



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: LIN, QING, 9 PINECREST LANE DURHAM, NH 03824

Date of order: September 3, 2024

Deadline for application for appeal: October 10, 2024

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

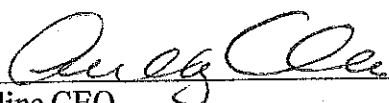
Building Permit Application number 24-00158, for property located at 15 Foss Farm Road, Durham; Map & Lot 113/102/0/0, is **DENIED** as the proposal does not meet the requirements of the Durham Zoning Ordinance below:

**ARTICLE XIII WETLAND CONSERVATION OVERLAY DISTRICT
USE AND DIMENSIONAL STANDARDS**

175-59. Applicability. A.2.d.

Setback/upland buffer strip RB zone is 75 feet

By Durham's Building Inspector/Code Enforcement Officer:



Audrey Cline CEO



**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

SEP 13 2024

Planning, Zoning
and Assessing

Fees = \$388
Paid # 274
9/18/24

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.

Name of Applicant Qing Lin

Address: 9 Pinecrest Lane Durham, NH 03824

Phone # 646-288-1868 Email: entlin85@gmail.com

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

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

Location of Property: 15 Foss Farm Rd Durham, NH 03824
(Street & Number)

Tax Map & Lot number 113/102/0/0

A Variance is requested from Article(s) XIII Section(s) _____ of the Zoning Ordinance to permit: Article XIII wetland conservation overlay district use and Dimensional standards

175-59, Applicability. A.2.d. Setback/upland buffer strip RD zone is 75 feet

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.

Owner Authorization and Signature:

1. I/we do hereby authorize _____ to file this application with the Zoning Board of Adjustment, to appear before the Board and to act on my/our behalf.
2. I/we do hereby authorize members of the Zoning Board of Adjustment and/or staff to enter upon the property on the afternoon prior to the Zoning Board meeting for purposes of reviewing this application.
3. To the best of my/our knowledge the information contained in this application is complete and accurate.

Owner's Signature(s): [Signature] Date: 9/13/2024

Date: _____

RSA 674:33 Powers of the Zoning Board of Adjustment:

I(a)The zoning board of adjustment shall have the power to:

- (1) Hear and decide appeals if it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and
 - (2) Authorize, upon appeal in specific cases, a **variance** from the terms of the zoning ordinance if:
 - (A) **The variance will not be contrary to the public interest;**
 - (B) **The spirit of the ordinance is observed;**
 - (C) **Substantial justice is done;**
 - (D) **The values of surrounding properties are not diminished; and**
 - (E) **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**
- (b)(1) For purposes of this subparagraph I(a)(2)(E), "**unnecessary hardship**" means that, owing to special conditions of the property that distinguish it from other properties in the area:
- (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (B) The proposed use is a reasonable one.
- (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
- (3)The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

EXPIRATION PERIOD FOR VARIANCES

Any Variances granted 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.

VARIANCE REQUEST TO ZONING ORDINANCE

**Town of Durham, New Hampshire
Zoning Board of Adjustment
8 Newmarket Road
Durham, NH 03824-2898**

**Applicant: Lin, Qing 9 Pinecrest Lane, Durham, NH 03824
Phone Number: (646) 288-1868 Email: Enlin85@Gmail.com
Deadline for Application: October 10, 2024
Location of Property Seeking Variance: 15 Foss Farm Rd. Durham, Map & Lot: 113/102/0/0**

**Pertaining to Zoning Ordinance:
Article XIII Wetland Observation Overlay
District Use and Dimensional Standards
175-59. Applicability A.2.d
Setback/upland Buffer Strip RB Zone is 75 feet**

Dear Board Members:

The attached letter submits a request for variance to the zone ordinance for the wetland buffer to allow a family dwelling to be built within existing standards and compliance. Ordinance Setback calls for a buffer of 75 feet, NH DES allowance is 50 feet and the residence meets 65'. The five supportive statements we submit are below:

1. The Variance Will Not Be Contrary to the Public Interest.	Even though the dwelling is set back at 65 feet, it still complies with the town's NH DES allowance up to 50' by narrowing the its design as much as possible from the wetlands buffer; thus, I believe minimal impact on the environment is achieved. The excavation of the driveway and foundation will flatten/reduce the existing steep grade contours; thereby, redirecting water drainage actually away from the wetlands. No plans for future encroachments or structures like pools will be placed within the buffer zone, demonstrating my commitment to the public's interest.
2. The Spirit of the Ordinance is Observed.	Roof drainage plans include stone along the dwelling foundation and rain gutters with leaders connected to underground drain pipes all directing water runoff towards Foss Farm road and away from the designated wetlands. This approach achieves effective stormwater management and aligns with the ordinance's intent to isolate and protect wetland ecosystems.

	<p>aligns with the ordinance's intent to isolate and protect wetland ecosystems.</p> <p>By reducing actual living space structure to 65' my dwelling actually exceeds NH DES standard for wetland buffers by 15' and encompasses the spirit of the ordinance.</p>
<p>3. Substantial Justice is Done.</p>	<p>By balancing development needs with environmental protection in narrowing the dwelling structure as much as possible to minimize encroachment; substantial justice is achieved.</p> <p>The dwelling will make use of solar panels and sport no external amenities intending a more natural view in respect to community interests.</p>
<p>4. The Value of Surrounding Properties are Not Diminished.</p>	<p>Aesthetic and functional improvements like the solar panels will reduce our carbon footprint.</p> <p>I commit to maintaining only native vegetation and avoid usage of lawn fertilizers; as well as, prompt removal of invasive species like poison ivy that could harm local wildlife and my family. By granting me the variance, I believe the surrounding or future properties will not be diminished.</p>
<p>5. Literal Enforcement of The Provisions of The Ordinance Would Result in an Unnecessary Hardship.</p>	<p>Literal enforcement of the 75' rule would impose an unnecessary hardship on me and the 65' variance would allow reasonable use of the property as intended for dwelling. The purpose of our new house plan is to include an ADU on the first floor for my aging parents and my two daughters now need independent larger rooms.</p> <p>As you know, the wetlands in that specific area are not yearly but only seasonal, bordered by two town roads that contribute a more negative impact with chemical pollutants than one dwelling.</p> <p>Also, the conditions of the existing property's steep grade contours will be flattened and drainage will mechanically reduce water runoff and erosion toward the wetlands with my planned improvements. I hope to have clearly established, that the variance is necessary for reasonable use of my property.</p>

Thank you for considering my request. I am committed to ensuring that the development enhances the wetland protection and its dwelling wildlife.

Respectfully,

Qing Lin,



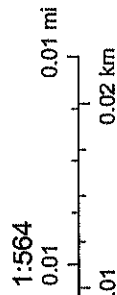
Date:

9/13/24

Town of Durham



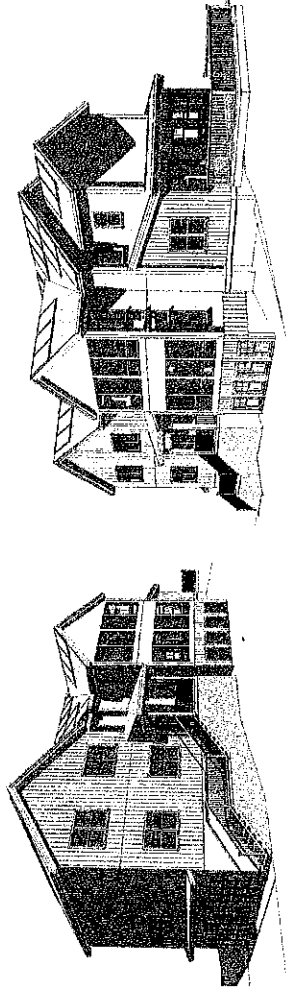
9/13/2024, 4:19:29 PM



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri, Nearmap,

The Town of Durham shall assume no liability for any errors.

