



**Property Referenced:
Tax Map 108, Lot 48**

ZONING BOARD OF ADJUSTMENT

RE: PUBLIC HEARING on a petition submitted by Henderson Family Properties, Durham, New Hampshire for an **APPLICATION FOR VARIANCE** from Article XII.I Section 175-54 of the Durham Zoning Ordinance to permit the expansion of the maximum front setback from 25' to 57'. The property involved is shown on Tax Map 108, Lot 48, is located at 28 Dover Road and is in the Courthouse Zoning District

DECISION OF THE BOARD

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by Burton & Berube, PLLC and Henderson Family Properties and testimony given at a Public Hearing on November 14, 2023, a motion was made and seconded:

that the Zoning Board of Adjustment deny the petition submitted by Henderson Family Properties LLC, Durham, New Hampshire for an APPLICATION FOR VARIANCE from Article XII.I Section 175-54 of the Durham Zoning Ordinance to permit the expansion of the maximum front setback from 25' to 57'.

The motion was PASSED on a vote of 4-1 and the application for a variance was **DENIED**.

Reasons / Facts Supporting the Denial:

1. The Board felt that the applicant did not successfully prove that a hardship would be caused by the Board not allowing the applicant to have a setback farther than the required 25' maximum setback.

11/27/2023

Date

A handwritten signature in black ink, appearing to read "Micah Warnock", is written over a horizontal line.

Micah Warnock, Chair

Durham Zoning Board of Adjustment

NOTE: Any person affected by this decision has the right to appeal this decision. If you wish to appeal, you must act within thirty (30) calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds upon which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.

As per RSA 674:33 Variances and Special Exceptions 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.

Any questions should be directed to Audrey Cline, Zoning Administrator/Code Enforcement Officer.