Fees paid \$488.00 Check #1 2425



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

NOV 18 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 Jeff Berlin (10 (owell Dr. LLC) |
| Address: 1003 Cowell Dr. Durham NH 03824 |
| Phone # 603-953-4014 Email: Teff@Berlin Properties NF. COM |
| Owner of Property Concerned O (OWEN Dr. LLC (If same as above, write "Same") |
| Address: 277 Main St. Durhain WH 03824 (If same as above, write "Same") |
| Location of Property: 10 (UWELL Pr. (Street & Number) |
| Tax Map & Lot number 108 - 27 |
| A Variance is requested from Article(s) Ordinance to permit: See Attached |
| 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): |
| Date; |

Variance Application

11/18/25

Variance Narrative - 10 Cowell Drive, Durham NH

I, **Jeff Berlin**, on behalf of **10 Cowell Dr LLC**, respectfully request a variance to allow the construction of a **12-unit multifamily residential building with 18 bedrooms** and associated parking for 22 vehicles.

The following relief is requested:

- Article 12.1, Section 175-53 Table of Uses, #3 Residential Uses
 Relief to permit Residence Multi-Unit, which is not currently allowed in the RA district.
- Article 12.1, Section 175-54, Table of Dimensional Requirements
 - Minimum lot area per dwelling unit (requesting 1250 sf per dwelling unit)
 - Front setback: **15 ft requested** (30 ft required)
 - Side setback: **8 ft requested** (10 ft required)
 - Rear setback: **8 ft requested** (20 ft required)
 - Maximum height: **35 ft requested** (30 ft allowed)
 - Maximum impervious surface: 66% requested (33% permitted)
- Article 21 Off-Street Parking
 - Section 175-11A: Number of vehicles 22 spaces
 - Section 175-11B: Parking placement consistent with the setback relief above
 - Any additional relief necessary to support the proposed multi-unit residential structure

1. Variance is Not Contrary to the Public Interest / Spirit of the Ordinance is Observed

The **purpose of the RA District (175-39)** is to maintain the character and integrity of existing high-density residential areas that are served by public water and sewer, and to ensure that new development is compatible with that established character.

Although Cowell Drive itself is primarily single-family, this specific parcel is **physically bordered on three sides** by existing **non-conforming multifamily, mixed-use, and commercial properties**, including a large parking lot, a church, and the post office. These surrounding uses exert a unique influence on this lot that is not present deeper inside the RA district.

The proposed multi-unit residential building is:

- consistent with the density and massing of immediately surrounding development,
- **compatible** with the existing streetscape,
- and **better aligned** with the transitional nature of this specific location than a large single-family structure.

Under current zoning, the property's only feasible "by-right" development would be a **large 14-bedroom single-family structure**, which—under New Hampshire law—could operate as a **rooming house**, **lodging house**, **fraternity-style residence**, **or sober-living home** provided it meets state fire code.

These uses are **allowed by right** and are considered the **highest and best use** if relief is not granted.

However, those outcomes would be **less aligned with the goals of the RA zone**, less beneficial to neighborhood stability, and would not maintain the character the ordinance seeks to protect. By contrast, a traditional multifamily building provides:

- predictable occupancy,
- professional management,
- appropriate parking,
- · consistent long-term tenancy,
- and a significantly lower intensity of daily disturbances than the by-right alternatives.

Thus, granting the requested relief **better preserves** the public interest and the spirit and purpose of the ordinance than strict enforcement would.

2. Substantial Justice is done

The best part of this plan is that **absolute substantial justice is done** because it aligns the interests of the landowner and the interests of the public.

The multifamily use would preserve the character of the neighborhood better than the alternative. As well the proposed use fits into the general public's interest in **adding** housing designed for young families and the workforce. The 2- and 1-bedroom apartments cater to this public need much more than the alternative of a sober home/fraternity.

This proposal has been developed with the interests of the public at its core. **As I currently** live across the street it should be evident that I am interested in maintaining the character of the neighborhood while building housing opportunities for a greater diverse demographic.

