



**Property Referenced:
Tax Map 108, Lot 73-1**

ZONING BOARD OF ADJUSTMENT

RE: PUBLIC HEARING on a petition submitted by Kevin Baum on behalf of MD Shaad Mahmud and Erika Naumann Gaillat, Durham, New Hampshire for an **APPLICATION FOR VARIANCE** from Article XII.1, Section 175-53, Table of Uses, of the Durham Zoning Ordinance to permit multifamily use. The property involved is shown on Tax Map 108, Lot 73-1, is located at Schoolhouse Lane, and is in the Residence A 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 Kevin Baum Esq. Hoefle, Phoenix, Gormley & Roberts, PLLC, and MD Shaad Mahmud and Erika Naumann Gaillat, and testimony given at a Public Hearing on March 12, 2024, a motion was made and seconded:

that the Zoning Board of Adjustment deny the petition submitted by Kevin Baum Esq. Hoefle, Phoenix, Gormley & Roberts, PLLC, and MD Shaad Mahmud and Erika Naumann Gaillat, Durham, New Hampshire for an APPLICATION FOR VARIANCE from Article XII.1, Section 175-53, Table of Uses, of the Durham Zoning Ordinance to permit multifamily use.

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

Reason for denial:

1. The Board felt that the applicant did not successfully prove that this would be consistent with the spirit and intent of the Durham Zoning Ordinance to permit multifamily use where only single homes are permitted.

3/20/2024

Date

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.