



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

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 Town of Durham

FEB 20 2024

Planning, Zoning  
 and Assessing

Fees = \$100 Application  
 \$225 Newspaper  
 \$144 16 abutters  
 \$469

**SPECIAL EXCEPTION**

Name of Applicant Celie & Jennings Boley

Address: 10 Juniper Lane Durham NH 03824

Phone # 603-978-8383 Email: celieboley@gmail.com

Owner of Property Concerned same ~ Boley Family Revocable Trust  
 (If same as above, write "Same")

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

Location of Property: same  
 (Street & Number)

Tax Map & Lot Number 223, Lot 22

Description of proposed use showing justification for a Special Exception as specified in  
 the Zoning Ordinance: Article: XIII Section: 175-53

Occasional use of short-term rental

**EXPIRATION PERIOD FOR SPECIAL EXCEPTIONS:**

Any Special Exceptions granted shall be valid if exercised within **2 years** from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.

**Article XIII, Section 175-26**  
**Special Exceptions**

- A. ***Criteria for the Granting of Special Exceptions.*** The Zoning Board of Adjustment is authorized to grant a special exception in accordance with RSA 674:33 IV, as amended. The board shall grant a special exception if, and only if, it finds that all of the following general criteria, along with additional specific criteria for particular uses and activities given elsewhere, are met. The following are conditions of all special exceptions.
1. That the use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and nature of other uses in the vicinity or by reason of obvious and adverse violation of the character or appearance of the neighborhood.
  2. That the use will not be injurious or noxious and thus detrimental to the neighborhood by reason of any of the causes stated in Part B. Zoning Districts (See Table of Contents) of this chapter.
  3. That the use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, excessive noise, or comparable adverse causes, impacts, or conditions.



# Town of Durham

8 Newmarket Road, Durham, NH 03824  
VOICE (603) 868-8064 • FAX (603) 868-1858  
www.ci.durham.nh.us

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Town of Durham

FEB 19 2024

Planning, Zoning  
and Assessing

## SHORT-TERM RENTAL APPLICATION WITH NO CONSTRUCTION or RENOVATIONS

Permit # 24-0069

Map & Lot # 223-22

Zoning R

Street Address of Short-Term Rental: 10 Juniper Lane, Durham NH 03824

### Owner Information (please print)

<u>Celie</u>	<u>Jennings Boley</u>	<u>603-978-8383</u>	<u>celieboley@gmail.com</u>
First Name	Last Name	Phone #	Email address
<u>10 Juniper Lane</u>	<u>Durham</u>	<u>NH</u>	<u>03824</u>
Mailing Address	City/Town	State & Zip	

**A Short-Term Rental is only allowed in Zoning Districts CB, CH, CC, C and PO must meet the definition below. A Short-Term Rental in any other Zoning District is only allowed by obtaining a Special Exception through the Zoning Board of Adjustment. Please contact the Zoning Office at 868-8064 for further information.**

**Short-Term Rental** – An accessory use to an owner-occupied single-family residence containing, in addition to living accommodations for the owner and the owner’s family, not more than three sleeping rooms, for the purpose of providing to the general public, for compensation, lodging, with or without breakfast, for less than thirty (30) consecutive days. A short-term rental is not considered a home occupation. A floor plan of the rental area is required with this application. Please see additional requirements attached.

Celie Boley  
Applicant Signature

2/17/2024  
Date

Certification: I hereby certify that I am the owner of record of the named property and agree to conform to all applicable laws of this jurisdiction. In addition, if any construction work is being done at this location, a separate building permit application will be submitted before the work begins. No changes from the above information will be made without approval of the building inspector. I acknowledge that this short term rental will be done in accordance with local town and state ordinances and that compliance is the sole responsibility of the applicant  
(Initial that I have read the above) CB

Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

Zoning Administrator \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Conditions of this Short-Term Rental or Reasons for Denial:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Short-Term Rental Requirements

The property owner shall submit an application to operate a short-term rental to the Zoning Administrator. The proposal shall be reviewed for compliance with all Building, Fire, and Life Safety Codes. (Site plan review is not required for a short-term rental.) **Please initial each below showing adherence to the requirements.**

*special exception please*  
CB A short-term rental is permitted within the property's zoning district.

CB The site where the short-term rental is located is the property owner's primary residence.

CB The property owner or a member of the property owner's family is on the premises overnight each night while the property is rented.

CB Those areas of the premises open to use by lodgers remain subject to periodic safety inspections per state law.

CB No recreational vehicle, travel trailer, tent, or other temporary shelter will be used by the renter(s) on the premises in conjunction with the short-term rental.

Signage is restricted to the following:

CB One non-illuminated sign not exceeding two square feet. If ground mounted the sign must be set back at least 10 feet from all lot lines and be no taller than three feet. If mounted on the house no part of the sign may be higher than the top of the first floor windows.

CB Non-advertising auxiliary signs (such as "No Parking Here" and "Entrance to the Right") that are non-illuminated and do not exceed one square foot for each sign.



**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:** Celie and Jennings Boley, 10 Juniper Lane, Durham

**Date of order:** February 19, 2024

**Deadline for application for appeal:** March 20, 2024

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

Building Permit number 24-00069 dated 2/17/2024 for property located at 10 Juniper Lane, Durham, Tax Map 223-22, is DENIED as the proposal does not meet the requirement under Durham's Zoning Ordinances below:

**ARTICLE XII.1 USE AND DIMENSIONAL STANDARDS**

175-53. Table of Land Uses.

Short Term Rental in the R Zone requires a Special Exception

Audrey Cline CEO