



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: THOMPSONLN LLC, 84 W BROADWAY STE 200, DERRY, NH 03038

Date of order: September 30, 2025

Deadline for application for appeal: October 31, 2025

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

Building Permit Application number 2025-360 dated September 22, 2025 for property located at 2 Thompson Lane, Map & Lot 109/18 is **DENIED** as the proposal does not meet the requirements of ARTICLE XX of the Durham Zoning Ordinance below:

STANDARDS FOR SPECIFIC USES

175-109. Compliance Required.

C. Accessory Dwelling Units and Accessory Apartments.

2. An accessory dwelling unit - attached shall contain a minimum of 300 and a **maximum of 850 square feet** of floor space.

~~5. An interior door shall be provided between the single-family dwelling and the accessory dwelling unit - attached, but the door may be locked or not at the option of the property owner.~~

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

Fee:
\$ 388
135
9/22/2025

RECEIVED
Town of Durham

SEP 22 2025

Planning, Zoning
and Assessing

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 Ping P. Yu on behalf of ThompsonIn, LLC

Address: 41 Mill Pond Rd, Durham, NH 03824

Phone # 6033743118 Email: 2thompsonIn@gmail.com

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

Address: 84 W Broadway Ste 200, Derry, NH 03038
(If same as above, write "Same")

Location of Property: 2 Thompson Lane, Durham, NH 03824
(Street & Number)

Tax Map & Lot number 109/108/0/0

A Variance is requested from Article(s) XX Section(s) 175-109 C2 of the Zoning Ordinance to permit:

An ADU of 1,075 sqft within the existing single family home, which exceeds the 850 sqf currently required by town

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 PING P. Yu 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: 9/22/25

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.

**Application for Variance for Accessory Dwelling Unit (ADU) Size, 2
Thompson Lane, Durham, NH**

A variance is requested from ARTICLE XX, 175-109 (C) 3 of the Zoning Ordinance to permit creation of an Accessory Dwelling Unit (ADU) with a size of 1,075 sq.ft. This exceeds the 850 square feet, which in this case would result in an impractical design and extensive plumbing work.

In support of this request, I address the five criteria for granting a variance as follows:

1. The variance will not be contrary to the public interest.

The proposed ADU *is entirely within a currently existing single-family dwelling, and will require no external changes to the existing structure. It will not alter the essential character of the neighborhood or threaten public health, safety, or welfare. The excess of 225 sq. ft. does not create additional residential density, traffic, or noise beyond what the ordinance intends.

Furthermore, the project aligns with the broader public interest in encouraging more extensive housing opportunities.

The State of New Hampshire introduced RSA 674:71-73 back in 2017 "to expand the supply of housing in New Hampshire communities without further land development, as well as to encourage efficient use of existing housing stock and infrastructure and provide an affordable housing option in communities."

On July 15, 2025, Governor Ayotte signed House Bill 577, to address the state's housing shortage, further **increasing the maximum square footage of ADUs**.

2. The spirit of the ordinance is observed.

The intent of the limitation on size of ADUs is to ensure that such units remain secondary, subordinate and appropriately scaled while providing additional housing opportunities. That is why the state sets the maximum ADU size at 950 sq ft. The average size of a single-family house in New

Hampshire in 2025 is 1,947 sq ft, a bit more than twice the allotted maximum for ADUs. Our proposed ADU will occupy only 37% of the overall house.

RSA 674:72 VII. " ...The total living space of the accessory dwelling unit shall not exceed 950 square feet unless otherwise authorized by the municipality..." In other words, 950 square feet is the maximum default size that municipalities must allow, though towns and cities can authorize larger ADUs.

In this instance, the 1075 sq ft of living space in the ADU is quite modest compared with the total square footage of this single-family home (2,898 sqft). Thus it is easily consistent with the notion of the ADU being accessory and subordinate.

3. Substantial justice is done.

In this case, denial would impose a significant and unnecessary financial burden on the property owner, without any gain to the general public.

Granting the variance will allow the ADU to be built in the most practical manner entirely within the existing structure, while causing no adverse impact on the public.

4. The values of surrounding properties will not be diminished.

The ADU will be constructed entirely within the existing footprint/design of the house and will be remodeled to code, ensuring quality and compatibility with the neighborhood. The exterior of the house will need no alteration. All entrance doors are currently existing. There is no basis for any concern that the slight increase in size of this ADU inside a relatively large house might reduce the value of the surrounding properties.

