



TOWN OF DURHAM
ZONING BOARD OF ADJUSTMENT
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DURHAM, NH 03824
PHONE: 603/868-8064
www.ci.durham.nh.us

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Town of Durham
FEB 19 2019
Planning, Assessing
and Zoning

VARIANCE

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

Name of Applicant Emery and Elizabeth Johnston

Address: 14 Girard Way, Newbury, MA 01951

Phone # (603) 504-2011 Email: eejrjohnston@gmail.com

Owner of Property Concerned Same
(If same as above, write "Same")

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

Location of Property: 1 Hoitt Drive
(Street & Number)

Tax Map & Lot number Tax Map 6 Lot Number 4-12

A Variance is requested from Article(s) XIII Section(s) 175-62 of the Zoning Ordinance to permit:

Variance for 24' x 15' Addition (see attached)

**PLEASE SUBMIT A WRITTEN STATEMENT ADDRESSING HOW THE
REQUEST FOR VARIANCE CONFORMS TO THE FIVE VARIANCE
CRITERIA (A) THROUGH (E) BELOW.**

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;

(B) The spirit of the ordinance is observed;

(C) Substantial justice is done;

(D) The values of surrounding properties are not diminished; and

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

(b)(1) For purposes of this subparagraph I(a)(2)(E), "**unnecessary hardship**" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(B) The proposed use is a reasonable one.

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish 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.

(3)The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

EXPIRATION PERIOD FOR VARIANCES

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.

Variance for 24' X 15' Addition

A). The variance will not be contrary to public interest :

We are seeking a variance for a 24' X 15" addition on the back of our home, at 1 Hoitt Drive, in Durham, Nh. The variance will not be contrary to public interest in that it will be on the back side of the house, away from the street. The home was built before the zoning regulations were in existence, and sits within the 75' wet land boundary. The addition will only be 3' closer than the permeable existing deck, which is 17' feet from the boundary.

B). The spirit of the ordinance is observed:

The spirit of the ordinance is observed in that the addition maintains the architectural integrity of the significant mid-mid-century Tech-Built home. Our intention is for this house to be our primary home, making both esthetic and functional improvements that will increase the property value as well as the neighborhood appeal.

C). Substantial Justice is Done:

Substantial justice is done in that this area is not a high functioning wet land and we intend to use Best Management Practice such as gutter, down spouts, rain garden, dry well or irrigation drip line as needed to insure that the water is controlled and directed back into the ground.

D). The values of the surrounding properties are not diminished:

The values of the surrounding properties are not diminished in that the addition would be on the back side of the home with approximately 47' from the property boundary line. No substantial updates have been completed since the home was built in 1957. Our updates will increase the value of the home as well as bringing it in line with the value of surrounding properties. At present, the assessed value of the home is at \$205,000 when the median value in the neighborhood is approximately \$350,000.

E). Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship as this home is currently only 1100 sq. feet. Our addition would increase the square footage by 360 feet and provide a master bedroom and bath. Building up, is not a viable option as this would completely alter the architectural design of the mid-century tech-built home.