

TOWN OF GOFFSTOWN
ZONING BOARD OF ADJUSTMENT
APPLICATION INSTRUCTIONS

Fill in (print or type) Section 1, 2, 3, 4 or 5 as appropriate. Section 6 must be completed by all applicants. An application will not be accepted unless it is completed and all required statements have been made. If the Zoning Board of Adjustment (ZBA or board) determines that additional information is required to properly consider a case it may deny or table that application. Additional information may be supplied on a separate sheet if the space provided is inadequate.

A legible and understandable plot plan must be included with each application. At a minimum this plan must show all lot lines with their distances, identify the abutting or closest street, show all existing structures (customarily using solid lines) with the distance to the lot line and show the proposed construction (customarily using broken lines) with the distance to the lot line(s) and the existing structure(s). Bodies of water and/or wetland areas must also be shown and identified. An application will not be considered to be complete unless it includes a plot plan adequate to describe the proposal to the board.

Full names and addresses of all abutters must be supplied by the applicant on a separate sheet of paper. A non-refundable fee, as described in the April 1, 2003 fee schedule, is required at the time of application. Checks should be made payable to "Town of Goffstown, N.H."

This application is due fifteen (15) calendar days prior to the date of the meeting at which it will be heard (not counting the day of the meeting). Generally, the ZBA meets on the first Tuesday of each month. Please check with the land use office for specific dates and changes. Once the application is received and determined to be complete it will be scheduled for the next available board meeting. Attendance at the meeting by the applicant and the property owner (or a representative who has been designated and authorized in writing) is mandatory.

The burden of providing a complete application and information sufficient to enable the board to act is always on the applicant. Town Hall staff assists as they can and provide general guidance on matters of procedure, but the responsibility for accuracy and notification of abutters remains with the applicant at all times. The responsibility for understanding and complying with all aspects of land use law are also with the applicant.

It is recommended that applicants obtain and read the Goffstown Zoning Ordinance (available on line at www.goffstown.com or on paper at the land use office for a \$20.00 fee) and review the pertinent portions of New Hampshire law, generally contained in Title 64 of the statutes, (available on line at www.state.nh.us or in most local libraries).

Once an application is approved, construction cannot begin until the building permit, sewer construction or septic approval and any other required state or local approval or permit is obtained.

If your application involves a request for construction on a Class VI road, please note that the ZBA will not consider that request until the Goffstown Board of Selectmen has approved that request. A copy of this approval must be attached to this application.

**TOWN OF GOFFSTOWN
ZONING BOARD OF ADJUSTMENT
APPLICATION**

To: Board of Adjustment
Town of Goffstown
16 Main Street
Goffstown, NH 03045

Case No. _____
Date Filed: _____
Fee Paid: _____

(All information must be printed or typed)

Name of Applicant: _____

Address: _____

Tel. Numbers: (H) _____ (W) _____ (F) _____ (C) _____

E-Mail: _____

Property Owner _____
(if same as applicant, write "same")

Address: _____

Tel. Numbers: (H) _____ (W) _____ (F) _____ (C) _____

Location of property _____ Map _____ Lot _____ Zone _____
(number and street) (tax map and lot numbers)

Subdivision Name _____ Date Approved _____

APPLICATION CATEGORY (CHECK ONE)

- _____ : RESIDENTIAL A (One house, unit or duplex)
- _____ : RESIDENTIAL B (Two or three houses, units or duplexes)
- _____ : COMMERCIAL C (Commercial, Industrial, 3+ Residential, Other)

REQUEST TYPE (CHECK ALL THAT APPLY)

Check here _____ if this application includes more than one request type.

- _____ : VARIANCE (Section 1)
- _____ : SPECIAL EXCEPTION (Section 2)
- _____ : APPEAL FROM ADMINISTRATIVE DECISION (Section 3)
- _____ : EQUITABLE WAIVER OF DEMENSIONAL REQUIREMENTS (Section 4)
- _____ : OTHER (Section 5)

Section 1. REQUEST FOR VARIANCE

Request is hereby made for a variance from the terms of the Goffstown Zoning Ordinance. (Ordinance Section 15.3.1 & NH RSA 674:33 describe the standard of review).

Ordinance section for which variance is being requested: _____

Description of why a variance is required: _____

Criteria, conditions and supplemental standards in Zoning Ordinance applicable to the requested Variance: _____

The ZBA may authorize a variance from the terms of the zoning ordinance after it specifically finds that each of the following criteria exists:

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

2. The spirit of the ordinance is observed because: _____

3. Granting the variance would do substantial justice because: _____

4. The values of surrounding properties will not be diminished because: _____

5. Demonstrate that literal enforcement of the provisions of the ordinance would result in an 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: _____

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. Explain: _____

Other issues and matters applicant deems relevant to this request: _____

Section 2. REQUEST FOR SPECIAL EXCEPTION

Request is hereby made for a special exception as expressly allowed by the Goffstown Zoning Ordinance. (Ordinance section 15.3.2 describes the standard of review).

Ordinance section authorizing exception: _____

Description of proposal for which an exception is required: _____

Ordinance criteria, conditions and/or supplemental standards applicable to this request: _____

Facts and circumstances supporting this request:

1. The specific site is an appropriate location for such use, being consistent with the Town's current Master Plan, because: _____

2. The size, or frequency, of the use will not significantly alter the character of the neighborhood because: _____

3. The use will not create a nuisance or hazard to vehicles or pedestrians in a manner that cannot be ameliorated because: _____

4. The proposed location is of sufficient size to allow for adequate and appropriate facilities for the proper operation of the use because: _____

5. The proposed location is of sufficient size to allow for appropriate buffers of this use to adjacent properties because: _____

Other issues and matters applicant deems relevant to this request: _____

Section 3. APPEAL FROM AN ADMINISTRATIVE DECISION

Appeal is hereby made alleging an error in the interpretation and/or enforcement of the Goffstown Zoning Ordinance by an administrative official or the Planning Board. A copy of the written decision being appealed from must be attached to this application. (Ordinance section 15.3.3 describes the standard of review).

