



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

JUL 03 2023

Planning, Zoning  
and Assessing

Fee = \$397.00.  
Paid 7/3/23

## 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 David Snider

Address: 31 Edgewood Rd, Durham, NH 03824

Phone # 206 940-3411 Email: dsnider21@msn.com

Owner of Property Concerned David Snider & Catherine Michel-Snider  
(If same as above, write "Same")

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

Location of Property: 31 Edgewood Rd, Durham, NH 03824  
(Street & Number)

Tax Map & Lot number 105 - 50 - 0 - 0 - 0

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

To construct a replacement 2-car garage in the same alignment as an aging single-car where the existing garage lies within the ordinance identified 10-foot sideyard 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. (See page 3 for guidance.) 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.



**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**

The applicant / property owners for 31 Edgewood Rd, Durham, NH are requesting approval for a deviation to the Town’s 10 feet side yard setback requirement in order to construct a new two-car garage to replace an existing 9 decade-old single-car garage.

The existing home at 31 Edgewood Rd was built in 1934 and the detached single-car garage is of the same era. The proposed new garage will be consistent with the historical alignment and the appearance of the existing garage. The new garage frontage will be at a scale that, when seen from the public right-of-way, will show little to no change; however, the new garage will be longer (front to back) and a little wider to accommodate two cars parked in tandem (front to back). The increased width will also provide the homeowners with added interior space for lawn and garden equipment storage, a plant-potting counter and work bench area.

Since the front elevation of the proposed garage will be architecturally consistent with that of the existing garage, once complete, the general public will be unaware of any difference (see Exhibit A below & Attachment A – Site Plan).

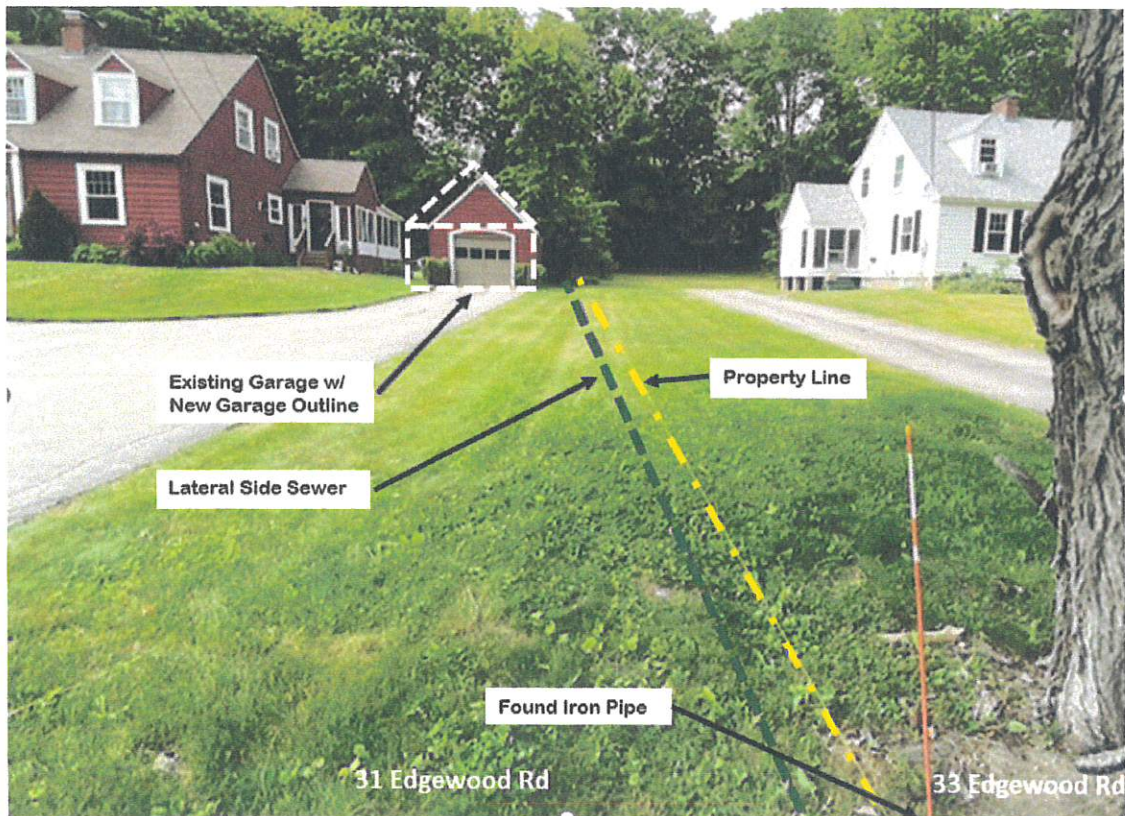


Exhibit A

The proposed new garage will also provide an ideal southwest facing enlarged roof surface sufficient in size to accommodate a solar panel array to support the current and future kilowatt-hour household needs at the subject property. As the applicant and property owners, it is our wish to support renewable energy and move away from further dependence on fossil fuels (currently served by oil for heat and propane for hot water & cooking).

