



### SECTION 3: Application For A Variance Use or Area

Instructions to applicants appealing to the Board of Adjustment. Important: Read carefully before filling out the application on the reverse side.

The ZBA strongly recommends that, before making any request, you become familiar with the Chester Zoning Ordinance as it pertains to your request, and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672-677, covering planning and zoning and particularly RSA Chapter 677 for more detail on rehearing and appeal procedures. You may view State Statutes on-line at [www.state.nh.us](http://www.state.nh.us), the Chester Zoning Ordinance at [www.chesternh.org](http://www.chesternh.org) and both may be viewed at the Chester Town Offices.

A variance is an authorization, which may be granted under special circumstances, to use your property in a way that is not permitted under the strict terms of the Zoning Ordinance or where the use of the property is permitted by the Zoning Ordinance but you seek relief from the setback and frontage requirements, height, size, or placement of structures or extent of lot coverage permitted by the Zoning Ordinance. For a variance to be legally granted, **you must show** that your proposed use meets **all five** points as asked on the application.

You must include and attach to your application the building permit denial, conditions of a site plan review or conditions attached for a subdivision approval. This application is not acceptable unless submitted thirty (30) days prior to the meeting, all required statements have been made, all necessary documentation attached and all fees are paid. Additional information may be supplied on a separate sheet if the space provided is inadequate and attached to this application form. After the public hearing, the Board will reach a decision. You will also be sent a written certified **Notice of Decision**.

If after your hearing has been scheduled, you find it necessary to ask for a **“motion to continue”** you must make this request in writing to the ZBA eight (8) working days prior to the date or the motion will be denied. The ZBA may require, at your cost, additional fees to re-notice the public and abutters.

If your request is continued to the next meeting, the date and time will be announced, it is your responsibility to take note, notice will not be mailed. The only public posting will be at Town Hall and the Post Office.

After a variance permit has been authorized by the Zoning Board of Adjustment, and **if such permit has not been implemented within one (1) year of the date of such authorization, then such authorization shall become null and void and no permit shall be issued thereafter.** The Zoning Board of Adjustment, at the applicant’s request, may grant an extension to this time limitation. This extension must be requested in writing before the year expires, two weeks prior to the next scheduled meeting and a copy of the original **Notice of Decision** must accompany the request.

If you believe the Board’s decision was unlawful or unreasonable; you have the right to motion for a rehearing. Any person or persons jointly or separately aggrieved by a decision of the Board of Adjustment shall have the right to file a **Motion for Rehearing** within thirty (30) days beginning with the date following the date of the board vote in accordance with the provisions of the New Hampshire Statutes Annotated, Chapter 677. Whether or nor a rehearing is held, **you must have requested one before you can appeal to the courts.** When a rehearing is granted, the same procedure is followed as for the first hearing, including public notice and notice to the abutters.

## PUBLIC HEARING APPLICATION REQUIREMENTS

Attached are applications and all related information concerning a request for a Public Hearing with the Zoning Board of Adjustment. The four requests that can be made are as follows:

- SECTION 1: **Appeal From An Administrative Decision**
- SECTION 2: **Application For A Special Exception**
- SECTION 3: **Application For A Variance, Area or Use**
- SECTION 4: **Application For An Equitable Waiver Of Dimensional Requirements**

The application is intended to be self-explanatory.

1. If the applicant is an agent of the owner, indicate as such, both must sign. Include a letter giving you, the applicant authority by the owner.
2. Include and attach plot plans, sketches, pictures or construction plans giving area, frontage, side and rear lines; describe the property, and the proposed use. Lack of an adequate plan could result in delay or misunderstanding of the written record.
3. Include copies of any prior applications concerning the property and information contained in subdivision or site plan review applications. Any conditions attached to a site plan review or subdivision approval must be attached.
4. **A copy of the building permit denial must be included.**
5. Attach a list of all abutting property owners, including the applicant and/or owner. If you have any difficulty, consult the Assessor's or ZBA office, **but the accuracy of the list is your responsibility.** (Abutter: any persons holding legal title to land, which adjoins or is directly across the street or stream from land under consideration.)

Public Hearings are held on the third (3rd) Tuesday of each month, unless otherwise noticed. Public notice will be posted, printed in the newspaper, certified notice will be mailed to the applicant and/or owner and abutters not less than five (5) days before the date fixed for the hearing of the appeal. The applicant and/or owner will also be mailed a certified notice of decision. A fee is charged to cover the cost of preparing and mailing **the legally required notices**. Make check payable to the **"Town of Chester"**. The **properly completed** signed application with attachments and check must be received **thirty (30) days in advance**. Failure to pay such costs shall constitute valid grounds for denial without a public hearing.

Mail to: Zoning Board of Adjustment  
84 Chester Street  
Chester, New Hampshire 03036-4305

Deliver to: Chester Town Offices  
84 Chester Street  
Tel: 887-4343

Application fees:	Processing and publication of legal notice	\$ 200.00
	Abutters, applicant and/or owner's certified notice	\$ 10.00 each
	Applicant and/or owner's Notice of Decision	\$ 10.00 each
	(overseas additional per current postal rate)	

To: Board of Adjustment

SECTION 3: **Application For A Variance**

ZBA Office Use Only  
Date Filed-Stamp and Initial Here



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

Owner(s) of record: (indicate if same as applicant)  
\_\_\_\_\_

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

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

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

Property Location: Map \_\_\_\_\_ Lot(s) \_\_\_\_\_

No & Street \_\_\_\_\_

A Variance is requested from Article \_\_\_\_\_ Section \_\_\_\_\_ of the Ordinance to permit \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Facts supporting this request:

1 The proposed use would not diminish surrounding property values because:

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

2 Granting the variance would be of benefit to the public interest because:

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

**NOTE:**

*If you are applying for a “use variance”, in order to engage in a use of your property that is not permitted by the Zoning Ordinance, please complete Paragraph 3 (A) below and then continue to Paragraph 4. **DO NOT** complete Paragraph 3 (B).*

*If you are applying for an “area variance”, where the use of the property is permitted by the Zoning Ordinance but you wish to obtain relief from the setback requirements, height, size, or placement of structures, or extent of lot coverage permitted by the Zoning Ordinance, please complete Paragraph 3 (B) below and then continue to Paragraph 4. **DO NOT** complete Paragraph 3 (A).*

3 (A) Denial of the variance would result in unnecessary hardship to the owner because:

(i) the zoning restriction as applied interferes with the owner’s reasonable use of the property, considering the unique setting of the property in its environment:

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

(ii) no fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific restriction on this property because:

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(iii) the variance sought would not injure the public or private rights of others because:

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3 (B) Denial of the variance would result in unnecessary hardship to the owner because:

(i) an area variance is needed to enable the proposed use of the property given the special conditions of the property because:

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(ii) the benefit sought cannot be achieved by pursuing some other reasonably feasible method, other than an area variance because:

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4 Granting the variance would do substantial justice because:

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5 The use is not contrary to the spirit of the ordinance because:

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Applicant Signature/Date \_\_\_\_\_

Owner(s) Signature/Date \_\_\_\_\_