



Town of Amherst, New Hampshire
Office of Community Development
Building · Code Enforcement · Planning · Zoning · Economic Development
Colleen Mailloux, Community Development Director

ZONING BOARD OF ADJUSTMENT APPLICATION

Case # _____

1. **Type of Application:** (check all that apply)
 Special Exception
 Appeal of Administrative Decision
 Equitable Waiver of Dimensional Requirement
 Variance
 Variance for the handicapped*
* Please see RSA 674:33(V)
2. **Project Name:** _____
3. **Project Address:** _____ Map: _____ Lot _____ - _____
4. **Zoning District and Subdistricts:** (check all that apply)
 Aquifer Conservation & Wellhead Protection District (ACWPD) Commercial Zone (C)
 Flood Plain Conservation District (FPCD) General Office (GO)
 Historic District (HD) Industrial (I)
 Limited Commercial (LC) Northern Rural (NRZ)
 Northern Transitional (NTZ) Residential/Rural (RR)
 Wetland & Watershed Conservation District (WWCD)
5. **Primary Contact:** _____ Email: _____
 Applicant Owner Attorney Surveyor/Engineer Phone: _____
6. **Applicant:** _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Email: _____
7. **Owner's Name(s):** _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Email: _____
8. **Surveyor/Engineer, Attorney, or Agent:** _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Email: _____
9. **Relief is requested from the provisions of Article: ____, Section: ____, Paragraph: _____**
In order that he or she may: (purpose) _____

INSTRUCTIONS FOR SUBMITTING A COMPLETE APPLICATION (Please read carefully)

For an application to be scheduled on the next available Zoning Board of Adjustment agenda, the following items **SHALL** be submitted to the Planning & Zoning Dept. by close of business on the officially posted submittal date:

1. Completed and signed Zoning Board of Adjustment (ZBA) Application Form.

The application will not be placed on the ZBA agenda unless all required signatures are on the application. The owner SHALL sign the application form.

2. Four (4) large prints of the certified plot plan, eleven (11) copies of the complete application package, and one PDF digital copy.

A complete application package consists of an 11"x17" certified plot plan stamped by a licensed land surveyor and additional documentation including answers to attached questions and building plans (floor and elevations). PDF files may be emailed to smarchant@amherstnh.gov or submitted via CD, DVD, or thumb drive at the time of application.

Note: Applications relating to buffers, water resources impacts, or steep slopes require two (2) foot contours be detailed on the certified plot plan, unless waived by Zoning Administrator (adopted October 16, 2012).

3. Abutters Mailing Labels

Submit two (2) sets of gummed, typed, mailing labels for all abutters as defined by RSA 672:3, including abutters, licensed professional on plan, owners, and applicants.

4. Application Fee

Fees will be determined at the time you turn in the application. Fees are based on the application and number of certified mailings which must be sent. All checks are to be made payable to the "Town of Amherst."

Fee Calcs: ZBA application \$150 + (\$7 x ____ abutters = \$ _____) = \$ _____ total due.

AUTHORIZED SIGNATURES

I/We have read the Zoning Ordinance (as applicable). The undersigned understands that the Amherst Zoning Board of Adjustment must have a completed application on file with the Office of Community Development in accordance with the Zoning Board's annual schedule of meeting and deadline dates. I/We also certify that the abutters are as shown in the Town's records within five (5) days of the filing of this application.

Applicant's Signature Date

Owner(s): I/We, as owner(s) of the property described hereon, certify that this application is correctly completed with all required attachments and requirements in accordance with the Zoning Ordinance for the Town of Amherst. I/We also authorize members of the Amherst Zoning Board of Adjustment and its agents to access the property described on this application for on-site review of the proposed application.

Name (please print) and Title Date

If Applicable: Owner(s) authorization for Applicant or Agent to represent the application: The applicant or agent, as stated hereon, has authorization from the property owner to submit this application and represent the property owner on matters relative to the Town's Zoning Board of Adjustment process.

Owner's Signature Date

NOTE: Fill in Sections 1, 2, 3, or 4 as appropriate. This application is not acceptable unless all required statements have been made. Answers may also be supplied on separate sheets, if the space provided is inadequate.

Section 1 - Variance For a Variance request, please answer the following questions detailing how the project request meets the criteria:

1. How will granting the Variance not be contrary to the public interest? *(In responding to this question, please address: (1) How granting the variance would not conflict with the explicit or implicit purpose of the Ordinance, and (2) How granting the variance would threaten public health, safety or welfare.)*
2. How will the granting of the variance ensure the spirit of the ordinance will be observed *(Please explain)?*
3. How will substantial justice be done? *(Describe how the benefit to the applicant is not outweighed by harm to the general public or to other individuals.)*
4. How will the value of the surrounding properties not be diminished *(Please explain)?*
5. Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship because:
 - (A) For the purpose 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 because:
and
 - (ii) The proposed use is a reasonable one because:
 - (B) Explain how, if the criteria in subparagraph (A) above 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:

Section 2 - Special Exception (SE) For a SE request, please answer the following questions:

1. Is the use allowed by special exception in the Zoning District? Please explain.
2. Is the property in conformance with the dimensional requirements of the zone, and is the use compatible with the Amherst Master Plan? Please explain
3. Is there safe pedestrian and vehicular access? Please explain
4. Will there be no significant adverse impacts resulting from the proposed use on safety and general welfare of the neighborhood and the Town? Please explain
5. Will the use be more objectionable to nearby properties by reason of noise, fumes, or inappropriate lighting than is existing now? Please explain
6. Does the plan submitted accurately depict the use and physical dimensions of the property? Please explain
7. Will the use adversely affect the ground water? Please explain

Section 3 - Equitable Waiver (EW) For a EW, request please answer the following questions:

1. Explain how:
 - a. The violation has existed ten (10) years or more with no enforcement action, including written notice, being commenced by the Town?
– OR –
 - b. The nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had be transferred to a bona fide purchaser?
– AND –
 - c. The violation was not an outcome of ignorance of the law or bad faith but resulted from a good faith error in measurement or calculation?
2. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area?
3. Explain how the cost of correction far outweighs any public benefit to be gained?

Section 4 - Administrative Appeal For an Administrative Appeal, request please answer the following questions:

Explain why there was an error in the interpretation of the Amherst Zoning Ordinance made by the Administrative Official in the order, requirement, decision, or determination made by said Administrative Official?