



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824
PHONE: 603/868-8064
www.ci.durham.nh.us

ZONING BOARD OF ADJUSTMENT REQUEST PROCEDURE

MEETINGS: The Zoning Board of Adjustment (ZBA) will meet on the second Tuesday of each month in the Council Meeting Room at the Town Hall.

FILING OF APPLICATION: Applications for ZBA are available at the Town Office. The application must be filed at the Town Office at least 15 days prior to a meeting, along with an application fee. A notice of the meeting will be published in the Foster's Daily Democrat and a similar notice will be sent, by certified mail, to abutters and nearby property owners. The filing fee will be used to meet these expenses. If the expenses exceed the filing fee, the applicant will be billed for the difference.

LIST OF ABUTTERS: You must prepare a list of all abutting property owners, have it verified at the Town Office, and attach it to your application. If you have any difficulty, consult the Assessor's Office, but **THE ACCURACY OF THE LIST IS YOUR RESPONSIBILITY**. An "abutter" means any person whose property adjoins or is directly across the street or stream from the land under consideration. The list of abutters must also include any holders of conservation, preservation, or agricultural preservation restrictions in accordance with RSA 676:4 (I) (a) of the New Hampshire Planning and Land Use Regulations.

PLOT PLAN: Applications must be accompanied by plot plans in order to be considered by the ZBA. Plans should show the location and shape of the subject structure in relation to lot lines and required setbacks, in addition to location and identification of abutters. Neither the review of any applications or plans by officials of the Town of Durham, nor any subsequent inspection of the premises, should be relied upon as an assurance of conformity to legal requirements. The applicant shall remain fully responsible for complying with all applicable United States, New Hampshire or Durham laws, ordinances, regulations or conditions.

PRESENTATION AT MEETING: The Petitioner should bring all documentation, which will assist the Board in understanding the proposal. Do not assume that anything submitted to a different Town Board will find its way to the ZBA file.

NOTE: Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. An appeal of Administrative Decision must be filed with the Board no later than 30 days from the date of the original decision as per the Zoning Board Rules of Procedure Section D(1)(b).

It is necessary that the applicant or his legal representative attend the meeting held for the review and consideration of this petition.

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: **Community Church of Durham (owner's representative is Douglas Bencks)**

Address: **17 Main Street**

Phone # **868-1230**

Email: office@ccdurham.org

Owner of Property Concerned: **same**

(If same as above, write "Same")

Address: mailing address is **PO Box 319, Durham, NH 03824**

(If same as above, write "Same")

Location of Property: **17 Main Street**

(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) **05-2-8 the frontage is approximately 204 ft on Main Street with a combination of a small yard in front of the parking lot and the church with an easement for Smith Park Lane. Attached are images of the existing sign conditions as well as illustrations of the proposed preliminary design for the replacement sign.**

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 XVII Section 175-96.H.1 of the Zoning Ordinance to permit **a replacement sign that is up to the same size as the existing church sign (existing is 24 sq ft.) and therefore greater than the ordinance limit of 6 sq ft.** _____

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:
___ The proposed sign is consistent with what has existed and is in scale with the church and the church property, the sign will be constructed of materials and painted to meet the approval of the Historic District Commission and the Church congregation, we have reviewed the submitted proposal with the HDC and will return to them with a more developed design once the outcome of this variance is determined by the ZBA. The sign will meet all other requirements of the ordinance except for the size limitation of 6 sq ft._____

2. Granting the variance would not be contrary to the public interest because:
___It is respectful of the existing neighborhood context and the prominence of the church building and open space at this entrance to Smith Park Lane._____

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:

___As one of the primary buildings in the Historic District as well as one that is open to the public and that has visitors searching for it, a sign that is visible and easily legible is very appropriate. To fit the essential information for the church, a sign of more than 6 sq ft is necessary, and to diminish the size of the sign from what exists would be a hardship to church and to the purpose of the sign.

and

b. the proposed use is a reasonable one because:
___it is consistent with the size of the existing sign and fits the scale of the church and church property, as well as fitting into the context of Church Hill.

