



Application for Equitable Waiver

Name of Applicant _____

Mailing Address _____

Phone # _____ Fax # _____

Email _____

Name of Property Owner _____

Mailing Address _____

Phone # _____ Fax # _____

Email _____

Property Address _____

Map/LotNumber _____ ZoningDistrict _____

Please respond to each of the following sections. Please supply additional information on a separate sheet if the space provided is inadequate.

An equitable waiver is requested from Section _____ of the Zoning Ordinance to permit _____

where otherwise applicable the dimensional requirement is _____

(continued on reverse side)

Staff Use Only

Received by: _____ Date _____

\$130 Application Fee + \$50 Legal Ad + \$10 per abutter Total Cost _____ Check # _____

ZBA Case # _____ Date of ZBA Hearing _____

1. Show that the violation was a result of a good faith error in measurement or calculation or by an error in ordinance interpretation by a municipal official in the process of issuing a permit, and not due to ignorance of the requirements, failure to inquire, misrepresentation or bad faith. (or see Note 1 below).

2. Show that the violation was not discovered until after the structure in violation was substantially completed or the lot or other land division had been conveyed to a bona fide purchaser for value. The mistake was discovered on _____ and the structure in violation was substantially completed by _____ (or see Note 1 below).

NOTE 1. As an alternative to 1 & 2 above, show that the violation has existed for over 10 years without any enforcement action by the municipality (including notice of the violation) or a third party directly affected thereby. (You must still answer questions 3 & 4.)

3. Show that the violation is not a public or private nuisance, or diminish the value of other property, or adversely affect any present or permitted future uses of the property.

4. Show that due to the degree of past construction or investment made without knowledge of the violation, the cost of correction far outweighs any public benefit and that it would be inequitable to require the violation be corrected.

I have read this Application and state that the above is correct, and acknowledge that I have read and understand the Application Instructions on Page 5 of this Application form.

Applicant's Signature _____ Date _____

Abutter List

INSTRUCTIONS

1. Please print the names and legal mailing addresses of all abutters. Visit the Town Assessor's website at <https://www.windhamnh.gov/162/Assessing> to access GIS to determine which parcels are abutting and for the most up-to-date Ownership Information.
2. An abutter means any person whose property is located in New Hampshire and adjoins, is directly across, or within 50-feet diagonally of the street or stream from the land under consideration. *See RSA 672:3.*
3. Also include the names and legal mailing addresses of the applicant, property owner (if different), and any professionals (engineers, lawyers, etc.) involved with the application.
4. TWO SETS OF MAILING LABELS FOR EACH LISTING MUST ALSO BE SUBMITTED.

Map	Block	Lot	Name	Mailing Address
			Do Not Write in Shaded Areas	
			Do Not Write in Shaded Areas	
			Do Not Write in Shaded Areas	
			Do Not Write in Shaded Areas	
			Do Not Write in Shaded Areas	
			Do Not Write in Shaded Areas	
			Do Not Write in Shaded Areas	
			Do Not Write in Shaded Areas	
			Do Not Write in Shaded Areas	

APPLICATION INSTRUCTIONS

1. All supporting materials for the ZBA's consideration should be supplied to the Community Development Department with the submission of this application. Applicants are responsible for providing copies of their application and supporting materials to the Community Development Department in advance of the scheduled hearing. Upon review of the application, Department Staff will contact the applicant with the number of copies that must be supplied and the deadline to submit the copies.
2. The community development department will schedule a public hearing before the Town of Windham Zoning Board of Adjustment ("ZBA") within 30 days of receipt of a completed application. Public notice of the hearing will be posted at the Town Hall and Community Development Department, and printed in a local newspaper. Notices will be mailed to those listed on the abutters list as provided by the applicant, at least 7 days prior to the hearing.
3. Failure to provide any of the information required for the filing of this application shall be cause for the rejection of this application. This application will not be processed unless all required information has been provided.
4. Owner/owners must supply written authorization to allow agents and/or other representatives, to apply and appear on the owner/owners behalf.
5. Acceptance of this application and inclusion of the application on the ZBA's agenda does not infer that all zoning requirements have been satisfied. Neither the review of any plan by officials of the Town of Windham, nor any subsequent inspection of the premises, should be relied upon as an assurance of conformity to legal requirements.
6. Owner/owner's representative is strongly encouraged to attend the scheduled meeting to present the application before the ZBA. Failure to do so may result in the application being denied without prejudice and would require a new application to be filed and new fees paid.
7. Please note that the ZBA may conduct a Site Walk of the property that is the subject of this application when properly posted in accordance with RSA 91-A.
8. Applicants who wish to withdraw their applications or reschedule their hearing for a later meeting shall file a written request with the Community Development Department before the hearing notice for the scheduled hearing is mailed to the abutters, posted in a public place, or appears in a local newspaper. Requests to withdraw or reschedule received by the Department after the hearing notice has been mailed to the abutters, posted in a public place, or appears in a local newspaper, shall be considered by the ZBA at the scheduled hearing.