



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

MAR - 8 2021

Planning, Assessing
and Zoning

370 Ft.
3/8
check
2031

APPEAL FROM AN ADMINISTRATIVE DECISION

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).

Name of Applicant Jeff Berlin - Member "BPNE Property 2 LLC"

Address: 277 Main st. Durham NH 03824

Phone # 603 953 4014 Email: Jeff@Berlinpropertiesne.com

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

Address: _____
(If same as above, write "Same")

Location of Property: 39 Emerson Rd.
(Street & Number)

Tax Map & Lot number 10/12-27

Decision(s) of the enforcement officer to be reviewed: _____

My ability to park a 5th Car on an allowable
surface within the setbacks of my property without
providing records to Audrey.



TOWN OF DURHAM
 8 NEWMARKET RD
 DURHAM, NH 03824-2898
 TEL: (603) 868-8064

2/25/2021

CERTIFIED MAIL

BPNE Property 2 LLC
 C/O Berlin Properties NE
 277 Main Street Office
 Durham NH 03824

Re: Tax Map & Lot 10/12-27; 39 Emerson Road

NOTICE OF VIOLATION

This **NOTICE** is to inform you that the 39 Emerson Road property referenced above is in violation of *Durham Zoning Ordinance ARTICLE XXI 175-111. General Requirements.*

A. Parking – General Provisions.

*2. Number of vehicles – There shall be **no more than 3 vehicles** parked on a regular basis on a residential lot in the Residence A and Residence B Districts. However, more than 3 vehicles may be parked on the lot if the property owner demonstrates that they are for **use by lawful occupants** of the dwelling unit, as demonstrated by records acceptable to the Zoning Administrator.*

In order to comply you must:

- 1.) Cease and Desist from parking more than four vehicles on the parcel. All vehicles registered for the road such as scooters count towards the maximum of three, except for those vehicles stored within a completely enclosed structure.

OR

- 2.) Provide records to demonstrate that all vehicles belong to legal tenants (leases are preferred)

If you fail to comply with this notice, the Town will take all appropriate legal actions under **RSA 676:17** and other provisions of New Hampshire law to enforce Durham's Zoning Ordinance, including district or superior court action.

Failure to comply with this Notice of Violation could result in the imposition of civil fines and penalties, including attorney's fees and costs, pursuant to RSA 676:17. This statute provides, in part, that a violation is punishable by a civil penalty of \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue after the date on which you receive this written Notice of Violation. In addition, **RSA 676:17 provides that the Town shall be entitled to recovery of its costs** and reasonable attorney's fees actually expended if the Town is found to be the prevailing party in this action.

You have **ten (10) days** in which to correct the violation by one of the methods described above, or in which to come to an agreement on a time frame in which the violation will be abated, or to file for an appeal under Durham Zoning Article IV Section 175-12 (see enclosure)

The Town's goal in this matter has always been and remains your compliance with Durham's Ordinance. If you have questions about how best to comply with these requirements, or question about approval processes that may ameliorate the parcel's parking issues, please don't hesitate to contact me.

The Town of Durham
 By Its Code Enforcement Officer

By: _____

Audrey Cline

acline@ci.durham.nh.us