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***APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS  
ZONING BOARD OF ADJUSTMENT  
PROCEDURE FOR FILING PETITIONS***

1. To file a petition before the Zoning Board of Adjustment, three items are required:

**A. Completed Application:**

The original application must be submitted. Forms may be obtained from the Planning and Development Department or on-line at [www.claremontnh.com](http://www.claremontnh.com). The forms provided by the City must be used. The accuracy of the information supplied shall be the responsibility of the applicant(s) at all times. An appeal filed by other than the property owner of record must be accompanied by a letter of authorization signed by the owner of record. Requests should be identified as one of the following:

Appeal of an Administrative Decision,  
Enlargement of a Nonconforming Use,  
Special Exception,  
Variance,  
Equitable Waiver of Dimensional Requirements.

**B. Plot Plan:**

A scaled drawing must be submitted, showing the locations and dimensions of all structures and open spaces on the lot in question and on the adjacent lots. Plans do not have to be professionally drawn. The plot plan must be 8 1/2" X 11".

**C. Abutters List:**

A statement must be submitted listing the tax map numbers and addresses of all properties adjoining or directly across the street or water body from the property in question. In some instances, this may include properties on another tax map. The City tax maps are the accepted authority for map and lot numbers but may not provide the most recent information regarding the record owner. An abutters list form may be obtained from the Planning and Development Department.

The above information must be submitted to the Planning and Development Department by 5:00 PM on the day of the filing deadline. Deadlines and meeting dates may be obtained from the Planning and Development Department. Until **all** of the required information is received, the petition **will not** be placed on the agenda.

2. The Planning and Development Department will notify the applicant(s) and all abutters of the property in question (using the information supplied in the abutters list) by certified mail, and shall cause a public notice of the hearing to be published in a newspaper of general circulation in the area at least five (5) days prior to the date fixed for the hearing of the petition.

3. The applicant(s) shall pay to the Planning and Development Department at the time of filing a non-refundable application fee, legal notice fee, and abutter notification fee in accordance with the current fee schedule, approved by the City Council

## **GENERAL INFORMATION**

The Planning and Development Department will be available to respond to questions the applicant(s) may have regarding the application form, drawings and plans. Legal assistance should be obtained from the applicant's personal attorney.

A decision is usually rendered by the Board at the same meeting at which the public hearing is held. In some instances, the decision may be made at a later date. If this is the case, the applicant(s) will be informed of when the decision is to be made. In making its decision, the Board will make findings of fact and then set forth the reasons for its decision.

If a petition is denied, the applicant(s) may file a motion for a rehearing specifying the grounds for rehearing the petition. Every ground upon which it is claimed that the decision rendered is unlawful or unreasonable must be set forth fully. Said motion for rehearing must be filed with the Boards and Commissions Coordinator within thirty (30) days after the date the decision is rendered. If a motion for rehearing is denied by the Board, the applicant(s) may appeal to the Superior Court within thirty (30) days after the decision has been rendered.

## **RULES OF PROCEDURE FOR CONDUCT OF MEETINGS**

Each petitioner is entitled to a hearing by a five-member Board. If, for any reason, five members are not available, the petitioner(s) may elect to postpone the hearing and decision until the next meeting of the Board at which five members are present.

For the benefit of those in attendance at public hearings, the Chairman will briefly explain the procedure before the hearings begin and introduce the members of the Board.

The public hearings will be held first with the applicant(s) and/or his/her representative presenting the petition. Then those wishing to speak in favor of the petition may do so, followed by those wishing to speak in opposition to the petition. After this the applicant(s) and those in favor may speak in rebuttal, followed by the rebuttal of those in opposition. The debate may be closed when the Chairman deems it appropriate. All public hearings and Board deliberations are tape recorded. All comments must be addressed to the Chair. Anyone rising to address the Chair should identify him/herself, giving his/her name and address. No one will be allowed to speak twice until all who wish to speak have been heard.

