

PETITION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENT

Please provide detailed, complete answers to all questions. Use additional pages as necessary.

Applicant: _____

Address: _____

Map/Lot: _____

North Hampton Zoning Ordinance from which relief is sought: _____

Description of proposed use(s). Please provide complete, detailed description for all uses, including location of uses on the property. Use additional pages as necessary: _____

1. Does the request involve a dimensional requirement and not a use restriction?

☐ Yes (It is a dimensional requirement) ☐ No (It is a use restriction)

2a. Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the town: _____

- or -

2b. Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser: _____

3. Explain how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake: _____

4. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area: _____

5. Explain how the cost of correction far outweighs any public benefit to be gained: _____

North Hampton Zoning Board of Adjustment

6. Existing Variances or Special Exceptions: Are there any existing Variances or Special Exceptions on the property? ☐ Yes ☐ No If yes, please explain when and why such was required: _____

7. Previous Denials: Has an application for a Variance or Special Exception on this property ever been denied? (If you are unsure of the answer to this question, please ask the Planning and Zoning Administrator) ☐ Yes ☐ No If yes, please explain when and why: _____

8. Material Differences if Previously Denied: If you were denied previously, state how this particular application and use proposed is now materially different from that which was denied: _____

Additional Actions:

1. Does your proposed use also require Subdivision Approval by the Planning Board? ☐ Yes ☐ No
2. Does your proposed use also require a Site Plan Approval by the Planning Board? ☐ Yes ☐ No
3. Is this application required as a prerequisite to, or otherwise necessary for, a Site Plan Approval by the Planning Board? ☐ Yes ☐ No

CERTIFICATION: I hereby certify that:

- _____ I have read the instructions for completing this application.
- _____ I have completed this application as completely and fully as possible.
- _____ I have completed the checklist provided in the instructions and have attached all evidence, including plans or sketches that I intend to discuss at the Public Hearing on the application.
- _____ I understand that if this application is incomplete, it will be returned within a reasonable time following its submission, and that this may delay the scheduling of a Public Hearing.
- _____ I understand that I must appear in person at the Public Hearing to present and discuss this application. If I cannot appear in person, I will notify the Chair of the ZBA, in writing, designating the name of the individual who will appear for me.
- _____ The ZBA has permission to enter the property in order to conduct scheduled site walks upon reasonable prior notice.

Initials

Applicant's Signature: _____ **Date:** _____

Agent or Legal Counsel's Signature: _____ **Date:** _____

Form 5- Petition for Equitable Waiver Applicant's Initials _____ Date _____

Updated: July 29, 2020

Effective: July 29, 2020