

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, SEPTEMBER 6, 2023

Business: Minutes of August 2, 2023

APPLICATIONS:

1. **Enos General Contracting for property located at 715-717 Washington Road, Tax Map 11, Lot 56** requests variances from §190-2.3.C(2) for a garage 4.3' from the side boundary where 20' is required and from 190-5.0.C for a driveway 2' +/- from the side boundary. **Property is in the Single Residence District. Case #36-2023.**
2. **Ed Farley for property owned and located at 472 Wallis Road, Tax Map 16, Lot 77** requests variances from §190-2.3C(5) for height of barn and existing house for up to 40' where 35' is allowed, from §190-2.3C(2) for barn extension and new roof 19' +/- from the side boundary where 20' is required; and from §190-2.3.C(2) for addition to existing house to raise the roof 10' to 15' from the side boundary where 20' is required. **Property is in the Single Residence District. Case #40-2023.**
3. **Erin and Michael Horn for property owned and located at 281 Wallis Road, Tax Map 19, Lot 13** request a variance from §190-2.3.C(5) for construction of a patio with hot tub, a 15' x 20' deck, and an egress window equaling a lot coverage of 17% where 15% is allowed. **The property is in the Single-Family Residence District. Case #41-2023.**
4. **Steve & Tara Danielson for property owned and located at 5 Douglas Circle, Tax Map 8.1, Lot 105** requests variances from §190-2.4.C(2) for a garage 17.7' from the right property boundary and a walkway 12 +/- where 20' is required, from §190-2.4.C(2) for a garage 14.2' from the left side property boundary where 20' is required, from §190-11.1 for an expansion of the existing driveway within 10' of the right side boundary, and from 190-2.4.C(3) for a walkway 20+/- from the front boundary where 30' is required. **Property is in the General Residence District and Aquifer Protection Overlay District. Case #42-2023.**
5. **Robert S. Batal, Trustee for property owned and located at 94 Harbor Road, Tax Map 9.2, Lot 6** requests a variance from §190-3.1.H.(2)(a),(c), (g) to permit temporary and permanent surface alterations for the removal of the existing retaining wall and replace it with a longer one. **Property is in the Single Residence, Coastal Overlay and SFHA Zones (VE18, AO3, AE8, AE9 and X). Case #43-2023.**
6. **Brenda Dale for property owned and located at 630 Washington Road, Tax Map 11, Lot 78** requests variances from §190-2.2.D(1) for two dwellings on one lot temporarily and from §190-2.3.C(7) for height where 35' is allowed and 36.76' is being allowed. **Property is in the Single Residence and the Aquifer/Wellhead Protection Overlay. Case #44-2023.**
7. **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.**

8. 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**.

9. 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.**

10. 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 # 48-2023.**

11. 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 $\frac{1}{4}$ 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.**

12. 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.**