

- (2) The spirit of the ordinance is observed; **AND**
- (3) Substantial justice is done; **AND**
- (4) The value of surrounding properties are not diminished; **AND**
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - (A) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - ii. The proposed use is a reasonable use. **OR**
 - (B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of “unnecessary hardship” set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

Complete The Following For A Special Exception Only:

Zoning Ordinance, Article XI, Section 235-70, C. (2) (a-h)

Explain on a separate sheet of paper how **all** of the following criteria (a-h) are met:

- (a) The use requested is specifically authorized in this chapter.
- (b) The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
- (c) The requested use will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in stormwater runoff onto adjacent property or streets.
- (d) The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.
- (e) Any special provisions for the use as set forth in this chapter are fulfilled.
- (f) The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood.
- (g) The proposed location is appropriate for the requested use.
- (h) The requested use is consistent with the spirit and intent of this chapter and the Master Plan.

Complete The Following For An Equitable Waiver of Dimensional Requirement Only:

Zoning Ordinance, Article XI, Section 235-70, D. (2) (a-d)

Explain on a separate sheet of paper how **all** of the following criteria (a-d) are met:

- (a) The violation was not noticed or discovered by the 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;

- (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 by a municipal official in the process of issuing a permit over which that official had authority;
- (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
- (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.

The following must also accompany your application at the time it is submitted.

Abutter Information: A list of all abutting landowners acquired from tax records and their mailing addresses must be attached to the application form. This information is available in the City Assessor's Office or the Planning Office and must be obtained no more than five days prior to the filing deadline. Abutters include:

1. Property that directly abuts the lot in question,
 2. Is directly across a street or stream from the lot in question,
 3. Directly abuts, or is directly across the street from, any adjacent lot of which you are listed as owner,
 4. If the property or the matter being appealed is part of a condominium or other homeowners association, the president of the condominium or association shall be considered as an abutter and notified by certified mail.
- All documents that will be considered by the Board at the public hearing must be submitted at the time the application is filed.
 - **Plot Plan:** A **survey or plot** plan must be submitted showing the location and dimensions of all structures, property lines and open spaces on the lot, including adjacent streets and roads. Plans must be professionally drawn and stamped by a licensed land surveyor or registered engineer or architect. For sign variances, a scale drawing of the proposed sign, including the lettering must be submitted along with the plot plan showing its proposed location.
 - **Wetlands:** Any application for a variance or special exception under Article IV, Section 235-17 must, prior to submission to the Zoning Board, be submitted to the Laconia Conservation Commission. The Commission's written or verbal comments on the proposal must be submitted in order to proceed with the public hearing.
 - **Fees:**
 1. Application filing fee is \$125.00. The applicant provides an addressed envelope for themselves and/or their agent and for each abutter with the current postage affixed to permit mailing via certified mail which is due with the application. All fees are non-refundable.
 2. The applicant must provide the following for each abutter listed:
 - a. One 4" x 9 1/2" envelope with the abutter's addresses typed or printed legibly on the envelope. **Do not put a return address on the envelope.** Postage shall be affixed to each envelope to permit mailing each letter via certified mail. If using a postage meter, put the amount on but leave the date blank; it will be run through a meter before being mailed out.

b. The certified mail receipt shall be completed with the abutters name and address and placed inside the envelope, but the envelope shall **not** be sealed.

3. The applicant shall submit **ten copies** of all information and documents.

Your completed application along with all other necessary paperwork and fees must be submitted to the Planning Department. Refer to the published schedule for deadlines.

You or your representative must attend the Zoning Board hearing. If no one is present at the meeting to present your application, it will be denied without prejudice and the applicant must re-file.

The public hearing will be held first, with the applicant or his representative presenting his petition. Following this, those wishing to speak in favor or in opposition may do so. All comments must be directed to the Chair. Everyone rising to address the Chair shall identify himself, giving his name and address.

PLEASE NOTE: Neither the review of any plan by officials of the City of Laconia, nor any subsequent inspection of the premises, should be relied upon as an assurance of conformity to legal requirements. The applicant shall remain fully responsible for complying with all applicable state or local laws, ordinance, regulations or conditions.

APPLICATION AUTHORIZATION

I hereby make application to the City of Laconia for the above-referenced property(ies) and the development as described. To the best of my knowledge the information provided herein is accurate and is in accordance with the Zoning Ordinance and land use regulations of the City, except where waivers are requested. The City of Laconia Zoning Board and/or city employees are authorized to enter the property(ies) for purposes of reviewing this proposal and for inspecting improvements as a result of an approval of this proposal. I understand that I am responsible for appearing, or having someone appear on my behalf, at any and all meetings before the Zoning Board.

Sign as appropriate. If agent's signature check here for attached certification
If non-person check here for attached certification

PROPERTY OWNERS(S)

AGENT(S)

Print Name Here

Print Name Here

Signature of Property Owner(s)

Signature of Agent(s)

Date

Date

Applicant's/Agent Signature

Owner's Signature

Date