

Accepted by: \_\_\_\_\_  
Chair / Secretary of ZBA  
Date: \_\_\_\_\_

Amount Paid: \_\_\_\_\_  
Check #: \_\_\_\_\_  
Rec'd By: \_\_\_\_\_  
Date: \_\_\_\_\_  
Case #: \_\_\_\_\_

EPSOM ZONING BOARD FO ADJUSTMENT  
TOWN OF EPSOM, NEW HAMPSHIRE 03234

**APPLICATION FOR APPEAL TO THE EPSOM ZONING BOARD OF ADJUSTMENT**

This property is recorded at the Merrimack County Registry of Deeds in Book(s) # \_\_\_\_\_ Page(s) # \_\_\_\_\_

**PLEASE PRINT OR TYPE ALL INFORMATION CLEARLY**      Map #: \_\_\_\_\_ Lot #: \_\_\_\_\_ Sub-lot #: \_\_\_\_\_

1. Name of present property owner: \_\_\_\_\_  
(and principal officer if business): \_\_\_\_\_

2. Mailing Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_

3. Name of applicant (if different; note both property owner and applicant must be present at public hearing):  
\_\_\_\_\_

4. Sketch map showing exact road location of property on last page.

5. On separate sheet list **all** abutters to this property. Abutter is any person whose property is located in N.H. and is 200 feet from the boundary lines, across the street or stream from land under consideration by the ZBA.

6. Statements and / or sketches explaining exactly what you plan to do.  
Give length of frontage, side and rear lines) \* Use back for sketches.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Proposed use, or existing use affected \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. This application is for a **VARIANCE** \_\_\_\_\_ **SPECIAL EXCEPTION** \_\_\_\_\_ **APPEAL** \_\_\_\_\_

9. Have you read and are you aware of the conditions necessary for a special exception or variance? .  
**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

After completing the entire form, return this application with application fee of \$260.00 plus \$12.50 per abutter, **including yourself**. You will be notified of a hearing date by certified mail.

**Incomplete and / or vague answers constitute an incomplete application as does omission of application fee, and your application will not be scheduled for public hearing.**

TOWN OF EPSOM, NEW HAMPSHIRE  
Board of Adjustment  
**SECTION 1**  
**APPEAL FROM AN ADMINISTRATIVE DECISION**

Relating to the interpretation and enforcement of the provisions of the zoning ordinance.

Decision of the enforcement officer to be reviewed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Number \_\_\_\_\_ Date \_\_\_\_\_ Article \_\_\_\_\_ Section \_\_\_\_\_

of zoning ordinance in question: \_\_\_\_\_

\_\_\_\_\_

**SECTION 2**  
**APPLICATION FOR A SPECIAL EXCEPTION**

Description of proposed use showing justification for a special exception as specified in the zoning ordinance article \_\_\_\_\_ section \_\_\_\_\_

\_\_\_\_\_

**SECTION 3**  
**APPLICATION FOR VARIANCE**

A variance is requested from article \_\_\_\_\_ section \_\_\_\_\_ of the zoning ordinance to permit \_\_\_\_\_

\_\_\_\_\_

**FACTS SUPPORTING THIS REQUEST:**

1. The proposed use would not diminish surrounding property value because: \_\_\_\_\_

\_\_\_\_\_

2. Granting the variance would be of benefit to the public interest because: \_\_\_\_\_

\_\_\_\_\_

3. Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property that distinguishes it from other properties similarly zoned: \_\_\_\_\_

\_\_\_\_\_

4. Granting the variance would do substantial justice because: \_\_\_\_\_

\_\_\_\_\_

5. The use is not contrary to the spirit of the ordinance because: \_\_\_\_\_

\_\_\_\_\_

**NOTE: This application is not acceptable unless all required statements have been made and any additional information is supplied on a separate sheet, if the space provided is inadequate.**

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the zoning ordinance and constitutes an unnecessary hardship:

**APPLICANT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**TOWN OF EPSOM, NEW HAMPSHIRE**  
**Board of Adjustment**

**FACT SHEET**

To help appellants and others, appearing before the Epsom Board of Adjustment.

1. Your Zoning Board of Adjustment, in a sense, is like a court. All testimony may be taken under oath, although in general, Board proceedings are informal. You are not required to be represented by an attorney, but in many cases, legal counsel can be helpful. Any appeals from its decisions are heard by Superior Court.
2. If the Zoning Inspector has refused to issue a building permit to you, there are three bases on which you may appeal his decision to the Zoning Board of Adjustment.
  - a. That he / she was in error, and that you were entitled to a permit as a matter of right.
  - b. For a special exception, which is one of the specific types of buildings or uses listed by the Zoning Ordinance, you must present facts in which the Board can base a decision. In such an appeal, you should study the ordinance and find what type of evidence is necessary to “make a case” for an exception. (In general the application should show the size of any building, the type of construction, a drawing or sketch of the proposed building, a plot showing location of building on lot and showing driveways, parking, etc.).
  - c. For a variance, which most zoning appeals comprise, you must first prove a hardship. **Financial hardship is not enough.** It must be some condition peculiar to your property which makes it different from other property in the same general neighborhood. You must prove that the permit, if granted, would not be contrary to the public interest or injurious to your neighbors. You must prove that substantial justice will be done, if a permit is issued, and that the spirit and interest of the Zoning Ordinance will continue to be observed.
3. A \$260 fee payable to the Town of Epsom is required, plus \$12.50 per abutter.
4. All abutter’s names and addresses within 200 feet of the property lines shall be furnished by the applicant.