



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824  
(603) 868-8064  
www.ci.durham.nh.us

**Property Referenced:  
Tax Map 215, Lot 36**

## **ZONING BOARD OF ADJUSTMENT**

RE: PUBLIC HEARING on a petition submitted by Jones & Beach Engineers Inc., Stratham, New Hampshire on behalf of Robert and Elena Kendall, San Jose, California, for an APPLICATION FOR SPECIAL EXCEPTION as specified in Article XII.1, Section 175-54 Table of Dimensions of the Durham Zoning Ordinance seeking the maximum allowable building height by special exception of 35'. This property is shown on Tax Map 215, Lot 36, is located at 5 Fox Hill Road, and is in the Residence C Zoning District.

### **DECISION OF THE BOARD**

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by Jones & Beach Engineers Inc. and testimony given at a Public Hearing on March 21, 2023, a motion was made and seconded:

***that the Zoning Board of Adjustment approve the petition submitted by Jones & Beach Engineers Inc., Stratham, New Hampshire on behalf of Robert and Elena Kendal, San Jose, California, for an APPLICATION FOR SPECIAL EXCEPTION, as specified in Article XII.1, Section 175-54 Table of Dimensions of the Durham Zoning Ordinance seeking the maximum allowable building height by special exception of 35'.***

The motion PASSED on a vote of 3-0-0 and the application for special exception was approved.

3/23/2023

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Micah Warnock, Chair  
Durham Zoning Board of Adjustment

**NOTE:** Any person affected by this decision has the right to appeal this decision. If you wish to appeal, you must act within thirty (30) calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds upon which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.

As per RSA 674:33 Variances and Special Exceptions 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.

Any questions should be directed to Audrey Cline, Zoning Administrator/Code Enforcement Officer.