

**CITY OF KEENE
NEW HAMPSHIRE**

ZONING BOARD OF ADJUSTMENT

PROCEDURE FOR FILING PETITIONS

1. To file a petition before the Zoning Board of Adjustment, three items are required:

A. **Completed Application.** The original application must be submitted. Forms may be obtained from the Code Enforcement Department. The forms provided by the City must be used. The accuracy of the information supplied shall be the responsibility of the applicant(s) at all times. To submit a proper application, the applicant must be either the title or record owner of the subject property, or such owner's duly authorized agent. Requests should be identified as one of the following: Appeal of an Administrative Decision, Change of a Nonconforming Use, Enlargement of a Nonconforming Use, Special Exception, Variance, or Equitable Waiver of Dimensional Requirements.

B. **Plot Plan.** A scaled drawing must be submitted, showing the locations and dimensions of all structures and open spaces on the lot in question and on the adjacent lots. Plans do not have to be professionally drawn. The plot plan must be 8 1/2" X 11".

C. **Abutters List.** A notarized statement must be submitted listing all abutting properties within two hundred feet (200') of the property in question. In some instances this may include properties across a street or highway or properties on another tax map. In the case of an abutting property being under a condominium or other collective form of ownership, the officers of the collective or association will be notified. The City tax maps are the accepted authority for this information, and the Assessing staff will provide assistance as needed though the process is outlined here for instruction with the ultimate responsibility for the abutters list falls on the applicant. An abutter list form is attached to this packet, may be obtained from the Clerk of the Board or the Code Enforcement Department. Two (2) sets of legible mailing labels (Avery 5160, 1"x2 5/8" or equivalent) for each abutter which will include the property owner and their designated agent will be submitted. Included on the label will be the property tax map number, property owner's name and mailing address (if different than the abutting property). The above information must be submitted to the Clerk of the Board by 4:30 PM on the day of the filing deadline. Deadlines and meeting dates may be obtained from the Clerk of the Board or the Code Enforcement Department. Until **all** of the required information is received, the petition **will not** be placed on the agenda.

2. The Clerk of the Board will set a date, time and place for a public hearing and shall notify the applicant(s) and all property owners within two hundred (200') feet of the property in question (using the information supplied in the notarized abutters list) by certified mail, and shall cause a public notice of the hearing to be published in a newspaper of general circulation in the area at least five (5) days prior to the date fixed for the hearing of the petition.

3. The applicant(s) shall pay to the Clerk of the Board at the time of filing, a non-refundable filing fee of \$100.00 plus the current USPS postal rate for certified mailings for each abutter, owner and applicant, and the cost of \$25.00 to publish a legal notice advertisement in the local newspaper.

GENERAL INFORMATION

The Zoning Administrator will be available to assist the applicant(s) with the application form, drawings and plans. Clarification of the Zoning Ordinance may be obtained from the Zoning Administrator. Legal assistance should be obtained from the applicant's personal attorney.

A decision is usually rendered by the Board at the same meeting at which the public hearing is held. In some instances, the decision may be made at a later date. If this is the case, the applicant(s) will be informed of when the decision is to be made. In making their decision, the Board will make findings of fact and then set forth the reasons for their decision.

If a petition is denied, the applicant(s) may file a motion for a rehearing specifying the grounds for rehearing the petition. Every ground upon which it is claimed that the decision rendered is unlawful or unreasonable must be set forth fully. Said motion for rehearing must be filed with the Clerk of the Board within thirty (30) days after the decision is rendered.

If a motion for rehearing is denied by the Board, the applicant(s) may appeal to the Superior Court within thirty (30) days after the decision has been rendered. The **only** grounds for appeal are those set forth in the motion for rehearing.

BASIC RULES OF PROCEDURE FOR CONDUCT OF MEETINGS

Every attempt is made to provide a five member Board however, if, for any reason, five members are not available, the petitioner(s) may elect to postpone the hearing and decision until the next meeting of the Board at which five members are present.

For the benefit of those in attendance at public hearings, the Chairman will briefly explain the procedure before the hearings begin and introduce the members of the Board.

The public hearings will be held first with the applicant(s) and/or his/her representative presenting the petition. Then those wishing to speak in favor of the petition may do so, followed by those wishing to speak in opposition to the petition. After this the applicant(s) and those in favor may speak in rebuttal, followed by the rebuttal of those in opposition. The debate may be closed when the Chairman deems it appropriate. All public hearings and Board deliberations are tape recorded.

All comments must be addressed to the Chair. Anyone rising to address the Chair should identify him/herself, giving his/her name and address. No one will be allowed to speak twice until all who wish to speak have been heard.

Reasons will be given for all decisions of the Board and references made to the appropriate sections of the Zoning Ordinance. In the event the Board wishes to postpone making a decision, the applicant(s) will be so advised. All decisions will be announced by the Chair at the time they are made, and formal written notification will be mailed to the applicant(s) within seventy-two (72) hours after the decision is rendered.

In the event no one is available to present a petition to the Board at the public hearing, the petition will be automatically dismissed on the grounds that no public hearing has been held. A petition may be withdrawn by the applicant(s) by notifying the Clerk of the Board of this intention.

Please note, these rules are intended to give the applicant a general understanding of the meeting process, and therefore are not complete. For the complete set of rules, please see the City of Keene Zoning Board of Adjustment Rules of Procedure.

APPLICATION FOR APPEAL

Zoning Board of Adjustment
3 Washington Street, Fourth Floor
Keene, New Hampshire 03431
Phone: (603) 352-5440

For Office Use Only:

Case No. _____
Date Filed _____
Received By _____
Page _____ of _____
Reviewed By _____

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL - MARK AS MANY AS NECESSARY

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) _____ Phone: _____
Address _____
Name(s) of Owner(s) _____
Address _____
Location of Property _____

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number _____ Zoning District _____
Lot Dimensions: Front _____ Rear _____ Side _____ Side _____
Lot Area: Acres _____ Square Feet _____
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing _____ Proposed _____
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing _____ Proposed _____
Present Use _____
Proposed Use _____

SECTION III - AFFIDAVIT

I hereby certify that I am the owner or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.

_____ Date _____
(Signature of Owner or Authorized Agent)

Please Print Name _____

5. 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:

and

ii. The proposed use is a reasonable one because:

B. Explain how, 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.

