

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner:

Richard Enders

Properties:

17 Alder Ave, Tax Map 8.1, Lot 62
0 Alder Ave, Tax Map 8.1, Lot 62-1
Properties is in the General Residence District

Application case:

Case #44-2020

Date of decision:

October 4, 2021

Decision:

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

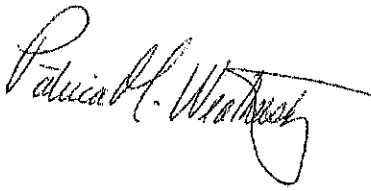
- §190-6.1.A to expand a non-conforming lot for a lot line adjustment.
- §190-6.1.A to make a non-conforming lot less conforming.
- §190-2.4.C(6) for a lot to be less than 44,000sq.ft and to have only 16' of frontage.

The reasons the variances were denied include:

1. The Zoning Ordinance requires buildable lots in this district to have a minimum of 44,000sf with 150' of road frontage and the proposed lot sizes and frontages post lot line adjustment were unreasonably inadequate.
2. Sixteen feet of road frontage is inadequate to support a driveway meeting the Town's driveway regulations.
3. Creating lots with sixteen feet of road frontage could endanger the delivery of emergency services (Fire, EMT, etc.)
4. Creating a 20,522 sq. ft. lot on which the owner intends to build a home where 44,000 sq. ft. is required will diminish the value of surrounding properties.
5. Taking an almost conforming lot of 37956 sq. ft. and deliberately making it more non-conforming (33,320 sq. ft.) to try and create a second, also inadequately size building lot is not in the spirit and intent of the ordinance and is contrary to the public interest.

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.

6. Taking Lot 62's woefully inadequate existing road frontage and deliberately reducing the frontage by almost 14 feet is not in the spirit and intent of the ordinance and is contrary to the public interest.
7. There is no unnecessary hardship to the applicant in denying the variances. Economic advantage or personal desire is not a reason to grant variances.
8. The proposed project and its impacts do not promote the health and general welfare of the community.



Patricia Weathersby, Chairman

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