

APPLICATION FOR A VARIANCE
BOARD OF ADJUSTMENT
PO Box 268, Jackson, N.H. 03846

01/2010

Do not write in space below:

Case No. _____ Date Filed _____

ZBA Signature _____ Public Hearing _____

Decision _____

Applicant Signature _____ Date 11/1/2017

TAX LOT NUMBER: R11 Lot #8

Name of applicant David H. Mason

Address 8 Farrell Street Newburyport, Ma. 01950

Owner Same
(if same as applicant write, same)

Location of property 276 Iron Mountain Rd
(street, number, sub-division)

Acres .48 or Sq. Ft. _____

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate pages if the space provided is inadequate.

A variance is requested from section 4.3.1.2 of the zoning ordinance to permit:

Existing cabin is less than 50' from road

Facts supporting this request:

I. Granting the variance would not be contrary to the public interest:

The public interest would be minimal, As there are no abutters within eye sight of the Structure. The cabin is surrounded by vacant preserved land in a Trust

2. The spirit of the ordinance is observed because:

At the request of the Building Inspector

3. Granting the variance would do substantial justice because:

My wife and I would like dry and sucure storage, the previous structure was unusable & rotten, due to the fact of the the years of a leaking roof the storage space was unsafe to use

4. For the following reasons, the values of the surrounding properties will not be diminished:

The addition is in the same location as originally built. The materials used are eastern white pine,
Native to New England. The surrounding properties will realize no impact on value.

5. Owing to the special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

The cabin was built in 1941, we are requesting a zoning variance to replace an existing
Structure that is attached to a non-conforming structure, by to days current rules.

b. The proposed use is a reasonable one because:

The existing structure was used for storage.

The following additional information must be completed regarding the property in question:

Is any Use or Structure currently Non-Conforming? YES X NO _____

If yes, explain in detail:

Existing cabin is set within 50' of Iron Mt. Rd.

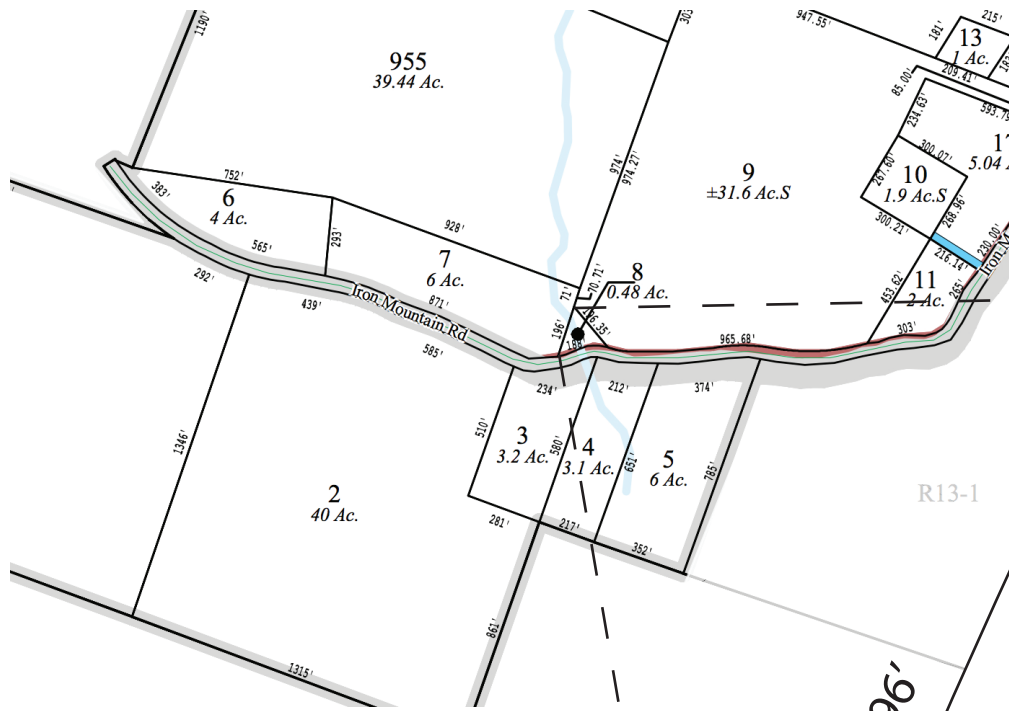
Does the property in question including all existing or proposed building, signs, driveways, and septic systems meet Jackson Zoning Ordinance requirements and applicable state regulations? YES _____ NO X

