



**BELMONT ZONING BOARD OF ADJUSTMENT
BUILDING CODE BOARD OF APPEALS
APPLICATION INSTRUCTIONS - APPEAL OF ADMINISTRATIVE DECISION**

If you have been affected by the decision of any official or Board in the enforcement or interpretation of the Belmont Zoning Ordinance, and you feel the decision was made in error, you may appeal that decision to the ZBA (RSA 674:33 & 676:5). Pursuant to RSA 674:34, the Zoning Board shall also hear an appeal from any decision of the Code Enforcement Officer/Building Inspector based on the provisions of the Town's building code. All forms, schedules and Rules of Procedure are available on line and in the Land Use office. Correctness of information is the responsibility of the Applicant. Applications must be complete and legible, either typed or printed in ink. Incomplete or illegible applications will be returned and must be resubmitted. Applicants having questions regarding the application process may contact the Land Use Office.

Application

A completed application for Appeal must be filed with the Land Use office within 20 days of the date of the decision being appealed

Each application for a hearing before the Board shall be made on the most current forms provided by the Land Use Office following the instructions attached thereto. All physical evidence submitted to the Board as part of the application or during the public hearing will be retained by the Board as part of the record of the application. At a minimum, the following shall be required:

1. Notification List - Seven copies of the attached notification list with all names and mailing addresses for everyone who will receive notification of the public hearing:
 - A. Owner of property.
 - B. Original Applicant (if different from owner) and Appealing Applicant.
 - C. Agent(s)-(Original & Appealing) (if different from owner & applicant and not already included in #f below).
 - D. Owners of record of all abutting properties (directly abuts the lot in question or is directly across a street or stream from the lot in question) as indicated in the Town Records not more than 5 days before the date of filing, identified by the map and lot numbers as shown on the Belmont Tax Map. Abutting condominiums or associations shall receive notice to the officers of the condominium or association. Abutting manufactured housing parks shall receive notice to the park owner and those tenants who own manufactured housing which adjoins or is directly across the street or stream from the lot in question.
 - E. All individuals or entities holding a mortgage or lien on the subject property as of the date the application is submitted (as indicated by the owner on the original application);
 - F. All individuals whose professional seal appears on any plan submitted;
 - G. All holders of conservation, preservation, or agricultural preservation restrictions as defined under NH RSA 477:45.
2. Envelopes
 - A. one 4"x9-1/2" (business-sized) envelope with the name and address for each name on the above notification list, typed or printed legibly on the envelope and a return address to the Belmont Zoning Board, P.O. Box 310, Belmont, NH 03220. Do not put postage on envelopes and do not include any certified or return receipt labels.
 - B. two extra envelopes each (for a total of 3 envelopes) for Owner, Applicant, and Agents.
3. Fees – Fees are non-refundable. Check for filing and notification fees to be made payable to Town of Belmont. Check for Notice of Decision recording fee to be made payable to Belknap County Registry of Deeds.

4. Application Form - Seven copies of the completed most current application form signed by applicant. Signature by anyone else or other representation at the meeting must be approved in writing by the applicant.
5. Decision Being Appealed – Seven copies of decision being appealed including all information that was submitted to the official as the basis for that decision.
6. Additional documentation - Seven copies of any other information that the applicant wishes the Board to consider at the public hearing.
7. The application shall also deliver one complete copy of all documents for this appeal application directly to the official whose decision is being appealed at the same time that the application is filed with the Zoning Board. That Official shall forthwith transmit to the Zoning Board all the papers constituting the record upon which the action appealed from was taken.
8. Completed application packets shall be delivered during regular business hours to the Land Use Office where the application shall be date-stamped upon receipt. Applications for Appeal of Administrative Decision taken under RSA 676:5 shall be filed within 20 clear calendar days of the decision. Completed applications are considered received for the purposes of scheduling on the date so stamped.

PLEASE NOTE: The Board will first act to accept or deny jurisdiction over the application. If the Board accepts jurisdiction, a date, time and place will be set for the public hearing and notice will be sent to the Applicant and all other necessary individuals. The Town will publish notice of the meeting in a newspaper of general circulation.

Board members and/or staff may view the site. The site must be clearly marked with the 911 street address to facilitate inspection. Applicants are cautioned not to discuss the merits of the application with Board members who view the site.

