



# RINDGE ZONING BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD

RINDGE, NH 03461

Tel. (603) 899-5181 X105 Fax (603) 899-2101 TDD 1-800-735-2964

[www.rindenh.gov](http://www.rindenh.gov)

## APPLICATION INSTRUCTIONS – 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 Zoning Ordinance. For a variance to be legally granted, you must show that the proposed use meets all of the criteria of **NH RSA 674:33**.

### Completing Application:

1. Application forms are available at the Town Office and on the Web Site at [www.rindenh.gov](http://www.rindenh.gov). The most current form provided must be used.
2. You are responsible for being familiar with the Zoning Ordinance provisions relevant to this Application, the ZBA Rules of Procedure, and applicable State Law. The Code Enforcement Officer and Planning office may assist you with the application process, but legal assistance and advice should be obtained from the Applicant's personal attorney.
3. Correctness of information submitted is the responsibility of the Applicant.
4. Applications must be complete and legible, either typed or printed in ink. Incomplete or illegible applications will be returned and must be resubmitted.
5. Zoning district information may be obtained from the Code Enforcement Officer or the Planning Office.
6. Applicants having questions regarding the application process may contact the Secretary of the Zoning Board of Adjustment.
7. **The application must be signed by the property owner.** A signature by anyone else or by other representation at the meeting must be approved in writing by the property owner.
8. Submit eleven (11) copies of the following notification list with **all names and mailing addresses** for everyone who will receive notification of the public hearing:
  - a. Owner of property
  - b. Applicant (if different from owner)
  - c. Agent(s) (if different from owner & applicant and not already included in # f below)
  - d. Owners of record of all abutting properties (directly abuts the lot in question or is directly across a street, road, or stream from the lot in question) as indicated in the Town Records not more than 5 days before the date of filing, identified by the map and lot numbers as shown on the Rindge Tax Maps.
  - e. All individuals or entities holding a mortgage or lien on the subject property as of the date the application is submitted
  - f. All individuals whose professional seal appears on any plan submitted; and,
  - g. All holders of conservation, preservation, or agricultural preservation restrictions as defined under **NH RSA 477:45**.
9. The following must also accompany your application at the time it is submitted:
  - a. Eleven (11) copies of any additional documents you wish the Board to consider at the public hearing (letters, deeds, etc.).
  - b. Eleven (11) copies of a survey, plot plan or accurate scaled drawing must be submitted at a size of 8 1/2" x 14" and 3 copies of full-size plans with a minimum size of 24" x 36", if applicable, showing the location and dimensions of all structures, property lines, and other pertinent data, including adjacent streets and roads. If the application is for dimensional relief, an "As-built survey" performed to detail the horizontal and vertical positions of the physical improvements of all or part of a tract, parcel, or lot of land as defined in the New Hampshire Code of Administrative Rules Lan 503.02 (a) shall be submitted. The survey needs to be made with enough detail to clearly delineate the area for which the dimensional relief is being sought. Three copies of the survey at its original scale shall be submitted. If the original plan to be submitted is larger than 11"x 17", submit three full-sized plans and (11) eleven copies of the plan reduced in size to no



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larger than 11"x17".

- c. Eleven (11) copies of one or more photos clearly showing the area of the property for which relief is being sought and one copy of a photo showing the entrance to the property from the main road to facilitate locating the property for inspection purposes. The property's street number must be easily seen from the main road.
- d. Application fees are as follows:
  - 1-2 Single dwelling structures - \$250.00
  - 3 or more single dwelling structures - \$350.00
  - Commercial structures - \$500.00

Fees are required with the application. Fees are not refundable. Checks are to be made payable to the Town of Rindge.

**Please note:** *The ZBA is authorized to retain the services of "consultants, investigative and/or legal services" and to impose reasonable fees upon an applicant for the expense of consultant services or investigative services, review of documents and other matters that may be required by a particular application. Such fees shall be subject to the provision of RSA 673:16, RSA 676:5-IV, RSA 676:5-V(a) and or other applicable law. All expenses shall be paid in full prior to issuing of the final written decision.*

- e. All physical evidence submitted to the Board will be retained by the Board as part of the record of the petition.

