

Amendment #7

Article II & IX – Board of Adjustment General Revisions

ARTICLE II – GENERAL PROVISIONS

2.100 DEFINITIONS

82 VARIANCE: As defined in RSA 674:33, a relaxation of the terms of this Ordinance granted by the Zoning Board of Adjustment as long as it complies with the variance criteria required under Article IX, Section 9.300 of this Ordinance.

ARTICLE IX – BOARD OF ADJUSTMENT

9.100 BOARD OF ADJUSTMENT

A five (5)-person Zoning Board of Adjustment and up to five (5) alternates shall be appointed by the Board of Selectmen as provided by NH RSA 673:3, as may be amended from time to time. Pursuant to RSA 674:33 and 674:33-a, as may be amended from time to time, the Zoning Board of Adjustment shall have the power to:

- 01 Review and decide on alleged error in administrative finding or decision;
- 02 Review and decide on a Special Exception request;
- 03 Review and decide on a Variance request; and
- 04 Review and decide on Equitable Waivers of Dimensional Requirements.

9.200 CRITERIA FOR SPECIAL EXCEPTIONS

For a special exception, the applicant shall submit an application to the Zoning Board of Adjustment stating the reasons for granting thereof. The Board of Adjustment shall schedule a hearing on the application within thirty (30) days of receiving it. The Board must find in order to grant a special exception that all of the following requirements and any other applicable requirements as set forth in this Ordinance are met:

- 01 That the use is so designed, located and proposed to be operated such that the public health, safety, welfare and convenience will be protected.

- 02 That use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located.
- 03 That the use conforms to all applicable regulations governing the district where located.
- 04 The applicant must agree to obtain Planning Board approval of the site plan prior to applying for a building permit. In the event a Site Plan review is not required, the applicant shall submit a plan satisfactory to the Board of Adjustment showing the affect, if any, of the Special Exception to the Site.

9.300 CRITERIA FOR A VARIANCE

Before authorizing a Variance from the Ordinance, the Board of Adjustment shall find that the five (5) following conditions as set forth by RSA 674:33, I(b), as may be amended from time to time, have been met:

- 01 The variance will not be contrary with the public interest;
- 02 The spirit of the Ordinance is observed;
- 03 Substantial justice is done;
- 04 The values of surrounding properties are not diminished; and
- 05 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

9.400 CRITERIA FOR EQUITABLE WAIVERS OF DIMENSIONAL REQUIREMENTS

- 01 Pursuant to RSA 674:33-a, as may be amended from time to time, the Zoning Board of Adjustment may grant an equitable waiver of dimensional requirements provided that the Zoning Board of Adjustment makes findings that the provisions of RSA 674:33-a are met.

Alternatively, the ZBA may grant an equitable waiver under RSA 674:33-a as amended from time to time from a physical layout or dimensional requirement if the owner of the property in violation demonstrates to the satisfaction of the Board that the violation existed for the period of time set forth in the statute and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the Town of Raymond or any person directly affected.