5. Literal enforcement of the provisions would result in unnecessary hardship.

The proposed ADU plan is to use the existing open space on the first floor for a dining/living room and make a small kitchen right next to the currently

existing main kitchen. Upstairs, the currently existing bedroom and an office share a full bathroom.

If the variance is granted, only one wall, 10 feet 5 inches in width, is needed to separate the ADU from the main residence. A small kitchen will be built against this wall, next to the current kitchen. This is the most efficient and functional design, allowing for proper room dimensions, accessibility, privacy and convenience.

Strict enforcement of the 850 square-foot limit would necessitate substantial redesign involving location of the new kitchen far away from the current kitchen. This in turn would require significantly more costly plumbing work.

For the above reasons, I respectfully request that the Board grant this variance to permit a 1075 square-foot ADU at 2 Thompson Lane, Durham.

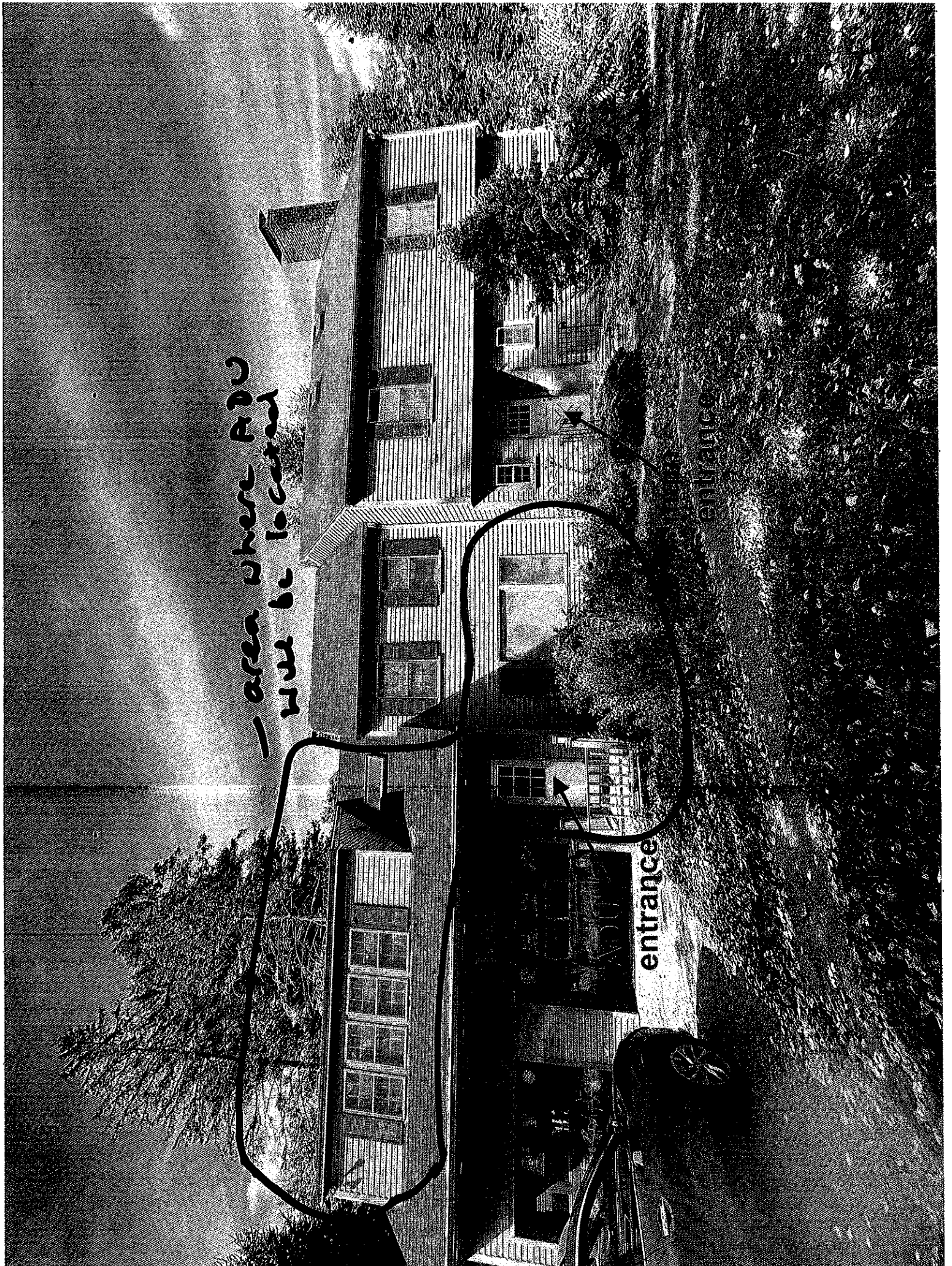
Thank you for your time and consideration.

