



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

VARIANCE

Prior to seeking a variance, the property owner must have been denied a building permit by the Building Inspector or denied approval by the Planning Board.

Name of Applicant Tor Harris

Address: 250 Dame Rd, Durham NH 03824

Phone # 603.978.6800 Email: torharris11@yahoo.com

Owner of Property Concerned Barry and Sky Ryan
(If same as above, write "Same")

Address: 321 Dame Rd, Durham NH, 03824
(If same as above, write "Same")

Location of Property: 321 Dame Rd, Durham NH, 03824
(Street & Number)

Tax Map & Lot number 226 Lot 16

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

A porkchop subdivision with less than the minimum 50ft of road frontage for one of the lots.

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:

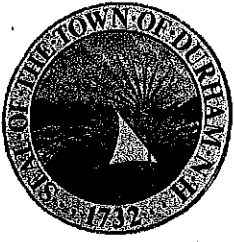
1. I/we do hereby authorize Tor Harris to file this application with the Zoning Board of Adjustment, to appear before the Board and to act on my/our behalf.
2. I/we do hereby authorize members of the Zoning Board of Adjustment and/or staff to enter upon the property on the afternoon prior to the Zoning 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): Barry Ryan Date: 4/19/26

Owner's Signature(s): Sky Ryan Date: 4/19/26

PRINTED NAME(S): Barry Ryan Date: 4/19/26

PRINTED NAME(S): Sky Ryan Date: 4/19/26



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: RYAN FAMILY REV TRUST OF 2024, 321 DAME ROAD DURHAM, NH 03824

Date of order: April 21, 2026

Deadline for application for appeal: May 22, 2026

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

Building Permit Application number 26-00102, for property located at 321 Dame Road, is DENIED as the proposal does not meet the requirements of the Durham Zoning Ordinances below:

ARTICLE XX STANDARDS FOR SPECIFIC USES

175-109. Compliance Required.

Porkchop Subdivision. A porkchop subdivision is allowed in the RC and R Districts. The purpose of a porkchop subdivision is to allow limited subdivision of relatively large lots where there is significant back land but not sufficient street frontage to provide the minimum required frontage for each new lot. Developers of residential subdivisions of 2 or 3 lots in the RC and R Districts on existing town roads as of the date this chapter is enacted that are not conservation subdivisions, may elect to follow the requirements for porkchop subdivisions in Table 4-1, provided that at least 2 of the lots are entered from a common driveway whose maintenance is guaranteed in the deeds to the lots concerned. A common driveway to a porkchop subdivision will only serve a maximum of 3 lots. Adjacent porkchop subdivisions will not share a common driveway. Each porkchop subdivision will have a common driveway independent from any other subdivision. Other than the possibility that the rear lot (or lots) may

take on somewhat of a porkchop shape, the lots shall not be unduly gerrymandered to take advantage of this section. Table 4-1. Requirements for Optional Porkchop Subdivisions

Minimum area (square feet)	Porkchop subdivision lots	Each lot Average, all lots
80,000	120,000	Minimum frontage area (feet) 50 125*

*NOTE: The Planning Board is empowered to reduce the average frontage to not less than 100 feet in the case of a porkchop subdivision of a nonconforming lot into not more than 3 lots, provided that the requirement for minimum area is met.

By Durham's Building Inspector/Code Enforcement Officer:



Audrey Cline CEO

Statement of how the applicant meets each of the five statutory requirements for granting a variance.

Tor Harris
250 Dame Rd
Durham NH 03824
603.978.6800

(A) The proposed subdivision sharing a common driveway with one lot not having road frontage will not be contrary to the public interest

1. The existing property is the original Dame Farm house (for which the road was named) built in 1720. The proposed subdivision was intentionally laid out to maintain the historic and natural layout of the property to ensure no adverse impact to the public.
2. The proposed back lot without frontage places the house further from the road than would otherwise be possible therefore maintaining the beauty of the scenic road that is highly used for walking, hiking and other recreation.
3. The proposed shared use of the existing driveway allows the property to maintain the historic stone wall along the edge of the road which is in the public interest.
4. The proposed shared use of the existing driveway and rear lot location allows the property to maintain the same view and feel as it currently does from the road or public areas.

