TOWN OF DERRY – ZONING BOARD OF ADJUSTMENT
APPLICATION CHECKLIST
FOR SPECIAL EXCEPTION / ADMINISTRATIVE APPEAL

FOR AN APPLICATION TO BE CONSIDERED COMPLETE AND PLACED ON AN AGENDA, YOU MUST HAVE THE FOLLOWING:

1. Application Form Completed ( )
2. Complete Abutters List ( )
3. Letter of Explanation – 10 copies ( )
4. Letter from Owner authorizing applicant to file on owner's behalf or a Purchase & Sales Agreement (if not the owner) (You may blank out confidential information regarding sales price, etc.) ( )
5. Filing Fee: $100.00 – plus abutter notification fees ($3.77 per abutter) ( )
6. Vicinity Ownership Map: ( )
   10 copies of Plot Plan/Tax Map
7. Current Recorded Deed with copy of any covenants. (book & page) ( )
8. 10 Copies of Certified Plot Plan (recommended) clearly showing the proposed use. ( )
   Commercial Site/Subdivision Plan ( )

PLAN MUST SHOW

A. Location of existing and proposed buildings and additions and their dimensions in square feet. ( )
B. Distances on all sides between buildings and property lines. ( )
C. Generalized floor plan showing dimensions and the square Footage of areas for proposed uses. ( )
D. Letter of Denial from Building Inspector. ( )
E. Information on septic system – existing or proposed ( )

You should be prepared to make a presentation to the Board of Adjustment at the public hearing addressing the criteria. If your request is granted – you may apply for a building permit after waiting the 30 day appeal period and within one year of the date the request is granted.

NOTE: PLEASE MAKE SURE THAT ALL PAPERWORK SUBMITTED TO THE BOARD HAS YOUR NAME/ADDRESS ON IT FOR PROPER IDENTIFICATION.

Form Adopted 8/17/2009

DERRY ZONING BOARD OF ADJUSTMENT – INFORMATION SHEET

The Board of Adjustment meets on the first and third Thursday of each month.

When applying for a VARIANCE or EXCEPTION:

Forms are to be filled out by the owner of the property.

Abutters must be notified by this office by certified mail:

1. Abutters are all property owners adjacent to, adjoining, or directly across the street or stream from the property.
2. You must **PRINT** names and addresses of abutting property owners in the space provided on the form. Names of addresses are your responsibility. They are on file in the Assessor's Office **(You must use LEGAL MAILING ADDRESSES)**.

FEE: $100.00 filing fee and abutter fees ($3.93 per abutter) must be paid at time of application.

FOR THE NIGHT OF THE MEETING:

You make your presentation before five members of the Board providing them with information relative to your request based on the five criteria used by the Board in granting variances, or 10 points required for granting an exception (information on application form).

PICTURES, SKETCHES, OR DIAGRAMS ARE HELPFUL IN YOUR PRESENTATION, AND ARE A NECESSARY PART OF YOUR PRESENTATION BEFORE THE BOARD.

APPEAL PROCESS:

You may appeal a denial by the Board of Adjustment within 30 days of the date of the hearing. It is necessary to fill out the REQUEST FOR RE-HEARING form.

NEW EVIDENCE MUST BE PROVIDED WITH A REQUEST FOR RE-HEARING.

Also, an abutter may appeal a variance granted by the Board within 30 days after the variance has been granted. Therefore, no building permit will be issued until after the 30 day period of time (RSA 677:2).

The Board of Adjustment will vote at the next regular meeting whether to grant or deny a rehearing based on new evidence. If granted, it is necessary to fill out forms and notice abutters again in order that you may be heard at the next available meeting.

Within 30 days after the decision of such hearing, the applicant may appeal by petition to Superior Court (RSA 677:4).

Should you require further assistance contact the Administrative Secretary of the Building Department at 432-6148.

ANY INFORMATION GIVEN TO THE BOARD MEMBERS THE NIGHT OF THE MEETING should also be given to the recording secretary.

Form Adopted 8/17/2009

HOW TO APPLY FOR A SPECIAL EXCEPTION

From Town of Derry Zoning Ordinance, Article VI, Section _____

A Special Exception may be granted by the Zoning Board of Adjustment to allow an owner/resident to conduct a home business in his/her dwelling. Such home business shall be limited to the following professions or trades:

1. **Lawyer, doctor. Clergyman, real estate agent, insurance agent or similar recognized profession or business**
2. **Artist, artisan or craftsman**
3. **Tradesman or repairman**

AN APPLICATION FEE OF $100.00 PLUS ABUTTERS FEE ($3.93 PER ABUTTER) MUST BE PAID PRIOR TO SCHEDULING

Your application to the Zoning Board must include 10 copies of:

- Sketch or drawings of floor plan of the residence clearly showing dimensions of the living area and the area to be used for the proposed business.

