

Special Exception for an Accessory Dwelling Unit (ADU)

TOWN OF MERRIMACK ZONING BOARD OF ADJUSTMENT

Application for a Special Exception (RSA 674:33)

DATE SUBMITTED: _____

Case #: _____

Tax Map _____/Lot _____

Zoning District(s): R

Address of Subject Property: _____

Name of Applicant: _____

Telephone: _____

Address: _____

e-mail: _____

Is Applicant the property owner? ___ Yes ___ No

If no, identify Owner

Name: _____

Telephone: _____

Address: _____

e-mail: _____

Owner's Signature (or attach Letter of Authorization): _____

All Special Exception Requests:

Brief description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance, Section(s) 2.02.1 (B) (2) .

Please attach additional sheets, plans, etc. if needed to support request for Special Exception.

I/We do authorize the Town of Merrimack Zoning Board of Adjustment and staff to enter upon the above referenced property for inspection.

Name of Applicant (*Please Print*)

Name of Property Owner, if Different from Applicant (*Please Print*)

Signature of Applicant

Signature of Property Owner, if Different from Applicant

For requests for a **Special Exception** to allow an **Accessory Dwelling Unit (ADU)**, please also address the criteria below. A completed building permit application including a **scaled floor plan with dimensions of ADU and the level of the home where the ADU is to be located** must be submitted with the application. **All ingress/egress locations** (existing and proposed) and connections to the principal residence must be shown on the plan.

Special Exception for an Accessory Dwelling Unit (ADU)

The Zoning Board of Adjustment may grant a Special Exception for an Accessory Dwelling Unit (ADU), provided that the applicant meets all of the following criteria (per Section 2.02.1(B)(2)):

Please describe how the proposed ADU complies with the following requirements:

1. The specific site is an appropriate location for such a use or uses in terms of overall community development because: _____

2. The use as developed will not adversely affect the neighborhood and shall produce no diminution of real estate values in the neighboring area because: _____

3. There will be no nuisance or serious hazard to vehicles or pedestrians because:

4. That an adequate parking area is provided for motor vehicles on the premises because:

5. The ADU is contained within or will be an addition to an existing or proposed single family detached dwelling: _____

6. The ADU contains no more than one bedroom: _____

7. The ADU does not exceed 1,000 square feet in area, or fifty percent (50%) of the area of heated living space within the principal dwelling unit in area, whichever is smaller:

8. The ADU is connected internally to the principal dwelling unit: _____

9. The ADU occupancy is to be restricted to family members only, with the term “family” defined as individuals related by blood, marriage or adoption to the fee simple owner-occupant(s) of the principal dwelling unit: _____

10. The ADU is designed to remain functionally dependent on the principal dwelling unit and will not have provisions for separate utilities, garages, driveways, yard and other similar amenities:

Declaration of Covenants and Conditions:

Upon approval of a special exception for an ADU, you will be required to sign a Declaration of Covenants and Conditions, which restricts occupancy of the ADU to family members. The Town will submit the Covenants and Conditions to the Hillsborough County Registry of Deeds for recording.

ABUTTER NOTIFICATION

Please be advised that, per RSA 676:7 (I), the Zoning Board of Adjustment is required to notify the following parties by certified mail - mailed at least five (5) days prior to the date of the meeting at which an item is to be discussed:

- 1) Applicant;
- 2) Abutters*;
- 3) Holders of conservation, preservation, or agricultural preservation restrictions;
- 4) Every engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan (if applicable).

***Abutters are required to be "as indicated in the town assessing records not more than 5 days before the day of filing", per RSA 676:4 (I)(b)** (Please complete the certification below).

Definition of "Abutter" (RSA 672:3): Any person whose property is located in New Hampshire and **adjoins** or is **directly across the street or stream** from the land under consideration by the local land use board. In the case of an abutting property being under a **condominium** or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. In the case of an abutting property being under a **manufactured housing park** form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

In order for us to properly comply with the statutory requirements for Zoning Board of Adjustment notices, the Applicant needs to provide us with information for all of the above-mentioned parties, and provide payment for us to cover the costs of notice. Failure to do so will constitute sufficient reason for the application to be denied as "Incomplete".

A sample format for compiling/submitting this information is on the reverse.

ABUTTERS TO BE NOTIFIED

Please sign and submit the following certification:

I hereby certify that the attached abutter information is as indicated in the Town of Merrimack Assessor's records as of _____, 20____.
(date)

(Signature)

(Print name)

Please Utilize Below Format for Compiling/Submitting Abutter Information

Abutter 1
Abutter 1 Address
City State Zip

Abutter 2
Abutter 2 Address
City State Zip

Etc.

OTHER PARTIES TO NOTIFY *(include all that apply)*

Applicant
Applicant's Address
City State Zip

Owner (if different from Applicant)
Owner's Address
City State Zip

Engineer
Engineer's Address
City State Zip

Architect
Architect's Address
City State Zip

Land Surveyor
Land Surveyor's Address
City State Zip

Soil Scientist
Soil Scientist's Address
City State Zip

Also list, individually, any holders of any conservation, preservation, or agricultural preservation restrictions that apply to the subject property

IMPORTANT: Attach two (2) sets of mailing labels for all parties identified above.

CHECKLIST REQUIREMENTS

All requests for a Special Exception shall be accompanied by a properly completed, dated and signed Application for a Special Exception, which shall contain the following:

		<u>Applicant</u> (√)	<u>CDD</u> (√)
1.	Tax Map _____/Lot _____	_____	_____
2.	Name and address of applicant.	_____	_____
3.	Name and address of property owner (if different).	_____	_____
4.	For uses other than an ADU, attach additional sheets, maps, plans, etc. as needed to support request for special exception.	_____	_____
5.	For a proposed ADU, per Section 2.02.1(B)(2), a completed building permit application including a scaled floor plan with dimensions of ADU and the level of the home where the apartment is to be located must be submitted with the application. All ingress/egress locations (existing and proposed) must be shown on the plan.	_____	_____
6.	A list, and two (2) sets of address labels, with the names & legal addresses of applicant, property owner, and all property owners abutting the subject parcel, including those directly across the street or stream.	_____	_____
7.	Certification by applicant that the abutters are as indicated in the Town of Merrimack Assessor’s records, not more than 5 days prior to day of filing.	_____	_____
8.	Signed authorization for the Zoning Board and staff to enter upon the subject property for inspection.	_____	_____
9.	Application fee(s) and abutter notification fee.	_____	_____