



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898

AUDREY CLINE
Zoning Administrator
Code Enforcement Officer
Health Officer

TEL: (603) 868-8064
acline@ci.durham.nh.us

Decision or Order of the Building Inspector/Code Enforcement Officer

175-12. Administrative Appeals.

Any person who believes that the Zoning Administrator has made an error in the interpretation or application of the provisions of this Ordinance, may appeal such determination to the Zoning Board of Adjustment as an administrative appeal under the provisions of Section 175-19. If the Board finds that the Zoning Administrator erred in his/her interpretation of the Ordinance, it shall modify or reverse the decision accordingly.

175.19. Powers and Duties

B. In exercising the above-mentioned powers, the Board may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

Applicant:

OUELLETTE-KEUFFEL FAMILY TRUST
William Ouellette Trustee
40 STAGECOACH ROAD
DURHAM, NH 03824

Date of order: March 24, 2026

Deadline for application for appeal: April 25, 2026

Decision or Order of the Building Inspector/Code Enforcement Officer:

Building Permit Application number 26-0075, for property located at 40 Stagecoach Road, is **DENIED** as the proposal does not meet the requirements of the Durham Zoning Ordinances below:

ARTICLE XII.1 USE AND DIMENSIONAL STANDARDS

175-54. Table of Dimensions; R Zone 50 feet side setback.

By Durham's Building Inspector/Code Enforcement Officer:



Audrey Cline CEO



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

RECEIVED
Town of Durham
MAR 25 2026
Planning, Zoning
and Assessing

Fees paid \$451
123

VARIANCE

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

Name of Applicant WILLIAM OUELLETTE trustee of the Ouellette-Kewfel ^{FAMILY} Trust

Address: 40 STAGECOACH RD, DURHAM, NH. 03824

Phone # 603-902-3200 Email: ouel_kewf@msn.com

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

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

Location of Property: 40 STAGECOACH RD, DURHAM, NH 03824
(Street & Number)

Tax Map & Lot number Map 232 Lot 77

A Variance is requested from Article(s) XII.1 Section(s) 175-54 of the Zoning Ordinance to permit:

BUILDING A Garage and ell within the 50' setback

All applications must include a statement explaining how the applicant meets each of the five (5) statutory requirements for granting a variance, (A) through (E), which are found on page 2. The Zoning Board of Adjustment may consider the variance application incomplete if these five statements have not been addressed. In addition, all applications must be accompanied by adequate plans and exhibits.

Owner Authorization and Signature:

1. I/we do hereby authorize WILLIAM OUELLETTE, Elizabeth Kewfel to file this application with the Zoning Board of Adjustment, to appear before the Board and to act on my/our behalf.
2. I/we do hereby authorize members of the Zoning Board of Adjustment and/or staff to enter upon the property on the afternoon prior to the Zoning Board meeting for purposes of reviewing this application.
3. To the best of my/our knowledge the information contained in this application is complete and accurate.

Owner's Signature(s): William H Ouellette Date: 3/25/26

Owner's Signature(s): Elizabeth A Kewfel, Trustee Date: 3-25-26

PRINTED NAME(S): WILLIAM H. OUELLETTE Date: 3-25-26

PRINTED NAME(S): Elizabeth A. Kewfel, Trustee Date: 3-25-26

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 Application Addendum for 40 Stagecoach Ro, Durham NH

Existing Conditions

Our house, built before the zoning ordinance, sits within the sideline setbacks. The original part of the house is the homestead of the "Old Malek Farm," which was subsequently separated from the portion in Newmarket.

Statutory Requirements

The Variance will not be Contrary to the Public Interest

The purpose of the 50-foot set back is to maintain the rural character of the area. Our minimal encroachment on the setback does not impinge on our neighbor's physical space. Our property, which is unique in our day and age, is 23 +/- acres, comprised mostly of fields, some forest and several amazing rocky ledges and cliffs. We keep our property open to the public for hunting, dog walking, bird watching, etc. Our house sits on the very SE corner of our property and is hidden from others. The plan will not impinge on the value of the neighbor's property, but it will enhance the value for all involved.

The Spirit of the Ordinance is Observed

With our house, tucked away in a forgotten corner of Durham, the rural character of having large lots is maintained.

Substantial Justice is Done

The justice here is a personal one. The convenience of having a garage is a major consideration of modern living. After 29 years in our home, we desire the same standards as the majority of properties in our area. We see no harm to the general public as our house and proposed addition will not be visible from any of abutter's properties. It will not diminish the value of neighboring properties, but it will enhance its value.

