

Please send this form with Plot Plan and List of Abutters to the Town of Durham, 15 Newmarket Rd., Durham, NH 03824, Attn: Zoning Board of Adjustment.

Appeal for Applicant

State of New Hampshire

Strafford, SS

To: Zoning Board of Adjustment, Town of Durham NH 03824

Name of Applicant: Richard Ouellette

Address: 9 Sophie Lane Phone # 603-529-7447

Owner of Property Concerned: SAME
(If same as above, write "Same")

Address: SAME
(If same as above, write "Same")

Location of Property: 9 Sophie Lane / Sophie Lane Subdivision / Lot #4
(Street & Number, Subdivision and Lot number)

Description of Property (Give Tax Map number, length of frontage, side and rear lines and other pertinent descriptive information) Tax Map #10

Frontage = +/- 110' Left = 103'

Rear = 133' Right = 98'

Fill in Section 1, 2, 3 or 4 below as appropriate. Do not fill in more than one section. This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate sheets if the space provided is inadequate.

SECTION 1: APPEAL FROM AN ADMINISTRATIVE DECISION

Appeal must be filed no later than 30 days from the date of the original decision.

Relating to the interpretation and enforcement of the provision of the Zoning Ordinance.

Decision of the enforcement officer to be reviewed: _____
Number _____ Date _____

Article XMA Section VIIA154 of the Zoning Ordinance in question.

SECTION 2: APPLICATION FOR SPECIAL EXCEPTION

Description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance Article _____ Section _____

SECTION 3: APPLICATION FOR EQUITABLE WAIVER

The undersigned hereby requests an Equitable Waiver of Dimensional Requirements as provided in RSA 674:33-A of the New Hampshire Planning and Land Use Regulations.

Please give a brief description of the situation: _____

SECTION 4: APPLICATION FOR A VARIANCE

STANDARD OF REVIEW: The New Hampshire Legislature has declared that each of the following conditions must be found in order for a variance to be legally granted. Prior to seeking a variance, the property owner must have been DENIED a building permit by the Building Inspector or approval by the Planning Board.

1. No decrease in value of surrounding properties would be suffered;
2. Granting the variance would not be contrary to the public interest;
3. Denial of the variance would result in unnecessary hardship to the owner seeking it;
4. By granting the variance substantial justice would be done;
5. The use must not be contrary to the spirit and intent of the ordinance.

A Variance is requested from Article XII Section 175-54 of the Zoning Ordinance to permit Building of a 10x10 shed within the standard setbacks, and

putting an inground pool with pool house for changing and storage. Also, a building to house pool filter, heater, etc.

Facts supporting this request:

center area behind dwelling primarily.

1. No decrease in value of surrounding properties would be suffered because:
~~The shed would be located at the rear-right side of the property with limited view from the~~
 ↪ All buildings and pool
 street which is a private road. Also the rear of the property is wooded conservation land.

2. Granting the variance would not be contrary to the public interest because:

 Same reasons stated above.

Current law requires the existence of unnecessary hardship for the granting of any variance, whether that is for a use not allowed in a particular zone or a deviation from a dimensional requirement.

3(A). Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

Our lot size is less than that normal / standard lot sizes required by the town of Durham

 which is approximately +/- 1 acre. This limits our usable space required for typical

 and normal property uses (i.e. - kids play area, ~~future~~ pool, shed, etc.).

and

b. the proposed use is a reasonable one because:

Variance is necessary to enable reasonable use of our property.

Or

3(B). Owing to special conditions of the property that distinguishes 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.

4. By granting the variance substantial justice would be done because:

It would provide us the opportunity to use our property equal to that of the town standard.

5. The use will not be contrary to the spirit and intent of the ordinance because:

Granting of this variance would not have an adverse impact on any surrounding properties.

This is the approximate intended location of the shed (not drawn to scale).

APPLICATION FOR VARIANCE:
RICHARD OUELLETTE
9 SOPHIE LANE
(603) 529-7447

