

INSTRUCTIONS FOR APPEALS TO THE GREENLAND ZONING BOARD OF ADJUSTMENT

IMPORTANT: READ CAREFULLY BEFORE FILLING OUT THE ATTACHED APPLICATION

The Greenland Zoning Board of Adjustment strongly recommends that prior to requesting an appeal you familiarize yourself with the Zoning Ordinance, and also with the New Hampshire Statutes, especially RSA 672-677, which addresses planning and zoning. Applications must **be received a minimum of 18 full days prior** to the Public Hearing at which the applicant shall be heard. (***Amended 2006***)

Appeals to the Greenland Zoning Board of Adjustment are commenced by filling out an application which is located at the end of this section. The application **MUST BE FILLED OUT COMPLETELY** and filed with the Secretary of the Board, Building Department and/or Town Administrator, along with the applicable fees (see Fee Determination Worksheet). Make check payable to the *Town of Greenland*. **A single check for the fees is requested.** (***Amended 2006***)

Applicant, Representative and Abutter notices: Three (3) sets of computer generated or typed mailing labels of the applicant, representative and abutter's addresses **must** be submitted as part of the application.

Four types of appeals can be made to the Board of Adjustment: If you have been denied a building permit or are affected by some other decision regarding the administration of the Greenland Zoning Ordinance, and you believe that **the decision was made in error** under the provision(s) of the ordinance, provided such appeal is permitted by statute, you may appeal the decision to the Board of Adjustment **within thirty (30) days from the date of the order from which the appeal is taken.**

1. **Appeal from an Administrative Decision:** If appealing a decision of the Planning Board under this provision, **the appeal should be filed within thirty (30) days from the date of the Planning Board's final approval or other final decision.** The appeal date runs from the date of the meeting in which the decision was made, as long as the minutes are on file at the Town Office within five (5) business days after that meeting. It is important to note that the Board must apply the strict letter of the law exactly the way a Building Inspector must. You must show that an administrative officer incorrectly interpreted the terms of the ordinance.

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

2. **Variance:** A **variance** is an authorization, which may be granted under unique circumstances to use your property in a way that is not permitted under the strict terms of the Greenland Zoning Ordinance. To obtain a legally granted variance, you must prove that your proposal satisfies **ALL** five of the following conditions.
 - a. Granting the variance must not be contrary to the public interest;
 - b. The proposed use is not contrary to the spirit of the ordinance;
 - c. Granting the variance would do substantial justice;
 - d. The proposed use would not diminish surrounding property values; and
 - e. Denial of the variance would result in an unnecessary hardship to the owner.

Hardship, as the term applies to zoning, results if a restriction, when applied to a particular property, becomes arbitrary, confiscatory, or unduly oppressive because of conditions of the property that distinguish it from other properties under similar zoning restrictions. RSA 674:33(b)(5) provides the criteria for establishing unnecessary hardship: (A) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area: (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; and (ii) The proposed use is a reasonable one. (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.

If you are applying for a **variance**, you must first have some form of determination that your proposal is not permitted without a variance. Most often, this determination is a denial of a building permit. A copy of the determination must be filed with your application.

3. **Special Exception:** Certain sections of the Greenland Zoning Ordinance provide that a particular use of property in a particular zone will be permitted by **special exception** if specified criteria are met. The necessary conditions for each special exception are given in the ordinance. Your appeal for a special exception will be granted only if you can prove that **all** the criteria specified in the ordinance are met. “If the conditions for a Special Exception are **not** met, the Board cannot allow it; however, if the conditions are met, the Board must grant the Special Exception.” Shell Oil v. Manchester 101 NH 76, (1957)

Per the Board of Adjustment in New Hampshire, a Handbook for Local Officials, January 2009: “All special exceptions shall be made in harmony with the general purpose and intent of the Zoning Ordinance and shall be in accordance with the general or specific rules contained in the ordinance.” “A special exception is a specific, permitted land use that is allowed when clearly defined criteria and conditions contained in the ordinance are met.”

