



LEBANON ZONING BOARD OF ADJUSTMENT

APPLICATION FOR RIVERBANK SPECIAL EXCEPTION

THE LEBANON ZONING BOARD OF ADJUSTMENT

Instructions for filing Appeals

The Zoning Board of Adjustment meets the first and third Mondays of each month. Meetings begin at 7:00PM, and are held at City Hall, 51 North Park Street, Lebanon, NH, in City Council Chambers, Level 5). Attached are the forms and instructions necessary for appeals to the Zoning Board of Adjustment.

Please Submit: The cover application; support statement; certified notification list, and a site plan. The required filing fee must be paid upon submission of the application.

A site plan is required for most Zoning Board appeals. If your site plan is drawn on paper larger than 8 ½" x 11", please submit 10 copies of the plan. In addition to the required paper copies, digital submissions are also appreciated.

Please include the following on the site plan:

- The lot that is the subject of your application to the ZBA;
- location of all buildings and structures on the lot, showing building setbacks to all property lines;
(If you have a survey or plot plan, please use that as your base plan. Assessing maps are available on the City's website www.lebnh.net (see E-Services GIS Maps on-line). However, please note, GIS maps are not surveys and are not always accurate. It is your responsibility to determine the location of your building and property lines.
- driveways and/or parking areas, and
- any other prominent features of the lot that will assist you in explaining why you need relief from the Zoning Ordinance (i.e., location of on-site utilities, landscaping features, wetlands, riverbanks, and topographic information as applicable).

After filing your application and supporting documents with the Codes Office, City Staff will confirm the date of your public hearing. City Staff will advertise your request in the Valley News and will send a notice about the hearing, by certified mail, to you (the owner of record) co-applicants and/or agents listed on your cover application. City staff will also mail a notice, by certified mail, to the abutting property owners listed on the certified notification sheet you provided. These notifications are mailed at least five days prior to your public hearing.

What will happen the night of the Public Hearing:

- The Chairperson calls the meeting to order. Usually the first order of business is the acceptance of the meeting minutes from the previous meeting. There *may* also be continued public hearings or unfinished business from the previous meeting.
- The Zoning Board Chairperson will announce your request, at which time you come forward and present your application.

Instructions for filing Appeals

Page 2 of 2

- After you have presented your application to the Board, your hearing is opened up for public comment. After public comment is taken, and if the Zoning Board is satisfied that all relevant questions concerning your application have been answered, your hearing is closed. Once a hearing is closed, no further testimony from the applicant or the public can be taken. *(Please do not send or distribute information to Board members after the public hearing is closed.)*
- The Board will hold deliberations after completing all other scheduled public hearings. After deliberations, the Board *may* finalize a decision and vote that evening on your request. If not, the decision is presented and voted on at the following meeting.
- Decisions are final once a motion is passed by at least 3 members* of the Zoning Board.

**ZBA By-Laws, Appeals, Section 4. "The failure of the Board to reach any result by 3 concurring votes constitutes a defacto denial unless a subsequent motion is made at the same meeting that garners the required 3 votes. If there are fewer than 5 members able to sit on the appeal, the applicant has the choice of either (a) wait until a 5 member board can sit or (b) proceeding with the understanding that the failure of any motion to receive at least 3 votes will automatically constitute grounds for a rehearing."*

- You may be given a copy of the decision that night. A formal copy of the decision and the Zoning Permit are usually prepared and mailed within two weeks of the final vote. Audio recordings of all public meetings are usually available on the City's website the day after the meeting.

If your appeal is granted, in most cases, you will also need to obtain a Building Permit for your construction project. Please contact the Codes Department at (603) 448-1524 for the appropriate Building Permit application and assistance.

If your appeal is denied, you have the right to request a rehearing. A motion for rehearing must be filed within 30 calendar days. The 30-day time frame to file an appeal begins the day after the Board voted. *See Rehearings and Appeals, Section 802.5 of the Zoning Ordinance.*

The Zoning Ordinance and Zoning Map are both available on-line at the City's website: www.Lebnh.net Please go to Codes Department page and look for the link to *Current Zoning Ordinance & Map*. Copies of all Zoning Board application packets are also available on-line, see Codes Department page, *Zoning Board Applications*.

If you have any questions concerning the filing of a Zoning Board application, appearing before the Lebanon Zoning Board of Adjustment, or have a question about a pending application before the Board, please contact the Codes Department at (603) 448-1524 or by email Codes@Lebcity.com

**CITY OF LEBANON
ZONING BOARD OF ADJUSTMENT APPLICATION**

RIVERBANK SPECIAL EXCEPTION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MOTION FOR REHEARING
VARIANCE	<input type="checkbox"/>	<input type="checkbox"/>	APPEAL OF ADMIN. DECISION
WETLANDS/RIVERBANK	<input type="checkbox"/>	<input type="checkbox"/>	OTHER ()

PROPERTY OWNER (APPLICANT):

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: _____ LOT#: _____ PLOT #: _____ ZONE: _____

STREET ADDRESS OF PROJECT: _____

IS THIS PROPERTY LOCATED IN THE: **FLOOD PLAIN** YES NO **RIVERBANK** YES NO
HISTORIC DISTRICT YES NO **WETLANDS** YES NO

SCOPE OF PROJECT:

TYPE OF OCCUPANCY:

EXISTING VACANT ONE FAMILY TWO FAMILY MULTI-FAMILY COMMERCIAL INDUSTRIAL
 PROPOSED VACANT ONE FAMILY TWO FAMILY MULTI-FAMILY COMMERCIAL INDUSTRIAL

IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC** USE: _____

SIGNATURE BLOCK:

 _____ DATE: _____

PROPERTY OWNER

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

 _____ DATE: _____

PROPERTY OWNER

**CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT
RIVERBANK SPECIAL EXCEPTION**

I hereby request a Riverbank Special Exception pursuant to Article IV, Section 410.6 of the Zoning Ordinance for the property identified in the attached Zoning Board of Adjustment Application.

