

**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: September 24th, 2019

TAX LOT NUMBER: 000044

Name of applicant Patrick & Connie DeBoever

Address 61 Phillips Beach Avenue Swampscott, MA 01907

Owner: Same

Location of property: 30 Frances Avenue Jackson, NH A subdivision known as Black Mountain Terrace

Acres: unknown **Sq. Ft.** Approximately 11,400

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:

- 1) From center line of private road
- 2) From abutter property line

Facts supporting this request:

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

Environmental and cosmetic site improvements are sought to be made with a code compliant residence in a residentially zoned subdivision. I can see no reason for this to be contrary to public interest.

2. The spirit of the ordinance is observed because:

We are requesting relief to rebuild and increase the current use of existing home on a privately maintained road. The proposed construction remains within the size and scope of other homes on the street. and largely within the existing footprint

The increased use entails a 128 square foot enlargement of the current structure's footprint thus allowing for the provisions the current building code requirements and the nature of post and beam framing.

Additionally, we are proposing a deck that runs along the rear and left side of structure to gain greater accessibility and egress due to steep and uneven terrain.

The increased use structure along road the would be 2 additional feet of proposed structure and 6 feet of proposed deck

The increased Structure use along side the yard would be 4 additional feet of proposed structure and 6 feet of proposed deck

3. Granting the variance would do substantial justice because:

The current structure is in decline. It has been found and documented to contain multiple asbestos materials, creosote piers and timbers (a known cancer causing carcinogen). There is no stair case to access the sleeping lofts and no egress windows, creating substantial safety issues. There is little code compliance in plumbing, electrical or heating system. Structure currently has a broken sill joist and is being held up by boulders from below.

Substantial justice would be done for the good of the public by safely removing and disposing of toxic and banned building materials currently in the ground within 75 feet of the Wildcat river.

By replacing the structure with a code compliant energy efficient home, it further lessens the burdens of safety concerns as well as energy consumption.

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

- 1) Residential use in a neighborhood that is also residential and will not diminish values.
- 2) The project will make substantial environmental and code compliant improvements both functional and cosmetic.
- 3) Our construction plans are keeping within the theme size and scope of other homes on street.

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:

For the reasons outlined in question 3, 1) Considerable structural damage. 2) Toxic and banned materials used in current structure. 3) Electrical and general safety issues. 4) Matters of fire safety and means of egress along with limited accessibility.

Denial of the requested variance will result in unnecessary hardship, by way of diminishing safety, and energy consumption, environmental concerns in close proximity to river, diminishing property values, and limited use.

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:

No public detriment will occur as a result of this variance being granted. This is a small nonconforming home in decline, on a nonconforming lot. There is limited level building space due to its steep terrain.

It is necessary to seek relief to conform to current building codes for compliance, means of egress, fire code, safety and energy consumption.

b. The proposed use is a reasonable one because:

Because of the conditions of property, both structure and terrain, the proposed use is a reasonable one.

This is a residential home in a residentially zoned subdivision. A 128 square foot increase in the dwelling footprint is necessary to accommodate provisions for building code compliance and accessibility to the structure. While we are seeking to increase it's nonconforming use, it is in no way egregious or problematic to the public or its abutting residents along street.

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

Is any Use or Structure currently Non-Conforming? YES_____ NO_____

If yes, explain in detail:

Both: The structure is non conforming. The use is not. It is a residential structure in a residential zone.

The current home is currently nonconforming. It is built within the 25 foot set back on on one side to abutter.

Additionally the rear of home is also within the 50 foot setback from center of private road.

There is also a small out building on property that is within the setbacks of side yard and river.

Additionally, there is a wood shed considered a temporary structure within the setbacks of roadway.

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 _____ If no, explain in detail:

Both: No) The current structure is nonconforming and the proposed structure is reasonably seeking to expand upon the rear (along Road) and side yard (Right side) of the current non conforming structure.

The new structure new structure *is* conforming to the setbacks on left side of structure and along Wildcat River.

Both: Yes) Due to the special conditions of property variances were granted by the State of New Hampshire for an approved septic design and a location for a drilled well.

Thus the property does have a newly installed state approved septic system and a newly drilled well.

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.

- 1) Copy of well certificate
- 2) Copy of Septic approval and certificate of use
- 3) Copy of asbestos report was submitted along with a signed contract for abatement to building inspector.
- 4) Signed contract for demolition and debris disposal has been submitted to building inspector
- 5) A demolition permit was issued by building inspector

Attach all pertinent document and correspondence.