If no, explain in detail:

Existing cabin is set within 50' of Iron Mt. Rd.
No septic system in place on property
No electric on site
No running water on site

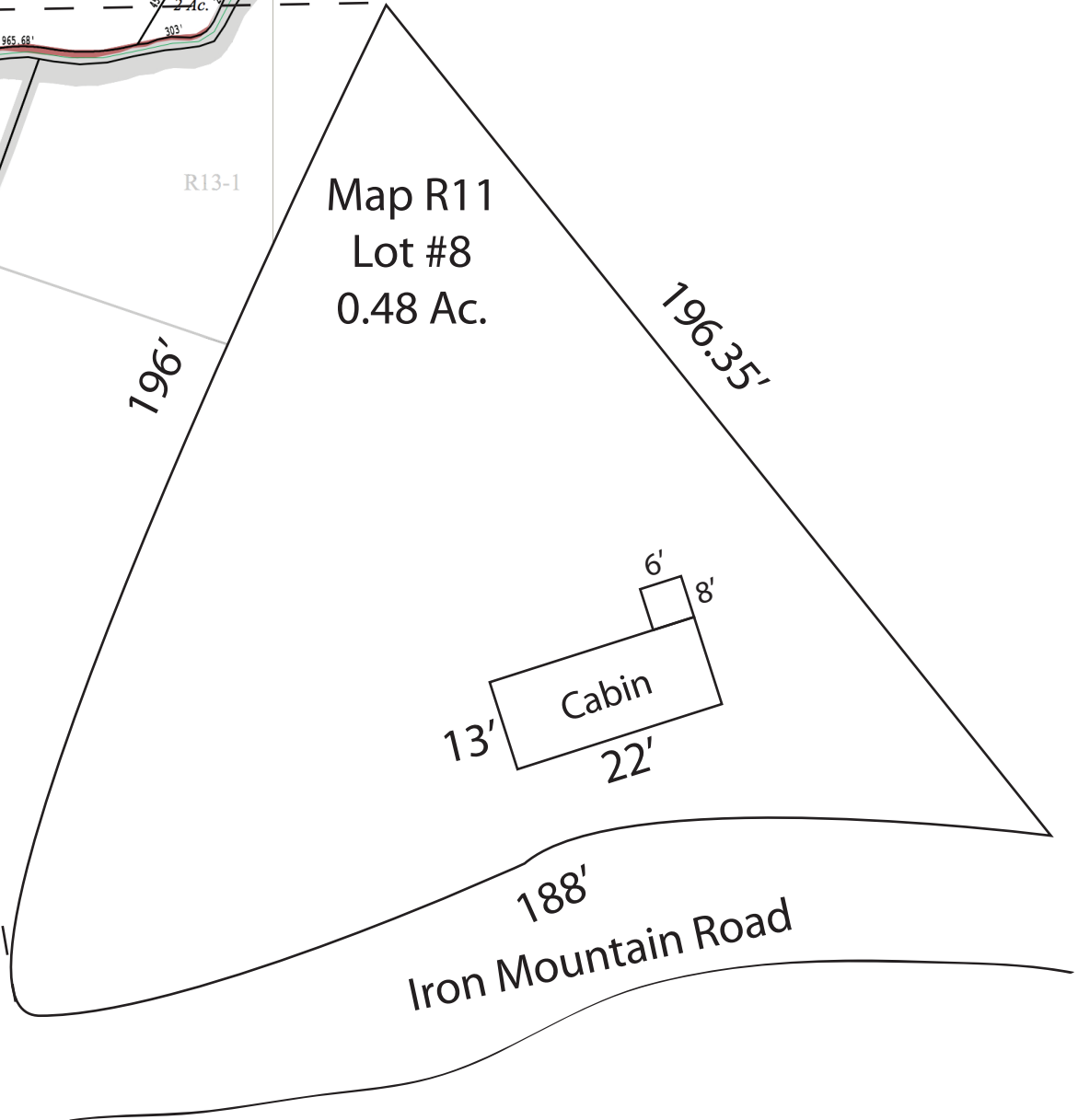
ADDITIONAL INFORMATION: Summarize below any information from preliminary discussions with any state agency personnel in regard to the case. In addition, attach copies of any correspondence from state agencies, or Jackson officials and boards pertaining to the property.