An application for appeal of administrative decision shall result in the status quo as to the use of the subject land being preserved. Any permit that is the subject of the appeal is deemed suspended and no construction or change of use can begin except to avoid imminent peril to life, health, safety, property or the environment. Such suspension shall not continue for subsequent appeals to Superior Court except by specific Court order.

You or your representative must attend the Zoning Board public hearing. If no one is present at the meeting to present your appeal, it will be denied without prejudice and must be resubmitted. Decisions are usually rendered by the Board at the same meeting at which the public hearing is held. In some instances, decisions may be made at a later date. The findings of the Board will be forwarded to the Applicant.

In the instance where a full five-member voting Board cannot be seated for the public hearing, the chair will offer the applicant the opportunity to proceed with a reduced Board, or to have the hearing postponed until the next regular meeting date, with the understanding that an affirmative vote of three members is required to decide in favor of any appeal and that action by a reduced Board is not, in and of itself, grounds for a rehearing.

At the public hearing the Applicant or his/her representative shall present the petition. Following this, those wishing to speak in favor or in opposition may do so. All comments must be directed to the Chair. Everyone rising to address the Chair shall identify himself or herself, giving his or her name and address.

The Board has the authority to reverse or affirm any administrative decision in whole or in part. It may modify the decision and may make such decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken. Reasons are given for all decisions of the Board.

If the Board wishes to wait to make a decision, the Applicant will be notified. Decisions will be announced by the

Chair at the time they are made, with a copy mailed to the Applicant. For additional information, see ZBA Rules of Administrative Procedure. Any party affected by the decision of the Board has the right to appeal. Please refer to the Ordinance, RSA's or contact the Land Use Office for further information

SAMPLE ENVELOPE

SAMPLE OF ENVELOPE THE APPLICANT MUST PROVIDE FOR EACH NOTIFICATION.

Belmont Zoning Board P.O. Box 310 Belmont, NH 03220	Do Not Attach Postage
Abutter's Name Full Mailing Address	



APPLICATION FOR APPEAL

ZONING BOARD OF ADJUSTMENT or BUILDING CODE BOARD OF APPEALS

APPLICATION MUST BE TYPED OR PRINTED LEGIBLY IN PEN

Land Owner: _____ Contact Person: _____

Tele: _____ Cell Phone: _____ Fax: _____ e-mail: _____

Mailing Address: _____

Applicant (if different): _____ Contact Person: _____

Tele: _____ Cell Phone: _____ Fax: _____ e-mail: _____

Mailing Address: _____

Agent (If any): _____ Contact Person: _____

Tele: _____ Cell Phone: _____ Fax: _____ e-mail: _____

Mailing Address: _____

Address of Property: _____ Zoning District(s): _____

Tax Map & Lot #(s): _____ Total area: _____ (acres)

Describe your legal "Standing" to make Appeal: To establish "standing", an appealing party must show "some direct, definite interest in the outcome of the action or proceeding." Factors may include the proximity of your property to the property for which approval is sought; the type of change being proposed; the immediacy of the injury claimed; your participation in the administrative hearings.

STATEMENT OF ASSURANCE

I hereby certify that to the best of my knowledge this information is valid.

Date

Signature of Appellant (w/Auth. letter)

COMPLETE ATTACHED NOTIFICATION LIST AS REQUIRED IN APPLICATION INSTRUCTIONS

COMPLETE THE FOLLOWING

(Use additional sheet if necessary)

A. Name and Title of Administrative Official or Board Whose Decision You are Appealing:

B. Description of Decision Being Appealed:

C. Date of Decision Being Appealed:

D. The Decision or Order Was Made in Error and Should be Reversed for the Following Reasons:

Town of Belmont

Notification List

The following information shall be submitted, as required, as part of all Land Use applications. The list shall include all of the following:

- A** The name and mailing address of the owners of all **abutting** properties, vacant or improved. The name and address shall be that taken from the Town records not more than 5 days before submission of the list.
- P** The name and mailing address of all **professionals** whose seal appears on the plans being submitted as part of this application.
- L** **LIENHOLDER(S)** - The name and mailing address of all parties holding a mortgage or **lien** on the property. Statement of Liens on application form must be checked appropriately and signed.
- R** The name and mailing address of all parties holding a conservation, preservation, or agricultural preservation **restriction on** the property.

NAME	MAILING ADDRESS	TAX MAP/LOT# IF ABUTTER OR LIST <u>P</u> , <u>L</u> , OR <u>R</u> FROM ABOVE