

These minutes were approved at the November 15, 2022 meeting.

**ZONING BOARD OF ADJUSTMENT
Tuesday, October 11, 2022 at 7:00 p.m.
Town Council Chambers, Town Hall
8 Newmarket Road, Durham, NH
MINUTES**

MEMBERS PRESENT: Micah Warnock, Chair
Neil Niman, Vice Chair
Mark Morong, Secretary
Chris Sterndale
Leslie Schwartz

OTHERS PRESENT: Audrey Cline, Zoning Administrator

I. Call to Order

Chair Micah Warnock called the meeting to order at 7:00 pm.

II. Roll Call

The roll call was taken.

III. Seating of Alternates

IV. Approval of Agenda

There were no changes to the agenda.

V. Public Hearings:

- A. **PUBLIC HEARING** on a petition submitted by Todd and Renee Allen, Durham, New Hampshire, for an **APPLICATION FOR VARIANCE** from Article XX Section 175-109(B)(6, 7, & 8) of the Durham Zoning Ordinance to allow for an accessory structure forward of the front façade of the house, closer than 10 feet from the side yard setback and closer than 20 feet from the abutting residential building. The property involved is shown on Tax Map 113, Lot 64, is located at 28 Garden Lane, and is in the Residence A Zoning District.

Chair Warnock greeted Todd & Renee Allen who were on Zoom. He mentioned that this had come before the Board last month, and they had continued the application in order for each of the Board members to do personal site walks. Todd Allen re-stated his request to place a shed forward of the home. There were questions and discussion between the Board and the applicants about the height of the proposed shed and the location.

There was no one to speak for or against the application.

Neil Niman MOVED to close the Public Hearing. Mark Morong SECONDED the motion and it PASSED 5-0.

Chair Warnock stated that he feels it is a reasonable structure, but the location is the problem. Mr. Niman mentioned how the property is high up so the sight line doesn't show the high structure. His concern is the neighbor's opinion. He is wondering if it will be disruptive to the neighborhood.

Ms. Schwartz stated that given the level of screening, she is wondering how much of a difference the size of the shed actually makes. Mr. Morong asked if they could require a vegetative screening? Ms. Schwartz mentioned that if you look at the neighborhood, there are a lot of different things going on. So, she doesn't see the shed detracting from the property values of the neighborhood.

Chair Warnock stated that he struggles with the size of the structure. Mr. Sterndale mentioned that the neighbors have had a chance to speak and haven't come forward. He is ok with the shed.

Chris Sterndale made a MOTION that the Zoning Board of Adjustment approve the petition submitted by Todd and Renee Allen, Durham, New Hampshire, for an APPLICATION FOR VARIANCE from Article XX, Section 175-109(B) (6, 7 & 8) of the Durham Zoning Ordinance to allow for an accessory structure forward of the front façade of the house within 1 foot of the side yard setback, within 15 feet of the front yard setback, and closer than 20 feet from the abutting residential building.. Mark Morong SECONDED the motion and it PASSED 5-0.

Chair Warnock let the applicant know of the 30-day period for somebody to challenge the decision.

- B. CONTINUED PUBLIC HEARING** on a petition submitted by Joshua Meyrowitz, Martha Andersen, Michael F. Urso, and Sandra A. Ceponis, Durham, New Hampshire for an **APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION** from a July 13, 2022, decision of the Planning Board, that the Toomerfs principal-use parking-lot site plan of May 4, 2022 for the Church Hill District is surface parking. The property involved is shown on Tax Map 108, Lots 10, 11, 12, 13, is located at 19-21 Main Street, and is in the Church Hill Zoning District.

Joshua Meyrowitz apologized for the confusion at the last meeting on the request for continuance. He said that he was prepared this evening to ask for another continuance because his attorney was not able to be there. However, he was concerned about the number of members that may be present at the next meeting. Ms. Schwartz will need to recuse herself. Chair Warnock mentioned that there was hope that there would be a new member on the Board in November.

Mark Morong MOVED to continue the public hearing until November 15, 2022. Chris Sterndale SECONDED the motion and it PASSED 4-0 with Leslie Schwartz abstaining.

VI. Other Business:

VII. Approval of Minutes:

The minutes were only sent digitally since there was no packet of information to be sent for this meeting. The members felt that it was better to get the minutes in paper form in the future. There was consensus that the approval of the September minutes should be postponed until the next meeting.

VIII. Adjournment

Neil Niman MOVED to adjourn the meeting. Leslie Schwartz SECONDED the motion and it PASSED 5-0.

Adjournment at 7:35 pm

Karen Edwards, Minutes taker

Mark Morong, Secretary