



TOWN OF STRATHAM

Zoning Board of Adjustment

10 Bunker Hill Avenue, Stratham NH 03885
Building Department (603) 772-7391
www.strathamnh.gov

EQUITABLE WAIVER APPLICATION

This completed application and all required application package contents must be filed with the Zoning Board of Adjustment's Agent no later than 12:00 PM on the deadline day published in the ZBA's Schedule of Regular Board Meetings.

1. PROPERTY OWNER AND APPLICANT INFORMATION:			
PROPERTY OWNER NAME:			
Phone #:		Email Address:	
Mailing Address:			
APPLICANT/PRIMARY CONTACT: (Company and contact name if not Property Owner)			
Phone #:		Email Address:	
Mailing Address:			
2. PROPERTY/PROJECT INFORMATION:			
Property Address:			
Tax Map:		Property Deed Information:	Book: _____ Page: _____
Lot(s):		Total parcel area (SF):	Total parcel area (acres):
Zoning District(s): Check all that apply.		Overlay District(s): Check all that apply.	
<input type="checkbox"/> Commercial/Light Industrial/Office		<input type="checkbox"/> Residential/Agricultural	
<input type="checkbox"/> Flexible/Mixed Use Development		<input type="checkbox"/> Retirement Planned Community	
<input type="checkbox"/> Gateway Commercial Business		<input type="checkbox"/> Route 33 Legacy Highway Heritage	
<input type="checkbox"/> Industrial		<input type="checkbox"/> Special Commercial	
<input type="checkbox"/> Manufactured Housing/Mobile Home		<input type="checkbox"/> Town Center	
<input type="checkbox"/> Professional/Residential			
3. PROFESSIONAL SUPPORT (Include additional sheets if necessary):			
COMPANY NAME:		Contact:	
Phone #:		Email Address:	
Mailing Address:			
4. DESCRIPTION OF PROPERTY:			
Provide lot dimensions, setbacks, total area, present use and proposed use.			

All questions must be answered. A separate sheet may be used and attached to this application.

5. EQUITABLE WAIVER REQUEST

I. An Equitable Waiver of dimensional requirements from Section _____ Article _____ of the Zoning Ordinance is requested to permit:

II. Does the request involve a dimensional requirement, not a use restriction? Yes No

III. 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.

III. A. Explain how 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 or 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. OR See III.B.

III. B. In lieu of III.A, demonstrate 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:

IV. Explain how 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:

V. 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:

6. APPLICANT'S CERTIFICATION:

I/We declare under penalty of perjury that all of the submitted information is true and correct to the best of my knowledge and belief. I/We have read and agree to abide by the regulations of the Town of Stratham. I/We understand that any misrepresentations of submitted data may invalidate any approval of this application. If the use is not operated in compliance with these regulations, the permit may be revoked by the Code Enforcement Officer or the Zoning Board of Adjustment.

By signing this application, you are agreeing to all rules and regulations of the Town of Stratham, and are agreeing to allow agents of the Town of Stratham to conduct inspections, during normal town business hours, or your property, to ensure compliance with all Stratham Zoning, Subdivision and/or Site Plan Review regulations while your application is under consideration. The Town accepts electronic signatures on this application. Electronic signatures carry the same validity, enforceability and admissibility, as handwritten signatures.

I/We, the undersigned, authorize _____ to act as the professional and primary contact representing this application before the Stratham Planning Board. Communications related to this application, including those from the Stratham Planning Department, will be directed to this representative.

 _____	<i>Signature of Applicant</i>	Print Applicant's Name	Date
 _____	<i>Signature of Property Owner*</i>	Print Property Owner's Name	Date

*This application must be signed by the owner of the property or other person having the legal right to apply as an agent of the owner. If signed by a person other than the owner of the property, documentation of the legal right to apply as an agent of the owner must be included as part of the application submittal.

