



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

RECEIVED  
 Town of Durham  
 OCT 23 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.**

Name of Applicant Chris and Daphne Gowland

Address: 28 Newmarket Road

Phone # 978-649-9222

Email: cjgowland@gmail.com

Owner of Property Concerned same  
 (If same as above, write "Same")

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

Location of Property: 28 Newmarket Road  
 (Street & Number)

Tax Map & Lot number 6 9-6

A Variance is requested from Article(s) XX Section(s) 175-109 of the Zoning Ordinance to permit:

please see addendum

**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.**

We are seeking approval of the long-term plan today, as it will influence how we approach finishing the existing part of the structure this year.

*Please see the attached Building Permit Application materials for site plans and other supporting materials.*

### **Compliance with the Town of Durham's Zoning Ordinance**

The expansion substantially complies with the DZO and conforms to the five variance criteria included on the municipality's Variance Application (provided below).

**A. The variance will not be contrary to the public interest.**

As Applicants, we respectfully assert that the proposed update and expansion to the garage represents a reasonable use of the Property. Here, the public interest is served by permitting the orderly development of property and the updates and expansions to the existing garage will not alter the essential character to the Property at 28 Newmarket Road, in fact, we believe it will add to the ambiance of the property.

**B. The spirit of the ordinance is observed.**

As Applicants, we respectfully assert that the spirit of the ordinance is observed by granting the application. The update and expansion to the existing garage represents a suitable use on nearby properties and encourages the most appropriate use of land in and around the Property at 28 Newmarket Road.

**C. Substantial justice is done.**

Substantial justice is done by granting this variance because it allows us, the Applicants property to be utilized, updated, repaired and expanded to maintain the quality of structures in and around the Property, 28 Newmarket Road. This proposal does not burden the public, neighbors, or ecosystem in anyway and will substantially benefit the Applicants by providing enclosed workshop space which may be used year round.

**D. The values of surrounding properties are not diminished.**

We as the Owners/Applicants respectfully assert that all surrounding properties and all abutting neighbors will not be affected by the expanded garage and enhancement to it.

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

- A. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision of the property.**

As outlined on Map 6, Lot 9-6 , the Property is unique in shape and offers no direct visibility to neighbors nor Newmarket Rd due to a long driveway, homes on Newmarket Rd between the property and the street and thickly wooded areas surrounding most of the property.

The general purpose of the DZO is to promote the orderly development of property and to protect health and safety and general welfare of the public and our community. We seek to update, repair and expand our existing external garage in order to provide year round access for a workshop and for one car. The external garage is located in an area that is thickly screened from any abutting parcels.

**B. The proposed use is reasonable.**

The proposed use, update, repair and expand, is reasonable given there is no encroachment and is on a thickly screened setback private lot and is a reasonable use of residential property and is consistent with the uses of the surrounding community and properties.

For the aforementioned reasons, we respectfully request that the Town of Durham Zoning Board of Adjustment (the "ZBA") review the enclosed materials and grant this application at its upcoming meeting on Nov. 12, 2019.

Sincerely,

Chris and Daphne Gowland

A handwritten signature in black ink, appearing to be 'Chris and Daphne Gowland', written over the printed name.





View from Newmarket Rd.