**PLEASE NOTE:** In the case of dimensional approvals, **no** expansion or relocation within the setback except as reviewed and approved by the Board is allowed – please be sure the plan you submit is complete and accurate as to what you want to build. Approval of any variance relates only to what is specifically shown on the plan or proposed in the Application. Your completed application along with all other necessary paperwork and fees must be submitted to the Rindge Zoning Board of Adjustment at least 21 days prior to the date of the meeting you wish to attend. A date, time, and place will be set for the public hearing and notice will be sent to the Applicant and all other necessary individuals. The Town will publish notice of the meeting in a newspaper of general circulation. In signing the application form, the applicant authorizes members of the Board and/or staff to enter onto and view the premises for the purposes of understanding the request being made. Board members and/or staff may or may not choose to view the site. The site must be clearly marked with the e-911 street address to facilitate inspection. You or your representative must attend the Zoning Board hearing. If no one is present at the meeting to present your application, it will be denied without prejudice and the Applicant must refile. Decisions are usually rendered by the Board at the same meeting at which the public hearing is held. In some instances, decisions may be made at a later date. The findings of the Board will be forwarded to the Applicant by certified mail. The public hearing will be held first, with the Applicant or his representative presenting his petition. Following this, those wishing to speak in favor or in opposition may do so. All comments must be directed to the Chair. Everyone rising to address the Chair shall identify himself or herself, giving his or her name and address. Any physical evidence submitted during the public hearing in the form of plans, drawings, pictures, correspondence, etc. shall be kept by the Board as part of the permanent record of the application. Reasons are given for all decisions of the Board. If the Board wishes to wait to make a decision, the Applicant will be notified. Decisions will be announced by the Chair at the time they are made, with a copy mailed to the Applicant by certified mail. For additional information, see ZBA Rules and Regulations. Any party aggrieved by the decision of the Board has the right to appeal.

Please refer to the Zoning Ordinance, RSAs or contact the Land Use Office for further information on requesting a rehearing and what form that request must take.

**Please note: A request for rehearing may be filed no more than 30 days from the date the Board took the action being appealed. You must request a rehearing and the Board must act to grant or deny such request before you may appeal to the courts.**



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## Town of Rindge Notification List

The following information shall be submitted, as required, as part of all Land Use applications. The list shall include all of the following:

**A** The name and mailing address of the owners of all **abutting** properties, vacant or improved. The name and address shall be that taken from the Town records not more than 5 days before submission of the list.

**P** The name and mailing address of all **professionals** whose seal appears on the plans being submitted as part of this application.

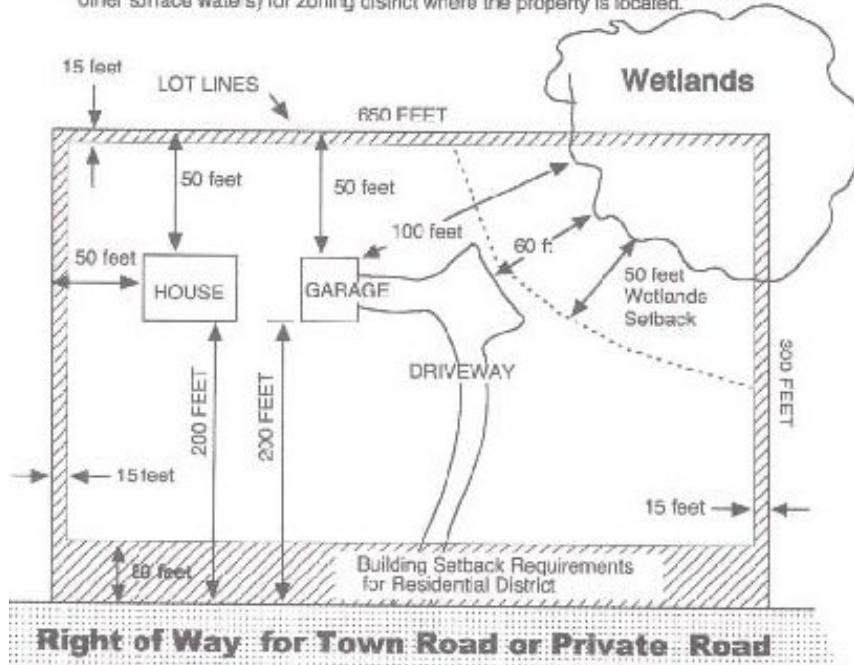
**L** The name and mailing address of all parties holding a mortgage or **lien** on the property.

**R** The name and mailing address of all parties holding a conservation, preservation, or agricultural preservation **restriction on** the property.

### Plot Plan Drawings Requirements

All Board of Adjustment applications must be accompanied by a plot plan with the following requirements:

- Must be drawn to scale
- Show all proposed and existing buildings (including, sheds, etc.)
- Show measurements to all boundaries from all buildings, existing & proposed
- Show all wetlands with measurements to existing buildings, proposed buildings, & driveways including parking areas
- Show building and wetlands setback requirements (including lakes, streams, and other surface waters) for zoning district where the property is located.