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

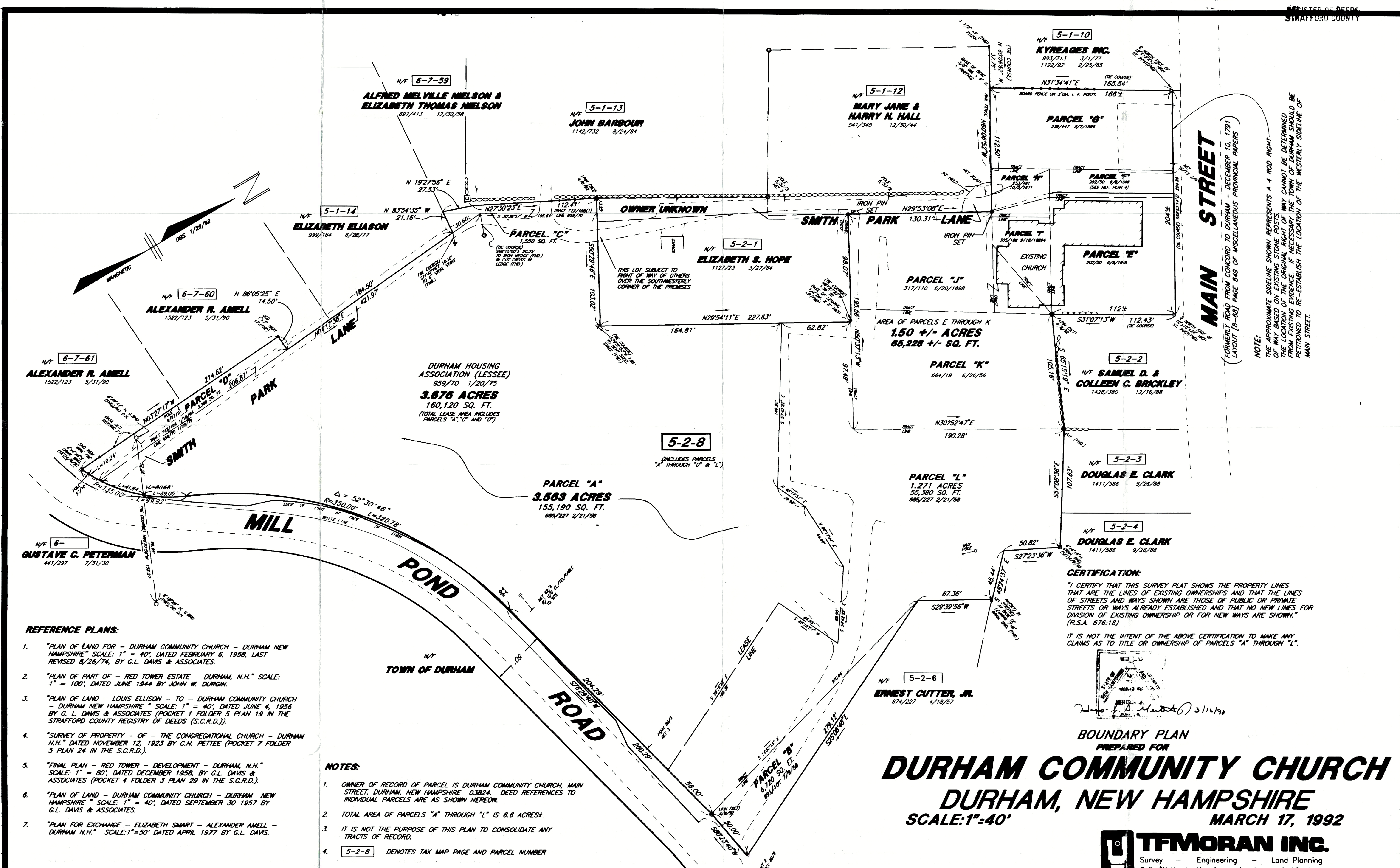
with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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

___The church is arguably the most prominent historic building in the historic district, and is deserving of a sign of this size._____

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

___The purpose of this section of the ordinance is to ensure that signs are not out of scale with neighborhood context and surroundings. The proposed sign fits nicely within the context of this portion of the historic district, as has been proven by the acceptance of the existing sign, and its similar predecessor, that has been in place for several decades. The illustrations included with this application show the preliminary concept that is no larger than what exists.



