

## **EATON ZONING BOARD OF ADJUSTMENT INSTRUCTIONS TO APPLICANTS**

1. The applicant must provide all information required at time of filing.
2. Prepare a list of all abutting property owners, have it verified at Town Hall and attach it to your application. If you have any difficulty, consult the Selectmen's Office, but the accuracy of the list is your responsibility.

3. Types of Appeals:

**VARIANCE:** A Variance is an authorization which may be 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 legally granted, you must show that your proposed use meets all five of the conditions. For application, you must first have some form of determination that the proposed use or dimensional layout is not permitted without a Variance. Most often, this determination is a denial of a building permit. A copy of the determination must be attached to your application.

**APPEAL FROM 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 that the decision was made in error under the provisions of the Ordinance, you may appeal the decision to the Zoning Board of Adjustment. The appeal will be granted only if you can show that the decision was indeed made in error. A copy of the decision appealed from must be attached to your application.

**SPECIAL EXCEPTION:** Certain sections of the Zoning Ordinance provide for a Special Exception if specified conditions are met. All conditions as specified in the Ordinance must be met for an appeal to be granted. A detailed site plan showing (at a minimum) all setbacks and building dimensions must be attached to your application.

**EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS:** When a lot or structure is discovered to be in violation of a physical or dimensional requirement, a waiver may be granted only if each of the four findings as outlined in the Statute and listed in the application is made. Equitable waivers may be granted only from physical layout, mathematical or dimensional requirements and may not be granted from use restrictions. Once a waiver is granted, the property does not exempt future use, construction, reconstruction or additions on the property from full compliance with the Ordinance. A detailed site plan showing the violation of the physical layout or dimensional requirement in relation to the property boundary lines must be attached to your application.

4. Applicant is responsible to provide sketches, plot plans, pictures, construction plans or whatever may help explain the proposed appeal. Pictures of the property are particularly useful. Include copies of any prior applications concerning the property. Also include an explanation of why the appeal should be granted.

5. Mail or deliver the completed Application with all attachments to the Office of the Selectmen. Make checks payable to the TOWN OF EATON and remit with your application.
6. The ZBA meets at the Town Hall on the first Monday of the month. Completed applications must be received by 12 noon on the Monday two weeks prior to the regularly scheduled Meeting.
7. To appeal a decision of the Zoning Board, Motion for Rehearing must be submitted to the ZBA within 30 days of the decision (day 1 being the day after the decision) and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable. The Board may grant such a rehearing if, in its opinion, good reason is stated in the motion. The Board will not reopen an Appeal based on the same set of facts unless it is convinced that an injustice would be created by not doing so. (See RSA Chapter 677 for more information)