Reasons will be given for all decisions of the Board and references made to the appropriate sections of the Zoning Ordinance. In the event the Board wishes to postpone making a decision, the applicant(s) will be so advised. All decisions will be announced by the Chair at the time they are made, and formal written notification will be mailed to the applicant(s) within 5 business days after the decision is rendered. In the event neither the applicant nor the applicant's agent is available to present a petition to the Board at the public hearing, and no written request to continue the petition has been received by the Board not less than 84 hours prior to the scheduled hearing, the petition will be automatically dismissed. A petition may be withdrawn by the applicant(s) by notifying the Board that the petition is being withdrawn.



**PLANNING AND DEVELOPMENT**  
 14 NORTH STREET  
 CLAREMONT, NH 03743  
 PH: (603) 542-7008 FAX: (603) 542-7033

***APPLICATION FOR APPEAL***

Application Received By:		Scheduled Zoning Board Meeting Date:		Case #
Application Fee:		Date Submitted:	Tax Map:	Lot:
Legal Notice Fee:				Zone:
# of Abutters @\$4/each				
Total Due:		Date Paid:	Ck#	

The undersigned hereby applies to the Claremont Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

**TYPE OF APPEAL - MARK AS MANY AS NECESSARY**

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

**SECTION I - GENERAL INFORMATION**

Name(s) of Applicant(s) \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_  
 Name(s) of Owner(s) \_\_\_\_\_  
 Address \_\_\_\_\_  
 Location of Property \_\_\_\_\_  
 (street, number, subdivision and lot number, if any)

**SECTION II - LOT CHARACTERISTICS**

Tax Map Parcel Number \_\_\_\_\_ Zoning District \_\_\_\_\_  
 Lot Dimensions: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_  
 Lot Area: Acres \_\_\_\_\_ Square Feet \_\_\_\_\_  
 % of Lot Covered as defined in Code Sec. 22-1 (buildings, pools, decks, etc.): Existing \_\_\_ Proposed \_\_\_  
 % of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing \_\_\_ Proposed \_\_\_  
 Present Use \_\_\_\_\_  
 Proposed Use \_\_\_\_\_  
 Property Restrictions (easements, covenants, etc.) \_\_\_\_\_

**SECTION III - AFFIDAVIT**

I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. I also authorize the Zoning Administrator or his/her designee and members of the Board to enter onto the subject property for purposes of inspection as part of this appeal.

\_\_\_\_\_  
 (Signature of Owner or Authorized Agent) Date \_\_\_\_\_

Please Print Name \_\_\_\_\_



**PROPERTY ADDRESS** \_\_\_\_\_

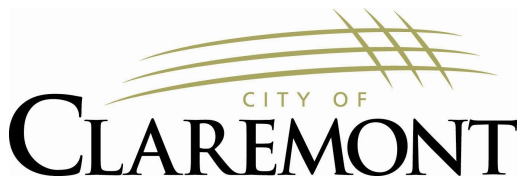
***APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS***

· An Equitable Waiver of Dimensional Requirements is requested from Section (s) \_\_\_\_\_ of the Zoning Ordinance to permit:

To approve, the Zoning Board of Adjustment must find that all requirements are met.

**DESCRIBE YOUR RESPONSE TO EACH REQUIREMENT:**

1. That the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by any government authority:
  
  
  
  
  
  
  
  
  
  
2. Explain how the nonconformity was noticed or discovered after the structure in violation had been substantially completed, or until after a vacant lot or other division of land in violation had been subdivided by or conveyed to a bona fide purchaser for value.
  
  
  
  
  
  
  
  
  
  
3. 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 any 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 legitimate mistake.
  
  
  
  
  
  
  
  
  
  
4. 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.
  
  
  
  
  
  
  
  
  
  
5. That 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.



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14 NORTH STREET

CLAREMONT, NH 03743

PH: (603) 542-7008 FAX: (603) 542-7033

**ABUTTERS LIST**

**Applicant Information:**

Printed Name: \_\_\_\_\_ Contact Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

<b>Owner/Agent Information</b> <i>(\$4 fee per abutter including owner and agent)</i>			
<b>Map:</b>	<b>Lot:</b>	<b>Name:</b>	<b>Address:</b>

<b>Abutter(s) Information</b>			
<b>Map:</b>	<b>Lot:</b>	<b>Name:</b>	<b>Address:</b>
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I, the undersigned \_\_\_\_\_, certify that to the best of my knowledge, the above is an accurate and complete abutters list.

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Date**