APPLICATION FEE: $100.00
AND $7.50 PER ABUTTER

CASE NO.: _____
DATE FILED: _____

BOARD OF ADJUSTMENT
TOWN OF SEABROOK, NEW HAMPSHIRE
SEABROOK BEACH VILLAGE DISTRICT

NAME OF APPLICANT: _____
ADRESS: _____ PHONE NO.: _____
LOCATION OF PROPERTY: _____
ABUTTERS: (Names & Addresses) _____
_____
_____
_____
_____

DESCRIPTION OF PROPERTY: (Give total square footage, length of frontage, side and rear lot lines, location of abutters and attach plot plan.) _____
_____

EXISTING USE: _____
_____

PROPOSED USE: _____
_____

COMPLETE ONE SECTION ONLY (Do not fill out more than one section.)

SECTION 1: PETITION FOR VARIANCE

The undersigned hereby requests a variance to the terms of Section _____, Paragraph _____, and asks that said terms be waived to permit: _____ Zone #: _____

SECTION 2: PETITION FOR EXPANSION OF A NON-CONFORMING USE

The undersigned hereby requests approval to expand a non-conforming concerning Section ____, Paragraph _____, to permit: _____ Zone #: _____

SECTION 3: PETITION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

The undersigned hereby requests equitable waiver of the terms of Section _____, Paragraph _____, to permit: _____ Zone #: _____

SECTION 4: APPEAL FROM AN ADMINISTRATIVE DECISION

The undersigned alleges that an error has been made in the decision, determination or requirement by the Building Inspector on (date) _____, to _____, in relation to Section _____, Paragraph _____, of the Zoning Ordinance and hereby appeals said decision, which I believe was made in error.

SIGNED: _____
APPLICANT (Owner)

REQUIREMENTS OF THE BOARD OF ADJUSTMENT FOR PUBLIC HEARINGS ON VARIANCES TO THE ZONING ORDINANCE OF THE SEABROOK BEACH VILLAGE DISTRICT

The function of the Board of Adjustment is to consider; (1) variance proposals, (2) petitions for expansion of non-conforming uses, (3) petitions for equitable waiver of dimensional requirements to Zoning Ordinance of the Seabrook Beach Village District and administrative appeals. The Board of Adjustment meets on the fourth Wednesday of each month at 7:30 PM at the Warren West Memorial Building. Hearings heard at this time.

An application for a final hearing must be received by the Chairman by 12:00 noon on the second last Friday of each month. The following information must be submitted in order for a final hearing to be held:

1. Documentation of a denial:

   A. If from the Planning Board, the applicant will need a copy of the minutes of the meeting and a notice of denial with the signature of the Chairman of the Planning Board.

   B. If from the Building Inspector, the applicant will need a copy of the application for building permit with the signature of the Building Inspector.

   C. The denial from the Planning Board or the Building Inspector must cite the specific section and paragraph of the Zoning Ordinance for which the request for permit was denied.

2. Copy of the plot plan and written description of the property should contain:

   A. Proof that the lot is an existing lot of record.

   B. Accurate dimensions, square footage of lot.

   C. Public road or highway

   D. Location of present and/or proposed buildings, showing distances from lot lines.

   E. Any other information that might be pertinent to the request.s

   F. Correct names and mailing addresses of all abutters.

Abutter: is defined as "any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration."
NH RSA 672:3

THE BOARD STRONGLY RECOMMENDS THAT, BEFORE MAKING APPEAL, YOU BECOME FAMILIAR WITH THE SEABROOK BEACH VILLAGE DISTRICT ZONING ORDINANCE, AND ALSO WITH THE NEW HAMPSHIRE STATUTES RSA 672-677, COVERING PLANNING AND ZONING.

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 (5) of the following conditions:

1. The proposed use would not diminish surrounding property values.

2. Granting of the variance would be of benefit to the public.

3. Denial of the variance would result in unnecessary hardship to the owner. (Hardship, as the term applies to zoning, results if a restriction, when applied to a particular property, becomes arbitrary, confiscatory or unduly oppressive because of conditions of the property that distinguish it from other properties under similar zoning restrictions. Hardship, under zoning law, has nothing to do with the physical or economic condition of the owner.)

4. Granting of the variance would do substantial justice.

5. The proposed use is not contrary to the spirit of the ordinance.

EXPANSION OF NON-CONFORMING USE:

The Board may, under special circumstances permit a non-conforming use to be expanded to grant a petition for expansion; you must show that your proposal meets all four (4) of the following conditions:

1. The expansion arises naturally from and substantially reflects the nature and purpose of the original non-conforming use, as it existed at the time of the ordinance's enactment.

2. The expansion is merely a "new and improved" form of the original non-conforming use, not a new and different use.

3. The expansion does not render the property proportionately less adequate given the ordinance's requirements.

4. The expansion does not impact abutting properties or nearby neighborhoods in a substantially different manner than the original non-conforming use.

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS:

The Board may under special circumstances grant a waiver of dimensional requirements. To grant a petition you must show that your use meets all four (4) of the following conditions:

1. The violation was not discovered in a timely fashion.

2. The violation was the result of an honest mistake.

3. The physical or dimensional violation does not constitute a nuisance or diminish property values.

4. The cost of correcting the mistake outweighs any benefit to the public.