ZBA APPLICATION INSTRUCTIONS
(Adopted August, 2020)

Please read ALL of these instructions carefully. Non-compliance with the directions may result in your application being rejected for correction and delay in the scheduling of your hearing.

NOTICE TO ALL APPLICANTS: The Zoning Board of Adjustment may refuse to hear your application if there is not a referral or denial by the Building Inspector and/or the Kingston Planning Board or other Town board of similar authority.

1. Complete the attached application for one of the following: Special Exception, Variance, Appeal of Administrative Decision or Equitable Waiver. If you are applying for more than one of the above listed, a second application from will be required. Do not use the same application for both requests. Submitting more than one request on an application may cause postponements in the time frame your case will be heard.

2. The applicant is responsible for submitting a correct list all abutters, with complete mailing addresses. Be sure to include the full mailing address (street number, where applicable) and zip codes of the owner of the property. Be aware that the post office returns all mail to the sender if the address is not absolutely correct. We request three sets of mailing labels with the abutters name, address and zip code, in order to expedite your application. Please do not put tax map and lot numbers on the mailing labels. You will only need to enclose one list of abutters for multiple applications for the same property submitted at the same time.

3. An application fee of $50.00/application (for example, two variance applications require two application fees); a legal notice fee of $150 and a certified mail fee of $11.50 per abutter (including the applicant) must be paid at the time of application submission. Payment may be made by check or cash.

4. ZBA hearings are generally held on the second Thursday of the month at 7:00PM at the Town Hall. Applications must be submitted with the appropriate fees paid by noon on the third Wednesday of the month. NO EXCEPTIONS.

5. Where plans are required, seven (7) copies of the plan (11”x17”) must be provided when appropriate or required, must bear the seal of a professional engineer, licensed in New Hampshire as specified in the Zoning Ordinance. Plans must be submitted with the application.

6. If the applicant is not the property owner, written authorization from the property owner must accompany the application. If the owner will not be in attendance at the hearing, the authorization must be notarized.

What to expect: You will receive a certified notice in the mail, with the information regarding your hearing (and other hearings scheduled for that night). You or a representative of yours must be present at the hearing. Be prepared to make a presentation regarding your request (pictures, plans, documents... are helpful and should be marked with the property address for identification). Any evidence you present to the Board in support of your case becomes part of the record and will not be returned. The Board will hear your case, ask questions and hear from any interested parties who are present. After hearing all cases, the Board will not hear any more input from members of the public and will deliberate the cases presented. A verbal decision will most likely be made that evening followed by a written notice to the applicant within 10 days.
ZBA APPLICATION CHECKLIST

Tax Map Number: ___________________       Date Received: ___________________

☐ Application Fee:  $50.00

☐ Legal Notice Fee:  $150

☐ Abutter Fee:  $11.50 x _____________ = ________________
               (total # of abutters)   (total amount for abutter fees)

TOTAL of all fees: ___________________

☐ The applicant shall provide a list of abutters and provide three (3) sets of abutter names and addresses on adhesive mailing labels measuring 1” by 2 5/8”. (Such as Avery #5160)

☐ LETTER OF DENIAL:
   ____ Building Inspector
   ____ Planning Board
   ____ Other: ________________________________

☐ Minutes, where applicable

☐ Plans, where required: seven (7) plan sets, size 11 x 17 submitted with application

☐ Owner authorization, as needed

☐ Application being applied for:
   ____ Variance
   ____ Special Exception
   ____ Appeal from an Administrative Decision
   ____ Equitable Waiver for Dimensional Requirement
   ____ Re-hearing
Kingston Zoning Board of Adjustment

APPLICATION FOR APPEAL

Note: all matters that come before the ZBA are referred to as “appeals.” This form is required to be filled out for all applications including: Appeal of Administrative Decision; Special Exception; Variance Equitable Waiver and Re-hearing.

Name(s) of Applicant: ____________________________________________________________

Address: ___________________________ (Street & Apt. #) ___________________________ (Town) ______________ (State) ___________ (Zip)

Telephone: ( ) ________________________ Contact Name: ____________________________

Mobile #: ___________________________ email: ________________________________

Owner of Property: _____________________________________________________________

Location of Property: ___________________________________________________________

Zone(s): _______________________________ Tax Map # __________ Lot # ________

Applicant Signature: ____________________________________________________________

• The Article and Section Numbers must be completed. If you are unsure of these numbers, please seek the guidance of the Building Inspector’s or Planning Board Office.

APPEAL FROM AN ADMINISTRATIVE DECISION: relating to the interpretation and enforcement of the provisions of the zoning ordinance.

