

TOWN OF RYE – BOARD OF ADJUSMENT

Wednesday, September 7, 2022

7:00 p.m. – Rye Public Library

Members Present: Sandra Chororos, Gregg Mikolities, Chair Shawn Crapo, Jenn Madden, John Tuttle, Chris Piela and Patrick Driscoll

Also Present on behalf of the Town: Planning/Zoning Administrator Kim Reed

I. CALL TO ORDER

Chair Crapo called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

- 1. Shoals Realty LLC/Splaine of 81 Cable Road, Rye NH for properties owned and located at 28 Pine Street, Tax Map 5.2, Lot 51 and 26 Pine Street, Tax Map 5.1, Lot 50** requests variances from §190-2.4.C(6) for a lot line adjustment between the two properties where 26 Pine Street where 25,600.53 sf exists will be reduced to 22,823.34 sf where 44,000 sf is required; from §190-2.4.C(2) for property 28 Pine Street for a house 10.52' and other fixtures +/- 5' and +/- 8' from the side boundary where 10.28' exists and 20' is required; from §190-2.4.E for building coverage for 28 Pine Street of 17.75% where 9.26% exists and 15% is required; and from §190-6.3.B for destruction of nonconforming structure and making slightly conforming. **Properties are in the General Residence District and Coastal Overlay District. Case #44-2022.**

Attorney Phoenix presented the case.

§190-2.4.C(6) for 26 Pine Street to become less conforming by reducing the lot to 22,823.34sq. ft where 44,000sq. ft. is required.

1) Granting the variance is not contrary to the public interest?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

2) The spirit of the ordinance is observed?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes

Jenn Madden- yes
Shawn Crapo - yes

3) Substantial justice is done?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

4) The values of surrounding properties are not diminished?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

5) There are special conditions of the property that distinguish it from other properties in the area?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

6) There is no fair and substantial relationship between the general purpose of the ordinance provision and the specific application of that provision to the property?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

7) The proposed use is a reasonable one?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

8) Therefore, literal enforcement of the ordinance would result in unnecessary hardship?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

The Board voted 5-0-0 to grant variances from the following section of the Rye Zoning Ordinance as advertised and presented for 26 Pine Street.

Board voted on 28 Pine Street: §190-2.4.C(2) for a house 10.52' and other fixtures +/- 5' and 8' from the side boundary; §190-2.4.E for building coverage of 17.75%; and §190-6.3.B for destruction of nonconforming structure and making slightly conforming.

1) Granting the variance is not contrary to the public interest?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

2) The spirit of the ordinance is observed?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

3) Substantial justice is done?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

4) The values of surrounding properties are not diminished?

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Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

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Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

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Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

7) The proposed use is a reasonable one?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

8) Therefore, literal enforcement of the ordinance would result in unnecessary hardship?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

The Board voted 5-0-0 to grant variances from the following section of the Rye Zoning Ordinance as advertised and presented for 28 Pine Street.

- 2. Charles Potter for property owned and located at 941 Ocean Blvd, Tax Map 20.2, Lot 141** requests variances from §190-2.4.C(1) for a rear deck/patio 5’ from the rear boundary where 30’ is required; and from §190-2.4.C(3) for front walkway 15’ from the front boundary where 40’ is required; and from §190-2.4.C(5)/ §190-3.4.F(6) for lot coverage of 24.1% from 27.5% where 30% is allowed. **Property is in the General Residence, Coastal Overlay District. Case #47-2022**

Charles Potter presented his case and there was a discussion about how to determine the depth of

the lot and the setbacks. The Board agreed with the Building Inspector's conclusion and that if the rear set back was 25' then the relief needed for the rear was 1'. The Board also determined that the relief requested for lot coverage was not necessary.

Susan Schaparo from RCC answering questions about the lot as it pertained to RCC and that there was a site walk with the applicant on the property.

A new landscape plan was submitted dated 10-17-2022 and that satisfied most of the RCC recommendations.

