



**ZONING BOARD OF ADJUSTMENT
APPLICATION FOR APPEAL
FROM
AN ADMINISTRATIVE DECISION**

DO NOT WRITE IN THIS SPACE

Case No.: _____

Date Filed: _____

Signed: _____

(ZBA)

APPLICATION MUST BE TYPED OR PRINTED LEGIBLY IN PEN

To: Zoning Board of Adjustment, Town of Lincoln, New Hampshire

Appellant: _____

Contact Person: _____

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

Mailing Address: _____

Land Owner (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)

STATEMENT OF ASSURANCE

I hereby certify that to the best of my knowledge this information is valid and that there is no violation of the approved ordinances, codes, and/or regulations of the Town of Lincoln. I authorize the Members of the Board or their staff to enter onto my property for the purposes of this review.

Date Signature of Owner or Authorized Individual (w/Authorization letter)

STATEMENT OF LIENS - Check one of the following and sign:

☐ There are no liens on this property OR ☐ There are lien(s) on this property and ALL
lienholders have been added to the notification list

Date Signature of Owner or Authorized Individual (w/Auth. letter)

COMPLETE ATTACHED NOTIFICATION LIST AS REQUIRED IN APPLICATION INSTRUCTIONS



COMPLETE THE FOLLOWING

Note: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is adequate.

APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provisions of the Town of Lincoln's zoning ordinance known as the "Land Use Plan Ordinance".

A. Name and title of administrative official or board whose decision you are appealing:

B. Decision of the enforcement officer to be reviewed:

Case Number: _____

Date of Decision Being Appealed: _____

Article: _____

Section/Subsection/Paragraph/Subparagraph: _____

of the Zoning Ordinance (Land Use Plan Ordinance) in question.

C. The decision or order was made in error and should be reversed for the following reasons:

Notification List

A => ABUTTER(S): 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 => PROFESSIONAL(S): 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 => RESTRICTIONS: The name and mailing address of all parties holding a conservation, preservation, or agricultural preservation restriction on the property.

[illegible]

LINCOLN ZONING BOARD OF ADJUSTMENT – 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 Lincoln Zoning Ordinance (Land Use Plan Ordinance), and you feel the decision was made in error, you may appeal that decision to the ZBA (RSA 674:33 & RSA 676:5). Correctness of information is the responsibility of the Appellant. Applications must be complete and legible, either typed or printed in ink. Incomplete or illegible applications will be returned and must be resubmitted. Appellants having questions regarding the application process may contact the Planner in the Planning and Zoning Office by calling (603)745-8527 or e-mailing planning@lincolnnh.org.

APPLICATION

A completed application for Appeal must be filed with the Planning and Zoning Office within twenty (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. By signing the application the applicant authorizes members of the Board and/or staff to enter onto and view the premises for the purpose of understanding the request being made. The subject property must be clearly marked with the 911 street address to facilitate such views. At a minimum, the following shall be required:

1. **Notification List** – one (1) copy 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) Applicant (if different from owner).
 - c) Agent(s) (if different from owner and 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 five (5) days before the date of filing, identified by the map and lot numbers as shown on the Lincoln 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 – if there are no mortgage or lien holders included a signed statement to that effect.
 - f) All individuals whose professional seal appears on any plan submitted.
2. **Application Form** – Eight (8) 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.
3. **Costs & Fees** – Costs & Fees are non-refundable. Check for filing and notification fees to be made payable to the Town of Lincoln. In 2016 there are no fees associated with an appeal to the ZBA. Notification costs are as follows:

2020 COSTS:

| | | |
|------------|---|-------|
| \$7.50 | Cost to prepare and mail abutter notices (for each abutter) (\$6.75 for Certified Mail, Return Receipt Requested; plus \$0.75 per abutter [\$0.25 per label, 3 labels per abutter]* *If postage rate changes then this rate will change. Also, if the weight of the notice is greater than 1 oz. the cost will be increased accordingly. | _____ |
| \$150 est. | Posting & publication of Public Notices (Application and <u>all</u> accompanying paperwork must be received 23 <u>days</u> prior to meeting.) Publication cost will be passed on to applicant for newspaper as costs vary depending on size of ad and newspaper used | _____ |

4. Decision Being Appealed – Ten (10) copies of decision being appealed including all information that was submitted to the official as the basis for that decision.
5. Additional documentation - Ten (10) copies of any other information that the applicant wishes the Board to consider at the public hearing.
6. 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.
7. 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 twenty (20) clear calendar days of the decision. Completed applications are considered received for the purposes of scheduling on the date so stamped.

PLEASE NOTE: 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. The Town of Lincoln uses the Littleton Courier which is published weekly on Wednesdays.

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 from 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 of Adjustment hearing. If no one is present at the meeting to present your application, 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 Appellant.

In the instance where a full five-member voting Board cannot be seated, 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.

The public hearing will be held first, with the Applicant or his/her representative presenting 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 and Regulations. 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 on requesting a rehearing and what form that request must take.

Note: A request for rehearing must be filed no more than thirty (30) days from the date the Board took the action being appealed. You must request a rehearing and the Board must act to grant or deny such request before you can appeal to the courts.