Three questions must be answered to decide whether or not an exception can be legally granted:

1. Is the use one that is ordinarily prohibited in the district?
2. Is the use specifically allowed as an exception under the terms of the ordinance?
3. Are the conditions specified in the ordinance for granting the exception met in the particular case?

If you are applying for a **special exception**, you will likely also need site plan or subdivision approval, or both from the Greenland Planning Board. **THE NEED TO APPLY FOR A SPECIAL EXCEPTION CAN BE DETERMINED BY A BUILDING PERMIT DENIAL.**

4. **Equitable Waiver of Dimensional Requirements – NHRSA 674:33-a**

- a. When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner,

grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

1. That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;
 2. That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;
 3. That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and
 4. That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.
- b. Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

In addition, no Building Permit will be issued until the applicant has recorded the appropriate decision of the zoning board with the Rockingham Registry of Deeds.

For any appeal, the attached application form must be COMPLETELY and 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.

WHERE is the property located? (Street Address and Tax Map/Lot are required).

DESCRIBE the property.

WHAT do you propose to do? You **SHALL** attach an accurate plot plan. The plan **SHALL** show the borders of the property in question; a compass direction; and where distances from

existing or proposed structures are an issue, the proposed or existing structure **SHALL** be shown on the plan, along with distances to existing or proposed lot lines. The plan is intended to provide a visual representation of the applicant's intentions.

WHY should the appeal be granted?

Applicant, Representative and Abutter Notification. You **SHALL** prepare a list of all abutting property owners, which will include yourself and any representative, and attach it to your application. The term "abutter" is presently defined in RSA 672:3. This term shall mean any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board. **(Amended 2006, 2008)**

The names and addresses of the abutters can be obtained by referring to the Town tax maps, which are located at the Town Offices.

Mail or deliver the completed application, with all attachments to the Greenland Zoning Board of Adjustment, 575 Portsmouth Avenue, PO Box 100, Greenland NH 03840. The application is not considered complete without the required fees and prepared mailing labels.

****PLEASE NOTE THE FOLLOWING****

- 1) The proper completion of the application, and the accuracy and completeness of the list of abutters, is the responsibility of the applicant.
- 2) All applications must be typed or **clearly** printed. Illegible and/or incomplete applications **will not be** accepted.
- 3) Filing requirements:
 - a. All applicants **must** provide ten (10) copies of the application to the Board at the time of filing, including attachments.
 - b. These copies **cannot** be made at the Town Office unless paid for by the applicant.

BOARD PROCEDURE

The Board meets on the third Tuesday of every month. Public Hearings are scheduled accordingly. The complete application (with fees) must be filed at least eighteen (18) days before the date of the hearing.

PLEASE NOTE: The applicant must provide the Board with a **COMPLETE** application in order for the application to be scheduled for a public hearing. Only **COMPLETE** applications will be scheduled for a public hearing.

In addition: If four (4) or more Board members are present, the application will be heard as scheduled. If only three (3) Board members are present (a legal quorum), it will be the choice of the applicant whether the application is heard as scheduled or heard at the next meeting when four (4) or more members are present.

Public notice of the hearing will be posted and printed in a newspaper. The notice will be mailed to you, all abutters and any other parties whom the Board may deem to have an interest, at least five (5) days before the date of the hearing. You and all other parties are encouraged to appear in person or by agent or counsel to state reasons why the appeal should or should not be granted.

The Town Hall Conference Room is now equipped for Power Point presentations. If your presentation includes Power Point, you **must** inform the Building Inspector's office in advance. Plan to arrive prior to the meeting to insure all equipment is operating properly.

After the public hearing, the Board will render a decision. You and all other parties to the case will be sent a notice of decision.

