



Zoning Board of Adjustment
Evans Memorial Building
PO Box 88
Eaton, New Hampshire 03832-0088
603-447-2840

APPLICATION FOR EQUITABLE WAIVER OF DIMENSION

1. Property Owner(s): _____
Mailing Address: _____
Phone/E-Mail: _____
2. Property Location: _____
Map/Lot: _____

RSA 674:33-a Equitable Waiver of Dimensional Requirement states the following:

1. 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:

(a) 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.

Explain why the violation was not noticed:

(b) That 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 the 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.

Explain why this was not ignorance of the law but a good faith error:

(c) That 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.

Show that the violation does not constitute a nuisance or affect other properties in the area:

(d) 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.

Explain why the cost of correction outweighs any public benefit:

In lieu of the findings required by the Board under subparagraphs I(a) and (b), the owner may demonstrate to the satisfaction of the Board 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.

Demonstrate that the violation has existed for mor than 10 years without any enforcement proceedings being undertaken.

The undersigned hereby grants permission for the members of the Zoning Board of Adjustment to enter the property for the purposes of reviewing the information provided in this application.

Date: _____

Property Owner(s) Signature