

Application Number: _____
Amount of Fee Paid: _____
Date Filed: _____

Town of Allenstown, NH
16 School Street
Allenstown, NH 03275
485-4276, Fax 485-8669

**Zoning Board of Adjustment
Adult Business Special Exception Application**

***ALL APPLICATIONS ARE TO BE SUBMITTED ELECTRONICALLY TO:
ADMIN@ALLENSTOWNNH.GOV**

Please type or Print

Property Information

Property Location (Number and Street): _____

Tax Map and Lot Number: _____

Zoning District: _____

Lot Size: _____

Existing Use of Property: _____

Proposed Use of Property: _____

Briefly Describe Your Proposal: _____

Have you submitted another ZBA concurrently with this request for another action by the ZBA? If so, include name of applicant and date that information was submitted.

Check if additional information is being submitted in addition to this form. Yes _____ No _____

Owner(s) Information

Names of all Owners:

Owner's Mailing Address:

Owner's Telephone Number (include areas code):

Applicant Information

Name of Applicant(s):

Applicant's Mailing Address:

Applicant's Telephone Number (include area code):

Include notarized signature of all owners stating you are authorized to submit this application on their behalf.

Application Fee Amount

1. Fee for a Special Exception will be \$500.
-

2. Abutter notification fees will be \$5 per abutter.
-

Requirements for granting Special Exception

A special exception is requested from of the Town of Allenstown Zoning Ordinance.

A Special Exception is an allowable use of the property expressly permitted by the Zoning Ordinance when the conditions are met. Refer to Section 405, Special Exceptions.

On a separate piece of paper please respond to how the proposed application will meet the standards as stated in Section 405 A and B of the Zoning Ordinance AND section XII.B.b of the Allenstown Adult Business Ordinance.

Per section 405 A. A special exception shall meet the following standards:

1. No hazard to the public or adjacent property on account of potential fire, explosion, toxic material or hazardous activity.
2. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood due to the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust or other pollutants, noise, glare, heat, vibration or unsightly outdoor storage of equipment, vehicles or other materials.
3. No creation of a traffic safety hazard or unmitigated substantial increase in the level of traffic congestion in the vicinity.
4. No excess demand on municipal services including but not limited to water, sewer, waste disposal, police and fire protection and schools.
5. No significant increase of storm water runoff on to adjacent properties or public ways.
6. No adverse effect on the health and safety of residents and others in the area and the proposed use shall not be detrimental to the use or development of adjacent or neighborhood properties.
7. In the public interest and in the spirit of the ordinance.
8. Requirements set forth in the ordinance for the particular use permitted by special exception.

Per Section 405 B. Special exception approvals may be subject to appropriate conditions including but not limited to the following:

1. Front, side or rear setbacks in excess of the minimum requirements of this ordinance.
2. Screening of the premises on the street or adjacent properties by walls, fences or other methods.
3. Modification of the exterior features or appearance of buildings or other structures.
4. Limitations on the number of occupants, methods and hours of operation.
5. Alteration, grading and contouring of physical features of the property.
6. Regulations of the design of access drives, sidewalks and other traffic features.
7. Regulations of the number, size, and lighting of signs more stringent than the requirements of this ordinance.

Per section XII.B.b of the Adult Business Zoning Ordinance:

1. There is a demonstrated need to reduce the setback in question (i.e. it is not possible to locate ANY adult business ANYWHERE within the Industrial District given the setback requirements depicted in the Allenstown Adult Business Ordinance section XII.B.a).
2. There will be no diminishment of abutting property values.
3. Security provisions will be in place to address the concerns of abutting property owners.
4. The adult business will be adequately screened with landscaping.
5. There is no other conflict with other provisions of the Town of Allenstown Zoning Ordinance or this Chapter.

Signatures and Acknowledgment of Instructions

I have read and understood the Zoning Board of Adjustment Application Instructions.

I have read and understand the Allenstown Adult Business Ordinance.

I attest that the information that I have provided in this application is true, to the best of my knowledge.

I understand that all fees, abutter information and all other information required must be submitted prior to this application being considered complete. Failure to submit all necessary information may delay further processing of this application.

I understand that it is necessary for the applicant to appear at the public hearing.

By signing and filing this application I hereby grant and give permission for the members of the Allenstown Zoning Board of Adjustment and such agents and employees of the Town of Allenstown to enter upon the property which is subject to this application at any reasonable time for the purpose of such examinations, surveys, test and inspections as may be appropriate to enable this application to be processed. I understand that no further notice to the owner or applicant will be given regarding entering the property. I/We hereby waive and release any claim of right I/we may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and inspections conducted on my/our property in connection with this application.