IMPORTANT NOTICE : Board of Adjustment By-Laws state that information from the applicant and/or his representatives must be provided to the Board no less than 7 calendar days prior to the date of the public hearing.

CONDITIONS AS PART OF AN APPROVAL: The Board of Adjustment is authorized to place conditions on a variance and failure to comply with those conditions may be a violation. If conditions are included as part of an approval, they must be recorded with or on the plat.



TOWN OF JACKSON

OFFICE OF THE SELECTMEN

July 9, 2019

Patrick Deboever
30 Frances Avenue
Jackson, N.H. 03846

RE: Building Permit Denial Map R18 Lot 44

Dear Patrick,

I recently received and reviewed your building permit application for the construction of a 32' X 24' one bedroom house, to be built on Lot 44. This is located at 30 Frances Avenue, Jackson, NH. This would be to replace the existing structure on lot 44, that would be taken down. The existing structure has a smaller footprint. The existing and proposed structures are non-conforming. Please see site and building plans. 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 centerline 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 James Gleason, Chair of the Zoning Board of Adjustment, at 603-383-6666. He would be the person to obtain an application to that Board.

Thank you,

Kevin Bennett
Jackson Building Inspector

List of Abutters

Jane E Robertson & David R Massucco
71 Hobs Road
Princeton MA01541

Map R18 Lot #000049

Edward Joseph & Deborah Lenane

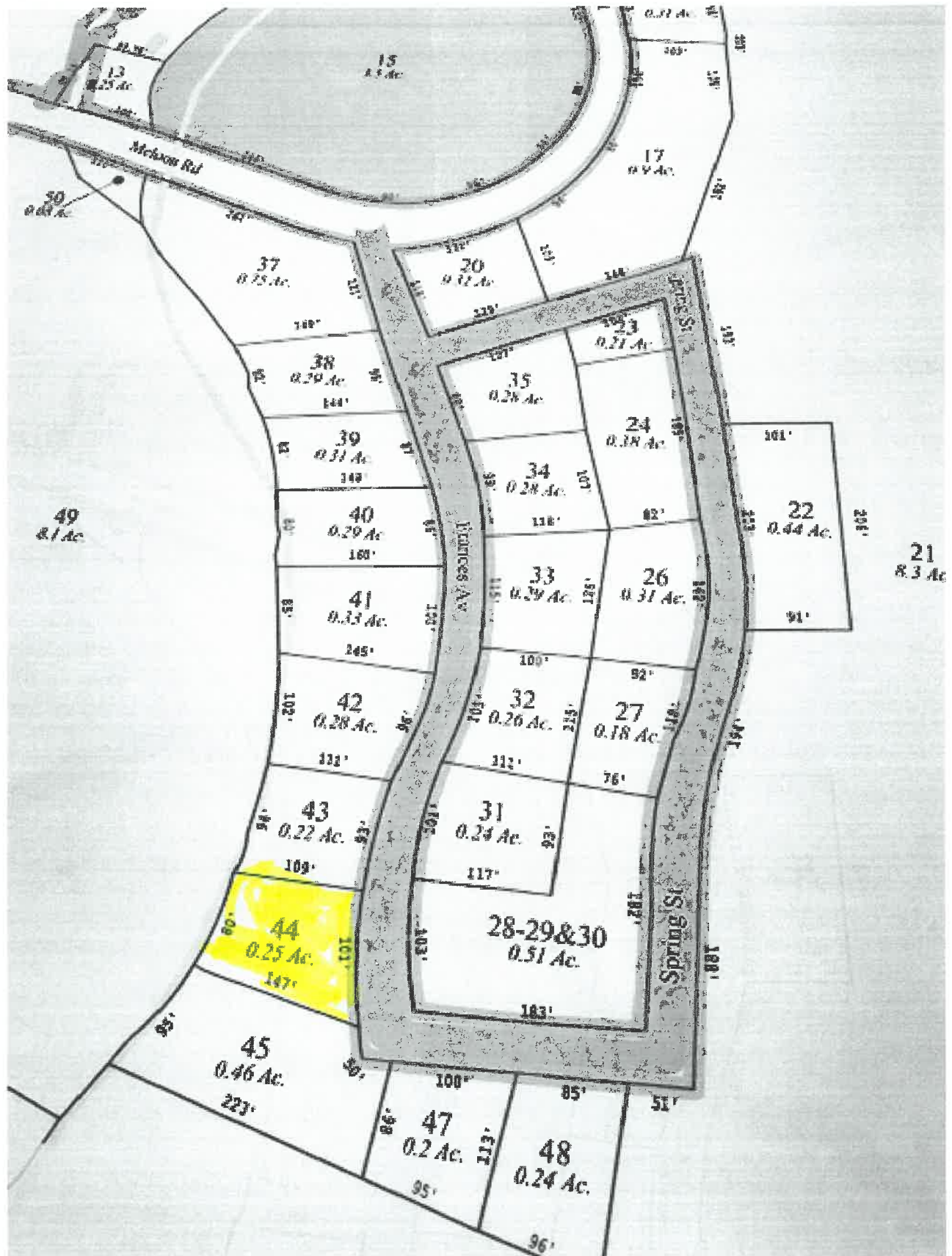
27 Meadowview Drive
Newton, NH 03858
Map R18
Lot #000028, 000029, 000030,00031

