

**TOWN OF WAKEFIELD
ZONING BOARD OF ADJUSTMENT
2 High Street
Sanbornville, New Hampshire 03872**

INSTRUCTIONS - APPLICATION FOR VARIANCE

Please read carefully prior to filling out the attached application.

ALL BLANKS MUST BE FILLED IN FULLY AND COMPLETELY. APPLICATION MUST BE CONSIDERED COMPLETE ENOUGH TO PROCEED IN ORDER TO SCHEDULE A HEARING.

The Board strongly recommends that before making any appeal to the Board, including the requesting of a variance, that you become familiar with the Wakefield Zoning Ordinance, and also the New Hampshire Statutes, RSA Chapters 672-677. You may review or purchase a copy of the Zoning Ordinance at the Town Hall. It is also available online at www.wakefieldnh.com.

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 terms of the Zoning Ordinance. For a variance to be legally granted, you must show that your proposed use meets all five (5) of the following conditions, which you must address on the application, as well as at the public hearing where your application will be heard.

In order to be granted a variance, you will need to prove the following:

1. The proposed use would not diminish surrounding property values,
2. Granting the variance would not be contrary to the public interest,
3. Granting the variance would do substantial justice, and
4. The use is not contrary to the spirit of the ordinance.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

If you are applying for a **Variance**, you will usually 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 or some other document from the Code Enforcement Department**. A copy of this determination, whether it is a copy of a letter or notice, **must** be attached to your application.

You must also prepare and provide a list of all abutting property owners and attach a copy to your application. **You must prepare four sets of mailing labels for the abutters, owners, and Association if your property is in an Association Subdivision.** Information (tax maps, etc.) to assist you in compiling the abutters list is available at the Town Hall. NOTE: The abutters list must be current, with names and addresses being no older than 5 days prior to the date of the Variance Application.

Once your application is complete, you may either deliver the completed application, together with attachments, to the office of the Board of Selectmen or send the application by mail to the Clerk, Zoning Board of Adjustment, together with the following fees:

- **Application Fee - \$125.00**
- **Public Notice Fee - \$121.00, to include newspaper notice.**
- **Certified Mail Fee - \$6.50 each for applicant, each agent for applicant, each attorney for applicant, each abutter and each interested party entitled to notice under New Hampshire Law.**

The total check or money order must be made payable to the Town of Wakefield and must be paid in full at the time of filing your application.

Note: The applicant shall pay for all additional fees for public notice and certified mail as may be required by the Board's Rules of Procedure.

When the properly completed application is received, the Board will schedule a Public Hearing to occur within 30 days of the receipt of the completed application. Public Notice of the hearing will be posted in the Granite State News at least 5 days prior to the hearing, and notices of hearing will be mailed to you and to all abutters at least 5 days prior to the hearing. You and all other parties will be invited to appear in person or by agent or counsel to state reasons and give other information in support of the application.

During the Public Hearing, the Board will reach a decision to grant, conditionally grant, deny or continue the Public Hearing if deemed necessary by the Board to obtain further information. At the conclusion of the hearing or continued hearing, the Board will vote on your application, and you will be sent a Notice of Final Decision.

If you believe the Board's decision is erroneous, you and any other person directly affected thereby has a right to appeal. To appeal, you must (before proceeding to any Court) request a Rehearing in writing, stating all reasons why the decision was erroneous under the law, unlawful or unreasonable, and/or present facts which were not presented, or were not available at the time of hearing, or were not considered by the Board in its determination of the case which would render the decision unlawful or unreasonable. This request, known as a *Motion For Rehearing*, must be received by the Board's Clerk or filed with the Selectmen's Office, *no later than 30 days following the date of hearing*. The request for rehearing may be in the form of a letter, signed by you or your agent/counsel, and must contain all bases for rehearing as described above. The request *must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable*.

With regard to Rehearings, please review RSA 677:3 (I) and (II), regarding the procedure followed by the Board when it receives such a request. With regard to appellate procedure following Rehearing, please review RSA 677:4.

