

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

<u>Applicant/Owner:</u>	Seacoast Apart-Hotels, LLC
<u>Property:</u>	741 Ocean Blvd, Tax Map 23.1, Lot 28 Property is in the Business, Coastal Overlay and SFHA, Zone AE 9'
<u>Application case:</u>	Case # 12-2020
<u>Date of decision:</u>	June 3, 2020
<u>Decision:</u>	<p>The Board voted 5-0 to grant variances from the following sections of the Rye Zoning Ordinance:</p> <ul style="list-style-type: none">• §190-5.0. A for 10 parking spaces 9' in width;• §190-5.0. C for 5 (of the above 10) parking spaces to be located in the front setback; and• §190-5.0. D for no designated off-street loading space. <p>The Board voted 5-0 to deny a variance from the following section of the Rye Zoning Ordinance:</p> <ul style="list-style-type: none">• §190-5.1. A (2) for the proposed two-sided sign. <p>The Board voted 5-0 to deny a special exception from the following section of the Rye Zoning Ordinance:</p> <ul style="list-style-type: none">• §190-5.1. A (2) for two signs on one lot. <p>Reasons for denial include:</p> <ol style="list-style-type: none">1. The proposed first (two-sided sign), proposed to be 56 sq. ft. +/- (forty sq. ft. larger than what is allowed in the zoning ordinance), was much larger than is necessary to advertise the business.2. The larger sign was to be illuminated by exterior LED bulbs and internal illumination but there was a lack of definitive information about the overall brightness of the sign during daylight and evening hours. Given its large size and potential brightness, Board members found that it was likely that light from the sign would glare on abutting properties or on public streets or create a glowing object so as to detract from the enjoyment of abutting residential properties.

3. Although the property owner agreed to limit the hours of illumination of the large sign from 5AM to 11PM, Board found that such limitation was insufficient to reduce the harm to neighboring properties.
4. The overall size and illumination of the large sign was unreasonable.
5. Values of surrounding properties would be diminished by the presence and operation of the proposed large illuminated sign.
6. The proposed second (two sided) sign on the lot, proposed to be 12 sq. ft. +/-, was of such a large size that it was injurious and detrimental to the neighborhood and not in keeping with the purpose and intent of the zoning ordinance. A smaller sign indicating the location of the office and/or name of the business would be sufficient to designate the business and office area.



Patricia Weathersby, Chair

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.