Please provide:

- *A written statement addressing the conditions below. (Please be prepared to discuss them with the Board during your public hearing. You must show that you have met all the special conditions required of this Riverbank Special Exception.)*
- *A site plan depicting the ordinary high water mark of the river or stream in relation to your project.*
- *One copy of the State of NH Shoreland Permit Application (if applicable).*

410.6 Special Exceptions. for Driveways, Roadways, Parking Areas, and Other Access Ways; Pipelines and Other Transmission Lines.

Upon application to the Board of Adjustment, a special exception may be requested to permit driveways, roadways, parking areas and other access ways; pipelines, powerlines and other transmission lines within the Riverbank Protection District, provided that all of the following conditions are found to exist, in lieu of the findings required by Section 801.3:

- A. The use for which the exception is sought, after consideration of all alternatives and taking into consideration the particular characteristics, setting and environment of the property, cannot be carried out on a portion or portions of the lot which are outside the Riverbank Protection District without a special exception under this section;
- B. The design and construction of the proposed use is consistent with the purpose and intent of Section 410.1, A. through I. of this Ordinance (**see Section 410.1 below**), and with all applicable State of New Hampshire regulations including applicable Best Management Practices as referenced in Appendix A of this Ordinance, and adequate conservation measures are taken to mitigate the detrimental effects of the proposed use upon the river or stream, its banks, and adjacent vegetated buffers;
- C. The proposed construction and design shall include provisions for restoration of the site as closely as possible to its original grade and conditions; and
- D. The proposed use will not create a hazard to individual or public health, safety and welfare due to the impact upon the Riverbank Protection District.

410.1 Purposes.

The purpose of the Riverbank Protection District is to protect the health, safety, and general welfare of the people of the City of Lebanon by protecting its water quality and natural resources and by providing reasonable regulations governing the development and use of land adjacent to its rivers, streams, and associated wetlands. More specifically, this District is intended to serve the following purposes:

- A. *Protect and maintain existing and potential water supplies for use by the general public;*
- B. *Safeguard the ecological integrity of Lebanon's streams and rivers, including but not limited to:*
 - (1) minimizing erosion;*
 - (2) preventing siltation and turbidity;*
 - (3) stabilizing soils;*
 - (4) preventing excess nutrients and chemical pollution;*
 - (5) maintaining natural water temperatures;*
 - (6) maintaining a healthy tree canopy and understory;*
 - (7) preserving fish, bird and wildlife habitat; and*
 - (8) respecting the overall natural conditions of the Riverbank.*
- C. *Prevent pollution of surface water and groundwater associated with the stream and river systems;*
- D. *Prevent destruction or significant alteration of the natural flow of watercourses;*
- E. *Prevent unnecessary or excessive expenditures of municipal funds which would arise as a result of improper development of land within the Riverbank Protection District;*
- F. *Maintain water quantity and instream flow during low flow periods;*
- G. *Protect the recreational values associated with rivers, streams, and their riparian areas;*
- H. *Preserve the visual and scenic richness of Lebanon by protecting the aesthetic features associated with its rivers, streams, and riparian areas.*
- I. *Prevent the destruction of or significant changes to those riparian lands which provide flood protection and protect persons and property against the hazards of flood inundations, by assuring the continuation of the natural flow patterns of streams and other watercourses.*

CERTIFIED NOTIFICATION LIST

THE CITY OF LEBANON IS REQUIRED UNDER NH RSA 672:3 TO NOTIFY THE FOLLOWING PERSONS OF PUBLIC HEARINGS BEFORE THE PLANNING BOARD: ALL ABUTTERS; THE APPLICANT; PROPERTY OWNER; HOLDER OF CONSERVATION, PRESERVATION, OR AGRICULTURAL PRESERVATION RESTRICTION(S); AND EVERY ENGINEER, ARCHITECT, LAND SURVEYOR, OR SOIL SCIENTIST WHOSE PROFESSIONAL SEAL APPEARS ON ANY PLAT SUBMITTED TO THE BOARD.

PLEASE PROVIDE NAMES & MAILING ADDRESSES FOR ALL PERSONS LISTED ABOVE.

MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
PROPERTY OWNER:	APPLICANT:
MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
ABUTTER/OTHER:	ABUTTER/OTHER:
MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
ABUTTER/OTHER:	ABUTTER/OTHER:
MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
ABUTTER/OTHER:	ABUTTER/OTHER:
MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
ABUTTER/OTHER:	ABUTTER/OTHER:
MAP & LOT NUMBER: _____	MAP & LOT NUMBER: _____
ABUTTER/OTHER:	ABUTTER/OTHER: