

## INSTRUCTIONS TO APPLICANTS APPEALING TO THE BOARD OF ADJUSTMENT

The board strongly recommends that, before making any appeal, you become familiar with the zoning ordinance.

For any appeal **the appropriate APPLICATION FOR ZONING BOARD DECISION** form must be completely filled out, signed and dated. Attach a plan of the property showing both the existing and proposed situation and, if applicable, any prior requests, decisions, building permits, site plans and/or subdivision approvals.

Prepare a list of all abutting property owners and their mailing addresses, have it verified by the selectmen's administrative assistant and attach it to your application. All necessary information is available in the selectmen's office. The accuracy of the list is your legal responsibility.

A fee is charged covering the costs involved. The fee schedule is available in the selectmen's office or from the chairman of the board of adjustment. Mail or deliver the completed application to the chairman of the board of adjustment along with payment of the fee (mailing address: Town of Sugar Hill, Chairman, Board of Adjustment, PO Box 574, Sugar Hill, NH 03586)(check made out to: Town of Sugar Hill).

The board will schedule a public hearing within 30 days of the receipt of your properly completed application. It is the responsibility of the board to notify abutters, the public and you, the applicant, of the time and date of the hearing. You and all other parties will be invited to appear in person or by agent or counsel to state reasons why the appeal should or should not be granted.

After the public hearing the board will reach a decision. The decision may or may not be reached on the day of the hearing depending on the situation involved. The notice of decision will be sent to the applicant and posted for the public.

If you, any town officer, department, board or bureau or any party affected believe the board's decision is wrong, one has the right to appeal. To appeal, one must first ask the board for a rehearing. The motion to appeal may be in the form of a letter to the board. The motion must be made within twenty days of the board's decision and must set forth the grounds on which it claims the decision is unlawful or unreasonable. The same fee schedule as above determines cost. Payment of the fee must be received with the motion. If the motion is denied the fee will be returned.

The board may grant such a rehearing if, in the board's opinion, good reason is stated in the motion. The board will not reopen a 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 granted, one must have requested one before an appeal can be made 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.

**SECTION 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 zoning ordinance and you believe the decision was made in error, you may appeal to the board of adjustment. The appeal will be granted if you can show that the decision was indeed in error.

**SECTION 2 - APPLICATION FOR A SPECIAL EXCEPTION:** Certain sections of the zoning ordinance provide that a particular use of a property in a particular district will be permitted by special exception if specified conditions are met. The necessary conditions for each special exception are given in the ordinance. Your application for a special exception will be granted if you can show that the conditions stated in the ordinance have been met.

**SECTION 3 - APPLICATION FOR A VARIANCE** - A variance is an authorization 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 granted you must show that your proposed use meets **ALL FIVE** of the conditions.