



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: Henderson Family Properties LLC, 1 Main ST., Suite 16, Durham, NH 03824

Date of order: January 29, 2020

Deadline for application for appeal: March 2, 2020

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

Building Permit number 20-29 is DENIED as the proposal is not permitted under Durham's Zoning Ordinances below:

175-53. Table of Land Uses

Multi-unit is not an allowed use in the Church Hill Zone

175-28. Nonconforming Uses.

D. Enlargement of a Nonconforming Use. A nonconforming use may be expanded only upon the approval and issuance of a conditional use permit, within the confines of the lot or parcel of land upon which it was located at the time of the adoption or amendment of these regulations; provided, however, that the land area and/or size of the building or the structure being used for said nonconforming use at the time of the adoption or amendment of these regulations is not increased by more than fifty (50) percent.

The file history indicates that the property took advantage of a 50% increase in dwelling units allowed as an expansion of a non-conforming use (multi- unit) in the early 90's, therefore Section 175-28 may not be applied again.

By Durham's Building Inspector/Code Enforcement Officer:



Audrey Cline CEO