(B) The spirit of the ordinance is observed

Per Article XX 175-109 J "the purpose of a porkchop subdivision is to allow limited subdivision of relatively large lots where there is significant back land but not sufficient frontage for each new lot." The spirit of the ordinance is observed as the proposition meets this language exactly with a large lot of over 23 acres, but road frontage of approx. 815 LF which is below the non-porkchop frontage requirement of 900 LF. The proposed lots greatly surpass the minimum requirements of Table 4-1 for lot size for each lot and for the average, as well as more than doubling the average frontage requirement for the three lots, clearly maintaining the spirit of the ordinance.

(C) Substantial justice is done

Granting this variance will do substantial justice because it balances the property owner's right to subdivide while also accommodating a solution that is in the best interest of the town and the public due to maintaining the historic and natural beauty of the property as observed by the public. Denial of the variance would require the back lot to have road frontage and would therefore require a build site closer to the road that obscures the view of the pastoral field and removes parts of the historic stone wall. Denial of the variance would also deny the property owners right to privacy on a large rural lot and run counter to the spirit of the ordinance.

(D) The values of the surrounding properties are not diminished

The values of the surrounding properties are not diminished as the property will still maintain its existing historical and natural beauty, appearing unchanged from the road. If anything construction of a new build home on the back lot is likely to increase the value of surrounding properties.

(E) Literal enforcement of the ordinance would result in unnecessary hardship

The literal enforcement of the ordinance would result in unnecessary hardship to the property owner in the following ways:

1. Requiring frontage for the back lot would prevent the subdivision from utilizing historic stone walls as property boundaries as was traditionally done in New Hampshire by forcing an irregular and less desirable layout.
2. Requiring frontage for the back lot would either require a long and large irregular shape parcel that would need to cross the stream, therefore creating a higher tax burden to the now larger lot, and likely requiring construction of a bridge or culvert over the waterway (which is a regulatory, financial and environmental burden), or changing the layout to build the house near the road which would deny the property owner privacy, require partial removal of the historic stone wall and cause irreputable damage to the pastoral field.
3. Requiring frontage for the back lot would decrease the size of the main lot and reduce the total pastoral field available for current or future agricultural or equestrian uses therefore diminishing the value of the property with no appreciable gain to the back lot.
4. There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to this property. Requiring frontage for the back lot would result in substantial visual changes to the view and feel of the scenic road and the property itself that would not be in the interest of the town, the public or the property owner. The proposed use is a reasonable one that is in the best interest of all parties and maintains proper stewardship of the natural land.

List of Abutters

Applicant:

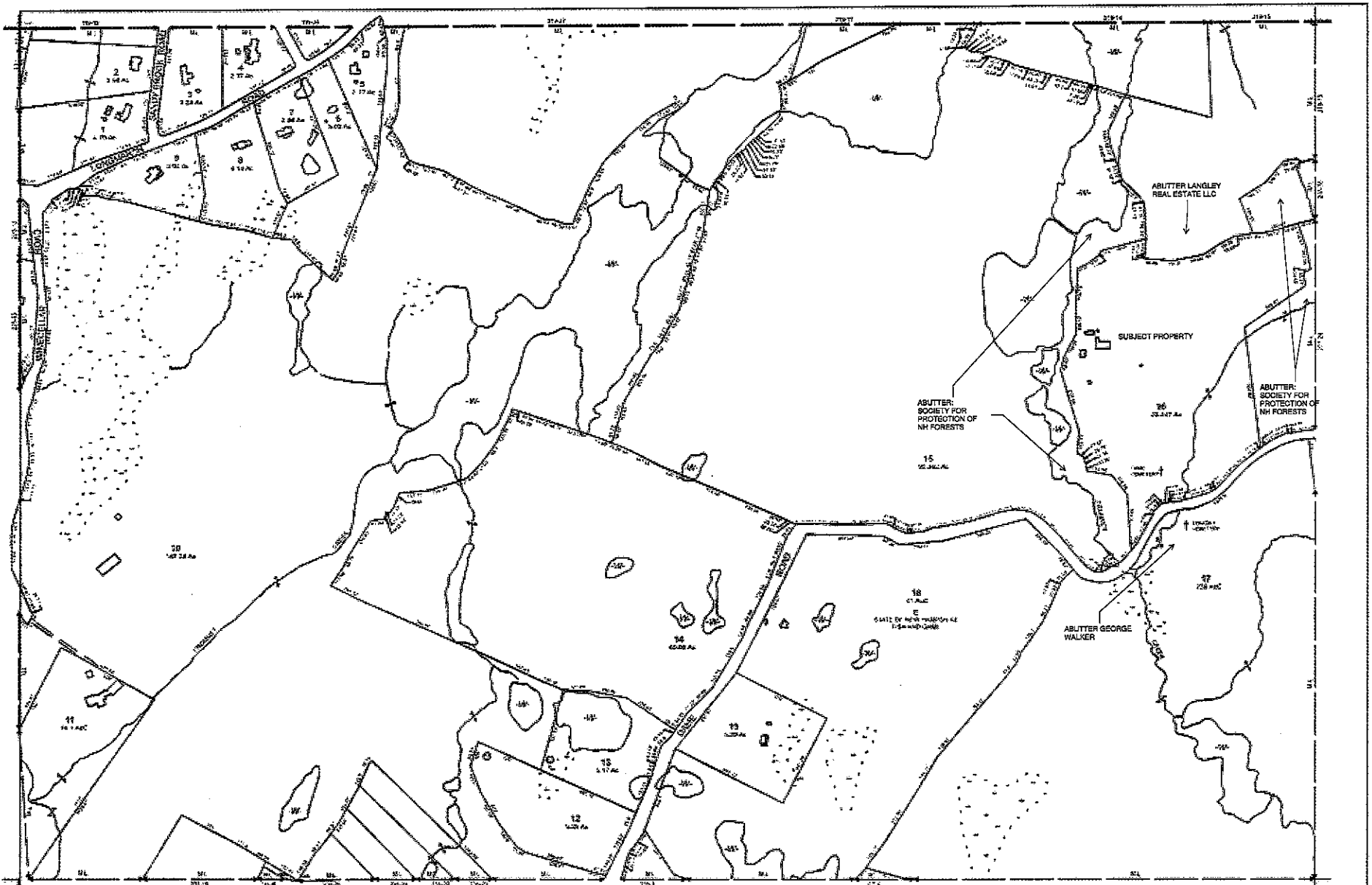
Tor Harris
250 Dame Rd
Durham NH 03824

Property Owners and Subject Property:

Barry and Sky Ryan
321 Dame Rd
Durham NH 03824

Abutters and Tax Map #:

1. SOCIETY FOR THE PROTECTION OF NH FORESTS – (218-76)
2. SOCIETY FOR THE PROTECTION OF NH FORESTS – (227-26)
3. SOCIETY FOR THE PROTECTION OF NH FORESTS – (226-15)
4. LANGLEY REAL ESTATE LLC ET AL – (219-15)
5. WALKER, GEORGE W – (226-17)



THIS MAP IS FOR ALL INFORMATION PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.
 THE INFORMATION CONTAINED ON THIS NEW HAMPSHIRE STATE PLANNING COMMISSION'S PRINTED 2005 IS:
 PREPARED BY DATE: APRIL 28, 2005
 COMPILED BY DATE: MAY 1, 2005

