

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Michael E. Megna, Member of 665-667 Wallis Road, LLC

Property: 665-557 Wallis Road, Tax Map 16, Lot 21
Property is in the Commercial District, Single Residence District, Aquifer & Wellhead Protection District.

Application case: Case #15a-2023 and 1ba-2023

Date of decision: May 3, 2023

Decision: The Board voted 3-2-0 to grant the following variances from the Rye Zoning Ordinance as presented:

- §190-2.11.C(2) for expansion of a second floor 12.9' from the side boundary;
- §190-6.2.A for expansion of nonconforming residential units; and §190-6.3.A for expansion on nonconforming structure to a two-story building with 3 residential units.

The Board voted 5-0-0 to grant the following waivers from the Rye Building Code as presented:

- RBC §35-14.C(1) and RBC §35-14.D.1(c) to permit an advanced septic system leachfield 2.5' from ledge.

The Board voted 3-2-0 to grant following the following special exception from the Rye Zoning Ordinance as presented:

- §190-6.4; from §190-7.1.A (3); and §190-5.3 for expansion of existing 2 unit dwelling to a 3 unit dwelling and conversion to condominium form of ownership

These variances, building code relief, and special exception were granted with the following conditions:

1. The property observe the deeded septic agreement referred to in their application.

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.

2. They keep clear site lines in the front yard setback 30' from the property line to keep fencing for landscaping 30 inches or lower to grade; and

3. Some type of notice(s) in the Declaration of Condominium Documents that notifies buyers that they are in the commercial zone, subject to abutters commercial use.


Shawn Crapo, Chair

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