

Fee: \$175

Abutter Notification: \$9 x _____

TOTAL: _____

Check# _____

Cash ☐ Other _____



Date Received: _____

By: _____

M/L: _____

District: _____

Case# _____

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENT

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

Applicant's Name: _____
Owner or Agent

Name of Property Owner, if different: _____

Owner's Address: _____

Property Address: _____

Owner's Phone #/Email: _____

Agent's Phone #/Email: _____

Written permission to represent owner must be submitted with application.

An Equitable Waiver of Dimensional Requirements is requested from Article _____ Section _____ of the Zoning Ordinance to permit:

Description of Property:

Existing Use: _____ Proposed Use: _____ Sq. Ft. of Lot: _____

Feet of Frontage: _____ Length of Rear: _____ Length of Sides: _____

Proposed use or existing use (in addition to describing your intention on the application, attach sketches, plot plans, pictures, construction plans or whatever may help explain the proposed use. Include copies of any prior applications concerning the property):

1. Does the request involve a dimensional requirement, not a use restriction? ☐ Yes ☐ No

Please attach a separate sheet of paper, that fully answers the following questions:

2. Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value.
3. Explain how the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority.

— or —

4. In lieu of 2 & 3 above, demonstrate that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected.
5. Explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property.
6. Explain how, that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.
7. Explain how the cost of correction far outweighs any public benefit to be gained.

Applicant: _____ Date: _____

Property Owner: _____ Date: _____



TOWN OF BRISTOL ZONING BOARD OF ADJUSTMENT (ZBA) EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS INSTRUCTIONS

A complete and accurate application, with all required materials, will avoid unnecessary delays in the appeal process.

Your submission to the ZBA requires:

- Completed Equitable Waiver of Dimensional Requirements Application (w/attachments)
- Completed Abutters Notification List (verified by the Land Use Office)
- Payment of all applicable Fees

Submissions may be provided electronically and are encouraged.

On the application, be sure you provide:

- Who owns the property? If the applicant is not the owner, this must be explained.
- Where the property is located
- Describe the property. provide frontage, side and rear boundary lines, total area and present use
- What you propose to do. In addition to describing your intention on the application, attach sketches, plot plans, pictures, construction plans or whatever may help explain the proposed use. Include copies of any prior applications concerning the property.
- Why does your proposed use require an appeal to the Board of Adjustment?
- Why should the appeal be granted? Be sure to fully answer questions 2 - 7

A list of ZBA meeting dates and the deadline dates for the submission of materials can be found on the Town website under the Zoning Board of Adjustment.

The ZBA will schedule a Public Hearing within thirty (30) days of the receipt of your properly completed application. Public notice of the Hearing will be posted at the Town Office, on the Town's website and printed in a newspaper of general circulation, usually the Laconia Daily Sun, and notice will be mailed to you and all abutters by verified mail and to other parties whom the Board may deem to have interest, at least five (5) days before the date of the hearing. You and all other parties will be invited to appear in person or by agent or counsel to state reasons why the appeal should or should not be granted.

After the Public Hearing, the Board will reach a decision and you will be sent a Notice of Decision.

If you believe the Boards' decision is wrong, you have the right to appeal. The Selectmen, or any party affected, have similar rights to appeal the decision in your case. To appeal you must first ask the Board for a rehearing. The motion for rehearing may be in the form of a letter to the Board. The motion must be made within thirty (30) days of the Board's decision and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

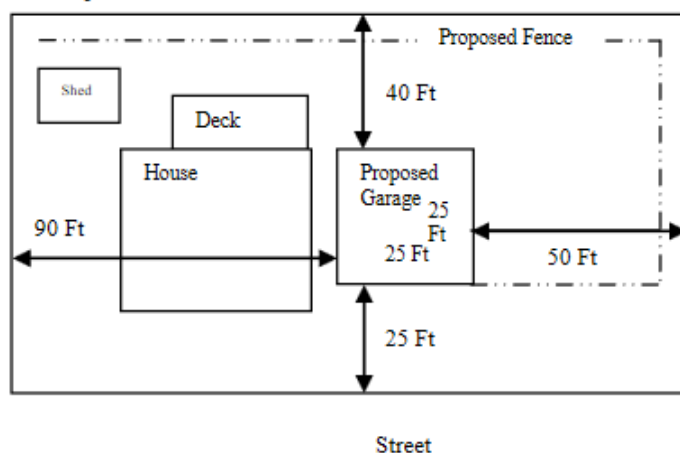
The Board may grant such a rehearing if, in its opinion, good reason is stated in the motion. The Board will not re-open a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal to the courts. When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Sketch Plan

Instructions:

- 1) Show the Property lines and road(s).
- 2) Show the proposed Structure and all existing structures.
- 3) Show the Measurements from the proposed structure to all lot lines, measure straight through existing structures if needed.
- 4) Include the dimensions of the proposed structure.
- 5) If installing a fence – show the location.