If you believe the Board's decision is inconsistent with the Zoning Ordinance or applicable NH Statutes, you have the right to appeal their decision. Other affected parties have similar rights to appeal the Board's decision. To appeal a Board decision, you must first ask the Board for a rehearing. A request for a **MOTION for rehearing SHALL** be in the form of a letter to the Board. The request for a **MOTION rehearing must be made within thirty (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 may grant such a rehearing, if in its opinion, good reason is stated in the motion. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, **you must have requested one before you can appeal to the NH Superior Court.**

It is assumed that every case will be decided, originally, only after careful consideration of all the evidence on hand and on the best possible judgment of the individual members. Therefore, no purpose is served by granting a rehearing unless the petitioner claims a technical error has been made to his detriment or he can produce new evidence that was not available to him at the time of the first hearing. The evidence might reflect a change in conditions that took place since the first hearing or information that was unobtainable because of the absence of key people, or for other valid reasons. The Board, and those in opposition to the appeal, should not be penalized because the petitioner has not adequately prepared his original case and did not take the trouble to determine sufficient grounds and provide facts to support them.

See NH RSA 677 for more detail on rehearing and appeal procedures.

ATTACHMENT 1

REQUIRED STANDARDS FOR ALL SPECIAL EXCEPTIONS (Article 17.1.3.1)

- a. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.
- b. No detriment to property values or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.
- c. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.
- d. No excessive demand on municipal services, including, but not limited to, water, waste disposal, police and fire protection, and schools.
- e. No significant increase of storm water runoff onto adjacent property or streets.

ALL SPECIAL EXCEPTIONS MAY BE SUBJECT TO THE FOLLOWING STANDARDS (Article 17.1.3.2)

- a. Front, side, or rear yards in excess of the minimum requirements of this Ordinance.
- b. Screening of the premises from the street or adjacent property by walls, fences, or other devices.
- c. Modification of the exterior features or buildings or other structures.
- d. Reasonable limitations on the number of occupants and methods and times of operation.
- e. Grading of the premises for proper drainage.
- f. Regulation of design of access drives, sidewalks, and other traffic features.
- g. Regulation of the number, size, and lighting of signs more stringent than the requirements of this ordinance.

SPECIAL EXCEPTIONS FOR ACQUIFER PROTECTION DISTRICT (Articles 7.9 and 17.1.3(f))

- a. 7.9.1: The lot upon which an exception is sought was an official lot of record, as recorded in the Rockingham County Registry of Deeds, prior to the date on which this amendment was posted and published in the Town.
- b. 7.9.2: The use for which the exception is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Aquifer Protection District.
- c. 7.9.3: Due to the provisions of the Aquifer Protection District, no reasonable and economically viable use of the lot can be made without the exception.
- d. 7.9.4: The design and construction of the proposed use will, to the extent practical, be consistent with the purpose and intent of this section.
- f. 17.1.3(f): See Special Exception Criteria for Golf Courses, item f.

SPECIAL EXCEPTION CRITERIA FOR GOLF COURSES (Article 17.1.3.3)

- a. All applications for a Special Exception for a Golf Course shall submit a Site Plan for review and approval by the Planning Board, in accordance with the requirements of the Greenland Site Plan Review Regulations.
- b. Golf Courses and their affiliated structures may be subdivided in whole or in part for ownership purposes.