PRODUCED IN 2005 BY
 Title of Durham GIS Department



LEGEND

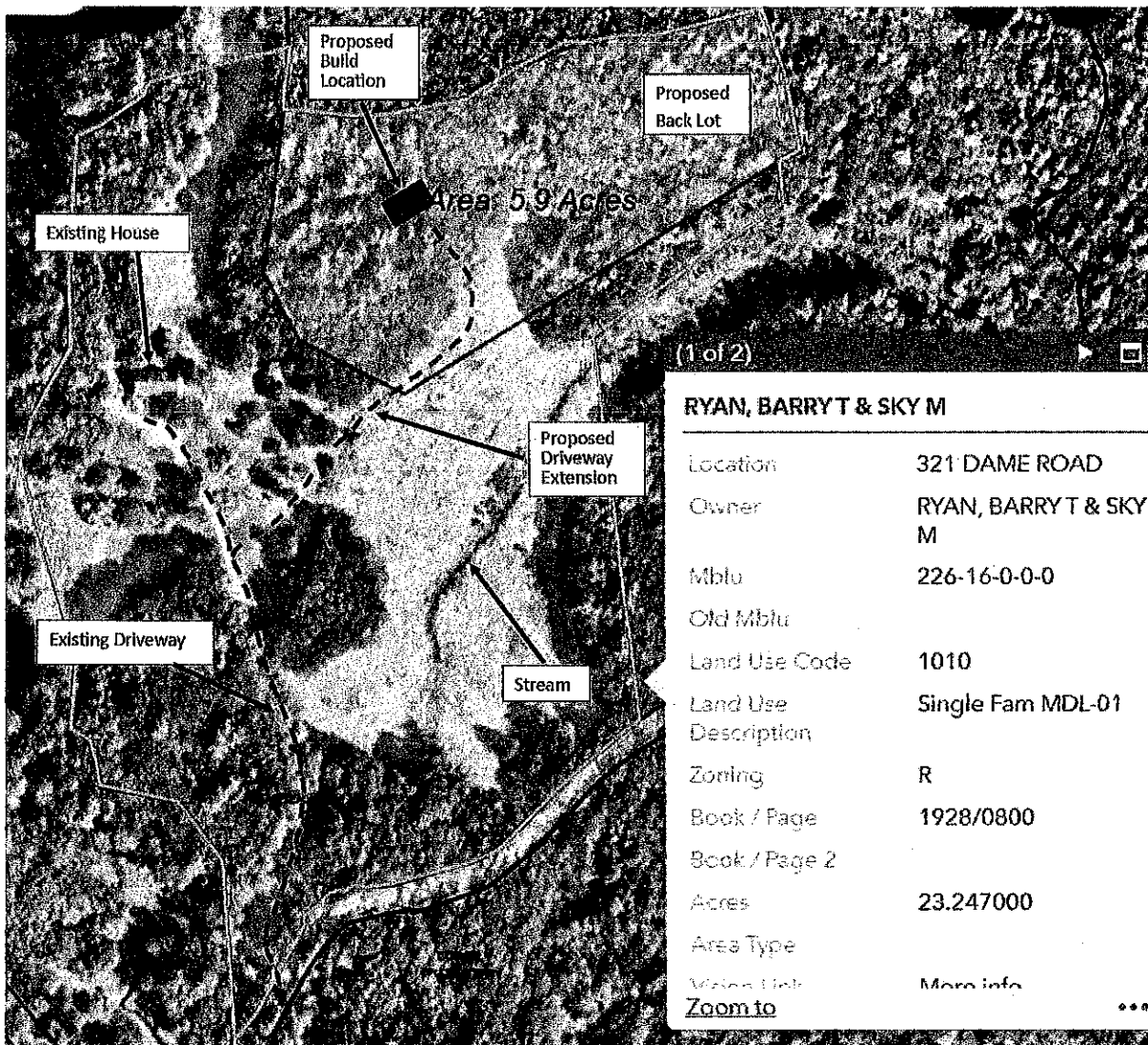
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SCALE 1" = 200'
 REVISION TO MAY 1, 2005

PROPERTY MAPS
DURHAM
 NEW HAMPSHIRE

INDEX DIAGRAM

MAP NO
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APPROX SUBDIVISION LAYOUT (SUBJECT TO CHANGE)