

**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. 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 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 & 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 – if there are no mortgage or lien holders include a signed statement to that effect;
  - 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 - Eight 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 – Eight copies of decision being appealed including all information that was submitted to the official as the basis for that decision..
6. Additional documentation - Eight 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:** 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 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 Applicant.

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.

Please note: A request for rehearing must be filed no more than 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.

**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**

**Owner:** \_\_\_\_\_ Tele: \_\_\_\_\_ Fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

**Applicant:** \_\_\_\_\_ Tele: \_\_\_\_\_ Fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

(Different than Owner, but holding interest in property)

Contact Name: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

**Agent:** \_\_\_\_\_ Tele: \_\_\_\_\_ Fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

**Agent/Other:** \_\_\_\_\_ Tele: \_\_\_\_\_ Fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

Contact Name: \_\_\_\_\_ 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 Belmont. If owner of the property, I authorize the Members of the Board or their staff to enter onto my property for the purposes of this review.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature (or Applicant's if authorized)

ATTACH FULL LIST OF NAMES & ADDRESSES AS REQUIRED IN THE APPLICATION INSTRUCTIONS