LIN RESIDENCE 15 FOSS FARM ROAD DURHAM, NEW HAMPSHIRE



3 SOUTH WEST

4 SOUTH EAST



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SCALE:

LIN RESIDENCE
15 FOSS FARM
ROAD
COVER

Sheet Number: 220
Title: COVER
Checked by: [blank]
Checked by: [blank]

A000
Scale: As Indicated

SYMBOLS LEGEND:

VIEW NAME SCALE	TITLE	ROOM NAME ROOM NO.	ROOM DESCRIPTION	ROOM TITLE
DETAIL NO. SHEET NO.	BUILDING SECTION	CROSS		PARTITION TYPE TAGS
DETAIL NO. SHEET NO.	WALL SECTION	DOOR	WINDOW & STOREFRONT	DOOR, WINDOW, STOREFRONT TAGS
DETAIL NO. SHEET NO.	DETAIL	CEILING MATERIAL	DIAGONAL P.F.	CEILING TAGS
SECTION NO. SHEET NO.	EXTERIOR ELEVATION	TOP OF ROOF	FACE OF ROOF	MISC. SYMBOLS
ELEVATION NO. SHEET NO.	INTERIOR ELEVATION		CENTER LINE	

Sheet List

Sheet Number	Sheet Name
A000	COVER
A001	SITE PLAN
A002	SECTIONS
A003	FIRST FLOOR PLAN
A004	SECOND FLOOR PLAN
A005	ROOF PLAN
A006	FRONT AND REAR ELEVATION
A007	LEFT AND RIGHT ELEVATION
A008	SCHEDULES

MATERIALS LEGEND:

DETACHED ENTRY

[Symbol]	CONCRETE
[Symbol]	SHEDROOF
[Symbol]	GRAVEL
[Symbol]	ASPH/FLT
[Symbol]	STONE
[Symbol]	WOOD - FINISH
[Symbol]	WOOD - GULLAM
[Symbol]	WOOD DIMENSIONAL LLOORING
[Symbol]	WOOD SUDGING/OSB
[Symbol]	WOOD PARADECK/OSB
[Symbol]	INSULATION
[Symbol]	GLASS
[Symbol]	BRICK
[Symbol]	MASSWY - BRICK
[Symbol]	MASSWY - BLOCKING
[Symbol]	EPS
[Symbol]	STEEL

1 SYMBOLS LEGEND
1/4" = 1'-0"

2 MATERIALS LEGEND
1/4" = 1'-0"



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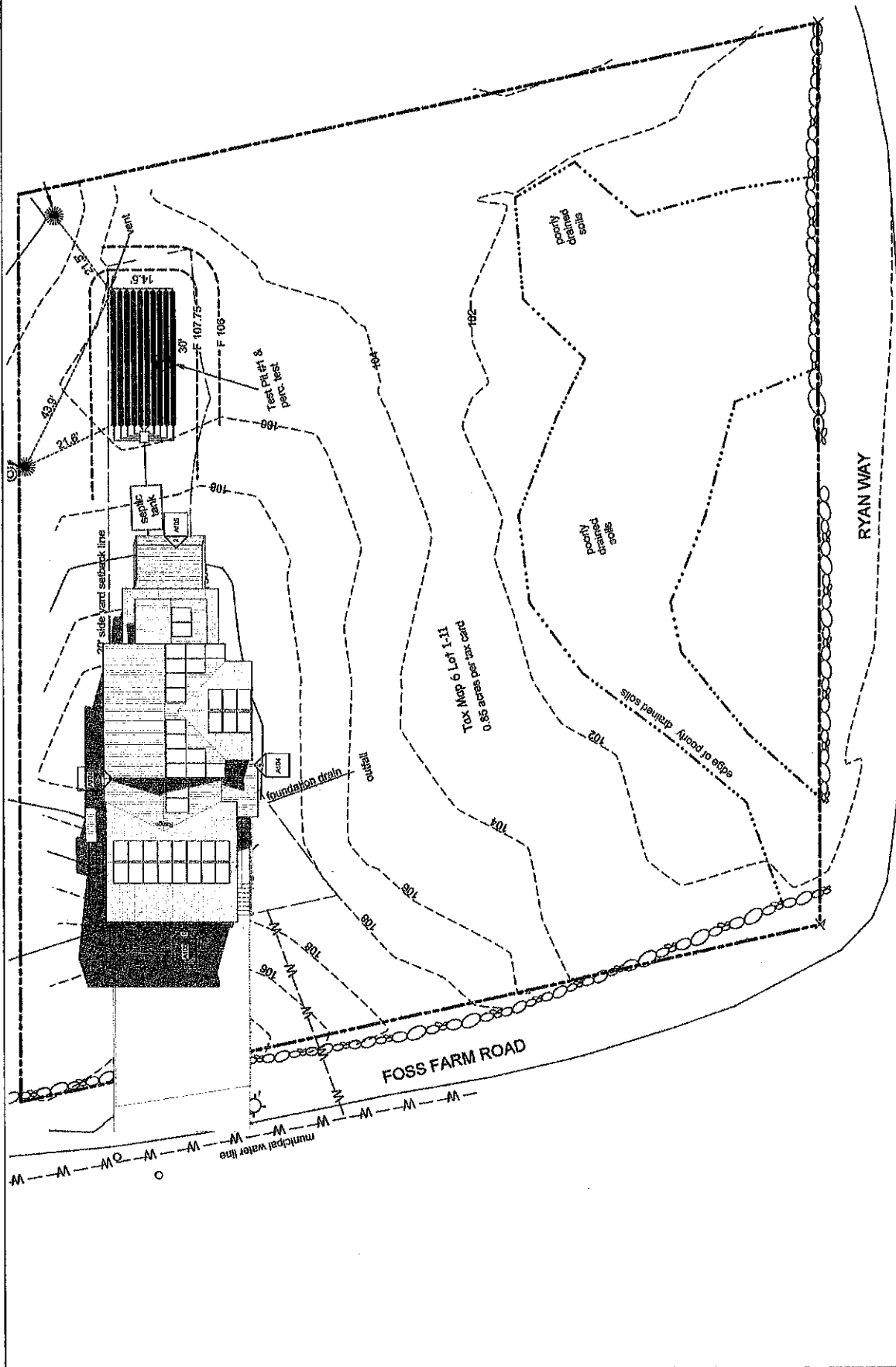
ISSUE

JIN RESIDENCE
 15 FOSS FARM
 ROAD

SITE PLAN

Project Number	2022
Date	04/11/24
Drawn by	RK
Checked by	Checker
Scale	3/32" = 1'-0"

A001



1 SITE PLAN
 SCALE 3/32" = 1'-0"





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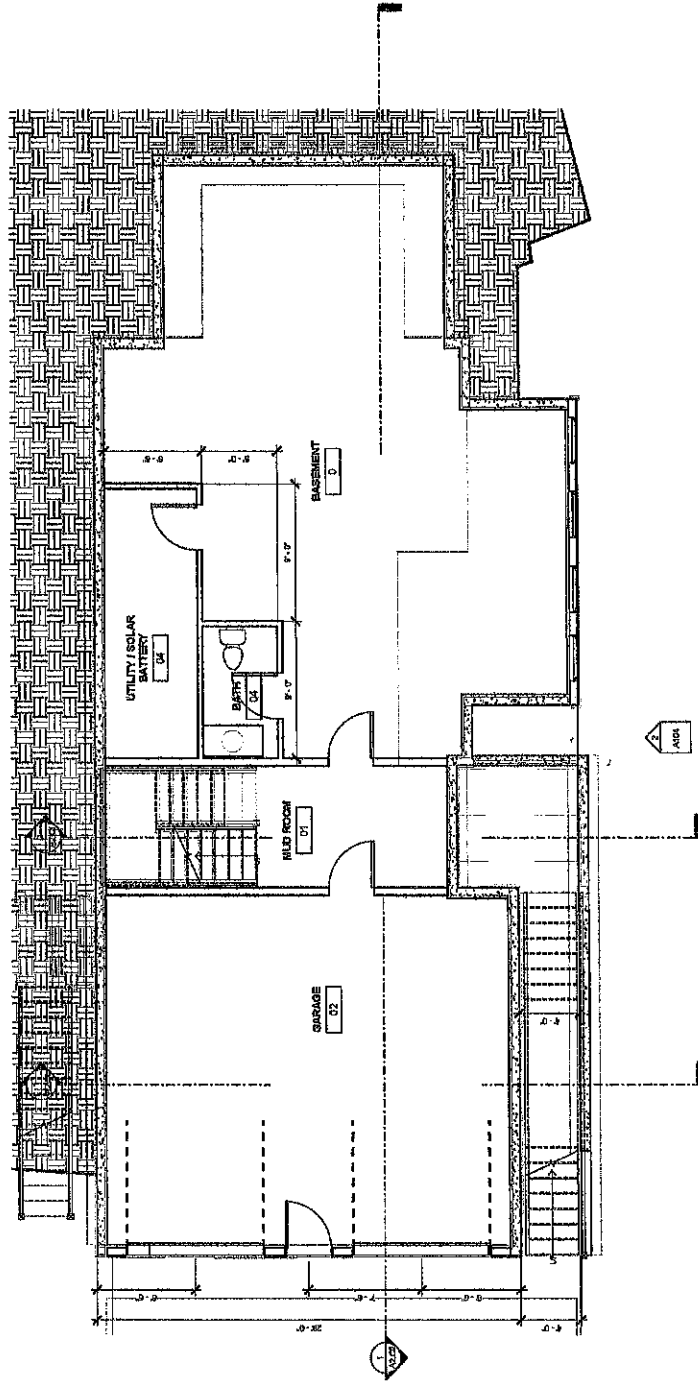
CONSULTANT:
ISAAC DESIGN, PLLC
15 FOSS FARMI ROAD
DUBLIN, NH 03824

SCALE:

LIN RESIDENCE
15 FOSS FARMI
ROAD

BASEMENT
FLOOR PLAN

Project Number	2322
Date	04/11/24
Drawn by	NI
Checked by	CS
A100	
Scale	1/4" = 1'-0"



