

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 24 2017

Appeal for Applicant

Planning, Assessing
and Zoning
Strafford, NH

State of New Hampshire

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

Name of Applicant: EDWARD WILLIAMS

361 ca 5/24
checked
3340

Address: 68 MILES POND RD. N. SANDWICH, NH 03259 Phone # 603. 969-9609

Email: EDWILLIAMSMD@HOTMAIL.COM

Owner of Property Concerned: SAME
(If same as above, write "Same")

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

Location of Property: 24 CEDAR POINT ROAD LOT 12-1-17
(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) LOT 12-1-17

FRONT: 50' LEFT SIDE: 115' ± RIGHT SIDE: 122' ± REAR: 50' ±

SHORE FRONT ON LITTLE BAY

**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 XII Section 175-54 of the Zoning Ordinance to permit NEW CONSTRUCTION WITHIN THE 30' FRONT YARD SETBACK AND BOTH 50' SIDE YARD SETBACKS.

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:

VALUES WOULD INCREASE AS A RESULT OF PROPOSED IMPROVEMENTS

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

EXISTING SIDELINE SETBACKS AND SHORELINE SETBACK ARE NOT CHANGED; STREET SETBACK IS CONSISTENT WITH THE NEIGHBORHOOD.

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:

and

b. the proposed use is a reasonable one because:

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.

STRICT CONFORMANCE WOULD RESULT IN OVERLAPPING SETBACKS RESULTING IN AN UNBUILDABLE LOT.

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

IT WOULD PERMIT THE OWNER TO OCCUPY AND ENJOY HIS PROPERTY IN A FASHION THAT IS CONSISTENT WITH HIS NEIGHBORS.

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

THE INTENT OF THE ORDINANCE IS TO PROVIDE SUFFICIENT SPACE BETWEEN ABUTTERS AND THE PUBLIC RIGHT OF WAY. THE PROPOSED DESIGN MAINTAINS CURRENT SIDELINE SETBACKS AND PROVIDES A ROADSIDE SET BACK WHICH EXCEEDS THAT OF SEVERAL EXAMPLES IN THE NEIGHBORHOOD.

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 _____

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Please give a brief description of the situation: _____

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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 IX Section 175-30 D-3 c AND 175-30 D-3 d of the Zoning Ordinance to permit THE EXPANSION OF THE EXISTING FOOTPRINT BY GREATER THAN 15% AND TO INCREASE THE EXISTING VOLUME BY GREATER THAN 30%.

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 EXPANSION MERELY CONTINUES A LONG STANDING TREND OF SUBSTANTIAL UPGRADES FROM SEASONAL COTTAGES TO FULL-TIME RESIDENCES.

2. Granting the variance would not be contrary to the public interest because:
IT WILL INCREASE THE TAX BASE AND ESTABLISH A YEAR ROUND PRESENCE.

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:

and

b. the proposed use is a reasonable one because:

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.

THE DIMINUTIVE SIZE OF THE EXISTING COTTAGE PREVENTS THE CREATION OF A VIABLE HOME UNDER STRICT ADHERANCE TO THE RULES OF EXPANSION.

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

IT WOULD PERMIT THE OWNER TO OCCUPY AND ENJOY HIS PROPERTY IN A FASHION CONSISTENT WITH HIS NEIGHBORS.

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

THE SPIRIT AND INTENT OF THE ORDINANCE IS TO PREVENT FURTHER ENCRDACHMENT ON SENSITIVE SHORELINE AREAS WHILE MAINTAINING NEIGHBORHOOD CHARACTER. THE PROPOSED EXPANSION DOES NOT FURTHER ENCRDACH AND IS COMMENSURATE WITH THE NEIGHBORHOOD.

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 175-74 A-1 of the Zoning Ordinance to permit _____

CONSTRUCTION WITHIN THE 125' SETBACK OF THE SPO

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 IMPROVEMENTS MAINTAIN CURRENT SHORELAND SETBACK AND ARE IN FACT GREATER THAN THOSE OF THE ABUTTERS.

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

THERE WOULD BE NO FURTHER ENCROACHMENT ON THE SHORELINE

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:

and

b. the proposed use is a reasonable one because:

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.

STRICT COMPLIANCE WITH THE ORDINANCE RESULTS IN

AN UNSUILDABLE LOT.

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

IT WOULD PERMIT THE OWNER TO OCCUPY AND ENJOY HIS
PROPERTY IN A FASHION CONSISTENT WITH HIS NEIGHBORS.

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

THE INTENT OF THE ORDINANCE IS TO PROTECT THE SHORELINE
AREA. THE PROPOSED DESIGN MAINTAINS OR BETTERS THE
DISTANCE TO SHORE.

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.

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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 XIII Section 175-59A-2-b of the Zoning Ordinance to permit _____

CONSTRUCTION WITHIN THE 100' SETBACK OF THE WCO

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 IMPROVEMENTS MAINTAIN THE CURRENT SHORELAND SET BACK AND ARE IN FACT GREATER THAN THOSE OF THE ABUTTERS'

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

THERE WOULD BE NO FURTHER ENCROACHMENT ON THE SHORELINE

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:

and

b. the proposed use is a reasonable one because:

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.

STRICT COMPLIANCE WITH THE ORDINANCE RESULTS IN AN

UNBUILDABLE LOT.

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

IT WOULD PERMIT THE OWNER TO OCCUPY AND ENJOY HIS PROPERTY IN A FASHION CONSISTENT WITH HIS NEIGHBORS.

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

THE INTENT OF THE ORDINANCE IS TO PROTECT THE SHORELINE AREA. THE PROPOSED DESIGN MAINTAINS OR BETTERS THE DISTANCE TO SHORE.