



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: Diane Ellis-Manocchia, 286 Mast Road, Durham NH

Date of order: 3/12/2019

Deadline for application for appeal: 4/12/2019

Decision or Order of the Zoning Administrator:

Your Home Occupation-2 permit application dated 2/12/19 is DENIED due to noncompliance with the Durham Zoning Ordinance:

ARTICLE II DEFINITIONS,

HOME OCCUPATION-2 – A home occupation meeting the following requirements:

- d. The activity does not produce noise, odor, traffic or other nuisances perceptible at the lot line at a higher level than is usual in a residential neighborhood.

The Ordinance is unclear as to whether the Administrator is to read section “d” as “a (*typical*) residential neighborhood”, or whether the Administrator is to read section “d” as “(*this particular*) residential neighborhood”.

By Durham Zoning Administrator/Building Inspector/Code Enforcement Officer:



Audrey Cline CEO