

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Danna B. Truslow Rev. Trust and Edward William Truslow Rev. Trust

Property: 1065 Washington Road, Tax Map 10, Lot 49
Property is in the Single Residence District and
the Aquifer and Wellhead Protection District.

Application case: Cases #32-2021

Date of decision: August 4, 20201

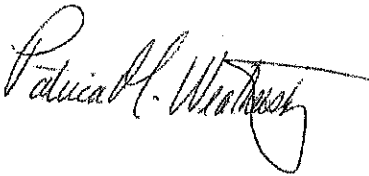
Decision: The Board voted 5-0 to deny the requested variances from the following sections of the Rye Zoning Ordinance:

- §190-2.3.C(2) for the creation of a lot by subdivision with a left side setback of +/- 17'; and
- §190-2.3.C(6) for the creation of lots by subdivision with 116' and 25' of frontage where 200' of frontage is required for each lot.

The reasons for denying the variance requests include:

1. The 25' of frontage for proposed Lot 2 is a mere 12.5% of what is required under the zoning ordinance.
2. The 25' of frontage for proposed Lot 2 is insufficient to meet the Town of Rye's setback requirements for a driveway.
3. The 25' of frontage for proposed Lot 2 is inadequate for safety purposes.
4. Allowing a lot with only 25' of frontage to be created would set a dangerous precedent for the possible subdivision of other properties with insufficient frontage for two or more lots.
5. The parcel proposed for subdivision does not have special conditions that distinguish it from other properties in the area but rather is similar to other long and narrow properties with significant back lands along Washington Road and elsewhere in Rye.
6. Granting the variances would be contrary to Rye's Master Plan which seeks to preserve open space and the semi-rural feel of the Town.
7. Proposed Lot 1 would have a left side setback of 17' and a right side setback of between 5 and 16 feet (ambiguous), resulting in inadequate space for the movement of personal, farm and life-safety vehicles around the home.

8. The very long proposed driveway may not be adequate for safety vehicles, particularly in light of the proposal by the Rye Planning Board to eliminate the use of "hammerheads" at the end of roads and driveways except in unusual circumstances.
9. Granting the variances would be contrary to the public interest.
10. Denying the variance requests does not result in unnecessary hardship to the Applicant.
11. The benefit to the Applicant in if granted the variance is outweighed by the harm to the public in so granting.
12. A variance for frontage of 25' would unduly and in a marked degree conflict with the Zoning Ordinance such that it violates the ordinance's basic zoning objectives.



Patricia Weathersby, Chairman