Building Inspector denied permit application due to setback from Iron Mt. Road
Received Application for a variance from Board of Adjustments



Map R11
Lot #8
0.48 Ac.

276 Iron Mt Road Lot map
and projected storage structure
Original structure was 3'x4'





TOWN OF JACKSON

OFFICE OF THE SELECTMEN

October 26, 2017

David and Susan Mason
8 Farrell St.
Newburyport, MA 01950

RE: Building Permit Denial Map R11/ Lot 08

Dear David and Susan,

I recently received and reviewed your building permit application for the construction of a 6' x 8' addition on your cabin located at 276 Iron Mountain Rd in Jackson, NH. I am denying your building permit according to the zoning rules in the Town of Jackson Zoning Ordinance, Section 4.3.1.2 Setbacks:

4.3.1.2 Setbacks (amended 3/8/2005, 3/10/2015, 3/8/2016)

No building, structure, porch, or portion thereof shall be located on a lot nearer any lot line, year-round stream or body of water than the minimum setback set forth below:

- 1) From the center line of the traveled way of any public or Private Road: Fifty (50) feet.*
- 2) From any abutter property line, or sideline of any public or private road that does not provide access to the lot: Twenty Five (25) feet.*
- 3) From the near bank of any year-round stream or body of water: Fifty (50) feet.*

Please review the Zoning Ordinance at:

<https://www.jackson-nh.org/board-adjustment/pages/zoning-ordinance>

In issuing the denial of a building permit this presents you with the opportunity to apply to, and seek relief through an application to, the Zoning Board of Adjustment. If you decide to appeal my decision, the application to the Zoning Board of Adjustment must be submitted within thirty days of this notice of denial.

Please contact Frank Benesh, Chair of the Zoning Board of Adjustment, at 603-383-8229. He would be the person to obtain an application to that Board.

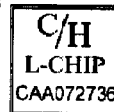
Thank you,

Kevin Bennett
Jackson Building Inspector



Doc # 0011414 Nov 19, 2015 10:19 AM

Register of Deeds, Carroll County

Lisa Scott

STATE OF NEW HAMPSHIRE		
DEPARTMENT OF REVENUE ADMINISTRATION		REAL ESTATE TRANSFER TAX
**** THOUSAND	2 HUNDRED AND	25 DOLLARS
11/19/2015	907092	\$ *****225.00
VOID IF ALTERED		

The space above this line is reserved for recording information

FIDUCIARY DEED

KNOW ALL MEN BY THESE PRESENT that **SARAH SCHOONMAN**, of 30 Liscomb Circle, Gilford, New Hampshire, 03249 as **ADMINISTRATOR OF THE ESTATE OF WILLIAM J. SCHOONMAN**, Sixth Circuit-Probate Division-Concord, Case Number: 317-2015-ET-00676, by the power conferred by the Probate Court and every other powers, for Fifteen thousand dollars and no cents (\$15,000) paid, grant to **DAVID HARDING MASON, II** and **SUSAN O'WEIL MASON**, both having a mailing address 8 Farrell Street, Newburyport, Massachusetts, 01950, as joint tenants with rights of survivorship, and not as tenants in common, with **WARRANTY COVENANTS**, the following:

A certain lot or parcel of land with the building hereon, located on Green Hill Road (n/k/a Iron Mountain Road), in the town of Jackson, County of Carroll and State of New Hampshire. This lot of land is more specifically bounded and described as follows:

Beginning on the North side of Green Hill Road (n/k/a/ Iron Mountain Road) at parcel of land of a Robin Willits (formerly of Wallace I. Hayes) at an ash tree spotted and extending in a Northwesterly direction about 200 feet to a clump of yellow birches, spotted and marked with a yellow pin in the Schoolhouse Brook, to a parcel of land of Robin Willits (formerly of Oscar Hayes and Wallace Hayes);

Thence turning Southwesterly along boundary of Robin Willits' parcel of land (Formerly of Oscar Hayes) to the Green Hill Road;

Thence turning Easterly along said Road to the point of beginning.

