



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: Robert Kendall, 5 Fox Hill Road, Durham NH 03824

Date of order: May 17, 2026

Deadline for application for appeal: June 19, 2026

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

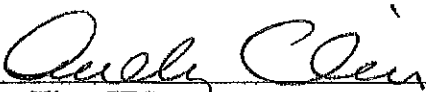
Building Permit Application number 26-144, for property located 5 Fox Hill Road, Durham; Map & Lot 215/36, is **DENIED** as the proposal does not meet the requirements of the Durham Zoning Ordinance below:

ARTICLE XX STANDARDS FOR SPECIFIC USES

B. Accessory Buildings for Single-Family Use.

6. The building shall not be located forward of the front façade of the house.

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

JUN 01 2026

Planning, Zoning
and Assessing

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.

Fees paid
9061
\$ 361.

Name of Applicant Robert Kendall

Address: 5 Fox Hill Rd Duham NH 03824

Phone # 408-219-4193

Email: bob.kendall@globedge.net

Owner of Property Concerned Same

(If same as above, write "Same")

Address: Same

(If same as above, write "Same")

Location of Property: 5 Fox Hill Rd Duham NH 03824

(Street & Number)

Tax Map & Lot number 215/36

A Variance is requested from Article(s) XX Section(s) B.6 of the Zoning Ordinance to permit:

Building permit application 26-144 to allow a 12' x 12' storage shed on the front side of house

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 _____ 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): Robert Kendall Date: 05/29/2026

Owner's Signature(s): Elena Kendall Date: 06/04/2026

PRINTED NAME(S): Robert Kendall Date: 5/29/2026

PRINTED NAME(S): Elena Kendall Date: 06/04/2026

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 Statement and Statutory Requirements

The building permit request is for a 12' x 12' storage shed to be used for landscape equipment and other such tools. No electrical or plumbing resources are to be installed. Attached here is a technical drawing of the shed and its placement on the property. Also, there are some pictures that show where the shed is to be situated.

Because the house is built up to the rear offset line for the estuary, there is no extra space behind the house to place such a storage shed. To avoid the side offsets and limit the visibility of the shed from the street, a targeted space that is to the side and in front of the house is being proposed. Visibility to this space is shielded from view from the street by a natural hill and large boulders. This topology also minimizes its appearance when approaching the house up the driveway.

In addition, this placement of the shed would keep it further away from the estuary border, a goal of recent conservation proposals.

Statutory Requirements

(A) The variance will not be contrary to the public interest

Because the proposed location cannot be seen from the street and because it is behind the façade of the one adjacent house that will be able to see it, the shed should not provide the basis for objection.

Also, because the back of the house faces the estuary, it would be more supportive of Durham Village conservation goals. As this structure will be towards the front of the property, it will be further away from the rear property line and the estuary.

(B) The spirit of the ordinance is observed

The intent of the ordinance here is to preserve the look and value of the neighborhood. Being in a location that is hidden from the road and hidden from the estuary view, it is in the best place to maximize the experience for the neighborhood and support property values.

(C) Substantial justice is done

For this property, the proposed location is a win-win for all parties. It provides a necessary function, contributes to the value of the property, and supports the aesthetic of the house.

(D) The values of surrounding properties are not diminished

This storage shed will add to the value of the property by proving a very practical function to the home. Its placement in the proposed location will have no visibility from the road or from the estuary. By being out of the line of sight for the home, it will protect the aesthetic view of the home as it is approached from the driveway.

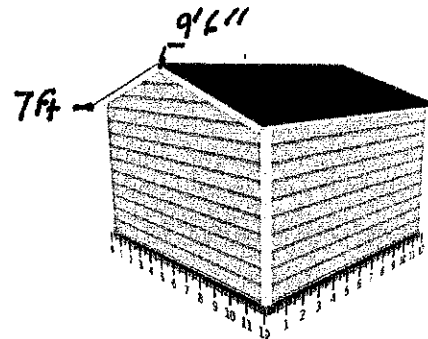
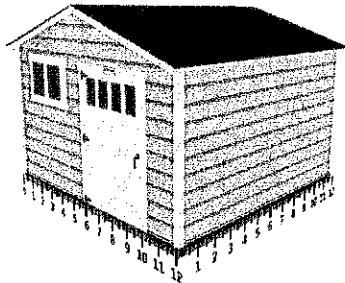
(E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship

Having a location to store landscaping equipment, tools and outside materials is a common practice for any home. Because of the placement of the house and the extensive setbacks, there are limited places to place this storage shed and virtually none behind the house. After discussion with our architect and home builder, the proposed site would be the best location for an unobtrusive storage shed that would have minimal impact on all.

It is reasonable to allow such a storage shed to provide a necessary function for the property, considering that the proposed location is the most advantageous for the increase value of the property and the aesthetic of the neighborhood.

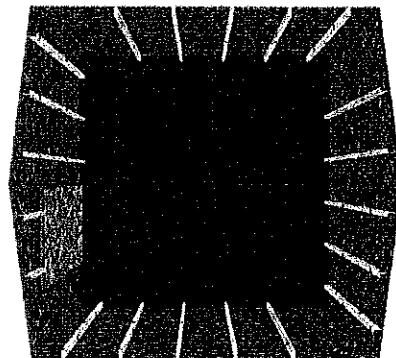


Robert Kendall
5 Fox Hill Road
Durham NH 03824
Q12469843-12425837



Wall D

Wall A



Wall C

Wall B

Base Details/Permit Details

Building Size & Style

TR-700 - 12' wide by 12' long

Door

4' x 6'2" Single Shed Door, Left Hinge
Placement, WHITE In Door Vertical
Transom (4' door), Diamond

Siding Colors

Base: Vinyl Tan, Trim: Nantucket White,
Accent (Doors): Nantucket White

Roof Selection

Charcoal Dimensional Premium Shingle

Drip Edge

White

Is a permit required for this job?

No, If local jurisdiction requires a permit,
fees will be added before installation
can take place

Optional Details

Windows

3'x2' Insulated Horizontal Sliding
Window

Walls

345 Sq Ft House Wrap
345 Sq Ft Vinyl Siding with OSB

Roof

24 Lin Ft 4" Gable EW Eave Upgrade

Floor and Foundation

144 Sq Ft 3/4" Treated Floor Decking
Upgrade

Interior

2 Ea Shed Light

Jobsite/Installer Details

Do you plan to insulate this building after
Tuff Shed installs it?

Yes

Is there a power outlet within 100 feet of
installation location?

Yes

The building location must be level to
properly install the building. How level
is the install location?

Will there be 18" of unobstructed
workspace around the perimeter of all
four walls?

Yes

Can the installers park their pickup truck &
trailer within approximately 200' of
your installation site?

Yes

Substrate Shed will be installed on?

Dirt/Gravel

Customer Signature: _____ Date: _____

