



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
 MAR 23 2022
 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.

*\$ 361.
 pd. 3/24
 Check # 731*

Name of Applicant Nicole and Dave Pak

Address: 74 Bagdad Rd

Phone # 6039701506 Email: Npak@antioch.edu

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 10-1

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

A deck surrounding pool encroaching on rear setback

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.

- (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.**

We are seeking to construct a deck surrounding the pool we constructed in June 2021 in keeping with the aesthetics of the existing structure and the neighborhood. The purpose of this deck is to provide for an additional safety barrier to prevent children and animals from accessing the pool when there is not an adult present. Initially the pool was planned rest completely on ground. However during construction a “tree stump graveyard” was unearthed and caused some of the pool to be approximately 2 feet off ground. Therefore we would like to put a locking deck around the pool so that no one can access these lower sides. This would require us to build on the side within 25 feet of our property line. We feel this construction will have no impact on our surrounding neighbors and will not impact their property values (points A and D of the zoning variance). It will not be visible to any of the neighbors and will rest at the same height as the current pool already constructed and we will be putting up some privacy fencing around the deck so that there will not be any disturbance to our rear neighbor, as well as privacy for those using the pool.

The structure will be built to meet or exceed all existing building safety codes for decks. It will be approximately 4 feet off the ground at this highest point and will allow for safer ingress and egress from the pool more than just a traditional pool ladder feeding into the pool. In addition, it will provide us the ability to better prevent unauthorized access to the pool. Upon researching fences and ladders, we find this to be the safest option available on market to prevent access.

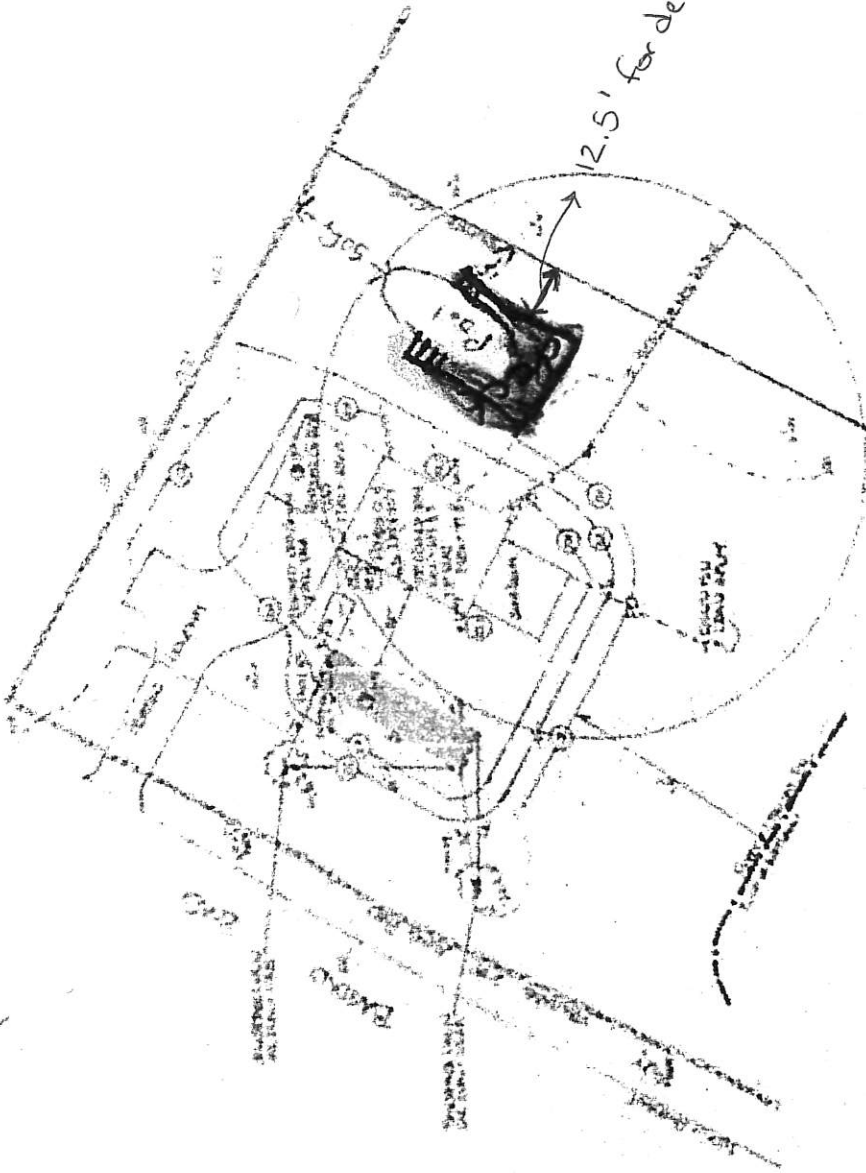
If we are unable to construct this decking, it would result in an unnecessary hardship as this will provide the safest way to enter and leave our pool, as well as to prevent access to the pool to those not allowed in the pool as we will be able to lock it more securely than a traditional pool fence.

The substantial justice to be done can be addressed in the importance of safety for those entering our backyard. While we supervise our children and animals at all times, we want to make the most effort in ensuring that, if someone fails to exercise this same caution and an animal or child enters our property they will be prevented from accessing the pool. In addition, if by some means they gained entrance to the pool, there would be more ways to exit the pool than a single traditional pool ladder.

RECORDING UNIT

DATE: 10/10/50

BY: [illegible]



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