

**Property Referenced:  
Tax Map 4, Lot 55-0 & 38-5**

## **ZONING BOARD OF ADJUSTMENT**

*RE: PUBLIC HEARING on a petition submitted by MJS Engineering, P.C., Newmarket, New Hampshire, on behalf of the Toomerfs, LLC, Durham, New Hampshire for an APPLICATION FOR A VARIANCE from Article XII.1, Section 175-53III(3) of the Durham Zoning Ordinance to permit a driveway on Lot 38-5 as an accessory use to access a surface parking lot on Lot 55-0. The properties involved are shown on Tax Map 4, Lots 38-5 & 55-0, are located at 12 Cowell Drive and 18 Main Street respectively, and are in the Residence A and Church Hill Zoning Districts.*

### 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 MJS Engineering, P.C. and testimony given at a Public Hearing on November 13, 2018 a motion was made and seconded:

*that the Zoning Board of Adjustment deny a petition submitted by MJS Engineering, P.C., Newmarket, New Hampshire, on behalf of the Toomerfs, LLC, Durham, New Hampshire for an APPLICATION FOR A VARIANCE from Article XII.1, Section 175-53III(3) of the Durham Zoning Ordinance to permit a driveway on Lot 38-5 as an accessory use to access a surface parking lot on Lot 55-0 for failure to meet the criteria of public interest, substantial justice, diminishment of property values and hardship.*

The motion PASSED on a vote of 4-1-0 and the application for variance was denied.

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Date

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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.