Describe decision to be reviewed: _____

Title of official or board making decision: _____

Date of decision: _____ Date on which decision was received: _____

Ordinance section in question: _____

Applicant's explanation of why the decision is erroneous and should be overturned, modified or otherwise acted upon: _____

**Section 4. REQUEST FOR EQUITABLE WAIVER
OF DIMENSIONAL REQUIREMENTS**

Request is hereby made for waiver of specific dimensional requirements of the Goffstown Zoning Ordinance as authorized by state law (N.H. RSA 674:33-a).

Ordinance section in question: _____

Description of why an equitable waiver is required: _____

1. Does the request involve a dimensional requirement, not a use restriction? () yes () no

2. Specific dimensional requirement to be waived: _____

3. Explain in detail:

(a) How the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the Town: _____

- OR -

(b) How the nonconformity was discovered after the structure was substantially completed, or after a vacant lot in violation had been transferred to a bona fide purchaser:

AND how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake: _____

4. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area: _____

5. Explain how the cost of correction far outweighs any public benefit to be gained by not granting the waiver: _____

Section 5. OTHER APPEALS AND REQUESTS

Request is hereby made for construction on a lot without street frontage (N.H. RSA 674:41) or for such other relief, appeal or request as allowed by law. (Request to build on Class VI road must first be made to Goffstown Board of Selectmen).

Appeal or Request: _____

Statute or Zoning Ordinance provision authorizing ZBA to hear this matter: _____

Section of the Zoning Ordinance in question: _____

Describe proposal, circumstances or other matter requiring action: _____

Construction on lot without street frontage:

Describe lot access (name, location and legal status): _____

Describe, in detail, practical difficulty or unnecessary hardship: _____

Describe circumstances not requiring proposal to be related to street: _____

Explain why proposal will not distort official map or increase difficulty of carrying out master plan: _____

Explain why proposal will not cause hardship to future purchasers or undue municipal financial impact: _____

Section 6. TO BE COMPLETED BY ALL APPLICANTS

(Must be completed by all applicants)

1. Burden of Persuasion. The Applicant hereby acknowledges that he or she bears the burden of presenting evidence that is sufficient to enable the ZBA to reach conclusions and make findings sufficient to support the action requested. The board will act upon the evidence presented and the record developed in the support of the application at the public hearing. The ZBA may also take into consideration facts and circumstances otherwise known to it. An oath is taken at the beginning of the meeting and all testimony and evidence presented by the applicant shall be deemed sworn testimony given under the pains and penalties of perjury. Initial here: _____

2. Conditions of Approval. The Applicant hereby acknowledges that the ZBA may impose such reasonable conditions, stipulations and safeguards, including but not limited to the posting of a bond, as it deems necessary and proper to assure compliance with its rulings and to satisfy the requirements of the Ordinance. Initial here: _____

3. Flood Hazard District. The Applicant hereby acknowledges that when a property is located in a Flood Hazard District, the following additional criteria are applicable to the application: the requested relief will (a) not result in an increase in flood heights, additional threats to public safety or extraordinary public expense, (b) not result in increased flood levels in the regulatory floodway during the base flood discharge, and (c) be the minimum necessary, considering the flood hazard, to afford relief. The subject property IS () or IS NOT () in a Flood Hazard District. Initial here: _____

4. Additional Information and Input. The Applicant hereby acknowledges that the ZBA reserves the right to request additional information, input, materials, studies and reports from the applicant, other town boards, commissions and departments, and other parties. The cost and expense of additional studies, reports and investigations may be chargeable to the applicant. Failure of the applicant to make timely payment of any such assessments may result in the delay or denial of the Application. Initial here: _____

5. Rehearing. Within thirty (30) days after a decision of the ZBA, any party to the application, any abutter or any person directly affected thereby may apply in writing for a rehearing in respect to any matter determined in the decision, and must specify in the request for rehearing the grounds therefore. A rehearing may be granted if, in the opinion of the ZBA, there is good reason for such based on the grounds specified in the request. The cost and expense of re-noticing abutters and other parties as a result of a rehearing request shall be borne by the applicant (whether or not the applicant has requested the rehearing). Timely application for rehearing may be a prerequisite for appeal to the Superior Court. Initial here: _____

6. Property View. Submission of this application constitutes authorization by, and permission of, the property owner for reasonable access to the subject property for the purpose of making observations and reviewing the content, accuracy and other circumstances of the application. Said authorization and permission shall extend to the each of the members of the ZBA and such other town employees, boards, commissions and representatives as may have any responsibility, duty or task relating to the application. Initial here: _____

7. ZBA Checklist. The applicant acknowledges that a hearing will not be scheduled unless the following items have been timely submitted with this Application:

- (a) Abutter List (on separate sheet) Submitted: _____
- (b) Plot Plan (with accurate dimensions) or survey Submitted: _____
- (c) Payment of all filing fees and costs Submitted: _____
- (d) Completion of all relevant sections of application Submitted: _____
- (e) Application signed by the property owner Submitted: _____
- (f) Copy of tax card(s) for affected properties Submitted: _____

The undersigned hereby certifies the foregoing information is true and correct:

Applicant: _____
(Signature)

Date _____

Owner: _____
(Signature)

Date _____

RECEIVED:

By: _____
Land Use Office

Date: _____

ACCEPTED AS COMPLETE:

By: _____
Zoning Administrator (or designee)

Date: _____