

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 27, 2020 – 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 HEARING

Case #20-03: Application from **Steven Jackson and Christina Jackson** for the following variances to the terms of:

1. Article III, Section 6.3, and asks that said terms be waived to permit the increase of the size of a non-conforming building.
2. Article III, Section 7.7.2 and asks that said terms be waived to permit a new addition to be built with sideline setback to be 20 feet versus required 25 feet.
3. Article III, Section 8.5.2 and asks that said terms be waived to permit a new addition to be built 35 feet from the wetlands versus the required 50 feet with the present home being 39 feet from the wetlands as well as a portion of the proposed deck, in Zone A, at property located at 10 Oak Drive (Map 2, Lot 30).

D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES (7/23/2020)

E. OTHER BUSINESS

2021 Zoning Board of Adjustment Budget Request

F. COMMUNICATIONS TO BOARD MEMBERS

G. ADJOURN

The next meeting of the Zoning Board of Adjustment is scheduled for Thursday, September 24, 2020

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.