



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

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 Nathaniel S. Balch

Address: 20 Wiswall Rd., Durham

Phone # (603)659-6355 Email: natster3413@comcast.net

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

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

Location of Property: Same
(Street & Number)

Tax Map & Lot number Tax Map 14; Lot Number 21-2

A Variance is requested from Article(s) XX Section(s) F.2 and F.6 of the Zoning Ordinance to permit:

An addition to the existing garage located at 20 Wiswall Rd., Durham, NH

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.

Responses to Statutory Requirements:

(A) A variance will not be contrary to the public interest; the addition will house a 384 s.f. woodworking shop, to allow me to pursue one of my interests in retirement. It will not infringe upon residences or businesses adjacent to our property, or to the public right of way.

(B) The spirit of the ordinance is observed; The addition will comply with setback requirements and will be in keeping with the overall style of existing buildings on the property.

(C) Substantial justice is done; Authorization of the variance will allow me to pursue one of my interests in retirement, and will not encumber, disturb or obstruct others.

(D) The values of surrounding properties are not diminished; this addition will not diminish the value of either the LaRoche Farm across the street, nor the construction business owned by

Todd & Co. immediately to the east, nor the SELT conservation land immediately to the west.

(E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship: The addition will not impact traffic on Wiswall Road and is a reasonable and modest structure.

RSA 674:33 Powers of the Zoning Board of Adjustment:

I(a)The zoning board of adjustment shall have the power to:

(1) Hear and decide appeals if it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and

(2) Authorize, upon appeal in specific cases, a **variance** from the terms of the zoning ordinance if:

(A) The variance will not be contrary to the public interest;

(B) The spirit of the ordinance is observed;

(C) Substantial justice is done;

(D) The values of surrounding properties are not diminished; and

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

(b)(1) For purposes of this subparagraph I(a)(2)(E), "**unnecessary hardship**" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(B) The proposed use is a reasonable one.

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

(3)The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

EXPIRATION PERIOD FOR VARIANCES

Any Variances 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 variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.