

**Property Referenced:  
Tax Map 12, Lot 2-5**

## **ZONING BOARD OF ADJUSTMENT**

*RE: PUBLIC HEARING on a petition submitted by Kimberley Laris, Portsmouth, New Hampshire for an APPLICATION FOR VARIANCE from Article XII.1, Section 175-54 and from Article XIII, Section 175-59(A)(2)(d) of the Durham Zoning Ordinance to subdivide a piece of property into two lots where each lot is less than the required minimum lot size of 150,000 square feet and has less than the minimum frontage of 300 feet, where a structure is within the 50-foot side yard setback and where a structure is within the 100-foot wetland setback. The property involved is shown on Tax Map 12, Lot 2-5, is located at 228 Piscataqua Road, and is 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 Kimberley Laris and testimony given at a Public Hearing on February 12, 2019 a motion was made and seconded:

***that the Zoning Board of Adjustment deny a petition submitted by Kimberley Laris, Portsmouth, New Hampshire for an APPLICATION FOR VARIANCE from Article XII.1, Section 175-54 and from Article XIII, Section 175-59(A)(2)(d) of the Durham Zoning Ordinance to subdivide a piece of property into two lots where each lot is less than the required minimum lot size of 150,000 square feet and has less than the minimum frontage of 300 feet, where a structure is within the 50-foot side yard setback and where a structure is within the 100-foot wetland setback for failure to meet the spirit of the ordinance, the hardship, and reasonable use criteria.***

The motion PASSED on a vote of 5-0-0 and the application for variance was denied.

\_\_\_\_\_  
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.