

ARTICLE 13
ZONING BOARD OF ADJUSTMENT
Revised to Town Meeting 2005

13.1 **ESTABLISHMENT OF BOARD** - There shall be a Zoning Board of Adjustment as provided by the Statutes of the State of New Hampshire, appointed by the Board of Selectmen as voted by the Town of Epping Special Town Meeting October 12, 1968.

13.2 **CRITERIA FOR SPECIAL EXCEPTIONS: (Relocated section—3/00, Amended 3/05)**

1. That the use is so designed, located and proposed to be operated so that the public health, safety, welfare and convenience will be protected.
2. That the use will be compatible with adjoining development and the proposed character of the zone where it is to be located.
3. That adequate off-street parking and loading is provided. Ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
4. That the use conforms with all applicable regulations governing the zone where located, except as may otherwise be determined for large-scale developments.
5. That the applicant for a Special Exception agrees as a condition of the Special Exception to obtain Planning Board approval of the site plan (if required for the development in question), prior to applying for a building permit.
6. That if the application for a Special Exception is for the expansion of a Non-Conforming use, the granting of such exception will not adversely effect abutting or nearby property values, and that the Non-Conforming Use is not hazardous by its nature.
7. For any Dual Use related special exception, an added use must be a Permitted Use in the zone. (Adopted by the Town of Epping March 12, 1996)

13.3 **VARIANCES (Rev. 3/00)**

The Board of Adjustment shall hear and decide requests to vary the terms of this Ordinance. At the hearing on the application, the applicant shall present testimony and other evidence to establish that all five conditions for a variance have been met. The decision of the Board shall be based on the evidence presented at the hearing, not on allegations contained in the application. Abutters and residents shall be entitled to present testimony and other evidence to establish that the applicant either has or has not met all five of the listed conditions below. No variance shall be granted unless all of the following conditions are met.

- 1) A hardship must exist which is inherent in the land in question and which is not shared in common with other parcels of land in the district.
- 2) The spirit and intent of the Ordinance will not be broken by granting the variance.
- 3) The granting of the variance will not adversely affect other property in the district.
- 4) Not to grant the variance would result in injustice.
- 5) Granting the variance would not be contrary to the public interest.