

TOWN OF LEE

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Planning & Zoning
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FOR OFFICE USE ONLY

Case No. _____
Date Filed _____
Meeting Date _____
Fee Amount _____
Date Paid _____
Outcome _____

To: Zoning Board of Adjustment
Town of Lee

Name of Applicant _____

Mailing Address _____

Home Phone _____ Work Phone _____ Cell _____

Name of Owner _____
(if same as applicant, write "same")

PROPERTY INFORMATION

Location of property _____ Tax Map _____ Zone _____

Lot Dimensions: Front _____ Rear _____ Side _____ Side _____

Lot Area: Acres _____ Square Feet _____

Present Use of Property _____

Proposed Use of Property _____

NOTE: This application is not acceptable unless all statements below have been completed. Additional information may be supplied on a separate sheet if the space provided is not adequate.

VARIANCE REQUEST

A variance is requested from Article _____ Section _____ of the zoning ordinance to permit:

SUPPORTING INFORMATION

Explain how the proposal meets the variance criteria as specified in the above noted Article/Section of the Lee Building Code and or Zoning Ordinances: (List all criteria from ordinance).

For all requests

1. If the variance is granted, it would not be contrary to the public interest because:

2. If the variance is granted, it would be consistent with the spirit of the ordinance because:

3. If the variance is granted, substantial justice will be done because:

4. If the variance is granted, the values of the surrounding properties would not be diminished because:

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship to the applicant because:

Note

To find that an “unnecessary hardship” exists, the Board must find:

- There are special conditions on the subject property that distinguish it from other properties in the area; *and*
- No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.

In the alternative, if the above criteria are not satisfied, the Board may still find that an unnecessary hardship exists if it finds:

- There are special conditions on the subject property that distinguish it from other properties in the area; *and*
- The property cannot be reasonably used under the ordinance and therefore, a variance is necessary to enable a reasonable use of it.

I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this variance is sought and that all information provided by me is true under penalty of law.

Signature of Owner or Authorized Agent

Date

Please Print Name _____

****By signing this application you are also authorizing members of the board or interested parties to do a site visit of the property.**

SPECIAL EXCEPTION REQUEST

Applicants are authorized to use property when it is not permitted as a matter of right only if they demonstrate that certain conditions are met as specified in Article XXII, Zoning Board of Adjustment and RSA 674:33 IV. For those applicants seeking a special exception in the Residential Zone (Zone A) the applicant must also satisfy all of the conditions set forth in Article V. For applicants seeking a special exception in the Wet Soils Conservation Zone, Article XV, the applicant must also satisfy all of the conditions set forth in Article XV.

A special exception is requested from Article _____ Section _____ of the zoning ordinance to permit:

SUPPORTING INFORMATION

Explain how the proposal meets the special exception criteria as specified in the above noted Article/Section of the Lee Zoning Ordinances: (List all criteria from ordinance).

For all requests

1. The proposed use **will not** be detrimental to the character or enjoyment of the neighborhood or to future development by reason of undue variation from the kind and nature of other uses in the vicinity or by reasons of obvious and adverse violation of the character or appearance of the neighborhood or cause diminution in the value of surrounding property because:

2. The use **will not** be injurious, noxious or offensive and thus be detrimental to the neighborhood because:

3. The use **will not** be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk of life and property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions because:

For Special Exceptions permitted under Article V in the Residential Zone:

Explain how satisfactory arrangements have been made for the following as required by Article V of the Zoning Ordinance.

- 1. Ingress and egress to the property and proposed structures or uses with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and in case of fire or catastrophe:

- 2. Off-street parking and loading areas:

- 3. Control of noise, glare, odor or other potentially adverse effects of the proposed use on nearby property and screening or buffering to alleviate such effects:

- 4. Refuse and service areas:

- 5. Control of drainage and erosion:

6. Lighting is installed with regard to glare, traffic safety and compatibility and harmony with adjoining property and the character of the area:

When the use is permitted by Special Exception in the Residential Zone (Article V), confirm the following have been satisfied:

1. Front setbacks 50' from the public right-of-way: _____
2. Back and Side Line setback 35 feet from the lot-line: _____
3. Parking areas adhere to the setback requirements: _____
4. A Landscaped buffer zone must be maintained between the property which is the subject of the Special Exception request and any residential lot line: _____
5. Signs conform to requirements of Article XVII of this ordinance: _____
6. Only one (1) residential structure and/or one (1) business, shall be permitted for that use on each lot: _____

