



Town of Sutton Zoning Board of Adjustment *Application Information*

Application Process

1. You must submit a written application using the form(s) approved by the Zoning Board of Adjustment (ZBA) to request a hearing for the granting of an Appeal from an Administrative Decision, a Special Exception, a Variance, or an Equitable Waiver of Dimensional Requirements. Application forms are available at the Sutton Town Hall and may be downloaded at <https://www.sutton-nh.org/board-committee/zoning-board-of-adjustment/>.
2. The deadline for submitting an application is the 15th of the month prior to the next month's Zoning Board of Adjustment meeting. Hearings are generally scheduled for the 3rd Wednesday of the month. As meeting/hearing dates may change, especially those around holidays, be sure to confirm dates with the Land Use Coordinator.
3. Carefully review the Application Instructions and Checklist requirements on pages 2 through 4. If your application is incomplete, it will be returned to you and your hearing could be delayed.
4. After your completed application is received, a hearing date will be set. You, as the applicant; the owner of the of property, if you are not the owner; all abutters; any holders of conservation, preservation, or agricultural preservation restrictions; and any professionals whose seals appear on the plans submitted as part of your application will be notified of the hearing by certified mail. A public notice of the hearing will be posted at various town sites and on the Town's website and will appear in the local newspaper.
5. At the time you submit your application, you must provide a check to cover the cost of the filing fee, certified mailings, and newspaper ads. Please refer to Section IV: Application Fees on page 4. All checks are to be made payable to the "Town of Sutton" with the note "ZBA Application." You may be invoiced for additional reasonable expenses such as photocopying, extra postage, recording fees, consulting costs.

For questions or assistance in completing these forms, please contact the Land Use Coordinator at 603-927-2402 or email landuse@sutton-nh.org. The Land Use Coordinator is available to assist you during normal office hours or by appointment. The Land Use Coordinator's normal office hours are listed on the Sutton town web page at <https://www.sutton-nh.org/town-department/land-use-department/>.



Town of Sutton
Zoning Board of Adjustment
Application Instructions, Checklist,
Staking Requirements, and Fees

Applicant's Name _____

I. Instructions

First determine that your request falls into one of the four (4) categories requiring a Zoning Board of Adjustment hearing and that it does not fall under the jurisdiction of the Planning Board. Descriptions of the four (4) categories of appeals are given below. You also can check by looking at the Sutton Zoning Ordinance at the Town Hall or online at <http://www.sutton-nh.org/board-committee/zoning-board-of-adjustment/>.

1. Appeal from an Administrative Decision. If you have been denied a building permit or are affected by some other decision regarding the administration and/or interpretation of the Sutton Zoning Ordinance, Site Plan Review Regulations, or Land Subdivision Control Regulations, you may appeal the decision to the Zoning Board of Adjustment.

The appeal must be made within 30 days of the decision in accordance with RSA 677:2. A copy of the decision appealed for must be attached to the application. Your appeal will be granted if you can show that the decision was indeed made in error.

2. Special Exception. Certain sections of the Zoning Ordinance provide that uses, buildings, or activities in a particular zone will be permitted by special exception if specified conditions are met. Your appeal for a special exception will be granted if you can show that all of the five (5) conditions listed in the Zoning Ordinance (Article VI, Section 2, page 3 16 and 17) are met.
3. Variance. A variance is an authorization, which may be granted, to use your property in a way that is not permitted under the terms of the Town of Sutton's Zoning Ordinance. Your appeal for a variance will be granted if you can show that all of the five (5) conditions listed in the Zoning Ordinance (Article VI, Section 2, page 16) are met.
4. Equitable Waiver of Dimensional Requirements. If a section of your land or a building on the land does not meet physical layout or dimensions required by the Zoning Ordinance, the ZBA may grant an equitable waiver from the requirement. Your appeal for an equitable waiver will be granted if you can show that all of the five (5) conditions listed in the Equitable Waiver of Dimensional Requirements Worksheet (pages 13 and 14) are met.

If your request requires a ZBA hearing, complete the application and the appropriate worksheet. Your application and worksheet must be typed or filled out in pen or ink (no pencil).

Please submit **seven (7) copies** of the application, the appropriate worksheet, the Checklist on pages 3 and 4, and all supporting documents along with your fee payment.

II. Checklist

You must include the documents listed below with your application. Please note that your application may be returned if all required information is not provided.

