

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.

RECEIVED  
Town of Durham

MAY 23 2016

**Appeal for Applicant**

Planning, Assessing  
and Zoning  
Strafford, SS

State of New Hampshire

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

Name of Applicant: Richard & Susan Renner

11242.00  
pd. 5123  
check #

Address: 28 Newmarket Rd. Durham Phone # 603-397-5350

Email: rickerenner@gmail.com

Owner of Property Concerned: SAME

(If same as above, write "Same")

Address: SAME

(If same as above, write "Same")

Location of Property: 30 Newmarket Rd MAP 6 9-6-1

(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) MAP 6, LOT 9-6-1

Frontage 271' side 969' side 649' rear 429'  
abuts Mill Pond and Oyster River

**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**

\*\*Any Special Exceptions granted shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.\*\*

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:** 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.

\*\*Any Variances granted shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.\*\*

A Variance is requested from Article XIV Section 175-71B of the Zoning Ordinance to permit permission to locate home within the SBO and driveway and install a AOS 'Clean Solutions' septic

design with 2 tanks - the second tank and solid pipe to septic field in brings on setback requirements  
The approved pits were inspected by Mr. Johnson and Adam Fogg and the leach field is out of any wetlands and shoreline setbacks. Drilled well

The New Hampshire Legislature has declared that each of the following conditions must be found in order for a variance to be legally granted. Please answer the following questions in support of the variance request either on this form or on a separate sheet of paper.

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

New building will increase property value, especially by adding revenue tax to the Town, and increase the neighborhood appeal

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

Lot of Record exists. By sitting the house lot away from Artery Road, will protect the scenic viewscape while maximizing appeal for future home owners with a vista of the historic mill pond.

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:

LAND is Unique - the variance is requested to preserve the scenic vista - by building in the back, an adequate sized home envelope is workable and can blend into the topography of the land.

and

b. the proposed use is a reasonable one because:

It is a permitted use in the RB section as a conforming lot

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:  
Setting the home in the envelope described would be substantially  
set back from pre-existing ROAD and DOG NOISE \*

5. The use will not be contrary to the spirit and intent of the ordinance because:  
It is a permitted use on a conforming lot which will  
enhance tax revenue to the Town of Durham, and  
maintain the scenic vista.

\* See prior Planning Board records pertaining to  
Mr. Graft Sawyer's proposal to build a 60' x 90'  
DOG BARN in the historic section of Durham.  
The CUP was granted, but several "batters"  
went on record for the complaints of dog barking.  
Complaints also were registered with the Durham  
Police Dept.