1 BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"



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DATE:

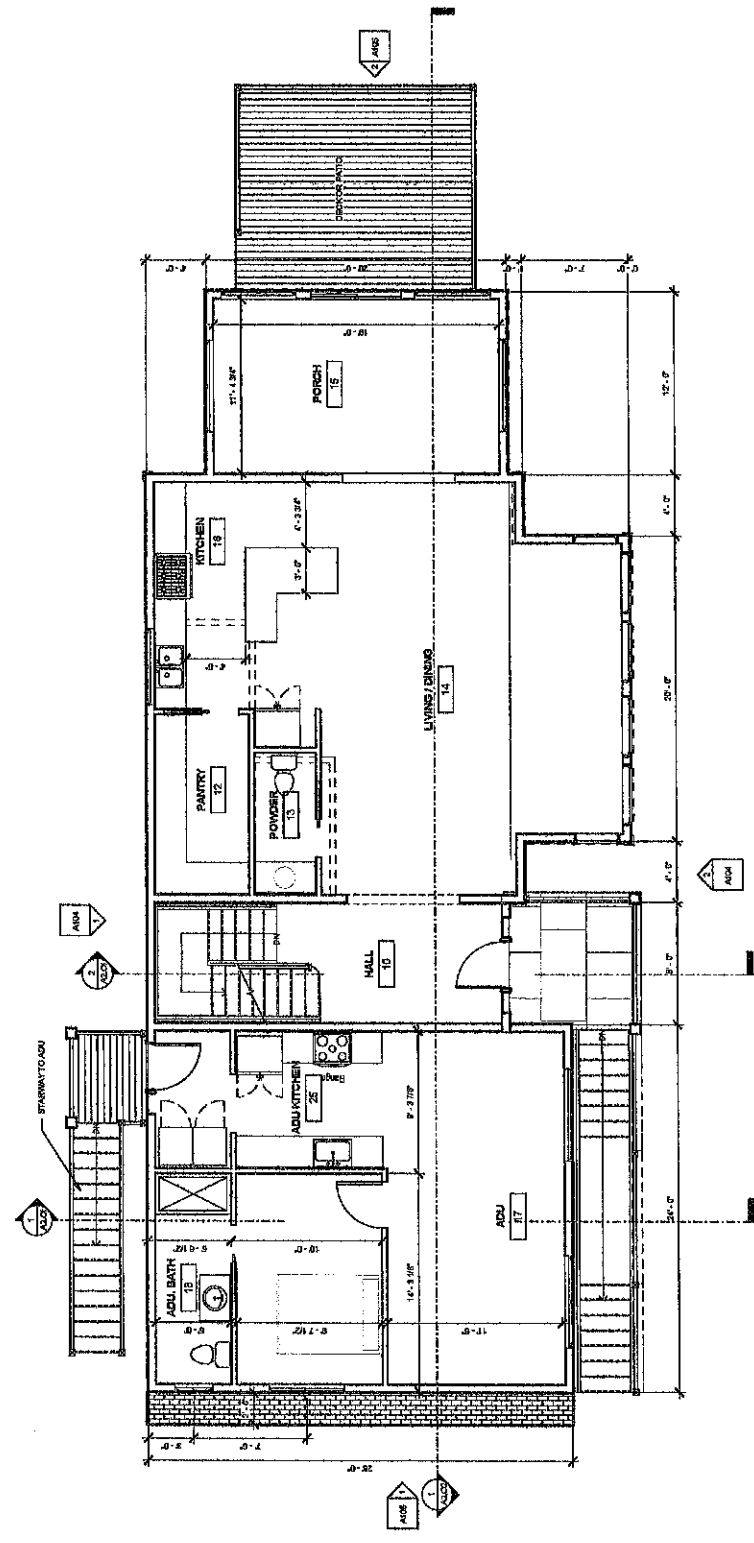
LIN RESIDENCE
15 FOSS FARM
ROAD

FIRST FLOOR
PLAN

Project Number	2023
Date	04/11/24
Drawn By	NS
Checked By	NS

A101

Scale: 1/4" = 1'-0"



1 FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"



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 ADDRESS:
 PHONE:
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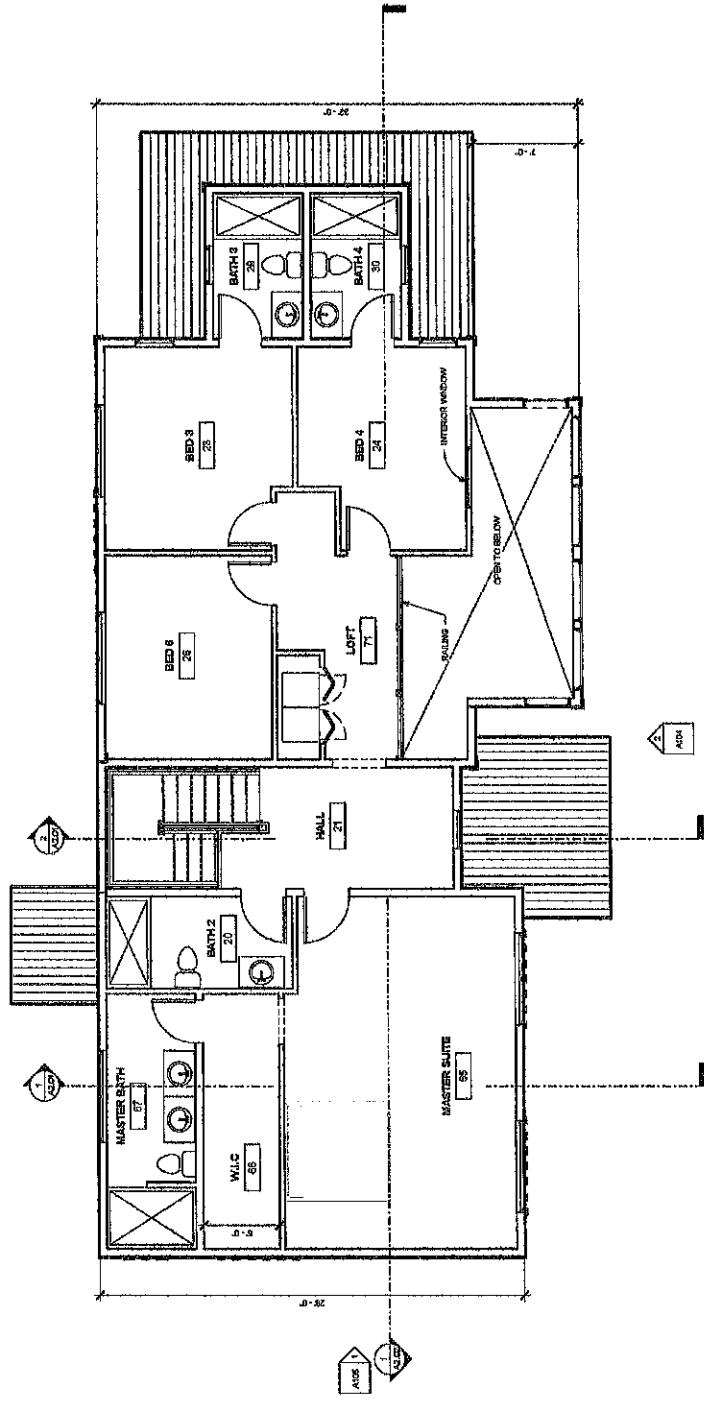
CONSULTANT:
 NAME:
 ADDRESS:
 PHONE:
 E-MAIL:

REVISIONS:

1 IN RESIDENCE
 18 FOSS FARM
 ROAD

SECOND FLOOR
 PLAN

Project number:	2502
Date:	04/11/24
Drawn by:	NE
Checked by:	NE
A102	
Scale:	1/4" = 1'-0"



1 SECOND FLOOR PLAN
 SCALE 1/4" = 1'-0"



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ADDRESS:
PHONE:

CONSULTANT:
ADDRESS:
PHONE:

DATE:

