

**TOWN OF BARNSTEAD  
ZONING BOARD OF ADJUSTMENT  
P.O. BOX 11  
CENTER BARNSTEAD, NH 03225  
603-269-1057**

**APPLICATION FOR APPEAL**

**FOR OFFICIAL USE ONLY**

\_\_\_\_\_ Administrative Decision  
\_\_\_\_\_ Special Exception  
\_\_\_\_\_ Variance  
  X   Equitable Waiver

Case Number \_\_\_\_\_  
Date Received \_\_\_\_\_  
Date of Hearing \_\_\_\_\_

Owner of Property: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: Home \_\_\_\_\_ Other: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Location of property \_\_\_\_\_

Map \_\_\_\_\_ Lot \_\_\_\_\_ Zoning District \_\_\_\_\_

Existing use of Property: \_\_\_\_\_

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

Details of Request: (describe the project you are seeking approval for):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Applicant/Representative: \_\_\_\_\_

(if same as applicant, write "same")

Mailing Address: \_\_\_\_\_

Telephone Number: Home \_\_\_\_\_ Other: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

## **ZONING APPEAL: SITE PLAN**

The Applicant shall submit to the Board of Adjustment **one (1)** copy of the completed application for appeal.

The applicant shall submit to the Board of Adjustment **two (2)** copies of a complete and legible site plan, drawn to scale showing in correct detail the following elements **where applicable**:

1. Area of lot;
2. Location of existing and proposed buildings;
3. Proposed layout of existing and proposed outside facilities;
4. Proposed layout of parking areas and loading bays; including
5. Proposed type and location of screening, of recreation and play areas, and of areas for outside storage of materials;
6. Location of access, egress, and interior roadways;
7. Location and adequacy of utilities, drainage, and provisions for public safety.

## **IMPORTANT**

Site plans must be provided according to the above listed elements, and, if in the Code Administrators determination such site plan is inadequate, any Special Exception and/or Variance appeal will not be placed on the agenda until he feels all requirements have been met. An appellant has the right to appeal the Code Administrators denial of such placement on the agenda. If the Board, upon such appeal, sustains the Code Administrator's denial, it will not hear the case until the case is properly noticed following submission of, an adequate site plan. If the Board overrules the Code Administrator's denial, the case will be heard that evening or at the next soonest Board meeting for which the appellant is prepared to proceed.

**APPLICATION FOR APPEAL: EQUITABLE WAIVER**

The undersigned hereby requests an equitable waiver of the terms of Article \_\_\_\_\_  
Section \_\_\_\_\_ and asks that said terms be waived to permit the following:

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The undersigned alleges that the following legal criteria for granting an equitable waiver are satisfied. The application bears the burden of presenting evidence sufficient to allow the Zoning Board to reach conclusions and make findings to support the authorization of an Equitable Waiver. To do so, the undersign alleges that the following legal criteria for granting an Equitable Waiver are satisfied, and submits the accompanying written statements, records, photographs, and other materials to justify the granting of an Equitable Waiver and to explain how each of the criteria of an Equitable Waiver is or will be satisfied.

**PART I**

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 in violation had been subdivided by conveyance to a bona fide purchaser for value: (explain how and when the violation was first discovered)

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B. The violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the party 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: (explain how and when the violation was first discovered)

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**APPLICATION FOR APPEAL: EQUITABLE WAIVER**

- C. 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: (discuss how the violation affects property value of other properties and how the violation affects present or permissible future uses of subject property)

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- D. 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: (discuss the financial value of correcting the violation if the equitable waiver is not granted)

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**PART II**

In lieu of the findings required by the Board under items A and B, the owner may demonstrate to the satisfaction of the Board 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.

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

DATE: \_\_\_\_\_