



**Town of Milford
Zoning Board of Adjustment**

Date Received:	_____
Case #:	_____
Application #:	_____
Payment amount:	_____
Date: _____	By: _____

Application for Equitable Waiver of Dimensional Requirements

Name of Applicant: _____ Phone #: _____

Email: _____

Address: _____

Owner: _____
(If same as applicant, write "Same")

Owner's Address: _____
(If same as applicant, write "Same")

Property Location: _____ Map _____ Lot _____
(Number and Street)

Description of property: _____

(Lot dimension, total area, present use)

This application is not considered acceptable unless all required statements have been made and all sections completed. Additional information may be supplied on separate sheets if necessary.

Fees: \$75.00 per case plus abutter fees, including owner and representative (if applicable).

Town of Milford New Hampshire
One Union Square · Milford, NH 03055 · Phone (603) 249-0620 · Fax (603) 673-2273
www.milford.nh.gov

Section 1 - APPLICATION FOR EQUITABLE WAIVER

An Equitable Waiver of dimensional requirements from Article _____ Section _____ of the Zoning Ordinance is requested to permit:

Facts supporting this request:

1. Explain how 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:

2. A. Explain how 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 or 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:

or

- B. In lieu of 2.A, demonstrate 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:

3. Explain how 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:

4. Explain how, 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:

Section 2 - ABUTTERS

See attached sheet.

Section 3 - ATTACHMENTS

- A. A plan of the property and all buildings, drawn to scale, is required.
- B. A Building Permit Application as needed (to be determined by the building official.)
- C. Additional explanations, justification, abutters' statements, letters, etc.

Section 4 - REPRESENTATION

Owner(s) authorization for the applicant or other agent to represent the owner at the proceedings:

Print the name of the person or party representing the owner(s)

The applicant or agent, as stated hereon, has authorization from the property owner to submit this Zoning Board of Adjustment application and to represent the property owner on matters relative to said process.

Owner's Signature Date _____

Section 5 - SIGNATURES

Signature of Applicant _____ Date _____

Signature of Owner _____ Date _____

Signature of Zoning Official _____ Date _____

For office use only

Code Enforcement Officer's decision and comments:

Revised 11/25/2011

INSTRUCTIONS FOR EQUITABLE WAIVER

The Zoning Board of Adjustment strongly recommends that, before making any appeal (application), you become familiar with the Milford Zoning Ordinance¹ and with New Hampshire TITLE LXIV, Revised Statutes Annotated (RSA), Chapters 672-677², covering planning and zoning. Additionally, you may seek guidance through the Office of Community Development.

ABUTTERS: List the map, lot, abutter name, and mailing information. This information can be found in the Milford Assessing Office.

For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownerships defined in RSA 205-A:1, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street, stream, or active railroad from the land under consideration by the local land use board. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being an active railroad property, the owner of the railroad property shall be notified. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case where the applicant is different from the owner of the land under consideration by the local land use board, the term “abutter” includes the applicant.

For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration.

¹ Town of Milford Zoning Ordinance can be found at:

<http://www.milford.nh.gov/?q=town/boards-committees-and-commissions/zoning/zoning-ordinance>

² NH RSAs, Chapters 672-677 can be found at:

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LXIV.htm>