LIN RESIDENCE
15 FOSS FARM
ROAD

ROOF PLAN

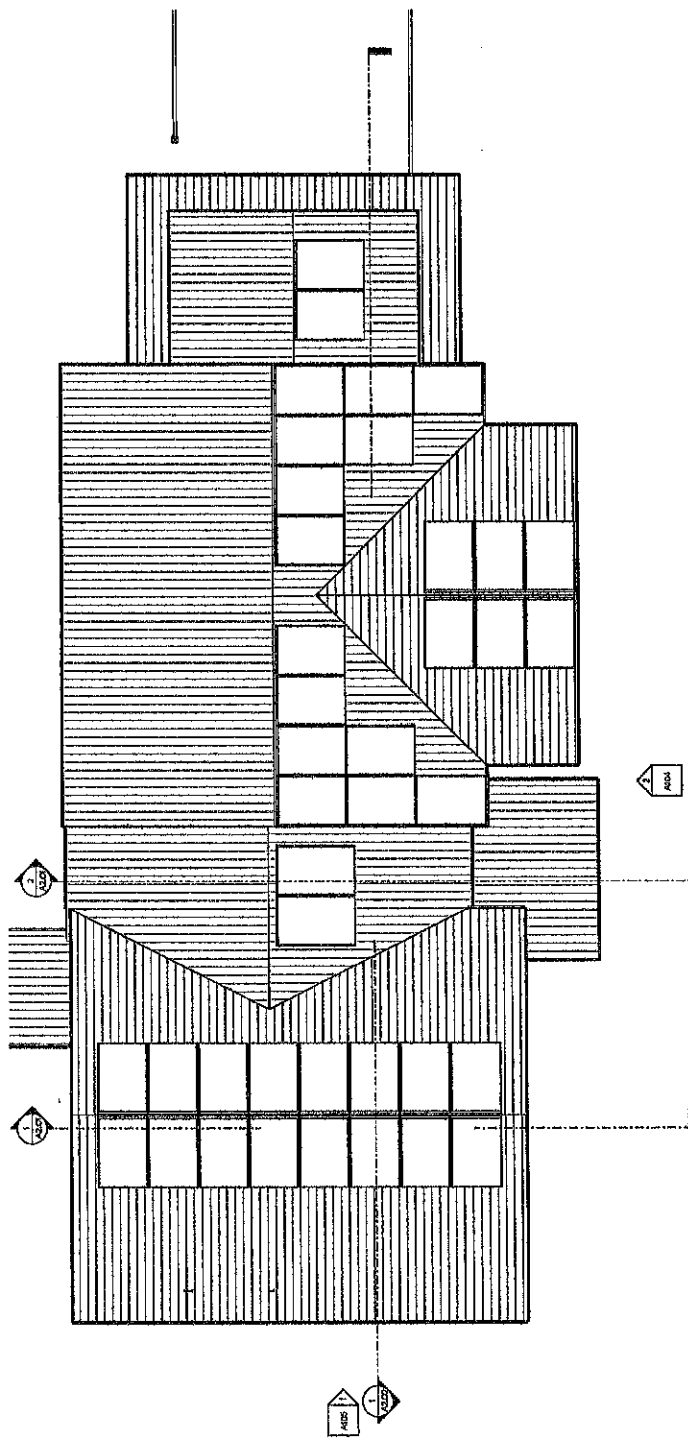
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Date	04/1/2016
Drawn by	Author
Checked by	Checker

A103

Scale: 1/16" = 1'-0"



TRUE NORTH
PROJECT NORTH



1 ROOF PLAN
SCALE: 1/16" = 1'-0"



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 15 FOSS FARM ROAD
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 ARCHITECT
 ADDRESS
 PHONE
 FAX

CONSULTANT:
 ADDRESS
 PHONE
 FAX

CONTACT:
 NAME
 ADDRESS
 PHONE
 FAX

REVISIONS

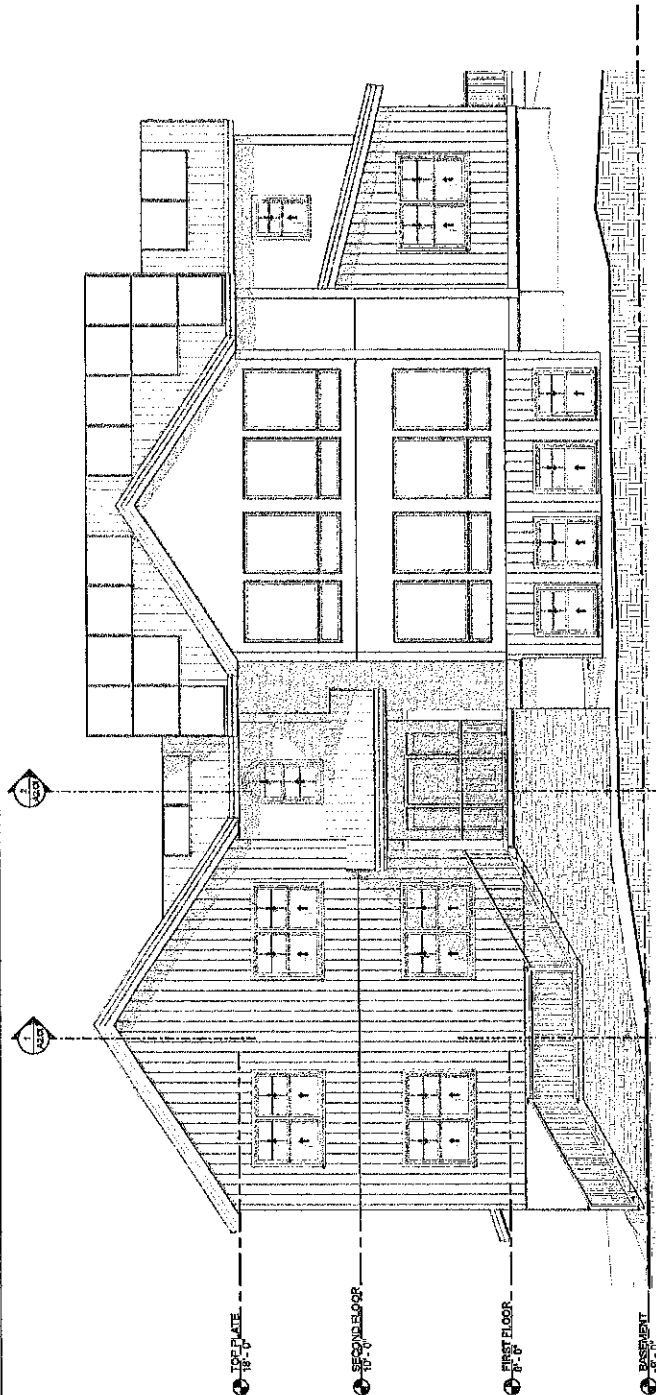
LN RESIDENCE
15 FOSS FARM
ROAD

FRONT AND
REAR
ELEVATION

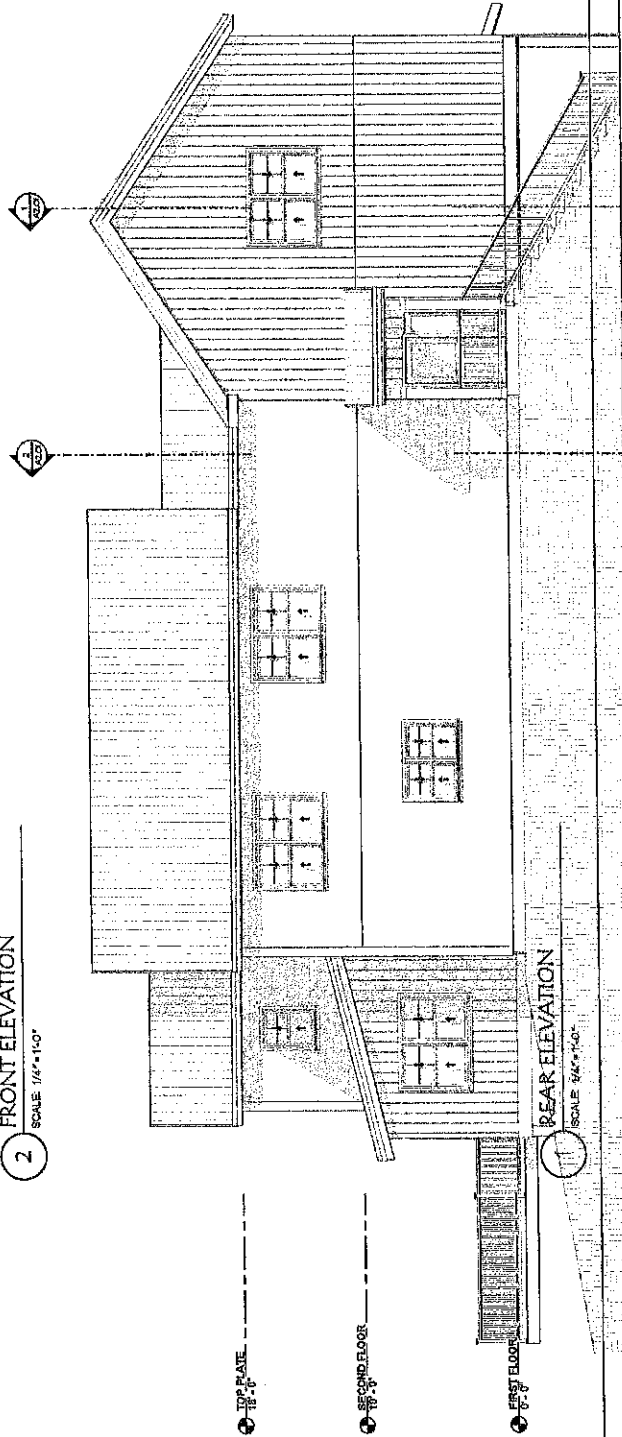
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 Date: 04/11/23
 Drawn By: CHADLER
 Checked By:

A104

1/8" = 1'-0"



2 FRONT ELEVATION
 SCALE 1/8" = 1'-0"



REAR ELEVATION
 SCALE 1/8" = 1'-0"



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 Phone

CONSULTANT:
 Address
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SCALE

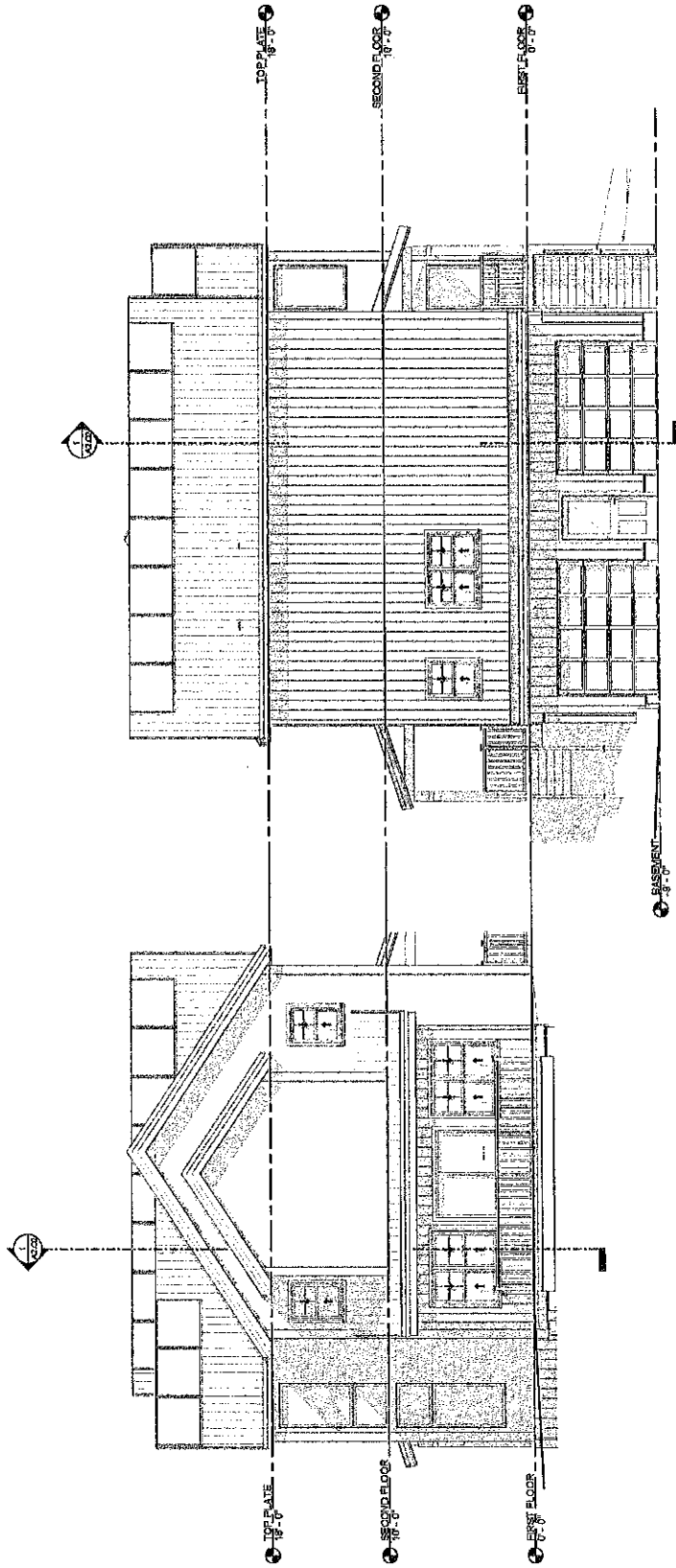
LIN RESIDENCE
15 FOSS FARM
ROAD

LEFT AND RIGHT
ELEVATIONS

Project Number: 2822
 Date: 05/11/24
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 Checked by: [blank]

A105

Scale: 1/4" = 1'-0"



1 LEFT ELEVATION
 SCALE 1/4" = 1'-0"

2 RIGHT ELEVATION
 SCALE 1/4" = 1'-0"



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REVISIONS

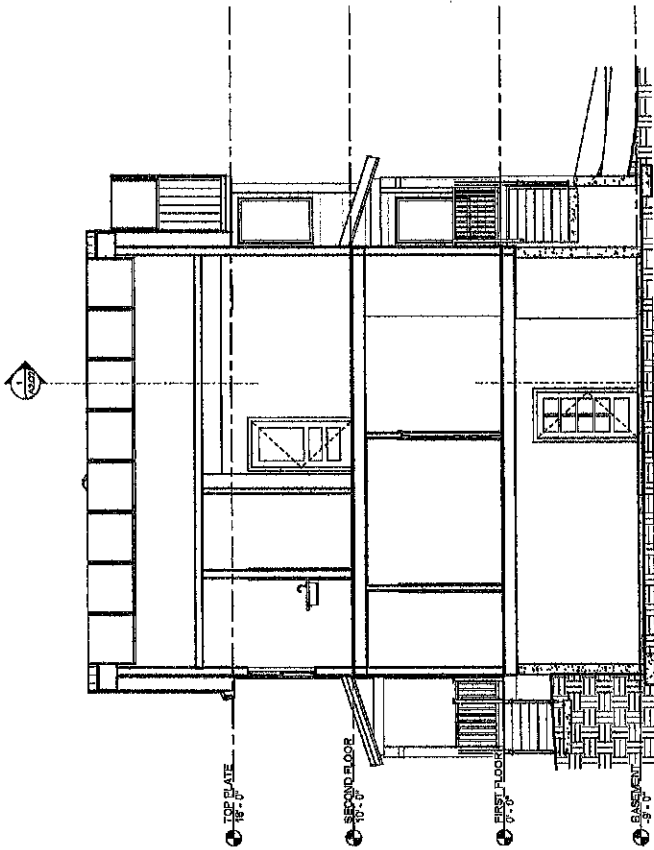
LIN RESIDENCE
 15 FOSS FARM
 ROAD

SECTIONS

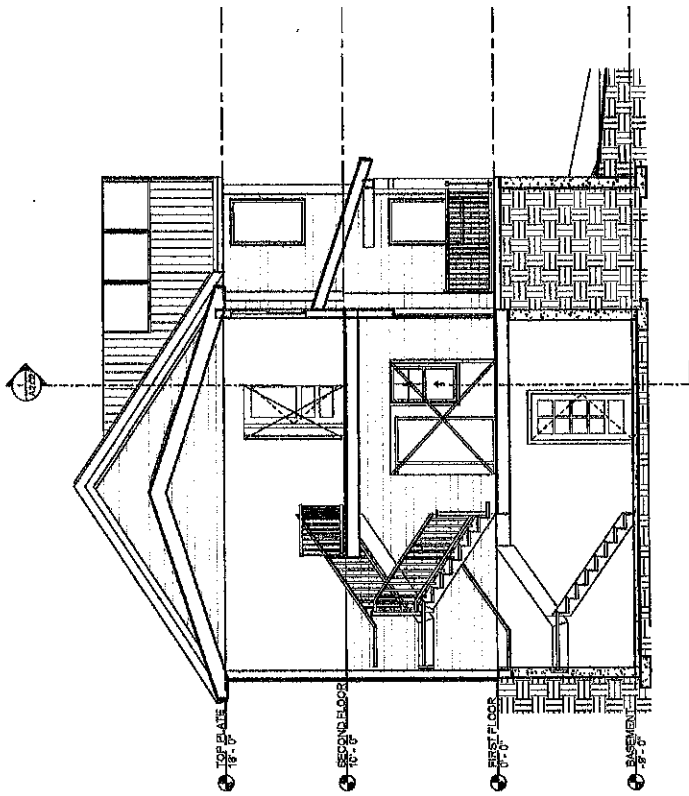
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 Drawn by: Author
 Checked by: Checker

A2.01

Date: 1/17/04



1 Section 1
 SCALE: 1/4" = 1'-0"



2 Section 3
 SCALE: 1/4" = 1'-0"



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CONTRACT NAME:
LJN RESIDENCE
ADDRESS:
15 FOSS FARM ROAD
CITY:
STATE:
ZIP:

CONTRACT NO. / DATE:
ADDRESS:
PHONE:
E-MAIL:

CONTRACT NAME:
LJN RESIDENCE
ADDRESS:
15 FOSS FARM ROAD
CITY:
STATE:
ZIP:

REVISIONS:

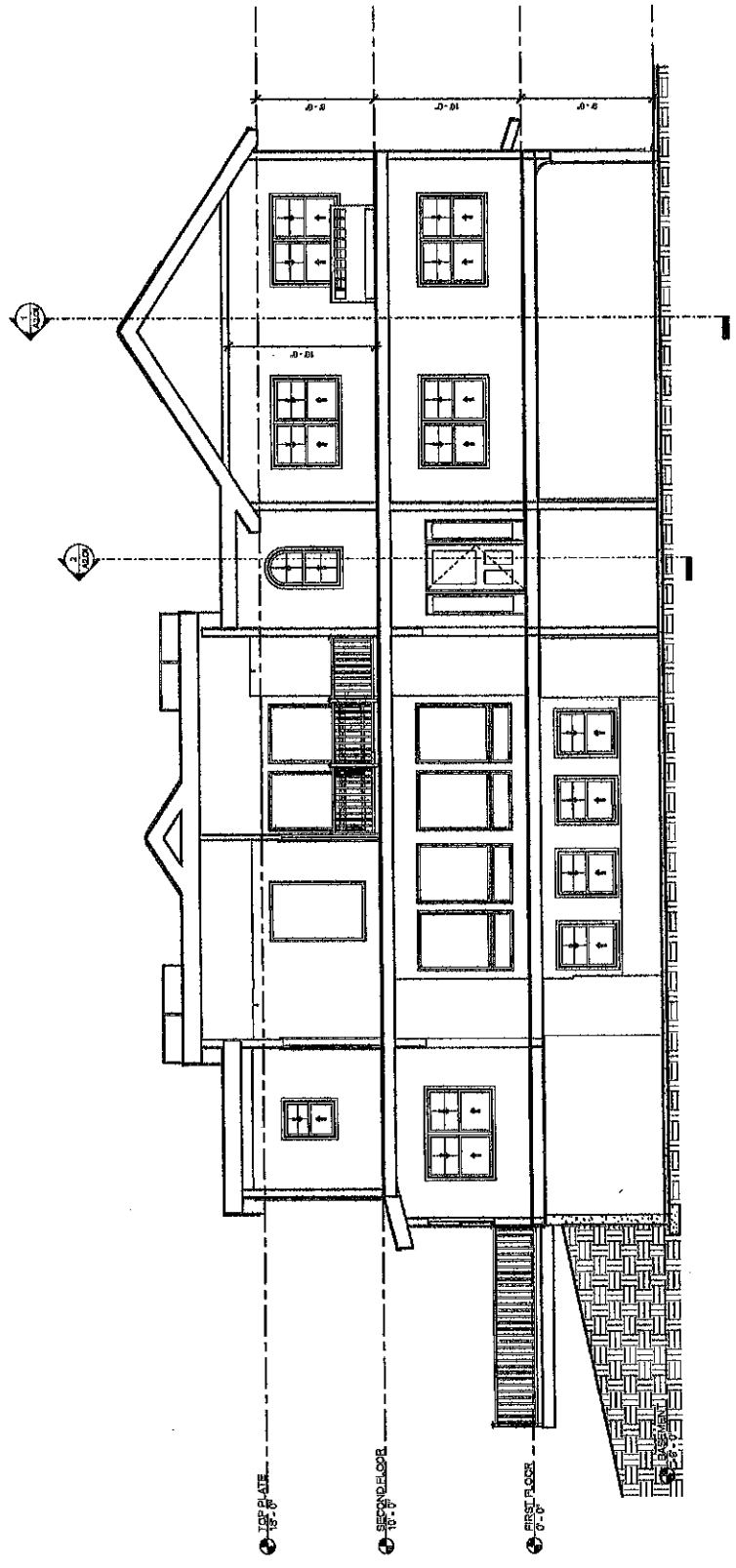
LJN RESIDENCE
15 FOSS FARM
ROAD

SECTIONS

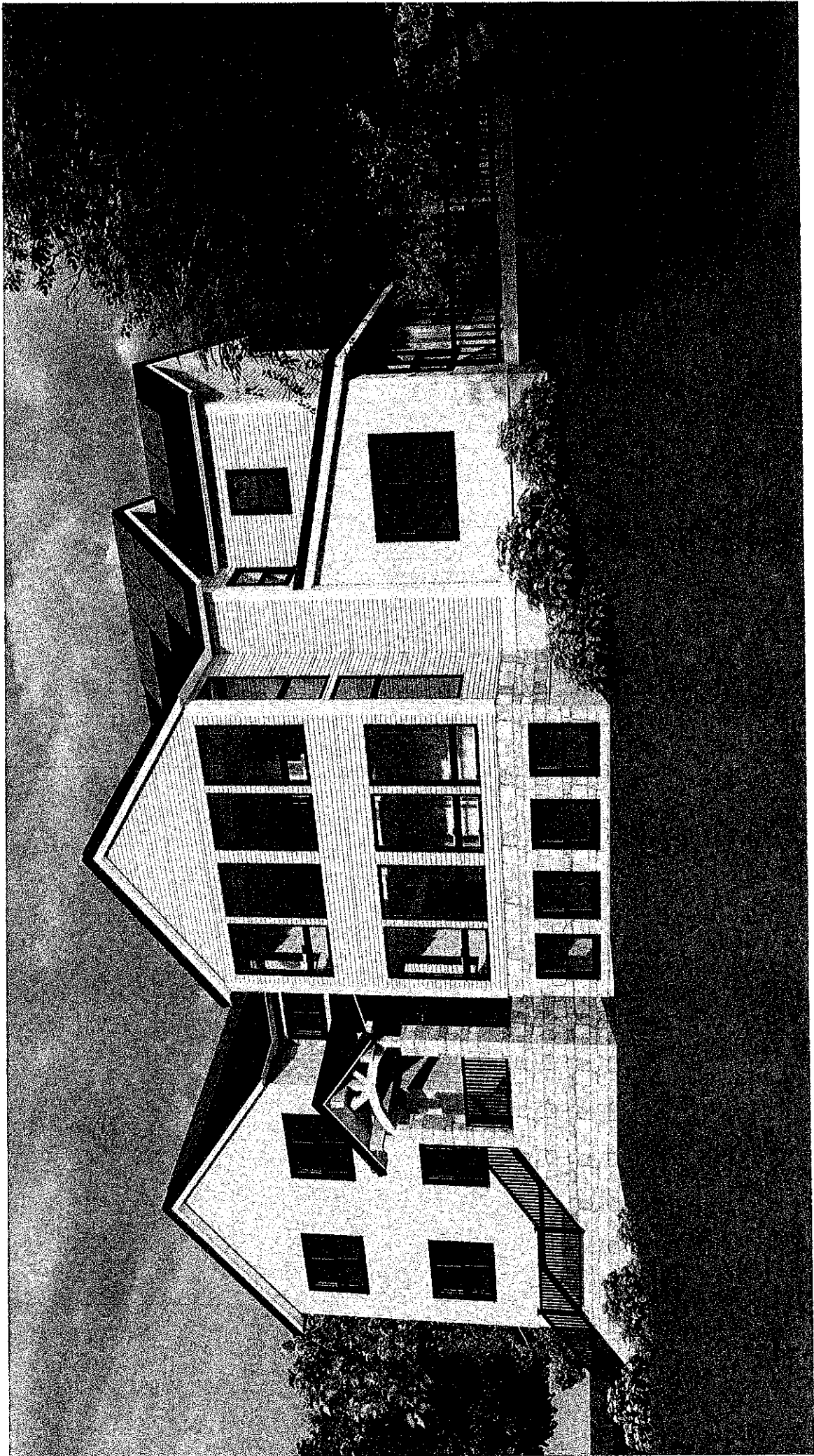
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Date	04/11/24
Drawn by	AJL
Checked by	CRS

