



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

JUNE 27
DEADLINE
FOR JULY 12th mtg.

RECEIVED
Town of Durham
JUN 22 2016
Planning, Assessing
and Zoning

221 p. 6/2
check

ZONING BOARD OF ADJUSTMENT REQUEST PROCEDURE

MEETINGS: The Zoning Board of Adjustment (ZBA) will meet on the second Tuesday of each month in the Council Meeting Room at the Town Hall.

FILING OF APPLICATION: Applications for ZBA are available at the Town Office. The application must be filed at the Town Office at least 15 days prior to a meeting, along with an application fee. A notice of the meeting will be published in the Foster's Daily Democrat and a similar notice will be sent, by certified mail, to abutters and nearby property owners. The filing fee will be used to meet these expenses. If the expenses exceed the filing fee, the applicant will be billed for the difference.

LIST OF ABUTTERS: You must prepare a list of all abutting property owners, have it verified at the Town Office, and attach it to your application. If you have any difficulty, consult the Assessor's Office, but THE ACCURACY OF THE LIST IS YOUR RESPONSIBILITY. An "abutter" means any person whose property adjoins or is directly across the street or stream from the land under consideration. The list of abutters must also include any holders of conservation, preservation, or agricultural preservation restrictions in accordance with RSA 676:4 (I) (a) of the New Hampshire Planning and Land Use Regulations.

PLOT PLAN: Applications must be accompanied by plot plans in order to be considered by the ZBA. Plans should show the location and shape of the subject structure in relation to lot lines and required setbacks, in addition to location and identification of abutters. Neither the review of any applications or plans by officials of the Town of Durham, nor any subsequent inspection of the premises, should be relied upon as an assurance of conformity to legal requirements. The applicant shall remain fully responsible for complying with all applicable United States, New Hampshire or Durham laws, ordinances, regulations or conditions.

V. ADULTER

PRESENTATION AT MEETING: The Petitioner should bring all documentation, which will assist the Board in understanding the proposal. Do not assume that anything submitted to a different Town Board will find its way to the ZBA file.

NOTE: Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. An appeal of Administrative Decision must be filed with the Board no later than 30 days from the date of the original decision as per the Zoning Board Rules of Procedure Section D(1)(b).

It is necessary that the applicant or his legal representative attend the meeting held for the review and consideration of this petition.

Please send this form with Plot Plan and List of Abutters to the Town of Durham, 15 Newmarket Rd., Durham, NH 03824, Attn: Zoning Board of Adjustment.

Appeal for Applicant

State of New Hampshire

Strafford, SS

To: Zoning Board of Adjustment, Town of Durham NH 03824

Name of Applicant: TED MULLIGAN

Address: 4 ROCKY LN Phone # 603 315 4521

Email: TED.MULLIGAN@COMCAST.NET

Owner of Property Concerned: SAME

(If same as above, write "Same")

Address: SAME

(If same as above, write "Same")

Location of Property: 14 COE DR. 4/20/6A

(Street & Number, Subdivision and Lot number)

Description of Property (Give Tax Map number, length of frontage, side and rear lines and other pertinent descriptive information) SINGLE FAMILY DUPLEX STYLE

Fill in Section 1, 2, 3 or 4 below as appropriate. Do not fill in more than one section. This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate sheets if the space provided is inadequate.

SECTION 1: APPEAL FROM AN ADMINISTRATIVE DECISION

Appeal must be filed no later than 30 days from the date of the original decision.

Relating to the interpretation and enforcement of the provision of the Zoning Ordinance.

Decision of the enforcement officer to be reviewed: NOTICE OF VIOLATION FOR PERMITTED PARKING OF UP TO 3 VEHICLES IN FRONT YARD SETBACK. Number 175-11163 Date _____

Article XXI Section 175-11163 of the Zoning Ordinance in question.

SEE ATTACHED DOCUMENT

To: Zoning Board of Adjustment

From: Ted Mulligan

Date: June 22, 2016

Re: Administrative Appeal - 14 Coe Drive

This information is provided for the appeal of an administrative decision related to parking serving single-family and duplex units in the front yard setback.

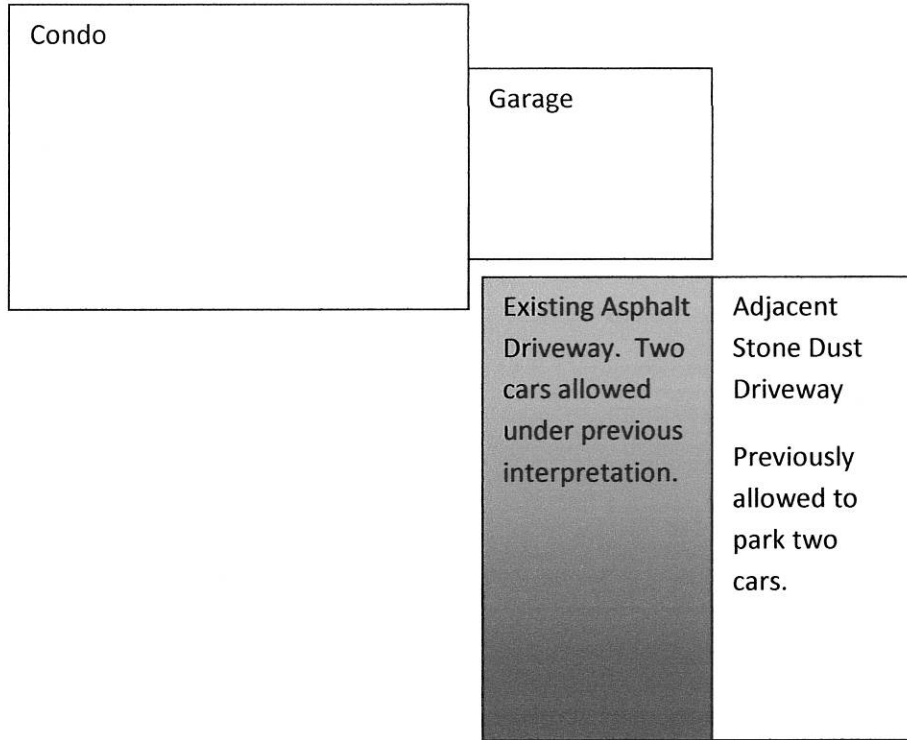
I believe an error has been made in the interpretation of the provisions of this ordinance, based on historical course of action.

In 2007 prior code enforcement advised that vehicles could not park on the right side of the driveway unless proper parking surface was installed. A minor building permit application was submitted and approved on February 16, 2007 to expand the parking area with crushed stone. According to code enforcement at the time, this allowed for parking of two cars in the driveway and two cars next to the driveway, for a total of four cars.

This proceeded to be the case for the next eight years whereby parking four cars (two in the driveway and two next to the driveway) did not result in a violation notice. This was also the case for my neighbor at 16 Coe Dr. who never received violation notices for parking significantly more than four cars on a regular basis in her driveway with the same configuration. Subsequently, with new code enforcement personnel, a violation notice was received this year for parking more than three cars in the front yard setback.

After two meetings with Audrey it was determined that it was likely a different interpretation was being applied to "front yard setback". The logical conclusion was that prior code enforcement interpreted the adjacent parking area to be in the side yard setback thereby two cars were in the front yard setback and two cars in the side yard setback resulting in full compliance.

Therefore, I am appealing the violation because I believe the adjacent driveway, which since 2007, has been in compliance in allowing two park cars in what is believed to be the side yard setback as opposed to the front yard setback.



Abutters:

16 Coe Drive: John Henderson

12 Coe Drive: Cathy Maranhó

Oyster River Middle School.