

TOWN OF HAMPTON FALLS

TOWN OFFICES, 1 DRINKWATER ROAD 603-926-4618



NEW HAMPSHIRE 03844

HAMPTON FALLS ZONING BOARD OF ADJUSTMENT

PUBLIC HEARING

AGENDA

Thursday, May 28th, 2015

Town Hall

Applications not called & in progress by 10:00 p.m.
will be continued to the next meeting.

- A. *Call to Order – 7:00 p.m.*
- B. *Roll Call*
- C. **Case #15-03 Avesta Housing/Brown Road**
Motion for Rehearing
- D. **Case #15-04:** Application from Taylor River Farms for variance from Article 3, Section 8.3, to permit a driveway to be within 100' wetlands buffer in Zone A, at property located at 6 Swain Drive, Tax Map 5, Lot 53-11
- D. **Review of Minutes of the Previous Meeting, February 26, 2015**
- E. **Other Business:**
- F. **Comments or Questions from the Floor**
- G. **Adjournment**

Copy: Conservation Commission, Bulletin Boards

Five Requirements for Granting a Variance (1/1/10)

- 1. The variance will not be contrary to the public interest;**
- 2. The spirit of the ordinance is observed;**
- 3. Substantial justice is done;**
- 4. The values of surrounding properties are not diminished; and**
- 5. Literal enforcement of the provision of the ordinance would result in an unnecessary hardship.**

- (A)** For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:
- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (ii) The proposed use is a reasonable one.
- (B)** If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of “unnecessary hardship” set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.