PROPERTY OWNER'S INFORMATION IF APPLICANT IS RENTING/LEASING:

You must submit a signed letter from the property owner stating that you have their permission to conduct the proposed project on their property. This letter must include the property owner's name, current address, and telephone number.

APPLICATION CHECKLIST:

- Nine (9) copies of the completed and signed application and supporting materials, including plats or drawings, which provide information in support of the Special Exception.
- Notification list of abutters (downloadable from <https://next.axisgis.com/StrathamNH/>), consultants, and holders of conservation easements on the subject property, if any.
- Application Fee and Public Notice Costs. All checks are to be made payable to the Town of Stratham.
Application Fee = \$100.00 plus notice costs.
Public Notice Costs = \$150.00 plus \$5.00 per abutter/applicant/consultant for the costs of all notice requirements including newspaper publication and postage for certified mail and regular mail.
- Three (3) sets of abutter/applicant/consultant mailing labels.

PLEASE DO NOT WRITE BELOW THIS LINE – FOR TOWN USE ONLY

ZBA Case Number: _____

Check Number: _____

Application Fee: _____

Check Amount: _____

Notice and Abutter Fee: _____

Check Payor: _____

INSTRUCTIONS FOR EQUITABLE WAIVER APPLICATION

1. The Zoning Board of Adjustment strongly recommends that, before making any application, you become familiar with the Stratham Zoning Ordinance and with New Hampshire TITLE LXIV, Revised Statutes Annotated, RSAs, Chapters 672-677, covering planning and zoning.
2. Application forms are available at the Office of the Code Enforcement Officer and on the Town website <https://www.strathamnh.gov/board-adjustment/pages/zoning-forms-information>. The most current form provided must be used.
3. Clarification of the Zoning Ordinance and assistance in completing the application can be obtained from the Code Enforcement Officer, Town Planner, or Land Use Assistant. Legal assistance should be obtained from the applicant's legal counsel.
4. Correctness of information submitted is the responsibility of the applicant.
5. Applications must be complete and legible, either typed or printed in ink. Incomplete or illegal applications will be returned and must be resubmitted.
6. Zoning district information may be obtained from the Planning Office or Code Enforcement Officer.
7. For an application to be scheduled on the next available Zoning Board of Adjustment agenda, the following items must be submitted to office of the Code Enforcement Officer or Planning Department by 12:00 pm (noon) on the officially posted submittal date:
 - a. Nine (9) copies of a completed and signed Equitable Waiver Application and Abutter List.

The application will not be placed on the Zoning Board of Adjustment agenda unless all required signatures are on the application. The application must be signed by the property owner. Signature by anyone else or other representation at the meeting must be approved in writing by the property owner.
 - b. Plans and site/project information:
 - i.) One (1) full size and nine (9) 11" x 17" copies of the survey, plot plan, site plan and/or subdivision plan set, if applicable, showing the location and dimensions of all structures, property lines, septic design, or other pertinent information/data.
 - ii.) Nine (9) copies of any additional documents/information that you wish the board to consider at the public hearing (e.g. letters, deeds, etc.)
 - c. Application fee and Abutter Mailing Fees (All checks are to be made payable to the Town of Stratham).
 - i.) Filing Fee - \$100.00.
 - ii.) Notice Costs - \$150.00, plus \$5.00 per abutter/owner/consultant for the costs of all notice requirements including the cost of postage for certified mail, reproduction costs, and any publication and/or posting costs.
 - d. Abutter Mailing Labels – Three (3) complete Sets of Labels, No Envelopes;
Individuals requiring notification include the property owner, abutters, holders of conservation easements on the subject property, legal counsel, engineering firms, surveyors, consultants, etc.
8. The Town will publish notice of the meeting in a newspaper of general circulation and mail certified letters to abutters.
9. In signing the application form, the applicant authorizes members of the Board and/or staff to enter into and view the premises for the purposes of understanding the request being made. Board members and/or staff may or may not choose to view the site.