

**CITY OF PORTSMOUTH**  
**Zoning Board of Adjustment Application**

*Department Use Only*

Assessor Plan # \_\_\_\_\_

Lot # \_\_\_\_\_

Zone \_\_\_\_\_

Date \_\_\_\_\_

Fee \_\_\_\_\_

By \_\_\_\_\_

Applicant must be either:  
1) owner of record or 2)  
holder of a valid option to  
purchase. If condo please ask  
staff about additional  
requirements.

Fill in below by printing in ink or typing / Complete all Blanks or indicate "N/A"

Applicant \_\_\_\_\_ Owner of Record \_\_\_\_\_

Applicant Street Address \_\_\_\_\_ Owner Street Address \_\_\_\_\_

Applicant City / State / Zip \_\_\_\_\_ Owner City / State / Zip \_\_\_\_\_

Applicant phone (\_\_\_\_) \_\_\_\_\_ Owner phone (\_\_\_\_) \_\_\_\_\_

Applicant e-mail \_\_\_\_\_

Location (street address) of proposed work: \_\_\_\_\_

Existing use: \_\_\_\_\_

If residential, include the  
number of units (e.g. single  
family residential, two-family  
residential, etc.)  
If commercial, describe the type  
of business (e.g. retail store,  
professional office, etc.)

Undersigned hereby requests:

☐ Appeal from an Administrative Decision  
See Article 2, Section 10.234.30 \_\_\_\_\_

☐ Special Exception  
See Article 2, Section 10.232.20 \_\_\_\_\_

☐ Variance  
See Article 2, Section 10.233.20 \_\_\_\_\_

☐ Other \_\_\_\_\_  
See Article 2, Section 10.233.20 \_\_\_\_\_

Check appropriate box for type  
of application, for more  
information review the zoning  
ordinance section listed.

List zoning ordinance section for  
the zoning relief that is being  
requested (e.g. 10.521 --  
Dimensional Regulations). See  
attachments for examples.

To permit the following:

This should describe the type of relief that is being sought or the decision that is  
being appealed (this is used for the legal notice). See attachments for examples.

The undersigned alleges that the required conditions exist for granting of this request according to the terms of the Zoning Ordinance as demonstrated in the attached submittals.

Only complete applications will be accepted by the deadline date. A complete application shall consist of: a completely filled out application with original signatures, the application fee, and 12 packets of required plans and any supporting documents or photos. Incomplete applications will not be accepted. Applications received after the deadline will be scheduled for the following month. The owner or his/her representative is required to attend the Public Hearing for the above appeal.

Owner must sign even if the  
owner is not the applicant.  
Signature must be original,  
copies or faxes are not  
acceptable.

Signature of Owner \_\_\_\_\_

Date \_\_\_\_\_

Please PRINT name here \_\_\_\_\_

### Applicant's Responsibilities

1. All applications for Variances and Special Exceptions must be submitted to the Planning Department prior to the published deadline. In the case of Appeals from an Administrative Decision, the appeal shall be filed no later than 30 days from the date of the action which is being appealed.
2. A Building Permit application must also be filed for the project for which zoning relief is being sought. The Building Permit application can be submitted with the Board of Adjustment application or filed prior. The Planning Department may waive this requirement when the application is for a substandard lot for subdivision purposes and no other zoning relief is required.
3. An applicant shall be one of the following: a) the owner of record of the property, or b) the holder of a valid purchase and sales agreement for the purchase of the subject property, or c) the holder of a valid option for the purchase of the subject property.
4. All applications shall include a **written statement** explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).
5. It is the obligation of the applicant to submit adequate plans and exhibits in accordance with the terms of the Zoning Ordinance for all applications for Administrative Appeals, Variances, Special Exceptions, and Equitable Waivers.
6. For applications **requesting dimensional relief**, the minimum requirements for adequate plans shall include the following:

