

**ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING APPLICATION INSTRUCTIONS**

Instructions and requirements to applicants appealing to the Zoning Board of Adjustment. Important: Read carefully before filling out the attached application. 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 672-678, covering planning and zoning. You may view State Statutes on-line at www.state.nh.us and both the Statutes and the Chester Zoning Ordinance may be viewed at the Chester Town Offices. Your application is subject to review by the Technical Review Committee. Please see the Building Inspector prior to filing your application with the ZBA.

Four types of appeals can be made to the board of adjustment:

1. Appeal from an Administrative Decision – If you have been denied a building permit or are affected by some other decision regarding the administration of the Chester Zoning Ordinance, and you believe the decision was made in error under the provisions of the ordinance, you may appeal the decision to the board of adjustment within 30 days of the date of the decision being appealed from. **If you are appealing an administrative decision, a copy of the decision appealed from must be attached to your application.**
2. Special Exception – Certain sections of the zoning ordinance provide that a particular use of property in a particular zone will be permitted by special exception if specified conditions given in the ordinance are met. **If you are applying for a special exception, you may need site plan or subdivision approval, or both, from the planning board. Where no planning board approval is needed, presenting a site plan will assist in relating the proposal to the overall zoning.**
3. Variance – 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. For a variance to be legally granted, you must show that your proposed use meets all five of the supporting facts. **If you are applying for a variance, you should have some form of determination that your proposed use is not permitted without a variance, as a denial of a building permit from the Building Inspector. A copy of the determination should be attached to your application or your application may be deemed incomplete.**
4. Equitable Waiver of Dimensional Requirements – The board may grant an equitable waiver only for existing dimensional nonconformities, provided the applicant can meet the required standards under 11.6 and NH RSA 673:33.

The application is intended to be self-explanatory and for any appeal must be properly filled out.

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. Attach a list of all abutting property owners, including the applicant and/or owner, together with three (3) mailing labels for each. If you have 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 mailed to the applicant and/or owner, abutters not less than five (5) days before the date fixed for the hearing. 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”** or **if paying online email a receipt proving payment.** The **properly completed** signed application with attachments and check must be received **thirty (30) days prior to the scheduled hearing.** 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: 887-3636

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)	

If after your hearing has been scheduled, you find it necessary to ask for a **“motion to continue”** you must make this request to the ZBA by email or regular mail to zoning@chesternh.org 84 Chester Street prior to the scheduled hearing date or in person at the scheduled public hearing. Failure to appear may result in denial of your application.

After a permit has been authorized by the ZBA as a result of a request for a Special Exception or Variance and **if such permit has not been implemented within two (2) years of the date of such authorization, then such authorization shall become null and void and no permit shall be issued thereafter.** Proof of implementation may be building permits, Site Plan Review if required, dated receipts and the like which show substantial investment in the project. The ZBA, at the applicant's request in writing, may grant a single, twelve (12) month extension.

If you believe the ZBA decision is wrong, you have the right to appeal. The selectmen, or any party affected, have similar rights to appeal the decision. The **Motion for Rehearing** must be made to the ZBA in writing within 30 days of the decision and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable. Whether or not a rehearing is held, you must have requested one before you can appeal to the courts. When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters. See RSA Chapter 677 for more detail on rehearing and appeal procedures.