- c. The minimum aggregate area of contiguous land or land separated by roads or utility rights-of-way for a golf course shall be 50 acres for each nine (9) holes.
- d. All principal features shall maintain a minimum front, side, and rear yard of two hundred feet (200') from any non-affiliated residential structures or property lines. These dimensional requirements are minimum standards which may be increased by the Zoning Board of Adjustment if a determination is made that noise, light and/or odors may constitute a nuisance to the abutting property owners using the minimum dimensional requirements as a standard.
- e. The Zoning Board of Adjustment shall, in addition to the general standards and conditions for Special Exceptions, consider the following:
 - 1. The general suitability of the land for the intended use;
 - 2. The design of principal and accessory structures;
 - 3. Site access and egress, and off-street parking requirements to accommodate patrons of the facility;
 - 4. Specific impacts of surface alterations on drainage to abutting properties;
 - 5. Potential hazards to surface and groundwater and to abutting landowners from the application of pesticides (including insecticides, herbicides, and fungicides) and fertilizers.
- f. In cases where all or a portion of a proposed golf course is to be located within the Aquifer Protection District, the following additional criteria shall apply:
 - 1. Proposed golf courses must receive a Conditional Use Permit from the Planning Board in accordance with Section 7.5 of the Zoning Ordinance (Aquifer Protection District).
 - 2. Proposed golf courses shall observe the applicable design and operation guidelines established in Section 7.8 of the Zoning Ordinance (Aquifer Protection District).
 - 3. The on-site handling and application of pesticides, fertilizers and other toxic or hazardous materials shall be done in accordance with applicable Best Management Practices.

**ADDITIONAL SPECIAL EXEPTION CRITERIA FOR BUILDING IN THE WETLAND
CONSERVATION DISTRICT OR WETLAND BUFFER**
(Article 18.12)

A special exception may be granted to permit the erection of a new structure on vacant approved building lots of record or the expansion of an existing structure located within the Wetlands Conservation District, or any buffer zones, provided that all of the following conditions are found to exist (Paragraph 18.12.1):

- a. The lot upon which an exception is sought was an official lot of record, as recorded in the Rockingham County Registry of Deeds prior to March 8, 2002.
- b. The new structure or expansion is not otherwise prohibited under the zoning ordinance.
- c. The use for which the exception is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District or the buffer zone.
- d. Due to the provisions of the Wetlands Conservation District, no reasonable and economically viable use of the lot can be made without the exception.
- e. The design and construction of the proposed use will, to the extent practicable, be undertaken in such a manner as to be consistent with the purposes and spirit of this ordinance.

ADDITIONAL SPECIAL EXCEPTION CRITERIA FOR DOGGIE DAY CARE
(Article 17.1.3.4)

Doggie Day Care shall be permitted by Special Exception in the Residential District provided the applicant resides on the property and can demonstrate that the following conditions are met:

- a. Doggie Day Care shall be located upon a lot of no less than 3 acres.
- b. The Number of animals present for Doggie Day Care at any one time shall be no greater than 15.
- c. The hours of operation shall not exceed 7 a.m. to 6 p.m.; Monday through Friday.
- d. The applicant shall demonstrate that suitable fencing and indoor containment for dogs is provided on site at all times for the control of dogs.
- e. The applicant provide to the Board of Adjustment Rules and Regulations satisfactory to the Board.
- f. There be a minimum of 75' between any outdoor containment area and any abutting residence.
- g. The applicant meet the Home Occupation criteria set forth in Section 3.7.1 of the Zoning Ordinance.

APPEAL FROM AN ADMINISTRATIVE DECISION

To: Board of Adjustment - Town of Greenland, NH

Office Use Only Case No: _____ Date filed: _____ _____ (ZBA Signature)

Date Application Received _____

Fees Paid \$ _____ Check # _____ By _____

APPLICATION

I (We) hereby apply to the Greenland Zoning Board of Adjustment for a hearing on the following matter:

Name of applicant _____

Owner _____
(If same as applicant, write same)

Address _____

Phone _____ Cell _____

Applicant's Signature _____

Date Submitted to the Town Office: _____

LOCATION OF THE PROPERTY IN QUESTION:

Location of property _____
(Street and number)

From Greenland Zoning Map or Tax Bill: Tax Map _____ Lot Number _____

Description of Property: Existing Use _____
(Residential, Commercial, etc.)

