



RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD, PO BOX 163

RINDGE, NH 03461

Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964

www.town.rindge.nh.us

Hearing Date: 2-28-2012

Decision Date: 2-28-2012

Case Number: 1037

Notice of Decision

You are hereby notified of the Decision in the case of:

Connolly, Timothy. 53 Whitney Lane, Rindge, NH 03461. 603-566-3436. Map 10 Lot 35-1. Application for a Variance from Rindge Zoning Ordinance Article VIII, Section A & B to allow a two (2)-family residence in the Commercial District.

Sitting members: .. Dave Drouin, Bill Thomas, Joe Hill (alternate for Phil Stenersen), Janet Goodrich and Rick Sirvint (alternate for Marcia Breckenridge).

1. The variance use would be contrary to the public interest because:

It does alter the character of the neighborhood and there has been testimony indicating that it has threatened public safety, health, and welfare. It has inadequate parking, has been blocking access for public safety vehicles, and has blocked access to the homes of the residents who live beyond it.

Vote – Unanimous in favor.

2. Literal enforcement of the ordinance would not result in an unnecessary hardship due to special conditions of the property that distinguish it from other properties in the area because:

The structure is a single family home in a neighborhood of single family homes.

Vote – Unanimous in favor.

a) No fair and substantial relationship exists between the general purposes of the Zoning Ordinance provisions and the specific application of the provisions to the property because:

It is specifically contrary to the intent of the zoning ordinance as it is not a permitted use. It's already a residence and was accepted as a single family so it wouldn't serve the purpose of the zoning ordinance to make it a two family. It's contrary to the purpose of the zoning ordinance in that multi-family is not allowed and it would devalue properties around you and infringes the character of yours if you can't have access to your home.

Vote – Unanimous in favor

AND

b) The proposed use is not a reasonable one because: The property can be used as a single family home.

Vote – Unanimous in favor.



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3. The variance is not consistent with the spirit and intent of the Rindge Zoning Ordinance because:

The intent of the Rindge Zoning Ordinance is to preserve the health, welfare, safety and character of the town. Testimony has attested that granting the variance would change the character of the neighborhood and infringe on the health, safety and welfare of the neighbors.

Vote – Unanimous in favor

4. Granting the variance would not do substantial justice because:

The loss to the landowner is substantially less than the potential loss to the neighbors as per received testimony. The loss of a second dwelling unit is outweighed by the loss of the quality of life of neighboring properties as per the testimony received.

Votee - Unanimous in favor.

5. Granting the variance would diminish surrounding property values because:

Another dwelling would reduce the already minimal access to neighboring properties and Experience has demonstrated that this would decrease their value.

Vote - Unanimous in favor.

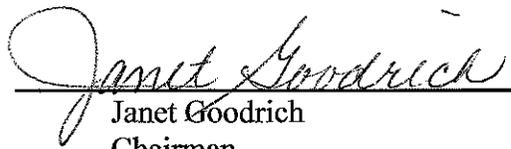
Variance Denied because:

Drouin moved that the variance be denied because it has not met the criteria for a variance. Hill seconded.

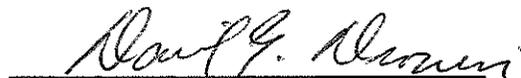
Vote – Unanimous in favor.

Respectfully Submitted:

Joseph C. Hill MD
Alternate
Linda Stonehill
Clerk



Janet Goodrich
Chairman



David Drouin
Vice Chairman