

These minutes were approved at the June 11, 2024 meeting.

**ZONING BOARD OF ADJUSTMENT
Tuesday, May 14, 2024 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
James Bubar
Kevin Lemieux, Secretary
Mark Morong
Joe Warzin, alternate

OTHERS PRESENT: Audrey Cline, Zoning Administrator (via Zoom)

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.

III. Approval of Agenda

Vice Chair Niman MOVED to approve the agenda as presented. SECONDED by Member Morong, and PASSED unanimously 5-0-0.

IV. Seating of Alternates

No alternates were seated this evening.

V. Public Hearings:

Chair Warnock reminded the public that the hearing tonight is a continuance from the April 9, 2024 ZBA meeting.

- A. PUBLIC HEARING** on a petition submitted by Qiaoyan Yu, Durham, New Hampshire, for an **APPLICATION FOR VARIANCE** in accordance with Article 175-109 B (7) Accessory Building for Single-Family Use, of the Durham Zoning Ordinance. The building shall be set back at least ten (10) feet from any property line. The property involved is shown on Tax Map 107, Lot 67, located at 15 Cowell Drive and is in the Residence A District. ***Please note that this application is continued from the April 9, 2024, Zoning Board meeting.***

Secretary Lemieux read the above into the public record. Chair Warnock reminded the public that the public hearing portion was heard and closed at the previous meeting and this meeting is for board deliberation.

The board discussed their impressions from their site visits to view the shed. Member Morong feels the shed is too large and incongruous to the neighborhood. He doesn't intend to vote for its approval, though he would be ok if the applicants rotated the shed to be in line with the fence line. Overall the board felt if the applicants had come before the board to request this shed, the board would have required they select a smaller shed. Ms. Cline shared that the applicants installed the shed without a permit. She confirmed she discovered the shed and served the applicants an illegal notice to come apply for the permit, which they were denied because of the variance issue. She said how the shed came to be doesn't play into the variance criteria for approval.

The board further discussed if members would approve the variance if the shed were rotated 90-degrees and put in line with the fence or placed in a different location on the property. Ms. Cline said the board could either continue the meeting to share their feedback with the applicants or deny the application allowing the applicants to reapply for a variance. Secretary Lemieux would like to see a to-scale map to show where the applicants would relocate the shed. The board prefers to continue the meeting in order to share their feedback with the applicants and to allow the applicant to return with a plan to relocate the shed. The board will not approve the variance for the shed in its current location. Ms. Cline summarized that the board is seeking a plot plan from the applicants and is not making a decision tonight. Vice Chair Niman said the board will ask Ms. Cline to provide the applicants help and understanding that the existing location of the shed is not ok, and they either need to change the shed, change the location, or both. If the applicants decide to change the location, it would be helpful if they supplied a plot plan to the board.

*Chair Warnock **MOVED to CONTINUE the PUBLIC HEARING to June 11, 2024, with the expectation that the applicants provide a plot plan that uses information from tonight's meeting to determine a better location for the shed, for a petition submitted by Qiaoyan Yu, Durham, New Hampshire, for an APPLICATION FOR VARIANCE in accordance with Article 175-109 B (7) Accessory Building for Single-Family Use, of the Durham Zoning Ordinance. The building shall be set back at least ten (10) feet from any property line. The property involved is shown on Tax Map 107, Lot 67, located at 15 Cowell Drive and is in the Residence A District. **SECONDED** by Member Bubar, and **PASSED 5-0-0.*****

VI. Other Business

No other business was discussed.

VII. Approval of Minutes: April 9, 2024

Some members of the board stated they did not receive the minutes. Member Morong stated the minutes were sent out as a second attachment, which may be why some of the members missed it. Since all members of the board were unable to review the minutes, they will approve the April minutes at the June meeting.

VIII. Adjournment

Vice Chair Niman MOVED to adjourn the meeting. SECONDED by Secretary Lemieux, and PASSED unanimously 5-0-0.

Adjournment at 7:20 pm

Daphne Chevalier, Minutes taker