3. Values of Surrounding Properties Will Not Be Diminished

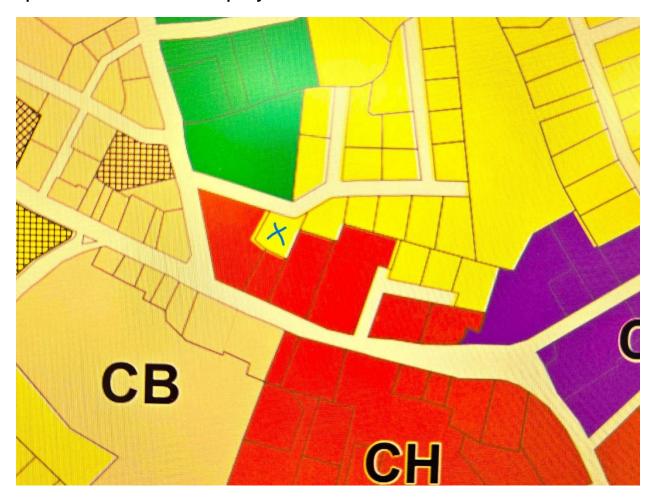
The Board may consider expert testimony as well as its own knowledge of local conditions. A modern, well-designed multifamily building with adequate setbacks, on-site parking, and architectural harmony will **not diminish neighboring property values**, and in many cases can **enhance overall neighborhood stability**.

By contrast, the *by-right alternative*—a 14-bedroom lodging/rooming-type use—would likely create a **higher turnover occupancy**, more varied activity, and potentially more noise and traffic. Those conditions traditionally correlate with **downward pressure on surrounding values**.

The multifamily proposal is therefore the **least disruptive**, **most stability-enhancing**, **and most value-preserving option** available for this parcel.

4. Literal Enforcement of the Ordinance Results in Unnecessary Hardship

Special Conditions of the Property



This parcel is uniquely affected by its surroundings. As shown on the map, 10 Cowell Drive is surrounded by commercial zones and;

- bordered by a parking lot,
- adjacent to mixed-use and multifamily structures,
- and near **commercial activity** that does not characterize a typical RA-zoned interior lot.

These conditions distinguish the property from others in the RA district and make strict application of the RA dimensional and use requirements **unreasonable and inconsistent** with the practical realities of the site.

(a) No Fair and Substantial Relationship Exists

The general purpose of prohibiting multifamily in the RA zone is to preserve low-impact, family-oriented residential character. But this site—surrounded by non-RA-type uses—no longer shares that character.

Enforcing single-family-only zoning here would not meaningfully advance the ordinance's public purpose.

(b) The Proposed Use Is Reasonable

A modest 12-unit multifamily building is not only reasonable—it is the **most reasonable** use given the surrounding environment, lot geometry, and infrastructure.

Conclusion

Granting this variance allows Durham to:

- avoid the undesirable, by-right lodging/rooming use,
- preserve neighborhood character,
- maintain surrounding property values,
- · ensure orderly development, and
- allow a use that is more compatible with the actual, existing conditions surrounding 10 Cowell Drive.

The requested relief represents a **balanced and responsible solution** that best aligns the Town's ordinance with the site's unique characteristics and the **community's long-term interests.**

