

Section 4: Application for a Variance
Bolster, 7 Colony Cove Road, Map 20, Lot 17-4
Facts supporting the request:

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Town of Durham
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Planning, Assessing
and Zoning

1. *No decrease in value of surrounding properties would be suffered because:*

The new structure will be shielded from adjacent properties by existing vegetation as well as by elevated terrain and the homeowner's dwelling, which is positioned between the proposed site and the neighbor to the west. As many as 12 of the surrounding properties have accessory outbuildings. A trailered boat has occupied the proposed location for over 25 years with no indication that surrounding property values have suffered. The other possible location is near the property line with the applicant's closest neighbor (Map 20, Lot 17-3), which could arguably impact their property value.

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

The area is zoned residential and the new structure is a permitted use in this zone. The new structure will be well-built and will mimic the style of the residence in roof pitch, trim details and siding. Additionally, the prospective contractor, Dave Grant, has constructed several outbuildings in Durham and, in particular, in the Durham Point region.

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(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.*

With the 100 foot wetland buffer, the side and front yard setbacks, the septic system, the well and the pond, areas remaining for locating the new structure are severely limited. One potential location is at the foot of the driveway adjacent to the neighboring property line. Although the structure could be located so as to not compromise the front yard setback, it would fall entirely within the 50' side yard setback with the applicant's neighbor. Siting the structure in that location would have a negative impact on the neighbor not to mention compromising the property value of both #5 and #7 Colony Cove Road. The suggested location off of Edgerly-Garrison Road is not highly visible from adjacent properties and will sit up on a spot that is above the meadow, on solid ground and parallel to the road.

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

This lot is approximately 64,000 SF and is less than 50% smaller than what is required under current zoning (150,000 SF). With the meadow, pond, septic system, well, existing home, ledge conditions, side and front yard setbacks, there are very few places where an accessory structure can be located.

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

The RC zone permits construction of an accessory structure. This structure, at 15' x 20', will be incidental and subordinate to the residence. The applicant originally conceived of a structure that would be 20' x 30'. Recognizing the setback issues, the footprint has been reduced by 50%. The structure will be built on piers to additionally minimize its impact to the surrounding terrain. Finally to further minimize the impact, the structure will be built with the long dimension parallel to the road with the doors facing the road for easy access and less wear and tear to the immediate area.