



**TOWN OF STRATHAM
ZONING BOARD OF ADJUSTMENT**

**APPLICATION FOR EQUITABLE WAIVER
OF DIMENSIONAL REQUIREMENTS**

FOR OFFICE USE ONLY
Date Received: _____
Case #: _____
Fee(s) Paid: _____
Date: _____ By: _____
Date of Notice: _____
Date of Hearing: _____

SECTION 1: GENERAL INFORMATION:

APPLICANT: _____ PHONE NUMBER: _____
EMAIL ADDRESS: _____

MAILING ADDRESS: _____
STREET ADDRESS TOWN/CITY STATE ZIP

PROPERTY OWNER: _____ PHONE NUMBER: _____
(IF SAME AS APPLICANT, WRITE "SAME") EMAIL ADDRESS: _____

MAILING ADDRESS: _____
STREET ADDRESS TOWN/CITY STATE ZIP

LOCATION OF PROPERTY: _____ MAP: _____ LOT: _____
STREET ADDRESS

DESCRIPTION OF PROPERTY: _____

(LOT DIMENSIONS, SETBACKS, TOTAL AREA, PRESENT USE, PROPOSED USE)

THIS APPLICATION IS NOT CONSIDERED ACCEPTABLE UNLESS ALL REQUIRED STATEMENTS HAVE BEEN MADE AND ALL SECTIONS COMPLETED.
ADDITIONAL INFORMATION MAY BE SUPPLIED ON SEPARATE SHEETS IF NECESSARY.

SECTION 2: APPLICATION FOR AN EQUITABLE WAIVER:

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

Facts supporting this request:

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

SECTION 2: APPLICATION FOR AN EQUITABLE WAIVER: (CONTINUED)

2. 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:

3. 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

B. In lieu of 2.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:

4. 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:

5. 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:

SECTION 3. APPLICANT CERTIFICATION:

I DECLARE UNDER PENALTY OF PERJURY THAT ALL OF THE SUBMITTED INFORMATION IS TRUE AND VALID TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THERE IS NO VIOLATION OF THE APPROVED ORDINANCES, CODES, AND/OR REGULATIONS OF THE TOWN OF STRATHAM. I HAVE READ AND AGREE TO ABIDE BY THE REGULATIONS AND CONDITIONS OF APPROVAL LISTED ON THIS APPLICATION. I UNDERSTAND THAT MY MISREPRESENTATIONS OF SUBMITTED DATA MAY INVALIDATE ANY APPROVAL OF THIS APPLICATION.

Signature of Applicant

Print Applicant's Name

Date

Signature of Owner

Print Owner's Name

Date

NOTES:

1. APPLICATION MUST BE SIGN 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 SUPPLIED AT THE TIME THE APPLICATION SUBMITTAL.
2. IF APPLICANT IS RENTING/LEASING SUBJECT PROPERTY/STRUCTURES, SAID APPLICANT MUST HAVE A SIGNED LETTER FROM THE OWNER STATING THEIR PERMISSION TO CONDUCT PROPOSED BUSINESS PROJECT ON THEIR PROPERTY. THIS LETTER MUST INCLUDE THE PROPERTY OWNER'S NAME, CURRENT ADDRESS, AND TELEPHONE NUMBER.

SECTION 4. AUTHORIZATION TO ENTER THE SUBJECT PROPERTY:

I HEREBY AUTHORIZE MEMBERS OF THE STRATHAM ZONING BOARD OF ADJUSTMENT, CODE ENFORCEMENT, PLANNING DEPARTMENT, AND OTHER PERTINENT TOWN DEPARTMENTS AND BOARDS/COMMISSIONS TO ENTER MY PROPERTY FOR THE PURPOSE OF EVALUATING THIS APPLICATION, INCLUDING PERFORMING INSPECTIONS DURING THE APPLICATION PHASE, POST-APPROVAL PHASE, CONSTRUCTION PHASE AND OCCUPANCY PHASE. IT IS UNDERSTOOD THAT THESE INDIVIDUALS MUST USE ALL REASONABLE CARE, COURTESY, AND DILIGENCE WHEN ON THE PROPERTY.