COWELL APARTMENTS 10 COWELL DRIVE DURHAM, NEW HAMPSHIRE

GENERAL NOTES - PROJECT

- 1. ALL APPLICABLE FEDERAL, STATE, COUNTY AND CITY BUILDING, ZONING, MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE CODES SHALL BE ADHERED TO. ANY DISCREPANCIES BETWEEN CODE REQUIREMENTS AND THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT, TO AVOID DELAYING THE CONSTRUCTION PROCESS.
- 2. ALL MECHANICAL, ELECTRICAL, PLUMBING AND FIRE PROTECTION (MEP/FP) WORK SHALL BE DESIGN-BUILD AND MUST CONFORM TO ALL APPLICABLE FEDERAL, STATE, COUNTY AND CITY BUILDING CODES. THE MEP/FP SUBCONTRACTOR AND THEIR ENGINEERS SHALL PREPARE STAMPED APPROVED DRAWINGS AS APPLICABLE IN ORDER TO PROCURE THEIR RESPECTIVE SEPARATE PERMIT AND BE LICENSED TO PRACTICE IN THE STATE OF NEW HAMPSHIRE.
- B. DETAILS AND SECTIONS ON THE DRAWINGS ARE SHOWN AT SPECIFIC LOCATIONS AND ARE INTENDED TO SHOW GENERAL REQUIREMENTS THROUGHOUT WHERE NOTED AS "TYPICAL" OR "SIMILAR". MODIFICATIONS TO BE MADE BY THE CONTRACTOR TO ACCOMMODATE MINOR VARIATIONS ARE TO BE APPROVED BY THE ARCHITECT
- 4. THE GENERAL CONTRACTOR SHALL BRING DISCREPANCIES WHICH MAY OCCUR IN THE CONTRACT DOCUMENTS TO THE ATTENTION OF THE ARCHITECT IN WRITING AND WRITTEN INSTRUCTIONS SHALL BE OBTAINED BEFORE PRECEDING WITH THE WORK. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR THE RESULTS OF ANY ERRORS, DISCREPANCIES, OR OMISSIONS IN THE CONTRACT DOCUMENTS, OF WHICH THE CONTRACTOR FAILED TO NOTIFY THE ARCHITECT BEFORE CONSTRUCTION AND/OR FABRICATION OF THE WORK.
- 5. THE GENERAL CONTRACTOR, AND/OR HIS SUBCONTRACTORS, SHALL VERIFY ALL DIMENSIONS AND ASSUME RESPONSIBILITY FOR THE COORDINATION OF ALL TRADES. ANY CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.
- DO NOT SCALE DRAWING. USE WRITTEN DIMENSIONS, OR WHERE NO DIMENSION IS PROVIDED CONSULT THE ARCHITECT FOR CLARIFICATION <u>BEFORE</u> PROCEEDING WITH THE WORK.
 THE CONTRACTOR AND THEIR SUBCONTRACTORS SHALL NOT MAKE STRUCTURAL CHANGES OR
- MODIFICATIONS TO THE STEEL OR WOOD STRUCTURE WITHOUT WRITTEN APPROVAL OF THE ARCHITECT AND/OR STRUCTURAL ENGINEER.

 8. THE DRAWINGS ARE INTENDED TO PROVIDE THE BASIS FOR THE PERFORMANCE OF A COMPLETELY FINISHED.
- AND FULL FUNCTIONING PROJECT. ANYTHING NOT EXPRESSLY SET FORTH BUT WHICH IS REASONABLE IMPLIED AND/OR NECESSARY FOR PROPER AND COMPLETE PERFORMANCE OF THE WORK SHALL BE INCLUDED.
 SHOP DRAWINGS ARE REQUIRED FOR ALL SPECIALIZED CONSTRUCTION AND AS REQUESTED WITHIN THE PROJECT SPECIFICATIONS. SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT FOR REVIEW AND CONFORMANCE WITH THE DESIGN INTENT OF THE WORK PRIOR TO THE WORK BEING INSTALLED. IN AREAS
- HAVE ON SITE A COPY OF THE ARCHITECT APPROVED SHOP DRAWINGS AND MANUFACTURER'S INSTALLATION RECOMMENDATIONS/INSTRUCTIONS BEFORE ANY WORK COMMENCES.

