TOWN OF WOLFEBORO

ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

Dear Applicant:

You have applied for an Appeal from EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS from the Wolfeboro Planning & Zoning Ordinance. When this application is completed and submitted with the necessary information and fees, the secretary of the Zoning Board of Adjustment will schedule a public hearing. You or your representative shall present the information that you feel supports your appeal.

The Board strongly recommends that you become familiar with the Zoning Ordinance.

For relief to be legally granted, you must show that your proposed use meets the following conditions:

1. 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.

2. That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentative, 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.

3. Explain 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.

4. 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 and public benefit to be gained, that it would be inequitable to require the violation to be corrected.

*** In lieu of the findings required by the Board, the owner may demonstrate to the satisfaction of the Board that the violation has existed for more than 10 years and that no enforcement action, including written notice of the violation, has been commenced against the violation during that time by the municipality or any person directly affected.

A majority of the Board must be convinced that the conditions have been met. It is up to you, the applicant, to present evidence that conditions are valid.

Please find attached the following forms to assist you to you or your authorized representative prepare for your presentation and hearing with the Board of Adjustment:

-- NOTICE OF ZONING DECISION -- to be filled out by the Wolfeboro Codes Officer

-- APPEAL OF ZONING DECISION OF CODES OFFICER – to be filled out by the applicant

-- FACTS SUPPORTING THE APPEAL REQUEST -- to be filled out by the applicant.

-- APPLICATION REQUIREMENTS AND PLAN CHECKLIST

This information is provided to you so that your presentation to the Board will be complete and the hearing will proceed smoothly. Upon completion of this information please provide a copy to the Board of Adjustment Secretary for a review of completeness and to schedule a hearing.

If you have questions regarding this process you are invited to call the Board Secretary at 569-5970

Sincerely,
Wolfeboro Board of Adjustment

TOWN OF WOLFEBORO

ZONING BOARD OF ADJUSTMENT

NOTICE OF ZONING DECISION OF CODES OFFICER

Section I -- (To be prepared by the Wolfeboro Building Official)

To: Name: _____

Address: _____

_____

_____

Your request for a permit to (specify use):_____
_____
_____
_____
on property located at:_____

is DENIED for the following reason: _____
_____
_____

You have the right to appeal this decision under Article 175.187 of the Wolfeboro Planning and Zoning Ordinance after completing the Section II of this form.

_____ _____
Building Official Date

TOWN OF WOLFEBORO

ZONING BOARD OF ADJUSTMENT

APPEAL OF EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

Section II -- (To be prepared by Applicant)

Date: _____

NOTE: Additional information may be supplied on separate sheet if the space provided is not inadequate.

TO: Zoning Board of Adjustment
Town of Wolfeboro
P.O. Box 629
Wolfeboro, New Hampshire 03894-0629

1. Having been denied a permit by the Wolfeboro Building Official for the reason specified in Section I: NOTICE OF ZONING DECISION (Copy Attached). I hereby appeal the decision and request the Board of Adjustment to schedule a public hearing to consider this appeal.

2. I realize that providing the complete information requested below is the responsibility of the undersigned applicant and must be provided before a public hearing can be scheduled by the Board. I understand that it is my responsibility to present this appeal to the Board.

a. Type of Appeal:
Equitable Waiver _____ From Article _____ Section _____

b. Location of property in question: _____

_____

c. Tax Map number: _____ Lot Number_____ Sub Lot _____

d. Zoning District: _____

e. Name of Applicant: _____

f. Mailing Address of Applicant: _____

_____

g. Phone Number of Applicant: _____

h. E-mail address: _____

i. Name of Company (if applicable): _____
_____

j. Legal Owner of the Property: _____
_____

k. Mailing Address of Property Owner:_____
_____

l. E-mail address: _____

m. Proposed use of property or modification of existing use: _____
_____
_____
_____

n. Directions to the property from the Wolfeboro Town Hall: _____
_____
_____
_____

I understand that I must appear in person at the public hearing scheduled by the Board of Adjustment to present this appeal. If I cannot appear in person, I will notify the Board in writing of the name of the individual I designate to represent me at the hearing. I also understand that it is my sole responsibility, as the applicant, to provide ALL of the information required to the Secretary of the Board of Adjustment before a hearing can be scheduled.

