fee: \$5.00 x #____ of abutters	\$_____
	Total Due:	\$_____

Are there any current Zoning Violations on the Property other than those that may be listed on this application? (if yes, please fully describe below). YES _____ NO _____

The undersigned hereby requests an Equitable Waiver of Dimensional Requirements under the provisions of RSA: 674:33-a, from Article _____ Section _____

The undersigned alleges that the following circumstances exist to support this request.

1. **Innocent Mistake:** The owner, or applicant, must show that the violation occurred by virtue of a good faith error in calculations or measurements, on the part of either the owner, owner's agent or a municipal officer, or was due to a municipal official's mistake in construing the local ordinance when the official was in the process of issuing a permit over which the official had authority. (NOTE: Ignorance of the law or Ordinance does not count as a "mistake" nor does "failure to inquire, obfuscation, misrepresentation or bad faith").

2. **Not Discovered Until Too Late:** The Owner or Applicant must show that the mistake was discovered after a structure in violation was already substantially built, or a lot in violation had already been sold.

3. **No Nuisance:** The Owner, or Applicant, must prove to the Zoning Board of Adjustment's satisfaction, that the violation does not constitute a public or private nuisance, (or) diminishes the value of other property, (or) adversely affect any present or permissible future uses of the property in question.

4. **High Correction Cost:** The Owner, or Applicant, must provide sufficient information that the cost of correction so far outweighs any public benefit, that it would be unfair to require the violation to be corrected.

As an alternative to #1 & #2, the Owner, or Applicant, can demonstrate to the satisfaction of the Zoning Board of Adjustment that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violations has been commenced against the property during that time by either the town or any person directly affected. Even under this alternative, the Owner, or Applicant, must still prove the "No Nuisance" and "High Correction Cost" factors in #3 and #4.

By filing this application you are authorizing us to come onto your property to do necessary site inspections.

Acknowledgement & Signature

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. I acknowledge that to the best of my knowledge, all of the above information is true and correct.

Applicant's Name (Please print)	Signature	Date
Landowner (Please print)	Signature	Date

Zoning Board of Adjustment Application

Agent Authorization

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

_____, give my permission for _____
To represent me before the Sandown, NH Zoning Board of Adjustment.

Applicant's Signature Date

Agent's Signature Date

Case No. _____ Date filed _____ (signed – ZBA) _____