

Please send this form with Plot Plan and List of Abutters to the Town of Durham, 8 Newmarket Rd., Durham, NH 03824, Attn: Zoning Board of Adjustment.

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Town of Durham

Appeal for Applicant

State of New Hampshire

Strafford, SS

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

Name of Applicant: Scott & Sarah Schaien

Address: 21 Durham Point Road Phone # 603-502-6650

Email: scott.schaien@gmail.com

Owner of Property Concerned: Same

(If same as above, write "Same")

Address: Same

(If same as above, write "Same")

Location of Property: 21 Durham Point Road

(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 158; lot 17-2; frontage 350' (front), 300' (back), 250' (side east), 254 (side west) (Section 11 <map>)

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: #17-375 denied
Number 17-375 Date 7/21/17

Article 175 Section 7 of the Zoning Ordinance in question.

Structure / dimensional requirements 50'
Setback not achieved -> variance (-8') requested

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 175 Section 7

instead of 50' setback, requesting
42' setback (near lot line) with parcel
17-3 (neighbor James Siedenburg)

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: looking to add a
shed roof / canopy and at 12' width
would be short of 50' setback by 8'. Need
a minimum of 12' to make the roof efficient /
workable. Looking at this for nicer look/feel than

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.

*portable tent / canopy.
neighbor is approving!*

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 175 Section 7 of the Zoning Ordinance to permit RC zone setbacks of 42' instead of normal 50' setbacks on rear line.

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:

this addition will be in keeping with style and
is preferable for neighbors vs tent/canopy. Neat.

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

only impacts near neighbor who is supportive

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:

will not create a hardship or
negative value impact to neighbors;
other structures in area are non-compliant
(guardrail)

and

b. the proposed use is a reasonable one because:

it is greater, nicer + ~~an~~ improvement
for neighbor and subject property

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.

garage is already built and make
only an 8' roof/canopy would
be too small. Also, a portable canopy
would not hide recycling/trash bins like
this imposed matching (brown) wall/roof would

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

both owners + neighbor (near line) would prefer this option

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

still on property and will not impact any row, easement and will improve aesthetics from a visual standpoint. Matching brown siding.