



# TOWN OF BOW

## Zoning Board of Adjustment

10 Grandview Road, Bow, New Hampshire 03304

Phone (603) 228-1187 | Fax (603) 225-2982 | Website [www.bow-nh.gov](http://www.bow-nh.gov)

## APPLICATION EQUITABLE WAIVER of DIMENSIONAL REQUIREMENT

Submit application, plans (11"x17" ONLY), supporting documents & abutters list  
21 days before a regularly scheduled meeting of the ZBA

Application fee is \$100.00 **plus** \$10.00 per abutter (per RSA 676:7) & fee to publish notice  
\$90.00

### *FOR OFFICE USE ONLY*

Case #: \_\_\_\_\_ Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_

Applicant: \_\_\_\_\_ Phone No. \_\_\_\_\_

Applicant Address: \_\_\_\_\_ Email: \_\_\_\_\_

Name & Mailing Address of Property Owner(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location and Description of Property: \_\_\_\_\_  
\_\_\_\_\_

Map # \_\_\_\_ Block # \_\_\_\_ Lot # \_\_\_\_\_ Zone District: \_\_\_\_ Overlay District: \_\_\_\_

Proposed Use: \_\_\_\_\_

Details of Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### GENERAL PROCESS:

\* Application reviewed for completeness and received by Community Development staff. \* Site Walk may be scheduled. \* Abutters notified of request. \* Public Hearing held. \* Notice of Decision issued. \* Applicant records Notice of Decision with Merrimack County Registry of Deeds.

**ZBA meetings are usually held on the third (3<sup>rd</sup>) Tuesday of each month at 7:30 PM in the Town Municipal Building at the above address.**

**The undersigned hereby requests the following equitable waiver from dimensional requirement(s) imposed by Article(s) and Section(s) \_\_\_\_\_ of the Town of Bow Zoning Ordinance:**

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The undersigned alleges that the following legal criteria are satisfied. The application shall include the submission of statements in writing together with plans (no greater than 11"x17"), records, photographs, and such other materials as are necessary to justify the granting of an equitable waiver. **The applicant bears the burden of proof to present sufficient evidence to the ZBA to permit the ZBA to grant the relief being sought.** The applicant should review NH RSA 674:33-a, the Zoning Ordinance, and the ZBA's Rules of Procedure.

Criteria for Equitable Waiver from Dimensional Requirement as per RSA 674:33-a and Zoning Ordinance Section 13.02.D:

- a) That 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 had been subdivided by conveyance to a bona fide purchase for value;

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- b) That 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;

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c) That 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; and

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d) 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.

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Pursuant to RSA 674:33-a(II), in lieu of the findings required by the ZBA under paragraphs (a) and (b) above, the applicant may demonstrate to the satisfaction of the ZBA 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 Town of Bow or any person directly affected.

Year in which violation occurred: \_\_\_\_\_ (provide supporting documentation)

Has there been any written notice of violation received or enforcement action taken?

\_\_\_\_\_ NO \_\_\_\_\_ YES (attach copy)

Other information for Board consideration and/or list of supporting documentation:

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Applicant's Signature

Owner's Signature

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Print Name

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Print Name

Date

Date

List of attachments (if any):