Sample Plan:



Town of Bristol

Abutter Notification List

Name and address should be those of current owners as recorded in the Tax Records at the time of submission of your application. If more room is needed, copy this sheet and attach. Be sure to make note of how many abutter sheets you are submitting - _____ # of sheets. For the purposes of notification, the applicant (and owner if different) and any professionals who have provided their service are considered abutters.

1) Owner's Name _____ Tax Map # _____

Mailing Address _____ Lot # _____

City _____ State _____ Zip Code _____

2) Owner's Name _____ Tax Map # _____

Mailing Address _____ Lot # _____

City _____ State _____ Zip Code _____

3) Owner's Name _____ Tax Map # _____

Mailing Address _____ Lot # _____

City _____ State _____ Zip Code _____

4) Owner's Name _____ Tax Map # _____

Mailing Address _____ Lot # _____

City _____ State _____ Zip Code _____

5) Owner's Name _____ Tax Map # _____

Mailing Address _____ Lot # _____

City _____ State _____ Zip Code _____

6) Owner's Name _____ Tax Map # _____

Mailing Address _____ Lot # _____

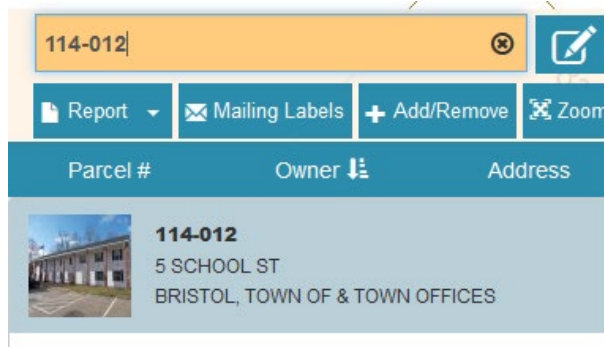
City _____ State _____ Zip Code _____

Addresses Verified – Date: _____

By Whom: _____ Department _____

How to obtain an Abutter's list using the Town website.

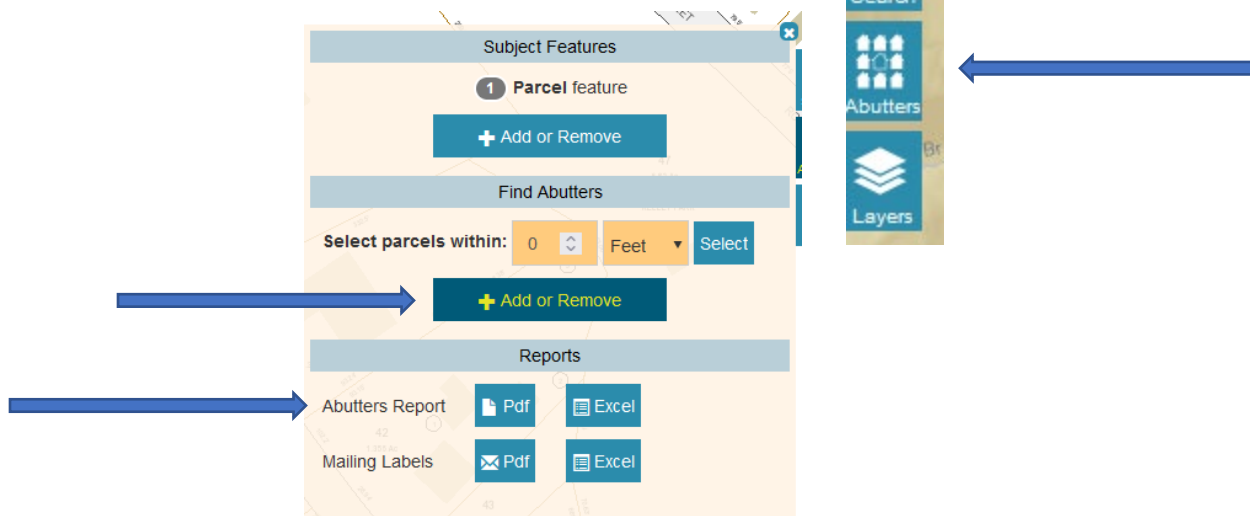
- Go to the Homepage at www.bristolnh.gov
- Click the **Maps** button in the left-hand column.
- This will take you to <https://www.axisgis.com/BristolNH/>
- Click the **magnifying glass** to search:
- Enter property address or Map and Lot number.



The property you chose will show in yellow.



- Click the ***Abutters Icon***.
- Under Find Abutters, click ***Add or Remove***.



- Click on the parcels surrounding your property.
(Abutters are those sharing a border and across any streets or rivers. If the property address is located in an association, the Land Use Office will assist you with identifying the appropriate abutters.)
- Abutting properties will appear in red.
- Under Reports, click ***Abutter's Report PDF***
- Print and submit this report to the Land Use Office with your Application. (The Land Use Office will verify your abutter's list.)

