



**CITY OF CONCORD**  
*New Hampshire's Main Street™*  
**Zoning Board of Adjustment**

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City Planner

**Proposed Findings of Fact – Equitable Waiver of Dimensional Requirement**

For all equitable waiver of dimensional requirement applications to the Zoning Board, provide all proposed findings of fact upon which you would like the Board to base the decision. Findings of fact can be brief points, but proposed findings must be submitted for each of the 5 items below.

Equitable Waiver of Dimensional Requirement Requested: \_\_\_\_\_

(Equitable waivers shall be granted under RSA 674:33-a only from physical layout, mathematical or dimensional requirements, and not from use restrictions.

Property Address: \_\_\_\_\_

When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the Board makes all of the following findings:

1. 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;

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2. That the violation was not the 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;



