

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.

JUN 14 2016

Planning, Assessing
and Zoning

Appeal for Applicant

State of New Hampshire

Strafford, SS

check # 7042
249.00

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

Should be
\$ 192.00

Name of Applicant: Richard & Susan Renner

Address: 28 Newmarket Rd. Durham Phone # 603-597-5350

Email: rickerenner@gmail.com

Owner of Property Concerned: 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 ~~III~~ IX Section 175-29. B,

See typed response -

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 _____ Section _____ of the Zoning Ordinance to permit _____

6.13/2016

APPLICATION FOR SPECIAL EXEMPTION

ARTICLE IX NONCONFORMANCE

175-29 Nonconforming lots-section B.

In a denial letter from Audrey Cline, Durham's Code Enforcement Officer, she has outlined the need for a "special exemption" to build a structure and septic system within the Wetlands Conservation District or Shoreline Protection Overlay District.

Richard and Susan Renner submit the following answers in order that approval may be granted.

1. The current lot, Map 6, 9-6-1 is an official lot of record recorded at the Strafford County Registry of Deeds, prior to the date on which the Article was posted and published in the town.
2. The use for which the application is considered an undue hardship is due to our desire for ongoing conservation of the scenic view—the southern entrance to the Town of Durham. While a building could be situated on a knoll, near to the Arterial Rd. known as Newmarket Rd. or "Rte. 108", both the Town administrators, Town counselors, and general public have highly recommended that we preserve this scenic vista. As well, the building lot placement will be more aesthetically pleasing and blend in with natural landscape if placed in the rear of the lot. The home to be built will be away from the noise of Rte. 108 and the well documented "dog barking noise" that was a subject of 18 mos. of hearings regarding Geoff Sawyer's request to build a 'doggie day care facility' structure in the Historic District.
3. Unless the Town were to purchase the lot, there is no other viable economical use for a 5-acre parcel. Additionally, whoever builds in the well demarcated envelope will share the scenic vista of the historic Mill Pond and Church Steeple.
4. The location and design of the buildings and all structures shall provide for the maximum set backs consistent with reasonable use of the the lot with every effort to protect the soils and wetlands. Any impacts into the wetland buffer will be underground and well designed for maximum consideration of environmental impact.
5. The design and construction of the septic system will, to the extent practical, be consistent with the purpose and intent of this Article. The leach field will be well away from any environmental impact to wetlands or Shoreline.
6. The proposed septic design, "AOS clean solution system" will not create a threat to individual or public health, safety and welfare, such as the degradation of ground or surface water or damage to surrounding properties. In fact, as stated in # 5, the leach field will be situated in an approved location far from wetlands or shore lands.
7. All other State, federal and local approvals for the septic system known as the AOS clean solution system will be obtained prior to a building permit.
8. Where site review is required, prior approval shall be obtained from the Planning Board.

RICHARD AND SUSAN RENNER APPLICATION FOR SPECIAL EXEMPTION

GENERAL CRITERIA.

175-26 SPECIAL EXCEPTIONS

1. The "USE" which can be defined as building a single family home on a buildable lot will not be detrimental to the neighborhood. In fact, all great care has been to speak with Town officials, and Town council members and neighbors about siting the proposed building envelop in the back of the property to preserve the natural and scenic view scape adjacent to the Mill Pond conservation land. This neighborhood is comprised of homes and businesses.
2. The 'use' of a single family home will not be injurious or noxious nor detrimental to the neighborhood.
3. There will be no undo risk to public health, safety or welfare with one or two additional cars exiting from the property. There will be no unsanitary or unhealthful emissions or waste disposal causing any adverse conditions to the Town or neighbors.