_____ _____
Applicant's Signature Date

FACTS SUPPORTING THIS REQUEST:

Does the request involve a dimensional requirement, not a use restriction?
( ) Yes ( ) No

For further information see: NH RSA 674:33-a

For relief to be granted, you must show that your proposed use meets the following conditions:

1. 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.

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2. 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, nut was instead caused by either a good faith error in measurement or calculation made by and 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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3. Explain 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.

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4. 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.

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*** In lieu of the findings required by the Board, the owner may demonstrate to the satisfaction of the Board that the violation has existed for more than 10 years and that no enforcement action, including written notice of the violation, has been commenced against the violation during that time by the municipality or any person directly affected.

Applicant: _____ Date: _____

TOWN OF WOLFEBORO

ZONING BOARD OF ADJUSTMENT

APPLICATION REQUIREMENT CHECKLIST:

To complete this application, I understand that the following material and information is required and is attached:

This form completed in full.

-- A letter of authorization from the owner of the property if the applicant is different and or will not be in attendance at the meeting.

-- A complete list of all abutters of the property involved in this appeal with their current mailing address and tax map numbers. Include the names and addresses of all abutters, including those to the rear, sides, and front of the property, including those across the streets, roads and rights-of -way. (Failure to provide complete information on abutters will result in this application being returned for the necessary information and will delay the scheduling of a hearing.)

For each abutter, owner, applicant and agent you also need to provide:

1. A plain white #10 envelope with the name and address of the abutters, applicant(s), and owner(s) and *current certified postage affixed (no meter date)*.

2. 1 set of 1" x 2 1/2" labels with abutter's, applicant(s) and owner's names and addresses. These are to go on the certified mail slips, so must be that size.

-- A scale drawing or plot plan (11" x 17") of the property will be required (see instructions attached). See or telephone the secretary, (569-5970), to determine which is needed.

-- A check for $150.00 made out to The Town of Wolfeboro.

Funds to be disbursed as follows:

Newspaper ads: Notice and Notice of Decision	$100
Board of Adjustment Filing Fee	$ 50
TOTAL	$150

Note: All forms must be completely filled out and signed by the owner/applicant and his or her agent before they will be accepted by the Board of Adjustment. Completed forms must be returned to the Office of the Board of Adjustment no later that 21 calendar days prior to the Board's scheduled meeting. The applicant of his/her agent is requested to attend the public hearing on the above request. If you have any questions, please call the Planning Office at 569-5970.

PLAN REQUIREMENTS:

A plot plan OR scale drawing will be required as part of your presentation to the Board of Adjustment. Since a similar plan is usually necessary for a building permit application and or for Planning Board Site Review, the plan can serve both purposes.

A plot plan or scale drawing (11" x 17") for the purposes of a zoning application should contain the following features:

a. Be up to date and dated.

b. Drawn to scale, with drawing number and north arrow.

c. Signature and name of the plan preparer.

d. The lot dimensions and bearings and any bounding streets and their right-of-way widths or half sections.

e. Location and dimensions of existing or required service areas, buffer zones, landscaped areas, recreation areas, safety zones, signs, rights-of-way, streams, drainage, easements, and any other requirements.

f. All existing buildings or other structures with their dimensions and encroachments.

g. All proposed buildings, structures or additions with dimensions and encroachments indicating "proposed" on the plan.

h. "Zoning envelope" made from setbacks required by zoning ordinance. Indicate zone classification, all setback dimensions. Indicate any zone change lines.

i. Elevations, curb heights and contours.

j. Location and numbering of parking spaces and lanes with their dimensions. Indicate how required parking spaces are computed.

k. Dimensions and directions of traffic lanes and exits and entrances.

l. Any required loading and unloading and trash and snow storage areas.