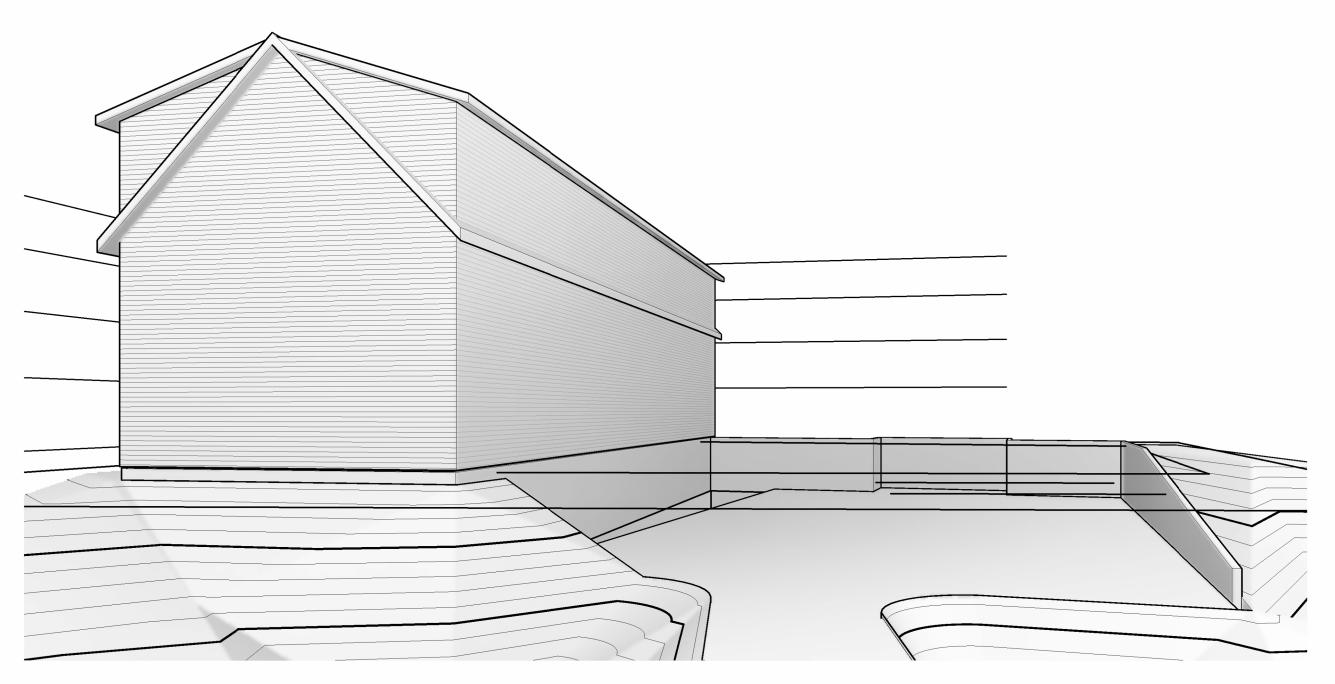
 10. THE CONTRACTOR IS TO PROVIDE ALL MOUNTING BLOCKS AND SEALANT REQUIRED FOR ALL EXTERIOR ITEMS THAT MOUNT TO THE FACE OF THE BUILDING AS APPLICABLE. THE CONTRACTOR IS TO PROVIDE WOOD BLOCKING AS REQUIRED FOR MOUNTING AND SECURING OF ALL BUILDING COMPONENTS, ACCESSORIES, ETC.

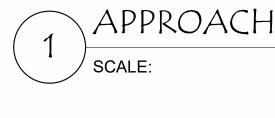
PROJECT SUMMARY

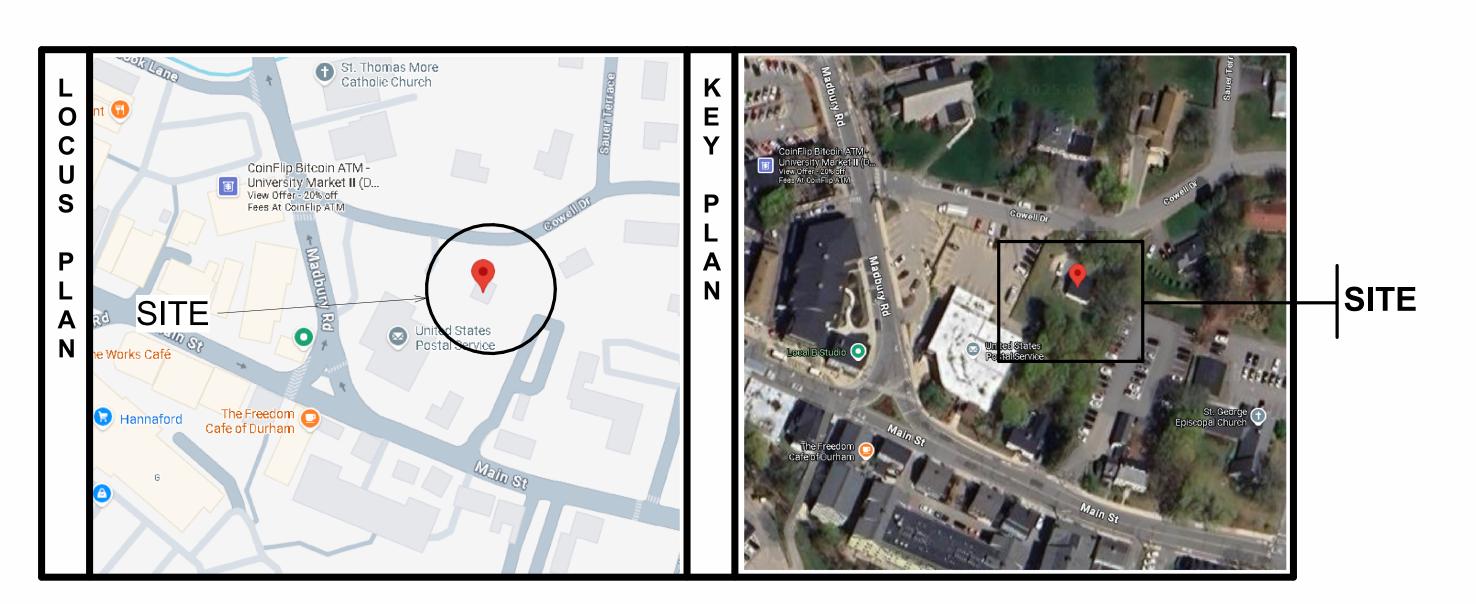
THE PROPOSED PROJECT IS A NEW 3 STORY APARTMENT BUILDING. THE BUILDING FOOTPRINT IS 6,500 SF AND THE TOTAL BUILDING AREA IS 32,500 SF. THE FIRST AND UPPER FLOORS ARE PROPOSED AS RESIDENTIAL APARTMENTS (**R-2**) USE. THE BUILDING IS DESIGNED TO **TYPE VA** CONSTRUCTION. THE STRUCTURE IS A WOOD FRAME AND THE FLOORS ARE WOOD. THE BUILDING IS PROTECTED THROUGHOUT WITH A NFPA 13 SPRINKLER SYSTEM AND ALARM SYSTEM. THE PROJECT WILL ALSO INCLUDE ALL NECESSARY LANDSCAPE AND SITE IMPROVEMENTS.

