



**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 JEFF and VIVIAN MILLER

Address: 297 DURHAM POINT RD

Phone # 868-9200 Email: VUNTARAZIMILLER@gmail.com

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

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

Location of Property: 297 DURHAM POINT RD  
 (Street & Number)

Tax Map & Lot number TAX MAP 20, LOT 12-3

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

RC TABLE SETBACKS  
30' FRONT SETBACKS  
50' SIDE SETBACKS

**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.**

Variance 11/12/2019  
297 Durham Point Road (Tax Map 20, Lot 12-3)

***Article XIII.1 Sec 175-54 RC Table Setbacks : 30 foot front setbacks and 50 foot side setbacks***

**1. Variance is not contrary to the public interest:**

The condition of the current garage is poor and is approximately 396 sf. The proposed accessory building is a garage with a shop above. The proximity to the lot lines is not contrary to public interest since there is no additional encroachment. In fact, we have moved the position away from the front setback.

**2. The spirit of the ordinance is observed:**

The purpose of setbacks is to maintain and protect surrounding properties. The proposed building would be further away from the front lot line which will further protect and improve the buffer. This area on the top of the driveway is buffered by trees and would positively impact our neighbors; therefore granting this variance would uphold the spirit of the ordinance.

**3. Substantial justice is done:**

No harm to neighbors homes, land or easements will result from the proposed structure. The improvements made will benefit the land value and aesthetics of the overall property.

**4. The values of surrounding properties are not diminished:**

Just one home is visible from our house (currently uninhabited) and includes a 100 ft. Utility right of way. There will be no negative impacts to surrounding properties.

**5. Literal enforcement of the ordinance would result in unnecessary hardship:**

The configuration and layout of the property cannot be used in strict conformance with the ordinance due to the existing leach field and driveway. Because of these conditions there is no reasonable use that can be made of the property that would be permitted under the ordinance.