A condition that the applicant receive an As-Built plan stamped by a licensed surveyor when the project is completed to the building department was required and the planting be installed as depicted in the plans submitted dated 10-17-2022.

Vote on §190-2.4.C(1) for a rear deck/patio 1' from the rear boundary where 25' is required; and §190-2.4.C(3) for front walkway 15' from the front boundary.

1) Granting the variance is not contrary to the public interest?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

2) The spirit of the ordinance is observed?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

3) Substantial justice is done?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

4) The values of surrounding properties are not diminished?

Sandra Chororos - yes
Gregg Mikolaities - yes

John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

5) There are special conditions of the property that distinguish it from other properties in the area?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

6) There is no fair and substantial relationship between the general purpose of the ordinance provision and the specific application of that provision to the property?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

7) The proposed use is a reasonable one?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

8) Therefore, literal enforcement of the ordinance would result in unnecessary hardship?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

The Board voted 5-0-0 to grant variances from the following section of the Rye Zoning Ordinance as advertised and as presented with the condition that the applicant obtains an As-Built plan stamped by a licensed surveyor when the project is completed to the building department and the plantings are installed as depicted in the plan dated 10-17-2022.

Daniel Maguire for property owned and located at 20 Cable Road, Paul Maguire for property owned and located at 18 Cable Road, Tax Map 8.4, Lot 2 request a variance from §190-2.4.C(2) for a deck 8.5' from Lot 1 and 18.0' from Lot 3 where 20' is required; from §190-6.3A for expansion of a non-conforming structure; and from §190-2.4.C(5)/ §190-3.4.F(6) for lot coverage 37% where 30% is allowed. **Property is in the General Residence, Coastal Overlay District. Case #49-2022.**

Daniel Maguire presented from ZOOM and was able to demonstrate to the Board the reason for the new deck/porch. He also stated that since it was a condo that they went before the Planning Board and received approval. He owns the building with his brother they are the condo association.

The Board voted on §190-6.3A for expansion of a non-conforming structure; and from §190-2.4.C(5)/ §190-3.4.F(6) for lot coverage 37% where 30% is allowed.

1) Granting the variance is not contrary to the public interest?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

2) The spirit of the ordinance is observed?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

3) Substantial justice is done?

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John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

8) Therefore, literal enforcement of the ordinance would result in unnecessary hardship?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

The Board voted 5-0-0 to grant variances from the following section of the Rye Zoning Ordinance as advertised and presented.

Michael Bergeron for property owned and located at 11 Huntervale Ave, Tax Map 8.1, Lot 109 requests variances from §190-2.4.C(1) for a shed 5 from the rear boundary where 30' is required; and from §190-2.4.C(2) for a shed 2.5' from the side boundary where 20' is required. **Property is in the General Residence District. Case #50-2022.**

Michael Bergeron presented his application via zoom. He walked the Board through the application that they had in front of them and told them of the sheds that are in his neighborhood which is highlighted on one of the plan sets.

The Board voted on 190-2.4.C(1) for a shed 5 from the rear boundary where 30' is required; and from §190-2.4.C(2) for a shed 2.5' from the side boundary where 20'.

1) Granting the variance is not contrary to the public interest?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

2) The spirit of the ordinance is observed?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

3) Substantial justice is done?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

4) The values of surrounding properties are not diminished?

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Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

5) There are special conditions of the property that distinguish it from other properties in the area?

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes

Shawn Crapo - yes

- 6) There is no fair and substantial relationship between the general purpose of the ordinance provision and the specific application of that provision to the property?**

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

- 7) The proposed use is a reasonable one?**

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

- 8) Therefore, literal enforcement of the ordinance would result in unnecessary hardship?**

Sandra Chororos - yes
Gregg Mikolaities - yes
John Tuttle – yes
Jenn Madden- yes
Shawn Crapo - yes

The Board voted 5-0-0 to grant variances from the following section of the Rye Zoning Ordinance as advertised and presented.

The Board voted 5-0-0 to Adjourn at 10:00pm.