

**ARTICLE 13**  
**ZONING BOARD OF ADJUSTMENT**  
**Revised to Town Meeting 2005 & 2014**

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) RSA 674:33**

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. The variance will not be contrary to the public interest;
2. The spirit of the ordinance is observed;
3. Substantial justice is done
4. The values surrounding properties are not diminished; and
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

13.4 Time Tables per RSA 674:33

1. Variances:

- a. shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

b. variances issued before August 19, 2013 that have not been exercised shall expire on March 12, 2022 per posting requirements in RSA 674:33 I-a (b).

2. Special exceptions:

a. shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.

b. special exceptions issued before August 19, 2013 that have not been exercised shall expire on March 12, 2022 per posting requirements in RSA 674:33 IV(c).