



**TOWN OF DURHAM  
ZONING BOARD OF ADJUSTMENT**  
8 NEWMARKET RD  
DURHAM, NH 03824  
PHONE: 603/868-8064  
www.ci.durham.nh.us

RECEIVED  
Town of Durham  
FEB - 5 2021

Planning, Assessing  
and Zoning

**VARIANCE**

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.

\$452 p.d.  
219 Check#  
6430

Name of Applicant Maek Henderson

Address: 28 Main St. Durham, NH 03824

Phone # 603-966-6820 Email: MAEKHENDERSON68@GMAIL.COM

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

Address: 1 Main St.  
(If same as above, write "Same")

Location of Property: 1 Main St.  
(Street & Number)

Tax Map & Lot number 5/2/5

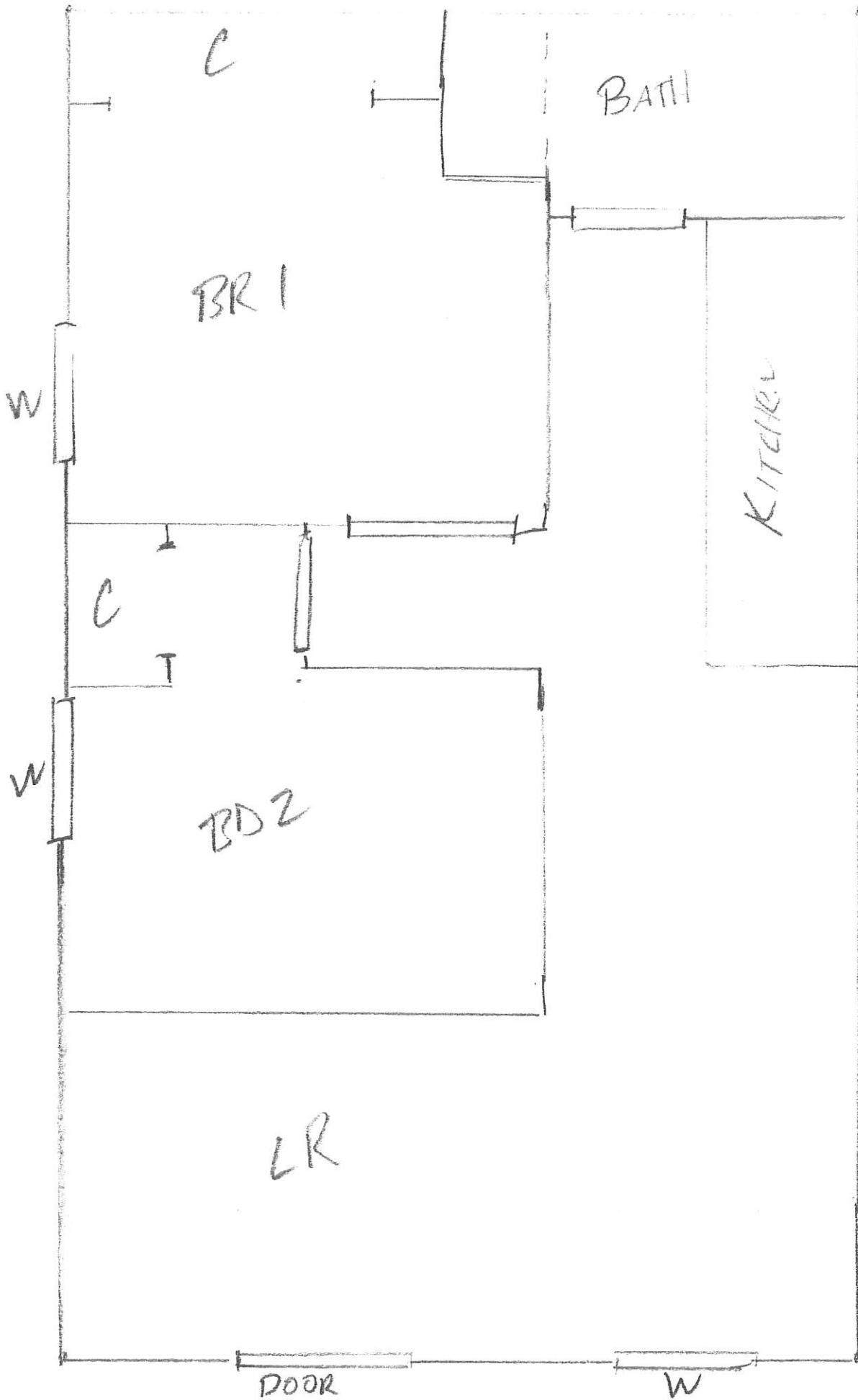
A Variance is requested from Article(s) IX Section(s) 175-28 of the Zoning Ordinance to permit: XX.1 175-53

THE APARTMENT IN QUESTION IS #14 - A 2 BEDROOM  
1 BATH, 650 SQ FT. LOCATED AT 1 MAIN ST.

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. 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:** The allowance of this additional apartment within 1 Main St will be consistent with all other buildings on this property -1,5,9 Main St – all professionally managed student apartment buildings.
- B) **The spirit of the ordinance will be observed:** My understanding is that this apartment was originally office space and was converted to an apartment. The original Planning Board approval of this project allowed for no more than 50% increase in the number of apartments as existed in 1993. This apartment along with my recent office space conversion to an apartment which was approved by the ZBA in 2020 would then go against the original plan approved by the PB back in 1993. My feeling is that as long as the units – both #14 and #15 are approved by the Fire Department with adequate health and fire safety equipment then the ordinance will be observed.
- C) **Substantial justice is done:** If the Town assessor agrees that the appropriate units are being assessed correctly and the property taxes being paid cover those units then I believe justice is done. Also to note, if the Fire Department approves the existing sprinkler system and pending installation of the alarm system then justice will also be done.
- D) **The values of the surrounding properties are not diminished:** The value of 1 Main St is based on its potential of income, which inherently is based on units and number of beds that it contains. In summary, the more units and beds allowed the higher the value. Professional management and being adjacent student apartment buildings will not diminish the value of the surrounding properties.
- E) **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:** I bought the building under the premise of a certain number of units and beds, I believe that I have professionally managed and maintained the property since my purchase in 2005. If this apartment is deemed ‘non-conforming’ and not approved it would result in a hardship for me as the owner. For the record, I bought this building in 2005 after having it inspected by Code Enforcement Officer Tom Johnson and Mark Tetrault, Assistant Fire Chief to let me know if I was in compliance by zoning and fire safety regulations – both agreed it was. It contained 13 apartments, one garage, 1 office space, 29 beds. Today, due to economic and demographic changes I have 22 beds, including #15. A loss of 7 beds is a hardship in itself, the actual dollar figure could be close to \$90,000 loss in value per bed - \$630,000 total in property value.



1 MAIN ST  
APT 14  
APPROX  
650 SQ FT