

The Board of Adjustment of the Town of Rye, NH
Public Hearing at the Rye Town Hall, 10 Central Road
7:00 PM on Wednesday, OCTOBER 4 2023

Minutes: August 22, August 30 and September 5, 2023

APPLICATIONS:

- 1. Ocean Mustang Trust & Viking Realty Trust, Donna M. Miller, Trustee for property owned and located at 1264-1266 Ocean Blvd, Tax Map 17.3, Lots 55 & 57** request variances from §190-20.4.C(7)/ §190-3.4.D for building height of 35'-4" (+/-) where 28' is the allowed; from §190-2.4.C(5)/ §190-3.4.E for impervious lot coverage of 36.6% (+/-) where 30% is allowed and 44.5% (+/-) exists; from 190-6.3.B for demolishing two existing structures on two nonconforming lots and creating one house where lot frontage is 54' (+/-) and lot size of 23,694 sq. ft (+/-); from 190-3.1.H(2) for the structure 51' (+/-) from the highest observable tide line where 100' and 44.6'(+/-) exists; and from 190-11.1 for a driveway within 10' of an abutting property line. **Property is in the General Residence and Coastal Overlay Districts, SFHA Zone AO (3) and VE (20). Case # 45-2023.**

- 2. Marcie Michaud for property owned and located at 65 Big Rock Road, Tax Map 5.2, Lot 59** requests variances from 190-6.3B for demolishing a structure and rebuilding on a non-conforming lot; from 190-2.4.C(2) for a structure 23.8' and a patio 23.8' from the Pine Street front boundary where 30' is required; from 190-2.4.C(2) for pervious paver patio 18 +/- from the Big Rock Road front boundary where 30' is required; from 190-2.4.C(1) for the house 20.3' and a patio 9.0' / 17.4' from the rear boundary where 30' is required; from 190-2.4.C(1) 17.4' for a patio 17.4' from the rear boundary; from 190-5.0.C for parking in the front boundary and from 190-3.4E for impervious lot coverage of 18.6% where 15 % is allowed. Property is in the General Residence and Coastal Overlay Districts. **Case # 46-2023.**

- 3. Kate D'Appolina for property owned and located at 11 Ham Lane, Tax Map 10, Lot 64** requests variances from 190.2.3.C(3) for the new porch/stairs 29 +/- from the front boundary where 40' is required and 190-6.3.A for expansion. **Property is in the Single Residence District. Case #47-2023.**

- 4. Seacoast Apart-Hotels LLC for property owned and located at 741 Ocean Blvd, Tax Map 23.1, Lot 28** requests variance from 190-2.10.C(3) for expansion of office 14' where 14' exists and 30 is required. **Property is in the Business and Coastal Overlay District and SFHA, Zone AE (9) Case # 48a-2023.**

- 5. Seacoast Apart-Hotels LLC for property owned and located at 741 Ocean Blvd, Tax Map 23.1, Lot 28** for an Administrative Appeal from the Building Inspectors letter dated September 7, 2023. **Property is in the Business and Coastal Overlay District and SFHA, Zone AE (9) Case # 48b-2023.**

- 6. Kathy & Timothy Keane for property owned and located at 5 Cable Road, Tax Map 8.4, Lot 176** request §190-6.3.B for demolition of existing structure, replace with new; from §190-2.3.C(1) for a house 6.34'3"/4.05', pervious patio 6.84', pervious driveway 4.05' and a drainage area ± 1 , ± 3 ; from the rear boundary where 30' or ¼ depth is required; from §190-2.3.C(2) for a driveway ± 10 from the side boundary where 20' is required; from §190-2.3.C(3) for a house 4.2'/4.4', a pervious pavers ± 1 , and drainage area ± 1 from the front boundary where 40' is required; from §190-2.4.C(5) & §190-3.4.E for dwelling coverage 22% where 15% is allowed and lot coverage 29.9% where 15% is allowed; from §190-3.1.H.2(a)(g) for a pervious patio 38.5', steps 54.3' and porch roof 57.2' within the 100' NHDES Tidal buffer zone; and from §190-3.4.D for height 29.90' where 28' is allowed. **Property is in the Single Residence, Coastal Overlay, SFHA Zone VE (14). Case #49-2023.**

7. Robin Wehbe owner for Common Roots Café located at 2203 Ocean Blvd, Unit D, Tax Map 5.3, Lot 28 requests a variance from 190-5.0 for parking spaces for additional seats for seasonal outdoor seating. **Property is in the Business District, General Residence District, Coastal Overlay and SFHA, Zone AO (2). Case #50-2023.**

8. Chris & Cynde Lingamfelter for property owned and located at 362 Sagamore Road, Tax Map 19, Lot 50 request variances from §190-6.3.A for expansion of a nonconforming structure on a nonconforming lot; from §190-20.3C(3) for construction of a 4' x 12' porch 22', two dormers 20' +/- and for a condenser 18' from Clark Road front boundary where 40' is required; from §190-2.3.C(1) for a condenser 29' +/- from rear boundary where 30' is required; from §190-20.3C(2) for two condensers 20'6" from side boundary where 20' is required. **Property is in the Single Residence District. Case #51-2023. Continued to the November 1, 2023 agenda.**

9. BSL Rye Investors, LLC d/b/a Benchmark Senior Living for property owned and located at 295 Lafayette Road, Tax Map 10, Lot 3 requests an extension of the variances granted on November 17, 2021 to June 7, 2025. **Property is in the Commercial District, Multi-Family Overlay District, Aquifer & Wellhead Protection District and Berry's Brook Watershed. Case #46a-2021.**

**Chair,
Shawn Crapo**