Article: _______________ Section: _______________

Decision of the enforcement officer to be reviewed: ________________________________

__________________________________________________________

__________________________________________________________

APPLICATION FOR A SPECIAL EXCEPTION:

Article: _______ Section: ______

To permit: ________________________________

__________________________________________________________

__________________________________________________________
APPLICATION FOR VARIANCE:

Tax Map and Lot Number: __________________________

• Article: _____ Section: _____

A variance of the Zoning Ordinance to permit: __________________________

______________________________________________________________________

Facts supporting this request (all must be completed):

1. The proposed variance will not be Contrary to the Public Interest because:

______________________________________________________________________

______________________________________________________________________

2. The Spirit and Intent of the Ordinance is preserved because: __________________________

______________________________________________________________________

______________________________________________________________________

3. There is Substantial Justice in Granting the variance because: (NOTE: Any loss to the individual that is not outweighed by a gain to the general public is an injustice)

______________________________________________________________________

______________________________________________________________________

______________________________________________________________________

4. The Values of the Surrounding Properties will not be Diminished because:

______________________________________________________________________

______________________________________________________________________

______________________________________________________________________

5. Literal enforcement of the provisions of the ordinance would result in an Unnecessary Hardship because:

______________________________________________________________________

______________________________________________________________________

______________________________________________________________________

FEEL FREE TO USE ADDITIONAL PAPER AS NEEDED TO PROVIDE COMPLETE ANSWERS
REQUEST FOR EQUITABLE WAIVER:

Tax Map and Lot Number: ____________________________

• Article _________ Section: ________

An equitable Waiver is requested from the above Zoning Ordinance to Permit:

__________________________________________________________________________

__________________________________________________________________________

a.) Has the violation existed in excess of ten years? Yes or No (circle one)
   - If “Yes”, date in year in which the violation began: ________.
   - If “No”, was the violation discovered after the structure was substantially built? ____________________________

b.) Was this a good faith error in measurement? (explain)

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

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__________________________________________________________________________

c.) Will this violation be a public or private nuisance?

__________________________________________________________________________

__________________________________________________________________________

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__________________________________________________________________________

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__________________________________________________________________________

d.) Will the cost of fixing the violation far outweigh any benefit to the public?
   ____________ If not, why not? ________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________
**ABUTTER’S LIST***

Three sets of mailing labels are required with all applications
(1” X 2.63” - Avery 8160 or 5160 or equivalent)

**PLEASE REFER TO THE DEFINITION OF ABUTTER BELOW.**

BE CERTAIN TO INCLUDE THE APPLICANT IN YOUR MAILING LABELS. If the applicant is not the property owner, the property owner must also be listed as an abutter.
(Do not note map and lot numbers on labels.)

APPLICANT’S NAME: ________________________________

MAILING ADDRESS: ________________________________

Tax Map Number of property: _______________________

Please type or print legibly the complete names and mailing addresses of all abutters, with full name, mailing address (including street number where applicable), and zip code. Incomplete addresses may cause your application to be rejected for correction and possibly delay your hearing. When calculating your abutter notification costs please be certain to include the applicant. Multiple applications, submitted for the SAME property at the SAME time will only be charged for one set of abutter notifications.

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Include additional paperwork as needed to provide a complete list of abutters.

*The “Abutters List” includes not only the names and addresses of all abutters to the property as indicated in Town records but “Required Notification” (aka “Abutters” for the purpose of creating the mailing list) includes the names and address of the following: Applicant/Owner, holders of conservation, preservation or agricultural preservation restrictions (as defined in RSA 477:45), upstream dam owners, the NHDES Dam Bureau; any engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board. (RSA 676:4)
HOW TO COMPILE AN ABUTTERS LIST

An abutting property is defined as any property that touches your property line, including across the street, pond or stream. The abutter is that property’s owner. (Please refer to additional “required notification” on page 6 of this application when creating the abutters list.)

1. Find your property on the Kingston Tax Maps.

2. Look at that map to see which properties fit the above description of an abutter.

3. Using the Map-Lot of each of those properties, and the computer available for the public; look up the property owner and address for each abutter. Ask to access the public computer at the Selectboard’s office.

4. ALL LOT DESIGNATIONS MUST BE THREE (3) DIGIT PLACES and contain the letter designation.
   For example: 163 Main Street would be Tax Map U10 Lot 39 and designated U10-039.

   In the case of hyphenated lots (as is frequent in the case of condominiums) the example is: Tax Map R3-3-01-10 would be R3-03-01-010.

4. Fill in this information in the blocks on the abutters list form, provided in your application kit, one abutter per block. You can either just write the information in while you are at the computer or you can print the form (instructions are posted at the computer) and take them with you to fill out this form later.

   IF YOU DO NOT HAVE THE MOST CURRENT APPLICATION DEADLINE/MEETING SCHEDULE PLEASE ASK AND WE’LL BE HAPPY TO PROVIDE IT TO YOU.