

file  
13-024

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: Paul Eja

Address: 49 Main Street Phone # (603)828-2014

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

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

Location of Property: 49 Main Street Map 5 Lot 1-2  
(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) The lot is shown on Map 5 as

Lot 1-2. The frontage on Main Street is 77'. The lot is  
approximately 73' deep.

**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 \_\_\_\_\_ Section \_\_\_\_\_ 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 \_\_\_\_\_

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**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: \_\_\_\_\_

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**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 footnote 7 of the Zoning Ordinance to permit a building height greater than 35'.

**LIST OF OWNERS OF ABUTTING PROPERTY**

(This includes property directly across the street or streams from the land under consideration. List must also include any and all preparers of plans, studies, etc...)

**PLEASE PROVIDE NAME & MAILING ADDRESS**

<p><b><u>PROPERTY OWNER:</u></b></p> <p>MARY-KYRLS, LLC 49 MAIN STREET DURHAM, NH 03824</p>	<p><b><u>AGENT:</u></b></p> <p>MJS ENGINEERING, PC P. O. BOX 359 NEWMARKET, NH 03857</p>
<p><b><u>APPLICANT:</u></b> 49 Main Street MAP 5/LOT 1-2</p> <p>PAUL EJA 51 MAIN STREET DURHAM, NH 03824</p>	<p><b><u>SURVEYOR:</u></b></p> <p>DOUCET SURVEY, INC. 102 KENT PLACE NEWMARKET, NH 03857</p>
<p>MAP 5/LOT 1-3 47 Main Street</p> <p>PASZEC INVESTORS, INC. 53 MAIN STREET NEWMARKET, NH 03857</p>	<p>MAP 4/LOT 4-0 44 Main Street</p> <p>HAYDEN FAMILY REALTY TRUST P. O. BOX 576 DURHAM, NH 03824</p>
<p>MAP 5/LOT 1-0 Main Street Island</p> <p>TOWN OF DURHAM 15 NEWMARKET ROAD DURHAM, NH 03824</p>	<p>MAP 4/LOT 5-0 46 Main Street</p> <p>R &amp; S HAYDEN DEVELOPMENT, LLC P. O. BOX 576 DURHAM, NH 03824</p>
<p>MAP 13/LOT 7-2UNH Main Street</p> <p>UNIVERSITY OF NEW HAMPSHIRE OFFICE OF THE PRESIDENT THOMPSON HALL DURHAM, NH 03824</p>	<p>MAP 5/LOT 1-1A&amp;B 5 Mill Road</p> <p>COLONIAL DURHAM ASSOCIATES ADMINISTRATIVE OFFICES 7 MILL ROAD UNIT C DURHAM, NH 03824</p>
<p>MAP 4/LOT 3-0 36 Main Street</p> <p>ELENE &amp; STEPHEN PETROVITSIS 72 PERKINS ROAD MADBURY, NH 03823</p>	











