

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Edward N. Herbert Assoc. Inc., for property owned by Cara C. Zohdi 1998 Trust of 1 Frost Road, Windham, NH


Property: 4 Winslow Way, Tax Map 17, Lot 75-1

Application case: Case # 20-2018

Date of decision: September 5, 2018

Decision: The Board voted 5-0 to deny the request for a variance from section 304.4 for a 34' building height for the following reasons:

- There were no special conditions of the property that distinguished it from other properties in the area. The property is burdened by the height restriction in a manner that is not distinct from other similarly situated properties.
- The applicant did not meet the burden of hardship. Any hardship is self-created.
- The applicant submitted plans demonstrating that a tasteful and modern home (indeed very similar to that proposed) could be built upon the lot that meets the height restriction of the zoning ordinance.
- Additional building height needed in order to obtain an ocean view is not a sufficient reason for granting a variance.
- Granting the requested variance would be contrary to the public interest.
- The spirit of the ordinance would not be observed if a variance were to be granted.
- Substantial justice is done by denying the request. Any loss to the Applicant is outweighed by the gain to the general public in enforcing its ordinance.
- Granting the variance may result in a diminution in the values of surrounding properties; and
- The proposed use was not reasonable.



Patricia Weathersby
Chairman

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.