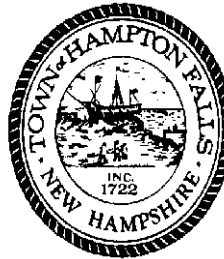


# TOWN OF HAMPTON FALLS

TOWN OFFICES, 1 DRINKWATER ROAD 603-926-4618



NEW HAMPSHIRE 03844

## HAMPTON FALLS ZONING BOARD OF ADJUSTMENT TOWN HALL - Thursday, September 27, 2018 – 7:00 PM

### AGENDA

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

#### A. CALL TO ORDER

#### B. ROLL CALL

#### C. PUBLIC HEARINGS:

**Case # 17-06** Application of **Heronfield Academy** for a variance to the terms of Article III, Section 7.7.1.1 and asks that said terms be waived to permit lot coverage of more than the allowed 15% in Zone A located on 356 Exeter Road, Tax Map 6 Lot 22. Continued from December 21, 2017. **Request for Continuance to September 27, 2018. Request for Continuance to October 25, 2018.**

**CASE #18-01:** Administrative Appeal of **Heronfield Academy** of the Building Inspector's decision regarding the construction of an Indoor Recreational Facility or Gymnasium dated January 16, 2018 for the property located at 356 Exeter Road, Map 6 Lot 22. **Request for Continuance to September 27, 2018. Request for Continuance to October 25, 2018.**

**CASE #18-02:** Application of **Heronfield Academy** to request a variance to the terms of Article III, Section 4.E.2 and asks that said terms be waived to permit the construction of a building for use as a school gymnasium and other school purposes where an indoor recreational facility is not allowed in Zone A. Tax Map 6 Lot 22. **Request for Continuance to September 27, 2018. Request for Continuance to October 25, 2018.**

**CASE #18-04:** Application from **Heronfield Academy**, requests a modification of the Variance granted in 2006 to permit the construction of a building solely for use as a school gymnasium and other school purposes. Property located at 356 Exeter Road, Map 6, Lot 22. **Request for Continuance to September 27, 2018. Request for Continuance to October 25, 2018.**

**CASE# 18-05:** Application from Heronfield Academy for a modification to a 2006 variance to the terms of Article III, Section 4E 1, 2, 3, and 5, to construct a multipurpose

facility within the existing horse riding arena for school related purposes in Zone A, located at 356 Exeter Road, Map 6 Lot 22.

**D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES** of  
July 26, 2018

**E. OTHER BUSINESS**  
2018 Legislative Session  
ZBA Bylaws and Rules of Procedure Review

**F. COMMUNICATIONS TO BOARD MEMBERS**

**G. ADJOURN**

**The next meeting of the Zoning Board of Adjustment is  
Thursday, October 25, 2018**

Copy: Conservation Commission, Town Hall, Library and Post Office, Bulletin Boards, Town Clerk 9/7/2018

## **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.