A2.02

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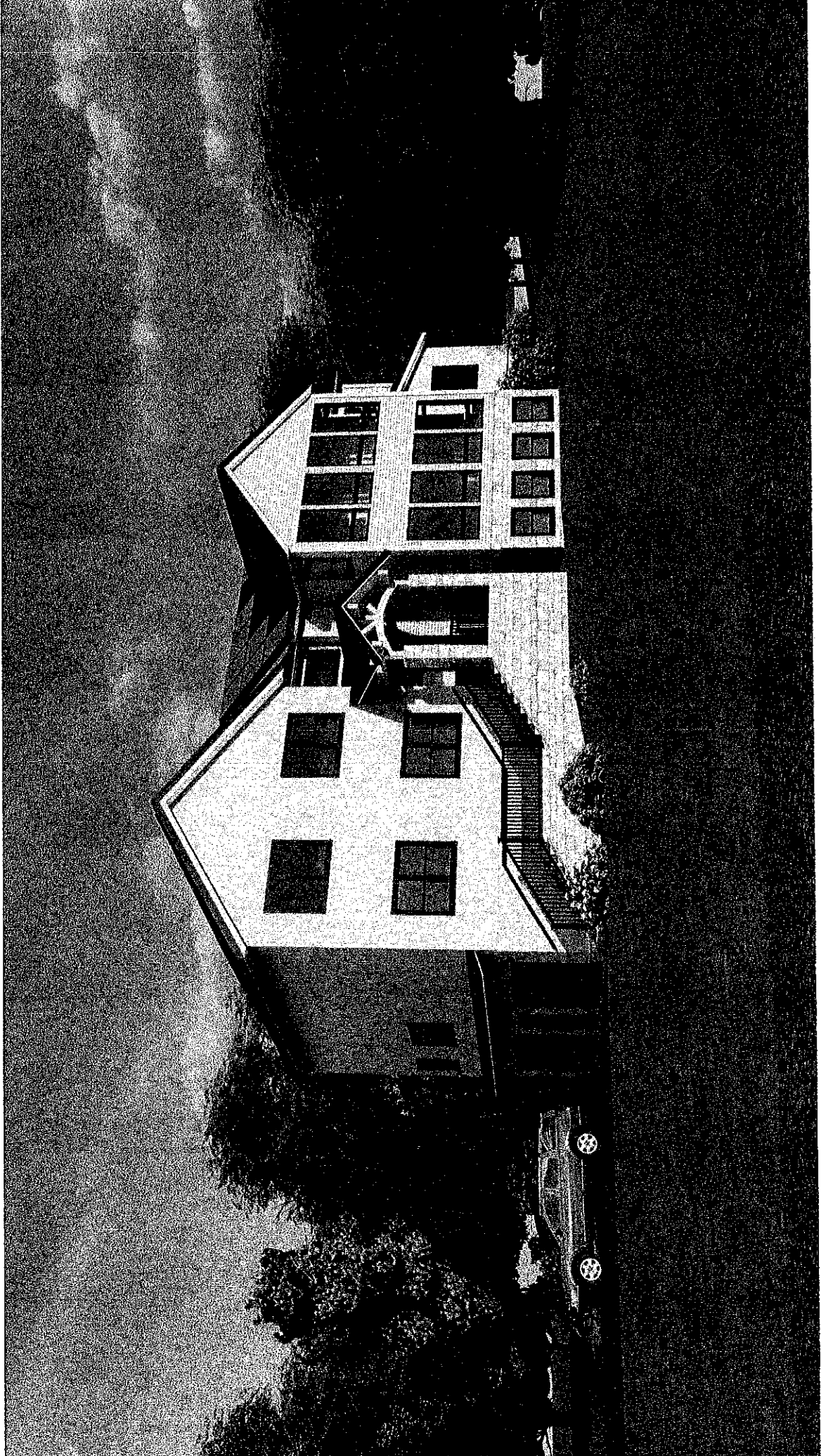


1 Section 2
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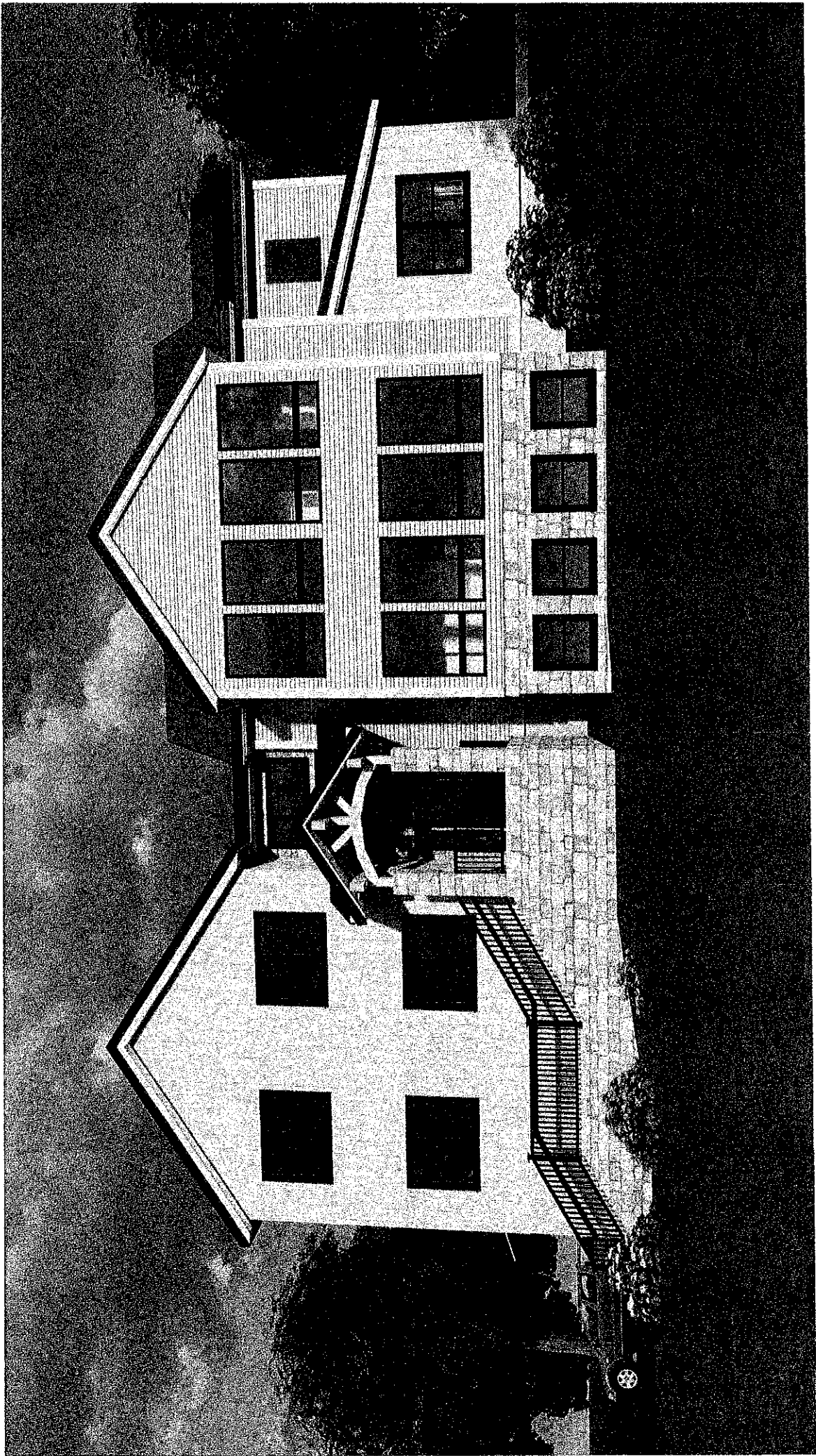
06/08/2024

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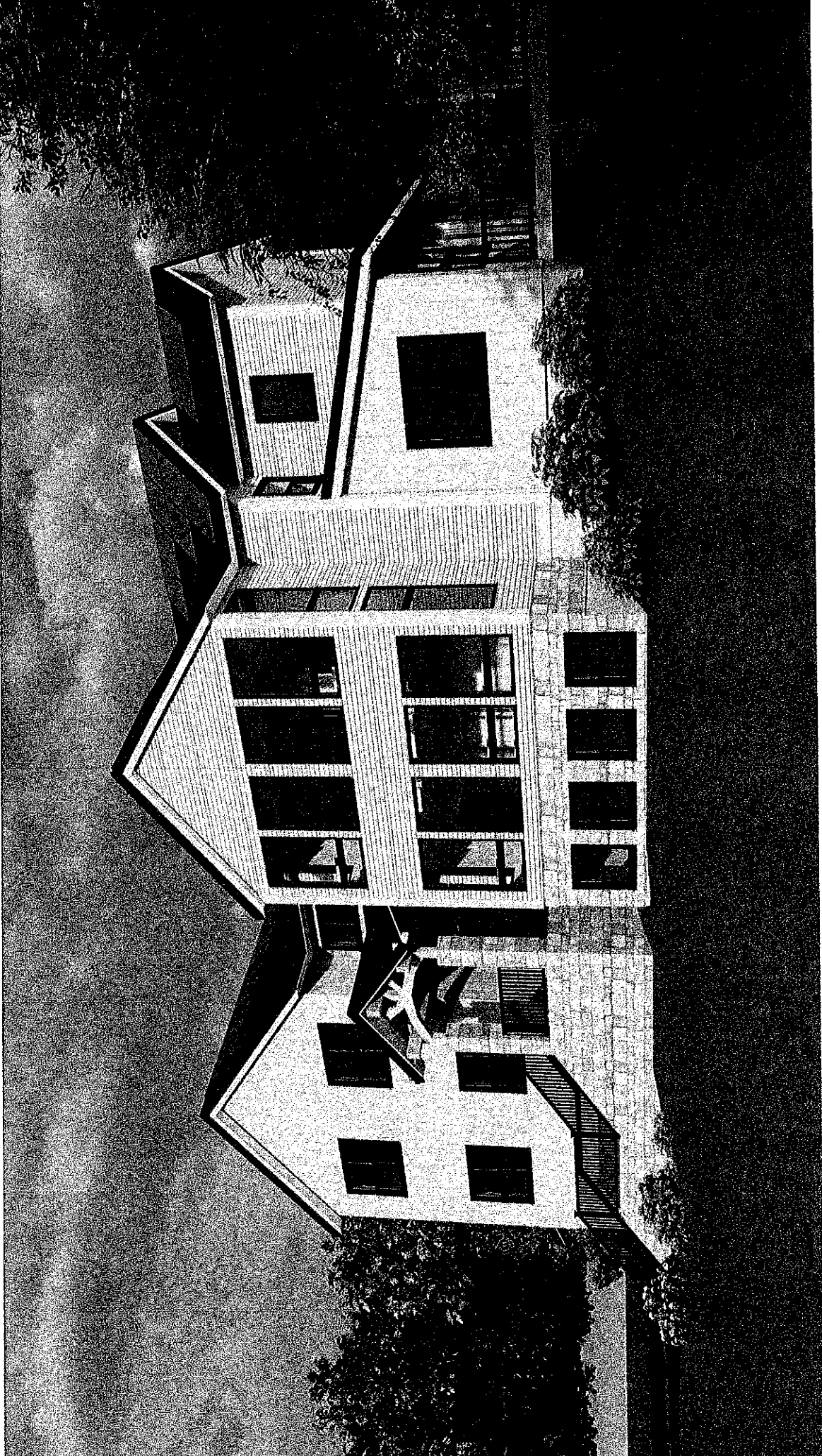
06/09/2024

