

# **TOWN OF HAMPTON FALLS**

TOWN OFFICES, 1 DRINKWATER ROAD 603-926-4618



NEW HAMPSHIRE 03844

## **HAMPTON FALLS ZONING BOARD OF ADJUSTMENT**

### **AGENDA**

**Thursday, May 20, 2010**

#### **Town Hall**

Applications not called & in progress by 10:00 p.m.  
will be continued to the next meeting.

- A. Call to Order – 7:00 PM**
- B. Roll Call**
- C. Motion for Rehearing – Case #10-2, Ruest**
- D. Review of Minutes of the Previous Meeting**
- E. Other Business: Work Session with Counsel**
- F. Comments or Questions from the Floor**
- G. Adjournment**

**NEXT MEETING SCHEDULED June 24, 2010**

Copy: ZBA Members & Public, Bldg. Insp/CEO, Conservation Commission, Bulletin Boards 05/13/10

## **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.