

**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824  
(603) 868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

*Property Referenced:*  
*Tax Map 239, Lot 9*

## ZONING BOARD OF ADJUSTMENT

**RE: PUBLIC HEARING** on a petition submitted by Kevin Baum Esq. on behalf of David and Karen Della Penta 2013 Trust, Durham, New Hampshire, for an APPLICATION FOR SPECIAL EXCEPTION in accordance with Article XII.1 Use and Dimensional Standards, Section 175-54 Table of Dimensions requiring a minimum side setback of 50' for structures. The property involved is shown on Tax Map 239 Lot 9, located at 561 Bay Road, and is in the Residence C District.

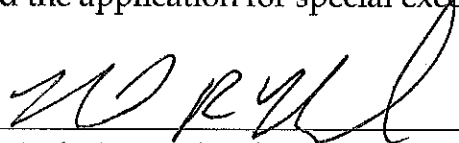
### DECISION OF THE BOARD

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by Kevin Baum Esq. on behalf of David and Karen Della Penta 2013 Trust, and testimony given at a Public Hearing on April 9, 2024, a motion was made and seconded:

that the Zoning Board of Adjustment **APPROVE** said petition submitted by Kevin Baum Esq. on behalf of David and Karen Della Penta 2013 Trust, Durham, New Hampshire, for an APPLICATION FOR SPECIAL EXCEPTION in accordance with Article XII.1 Use and Dimensional Standards, Section 175-54 Table of Dimensions requiring a minimum side setback of 50' for structures.

The motion PASSED on a vote of 5-0-0 and the application for special exception was approved.

4/12/24  
Date

  
\_\_\_\_\_  
Micah Warnock, Chair  
Durham Zoning Board of Adjustment

**NOTE:** Any person affected by this decision has the right to appeal against this decision. If you wish to appeal, you must act within thirty (30) calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds upon which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.

As per RSA 674:33 Variances and Special Exceptions 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 variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

Any questions should be directed to Audrey Cline, Zoning Administrator/Code Enforcement Office