The proposed new garage is not in conflict with the purpose of the ordinance and will not alter the essential character of the neighborhood. The new garage, built to current local building codes, will have a shape and position that replicates that of the existing garage. This will result in no threat to public health, safety, or welfare, or in any way injure public rights.

**(B) The spirit of the ordinance is observed**

A basic intent of the ordinance is to maintain a separation between structures on adjacent properties in the Town of Durham residential areas. It confirms how open spaces and landscaped corridors throughout Durham's neighborhoods are a priority. A 10 feet side yard setback results in a minimum 20 feet of separation between structures on adjacent properties. Currently, there are 39 feet separating the existing garage on the subject property and the porch/side entry for main house of the adjacent property at 33 Edgewood Rd. The two properties have parallel asphalt driveways serving their respective garages (see Exhibit A above & Attachment A – Site Plan).

The current 39 feet between the existing structures at 31 and 33 Edgewood Rd exceed the 20 feet minimum by twice (1.95x) that minimum. The proposed new garage will maintain that existing 39 feet of separation.

Through the approval of this request, the public's desire for open space and green corridors is maintained and the intent of the setback ordinance is observed. As a result, the proposed new garage will not conflict with the purpose of the ordinance and will not alter the essential character of the neighborhood.

**(C) Substantial justice is done**

The proposed new garage will be longer than the existing garage but its street appearance (front elevation), as seen from Edgewood Rd, will appear unchanged to pedestrians, motorists, and the public at-large. The proposed new garage will match the existing garage in color and trim, further ensuring that the proposed new garage does not harm or alter the general public's expectations in any way.

The planned addition of solar panels will directly benefit the property owner, but also benefit the general public and future generations through the completion of a renewable energy generating source. Further, with a solar array installed on the southwestern roof plane, and perpendicular to the public right-of-way, the array will be mostly unseen from Edgewood Rd.

**(D) The values of the surrounding properties are not diminished**

As noted in A through C above, the proposed new garage will enhance the subject property through the replacement of an aging and deficient single car garage with a new two-car structure. The replacement structure will be complete with new clapboard siding and trim consistent with other houses and garages in the neighborhood. A new “carriage-house” style garage door and code compliant electrical improvements are also part of the project. With a solar array panel system added, including electrical vehicle charging capability, the improved garage will enhance the value of the subject property.

A new structure architecturally consistent with other houses and garages in the neighborhood, combined with a better functioning (and modern) garage built to 21<sup>st</sup> century standards, will not diminish property values. Instead, it will reflect positively on the neighborhood, helping to enhance local property values.

