



## 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

**Case #981**

**Hearing: 1-22-08**

**Decision: 1-22-08**

### NOTICE OF DECISION

**You are hereby notified of the appeal of Sally McCaigue, Trustee of John B. Rice, Main Street, Rindge, NH 03461, Map 30/Lot 40 Beachview Drive: Application for an Area Variance from Article V, Section B-2 of the Rindge Zoning Ordinance.**

**The Board found that:**

- 1. The Variance will not be contrary to the public interest. On this issue the applicant and others provided evidence that:**

The setbacks concerning wetland and paved town roads are still honored. The Variance is on a private right of way so there is no public interest.

- 2. a. The Area Variance is needed to enable the applicant's proposed use of the property given the special conditions of the property. On this issue the applicant and others provided evidence that:**

Wetlands as well as public way setback preclude building elsewhere, **and the Area Variance is needed for this because:** As above.

- b. The benefit sought by the applicant cannot be achieved by some other reasonably feasible method. On this issue the applicant and others provided evidence that:** As above.

**Special conditions do exist such that literal enforcement of the ordinance results in unnecessary hardship. On this issue the applicant and others provided evidence that:** There are four (4) setbacks that limit buildable space.

- 3. The variance is consistent with the spirit and intent of the Rindge Zoning Ordinance. On this issue the applicant and others provided evidence that:**

It protects the shoreline and the wetlands and the building is still 50' back from the public right of way.

- 4. Substantial justice is done by granting the variance. If the variance is denied, the applicant will be burdened. On this issue the applicant and others provided evidence that:**

The buildable area is not practical, **and there is no significant benefit to the Town in denying the variance because:**

It is in keeping with the spirit and intent of Rindge Zoning Ordinances and the 10' violation is not excessive.



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**5. Granting the variance will not diminish the value of surrounding properties. On this issue the applicant and others provided evidence that:**

It is in keeping with the neighborhood.

**A Motion was made by Breckenridge, seconded by Drouin to GRANT the Area Variance with the provision that a State approved septic design is obtained. The motion carried unanimously.**

**Respectfully submitted,  
Kathy Strasser, Clerk**

Respectfully submitted

Joseph C. Hill, MD

Chairman

George Carmichael

Vice-Chairman