NOTE:
THE APPROXIMATE SIDELINE SHOWN REPRESENTS A 4 ROD RIGHT
OF WAY BASED ON EXISTING STONE POSTS
THE LOCATION OF THE ORIGINAL RIGHT OF WAY CANNOT BE DETERMINED
FROM EXISTING EVIDENCE IF NECESSARY THE TOWN OF DURHAM SHOULD BE
PETITIONED TO RE-ESTABLISH THE LOCATION OF THE WESTERLY SIDELINE OF
MAIN STREET.

CERTIFICATION:
"I CERTIFY THAT THIS SURVEY PLAT SHOWS THE PROPERTY LINES
THAT ARE THE LINES OF EXISTING OWNERSHIPS AND THAT THE LINES
OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE
STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR
DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN."
(R.S.A. 676:18)

IT IS NOT THE INTENT OF THE ABOVE CERTIFICATION TO MAKE ANY
CLAIMS AS TO TITLE OR OWNERSHIP OF PARCELS "A" THROUGH "L".

[Signature] 3/14/92

**BOUNDARY PLAN
PREPARED FOR**
DURHAM COMMUNITY CHURCH
DURHAM, NEW HAMPSHIRE
SCALE: 1"=40'
MARCH 17, 1992

TFMORAN INC.
Survey - Engineering - Land Planning
Soils/Wetlands Mapping - Landscape Architecture
288 Route 101, Bedford NH 03110 (603) 472-4488 FAX: (603) 472-9747



REFERENCE PLANS:

- "PLAN OF LAND FOR - DURHAM COMMUNITY CHURCH - DURHAM NEW HAMPSHIRE" SCALE: 1" = 40', DATED FEBRUARY 6, 1958, LAST REVISED 8/26/74, BY G.L. DAVIS & ASSOCIATES.
- "PLAN OF PART OF - RED TOWER ESTATE - DURHAM, N.H." SCALE: 1" = 100', DATED JUNE 1944 BY JOHN W. DURGIN.
- "PLAN OF LAND - LOUIS ELLISON - TO - DURHAM COMMUNITY CHURCH - DURHAM NEW HAMPSHIRE" SCALE: 1" = 40', DATED JUNE 4, 1956 BY G. L. DAVIS & ASSOCIATES (POCKET 1 FOLDER 5 PLAN 19 IN THE STRAFFORD COUNTY REGISTRY OF DEEDS (S.C.R.D.)).
- "SURVEY OF PROPERTY - OF - THE CONGREGATIONAL CHURCH - DURHAM N.H." DATED NOVEMBER 12, 1923 BY C.H. PETTEE (POCKET 7 FOLDER 5 PLAN 24 IN THE S.C.R.D.).
- "FINAL PLAN - RED TOWER - DEVELOPMENT - DURHAM, N.H." SCALE: 1" = 80', DATED DECEMBER 1958, BY G.L. DAVIS & ASSOCIATES (POCKET 4 FOLDER 3 PLAN 29 IN THE S.C.R.D.).
- "PLAN OF LAND - DURHAM COMMUNITY CHURCH - DURHAM NEW HAMPSHIRE" SCALE: 1" = 40', DATED SEPTEMBER 30 1957 BY G.L. DAVIS & ASSOCIATES.
- "PLAN FOR EXCHANGE - ELIZABETH SMART - ALEXANDER AMELL - DURHAM N.H." SCALE: 1"=50' DATED APRIL 1977 BY G.L. DAVIS.

