



TOWN OF DURHAM  
8 NEWMARKET ROAD  
DURHAM, NH 03824  
Tel: 603/868-8064  
www.ci.durham.nh.us

Property Referenced:  
Tax Map 107, Lot 2

## ZONING BOARD OF ADJUSTMENT

RE: PUBLIC HEARING on a petition submitted by Eckman Construction Company, Bedford, New Hampshire, on behalf of Torrington Malden One LLC, Boston, Massachusetts, for an APPLICATION FOR VARIANCE from Article XII.1, Section 175-55(8) of the Durham Zoning Ordinance to permit the construction of two apartment units within the basement of an apartment building. The property involved is shown on Tax Map 107, Lot 2, is located at 22 Madbury Road, and is in the Professional Office Zoning District.

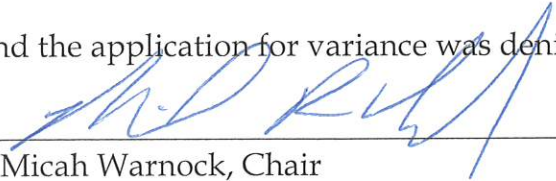
### DECISION OF THE BOARD

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by Eckman Construction Company and testimony given at a Public Hearing on June 14, 2022, a motion was made and seconded:

*that the Zoning Board of Adjustment deny a petition submitted by Eckman Construction Company, Bedford, New Hampshire, on behalf of Torrington Malden One LLC, Boston, Massachusetts, for an APPLICATION FOR VARIANCE from Article XII.1, Section 175-55(8) of the Durham Zoning Ordinance to permit the construction of two apartment units within the basement of an apartment building for failure to meet the spirit of the ordinance, substantial justice, and unnecessary hardship criteria.*

The motion PASSED on a vote of 4-0-0 and the application for variance was denied.

6/17/22  
Date

  
Micah Warnock, Chair  
Durham Zoning Board of Adjustment

**NOTE:** Any person affected by this decision has the right to appeal this decision. If you wish to appeal, you must act within thirty (30) calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds upon which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.

As per RSA 674:33 Variances and Special Exceptions shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

Any questions should be directed to Audrey Cline, Zoning Administrator/Code Enforcement Officer.