

Office Use Only Case #: _____

Date Received: _____

Amount Paid: \$ _____

Time Received: _____

--BOARD OF ADJUSTMENT--

-Rye, New Hampshire-

**EQUITABLE WAIVER of DIMENSIONAL REQUIREMENTS
APPLICATION**

Name of applicant: _____

Name of owner (if different from applicant): _____

Telephone number: _____ E-mail: _____

Mailing address: _____

Street address: _____

House number clearly visible from the street? ___yes ___ no: Tax map: ___ Lot: ___ Flood Zone: ___

Lot area: _____ Frontage: _____ District(s): _____

Is the lot vacant? _____ Does the property conform to current zoning? _____

If no, please explain why: _____

What is the current use of the property? _____

An Equitable Waiver of Dimensional Requirements is requested from Section _____ of the Zoning Ordinance to permit: _____

Please explain and how much time you will require to present your application: _____

Equitable Waivers of Dimensional Requirement are where a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirements imposed by a zoning ordinance enacted to RSA: 674:16.

The Board must find in the affirmative on all four statements below or the request must be denied. Please explain how the request complies with the following:

1. The request involves a dimension requirement. _____

2. a. The violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the Town. _____

OR

2. b. The nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser **AND** the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake. _____

3. The nonconformity does not constitute a nuisance nor diminish the value or interfere with the uses of other property in the area. _____

4. The cost of correction far outweighs any public benefit to be gained. _____

SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY APPLICANT

I, the undersigned applicant, hereby certify that the information contained within this application is complete and accurate.

IMPORTANT
<p>RYE PUBLIC HEARING SIGN MUST BE POSTED ON THE PROPERTY FOR THE 7 DAYS PRIOR TO HEARING.</p> <p>FAILURE TO POST MAY RESULT IN THE APPLICATION NOT BEING HEARD</p>

Signature of applicant*

Signature of owner*

*Both signatures required

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Rye Zoning Board, Planning Department, Building Inspector and other pertinent town departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of property owner: _____

Date: _____

Office Use Only

Date of Meeting: _____ **Approved:** _____ **Denied:** _____

Conditions of approval: _____

Zoning Administrator's Signature

--BOARD OF ADJUSTMENT--

-Rye, New Hampshire-

CHECKLIST FOR ZONING BOARD~ APPLICATION SUBMITTAL

NAME: _____

ADDRESS: _____

DATE AND TIME SUBMITTED: _____

ACCEPTED AS COMPLETE BY: _____

All applications must include the documents checked as “required” below. Please include one (1) original and seven (7) copies of each documents for a total of EIGHT (8) packets.

Applicants should provide sufficient information to support and prove their case. When filling out the application, please print or type.

Required Items for submittal to the Zoning Board of Adjustment

Submitted	
<input type="checkbox"/>	Denial letter by Building Inspector and/or letter of infraction from Planning & Zoning Administrator. Per §190.8.4 of the Rye General Code Town of Rye, NH Table of Contents (ecode360.com) .
<input type="checkbox"/>	If relief regarding Wetlands or wetland buffer (§190-3.1) is required, the applicant shall file with the Rye Conservation Commission PRIOR to the filing with the ZBA. The RCC application is on the Town Website at rcc_app.pdf (rye.nh.us) and a request to the RCC to be placed on their next agenda. Their schedule is on the website. Applicant must have appeared before the RCC before being heard by the ZBOA.
<input type="checkbox"/>	Completed application signed by applicant and property owner (if different from applicant) with the denial letter from the Building Inspector or from Planning & Zoning Administrator and letter from the RCC, if needed.
<input type="checkbox"/>	Set of plans showing existing and proposed changes.
<input type="checkbox"/>	Survey sealed by a licensed land surveyor (LLS) showing existing & proposed changes.
<input type="checkbox"/>	Enlarged tax map clearly showing the position of the property with street names for easy identification.
<input type="checkbox"/>	If project exceeds the impervious coverage limit a drainage analysis is required!
<input type="checkbox"/>	Elevation drawings clearly showing what exists and the changes proposed from all applicable views and/or photos of existing structure from all views, and any other drawings, photos or information the applicant would like to submit in support of application.
<input type="checkbox"/>	A list of all required state permits such as wetlands, septic, alteration of terrain, etc.;
<input type="checkbox"/>	If applicable, a letter authorizing a specific person to present on your behalf;
<input type="checkbox"/>	Abutter, applicant, professionals and consultants list - which includes addresses with map and lot numbers of adjoining parcels applicant and any abutter including the land across the street or waterway of the subject property;
<input type="checkbox"/>	Three (3) sets of mailing labels pursuant to RSA 676:7. Please submit on Avery 5160 labels. <u>This is different than the LIST stated above.</u> Only one set of mailing labels is required and it MUST have each name 3 times on the labels. Include yourself and any engineers, surveyors, etc.
<input type="checkbox"/>	Application fees (check made to Town of Rye see fee schedule).

ZONING BOARD OF ADJUSTMENT

Fee Schedule

NOTIFICATION FEES:

Notification fees (\$90.00) for legal advertisements are required. If you request or cause a continuance, you must pay another \$90.00 notification fee.

Fee of \$9.00 **per** each abutter, is required for each: 1) **per** each abutter, 2) applicant/owners, any engineer, architect, land surveyor, soil scientist whose professional seal appears on any plat submitted; and all holders of conservation, preservation or agricultural preservation restrictions as defined in RSA 477:45.

A fee of \$8.00 is required for a public hearing notification sign which the application is to place on his/her property for seven (7) consecutive days prior to the hearing. Applicants may pick up and pay for a sign in the Building Inspector's Office.

A single application fee is \$100.00 PLUS legal notice (\$90.00) PLUS sign (\$8.00) PLUS abutter fee (\$8.00 per abutter including applicant)

APPLICATION FEES:

- A. A single application to the Zoning board \$100.00 +
((\$90.00 notice + \$8.00 sign + \$9.00 **per** each abutter)
- B. If applicant applies for multiple applications \$100.00 + \$25.00 per
(i.e. variance application (\$100.00) + Special Exception (+25.00))
(i.e. admin appeal (\$100.00) + variance (+25.00))
- PLUS** + (\$90.00 notice + \$8.00 sign + \$9.00 **per** each abutter)