NOTES:

- OWNER OF RECORD OF PARCEL IS DURHAM COMMUNITY CHURCH, MAIN STREET, DURHAM, NEW HAMPSHIRE 03824. DEED REFERENCES TO INDIVIDUAL PARCELS ARE AS SHOWN HEREON.
- TOTAL AREA OF PARCELS "A" THROUGH "L" IS 6.6 ACRES.
- IT IS NOT THE PURPOSE OF THIS PLAN TO CONSOLIDATE ANY TRACTS OF RECORD.
- 5-2-8 DENOTES TAX MAP PAGE AND PARCEL NUMBER

| REV. | DATE | DESCRIPTION | C/O | DR | CK |
|------|---------|----------------------------------|-----|-----|-----|
| 3 | 3/13/98 | ADD MONUMENTS SET | | ASD | HGM |
| 2 | 6/09/97 | REVISE LOT LINE | | SMY | HGM |
| 1 | 4/14/92 | ADD MON. SET & REV. MAIN ST. ROW | | BL | HMT |

Community Church of Durham

List of abutting properties as of May 23, 2016

| tax map # | address | owner | Owner's address if not property |
|------------------|-------------------------|-------------------------------------|---|
| 05-1-10 | 19 Main Street | Kyreages Inc. | PO BOX 174, ELIOT, ME 03903 |
| 05-1-12 | 3 Smith Park Lane | William F Hall Rev Trust | |
| 05-1-13 | 5 Smith Park Lane | Michael F Urso and Sandra A Ceponis | 421 HILLCREST LANE, LOMBARD, IL 60148 |
| 06-7-59 | 8 Chesley Drive | Andersen Williams Group LLC | |
| 05-1-14 | 6 Chesley Drive | Peter C and Martha S Andersen | 8 CHESLEY DR, Durham, NH 03824 |
| 05-2-1 | 4A & 4B Smith Park Lane | Arthur R S Klaeson III | 1 DURHAM POINT ROAD, Durham, NH 03824 |
| 06-7-60 | 4 Chesley Drive | Matthew and Yvonne Legge | |
| 06-7-61 | 2 Chesley Drive | Kirk A and Kirstie Brote | |
| 05-8-4 | 25 Mill Pond Road | Town of Durham | 8 NEWMARKET RD, Durham, NH 03824 |
| 05-7-0 | Mill Pond Road | Town of Durham | 8 NEWMARKET RD, Durham, NH 03824 |
| 05-2-6 | 2 Mill Pond Road | Orion UNH LLC | 225 FRANKLIN STREET 26TH FLOOR, BOSTON, MA 02110 |
| 05-2-4 | 5 Main Street | Henderson Family Properties | 1 MAIN STREET, SUITE 16, Durham, NH 03824 |
| 05-2-3 | 9 Main Street | Henderson Family Properties | 1 MAIN STREET, SUITE 16, Durham, NH 03824 |
| 05-2-2 | 15 Main Street | Irving and Victoria Canner | 18 BAYRIDGE ROAD, GREENLAND, NH 03840 |
| 04-54-3 | 10 Main Street | Orion UNH LLC | 225 FRANKLIN STREET 26TH FLOOR, BOSTON, MA 02110 |
| 04-54-2 | 1 Park Court | St. George's Episcopal Church | |
| 05-2-8 | Mill Pond Road | Durham Housing Assoc | C/O STEWART PROPERTY MNGT INC, 2 COTE LANE SUITE 3, BEDFORD, NH 03110 |

Community Church of Durham
and existing signs looking east on
Main Street





**ECHO
THRIFT
SHOP**
Mon-Fri
10-5
Saturday
10-2

**COMMUNITY CHURCH
of
DURHAM**

| | |
|-------------------------------------|----------|
| Worship & Church School | 10:00 AM |
| Adult Education - September to June | 8:45 AM |
| Summer Worship - July and August | 9:00 AM |

An Open & Affirming Congregation - All are Welcome

JESUS CHRIST IS
RISEN TODAY!
Alleluia

EASTER WORSHIP:
8:30 a.m. • 10:30 a.m.
Coffee & Refreshments
9:30 a.m.

COMMUNITY CHURCH OF DURHAM
UNITED CHURCH OF CHRIST

Existing signs looking west on
Main Street

**ECHO
THRIFT
SHOP**
Mon-Fri
10-5
Saturday
10-2


**COMMUNITY CHURCH
of
DURHAM**
Worship & Church School 10:00 AM
Adult Education - September to June 8:45 AM
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UNITED CHURCH OF CHRIST



