



TOWN OF DURHAM
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Town Planner's Review
Wednesday, March 22, 2017

X. ***Public Hearing - 15 Main Street dormer.*** Conditional use to add dormer at rear of house at 15 Main Street. Enlargement of nonconforming use for a single-family dwelling with more than three unrelated residents in a dwelling unit. No additional occupants are contemplated. Peter Murphy, property owner. Nick Isaak, architect. Church Hill District and Historic District. Map 5, Lot 2-2.

- I recommend approval as stated below including an approval for the height to exceed 30 feet but be less than 35 feet (at reasonable discretion of the Planning Board), subject to a satisfactory review of the eight conditional use criteria.

Please note the following:

- 1) **Criteria.** Pete Murphy is sending over his response to the eight conditional use criteria. I should have them for the packets.
- 2) **Height of dormer.** The height of the dormer will be 30' 4-1/8". The height limit in the Church Hill District is 30 feet or 35 feet at the reasonable discretion of the Planning Board. I recommend approval of the height, which will be under 35 feet and 4-1/8" over the 30 foot base limit. Under the zoning ordinance building height is measured from the midpoint of the roof (halfway between eave and ridge). This height may be approved at the reasonable discretion of the Planning Board. I recommend approval as: a) the height exceeds 30 feet by only 4-1/8", b) the dormer is located at the rear of the building, and c) the existing ridge already exceeds that height.
- 3) **Sign.** The conditional use sign for the public hearing is in place.
- 4) **Revised plans.** See the revised plans. Note that the labels for the east and west elevations and for the north and south elevations on Sheet A3.0 should be switched.
- 5) **HDC approval.** The HDC approved the design for the dormer on March 2 subject to Planning Board approval of the conditional use. In the event that the conditional use is not approved the HDC approval will be null and void. Mr. Murphy had proposed also adding a dormer on the front but he removed that from his application.
- 6) **Rooms and occupants.** Mr. Murphy proposes to add 2-1/2 bathrooms. He says that the total number of bedrooms will remain at 7 and the occupants at 10.
- 7) **TRG.** I have forwarded the updated information to the Technical Review Group. If I receive any additional comments, I will pass them on to the board.

Draft
NOTICE OF DECISION

Project Name: 15 Main Street – Conditional Use for expansion and dormer
Action Taken: APPROVAL
Project Description: Installation of rear dormer and addition of bedroom and 2-1/2 bathrooms on the interior
Address: 15 Main Street
Applicant: Pete Murphy
Property Owner: Peter Murphy
Architect: Nick Isaak
Map and Lot: Map 5, Lot 2-2
Zoning: Church Hill
Date of approval: March 22, 2017

The application is approved as submitted subject to the following terms:

- 1) Height of dormer. This approval includes an approval to exceed the 30 foot height limit, but not the 35 foot limit (allowed at the discretion of the Planning Board). The height of the dormer will be 30’ 4-1/8”.
- 2) Occupancy. The building is approved for 7 bedrooms and 10 occupants. There shall be no additional bedrooms created and no occupants beyond 10 (unless approved as a subsequent conditional use in accordance with the Zoning Ordinance). Bedrooms are located (or proposed to be located) on the basement, first, second, and attic levels.
- 3) Building permit. A building permit is required for the changes. The applicant is encouraged to coordinate with the Building Official at his earliest convenience, as there may be some strict code requirements.
- 4) Findings of fact:
 - a) The property is a “single family dwelling,” which is permitted in the Church Hill zone because it is one dwelling unit. Because there are 10 occupants where only 3 unrelated are allowed in this zone, the property is nonconforming in that regard.
 - b) As a single-family dwelling this is not subject to site plan review, only conditional use review. It is subject to a conditional use because the proposal is to enlarge/expand a nonconforming use.
 - c) Two and a half bathrooms are being added to the building.
 - d) The Historic District Commission approved the application for the rear dormer on March 2, 2017 subject to approval of the conditional use.