- 1. This Checklist (pages 3 and 4).
- 2. A completed Application (pages 5 and 6).
- 3. A completed Notification List (pages 7 and 8) giving the names and mailing addresses of:
 - All abutters who border the property for which the action of the ZBA is requested. The list must also contain the tax map and lot number(s) of each abutter. The list of abutters together with their mailing addresses and tax map and lot number(s) may be obtained from the records on file at the Town Office or online from the “Abutters” tab at <http://www.axisgis.com/SuttonNH/>.
 - Any holders of conservation, preservation, or agricultural preservation restrictions.
 - Any professionals whose seals appear on the plans being submitted as part of your application.
- 4. A completed worksheet, whichever is appropriate to your application.
 - The Appeal from an Administrative Decision Worksheet (page 9).
 - The Special Exception Worksheet (page 10).
 - The Variance Worksheet (pages 11 and 12).
 - The Equitable Waiver of Dimensional Requirements Worksheet (pages 13 and 14).
- 5. A copy of any orders, notices of violation, or other communications received from either the Board of Selectmen or the Planning Board that pertains to the property concerned in the application to the Zoning Board of Adjustment.
- 6. Map/Sketch to include:
 - Must be to scale and clearly indicate where the site is located and what is proposed.
 - Show “for the lot of record” the boundary lines – exact footage on all sides.
 - Name of the road the lot fronts on.
 - North/South arrow.
 - Clearly mark names and tax map and lot numbers of all abutters placed on the proper lot locations around the lot of record.
 - Clearly mark location of water wells with “W” and septic leach beds with “S”.
 - Include all existing structures on the lot, clearly indicating their dimensions, distance from other structures, distance from the center line of the road, and distance from abutting property lines.

- Clearly mark location of any bodies of water, wetlands, culverts or stone walls and clearly label distances to existing structures, if applicable.
 - For a proposed structure, include all of the above and a floor plan with dimensions, (length, width and height).
7. If you are applying for a commercial use of property in Sutton, please include a letter with your application describing the following:
- Hours of operation.
 - Plan for parking.
 - Number of employees.
 - Proposed signage.
 - Exterior lighting – locations and hours.
 - Increase in traffic due to your business, number of deliveries daily, etc.
 - Plans for expansion.
 - Any waste products produced resulting from your commercial activity.
8. A check made payable to the Town of Sutton. Refer to Section IV. Application Fees located below.

III. Staking Requirements

Two (2) weeks before the scheduled hearing, if applicable, the area where a structure is to be erected needs to be staked out on the property and/or wetlands need to be delineated such that members of the Zoning Board of Adjustment, or a ZBA designated agent, may view the proposed building site and/or the existing conditions.

IV. Application Fees

Please make your check payable to “Town of Sutton” with the note “ZBA Application.”

Residential Project	\$ 75.00
Commercial Project	\$100.00
Personal Wireless Service Facility	\$250.00
Certified Mailings	<i>Current Postal Rate</i>
Newspaper Advertisement	\$ 65.00

You may be invoiced for additional reasonable expenses such as photocopying, extra postage, recording fees, consulting costs.



Town of Sutton
Zoning Board of Adjustment
Application Form

THIS SECTION TO BE COMPLETED BY LAND USE COORDINATOR

Received by: _____ Date Received: _____ Application Type: _____ Case #: _____

Hearing Date: _____ Fees Paid: _____ Date Granted/Denied/Withdrawn: _____

Please complete this application (pages 5 and 6) and the appropriate worksheet and submit with fee payment by the 15th of the month prior to the next month's Zoning Board of Adjustment meeting. Hearings are generally scheduled for the 3rd Wednesday of the month. As meeting/hearing dates may change, especially those around holidays, be sure to confirm dates with the Land Use Coordinator.

Name of Applicant(s): _____

Mailing Address: _____

Home Phone: _____ Work Phone: _____ Cell: _____

Name of Owner of Property if different from applicant: _____

Mailing Address: _____

Home Phone: _____ Work Phone: _____ Cell: _____

Location/Address of Property: _____

Tax Map Number: _____ Lot Number: _____ Acreage: _____

Zoning District (check one): () Residential District () Rural Agricultural District

The undersigned hereby requests (check one)

- an Appeal from an Administrative Decision
- a Special Exception
- a Variance
- an Equitable Waiver of Dimensional Requirements

in accordance with Article _____, Section _____ of the Sutton Zoning Ordinance.

Describe the proposal in detail. Use a separate sheet of paper if necessary.