PLAN OR SKETCH REQUIREMENTS
ZONING BOARD OF ADJUSTMENT

A plan or detailed sketch is required as part of your application and presentation of your application to the ZBA. Since a similar plan is usually necessary for a building permit application and for the Planning Board in a Site Review, that plan may serve both purposes. Although a hand-drawn sketch may be used, *it must be to scale, be detailed enough to provide dimensions of property, applicable structures and specific to the use or activity you intend and which is subject of the application.* The more information you provide on the plan or sketch, the better the Board will understand your appeal.

For all appeals seeking dimensional relief, a stamped, certified survey may be required. However, all plans submitted should include as much of the following information as is reasonable:

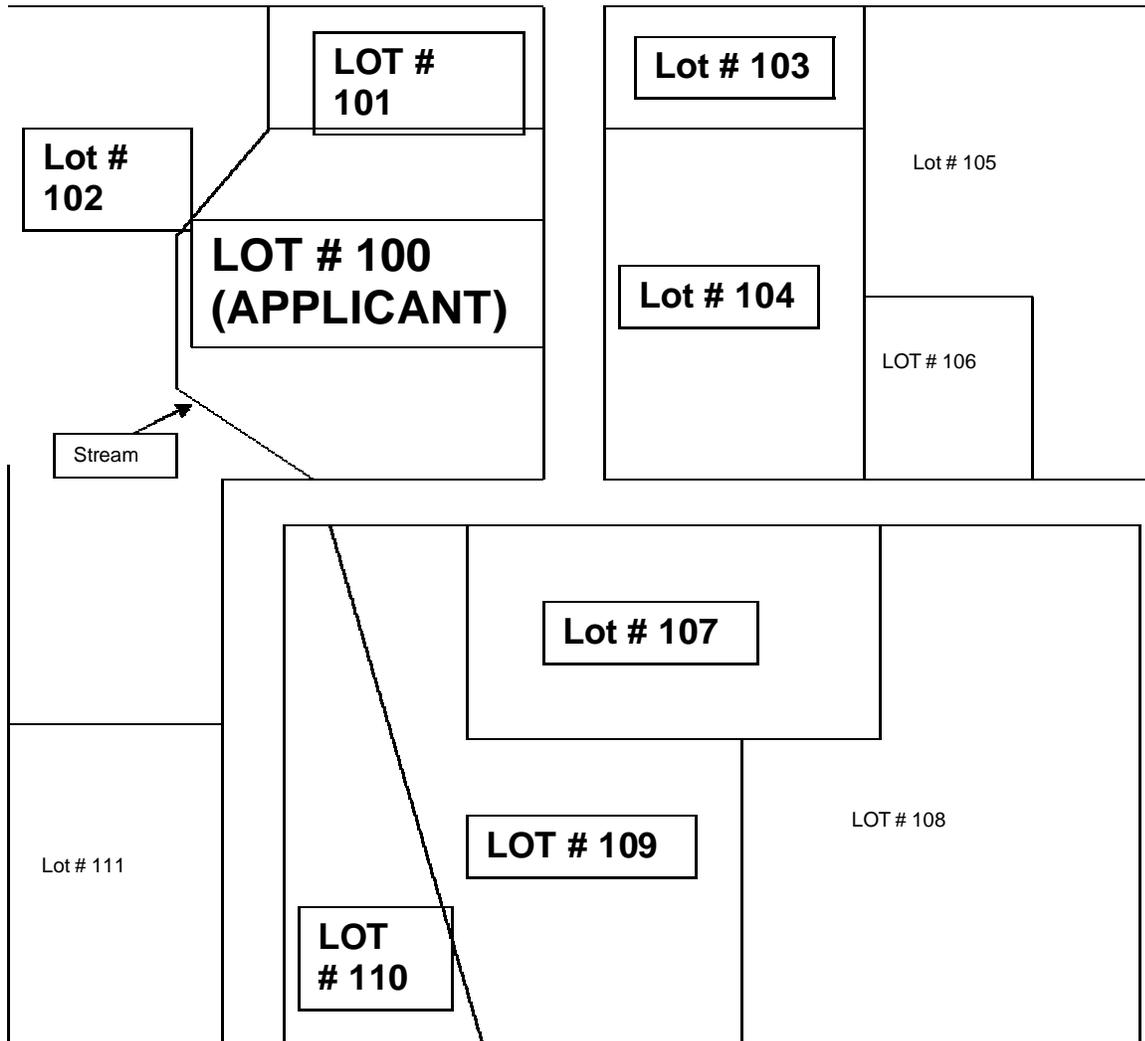
1. Submitted plans must be current and up to date.
2. Drawn to scale, with drawing number and north arrow.
3. Signature and name of the plan preparer.
4. The lot dimensions, bearings and any bounding streets and their right-of-way widths or half sections.
5. Location and dimensions of existing or required service areas, buffer zones, landscaped areas, recreation areas, safety zones, signs, rights-of-way, streams, drainage, conservation or other easements, wetlands, steep slopes.
6. All existing buildings or other structures with their dimensions including encroachments.
7. All proposed buildings, structures with their dimensions and encroachments indicating "proposed" on the plan for each.
8. All setback dimensions.
9. Elevations, curb heights and contours.
10. Location and numbering of parking spaces and lanes with their dimensions. Indicate how required parking spaces are computed.
11. Dimensions and directions of traffic lanes and exits and entrances.
12. Any required loading and unloading and trash and snow storage areas.

