



**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: VIVIANMILLER@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) XX Section(s) F(2-4) of the Zoning Ordinance to permit:  
175-109

ACCESSORY BUILDINGS FOR SINGLE FAMILY USE

**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

### 297 Durham Point Road (Tax Map 20, Lot 12-3)

#### **Article XX 175-109 Accessory Buildings for Single Family Use**

##### Section F (2-4)

2. The maximum area of the building shall be 200 square ft.
3. The highest point of the building shall not be more than 14 ft. above the grade.
6. The building shall not be supplied with water sewage or heat unless approved by special exception.

The reasonable choice is to grant variances from the above referenced articles as they relate to the proposed redevelopment of this building.

#### **1) The variance will not be contrary to the public interest:**

A cinder block garage will be replaced by a new one car garage and shop above with power, heat and water. This will not be contrary to the public interest since it is not visible or accessible by the public. It will improve the existing site by building an energy efficient building and maintaining the essential character of the rural environment

#### **2) The spirit of the ordinance is observed:**

The spirit of the ordinance is observed since there is no change to the essential characteristics of the neighborhood, nor any public health, safety or welfare be threatened.

#### **3) Substantial justice is done:**

Substantial justice would be done by granting the variance. There is no harm to the public and surrounding environment. It is a significantly private area and does not impact neighbors. The removal of an old cinderblock building in disrepair would improve the overall aesthetics of the environment.

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

The property directly abutting our property is a 100' right of way with high voltage power line. There is no negative impact to the value of the Utility corridor and adjacent home that is uninhabited. The improved accessory building improve property value without any impact to traffic, safety or noise, or result in any other detriments.

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

The special conditions and location of the property distinguish it from other properties in the area because of the deeded driveway access, conservation easement, shorefront setbacks and utility right of way corridor that surround the 1 1/2 acres. There is no fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property and the proposed use is a reasonable one. The property cannot be reasonable used in strict conformance with the ordinance and a variance is therefore necessary to enable reasonable use of it.