

## Memo

To: Sean Starkey, Chair  
Durham Zoning Board  
From: Mel and Virginia True  
Date: 6 December 16

Re: Variance extension

Dear Mr. Starkey,

The Durham Zoning Board approved, on a 5-0-0 vote, a variance to construct a two car garage with a dwelling and a septic system within the seasonal wetlands setback on property located at 9 Foss Farm Road (Tax Map 6, Lot 2-4) on December 10, 2013.

On August 26, 2014, our son, David, the occupant of the property at that time, was notified by then Zoning Administrator Tom Johnson, that the State of NH had revised the length of time that a variance would be valid. Regrettably, we were unaware of this change. As a result of the State's revision, our variance expired on December 10, 2015.

The language in Mr. Johnson's letter states that "All Variances...granted after September 22, 2013, are subject to a two-year expiration date starting from the date of approval, **provided that no work has been done in relation to that approval.** Coincidentally, we did have demolition work performed to remove the dwelling and a shed at 9 Foss Farm Road on September 10, 2015 approximately 90 days before the variance would expire under the new state mandated time-line.

We are now requesting an extension of the original variance for an additional three years until December 10, 2018. As justification for this extension, we offer the following:

- We would argue that work at 9 Foss Farm Road began (September 10, 2015) prior to the expiration of the variance (December 10, 2015);
- We would like to sell the lot and need time to finalize details with the potential buyer;
- The potential buyer of the property needs time to develop plans for the structure and the septic system, establish a budget, confirm a contract with a general contractor, secure a building permit and initiate construction.

Thank you for your consideration,

Mel and Virginia True