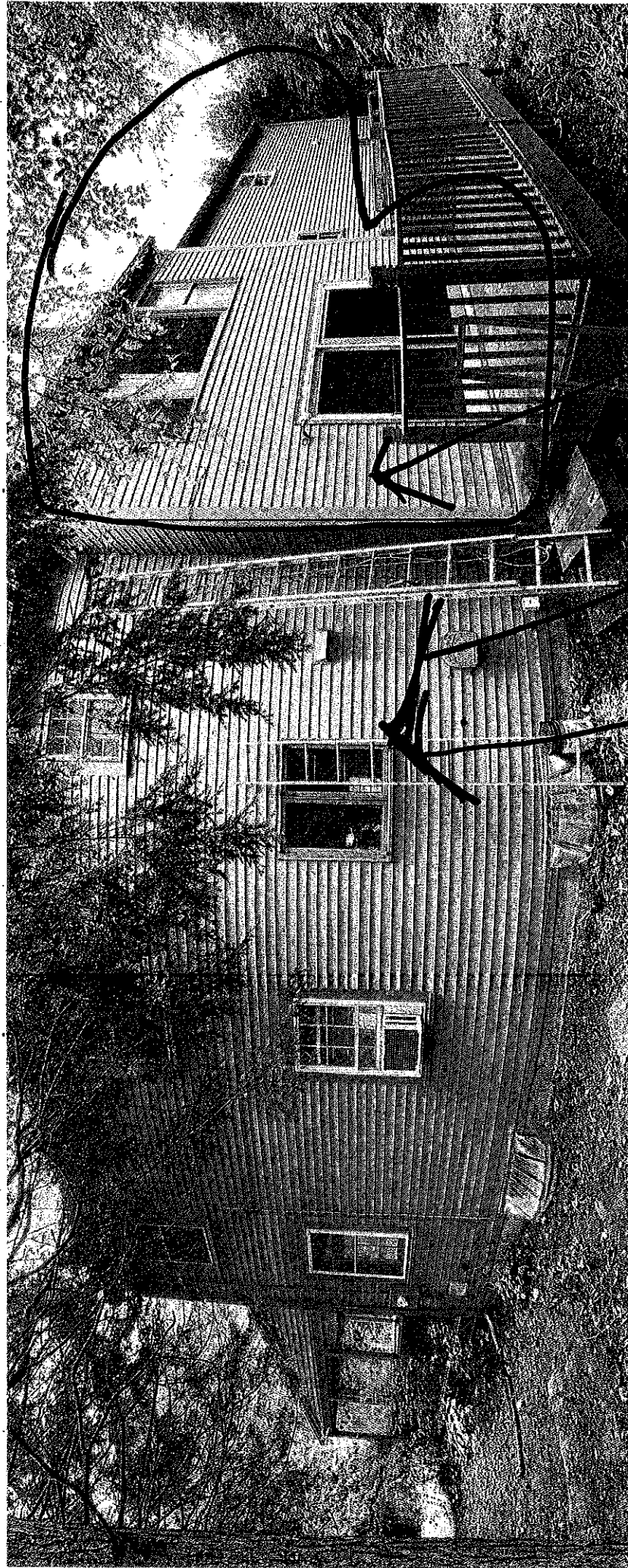
Sincerely,
ThompsonIn, LLC

- area where ADU
will be located

entrance

entrance



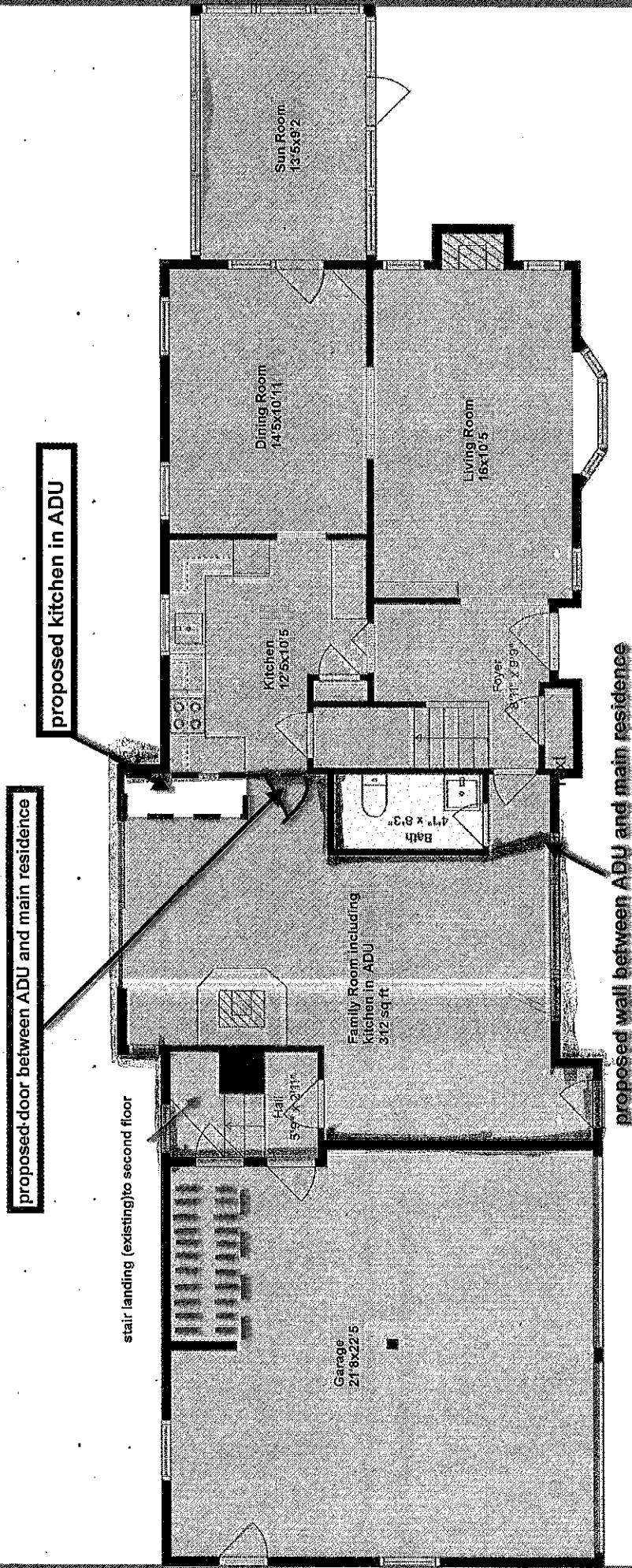


