



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 Aaron and Jill Grueter

Address: 22 Cedar Point Rd, Durham, NH 03824

Phone # 603-531-3346 Email: agrueter@comcast.net

Owner of Property Concerned Same

(If same as above, write "Same")

Address: Same

(If same as above, write "Same")

Location of Property: 22 Cedar Point Rd.

(Street & Number)

Tax Map & Lot number Tax Map 12, Lot 1-19

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

Overview provided on page 2.

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.

Homeowners Aaron J. Grueter and Jill Grueter
22 Cedar Point Road
Application for Setback Variance - February 24, 2021

Overview:

Homeowners are seeking a variance to ordinances 175-54 and 175-72, 175-73, 175-74 for the purposes of adding a 2 car garage that will encroach on the 50 foot side setback on the west side of the property and on the 125 feet shoreline setback. The proposed garage will sit 26 feet from the west property line at its closest point, existing condition is 28 feet. Proposed garage will also be 21 feet from the street, which actually represents a 1 foot improvement from existing street setback condition. There is an existing courtyard with a fence and a 275 sf hardscape walkway in this location today that will be replaced with the proposed garage. As you will see from the survey and photos there is an existing section of the house that is currently within 28 feet of the westerly property line as well. This proposed garage will simply square the building footprint off by filling in the courtyard space.

As the existing structures (and lot) are all non-conforming to the current shoreline setback of 125 feet homeowners are also seeking a variance to the ordinances under Article XIV (175-72,73,74) to add this 2 car garage.

Homeowners are also planning to remove a 300 sf front section of the current house and an existing driveway that will improve on the current street setback condition and offset the lot coverage increase. We may also be seeking a variance to add 35 sf total (0.2%) of impervious lot coverage if decks are considered to be impervious by the ordinance. This was not clear at time of application. If the decks are not considered impervious then we will not require this variance as the lot coverage will be lower than existing.

Existing Conditions:

As shown on the survey, the current footprint, as with nearly all homes on Cedar Point Road, are currently non-conforming to the setback requirements listed in 175-54, 72, 73 and 74. As you will also see we made every effort to a maintain the existing footprint on all other sides.

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

The garage addition that we are seeking approval on has been reviewed with all abutters and is not in contrary to the public interest.

(B) The spirit of the ordinance is observed:

Homeowners, working in conjunction with Architect, Lucy Gorham, attempted to minimize the impact to the existing footprint and setbacks. We believe that we have accomplished this and are even improving on the street setback and reducing the impervious coverage areas to help offset.

(C) Substantial justice is done:

Homeowners believe that they have made every effort to maintain or trade-off setbacks with the exception of this 2 foot variance request.

(D) The values of surrounding properties are not diminished:

We are convinced that the value of surrounding properties will not be diminished. In fact we would argue that the improvements that we are making to the property will only increase surrounding property values.

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

Homeowners have worked with our architect to find alternative locations for the garage and have determined this to be to the the only logical location. The current garage does not offer up the size needed for todays vehicles and believe that not having a garage or reducing the size would result in unnecessary hardship.

