

# TOWN OF HAMPTON FALLS

TOWN OFFICES, 1 DRINKWATER ROAD 603-928-4818



NEW HAMPSHIRE 03844

## HAMPTON FALLS ZONING BOARD OF ADJUSTMENT TOWN HALL - Thursday, August 26, 2021 – 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 # 21-03:** Application from **Richard M. Marchese** for relief from Building Code Requirements Section 7.1.1.1 b) Septic Reserve Area (SRA) to allow the use of a Test Pit with a result of 16-inches to the estimated Seasonal High-Water Table, in Zone A/R, at property located at **9 LaFiesta Drive, Map 1, Lot 30-1 (continued from July 22, 2021).**

**D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: 07/22/2021**

**E. OTHER BUSINESS**

**Case # 21-04:** Application from **Katie Curran** for a Special Exception to the terms of Article III, Section 4, A. 4, to allow a Dog Day Care, in Zone A, at property located at **15 Marsh Lane, Map 9, Lot 8. (Public Safety Department Comments)**

**F. COMMUNICATIONS TO BOARD MEMBERS**

**G. ADJOURN**

***NEXT MEETING SCHEDULED THURSDAY, September 23, 2021 at 7:00 p.m.***

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## **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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