BK 3233 PG 990

Meaning and intending to describe and convey those premises conveyed by Warranty Deed of M. Leonard Schoonman to William J. Schoonman, II, E. Ann Elizabeth Schoonman and Lee A. Smith herein dated October 30, 1992 and recorded at Carroll County Registry of Deeds at Book 3166, Page 918. William J. Schoonman died June 24, 2015. See Merrimack County Probate Docket #317-2015-ET-00676.

The above described property is not part of the homestead of the Grantor.

EXECUTED, this 17 day of Nov., 2015.

Estate of William J. Schoonman

Sarah Schoonman

Sarah Schoonman as Administrator
for the Estate

STATE OF NH

COUNTY OF Carroll

The foregoing instrument was acknowledged before me this 17 day of Nov., 2015 by Sarah Schoonman as Administrator for the Estate of William J. Schoonman known to me or satisfactorily proven by photo identification to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.



Jodi L. Perry
Notary Public/Justice of the Peace
My Commission Expires: 7-13-16

Doc # 0011415 Nov 19, 2015 10:20 AM

STATE OF NEW HAMPSHIRE	
DEPARTMENT OF REVENUE ADMINISTRATION	REAL ESTATE TRANSFER TAX
***** THOUSAND <u>2</u> HUNDRED AND <u>25</u> DOLLARS	
11/19/2015 907093	\$ *****225.00
VOID IF ALTERED	

Register of Deeds, Carroll County

Lisa Scott



The space above this line is reserved for recording information

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that **E. ANN ELIZABETH SCHOONMAN**, single, with a mailing address of Post Office Box 1611, Meredith, New Hampshire, 03253, and **LEE A. SMITH**, married, with a mailing address of 1809 Chloe Lane, Virginia Beach, Virginia, 23456, for consideration paid, grant to **DAVID HARDING MASON, II** and **SUSAN O'WRIL MASON**, both having a mailing address 8 Farrell Street, Newburyport, Massachusetts, 01950, as joint tenants with rights of survivorship, and not as tenants in common, with WARRANTY COVENANTS, the following:

A certain lot or parcel of land with the building hereon, located on Green Hill Road (n/k/a Iron Mountain Road), in the town of Jackson, County of Carroll and State of New Hampshire. This lot of land is more specifically bounded and described as follows:

Beginning on the North side of Green Hill Road (n/k/a/ Iron Mountain Road) at parcel of land of a Robin Willits (formerly of Wallace I. Hayes) at an ash tree spotted and extending in a Northwesterly direction about 200 feet to a clump of yellow birches, spotted and marked with a yellow pin in the Schoolhouse Brook, to a parcel of land of Robin Willits (formerly of Oscar Hayes and Wallace Hayes);

Thence turning Southwesterly along boundary of Robin Willits' parcel of land (Formerly of Oscar Hayes) to the Green Hill Road;

Thence turning Easterly along said Road to the point of beginning.

Meaning and intending to describe and convey those premises conveyed by Warranty Deed of M. Leonard Schoonman to William J. Schoonman, II, E. Ann Elizabeth Schoonman and Lee A. Smith herein dated October 30, 1992 and recorded at Carroll County Registry of Deeds at Book 3166, Page 918.

The above described property is not part of the homestead of the Grantor's, nor that of Lee Smith's spouse.

BK3233PG 992

EXECUTED, this 17 day of Nov., 2015.

E. Ann Elizabeth Schoonman

E. Ann Elizabeth Schoonman

STATE OF NH

COUNTY OF Carroll

The foregoing instrument was acknowledged before me this 17 day of Nov., 2015 by E. Ann Elizabeth Schoonman known to me or satisfactorily proven by photo identification to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.



Jodi L. Perry
Notary Public/Justice of the Peace

My Commission Expires: 7-13-16

EXECUTED, this 14TH day of NOVEMBER, 2015.

Lee A. Smith

STATE OF VIRGINIA

COUNTY OF VIRGINIA BEACH

The foregoing instrument was acknowledged before me this 14TH day of NOVEMBER, 2015 by Lee A. Smith known to me or satisfactorily proven by photo identification to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

Notary Public/Justice of the Peace # 7525559

My Commission Expires: OCT. 31, 2016



BK3233PG 994