

**From:** [Audrey Cline](#)  
**To:** [Karen Edwards](#)  
**Subject:** Fwd: 39 Emerson Appeal  
**Date:** Wednesday, April 14, 2021 11:16:23 PM

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**From:** Audrey Cline  
**Sent:** Tuesday, April 13, 2021 4:40:13 PM  
**To:** Joan Lawson (joanlawson@comcast.net) <joanlawson@comcast.net>; Mark Morong (mduffm@comcast.net) <mduffm@comcast.net>; Chris Sterndale (csterndale@gmail.com) <csterndale@gmail.com>; Thomas Toye <tom@arthurthomasproperties.com>; Micah Warnock (warnockmr@gmail.com) <warnockmr@gmail.com>  
**Subject:** 39 Emerson Appeal

Dear ZBA,

The Parking Ordinance section below requires that the property owner demonstrate compliance with the parking ordinance when questioned by the CEO.

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.**

The recent changes in the ordinance have not changed the allowable use of property for parking.

As before, no more than 3 may be parked in the front setback.

As before, any number may be parked on the rest of the parcel if they are parked as an accessory use to the dwelling. Renting, leasing, or lending parking spaces is not, and never was, an allowed use of the parcel.

The change that was created with the new ordinance is simply giving the CEO authority to request documents to verify whether parking on a parcel is compliant with the ordinance.

This property is allowed four un-related occupants. There are five cars parked on this parcel regularly (see chart below). It is possible that the fifth car belongs to a tenant with two cars, or there is another legal reason for the fifth car. Code Enforcement is simply using the authority in the ordinance to verify compliance.

**Notes:**

The chart is a .jpg and can be resized by selecting and dragging a corner.

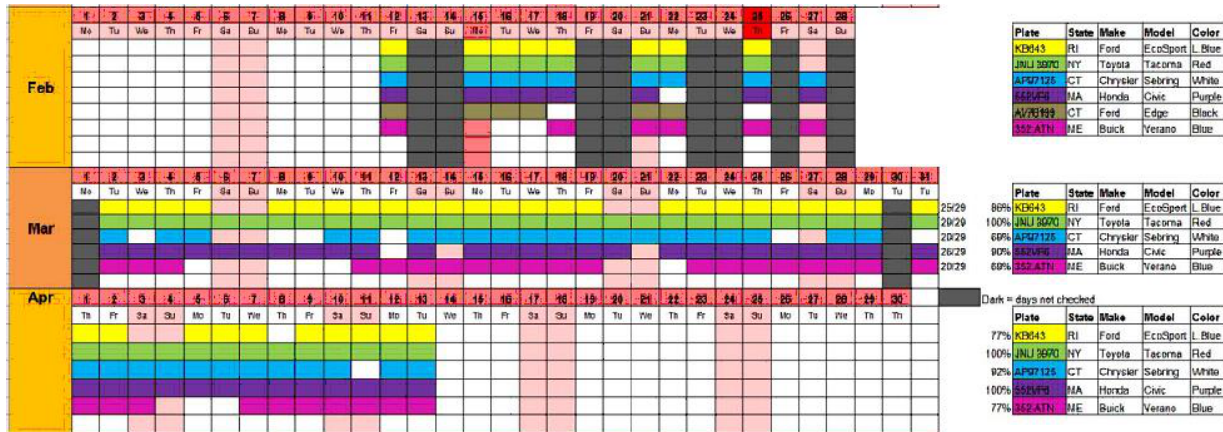
The days prior to Feb 25<sup>th</sup> were marked to ascertain whether there might be a parking violation on the property.

**Feb 25<sup>th</sup>** is the day the Notice of Violation was delivered in-hand to the tenants and mailed to the owner.

No vehicle was there for less than 69% of the days between March 1<sup>st</sup> and April 13<sup>th</sup> (this is the LEAST number of days each car was there as the property was typically checked only once a day.)

Dark boxes were days that the parking was not photo-documented, there were only two of those days between March 1<sup>st</sup> and April 13<sup>th</sup> undocumented.

It is interesting that there are 5 unique States represented at this property.



Audrey Cline CBO  
 Durham Code Administrator  
 NH Health Officer