

Please send this form with Plot Plan and List of Abutters to the Town of Durham, 8 Newmarket Rd., Durham, NH 03824, Attn: Zoning Board of Adjustment.

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Check #
5906

Appeal for Applicant

State of New Hampshire

Strafford, SS

To: Zoning Board of Adjustment, Town of Durham NH 03824

Name of Applicant: joseph m. ullman

Address: 23 cedar point road Phone # 207-233-7560

Email: chimayred@aol.com

Owner of Property Concerned: J. U. Family Trust

(If same as above, write "Same")

Address: same

(If same as above, write "Same")

Location of Property: 23 cedar point road

(Street & Number, Subdivision and Lot number)

Description of Property (Give Tax Map number, length of frontage, side and rear lines and other pertinent descriptive information) _____

12-1-18 dimensions: frontage 150' on cedar point road, side lines 115', rear line 100'.

Fill in Section 1, 2, 3 or 4 below as appropriate. Do not fill in more than one section. This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate sheets if the space provided is inadequate.

SECTION 1: APPEAL FROM AN ADMINISTRATIVE DECISION

Appeal must be filed no later than 30 days from the date of the original decision.

Relating to the interpretation and enforcement of the provision of the Zoning Ordinance.

Decision of the enforcement officer to be reviewed: _____

Number _____ Date _____

Article _____ Section _____ of the Zoning Ordinance in question.

SECTION 2: APPLICATION FOR SPECIAL EXCEPTION

****Any Special Exceptions granted 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.****

Description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance Article _____ Section _____

SECTION 3: APPLICATION FOR EQUITABLE WAIVER

The undersigned hereby requests an Equitable Waiver of Dimensional Requirements as provided in RSA 674:33-A of the New Hampshire Planning and Land Use Regulations.

Please give a brief description of the situation: _____

SECTION 4: APPLICATION FOR A VARIANCE

STANDARD OF REVIEW: Prior to seeking a variance, the property owner must have been DENIED a building permit by the Building Inspector or approval by the Planning Board.

****Any Variances granted 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.****

A Variance is requested from Article 175 Section 54 of the Zoning Ordinance to permit _____

a deck to be built on the side and back of the house in question

The New Hampshire Legislature has declared that each of the following conditions must be found in order for a variance to be legally granted. Please answer the following questions in support of the variance request either on this form or on a separate sheet of paper.

1. No decrease in value of surrounding properties would be suffered because:

Values would increase as a result of proposed improvements

~~The proposed expansion merely continues a long standing trend of substantial upgrades in the Cedar Point neighborhood.~~

2. Granting the variance would not be contrary to the public interest because:

It will increase the tax base and it will not impact wetlands, aquifer, or septic requirements

~~street setback is consistent with the neighborhood. it will not impair light or air to adjacent property , increase risk of fire or other dangers to our or adjacent properties, increase traffic, create a nuisance or result in an increase in public expenditure~~

Current law requires the existence of unnecessary hardship for the granting of any variance, whether that is for a use not allowed in a particular zone or a deviation from a dimensional requirement.

3(A). Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

and

- b. the proposed use is a reasonable one because:

Or

3(B). Owing to special conditions of the property that distinguishes it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

with 50' side and back setbacks, the house required a variance to be built in the first place at the existing dimensions, which are modest. A deck, which enhances our outdoor enjoyment of the neighborhood and our water view, cannot be built because of the size of the lot and the existing setbacks. ~~The deck requires no septic or additional infrastructure, will not use additional water or resources, require cutting down of trees or infringe on wetlands or the shoreline, and will enhance the appearance of the house, but cannot be undertaken without a variance.~~

4. By granting the variance substantial justice would be done because:

– it would permit us to occupy and enjoy our property in a fashion that is consistent with our neighbors.

~~We purchased the property in part because it had a water view. With the construction of the dwelling at lot 12-1-17 part of our view is now obstructed, so we wish to improve our water view. Both the side and back decks would provide that~~

5. The use will not be contrary to the spirit and intent of the ordinance because:

The intent of the ordinance is to provide sufficient space between abutters and the public right of way;

~~the proposed design maintains one current sideline setback and provides a roadside setback which exceeds that of several examples in the neighborhood. A setback variance for the deck will not impact the view, safety, value, access, egress, or character of the neighborhood or of any abutters home~~