SURVEY INFORMATION:

ALL REFERENCES TO EASEMENTS, PROPERTY LINES, WET LANDS, EXISTING CONDITIONS, BUILDING LOCATION, ETC. WERE OBTAINED FROM CIVIL DRAWINGS PROVIDED BY HORIZONS ENGINEERING







OWNER/DEVELOPER

BERLIN PROPERTIES NE 277 MAIN STREET DURHAM, NH 03824 CONTACT: JEFF BERLIN PHONE: 603.953.4014

<u>ARCHITECT</u>

ISAAK DESIGN, PLLC 35 OYSTER RIVER RD. DURHAM, NH 03824 CONTACT: NICK ISAAK, AIA PHONE: 603.969.6711

CIVIL / STRUCTURAL

HORIZONS ENGINEERING INC. 5 RAILROAD STREET NEWMARKET, NH 03108 CONTACT: MIKE SEIVERT, P.E. PHONE: 603.659.4979.

MECHNICAL/ PLUMBING

SEFCO 408 MAIN STREET SOUTH BERWICK, ME CONTACT: SAM FLINKSTROM, P.E. PHONE: 207.420.8760

ELECTRICAL

SCE, INC 261 JENNIE LANE ELIOT, ME CONTACT: LEE CONSAVAGE, PE PHONE: 207.475.7054 DRAWING LIST

SHEET NAME

INDEX OF DRAWINGS & PROFESSIONALS

CODE, ABBREV. & LEGENDS

FOUNDATION PLAN. SECTIONS &

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EXTERIOR ELEVATIONS

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DRAIN & VENT RISER DIAGRAMS - SHEET

DRAIN & VENT RISER DIAGRAMS - SHEET

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2ND FLOOR LIGHTING
3RD FLOOR LIGHTING
1ST FLOOR FIRE ALARM
2ND FLOOR FIRE ALARM
3RD FLOOR FIRE ALARM

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BUILDING SECTIONS

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MECHANICAL SCHEDULES

GAS RISER DIAGRAM

MECHANICAL LEVEL 2&3

ELEVATIONS

STAIR DETAILS

WALL SECTIONS

SITE PLAN

SHEET

NUMBER

| ISAAK DESIGN, PLLC |
|---------------------------|
| ARCHITECTURE & |
| URBAN DESIGN |
| (603) 969-6711 |
| NICK@ISAAKDESIGN.COM |
| www.isaakdesign.com |

ARCHITECT
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nick@isaakdesign.com

