

**Variance Application Amendment
Town of Durham Zoning Board
8 Newmarket Road
Durham, NH 03824**

Re: Variance Application to construct a shed in a location in front of the front façade of the house

**Applicant/Owner: Chris and Daphne Gowland
Address: 28 Newmarket Road, Durham, NH 03824
Map/Lot: 6 / 9-6**

Dear Chairman Sterndale and the Zoning Board,
We request that the Town of Durham Zoning Board review the enclosed and grant this application at its upcoming meeting on November 12, 2019.

1. Applications:	October 22, 2019
2. Variance and Special Exception fee:	\$370.00
3. List of Abutters:	Amber & Tim Roy, Steve and Andrea Burns, Schwartz, Doug Worthen, Susanna Nichols, Town of Durham
4. Map/Lot:	6 / 9-6
5. Variance plans:	October 22, 2019

Project Narrative:

In relation to our proposed detached garage build out we are applying to build a storage shed. Because the current garage structure stores a rider lawn mower, snow plow, moped, ladder, yard equipment, kayaks, we want to construct a 10'x16' shed to store most of those displaced items.

The proposed location for the shed is to allow access from the driveway to attach my snow plow to our truck and to use our moped. Other locations would require driving over a hill and lawn with our truck which we prefer not to have to do. The proposed location is adjacent to the driveway, completely shielded by trees from view in any direction except facing away from Newmarket Rd toward our house. There are also 2 sheds owned by the adjacent property located between our proposed location and Newmarket Rd. in view from the road. One is actually on our property.

Compliance with the Town of Durham's Zoning Ordinance

The shed plan 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.

Here, the public interest is served by permitting the orderly development of property and the updates and the shed will not alter the essential character to the Property at 28 Newmarket Road.

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 shed 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 and will maintain the quality of structures in and around the Property, 28 Newmarket Road. This proposal does not burden the public, neighbors, or ecosystem in any way.

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 shed and it will not be in view of any neighbors or the road.

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 build the shed in a location where we can access it to mount a snow plow on our truck without driving down a hill over our lawn. The location is in an area that is thickly screened from any abutting parcels.

B. The proposed use is reasonable.

The proposed use and construction 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.

Chris and Daphne Gowland

Photos

Desired shed location



View from Newmarket Rd.



View from Driveway



View from street – location is within tree cluster





Mill Pond

Newmarket Rd

108

