

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.

Appeal for Applicant

State of New Hampshire

Strafford, SS

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

Name of Applicant: Jo Anne Tremaine

Address: 37 Cedar Point Road Phone # 970-227-1792

Email: Jdrahota@aol.com

Owner of Property Concerned: "Same"

(If same as above, write "Same")

Address: "Same"

(If same as above, write "Same")

Location of Property: 37 Cedar 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) Front of house to Cedar

Point Rd 25' - width is 50', parking only. Right side along house is 13', left side along house is 11' to end of porch, and then 15' to end of house. Back of house to rear boundary line is 58'. See enclosed diagram.

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 X

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 175 II Section 175.54 of the Zoning Ordinance to permit location of back-up generator

in 13' alley on right side of house.

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 generator is not visible from the road nor from the abutting properties.

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

The location of the generator would not impact anyone.

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:

The small size of the lot and the close proximity of neighbors in back & on the left side.

and

b. the proposed use is a reasonable one because:

The generator - It is on a small lot and is located in the most desirable location for all concerned.

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 current location of the generator
is the best location on the property for all concerned.

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

the location would not be a visual
impairment

37 Cedar Point Road

Conditions for review

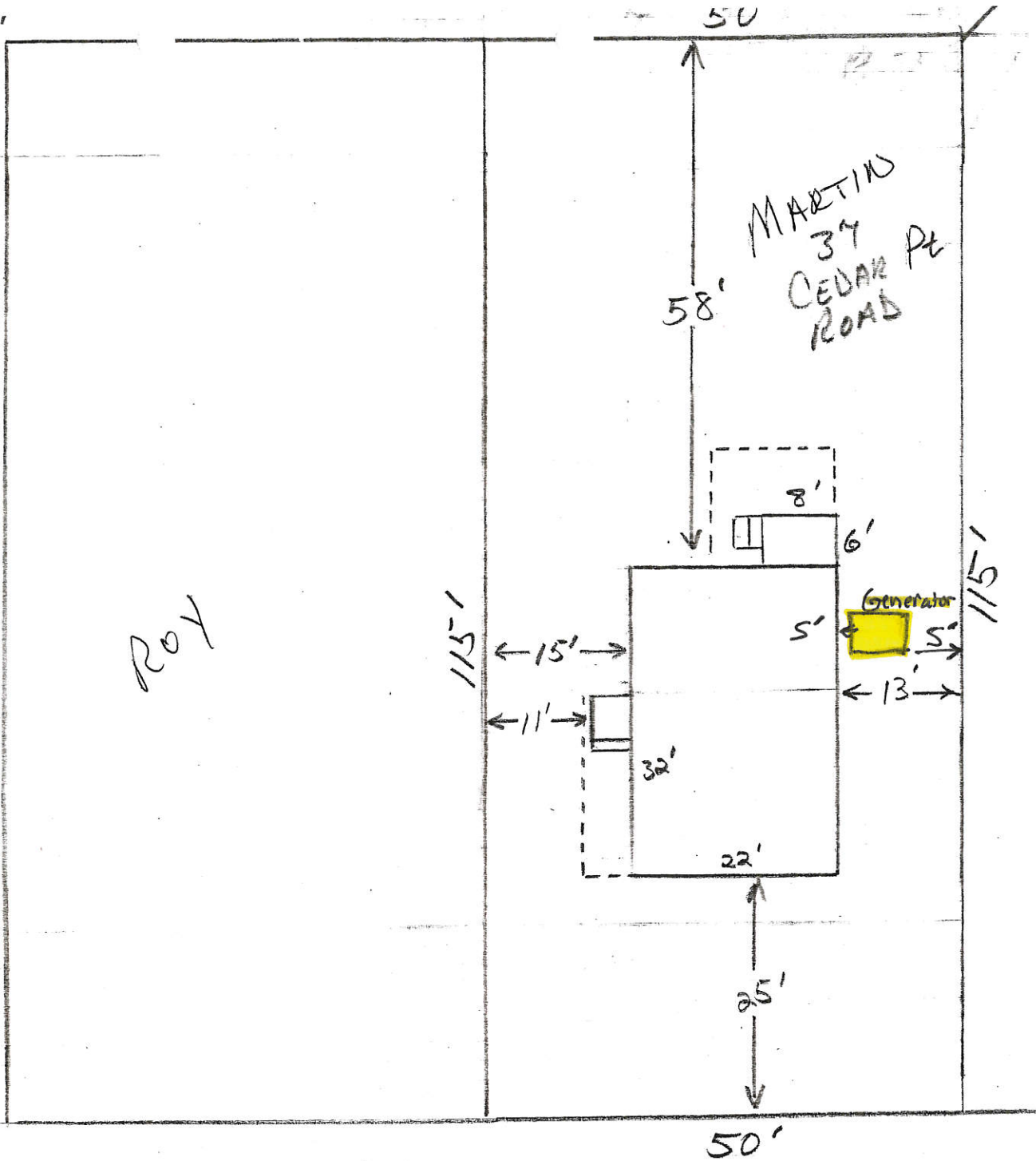
1. No decrease in value of surrounding properties would be suffered because the setbacks and elevation would remain consistent with other properties within the immediate neighborhood, and the requested variance will allow the properties overall appearance to be improved thus increasing the value of surrounding properties.
2. Granting the variance would not be contrary to the public interest because the resulting changes will have no affect on the publics view of or access to the bay or any of the Cedar Point area and will have no environmental effects.
3. Denial of the requested variance would result in unnecessary hardship because my wife and I are planning to make the house our year round residence this year. We need to update the home and make it more livable by improving the quality of the domestic water supply, installing a new heating system, increasing storage space and facilitating our ability to get around (stand up) in the basement. The water has become increasingly brackish over the years and we now need to install a whole house reverse osmosis treatment system. Such systems are quite large and require regular maintenance. Since the system needs to be located in the basement, we really need the extra headroom. Raising the house 3 feet will give us the height we need and will also give us a much more usable storage area. Further, by raising the house higher above grade we will gain protection from snow and rain damage. The covered porch will give us better access to the side entrance from the front of the property and greatly improve the overall appearance of the house. Enlarging the rear deck and porch will make them much more usable for barbecuing and enjoying the only private area of a very small lot.

We believe that granting the variance will not injure the public or private rights of others.

4. By granting the variance substantial justice would be done because the Board would be taking into consideration the special limiting conditions present in an area of such small lots and our need to make our home more functional without seriously increasing its size or affecting our neighbors.
5. The use is not contrary to the spirit and intent of the ordinance because on a lot as small as ours, a variance is required for almost any change and the ones we seek, for porch space and a full height basement, are fair and minimal improvements to a property which can never comply with the requirements of the zone but does fit into the size and scope of its' neighborhood.

Please feel free to walk our property at your convenience.

1/16 = 1'



ROY

MARTINS
37
CEDAR
RD

Generator

CEEDAR RD

CURRENT SIDE PORCH 4x6
DESIRED SIDE PORCH 5x20

CURRENT BACK DECK 6x8
DESIRED BACK DECK 10x12