

TOWN OF BRISTOL ZONING BOARD APPLICATIONS

INSTRUCTIONS FOR APPLICANTS

IMPORTANT:

READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING APPLICATIONS

The Board strongly recommends that, before making any application, you become familiar with the Zoning Ordinance, and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672- 677, covering Planning and Zoning. Please visit the Town's website, www.townofbristolnh.org, for more information.

All applications must include a list of all abutters, including their current mailing address, property address and tax map number. The definition for "Abutter" is on the last page of these instructions. Please note: For the purposes of notification, the applicant, his/her representative(s) and any professionals who have provided their service are considered to be abutters and must be included on the list.

All applications must be presented to the Board by the property owner or the property owner's designee, which must be one of the following:

1. The holder of a valid purchase and sale agreement for the purchase of the subject property.
2. The holder of a valid option for purchase of the subject land.
3. Applications submitted by the property owner's representative must submit a notarized statement authorizing the representative to act on the owner's behalf.

It is the obligation of the applicant to submit to the Board, through the Land Use Offices, adequate plans and exhibits in accordance with the terms of the Zoning Ordinance. The minimum requirements for submission are as follows:

1. Name of petitioner
2. Title of petition (Variance, Appeal from Administrative Decision, Motion for Rehearing, Special Exception)
3. Narrative explaining the request and answers to the applicable questions
4. Scaled plot plan/survey with lot dimensions, distances of all existing and proposed structures to the lot lines, buffer zones, landscaped areas, recreational areas, paved or graveled areas, signs, rights-of-way, streams, wetlands, drainage and all easements.
5. Existing and proposed buildings, additions or other structures with their dimensions, including height, length and width.
6. All setback dimensions as required in the Zoning Ordinance for the district.
7. Computed lot and building areas with percent of lot coverage.
8. Location and number of parking spaces and traffic lanes.
9. Required loading and unloading and trash dumpster areas.
10. Abutting streets and/or public ways.
11. North arrow and locus map.
12. Photographs of the existing conditions, elevations of the proposed improvements and any other materials that will support the request.
13. Department of Transportation application, if applicable.
14. Department of Environmental Services application for well/septic design, if applicable.
15. Department of Environmental Services Comprehensive Shore Land Protection Application, if applicable.
16. Abutter list (Owner names and addresses verified by Assessing Office)
17. Applicable fees (see Land Use Fees list)

NOTE: Separate applications, on forms provided by the Land Use Office, must be filed for each request. The applicant is required to provide the original collated set, together with ten (10) collated sets of copies for distribution to the Board. Submissions received after the deadline will not be considered until the next regularly scheduled meeting. The Board reserves the right to refuse applications which do not meet the minimum requirements. Public hearings will not be held until such time as the submitted application has been accepted by the Board, as complete. There will be no exceptions.

The concurring vote of three (3) members of the Board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

FOUR TYPES OF APPLICATONS:

1. Variance: A Variance is an authorization, which may be granted under special circumstances, to use the 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 prove that your proposed use meets all five of the following conditions (answer all questions, including sub-questions):

Under RSA 674:33 Powers of Zoning Board of Adjustment –

- I. The Zoning Board of Adjustment shall have the power to:
 - a. Authorize, upon appeal in specific cases, a variance from the terms of the Zoning Ordinance if:
 1. The variance will not be contrary to the public interest;
 2. The spirit of the ordinance is observed;
 3. Substantial justice is done;
 4. The values of surrounding properties are not diminished; and
 5. Literal enforcement of the provisions of the ordiancne would result in an unnecessary hardship.
 - A. For purposes 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; and
 - ii. The proposed use is a reasonable one.
 - B. 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.

The definition of “unnecessary hardship” set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

2. Appeal from Administrative Decision: If you have been denied a Land Use Permit, or are affected by some other decision regarding the administration of the Zoning Ordinance, and you believe that the decision was made in error under the provisions of the ordinance, you may appeal the decision to the Board. If you are appealing an administrative decision, a copy of the decision appealed from must be attached to your application. The appeal must be received within thirty (30) days of the date of the decision being appealed. In the event that the appeal from administrative decision is not granted by the Board, you may appeal to the courts or submit a new Variance application with appropriate changes.
3. Motion for Rehearing: If you have been denied before the Zoning Board, but have additional or new information regarding the application that was denied, you can submit a Motion for Rehearing to the Board.
4. Special Exception: Certain sections of the Zoning Ordinance provide that a particular use of the property in a particular Zoning district will be permitted by Special Exception. The necessary conditions for a Special Exception are given in Section 5.4A of the Zoning Ordinance. Your appeal for a Special Exception will be granted if you can prove that the conditions stated in the ordinance are met. If the Board approves an application for a Special Exception, it may also impose conditions it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of the Zoning Ordinance. For a list of these conditions, see Section 5.4B of the Zoning Ordinance. If you are applying for a Special Exception, you may also need Site Plan or Subdivision approval, or both, from the Planning Board.

The original application, fees and all required supporting documents must be received in the Land Use Office by 12:00 (noon) as set by the Filing Dates and Deadlines. The application may be mailed or delivered. Cut off dates for all Boards are posted online at www.townofbristolnh.org. Electronic submissions are not permitted. After the application is reviewed, you will be notified of any deficiencies. The materials (one (1) original and ten (10) copies) must be received before being placed on the agenda. All submitted information is the sole responsibility of the applicant. Failure to timely supply all the required information in collated sets, in the order of the checklist, may result in delays. It is within the express purview of the Board to accept, reject and/or continue any application if, in its opinion, it is not in receipt of the required information.

The Board schedules public hearings for the first Tuesday of each month. Public notice of the hearing will be posted and printed in a newspaper having general circulation in the Town of Bristol. The notice will be posted by certified mail to you, your representative(s) and all abutters, including any other parties which the Board deems to be an interested party, or as required by State Statute, a minimum of five (5) days before the hearing date. You and all interested parties will be invited to appear in person or by agent/counsel to state the reasons why the appeal should, or should not be granted. Please note that your case will be heard regardless of attendance. Once the Board has considered the matter and made a determination, you will be provided with a Notice of Decision.

If your application is denied, you have the right to appeal the decision of the Board. The Select Board, or any party affected by your case, have similar rights of appeal. Before an appeal is considered by the Board, a Motion for Rehearing, setting forth the grounds on which it is claimed, the decision is unlawful or unreasonable, must be filed within thirty (30) days of the date the decision is filed and first becomes available for public inspection in the Town Offices. The motion may be in the form of a letter to the Board. The Board may grant such a hearing if, in its opinion, good reason is stated in the motion. The Board will not reopen the case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before proceeding to the courts for an appeal. When a rehearing is held, the same procedures are followed as for the original hearing. The applicant requesting the Motion for Rehearing is responsible for all fees, including application, public notices and notices to abutters.

Under RSA 672:3 Abutter – “Abutter” means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local Land Use Board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal for consideration. For purposes of receipt of notification by a municipality of a local Land Use Board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local Land Use Board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, KK, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local Land Use Board.

If you have any questions, please contact the Land Use Offices at (603) 744-3354.