Frontage: _____ Left Side: _____ Right Side: _____ Rear Side: _____

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

APPEAL FROM AN ADMINISTRATIVE DECISION (continued)

Relating to the interpretation and enforcement of the provisions of the zoning ordinance.

Decision of the enforcement officer to be reviewed _____

Article Number _____ Section _____ of the Zoning Ordinance in question.

WHY IS THIS APPEAL FROM AN ADMINISTRATIVE DECISION NECESSARY?

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

2. Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the Town.

-OR-

Explain how the non-conformity was discovered after the structure was substantially completed, **OR** after a vacant lot in violation had been transferred to a bona fide purchaser.

APPEAL FROM AN ADMINISTRATIVE DECISION (continued)

Explain how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

3. Explain how the non-conformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

4. Explain how the cost of correction far outweighs any public benefit to be gained.

DETAILS OF SITUATION

An accurately drawn map, professionally prepared site plan, photographs or survey **SHALL** be submitted with the application. This plan **SHALL** include (at a minimum) the location of all existing and proposed structures, property lines, wetlands and driveways as well as the names and addresses of all abutters key to the plan.

APPLICATION FEES

In accordance with RSA 676:5, IV – The ZBA “may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular appeals or applications”.

Applicant _____ Date _____
(Signature)

17.1.2.1: If the Board of Adjustment grants an application for a variance(s) and/or special exception(s), application for any and all building permits associated with the execution of such variance and/or special exception must be made within five (5) years for the residential district and two (2) years for the commercial and industrial districts, from the date upon which the Board of Adjustment granted the variance(s) or the special exception(s); if such application is not made within these noted time periods, then such variance(s) and/or special exception(s) will be deemed nullified. **(Added March 2008)**
(2008:32)

****Office Use Only****

Case No: _____

Date filed: _____

(ZBA Signature)

APPLICATION FOR A VARIANCE

To: Board of Adjustment - Town of Greenland, NH

Date Application Received _____

Fees Paid \$ _____ Check # _____ By _____

APPLICATION

I (We) hereby apply to the Greenland Zoning Board of Adjustment for a hearing on the following matter:

Name of applicant _____

Owner _____
(If same as applicant, write same)

Address _____

Phone _____ Cell _____

Applicant's Signature _____

Date Submitted to the Town Office: _____

LOCATION OF THE PROPERTY IN QUESTION:

Location of property _____
(Street and number)

From Greenland Zoning Map or Tax Bill: Tax Map _____ Lot Number _____

Description of Property: Existing Use _____
(Residential, Commercial, etc.)

Frontage: _____ Left Side: _____ Right Side: _____ Rear Side: _____

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

APPLICATION FOR A VARIANCE (continued)

A variance is requested from Article _____ Section _____ of the Zoning Ordinance to permit

Facts supporting this request:

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. For the following reasons, the surrounding properties values will not be diminished:

APPLICATION FOR A VARIANCE (continued)

5. 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 purpose of the ordinance provision and the specific application of that provision to the property because:

(ii) The proposed use is a reasonable one because:

The definition of “unnecessary hardship” set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

DETAILS OF SITUATION

An accurately drawn map, professionally prepared site plan, photographs or survey **SHALL** be submitted with the application. This plan **SHALL** include (at a minimum) the location of all existing and proposed structures, property lines, wetlands and driveways as well as the names and addresses of all abutters key to the plan.

APPLICATION FEES

In accordance with RSA 676:5, IV – The ZBA “may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular appeals or applications”.