For Special Exceptions permitted under Article XV in the Wet Soils Conservation Zone:

When the use is allowed by special exception under the terms of Article XV, confirm the following have been satisfied:

1. The Application been referred to the Conservation Commission and the Health Officer for review and comment as required by Article XV: _____
2. If for street, road, access ways and utility rights-of-way, the use is essential to the productive use of land, not zoned as Wet Soils Conservation Zone and it is located and constructed so as to minimize any detrimental impact of such uses upon the Wet Soils: _____
3. If for Water Impoundment, that the purpose includes a multipurpose pond, wildlife pond or farm pond: _____
4. If for Fire Ponds, has the use been reviewed by the Lee Planning Board, Lee Fire Department and the Conservation Commission: _____
5. If for an undertaking of a use not otherwise permitted in the Zone, has it been shown that the proposed use is not in conflict with any and all of the purposes and intentions listed in Article XV.A: _____

I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this special exception is sought and that all information provided by me is true under penalty of law.

Signature of Owner(s) or Authorized Agent

Date

Please Print Name _____

****By signing this application you are also authorizing members of the board or interested parties to do a site visit of the property.**

The Lee Zoning Board strongly recommends that, before making any appeal, you become familiar with the zoning ordinance, and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672- 677, covering planning and zoning. The person applying for relief is responsible for filing out the application in its entirety and verifying the accuracy of the information, **not** Town Staff.

APPLICATION PROCEDURE FOR ZONING BOARD OF ADJUSTMENT HEARING

Clarification of the Zoning Ordinance and assistance in completing the application process can be obtained from Town Staff. Legal assistance should be obtained from the Applicant's personal attorney. Correctness of information submitted is the responsibility of the Applicant.

The following must be filed with the Application:

- ✓ Application fee, public notice fee, and abutter notification fee
- ✓ An abutters list must comply with NH RSA **672:3 Abutter**, as well as anyone whose professional seal and or name appears on the plan. Tax Map No. and Lot No. must also appear on the list for the abutting properties. **Important:** Applicant shall certify that the abutters are as indicated in the Town of Lee's Selectmen's Office not more than 5 days prior to day of filing the application with the Zoning Board. .
- ✓ Six (6) sets of plans drawn to scale which show lot location, lot size, setbacks, locations and dimensions of all structures and open spaces on the lot in question, and ownership of adjoining lots of land. Plans do not have to be professionally drawn. In applications, 11" x 17" plans may be accepted.
- ✓ By signing this application you are also authorizing members of the board or interested parties to do a site visit of the property
- ✓ A written description of work proposed or change in use and any dimensions pertinent to construction.
- ✓ If the applicant is not the owner, a signed and notarized Owner's Authorization for Representation must be submitted.

No application shall be accepted for processing until **all** of the required information is received.

HEARING NOTIFICATION PROCESS & FEES

- ✓ Your hearing will be held within 30 days after submission of a complete application. You will be notified by certified mail as to time, place, and date of the public hearing.
- ✓ The fee for an application to the Lee Zoning Board of Adjustment is \$275 for the first request; \$50 for each additional request; and \$8.00 for each abutter and professional to be notified.
- ✓ Completed forms must be filed at least 20 calendar days prior to the Board's scheduled meeting.
- ✓ The applicant or his representative must attend the public hearing held on the above request and present the case to the Board.
- ✓ All applications must be signed by the property owner or, where applicable, by a notarized designation of agent.
- ✓ Each applicant is entitled to a hearing by a five-member Board. If, for any reason, five members are not available, the applicant(s) may elect to postpone the hearing and decision until the next meeting of the Board at which five members are present.
- ✓ A petition may be withdrawn by the applicant(s) by written notification submitted to Town Staff prior to the hearing or presented to the Chairman of the Board at the hearing.

CONDITIONS FOR A SPECIAL EXCEPTION APPLICATION PER NH RSA 674:33 IV

- ✓ Certain sections of the zoning ordinances provide for permitted special exceptions to the standard requirements of the zoning ordinance if specified conditions are met. The necessary conditions for each special exception are given in the ordinance.