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

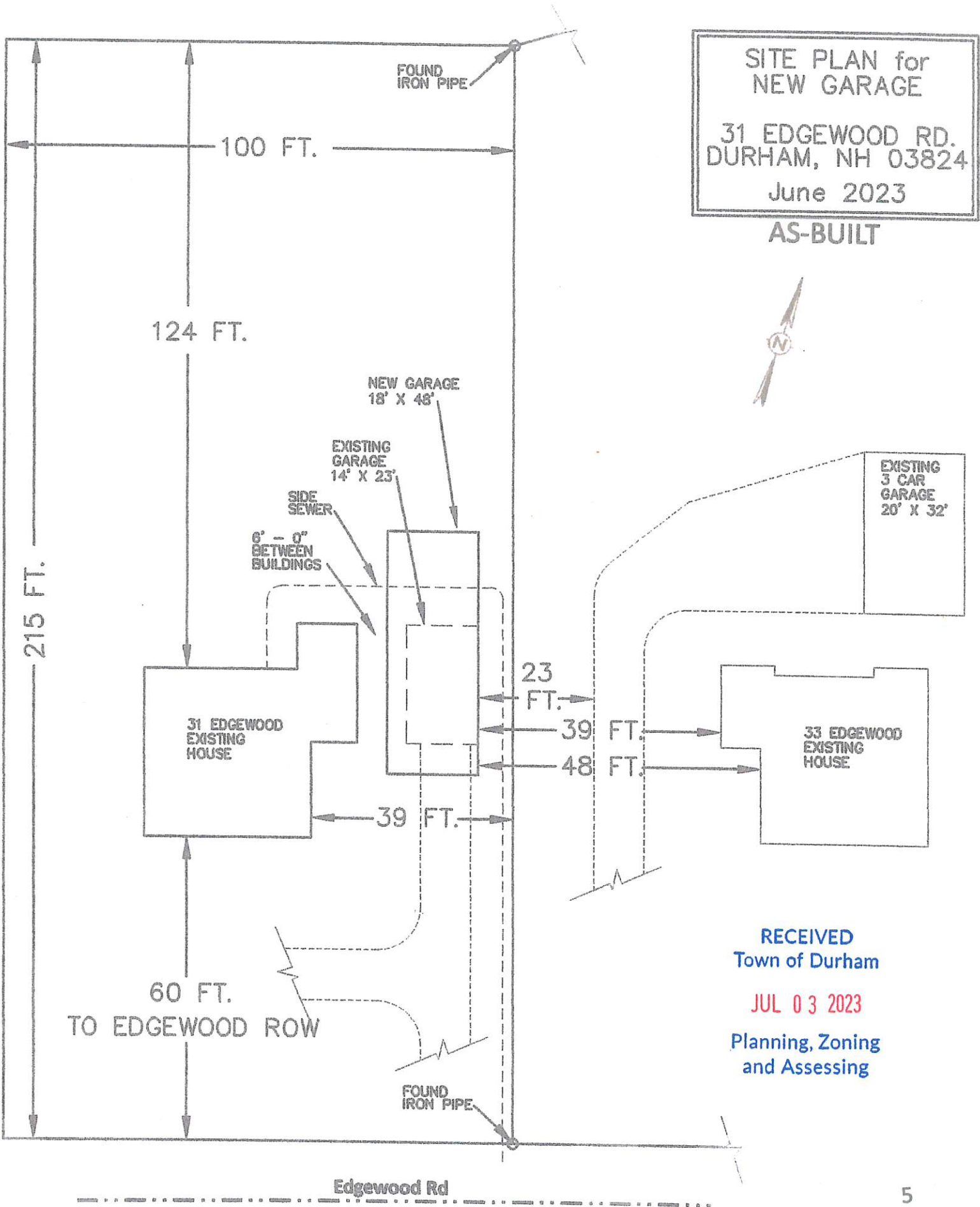
For as long as 9-decades, the current garage has quietly existed without impact to the neighborhood even though it currently exists within the ordinance identified side yard setback of 10 feet. Because of the special condition that exists along the property line shared between 31 and 33 Edgewood Rd, as stated above in (A) through (D) above, most particularly the large expanse of open space enjoyed between these two immediately adjacent properties, there is no appreciable impact or harm shown towards the spirit of the ordinance. As a result, the function of the setback restriction in this case does not serve the purpose in a fair and substantial way. By approving the requested variance, the new garage will continue to quietly exist while maintaining, and in no way altering, the essential character of the neighborhood (see Attachment B – Moreno Letter of Support).

It is respectfully submitted that a special condition exists and that granting the variance and maintaining the historic (i.e., existing) setback is reasonable. Therefore, the applicant requests approval of this variance application to allow for the construction of a new two-car garage to replace the existing single-car garage.

Thank you for your consideration of this variance request.



SITE PLAN for  
NEW GARAGE  
31 EDGEWOOD RD.  
DURHAM, NH 03824  
June 2023  
AS-BUILT



RECEIVED  
Town of Durham

JUL 03 2023

Planning, Zoning  
and Assessing

Edgewood Rd

June 12, 2023

Town of Durham  
Zoning Board of Adjustment  
8 Newmarket Rd  
Durham, NH 03824

RECEIVED  
Town of Durham

JUL 03 2023

Planning, Zoning  
and Assessing

Subject: Snider-Michel Variance Application  
31 Edgewood Rd, Durham, NH 03824

Dear Durham Zoning Board of Adjustment Members:

Please accept this letter in support of the Durham Zoning Board's approval for the Snider-Michel Variance Application. I am the adjacent property owner at 33 Edgewood Rd, with the shared lot line nearest to the existing garage at 31 Edgewood Rd. For many months, Mr. Snider has kept me apprised of the progress made in the pursuit of the proposed garage and I find the plan to maintain the historical garage alignment to be acceptable.

Thank you for recognizing this letter in support of the Board's variance approval needed to allow the construction of the proposed garage improvement at 31 Edgewood Rd.

Sincerely,



Charles Moreno  
Property Owner  
33 Edgewood Rd  
Durham, NH 03824

cc., David Snider, 31 Edgewood Rd, Durham, NH 03824

**Tracey E and M Adams**  
34 Edgewood Road  
Durham, NH 03824

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Durham, NH 03824

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**David & Catherine Michel-Snider**  
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