Signature of Owner

Print Owner's Name

Date

SECTION 5. LIST OF ABUTTERS:

PURSUANT TO RSA 676:4, THE STATE LAW OF NEW HAMPSHIRE, THE TOWN OF STRATHAM IS REQUIRED TO NOTIFY THE APPLICANT, ABUTTERS (INCLUDING HOLDERS OF CONSERVATION EASEMENTS), AND ANY PROFESSIONAL WHOSE SEAL IS ON THE PLAN, OF THE PUBLIC HEARING BY CERTIFIED MAIL. THE APPLICANT MUST OBTAIN THE ABUTTER INFORMATION FROM THE RECORDS OF THE TAX ASSESSOR'S OFFICE IN ORDER TO PROCESS THE EQUITABLE WAIVER PERMIT APPLICATION.

ABUTTER IS DEFINED AS THE OWNER OF RECORD OF A PARCEL OF LAND LOCATED IN NEW HAMPSHIRE AND THAT ADJOINS OR IS DIRECTLY ACROSS THE STREET OR STREAM FROM THE LAND UNDER CONSIDERATION BY THE ZONING BOARD OF ADJUSTMENT. THE TERM ABUTTER SHALL ALSO INCLUDE THE OWNER AND APPLICANT. FOR A CONDOMINIUM OR OTHER COLLECTIVE FORM OF OWNERSHIP, ABUTTER MEANS THE OFFICERS OF THE COLLECTIVE OR ASSOCIATION.

OWNER:

MAP	LOT	PROPERTY OWNER	STREET ADDRESS	TOWN	STATE	ZIP

APPLICANT (IF DIFFERENT FROM OWNER):

MAP	LOT	APPLICANT	STREET ADDRESS	TOWN	STATE	ZIP

SURVEYOR AND/OR ENGINEER:

MAP	LOT	NAME OF COMPANY	STREET ADDRESS	TOWN	STATE	ZIP

CONSERVATION EASEMENT HOLDER:

MAP	LOT	PROPERTY OWNER	STREET ADDRESS	TOWN	STATE	ZIP

ABUTTERS:

[illegible]

THE ABOVE ABUTTER LISTING REFLECTS THE MOST CURRENT ASSESSING RECORDS AND THE STRATHAM ZONING BOARD OF ADJUSTMENT IS RELEASED FROM ANY RESPONSIBILITY FOR INACCURATE INFORMATION OR INCORRECT ABUTTER NOTIFICATION.

SIGNATURE OF APPLICANT

MAP AND LOT

NOTE

INSTRUCTIONS FOR EQUITABLE WAIVER PERMIT

1. The Zoning Board of Adjustment strongly recommends that, before making any application, you become familiar
10 Bunker Hill Avenue • Stratham, NH 03885 • (603) 772-7391 • Fax (603) 775-0517 • www.StrathamNH.gov

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- 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 web site at http://www.strathamnh.gov/Pages/StrathamNH_BComm/ZBA/index. 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 close of business on the officially posted submittal date:
 - a. Completed and signed Equitable Waiver Application Form 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. Three (3) full size and six (6) 11" x 17", if applicable, of copies of the survey, plot plan, site plan and/or subdivision plan set 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 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 - Two (2) complete Sets.
 8. The completed application along with all other necessary paperwork and fees must be submitted to the Stratham Zoning Board of Adjustment at least 20 days prior to the date of the meeting you wish to attend. A date, time, and place will be set for the public hearing and notice will be sent to the applicant and all other necessary individuals.
 9. The Town will publish notice of the meeting in a newspaper of general circulation and mail certified letters to abutters.
 10. 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.