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li><input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including:<ul style="list-style-type: none"><li>- Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)</li><li>- Lot dimensions</li><li>- Abutting street(s) and street names</li><li>- Driveways / accessways</li><li>- Dimensions (size and height) of structures</li><li>- Dimensions and location of parking spaces</li></ul></li></ul> | <ul style="list-style-type: none"><li><input type="checkbox"/> Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)</li><li><input type="checkbox"/> Labeled photo(s) of existing conditions</li><li><input type="checkbox"/> Building plans and elevations of any <i>proposed</i> structures or additions</li><li><input type="checkbox"/> Interior floor plans for any renovations or expansion to existing structures</li></ul> |
|--|--|

7. For applications requesting relief from **land use requirements**, the minimum requirements for adequate plans shall include the following:

- |   |
|---|
| <ul style="list-style-type: none"><li><input type="checkbox"/> Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size)</li><li><input type="checkbox"/> Interior floor plans and/or exterior site plans showing the location of the proposed use(s)</li><li><input type="checkbox"/> Labeled photo(s) of existing conditions</li></ul> |
|---|

8. Plans should be 8 1/2" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
9. The Planning Department is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project. Public Hearings shall not be scheduled, advertised or held until such time as the minimum requirements for adequate plans have been submitted. The Board may postpone any application requiring more information prior to any action being taken.
10. The applicant shall submit **one (1) original and eleven (11) copies** of the application and any plans, exhibits, and supporting documents.
11. The applicant shall **provide electronic files in Portable Document Format (PDF) of all submittals**. An applicant may request a waiver from this requirement. The request should be made in writing to the Planning Director one week prior to the submission deadline and should explain why the applicant is unable to provide electronic files.

I have read the above list of responsibilities, have provided all required information, and such information is current, accurate, and complete to the best of my knowledge.

(Applicant's Signature, date)

The Applicant is encouraged to consider the following when completing the application:

- ☐ Provide neat and clear plans
- ☐ Use of color or highlights is encouraged in order to identify pertinent areas on plans
- ☐ **Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal**
- ☐ All applicants are encouraged to discuss the project with impacted neighbors

All application materials and fees must be submitted by the deadline.

Check with the Inspections Department to determine which Building Permit application to use or go to [www.cityofportsmouth.com/inspection/permitappforms.htm](http://www.cityofportsmouth.com/inspection/permitappforms.htm)

See attachments for further explanation.

These submittal requirements are for applications requesting relief from the **dimensional requirements** in the zoning ordinance (e.g. building coverage, lot area, yards, etc.). See attachments for examples.

These submittal requirements are for applications requesting relief from the table of **use requirements** in the zoning ordinance. See attachments for examples.

12 total copies of everything except the Building Permit Application (item 2 above). These shall be collated.

These can be e-mailed or provided on a CD-ROM or thumb drive.

# CITY OF PORTSMOUTH

## Zoning Board of Adjustment Application

<i>Department Use Only</i>		Date _____
Assessor Plan # _____	Lot # _____	Fee _____
Zone _____	Lot area _____	By _____

Fill in below by printing in ink or typing / Complete all Blanks or indicate "N/A" if not applicable

Applicant Sally Smith Owner of Record Sally Smith

Applicant Street Address 32 Main St Owner Street Address same

Applicant City / State / Zip Portsmouth, NH 03801 Owner City / State / Zip same

Applicant phone (\_\_\_\_) 603-888-1111 Owner phone (\_\_\_\_) same

Applicant e-mail ssmith@address.net

Location (street address) of proposed work: 32 Main St

Existing use: single family residence

Undersigned hereby requests:

	<u>Article and Section</u>
<input type="checkbox"/> Appeal from an Administrative Decision See Article 2, Section 10.234.30	_____
<input checked="" type="checkbox"/> Special Exception See Article 2, Section 10.232.20	<u>10.440 (Table of Uses)</u>
<input checked="" type="checkbox"/> Variance See Article 2, Section 10.233.20	<u>10.521 (Dimensional Requirements)</u>
<input type="checkbox"/> Other _____ See Article 2, Section 10.233.20	_____

To permit the following:

To allow keeping of chickens in a district where such use is allowed by Special Exception. To allow a variance for an accessory structure to be located 3' from the rear lot line where a minimum of 10' rear yard is required.

