



**TOWN OF DURHAM  
ZONING BOARD OF ADJUSTMENT**

8 NEWMARKET RD  
DURHAM, NH 03824  
PHONE: 603/868-8064  
www.ci.durham.nh.us

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Town of Durham

FEB 11 2020

Planning, Assessing  
and Zoning

**VARIANCE**

\$452 pd.  
2/11  
Check #  
6135

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

Name of Applicant MARK HENDERSON

Address: 1 MAIN ST., SUITE 16 DURHAM, NH 03824

Phone # 603-966-6820 Email: MHHENDERSON68@GMAIL.COM

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

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

Location of Property: 1 MAIN ST., SUITE 16  
(Street & Number)

Tax Map & Lot number 10-2-5

A Variance is requested from Article(s) 175 Section(s) 28 of the Zoning Ordinance to permit: 53

THE CONVERSION OF OFFICE SPACE TO A RESIDENTIAL APARTMENT

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. (See page 3 for guidance.) 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.

## Statutory requirements for granting a variance:

- a) **The variance will not be contrary to the public interest:** This area of town is completely occupied by rental housing and this space would conform to all of the surrounding properties with the exception of the Durham Town Hall.
- b) **The spirit of the ordinance is observed:** I do not believe I am “enlarging” a previously approved nonconforming use but actually converting it to a use that was approved back in 1993.
- c) **Substantial justice is done:** the current owner and management of the property since his ownership in 2005, is a testament to his level of professionalism and attention to his properties, and therefore would seek to convert this space to a more conforming use of the rest of the existing properties
- d) **The values of surrounding properties are not diminished:** the office space is currently occupied by the owner of the building and is used as a management office for their rental property business. The entire building and all surrounding buildings of the space are rental properties with the exception of the Durham Town Hall.
- e) **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:** the owner is trying to move his office up to 28 Main St (another building they own) to increase his visibility and marketability to his clientele and take advantage of the vehicular and foot traffic of the Central Business District. This granting of this variance is twofold; 1) would be the conversion of the existing office space to a more conforming use within 1 Main St which currently has 13 apartments and 1 office space (the subject), and 2) filling 28 Main St, the Ballard Building, with a long term tenant who has owned the property since 1993. This property has not had a consistent tenant since May 2019 and currently sits vacant – it is the gateway property to our downtown.

1 Main St Apt 16

1 sq = 1 ft

TOTAL SQ FT 836