Consultant Address Address Phone Fax e-mail

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10 COWELL DR, LLC

CONCEPT NOT FOR INDEX OF DRAWINGS & PROFESSIONALS

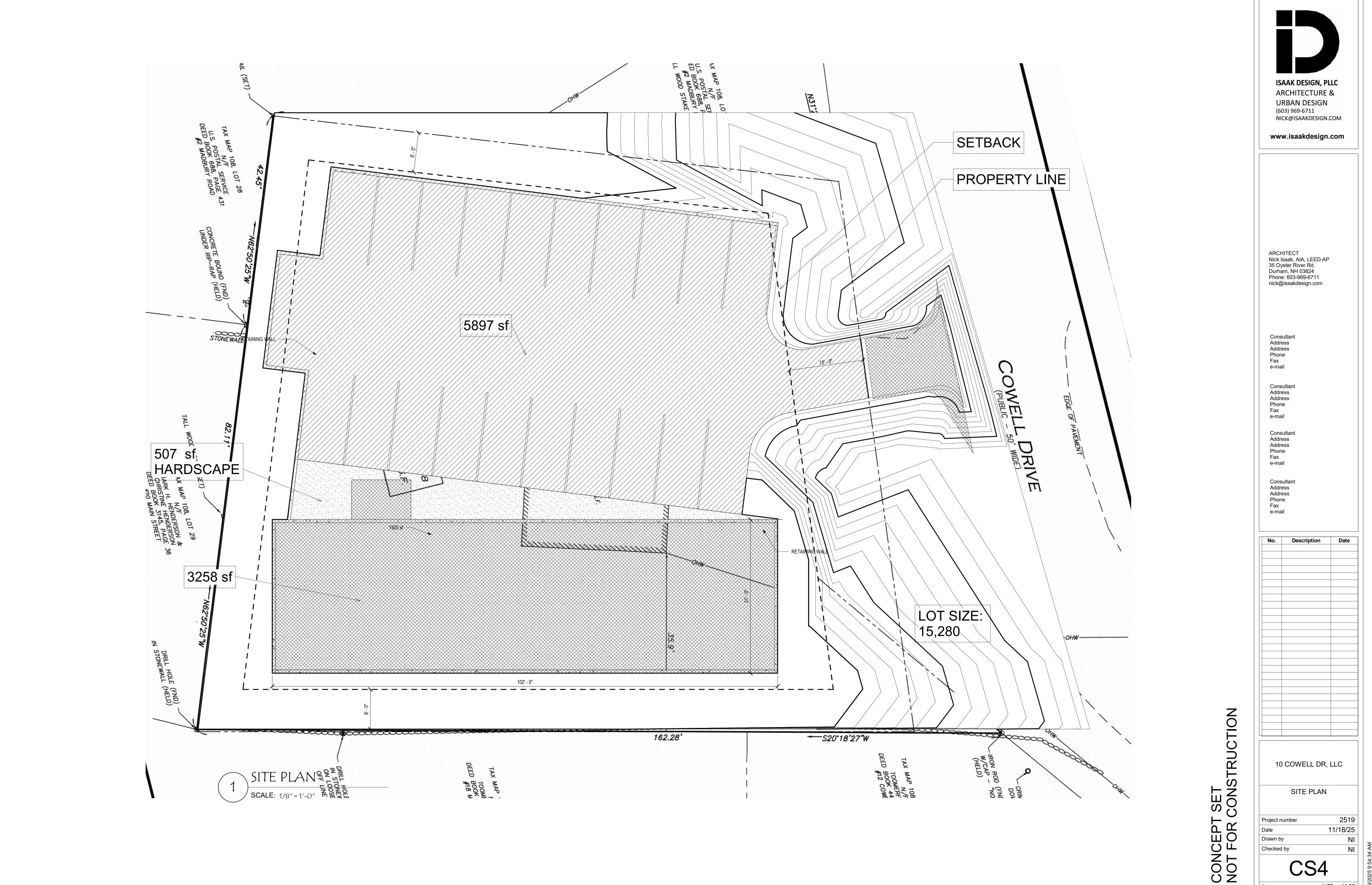
Project number 2519

Date 11/18/25

Drawn by NI

Checked by Checker

Checker Checker



1/8" = 1'-0"