

These minutes were approved at the August 8, 2023 meeting.

**ZONING BOARD OF ADJUSTMENT
Tuesday, June 13, 2023 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
Leslie Schwartz
James Bubar
Joseph Warzin, Alternate

OTHERS PRESENT: Audrey Cline, Zoning Administrator

I. Call to Order

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

II. Roll Call

Chair Warnock introduced all members of the Board in attendance, welcoming new member James Bubar.

III. Approval of Agenda

No amendments were made to the agenda, and it was accepted as is by Chair Warnock.

IV. Seating of Alternates

As all members of the Board were present, no alternates were seated.

V. Election of Officers

No officers were elected this evening.

VI. Public Hearings:

- A. *On a petition submitted by Wesley and Davina Salmons of Durham, New Hampshire for an **APPLICATION FOR SPECIAL EXCEPTION** as specified in Article XX, Section 175-109(B)(4) of the Durham Zoning Ordinance to allow for an accessory building for single-family use supplied with water, sewerage, and heat. This property is shown on Tax Map 206, Lot 54 and is located at 120 Dover Road in the OR Zoning District.*

Member Morong read the above petition to open the public hearing.

Mr. and Mrs. Salmons presented supporting criteria for their application, including that the accessory building, a two-car garage, is not out of character for the neighborhood and

not visible from the road. It would not obstruct any views from the neighbors. The space will be used as recreational space and storage and will be treated with the same care as their home. The first floor of the accessory building is a two-bay garage, and the proposal for the second floor space is to have a finished room with a small bathroom.

Ms. Cline stated this space could not be used as a rental property; it would not qualify as it does not have a kitchen.

Mr. Salmons stated the structure is already built; he wants to put in insulation and sheetrock to create the finished space on the second floor. Ms. Cline reports the accessory building does have a certificate of occupancy for what has been completed.

There was some discussion among the Board to clarify some of the overlapping zoning ordinance requirements and why this application only requires the special exception on the agenda this evening.

No members of the public spoke either in favor or in opposition to the application.

Member Bubar MOVED to close the public hearing. SECONDED by Member Schwartz and PASSED unanimously.

The Board discussed any potential impact of an additional bathroom on the property. Ms. Cline stated there was a new septic system installed in 2014, and that the criteria for an accessory shed do not apply, as this is an application for the development of living space in an accessory building. Member Morong asked why this application came as a special exception rather than a variance; Ms. Cline stated this has been the approach the department has taken over the years.

MOTION by Vice Chair Niman to APPROVE the petition as submitted by Wesley and Davina Salmons, Durham, New Hampshire, for an APPLICATION FOR SPECIAL EXCEPTION in accordance with Article XX, Section 175-109(B)(4) of the Durham Zoning Ordinance to allow for an accessory building for single-family use supplied with water, sewerage, and heat. SECONDED by Member Schwartz and PASSED unanimously 5-0-0 through a roll call vote: Member Bubar - aye, Vice Chair Niman - aye, Chair Warnock - aye, Member Morong - aye, Member Schwartz - aye.

Chair Warnock stated there is a thirty-day appeal process to apply for a rehearing.

VII. Other Business

The Board discussed rewriting the zoning ordinance in question this evening to clarify the confusing elements of the current ordinance.

Chair Warnock introduced James Bubar to the Board. Chair Warnock welcomes him and states Mr. — should be coming before the Board in the near future as an alternate candidate.

VIII. Approval of Minutes: April 11, 2023

Vice Chair Niman MOVED to approve the minutes of April 11, 2023, SECONDED by Member Scwartz, and PASSED 4-0-1 (Member Bubar abstained).

IX. Adjournment

Vice Chair Niman MOVED to adjourn the meeting, SECONDED by Member Schwartz, and PASSED 5-0-0.

Adjournment at 7:24 pm
Daphne Chevalier, Minutes taker