

**Town of Wilmot, NH
Zoning Board of Adjustment**

INSTRUCTIONS TO APPLICANTS

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, or appeal from an administrative order before the Board will meet and make a determination.
2. Applicants must include a copy of any orders received from either the Board of Selectmen or the Planning Board that pertains to the property concerned in the appeal to the Zoning Board of Adjustment.
3. In some instances, applicants may file directly with the Zoning Board of Adjustment with referral from the Board of Selectmen or Planning Board when it is known by the applicant the requested activity can ONLY be exercised with permission from the Zoning Board.
4. The applicant MUST submit a list of abutters in accordance with RSA 672:3, property that "adjoins or is directly across the street or stream from the land under consideration."

The list of abutters together with their mailing address may be obtained from the records on file at the Town Offices, but the accuracy of the list is YOUR responsibility.

5. The applicant must provide a check, at the time of filing, to cover the cost of the mailing certified, return notices of the Zoning Board hearing to each abutter and the owner at ten dollars (\$10.00) each. Also, a fee of seventy-five dollars (\$75.00) to cover the cost of the required advertisement of the hearing in the local newspaper, must be included. Make checks payable to the Town of Wilmot and remit with your application.

Mail or deliver the completed application, with all attachments and check made out to the Town of Wilmot to the Office of the Selectmen.

6. The Board will schedule a public hearing within 30 days of the receipt of your properly completed application. Public notice of the hearing will be posted and printed in a local 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, 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 and you will be sent a notice.

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 Board for a re-hearing. The motion for re-hearing 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 re-hearing 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 re-hearing and appeal procedures.

PLEASE SEND ALL INFORMATION TO:

Town of Wilmot
Zoning Board of Adjustment
P.O. Box 72
Wilmot, NH 03287

SPECIFIC INFORMATION

For any appeal, the application form must be properly filled out. The application form is intended to be self-explanatory, but be sure that you show:

WHO owns the property? If the applicant is not the owner, this must be explained.

IF the owner has an "authorized agent," that party must be listed, along with a signed statement indicating who the agent is, and agent's signature on the application.

WHERE is the property located? Street address, map & lot number's, and the zone in which the property is located.

WHAT do you propose to do? Attach sketches, drawings, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior applications concerning the property.

WHY does your proposed use require an appeal to the Zoning Board of Adjustment?

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.

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 should be delivered with the application.

The Board strongly recommends that, before making any appeal, you become familiar with the Zoning Ordinance, and also with the New Hampshire Statutes Title LXIV, RSA Chapters 672-677, covering planning and zoning.

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

I. SPECIAL EXCEPTION

If you are applying for a special exception, you will probably also need 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 you apply for a special exception.

Certain sections of the zoning ordinance provide that a particular use 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 following conditions stated in the ordinance are met:

1. That the use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the character or appearance of the neighborhood;
2. That the use will not be injurious, noxious, or offensive, and thus detrimental to the neighborhood;
3. That adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage and other necessary public or private services are approved or assured, to the end that the use will be capable of proper operation. This requirement may be waived if review of the same subject matter by the Planning Board lies within its jurisdiction and appears assured.
4. That the use will not be detrimental to vehicular and pedestrian traffic movement in the neighborhood nor cause traffic congestion.
5. That the proposed structure and/or use shall be compatible with the spirit and intent of the Zoning Ordinance including density standards.

II. VARIANCE

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. A copy of the determination must be attached to you application.

A variance is an authorization, which may be granted under a special circumstance, to use your property in a way that is not permitted under the strict terms of the Zoning Ordinance. For a **variance** to be legally granted, you must show that your proposed use meets all five of the following conditions:

1. **The proposed use would not diminish surrounding property values.**
2. **Granting the variance would be a benefit to the public interest.**

3. Denial of the variance would result in unnecessary hardship to the owner seeking it. For more information see RSA 674:33 and the Town of Wilmot Planning and Zoning Ordinance.
4. Granting the variance would do substantial justice.
5. The proposed use is not contrary to the spirit of the ordinance.

III. APPEAL FROM AN ADMINISTRATIVE DECISION:

If you have been denied a building permit or are affected by some other decision regarding the administration of the Wilmot Zoning Ordinance, you may appeal the decision to the 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.

Appeals of the Zoning Board of Adjustment decisions must be made within 30 calendar days from the notice of decision.