



TOWN OF DURHAM
ZONING BOARD OF ADJUSTMENT
 8 NEWMARKET RD
 DURHAM, NH 03824
 PHONE: 603/868-8064
 www.ci.durham.nh.us

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 Town of Durham
SEP 24 2019

Planning, Assessing
 and Zoning

VARIANCE

Prior to seeking a variance, the property owner must have been denied a building permit by the Building Inspector or denied an approval by the Planning Board.

343.0
 p.d. 9/24
 Check # 673

Name of Applicant Michael Bicks

Address: 28 Colony Cove Road, Durham NH 03824

Phone # 603-512-0206

Email: michaelbicks@littlebaypictures.com

Owner of Property Concerned Michael Bicks + Ellen Schlefer
 (If same as above, write "Same")

Address: Same as above
 (If same as above, write "Same")

Location of Property: 28 Colony Cove Road
 (Street & Number)

Tax Map & Lot number 12-24-2

A Variance is requested from Article(s) XII.1 Section(s) 175-54 of the Zoning Ordinance to permit:

a generator

All applications must include a statement explaining how the applicant meets each of the five (5) statutory requirements for granting a variance, (A) through (E), which are found on page 2. The Zoning Board of Adjustment may consider the variance application incomplete if these five statements have not been addressed. In addition all applications must be accompanied by adequate plans and exhibits.

RSA 674:33 Powers of the Zoning Board of Adjustment:

I(a)The zoning board of adjustment shall have the power to:

(1) Hear and decide appeals if it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and

(2) Authorize, upon appeal in specific cases, a **variance** from the terms of the zoning ordinance if:

(A) The variance will not be contrary to the public interest;

(B) The spirit of the ordinance is observed;

(C) Substantial justice is done;

(D) The values of surrounding properties are not diminished; and

(E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(b)(1) For purposes of this subparagraph I(a)(2)(E), "**unnecessary hardship**" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(B) The proposed use is a reasonable one.

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish 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.

(3)The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

EXPIRATION PERIOD FOR VARIANCES

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.

28 Colony Cove Road Conditions for Review

- A. Because the Generator will not be visible from the road or water, and abutting neighbors* agree that it is acceptable, it is not contrary to public interest
- B. The entire lot is 50 feet wide so there is nowhere to put it and be in compliance with ordinance.
- C. See above
- D. Neighbors on either side agree the the generator would not affect their property value and in fact Dee Barstow, the neighbor at 30 Colony Cove Road has a generator. Also the generator would not be visible from the road, water, or to the neighbors.
- E. Again the entire lot is 50 feet wide so there is nowhere to put it and be in compliance with regulations. Power outages are a feature of living out here, and, outside of the hardship of the non-compliant lot, pipes freezing and bursting would pose an obvious hardship

If you so desire you are more than welcome to walk the site

Thank you, for your consideration

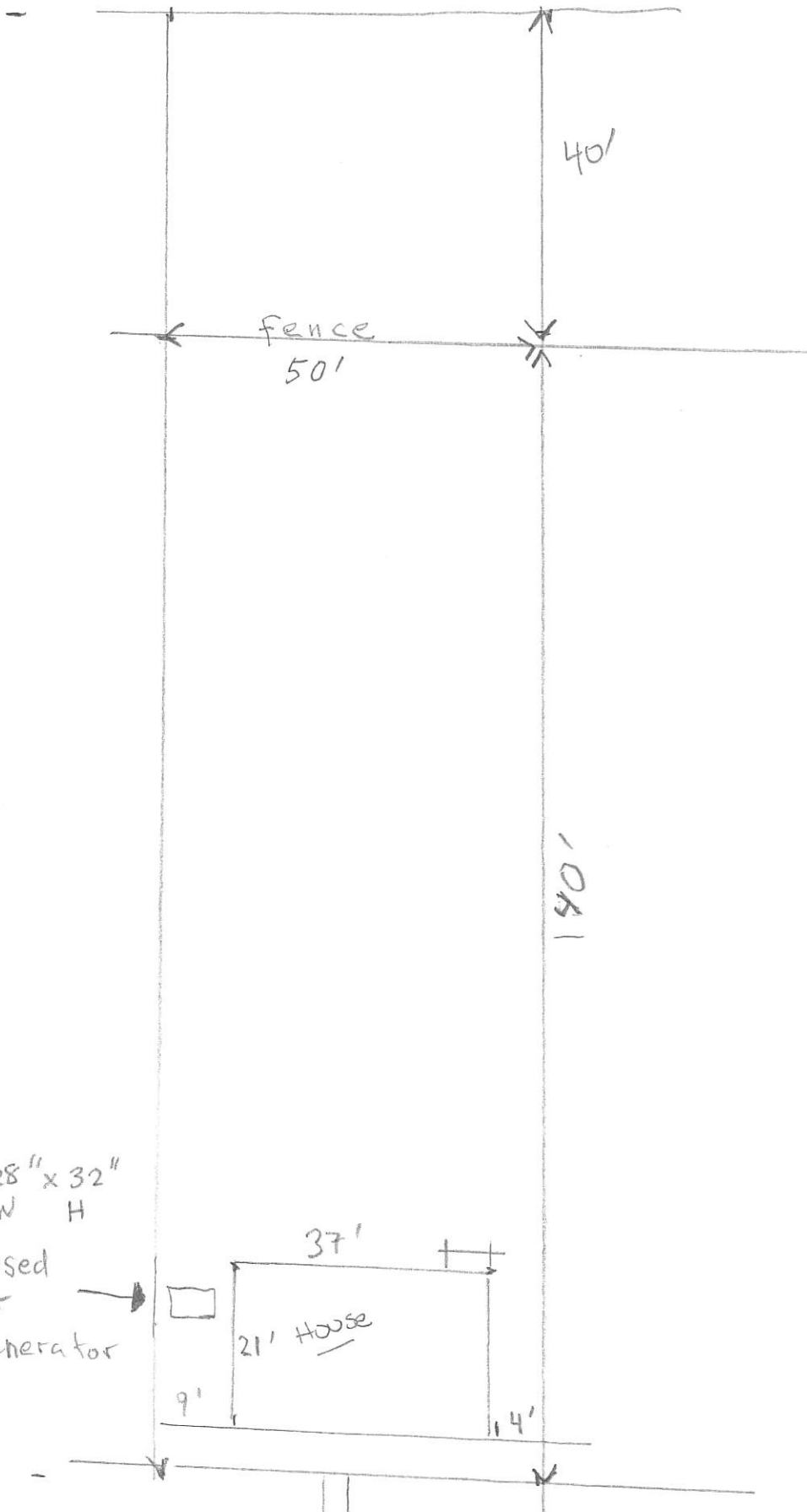
Michael Bicks, Ellen Schlefer, 28 Colony cove road

*Dee Barsto 30 Colony Cove Road
Les and Susan Hardie 26 Colony Cove Road

Colony Cove Rd

28 Colony Cove Road

Scale 0.5 inch = 10'



140'

fence
50'

40'

30" x 28" x 32"
L W H

Proposed
Sight
for generator

37'
21' House

9'

14'

Dock

From: michael bicks michaelbicks@icloud.com [✉](#)
Subject:
Date: September 24, 2019 at 6:29 PM
To: Michael Bicks michaelbicks@littlebaypictures.com