current kitchen

new kitchen

1st Floor

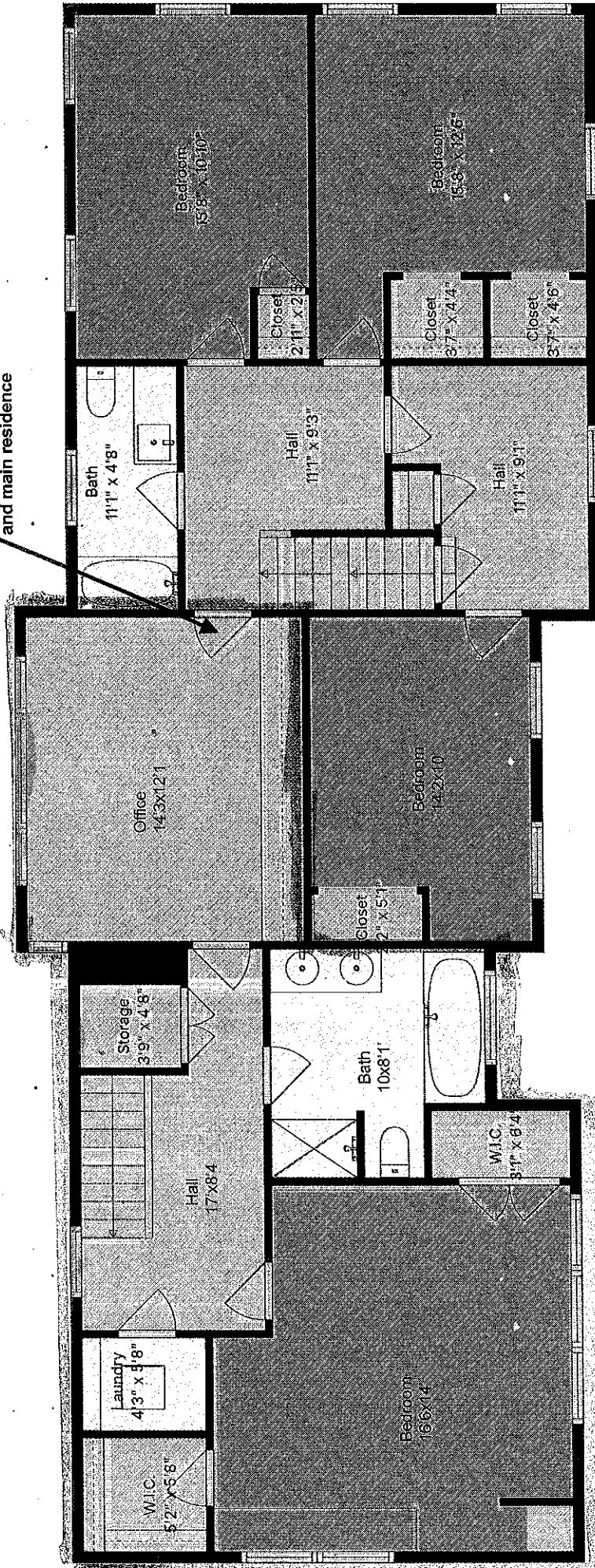
ADU: 358 sq ft. VS Main Residence: 716 sq ft



