

TOWN OF LEE

7 Mast Road, Lee NH 03861
www.leenh.org

Planning & Zoning
Tel (603) 659-6783 Fax (603) 659-6783

FOR OFFICE USE ONLY

Case No. _____
Date Filed _____
Meeting Date _____
Fee Amount _____
Date Paid _____
Outcome _____

APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

To: Zoning Board of Adjustment
Town of Lee

Name of Applicant _____

Mailing Address _____

Home Phone _____ Work Phone _____ Cell _____

Name(s) of Owner(s) _____
(if same as applicant, write "same")

Owner(s) Address _____

PROPERTY INFORMATION

Location of property _____ Tax Map _____

Lot Dimensions: Front _____ Rear _____ Side _____ Side _____

Lot Area: Acres _____ Square Feet _____

Present Use of Property: _____

NOTE: This application is not acceptable unless all statements below have been completed. Additional information may be supplied on a separate sheet if the space provided is not adequate.

EQUITABLE WAIVER REQUEST

An Equitable Waiver of Dimensional Requirements (NH RSA 674:33-a) is requested from Article _____ Section _____ of the Lee Building Code and Zoning Ordinance Regulations to permit:

SUPPORTING INFORMATION

1. Does the request involve a dimensional requirement, not a use of restriction? Yes No

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:

-AND-

How the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake:

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

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

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 equitable waiver is sought and that all information provided by me is true to the best of my knowledge under penalty of law.

Signature of Property Owner or Authorized Agent

Date

Name of Property Owner (Typed or Printed) _____

The Lee Zoning Board strongly recommends that, before making any appeal, you become familiar with the zoning ordinance, and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672- 677, covering planning and zoning. The person applying for relief is responsible for filing out the application in its entirety, **not** Town Staff.

CONDITIONS FOR A SPECIAL EXCEPTION APPLICATION PER NH RSA 674:33 IV

Certain sections of the zoning ordinances provide for permitted special exceptions to the standard requirements of the zoning ordinance if specified conditions are met. The necessary conditions for each special exception are given in the ordinance.

APPLICATION PROCEDURE FOR ZONING BOARD OF ADJUSTMENT HEARING

Clarification of the Zoning Ordinance and assistance in completing the application process can be obtained from Town Staff. Legal assistance should be obtained from the Applicant's personal attorney. Correctness of information submitted is the responsibility of the Applicant.

The following must be filed with the Application:

- ✓ Application fee, public notice fee, and abutter notification fee
- ✓ An abutters list must comply with NH RSA **672:3 Abutter**. As well as anyone whose professional seal and or name appears on the plan. Tax Map No. and Lot No. must also appear on the list for the abutting properties. **Important:** Applicant shall certify that the abutters are as indicated in the Town of Lee's Selectmen's Office not more than 5 days prior to day of filing the application with the Zoning Board. .
- ✓ Six (6) sets of plans drawn to scale which show lot location, lot size, setbacks, locations and dimensions of all structures and open spaces on the lot in question, and ownership of adjoining lots of land. Plans do not have to be professionally drawn. In applications, 11" x 17" plans may be accepted.
- ✓ By signing this application you are also authorizing members of the board or interested parties to do a site visit of the property
- ✓ A written description of work proposed or change in use and any dimensions pertinent to construction.
- ✓ If the applicant is not the owner, a signed and notarized Owner's Authorization for Representation must be submitted.

No application shall be accepted for processing until **all** of the required information is received.

HEARING NOTIFICATION PROCESS & FEES

- ✓ Your hearing will be held within 30 days after submission of a complete application. You will be notified by certified mail as to time, place, and date of the public hearing. At the time of the hearing, you must present your case to the Board.
- ✓ The fee for an application to the Lee Zoning Board of Adjustment is \$150 for the first request; \$50 for each additional request; and \$8.00 for each abutter and professional to be notified.
- ✓ Completed forms must be filed at least 20 calendar days prior to the Board's scheduled meeting.
- ✓ The applicant or his representative is requested to attend the public hearing held on the above request.
- ✓ All applications must be signed by the property owner or, where applicable, by a notarized designation of agent.
- ✓ Each applicant is entitled to a hearing by a five-member Board. If, for any reason, five members are not available, the applicant(s) may elect to postpone the hearing and decision until the next meeting of the Board at which five members are present.
- ✓ A petition may be withdrawn by the applicant(s) by written notification submitted to Town Staff prior to the hearing or presented to the Chairman of the Board at the hearing.