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Town of Durham

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. MAR 26 2014

Planning, Assessing  
and Zoning

**Appeal for Applicant**

State of New Hampshire

Strafford, SS

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

Name of Applicant: Young Drive LLC Attn: Francis Chase

Address: 14 New Zealand Rd Box 2815 Phone # \_\_\_\_\_  
Seabrook NH 03874

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

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

Location of Property: 13 Young Drive  
(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) 4-42-13 85, 258, 246, 140

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 179 Section 29 B

See Attached

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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 \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning Ordinance to permit \_\_\_\_\_

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Facts supporting this request:

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

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

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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:

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and

b. the proposed use is a reasonable one because:

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Or

STATEMENT IN SUPPORT OF SPECIAL EXCEPTION  
YOUNG DRIVE

IN ACCORDANCE WITH 175-29 (B) THE FOLLOWING IS OFFERED:

1. The lot in question is an official Lot of Record recorded in the Strafford County Registry of Deeds. The lot was recorded prior to the creation of the Wetlands and Shoreline protection areas.
2. The use cannot be carried out by strict conformance because the setback requirements cannot be met. In order to complete the planned subdivision a Special Exception is needed to allow for building within the new wetlands setbacks.
3. If the Special Exception is not granted, no viable building can take place on the vacant lot. The original concept for the planned subdivision cannot be completed due to the nature of the setback requirements which currently exist.
4. If approved, building will take place in such a way as to afford the maximum conceivable setbacks from wetlands and shoreline areas. Applicant will make every effort to ensure the maximum protection of wetlands.
5. Any new septic/sewage infrastructure required will be constructed in such a way as to protect the wetlands and shoreline.
6. There will be no threat to public health and safety and there will be no damage to properties if the Special Exception is granted. Any new infrastructure will be in compliance with construction standards and will be installed in such a way as to protect wetlands and surrounding properties.
7. State and Federal approvals, if not already granted, will be obtained before construction.
8. If required, the applicant will seek approval from the Planning Board. At this time the proposal will not have to go before the Planning Board as it is in an existing, pre-approved Planned Subdivision.