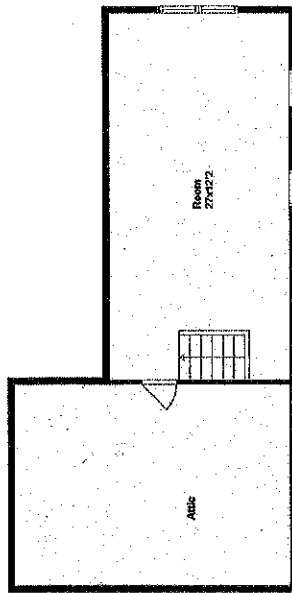
Total: 2898 sq ft

2nd Floor (ADU: 717 sq ft VS Main Residence: 922 sq ft)

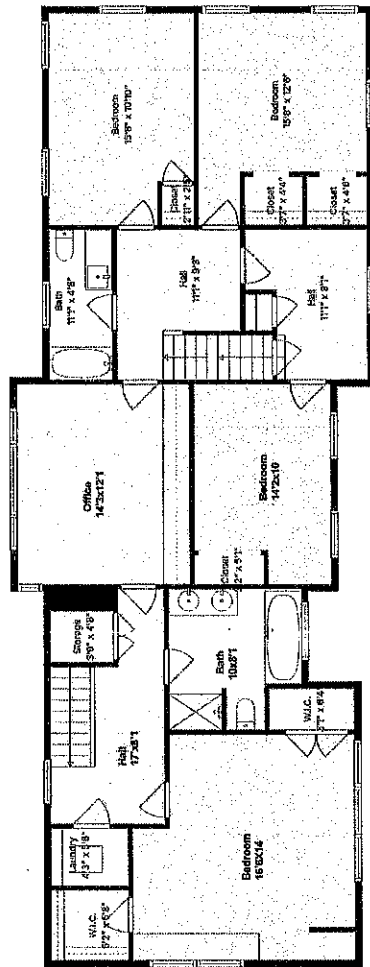
Interior door (currently existing) between ADU and main residence



