



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

**AUDREY CLINE**  
Zoning Administrator  
Code Enforcement Officer  
Health Officer

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## 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:** Colonial Durham Associates LP, 7 Mill Road, Durham NH 03824

**Date of order:** 7.28.2017

**Deadline for application for appeal:** 8/28/2017

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

Your building permit application dated 7/27/2017 is *DENIED* due to noncompliance with the Durham Zoning Ordinances below:

#### **1.) Conditional Use Approval Required:**

Article XII, Section 175-53 Table of Uses

VII. COMMERCIAL & INDUSTRY USES

A. Principal Uses

Central Business (CB) Mixed Use with residential (office/retail down, multiunit residential up)

#### **2.) Drive-thru facility serving a Pharmacy is not permitted:**

175-53. Use Standards

A. Table of Uses.

5. Drive-through facilities other than as an accessory to a financial institution as set forth in the table below

~ over ~

**3.) Building of four floors shall have two floors of commercial use:**

ARTICLE XII

175-41. Central Business District (CB)

7. Maximum Height of Mixed-Use Buildings – The height of a new or redeveloped mixed use building that provides both residential and nonresidential space shall be a maximum of three (3) stories notwithstanding other height limitations. The first floor shall be nonresidential. However, if the building contains nonresidential uses on the first floor and one additional story of nonresidential, the maximum permitted height shall be four (4) stories. If the proposal is for a four (4) story building, the first floor shall be nonresidential and the remaining three floors shall consist of two residential and one nonresidential. However, see Sections 8 and 9 below for limitations to this provision

By Durham Building Inspector/Code Enforcement Officer:



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Audrey Cline CEO