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### VARIANCE APPLICATION

**DO NOT WRITE IN THIS BOX- FOR OFFICE RECORDS ONLY**

**Date Filed:** \_\_\_\_\_

**Case No:** \_\_\_\_\_

**Amount Paid:** \$ \_\_\_\_\_

**Abutter List Attached**

**Check #** \_\_\_\_\_

**Name of applicant:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Owner:** \_\_\_\_\_ **(If same as applicant - write same)**

**Telephone Number:** \_\_\_\_\_ **Email address:** \_\_\_\_\_

**Physical address of property:** \_\_\_\_\_

**Tax Map/Lot No.:** \_\_\_\_\_ **Lot Size:** \_\_\_\_\_ **Zoning District:** \_\_\_\_\_

**NOTE:** This application is not acceptable unless all five criteria have been addressed. It is your responsibility to prove facts sufficient to support a variance. Additional information may be supplied on a separate sheet if the space provided is inadequate. Application fees are \$250.00 for 1-2 Single dwelling structures; \$350.00 for 3 or more single dwelling structures, \$500.00 for Commercial structures.

Multi-lot developments of three or more lots will be charged an additional \$150.00. Fees are required with the application. In the case of financial hardship, contact the Overseer of Welfare at the Town Office.

**A variance is requested from Article \_\_\_\_\_ Section \_\_\_\_\_ of the \_\_\_\_\_ Ordinance to permit:** \_\_\_\_\_

**Facts supporting this request:**

**1. The variance would not be contrary to the public interest because:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*A variance is contrary to the public interest if it violates "basic zoning objectives" by, for example, altering the character of the neighborhood or threatening public health, safety, or welfare.*

*Would granting the variance unduly, and in a marked degree, conflict with the ordinance such that it violates the ordinance's basic zoning objectives? Would the result of granting the variance violate the ordinance's basic zoning objectives?*

*In addition, it is no longer relevant for the ZBA to consider whether the applicant could achieve the same results by another means that conforms to the ordinance without the need for the variance.*



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### 2. Granting the variance would do substantial justice because: \_\_\_\_\_

*This requires a balancing test; a loss to the landowner that is not outweighed by a gain to the general public is an injustice. The Board should identify the loss the landowner would suffer if the variance is denied, and weigh it against the interests of the public. In other words, any loss to the individual that is not outweighed by a gain to the general public is an injustice.*

### 3. The variance would be consistent with the spirit and intent of the Rindge zoning ordinance because:

*The intent of the ordinance is to promote health, safety and welfare, and to preserve the values and character of the Town; consider whether the variance is inconsistent with these goals.*

### 4. Granting the variance would not diminish surrounding property values because:

*Evidence from an appraiser or realtor would be relevant; the Board can also rely on its knowledge of the area.*

### 5. Special conditions do exist on the property that distinguish it from other properties in the area, such that literal enforcement of the ordinance results in unnecessary hardship. (The unique features or special conditions should be identified):

*The issue is whether the proposed variance is a reasonable use of the property, given the special conditions. Stated another way, the applicant does not have to demonstrate that its proposed use is "necessary" to the operation of the property.*

- a. No fair and substantial relationship exists between the general purposes of the Zoning Ordinance provision(s) and the specific application of the provision(s) to the property because:

*Consider the purpose of the zoning restriction and whether applying it to the specific property serves the purpose of the Zoning Ordinance.*



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AND

**b. The proposed variance would be a reasonable one because:**

*Owing to special conditions that distinguish the property from others in the area, "the property cannot reasonably be used in strict conformance with the ordinance," and a variance is necessary for its reasonable use.*

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I certify that to the best of my knowledge this all information provided in this Application is true and correct, and that approval will not violate any ordinances, codes, or regulations of the Town of Rindge. I authorize the Members of the Board or their staff to enter onto my property for the purposes of reviewing the Application.

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Owner's Signature (or Applicant's if authorized)

Date

**REPRESENTATIVE:** (Fill out this section if the Application is being submitted by a realtor, surveyor, engineer, attorney, etc. on behalf of the applicant.)

Name of Representative: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_



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### **ABUTTERS/NOTIFICATION LIST**

Applicant: \_\_\_\_\_

Project: \_\_\_\_\_

Location/Address: \_\_\_\_\_

Map: \_\_\_\_\_/Lot: \_\_\_\_\_

Map

Lot

Abutter Name & Address

1.

2.

3.

4.

5.

6.

7.

8.