

**Property Referenced:
Tax Map 12, Lots 25 & 26**

ZONING BOARD OF ADJUSTMENT

RE: PUBLIC RE-HEARING on a May 8, 2018 Denial by the Zoning Board of a petition submitted by Mary Lohnes Ehrenworth & Richard Hallett, Durham, New Hampshire for an APPLICATION FOR VARIANCE from Article XII, Section 175-54 of the Durham Zoning Ordinance to reduce the non-conforming shoreline frontage for Lot 25-0, increase the non-conforming shoreline frontage for Lot 26-0 and create a new non-conforming side setback for Lot 25-0. The properties involved are shown on Tax Map 12, Lots 25-0 & 26-0, are located at 22 Colony Cove Road and 18 Colony Cove Road respectively, and are in the Residence C Zoning District.

DECISION OF THE BOARD

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by Mary Lohnes Ehrenworth & Richard Hallett and testimony given at a Public Re-Hearing on August 14, 2018 a motion was made and seconded:

that the Zoning Board of Adjustment approve a petition submitted by Mary Lohnes Ehrenworth & Richard Hallett, Durham, New Hampshire for an APPLICATION FOR VARIANCE from Article XII, Section 175-54 of the Durham Zoning Ordinance to reduce the non-conforming shoreline frontage for Lot 25-0, increase the non-conforming shoreline frontage for Lot 26-0 and create a new non-conforming side setback for Lot 25-0 with the conditions 1.) that there is a merger of lots 16-23, 16-24 and 26-0, 2.) that Lot 25-0 be merged with the unnumbered parcel adjacent to it, and 3.) that one of the two docks on parcel 25 be removed, in accordance to the Boundary Line Adjustment Plan dated March 2018.

The motion PASSED on a vote of 4-0-0 and the application for variance was approved.

Date

Chris Sterndale, Chair
Durham Zoning Board of Adjustment

NOTE: Any person affected by this decision has the right to appeal this decision. If you wish to appeal, you must act within thirty (30) calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds upon which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.

As per RSA 674:33 Variances and Special Exceptions 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.

Any questions should be directed to Audrey Cline, Zoning Administrator/Code Enforcement Officer.