Note to Applicant: Include NOTARIZED signature of all owners stating you are authorized to submit this application on their behalf.

Owner(s) Signature (include all):

Owner's (Print Name);

Applicant's Signature:

Applicant's (Print Name)

Notary Public Certification:

SEAL

Zoning Board of Adjustment Application Instructions

**Please keep these instructions
Do not submit them with your application.**

To all applicants: Please read the following information prior to submitting your application to the Zoning Board of Adjustment.

It is suggested you review or purchase the Town of Allenstown most recent Zoning Ordinance.

The application fee is not refundable. If the application is deemed incomplete and the applicant chooses to withdraw their application all fees associated with reviewing such application are non-refundable with the exception of abutter fees provided abutter notices have not been prepared.

The Town staff may be able to assist you in addressing general questions on how to complete this application. However, you are advised to seek and retain the services of legal counsel, or that of a professional planning, surveying or engineering firm or any other party you deem knowledgeable about the provisions of the Zoning Ordinance, RSA's and other applicable codes, which may apply. If you are unsure of any part of the application you are advised to seek further assistance. It is not necessary to have an attorney or another individual represent you, however you may do so if you wish.

The Zoning Board of Adjustment is a quasi-legal body and State Statutes govern their actions. You are advised to become more familiar with any regulations and laws, which may apply.

The applicant and owners are advised to review applicable state statutes. The state statutes allow for a formal appeal process. Applicants are advised to seek legal counsel on these and other related provisions.

In many instances once the Zoning Board of Adjustment grants approval, additional approvals such as site plan or subdivision review may be required by the Planning Board.

It is the applicant's responsibly to be familiar with applicable laws and functions of the Zoning Board of Adjustment.

The applicant is responsible for submitting all required fees when the application is submitted. Failure to pay the fees will delay or cause the application to be deemed incomplete and no further action will be taken.

The applicant is responsible for providing a complete and up-to-date list of all abutters. The applicant is expected to submit two (2) complete sets of abutter labels. Should additional labels for future noticing be needed the applicant must supply the labels. A plan must be submitted with the application showing required information and include the location, mailing address and tax map and lot number of all abutters. The location of each abutter must be clearly shown on

the plan including but not limited to the owner's name, address, tax map and lot number. Additional information regarding the site should also be shown on the plan. All existing and proposed features should be shown including but not limited to all streets, easements, right-of-way or other features.

If the applicant is not the owner of the property, a notarized authorization statement, which includes the owner's signature, must be included with the application. Failure to provide proof of owner and authorization will cause the application to be deemed incomplete and no further action will be taken.

Copies. The applicant shall submit seven copies of all information and documents with the exception of the application form.

Documents. All documents that will be considered by the Board at the public hearing must be submitted at the time the application is filed.

Legal Notice. I understand that a legal public notice will be posted and or published in the newspaper describing the application per local and state regulations.

Plot Plan. A survey or plot plan must be submitted showing the location and dimensions of all structures, property lines, open space on the lot, including adjacent streets and roads. All features on the site must be shown including but not limited to signs, sheds, swimming pools, and all other structures. All easements, right-of-ways and other features must be labeled and shown in their locations. Easements shall be labeled by use, and party the easement is granted to. Plans must be legible and depending on the details shown may need to be drawn by a professional licensed land surveyor, registered engineer or architect with the appropriate stamp and signature affixed. Where setback is an issue, the applicant shall submit a certified plot plan showing the dimensions of the subject area including the location of all existing and proposed structures and the exact setback requested. All proposed dimensions and setbacks must be stamped for a licensed land surveyor.

Request for Additional Information. The staff or Zoning Board of Adjustment may request additional information be submitted to assist in understanding the application.

Filing Date. All application materials, including but not limited to fees, authorization, abutter's list, plans and etc must be submitted by the deadline established by the Zoning Board of Adjustment.

Neither the review of any plan by officials of the Town of Allenstown, nor any subsequent inspection of the premises, should be relied upon as an assurance of conformity to legal requirements. The owner shall remain fully responsible for complying with all applicable state or local laws, ordinances, regulations and conditions.

Special exceptions and variance are separate and distinct conditions. The applicant should review the applicable sections of the Zoning Ordinance and be knowledgeable of the conditions for granting them respectively.