- Certified plot plan (recommended) or sketch clearly showing the proposed use. (include the location of all buildings, driveways, easements, brooks, etc.)

- Current recorded deed noting the book and page numbers and a copy of covenants, if any.

Your application to the Zoning Board must include a copy of the following:

- A letter of approval for the proposed use from the Board of Directors or President of the Association, if the property is part of an Association such as a condominium, condex, or cluster development.
- A letter of approval from the owner of the property if the applicant is not the owner, or fully executed Offer to Purchase Agreement if the applicant is in the process of purchasing the property.

Special Exceptions granted under this ordinance are intended to allow for a specific business use by the current resident and as such, shall not be transferable to a subsequent resident.

YOU OR YOUR AGENT MUST ATTEND THE MEETING TO PRESENT YOUR CASE

Form Adopted 8/17/2009

APPEAL PROCESS

Within a period of 30 days after a decision has been made by the Board of Adjustment, any person affected by the decision has the right to appeal that decision.

A request for a rehearing must be made in writing clearly stating any errors in law or new evidence that has come to light. The new evidence might reflect a change in conditions that has taken place since the first hearing; or information that was unobtainable because of the absence of key people; or for other valid reasons.

The Zoning Board of Adjustment will vote at its next meeting whether to grant the rehearing or not.

RSA 677:4 – Appeal from a Decision on Motion for Rehearing
Any person aggrieved by any order or decision of the Zoning Board of Adjustment may apply to the Superior Court within thirty (30) days after the action complained of has been recorded, setting forth that such decision or order is illegal or unreasonable in whole or in part, and specifying the grounds upon which the decision or order is claimed to be illegal or unreasonable.

TOWN OF DERRY, NH
APPLICATION FOR SPECIAL EXCEPTION

FEES: $100.00 PLUS ABUTTER NOTIFICATION FEES

I hereby apply for a hearing requesting:

An **EXCEPTION** as provided in Article _____ Section _____

NAME OF APPLICANT _____

MAILING ADDRESS _____

TELEPHONE (_____)_____

OWNER OF PROPERTY _____

MAILING ADDRESS _____
(If Applicant and Owner are the same person, write "SAME")

LOCATION OF PROPERTY _____
(Include tax map number and street)

PROPOSAL _____

_____

_____

Attach plot plan to show front, side and back lot lines and setbacks.

It is the responsibility of the applicant to provide current names and mailing addresses of abutters. A form is provided on the reverse side of this application. (Abutters include owners of all property touching lot in question in ANY way and directly across the street.)

APPLICANT'S SIGNATURE _____DATE _____

Form Adopted 8/17/2009

NOTE: Please include name of applicant and owner of parcel.

TAX LOT #	NAME	MAILING ADDRESS	ZIP

Form Adopted 8/17/2009

TOWN OF DERRY, NH
APPLICATION FOR SPECIAL EXCEPTION

APPLICANT: _____ DATE: _____

A request for only such special exception uses as are specified in Part A above may be granted, provided that the Zoning Board of Adjustment finds favorably with respect to each of the following conditions:

1. The applicant claims the dwelling unit as her/his legal residence. _____

2. The residential use was established by the applicant prior to the filing of the request for special exception. It was established _____ (date of residency).

3. The proposed home business will not be injurious, noxious, or offensive to the neighborhood by reason of emission of odor, fumes, dust, smoke, vibration, noise, or other cause. _____
_____

4. The home business will be conducted within the residential structure, or other existing structure, and will not exceed twenty-five (25) percent of the finished living area of the dwelling. _____

5. The home business use will not change the residential character of the dwelling, or the property _____
_____

6. Not more than one (1) sign or other advertising device will be displayed on the property, and it will not exceed three (3) square feet in surface area. _____

7. Not more than one (1) person not residing in the dwelling unit will be employed on the premises at the same time. Total number of non-resident employees is _____.

8. Sufficient off-street parking will be provided for employees, clients, and customers. Where lot size permits, the parking will not be provided within twenty five (25) feet of the front lot line, nor within ten (10) feet of a side or rear lot line. (Must Provide a sketch showing parking). _____

9. Not more than one (1) home business use will be conducted on the property. ____