

TOWN OF HAMPTON FALLS

TOWN OFFICES, 1 DRINKWATER ROAD 603-928-4818



NEW HAMPSHIRE 03844

HAMPTON FALLS ZONING BOARD OF ADJUSTMENT TOWN HALL - Thursday, September 23, 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 August 26, 2021).**

Case #21-05: Application from **N. Miles Cook, III, 19 Lafayette Rd., LLC.** for a Variance from Article IV, section 3.2.1.1.1 and Article 3.2.1.1.2 to allow for five (5) building signs totaling 208 square feet, in zone BDS: Business District South, at property located at **19 Lafayette Road, Map 7, Lot 68.**

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: 08/26/2021

E. OTHER BUSINESS

1. Request for reconsideration or rehearing of 21-04 ZBA decision, based on new business plan for Dog Day Care at 15 Marsh Lane, Map 9, Lot 8.

F. COMMUNICATIONS TO BOARD MEMBERS

G. ADJOURN

The next meeting of the Zoning Board of Adjustment is scheduled for Thursday, October 28, 2021

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.