

Town of Jackson, NH

Zoning Board of Adjustment

Notice of Decision

Case 2019-01: Application for a Variance to allow construction of a new residence and additions on the site of an existing structure. The property is shown on Map R13; and is situated at Lot 14: 215 Green Hill Road in the Town of Jackson. The current owners of the property are Gwen and Steven Vosburgh (the Applicant).

Four of the five members of the Board were in attendance – requiring three affirmative votes to pass any action. The Applicant agreed to proceed as such.

Background

- 1) The Applicant are the owners of the above-referenced parcel which has an existing structure. Approximately eighty per cent of this existing house is within the front set-back of Green Hill Road
- 2) The Applicant plans to demolish the existing structure and construct a new residence upon the footprint of the current building. As a part of the new construction the Applicant plans to add a new addition (10 feet by 20 feet) and a new porch (8 feet by 22 feet) – both within the set-back. There will also be a new porch (8 feet by 10 feet) beyond the set-back line.

Submittals in Record

- 1) Letter from the Building Inspector of the Town of Jackson; denying the building permit based on non-conformance to the Jackson Zoning Ordinance, Section 4.3.1.2. This communication was dated November 8, 2018
- 2) Filing from the Applicant's representative, Cooper Cargill Chant, P.A., requesting a variance to the above Section. The application included a site plan (SK-1) produced by HEB Engineers, and architectural drawings by Walden Timberworks (The Builder). Also included was a list of abutters. This was dated December 7, 2018
- 3) A letter was submitted by an abutter in support of the proposed Variance.

Public Testimony

- 1) Christopher T. Meier of Cooper Cargill Chant reiterated the Variance Request details and described the geographic limitations of the site.
- 2) The Applicant described the interior layout and its provision to provide for "aging concerns".
- 3) The Builder described the construction of the building which includes provision for a future chair elevator to the proposed second floor.
- 4) Abutters in attendance voiced their support of the proposed Variance.
- 5) The Town of Jackson Building Inspector stated that the current structure was erected in 1960, and that the current Code was adopted in 2009 – hence the non-conformity.

Findings

- 1) The Board finds that the grant of the variance would not be contrary to the Public Interest - given the size of the lot, proximity to Green Mountain Road, and geographic impediments.
Voted: 4-0 in favor.
- 2) The Board finds that the Spirit of Ordinance would be observed.
Voted: 4-0 in favor.
- 3) The Board finds that the benefit to the applicant in replacing the existing structure would constitute Substantial Justice and would not be outweighed by any harm to the general public or other individuals.
Voted: 4-0 in favor.
- 4) The Board finds that the new construction will not diminish the value of surrounding properties, as it is
 - a) Substantially on the original footprint, and
 - b) Acceptable by all abutters (as described by The Builder, and as shown on supporting documents).Voted: 4-0 in favor
- 5) The Board finds that literal enforcement of the zoning ordinance (to wit., the prohibition of construction within the various setbacks) would result in an unnecessary hardship, given the special condition of the Applicant's lot. The specific application of the Ordinance in this case does not have a fair and substantial relationship between the purpose of the Ordinance and its specific application to this property.
Voted: 4-0 in favor.

Decision

Given the findings cited above, by a vote of 4-0 in favor, the Board of Adjustment grants the requested variance from Section 4.3.1.2 to permit the demolition and construction of the above-referenced structure, within the proscribed setback.

This decision may, for 30 days, be subject to a motion for a re-hearing from any party of interest or the Selectmen. It should not be considered final until lapse of that period.

Copies of this decision will be provided to the Applicant, the Planning Board, Board of Selectmen, Town Clerk, Assessor, and Building Inspector. Pursuant to 674:33-l-a, this variance shall be invalid if not exercised within 2 years of the date of final approval.

ZBA Members in Attendance

Frank Benesh,
Huntley Allen
Dave Matesky
James B. Gleason, Chair