This checklist must be completely filled out and submitted with your Application For Variance.

Follow the following checklist to ensure you have properly filled out the application, as well as you have attached the required documents and fees.

- a. All "property owner" and "applicant" information is complete (Page 1) _____
- b. The correct Map # and Lot #, as well as 911 address, square foot and frontage information is included (Page 1) _____
- c. The "Driving Directions to Property" section is complete. Provide detailed directions from the Wakefield Town Hall, with mileage and landmarks, when needed (Page 1) _____
- d. The Zone is specified (check and circle the applicable zone) (Page 2) _____
- e. Questions A, B, C, and D are answered on page 2, completely and fully _____
- f. Complete the "Criteria" statements (paragraphs 1,2,3,4 and 5) on page 3, with all reasons and facts supporting each statement _____
- g. Answer questions G., H. and I. (Page 3) _____
- h. Read, sign & date the Certification (Page 4) _____
- i. Complete the Abutter's List, page 5, and/or attach an Abutters List – information (tax maps, etc.) to assist you in compiling this list is available at the Town Hall _____
- j. Provide the requested information, signatures and date on the bottom of the Abutters List, page 5, whether or not the list is used or another listing, such as one obtained through information available at the Town Hall. _____
- k. Attach drawings, sketches, or plans which show detail of the property, all structures and specifically the use for which this Variance is requested _____
- l. Attach the required fees for the application (Page 2 of these instructions) in the form of a check or money order payable to "Town of Wakefield" _____
- m. Attach copy of Code Enforcement letter or other denial notice _____
- n. Read "Plan or Sketch Requirements" (Page 3 of these instructions) _____
- o. Initial and date at the bottom of each page, where indicated _____
- p. Sign this page at the bottom, and include with your "Application For Variance" _____
- q. Include a copy of your current deed with the application _____
- r. Make a copy of these instructions and keep with a copy of your completed "Application For Variance" _____

Applicant or Agent's Signature: _____ **Date** _____



AN ABUTTER IS DEFINED AS ANY PROPERTY EITHER **DIRECTLY ADJACENT TO, DIAGONALLY ACROSS FROM, OR ACROSS THE STREET OR STREAM FROM** THE PROPERTY IN QUESTION. IN THE EXAMPLE ABOVE, WITH THE LOT IN QUESTION BEING **#100**, THE ABUTTERS WOULD BE THE FOLLOWING: **101, 102, 103, 104, 107,109 AND 110,**