Applicant _____ Date _____
(Signature)

17.1.2.1: If the Board of Adjustment grants an application for a variance(s) and/or special exception(s), application for any and all building permits associated with the execution of such variance and/or special exception must be made within five (5) years for the residential district and two (2) years for the commercial and industrial districts, from the date upon which the Board of Adjustment granted the variance(s) or the special exception(s); if such application is not made within these noted time periods, then such variance(s) and/or special exception(s) will be deemed nullified. **(Added March 2008)** (2008:32)

APPLICATION FOR A SPECIAL EXCEPTION

To: Board of Adjustment - Town of Greenland, NH

Office Use Only Case No: _____ Date filed: _____ _____ (ZBA Signature)

Date Application Received _____

Fees Paid \$ _____ Check # _____ By _____

APPLICATION

I (We) hereby apply to the Greenland Zoning Board of Adjustment for a hearing on the following matter:

Name of applicant _____

Owner _____
(If same as applicant, write same)

Address _____

Phone _____ Cell _____

Applicant's Signature _____

Date Submitted to the Town Office: _____

LOCATION OF THE PROPERTY IN QUESTION:

Location of property _____
(Street and number)

From Greenland Zoning Map or Tax Bill: Tax Map _____ Lot Number _____

Description of Property: Existing Use _____
(Residential, Commercial, etc.)

Frontage: _____ Left Side: _____ Right Side: _____ Rear Side: _____

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

APPLICATION FOR A SPECIAL EXCEPTION (continued)

Description of proposed use showing justification for a Special Exception as specified in Article _____ Section _____ of the Zoning Ordinance.

All Special Exceptions must meet the following:

1. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.
2. No detriment to property values or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.
3. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.
4. No excessive demand on municipal services, including but not limited to, water, waste disposal, police and fire protection, and schools.
5. No significant increase of storm water runoff onto adjacent property or streets.

Explain how the proposal meets the Special Exception criteria.

Criteria 1: No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

Criteria 2: No detriment to property values or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.

APPLICATION FOR A SPECIAL EXCEPTION (continued)

Criteria 3: No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.

Criteria 4: No excessive demand on municipal services, including but not limited to, water, waste disposal, police and fire protection, and schools.

Criteria 5: No significant increase of storm water runoff onto adjacent property or streets.

If granted, please be advised that in accordance with Zoning Ordinance 17.1.3.2:

Special Exceptions **may** be subject to conditions including the following:

- a. Front, side, or rear yards in excess of the minimum requirements of this ordinance.
- b. Screening of the premises from the street or adjacent property by walls, fences, or other devices.
- c. Modification of the exterior features or building or other structures.
- d. Reasonable limitations on the number of occupants and methods and times of operations.
- e. Grading of the premises for proper drainage.
- f. Regulation of design of access drives, sidewalks, and other traffic features.
- g. Regulation of the number, size, and lighting of signs more stringent than the requirements of the ordinance.

APPLICATION FOR A SPECIAL EXCEPTION (continued)

ADDITIONAL SPECIAL EXCEPTION CRITERIA

If this application includes any of the following Special Exception criteria, as per Attachment 1, Pages 7 thru 9--Aquifer Protection District, Golf Courses, Building in the Wetland Conservation District or Buffer, or Doggie Day Care--please respond to the appropriate paragraph. If needed, please use additional paper for response.

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

(f) _____

(g) _____

APPLICATION FOR A SPECIAL EXCEPTION (continued)

DETAILS OF SITUATION

An accurately drawn map, professional prepared site plan, photographs or survey **SHALL** be submitted with the application. This plan **SHALL** include (at a minimum) the location of all existing and proposed structures, property lines, wetlands, driveways and the names and addresses of all abutters keyed to the plan.

APPLICATION FEES

In accordance with RSA 676:5, IV – The ZBA “may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular appeals or applications”.

