



**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

SPECIAL EXCEPTION

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

Description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance: Article: XX 175-109 Section: F

ARTICLE VII SECTION A 175-26

EXPIRATION PERIOD FOR SPECIAL EXCEPTIONS:

Any Special Exceptions 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 special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.

**SPECIAL EXCEPTION: 11/12/2019
297 Durham Point Road (Tax Map 20, Lot 12-3)**

Article VIII 175-26 Section A: SPECIAL EXCEPTIONS

- 1. That the use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and nature of other uses in the vicinity or by obvious and adverse violation of the character or appearance of the neighborhood.**
- 2. That the use will not be injurious or noxious and thus detrimental to the neighborhood by reason of any of the causes stated in Part B**
- 3. That the use will not be contrary to the public health, safety and welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal or similar adverse causes or conditions.**

RESPONSES to:

- 1. The use proposed is residential , and permitted by right and is consistent with the essential characteristics of the area. What we are proposing does not present any undue variation in kind or nature from abutting properties, nor would it create any obvious or adverse violation of the character or appearance of the area. The design is consistent with our home currently on the property.**
- 2. The Accessory Building use is permitted by right in this zone. The purpose of the RC District is to protect water quality and to preserve the rural and scenic beauty of the coastal areas, including the view from the shore as seen from the water. This replacement building would not create and injurious or noxious effects on the neighborhood.**
- 3. The proposed redevelopment of the garage would not create any undue traffic congestion or hazards within our neighborhood. The Accessory Building does not pose any undue risk to life or property. It did not present any unsanitary or unhealthful emission or similar adverse conditions.**