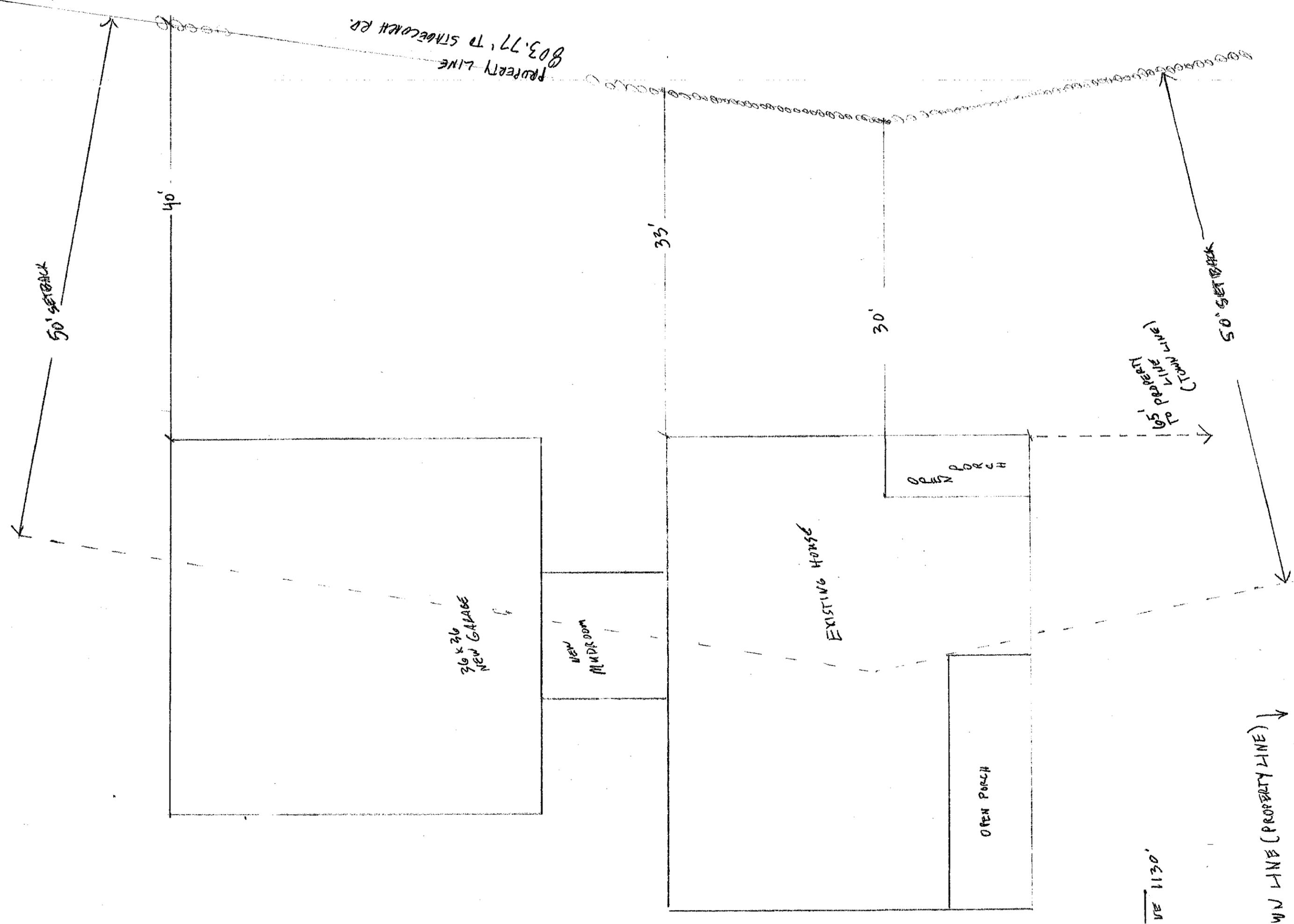
The Value of Surrounding Properties are not Diminished

As stated above, our house and proposed garage are well hidden from our neighbors. On the sideline, that is in question, is an 18-acre parcel owned by Pam Lovejoy. She told us she has no objections to the setback requirements. Her house is about 850 feet from our house. The next closest neighbors on Simons Lane are at least 1200 feet from our house. We feel that adding a garage to our property would not devalue or detract from the abutter's properties, but would enhance the comparable value of the neighboring properties as a whole.

Hardship

While all properties are unique, ours provides only a small space available for a new garage. We have a steep bank that goes down to our vegetable garden and our cultivated blueberries and asparagus. Additionally, the front of our house is severely compromised by an outcropping of ledge and our well. The existing septic system also precludes putting the garage outside of the setback.

We're severely limited by the physical limitations of the conditions surrounding the house. If we were not granted a variance and asked for an alternative, the physical surroundings would force us to have a garage a significant distance from our house which would make the structure less useful to us and any future owners, more expensive to build (require a longer driveway, not attached to the house, among other inconveniences). We're left with no other options for the location of the garage.



PROPERTY LINE
803.77' TO STROCKMATH RD.

50' SETBACK

40'

33'

30'

50' SETBACK

105' PROPERTY LINE CLEARANCE

NEW GARAGE
36 x 36

NEW
MUDROOM

EXISTING HOME

OPEN PORCH

OPEN PORCH

VE 1130'

WV LINE (PROPERTY LINE)