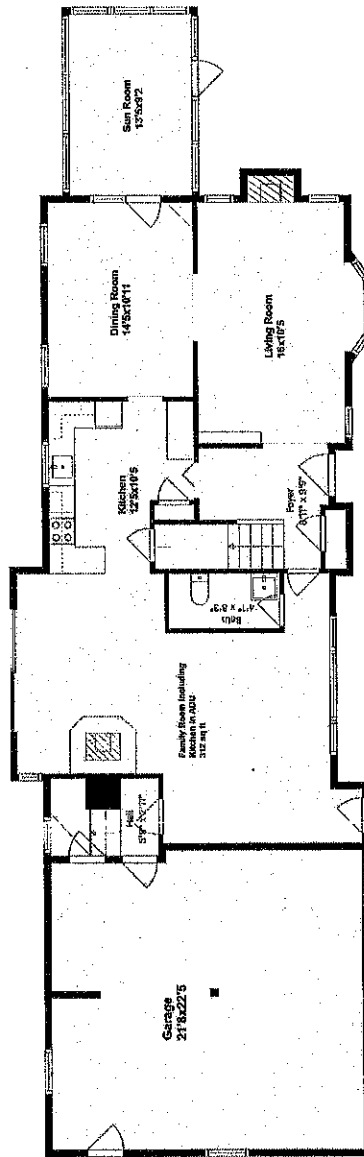
Total: 2898 sq ft



Floor 3

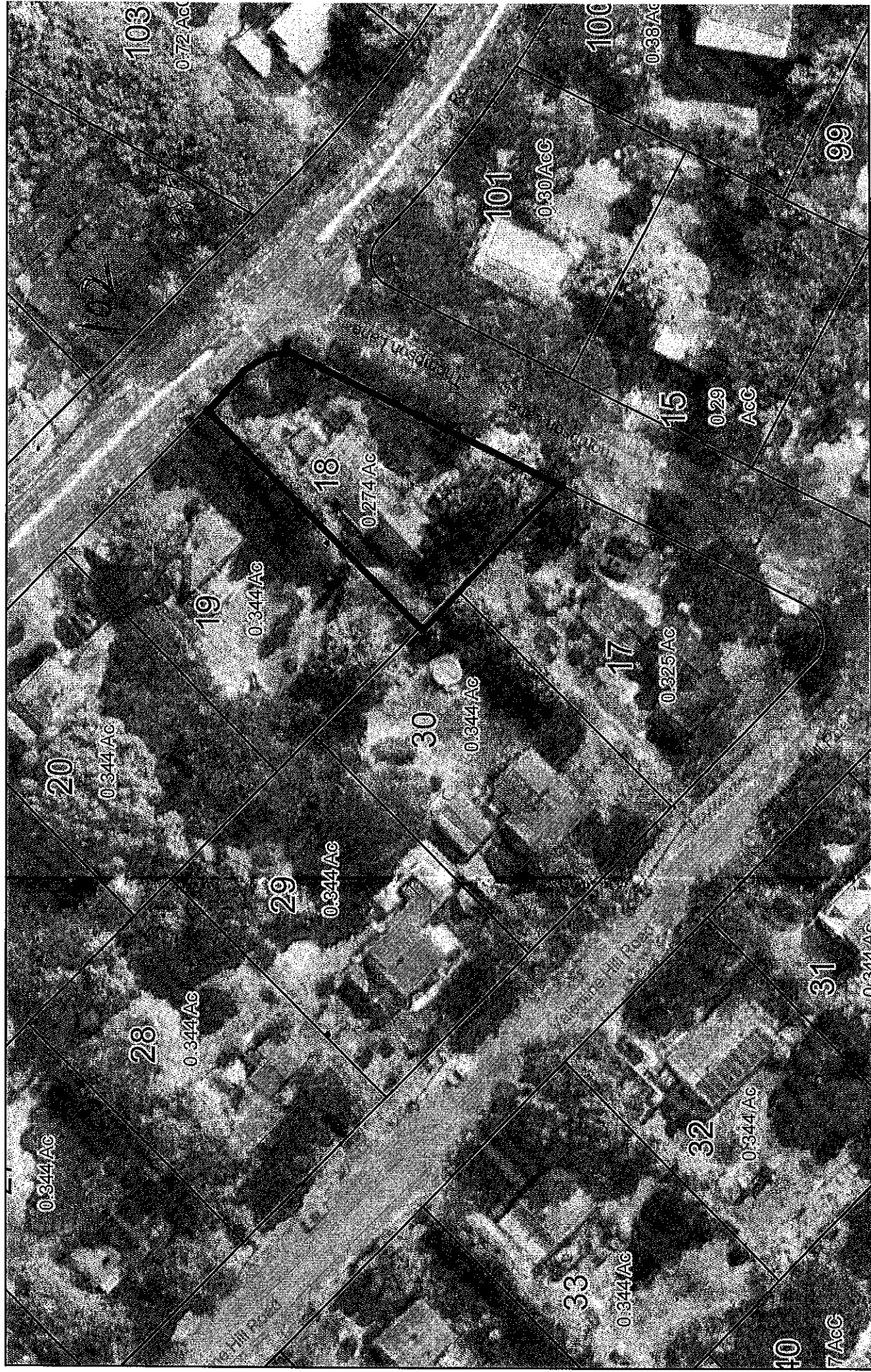


Floor 2



Floor 1

Town of Durham



9/19/2025, 12:59:45 AM

1:1,128
0 0.01 0.01 0.02 mi
0 0.01 0.02 0.04 km
Nearmap. Parcel mapping, using a variety of record information sources.