ISANK DESIGN, PLLC



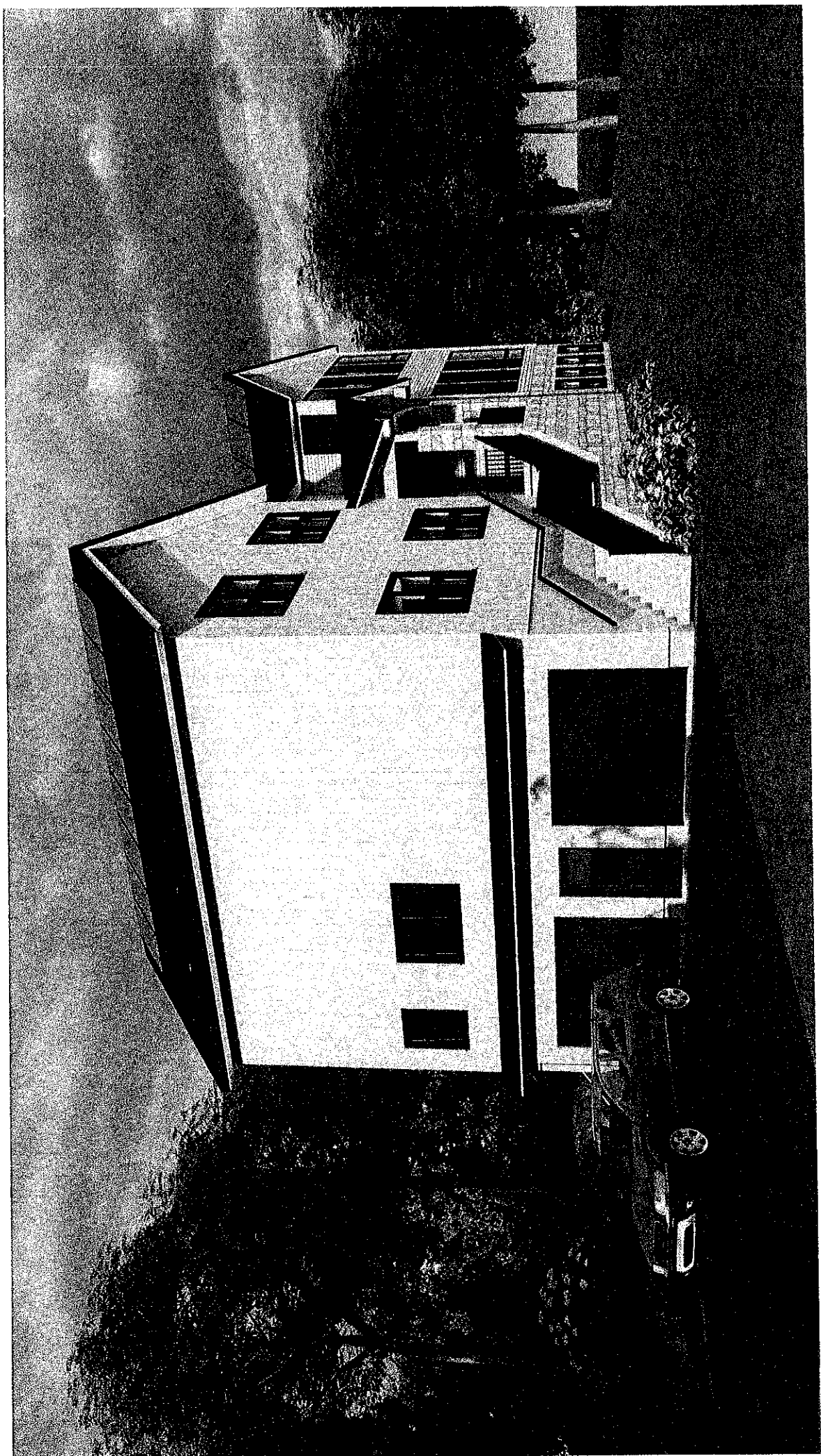
08/08/2024

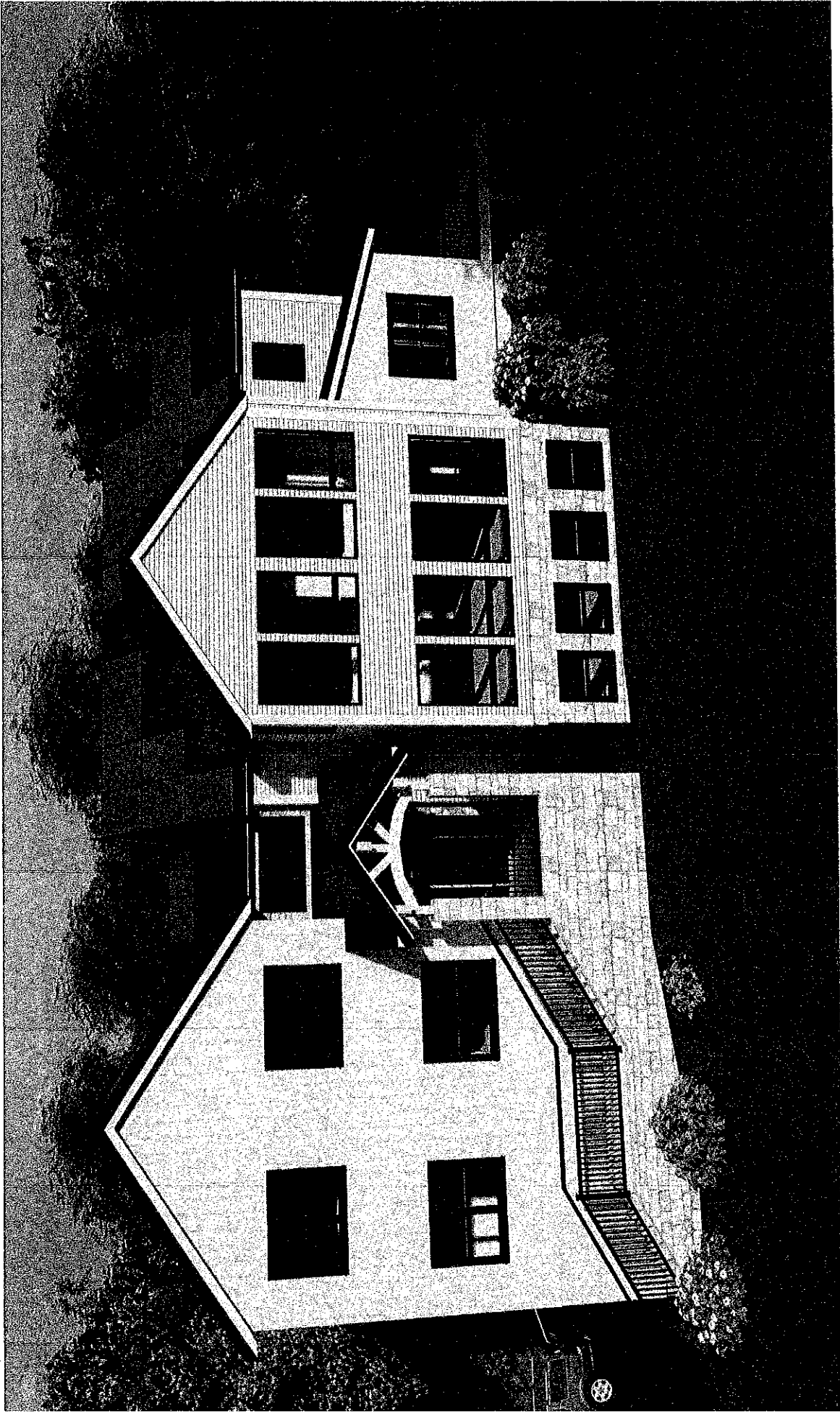
ISAAC DESIGN, PLLC



06/08/2024

ISAAK DESIGN, PLLC





06/08/2024

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