John & Carol Terry
142 Lawndale Rd
Mansfield, MA 02048

Map R18
Lot #000045

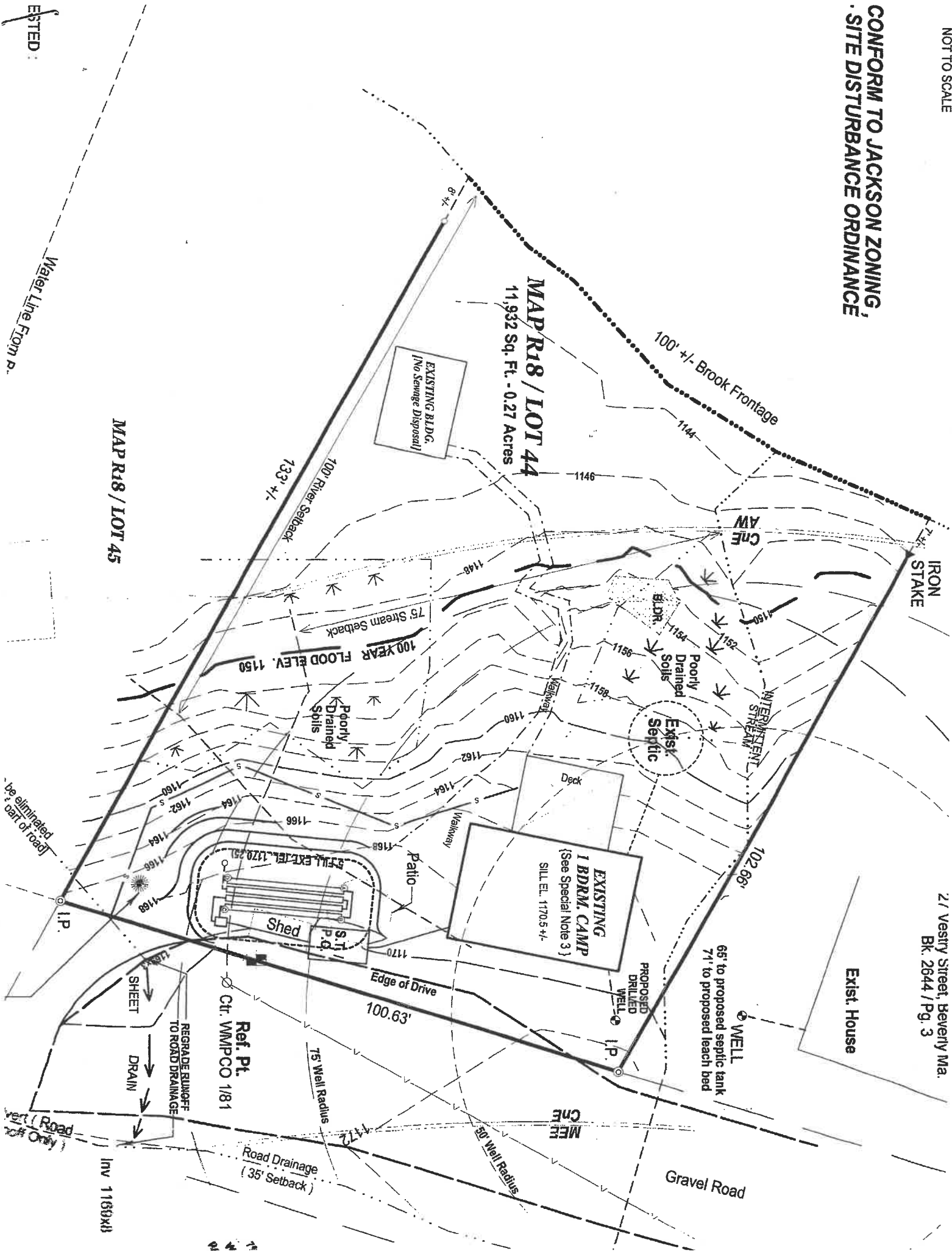
Pamela Landess,Trustee
Wildcat River Revocable Trust
27 Vestry St
Beverly, MA 01915

