

TOWN OF HAMPTON FALLS

TOWN OFFICES, 1 DRINKWATER ROAD 603-926-4618



NEW HAMPSHIRE 03844

HAMPTON FALLS ZONING BOARD OF ADJUSTMENT

AGENDA

Thursday, October 27, 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. **Case #16-02:** Application from Micah Denner, Septic Designs of NH, LLC, for variance to the terms of Article III, Section 7.7.1 (Yard Requirements), to permit a septic install less than 50' from lot line in Zone A, for property located at 223 Exeter Road, Map 6 Lot 61.
- D. **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 in Zone A, for property located at 23 King Street, Map 4, Lot 27.
- E. **Case #16-04:** Application from Richard Knight for relief from the terms of Building Code Section 7.1.1.1, to permit the creation of a non-buildable lot in Zone A, for property located at 12 Mill Lane, Map 1, Lot 6.
- F. **OTHER BUSINESS**
- G. **COMMUNICATIONS TO BOARD MEMBERS**
2017 Board of Adjustment meeting and application deadline dates
- H. **REVIEW AND APPROVAL OF MINUTES OF PREVIOUS MEETING:**
May 26, 2016
- I. **ADJOURN**

NEXT MEETING SCHEDULED NOVEMBER 17, 2016

Copy: Conservation Commission, Bulletin Boards 10/18/16

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.