

TOWN OF HAMPTON FALLS

TOWN OFFICES, 1 DRINKWATER ROAD 603-926-4618



NEW HAMPSHIRE 03844

HAMPTON FALLS **ZONING BOARD OF ADJUSTMENT** AGENDA PUBLIC HEARING AND BUSINESS MEETING TOWN HALL - Thursday, February 23, 2023 – 7:00 PM

Applications not called & in progress by 10:00 p.m. will be continued to the Board's next meeting. Please refrain from cell phone use during this meeting and note that meetings of the Zoning Board are being recorded. Meeting Minutes are maintained on file at the Town Clerk's office, Town Hall, 1 Drinkwater Road, Hampton Falls, NH. Meeting Notices are posted on bulletin boards at the Town Hall, Library, Hampton Falls Post Office, and the Town website at: www.hamptonfalls.org for minutes, meeting agendas, videos, & more information.

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC HEARING:

1) **Case # 23-02:** Application from **5 Kensington, LLC** for Appeal of Administrative Decision, alleges that the Building Inspector has made an error in the decision, determination, or requirement on 10/17/2022, to 5 Kensington, LLC, in relation to Article III, Section 9.3.24, and Article III, section 13.3.14 of the Zoning Ordinance and hereby appeals said decision, which the applicant believes was made in error, for property located at **5 Kensington Rd (Map 8 Lot 22)**.

2) **Case # 23-03:** Application from **5 Kensington, LLC** for Variance, to the terms of the Zoning Ordinance Article III, Section 8.4.1.1 and Article III, Section 8.5.2, and asks that said terms be waived to permit well head within the Wetland Conservation District, in Zone TC: Town Common District, at property located at **5 Kensington Rd (Map 8 Lot 22)**.

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: 01/26/2023

E. OTHER BUSINESS

F. COMMUNICATIONS TO BOARD MEMBERS

G. ADJOURN

The next meeting of the Zoning Board of Adjustment is scheduled for Thursday, March 23, 2023 at 7:00 PM.

Copy: ZBA, PB, Selectmen, Conservation Commission, Town Website, Town Hall, Library, Post Office 02/14/2023

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.

Rev. 1/10

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