

TOWN OF HAMPTON FALLS

TOWN OFFICES, 1 DRINKWATER ROAD 603-928-4618



NEW HAMPSHIRE 03844

HAMPTON FALLS ZONING BOARD OF ADJUSTMENT TOWN HALL - Thursday, April 28, 2022 – 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. REORGANIZATION OF THE BOARD

1. Nomination and Election of Chairman
2. Nomination and Election of Vice-Chairman
3. 2022 Zoning Board of Adjustment members' Listing, please confirm contact info.

D. PUBLIC HEARING:

Case # 22-01: Application from **Russ Hilliard, Jr., Swell Oyster Bar LLC** for a Variance to the terms of Zoning Ordinance Article III, section 5.1.2 and asks that said terms be waived to permit proposed parking with associated restaurant, in Zone TCD: Town Common District, at property located at **67 Lafayette Road, Map 8, Lot 92.**

E. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: 12/16/2021

F. OTHER BUSINESS

G. COMMUNICATIONS TO BOARD MEMBERS

H. ADJOURN

The next meeting of the Zoning Board of Adjustment is scheduled for Thursday, May 26, 2022

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.