

INSTRUCTIONS TO APPLICANTS
ZONING BOARD OF ADJUSTMENT
EQUITABLE WAIVER

For equitable waivers from existing dimensional requirements of Zoning Ordinance; RSA 674:33-a authorized the ZBA to grant equitable waivers to the dimensional requirements of the zoning ordinance where the applicant has satisfactorily proven to the board the elements required by the statute. The equitable waiver applies to lots or structures which are in violation of the dimensional requirements (e.g., setbacks, frontage, or area) established by the zoning ordinance. It does not apply to use restrictions. Note: An equitable waiver granted shall not be construed as a non-conforming use, and shall not exempt future use, construction, or additions on the property from the full compliance with the ordinance.

APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

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

The following items are required to complete the application and must be attached.

1. Fees:
 - Equitable Waiver - \$100.00
 - Abutter Notification - \$11.00- per abutter
2. A complete list of names and mailing addresses of all abutters to this property, as defined by RSA 672:3. Abutter is any person whose property adjoins or is directly across the street or stream from the land under consideration.
3. Two sets of plans showing the exact road location of property in relation to at least one prominent landmark.
4. Site Plan of property showing:
 - a. Boundaries and area of entire parcel
 - b. North point
 - c. Scale and legend.
 - d. Location, size and type of all existing and proposed buildings, parking area, signs, roadways, etc.
5. What provisions may need to be made for septic disposal, fire protection, water supply, parking, noise, smoke, surface drainage, etc.
6. Any other pertinent information that you feel the Board may need to make an intelligent and fair decision for all.

The application must be completed and returned with all requirements to the Land Use Coordinator. The application will be forwarded to the Board of Adjustment for their consideration at a public hearing. You must appear at the public hearing or be represented by an authorized agent or attorney for the board to act on your application. The application will be terminated or tabled for failure to appear at a scheduled public hearing, without first providing written notice to the Land Use Coordinator. If you designate an agent or attorney to represent you in this application, you must submit a letter of authorization.

You are fully responsible for researching and knowing all laws which may be applicable and affect the outcome of the Board's decision. The Town of Canterbury assumes no responsibility or liability relating to your failure to research and know all applicable laws including, but not limited to, state, federal, and local laws, codes, and land use regulations.

I/We being duly sworn, depose and say that I /We are the owners(s) of land in the application and that the foregoing statement herein contained and attached, and information or attached exhibits thoroughly to the best of my/our ability present the arguments in behalf of the application herewith submitted and the statements and attached exhibits above referred to are in all respect true and correct to the best of my/our knowledge and belief.

In addition, I/We understand this application must be filed with all pertinent information as it pertains to the requirements of the Town of Canterbury Zoning Ordinance and all other information requested by the Zoning Board of Adjustment to be considered complete. I/We understand this application will not be filed until all required information has been received and do further understand that the Town of Canterbury reserves the right to postpone this request until such time as the requirements are met.

Further, I/We understand the I/We or our representative as stated on the application should appear at the public hearing. If photographs, documents, maps, or other materials are provided to the Board as evidence at the public hearing, said evidence will become the property of the Town of Canterbury and will remain on file for future reference. By law, those instruments automatically become part of the public records and cannot be returned.

Also, I/We recognize and understand that the public hearing before the Board of Adjustment regarding land development is considered quasi-judicial in nature. State and local law strictly prohibits applicants and/or interested parties from participating in ex-parte communications with Board Members in person, by phone, email or in writing before this application is discussed at a public hearing.

Alos, I/We by filing this application hereby give permission to the Canterbury Zoning Board, Road Agent, and such employees or agents of the Town as the ZBA may authorize to enter upon the property, which is the subject of this application, at all reasonable times for the purpose of conduction examinations, surveys, tests, inspections as my be appropriate; to enable release of any claim or right we may now or hereafter possess against any of the above individuals as a result of any examinations, survey tests, or inspections, conducted on my/our property in connection with this application.

Applicant's signature: _____

Applicant's printed name: _____

Applicant's signature: _____

Applicant's printed name: _____

Date: _____

Owner's signature: _____

Owner's printed name: _____

Owner's signature: _____

Owner's printed name: _____

Date: _____

TOWN OF CANTERBURY, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

Name of property owner: _____

Mailing Address: _____

Telephone: _____

Name of Applicant: _____

Mailing Address: _____

Telephone: _____

Present zoning or property (see zoning map in current ordinance)

Please circle one: A RU R C I NR CHD SVMPD

EQUITABLE WAIVERS OF DIMENSIONAL REQUIREMENTS
(RSA 674:33-a)