

**TOWN OF HENNIKER  
ZONING BOARD OF ADJUSTMENT APPLICATION**

**EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS**

Revised 2-27-2013

**CASE NO.** \_\_\_\_\_

**Name of Applicant** \_\_\_\_\_

**Address** \_\_\_\_\_

**Telephone** \_\_\_\_\_ **Fax** \_\_\_\_\_

**E-mail Address** \_\_\_\_\_

**Owner of Property** \_\_\_\_\_

**Location of Property** \_\_\_\_\_ **Map** \_\_\_\_\_ **Lot** \_\_\_\_\_

**Zoning District where Property is Located** \_\_\_\_\_

**Signature of Owner of Property** \_\_\_\_\_

**If the property owner is not the applicant, the property owner MUST provide a notarized letter (original) authorizing the applicant to file an application.**

You are requesting an equitable waiver of dimensional requirements because your existing structure or physical layout of your property is currently in violation of the Zoning Ordinance. Waivers are only for physical layout, mathematical or dimensional requirements, and not from use restrictions.

1) Did you, the former owner, owner's agent or municipal official discover the violation after your structure was substantially completed or when it was conveyed to a bona fide purchaser? YES NO

2. Please state why this violation occurred:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3). Please state why this violation does not cause a nuisance, why it does not diminish surrounding property values, and why it does not interfere with or adversely affect any present or permissible future uses of the property:

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4. Please state why the costs of correcting this violation outweigh the benefit of compliance with the dimensional requirements.

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5. Has this violation existed for ten (10) or more years?      YES    NO

If YES, has there been any enforcement action taken against the violation during that time by the Town or by any person directly affected?      YES    NO

**Please provide a copy of the relevant section of the Zoning Ordinance that is in violation, a copy of the tax card, and a copy of the plot plan. If you cite case law in your argument, please provide a copy of the case with your filing.**

**ABUTTER LIST**

An abutter list (no mailing labels) must be provided that consists of the **mailing address** and map and lot numbers for all abutters.

An abutter is defined as any person whose property is located in NH and adjoins or is directly across the street or stream from the land under consideration by the Zoning Board of Adjustment. The term abutter includes all holders of conservation, preservation, or agricultural easements; the officers of a condominium or other collective form of ownership; the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the Zoning Board of Adjustment; and any professionals hired by the applicant/property owner (surveyors, engineers, etc.). See NH RSA 672:3.

Information for the abutters list can be obtained at the Town Hall during regular business hours. Abutter information must be obtained no more than 1 month prior to application submittal.

**FEES**

Application Fee	\$100.00
Newspaper Notice Fee	\$125.00
Abutter Notice Fee	\$10.00 per abutte

**Amount enclosed with application:**

Application Fee	\$ _____
Newspaper Notice	\$ _____
Abutters	\$ _____
<b>Total</b>	\$ _____

Fees **MUST** be paid at the time the application is submitted or the application will not be accepted. Fees can be paid in cash or by check made out to the “Town of Henniker”.

**APPLICATION SUBMISSION**

Submissions must be made in accordance with the adopted Zoning Board of Adjustment submission deadline, which is posted at the Town Hall. All applicants are encouraged to meet with the ZBA Clerk prior to submitting an application to avoid delays due to incomplete information.