By signing this application:

- The applicant/owner agrees that two (2) weeks before the scheduled hearing, if applicable, the area where a structure is to be erected will be staked out on the property and/or wetlands will be delineated.
- The applicant/owner hereby gives permission for members of the Zoning Board of Adjustment, or a ZBA designated agent, to enter upon the property prior to the hearing to view the proposed building site and/or the existing conditions.
- The applicant/owner hereby gives permission for members of the Zoning Board of Adjustment, or a ZBA designated agent, to enter upon the property to inspect approval conditions.

Applicant Signature: _____ Date: _____

Property Owner Co-signature: _____ Date: _____



Town of Sutton Zoning Board of Adjustment *Notification List*

Please provide the names and mailing addresses of:

- All abutters who border the property for which the action of the ZBA is requested. The list must also contain the tax map and lot number(s) of each abutter. The list of abutters together with their mailing addresses and tax map and lot number(s) may be obtained from the records on file at the Town Office or online from the “Abutters” tab at <http://www.axisgis.com/SuttonNH/>.
- Any holders of conservation, preservation, or agricultural preservation restrictions.
- Any professionals whose seals appear on the plans being submitted as part of your application.

I. ABUTTERS

1. Map/Lot # _____ - _____ - _____

Name: _____

Address: _____

2. Map/Lot # _____ - _____ - _____

Name: _____

Address: _____

3. Map/Lot # _____ - _____ - _____

Name: _____

Address: _____

4. Map/Lot # _____ - _____ - _____

Name: _____

Address: _____

5. Map/Lot # _____-_____-_____

Name: _____

Address: _____

6. Map/Lot # _____-_____-_____

Name: _____

Address: _____

7. Map/Lot # _____-_____-_____

Name: _____

Address: _____

8. Map/Lot # _____-_____-_____

Name: _____

Address: _____

9. Map/Lot # _____-_____-_____

Name: _____

Address: _____

II. PROFESSIONALS and RESTRICTION HOLDERS

1. Name: _____

Address: _____

2. Name: _____

Address: _____

3. Name: _____

Address: _____



Town of Sutton
Zoning Board of Adjustment
Appeal from an Administrative Decision

Relating to the interpretation and enforcement of the provisions of the Zoning Ordinance and of RSA 676:5:

(1) Who or which Sutton Board or Committee made the decision/interpretation to be reviewed?

(2) When was the decision/interpretation to be reviewed made?

(3) Describe the decision/interpretation to be reviewed?

(4) Describe the requested decision/interpretation.

(5) Please attach a copy of the decision to be reviewed to your application.



Town of Sutton Zoning Board of Adjustment *Variance Worksheet*

Explain how you will meet the following criteria.

- (1) The variance will not be contrary to the public interest.

For a variance to be contrary to the public interest, the proposal has to conflict with the zoning ordinance such that it violates the zoning ordinance's basic zoning objectives. For instance, will the proposal alter the essential character of the neighborhood? Or will it threaten the public's health, safety or welfare?

- (2) The spirit of the ordinance is observed.

This criteria is often linked to the first. Explain how the request will uphold the spirit and goals of the town's zoning laws. (Refer to Sutton's Zoning Ordinance: Article I - Preamble.)

- (3) Substantial justice is done.

It must be demonstrated that any loss suffered by the general public would be minimal and that it is outweighed by the gain to the applicant. A test for this would be to demonstrate that the proposal is consistent with current uses in the area.

(4) The values of surrounding properties are not diminished.

Meeting this condition seems fairly obvious, but there are many factors that can influence property values. It must be demonstrated that the proposal will have no negative impact on the value of neighboring properties.

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and.

Describe any special conditions of this property that distinguish it from the other properties in the area.

(ii) The proposed use is a reasonable one.

Given the special conditions of this property, explain how the proposed use is a reasonable one.



Town of Sutton
Zoning Board of Adjustment
Equitable Waiver of Dimensional Requirements Worksheet

An Equitable Waiver of Dimensional Requirements is requested from

Article _____, Section _____ of the Sutton Zoning Ordinance to permit:

State in writing how the following pertain to the property. Additional information may be supplied on separate pages.

(1) Does the request involve a dimensional requirement, not a use restriction? () Yes () No

(2) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the town.

OR

Explain how 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.

(3) Explain how the violation was not an outcome of ignorance of the law or bad faith but resulted from a good faith error in measurement or calculation.

(4) Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

(5) Explain how the cost of correction far outweighs any public benefit to be gained