

TOWN OF HAMPTON FALLS

TOWN OFFICES, 1 DRINKWATER ROAD 603-926-4618



NEW HAMPSHIRE 03844

HAMPTON FALLS ZONING BOARD OF ADJUSTMENT

AGENDA

Thursday, December 22, 2016

Town Hall

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

- A. **CALL TO ORDER – 7:00 PM**
- B. **ROLL CALL**
- C. **REHEARING: Case #16-03:** Application from Stephen and Maryann Zagieboylo, for variance to the terms of Article III, Section 7.7.1 (Yard Requirements), to permit a wheelchair accessible garage within 50' of the property lot line in Zone A, for property at 23 King Street, Map 4, Lot 27.
- D. **Case #16-06:** Application from Patricia Bowen for variance to the terms of Article III, Section 7.7.1 to permit construction of a State approved leach field in Zone RA, for property located at 18 Old Stage Road, Map 5 Lot 21.
- E. **Case #16-07:** Application from Laurelynn D. Carter for variance to the terms of Article III, Section 7.7.1, to permit construction of an addition in Zone A, for property located at 188 Kensington Road, Map 1, Lot 46.
- F. **Case #16-08:** Application from James and Jean Cotton for variances to the terms of Article III, Section 7.5.8, to permit a proposed private roadway with 300' sight distance at the entrance; and to the terms of Article III, Section 7.7.1 to permit a leach field to be within 50' of lot line setback, for property located at 23 Prescott Lane, Map 4, Lot 46-7.
- G. **REVIEW AND APPROVAL OF MINUTES OF PREVIOUS MEETING:
November 17, 2016**
- H. **OTHER**
- I. **COMMUNICATIONS TO BOARD MEMBERS**
- J. **ADJOURN**

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.