The undersigned alleges that the required conditions exist for granting of this request according to the terms of the Zoning Ordinance as demonstrated in the attached submittals.

Only complete applications will be accepted by the deadline date. A complete application shall consist of: a completely filled out application with original signatures, the application fee, and 12 packets of required plans and any supporting documents or photos. Incomplete applications will not be accepted. Applications received after the deadline will be scheduled for the following month. The owner or his/her representative is required to attend the Public Hearing for the above appeal.

Signature of Owner \_\_\_\_\_

Date

Please PRINT name here Sally Smith

### Applicant's Responsibilities

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<ul style="list-style-type: none"><li><input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including:<ul style="list-style-type: none"><li>- Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)</li><li>- Lot dimensions</li><li>- Abutting street(s) and street names</li><li>- Driveways / accessways</li><li>- Dimensions (size and height) of structures</li><li>- Dimensions and location of parking spaces</li></ul></li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)</li><li><input type="checkbox"/> Labeled photo(s) of existing conditions</li><li><input type="checkbox"/> Building plans and elevations of any <i>proposed</i> structures or additions</li><li><input type="checkbox"/> Interior floor plans for any renovations or expansion to existing structures</li></ul>
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7. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

<ul style="list-style-type: none"><li><input type="checkbox"/> Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size)</li><li><input type="checkbox"/> Interior floor plans and/or exterior site plans showing the location of the proposed use(s)</li><li><input type="checkbox"/> Labeled photo(s) of existing conditions</li></ul>
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8. Plans should be 8 1/2" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
9. The Planning Department is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project. Public Hearings shall not be scheduled, advertised or held until such time as the minimum requirements for adequate plans have been submitted. The Board may postpone any application requiring more information prior to any action being taken.
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11. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals. An applicant may request a waiver from this requirement. The request should be made in writing to the Planning Director one week prior to the submission deadline and should explain why the applicant is unable to provide electronic files.

I have read the above list of responsibilities, have provided all required information, and such information is current, accurate, and complete to the best of my knowledge.

01/01/01

(Applicant's Signature, date)

The Applicant is encouraged to consider the following when completing the application:

- ☐ Provide neat and clear plans
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- ☐ All applicants are encouraged to discuss the project with impacted neighbors

# Requirements for Granting a Variance: A Suggested Approach

Use this as a reference  
in preparing the  
required written  
statement for the  
zoning board of  
adjustment application

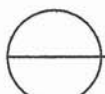
THE APPLICANT MUST ESTABLISH **ALL** OF THE FOLLOWING.

Requirement	Explanation
1. The variance is not contrary to the public interest.	The proposed use must not conflict with the explicit or implicit purpose of the ordinance, and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
2. The spirit of the ordinance is observed.	
3. Substantial justice is done.	The benefit to the applicant should not be outweighed by harm to the general public or to other individuals.
4. The values of surrounding properties are not diminished.	Expert testimony on this question is not conclusive, but cannot be ignored. The board may also consider other evidence of the effect on property values, including personal knowledge of the members themselves.
<p>5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means:</p> <p><i>Because of</i> special conditions of the property that distinguish it from other properties in the area:</p> <p>(a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property; <i>and</i></p> <p>(b) The proposed use is a reasonable one.</p> <p><i>Alternatively</i>, unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance.</p>	<p>The applicant must establish that the property is burdened by the zoning restriction in a manner that is distinct from other similarly situated property.</p> <p>(a) Determine the purpose of the zoning restriction in question. The applicant must establish that, because of the special conditions of the property, the restriction as applied to the property does not serve that purpose in a "fair and substantial" way.</p> <p>(b) The applicant must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood.</p> <p>As an alternative to (a) and (b) above, the applicant can satisfy the unnecessary hardship requirement by establishing that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.</p>

**Special exception standards:**

- Standards as provided by this Ordinance for the particular use permitted by special exception; [consult with the Planning Department to determine if there are any standards specific to the particular use]
- No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;
- No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;
- No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;
- No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools;
- No significant increase of stormwater runoff onto adjacent property or streets.

