

Please send this form with Plot Plan and List of Abutters to the Town of Durham, 15  
Newmarket Rd., Durham, NH 03824, Attn: Zoning Board of Adjustment.

RECEIVED  
Town of Durham  
JUN 18 2014

**Appeal for Applicant**

Planning, Assessing  
Strafford, SS  
and Zoning

State of New Hampshire

To: Zoning Board of Adjustment, Town of Durham NH 03824

Name of Applicant: Young Drive LLC AT Francis Chase

Address: 14 New Zealand Rd Box 2815 Phone # 603 944 0830  
Seabrook NH 03874

Email: \_\_\_\_\_

Owner of Property Concerned: Young Drive LLC  
(If same as above, write "Same")

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

Location of Property: Young Drive  
(Street & Number, Subdivision and Lot number)

Description of Property (Give Tax Map number, length of frontage, side and rear lines  
and other pertinent descriptive information) 4-42

\_\_\_\_\_  
\_\_\_\_\_

**Fill in Section 1, 2, 3 or 4 below as appropriate. Do not fill in more than one section.  
This application is not acceptable unless all required statements have been made.  
Additional information may be supplied on separate sheets if the space provided is  
inadequate.**

**SECTION 1: APPEAL FROM AN ADMINISTRATIVE DECISION**

Appeal must be filed no later than 30 days from the date of the original decision.

Relating to the interpretation and enforcement of the provision of the Zoning Ordinance.

Decision of the enforcement officer to be reviewed: Denial of building permits  
May 20 2014 Number \_\_\_\_\_ Date \_\_\_\_\_

Article 175 Section 29 of the Zoning Ordinance in question.

also whether property is subject to zoning  
Articles and zones passed after approval

YOUNG DRIVE LLC  
c/o Francis Chase  
14 New Zealand Road  
PO Box 2815  
Seabrook NH 03874

Town of Durham  
Zoning Board of Adjustment  
15 Newmarket Road  
Durham NH 03824-2898

June 12, 2014

**RE: REQUEST FOR APPEAL OF ADMINISTRATIVE ZONING DECISION**

Young Drive LLC requests an appeal from an Administrative Zoning Decision issued May 20, 2014 by Thomas F. Johnson, Zoning Administrator for the Town of Durham NH.

This appeal is based upon the following points indicated in this decision:

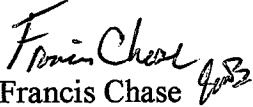
1. **YOUNG DRIVE LLC REQUIRES A VARIANCE TO CONSTRUCT RESIDENTIAL STRUCTURES ON THE EXISTING LOTS ON YOUNG DRIVE.**

The Town of Durham concedes that the Young Drive subdivision is substantially complete and meets the requirements of RSA 674:39. The Town also concedes that the Young Drive subdivision is protected from changes in the zoning ordinance, subdivision or site plan review regulations that occurred since 1966. However the Town has opined that this only allows the owners of the Young Drive subdivision to possess "Vacant Lots". The intent of the statute, the intent of the zoning requirements, and case precedent do not bear this out. To state that a land owner has vested ("Grandfathered") rights but only to have vacant lots does not make sense. If such were the case, what would be the purpose of vested rights?

The Zoning Administrator has determined that the current lots do not meet the current minimum lot size and would therefore require a variance because they are non conforming lots. These lots were pre-approved by the Town of Durham, are recorded lots of record, and are being taxed by the Town of Durham as "residential building lots". If it is now determined that these lots are non conforming and not residential in nature, Young Drive LLC would have to initiate proceedings for tax abatements dating back to 1966.

The administrative decision also requires that Young Drive LLC request variances to construct residential structures in the Coe's Corner Zoning District. This zoning district does not allow for the construction of residential structures or duplex units. The Coe's Corner Zoning District did not exist in 1966. The Young Drive subdivision was an approved development of record before the Coe's Corner Zoning District existed.

Young Drive LLC respectfully requests that the Zoning Board of Adjustment overturn the administrative zoning decision dated May 20, 2014. That the Zoning Board of Adjustment also waive jurisdiction on matters related to the Young Drive development.

  
Francis Chase