FRONT VIEW

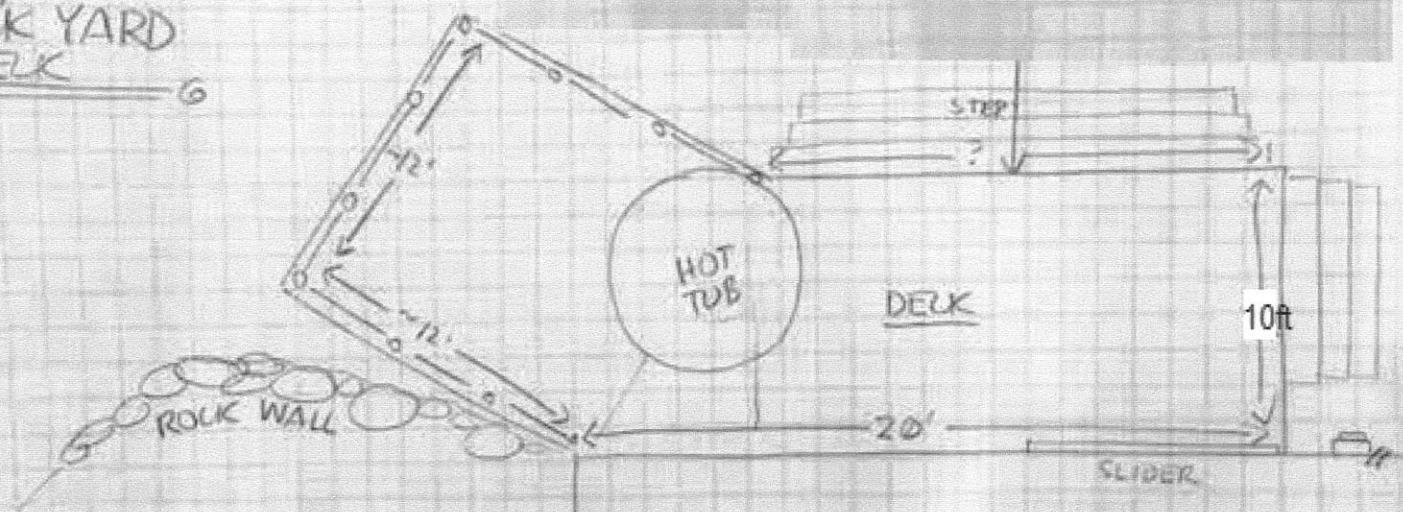
ROOF



S. EAST
CORNER

each level 12 x 12

SIDE/
BACK YARD
DECK



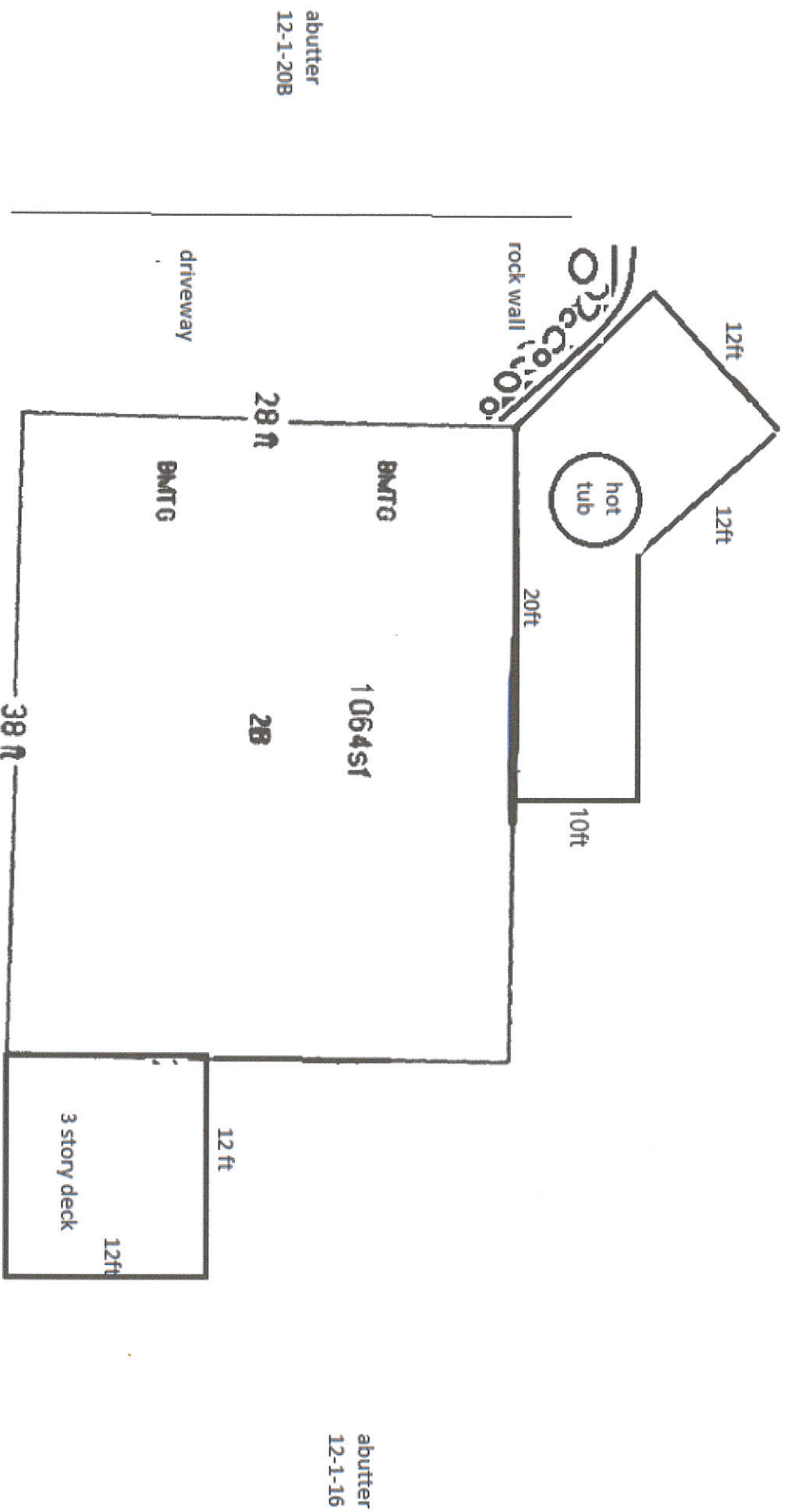
NORTHWEST
CORNER
HOUSE

HOUSE

abutter 12-1-208

abutter 12-2-5

Not to scale



abutter
12-1-208

abutter
12-1-16

cedar point road

abutter 12-1-21

abutter 12-1-19

abutter 12-1-17

WADB

PISCATAQUA ROAD
761'

THE