Applicant _____ Date _____
(Signature)

17.1.2.1: If the Board of Adjustment grants an application for a variance(s) and/or special exception(s), application for any and all building permits associated with the execution of such variance and/or special exception must be made within five (5) years for the residential district and two (2) years for the commercial and industrial districts, from the date upon which the Board of Adjustment granted the variance(s) or the special exception(s); if such application is not made within these noted time periods, then such variance(s) and/or special exception(s) will be deemed nullified. **(Added March 2008)** (2008:32)

APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

To: Board of Adjustment - Town of Greenland, NH

<p>**Office Use Only**</p> <p>Case No: _____</p> <p>Date filed: _____</p> <p>_____</p> <p style="text-align: center;">(ZBA Signature)</p>
--

Date Application Received _____

Fees Paid \$ _____ Check # _____ By _____

APPLICATION

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(If same as applicant, write same)

Address _____

Phone _____ Cell _____

Applicant's Signature _____

Date Submitted to the Town Office: _____

LOCATION OF THE PROPERTY IN QUESTION:

Location of property _____
(Street and number)

From Greenland Zoning Map or Tax Bill: Tax Map _____ Lot Number _____

Description of Property: Existing Use _____
(Residential, Commercial, etc.)

Frontage: _____ Left Side: _____ Right Side: _____ Rear Side: _____

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS (continued)

An Equitable Waiver of Dimensional Requirements is requested from Article _____ Section _____ of the Zoning Ordinance to permit:

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

2. Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the town

-OR-

Explain how the non-conformity 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.

APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS (continued)

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

4. Explain how the cost of correction far outweighs any public benefit to be gained

DETAILS OF SITUATION

An accurately drawn map, professionally prepared site plan, photographs or survey **SHALL** be submitted with the application. This plan **SHALL** include (at a minimum) the location of all existing and proposed structures, property lines, wetlands, driveways and the names and addresses of all abutters keyed to the plan.

APPLICATION FEES

In accordance with RSA 676:5, IV – The ZBA “may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular appeals or applications”.

Applicant _____ Date _____
(Signature)

17.1.2.1: If the Board of Adjustment grants an application for a variance(s) and/or special exception(s), application for any and all building permits associated with the execution of such variance and/or special exception must be made within five (5) years for the residential district and two (2) years for the commercial and industrial districts, from the date upon which the Board of Adjustment granted the variance(s) or the special exception(s); if such application is not made within these noted time periods, then such variance(s) and/or special exception(s) will be deemed nullified. **(Added March 2008)** (2008:32)

TOWN OF GREENLAND, NH

FEE DETERMINATION WORKSHEET

Applicant _____

Address _____

Type of Application: _____ Zoning

Fees

1. Application Fee

_____ Zoning Board of Adjustment Application **\$150**

2. Applicant, Representative and Abutters Notice

_____ @ \$8 each for zoning action..... \$ _____

GRAND TOTAL..... **\$** _____

Check No. _____ Received By _____

NAME AND ADDRESSES OF APPLICANT & ABUTTERS

NOTE: Abutters are defined on Page 4 of the instructions. Please use additional paper if necessary.

Applicant		Representative, if applicable	
<i>Map</i>	<i>Parcel #</i>	<i>Map</i>	<i>Parcel #</i>
<i>Name</i>		<i>Name</i>	
<i>Address</i>		<i>Address</i>	
ABUTTERS			
<i>Map</i>	<i>Parcel #</i>	<i>Map</i>	<i>Parcel #</i>
<i>Name</i>		<i>Name</i>	
<i>Address</i>		<i>Address</i>	
<i>Map</i>	<i>Parcel #</i>	<i>Map</i>	<i>Parcel #</i>
<i>Name</i>		<i>Name</i>	
<i>Address</i>		<i>Address</i>	
<i>Map</i>	<i>Parcel #</i>	<i>Map</i>	<i>Parcel #</i>
<i>Name</i>		<i>Name</i>	
<i>Address</i>		<i>Address</i>	
<i>Map</i>	<i>Parcel #</i>	<i>Map</i>	<i>Parcel #</i>
<i>Name</i>		<i>Name</i>	
<i>Address</i>		<i>Address</i>	
<i>Map</i>	<i>Parcel #</i>	<i>Map</i>	<i>Parcel #</i>
<i>Name</i>		<i>Name</i>	
<i>Address</i>		<i>Address</i>	