

# 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 22, 2024 – 7:00 PM Amended 02/14/2024

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](http://www.hamptonfalls.org) for minutes, meeting agendas, videos, & more information.

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC HEARING:

- 1) ~~Case #24-01: Request to Continue to March 28, 2024. Continuance of Rehearing from Justin Pasay/Al Fleury regarding Case #23-08 from 3 Weare Road LLC, for a Variance to the terms of Article III, Section 1, to permit a light commercial storage and vehicle maintenance use at the Property in addition to the existing single family residential use, in Zone A/R, Agricultural Residential, at property located at 3 Weare Road, Map 1, Lot 21.~~
- 2) Case # 24-02: Application from Mark and Vivian Lefebvre for a Variance to the terms of Article III, Section 7.7.2 and asks that said terms be waived to permit a pool to be constructed within the side yard setback, at five-feet (5') from the side setback, where twenty-five-feet (25') is required, located in Zone A/R: Agricultural / Residential zone, at property located at 22 Kensington Road, Map 7, Lot 24.

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: 01/25/2024

E. OTHER BUSINESS

F. COMMUNICATIONS TO BOARD

G. ADJOURN

The next meeting of the Zoning Board of Adjustment is scheduled for Thursday, March 28, 2024 at 7:00 PM.

Copy: ZBA, PB, Selectmen, Conservation Commission, Town Website, Town Hall, Library, Post Office 02/12/2024

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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.

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