church sign is 24 square feet
thrift shop sign is 6 square feet



COMMUNITY CHURCH OF DURHAM

UNITED CHURCH OF CHRIST

Current church wordmark

COMMUNITY CHURCH OF DURHAM

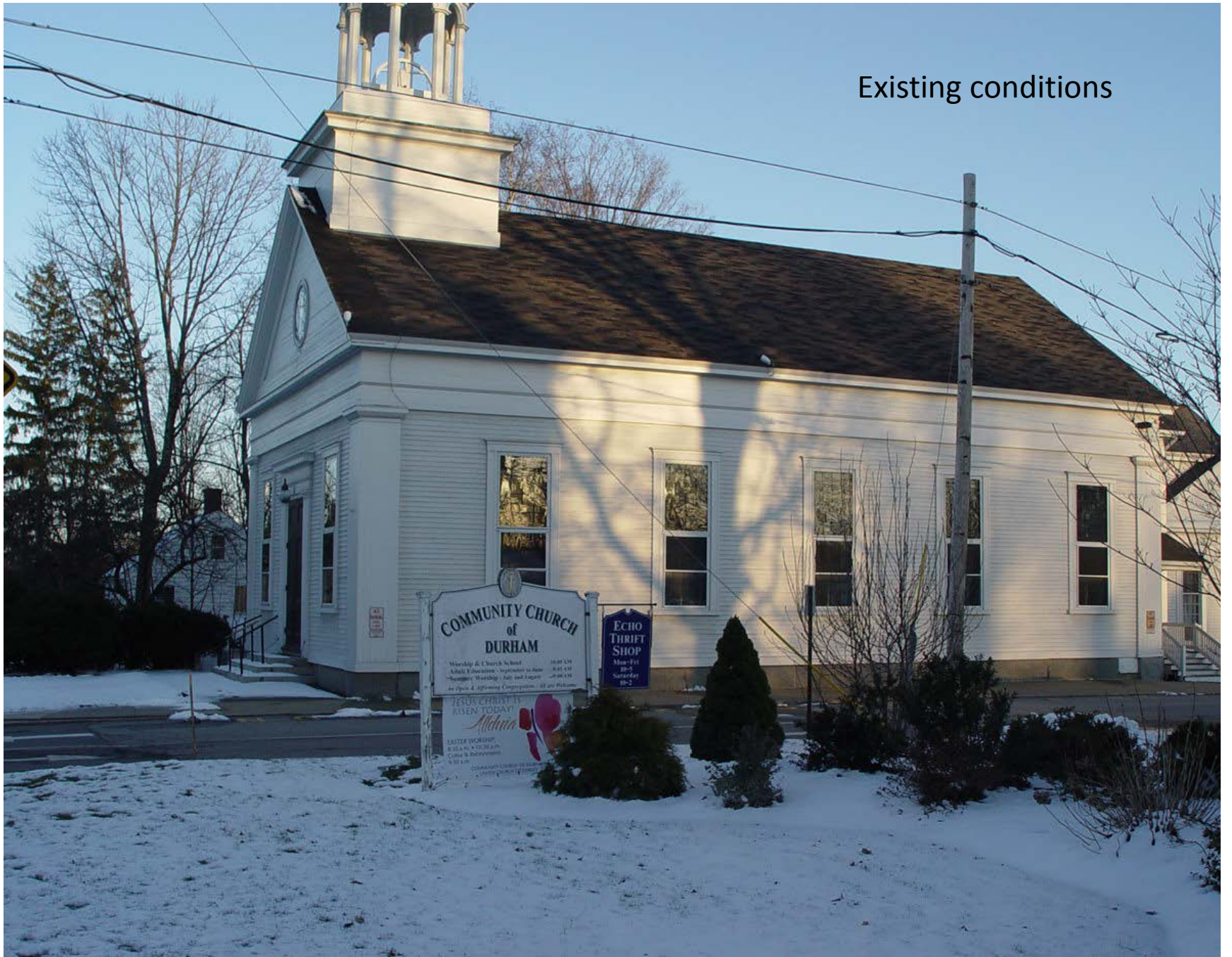
UNITED CHURCH OF CHRIST

OPEN TO AND AFFIRMING OF ALL PEOPLE

Concept for sign panel content and layout

*Example of a new sign
that complies with the
size regulation*

Existing conditions



Concept with granite posts and secondary signs hung from the primary sign