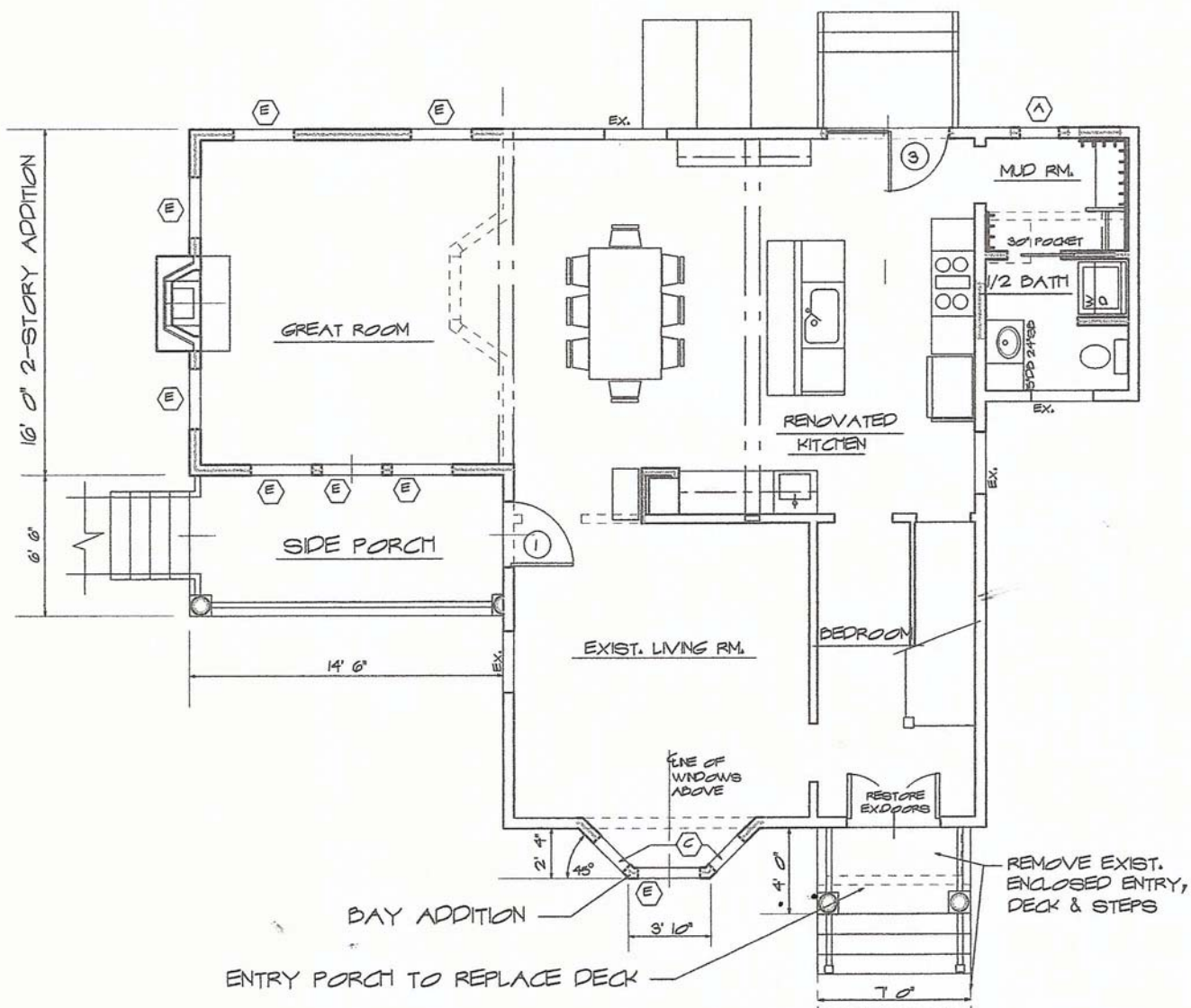
# Sample Site Plan



PROPOSED LOT PLAN

SCALE : 1/16" = 1'-0"

# Sample Floor Plan




**1ST FLOOR PLAN**  
 SCALE : 1/8" = 1'-0"

# Sample Building Elevation



FRONT ELEVATION