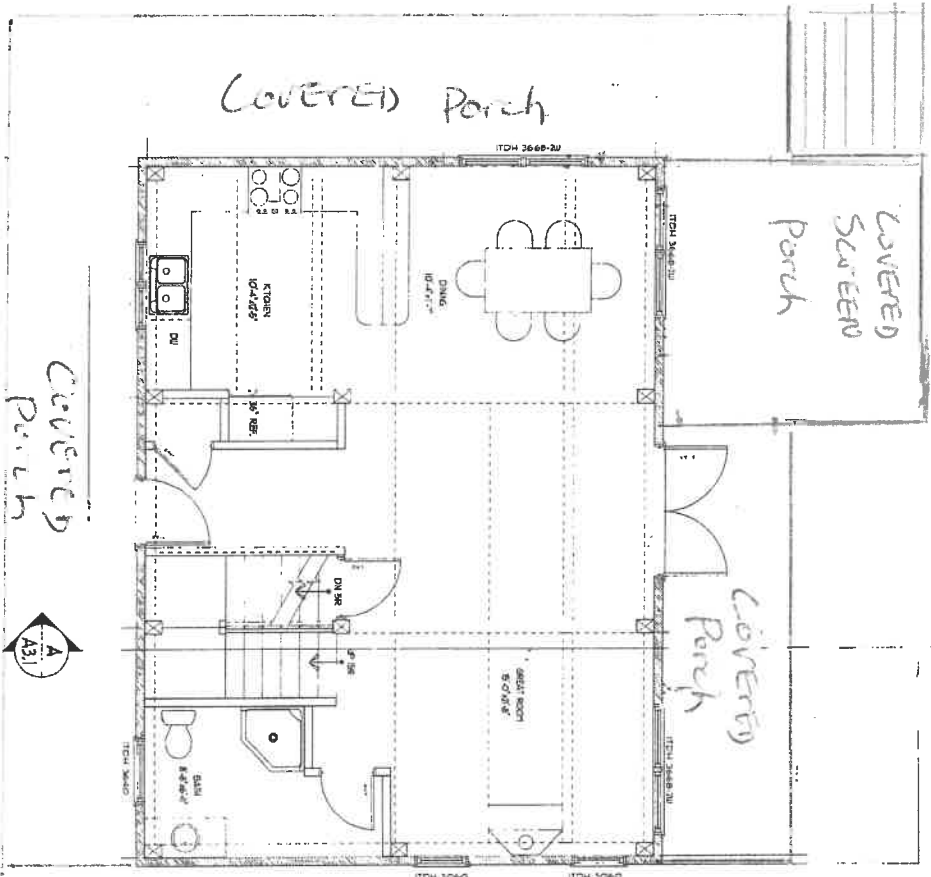
Map R18
Lot #000042, 000043



CONFORM TO JACKSON ZONING,
SITE DISTURBANCE ORDINANCE

21 Vestry Street, Beverly Ma.
Bk. 2644 / Pg. 3





1
SCALE 3/8" = 1'-0"
WINDOW R.O. = 6'-10 1/2" A.S.F.



NO.	DESCRIPTION	DATE	BY	CHECKED
1	REVISION			
2	REVISION			
3	REVISION			
4	REVISION			
5	REVISION			
6	REVISION			
7	REVISION			
8	REVISION			
9	REVISION			
10	REVISION			

AL1

DAVIS FRAME CO.
AUTHENTIC CUSTOM TIMBER FRAME HOMES

CLIENT
**DEBOEVER
RESIDENCE**
ADDRESS
30 FRANCES RD
JACKSON, NH 03846

NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ARCHITECT.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MANUFACTURER'S INSTRUCTIONS.
5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING CODES AND STANDARDS.

APPROVAL FOR CONSTRUCTION

CA2012107872

N.H. DEPARTMENT OF ENVIRONMENTAL SERVICES

CA2012107872

SUBSURFACE SYSTEMS BUREAU

P.O. BOX 95, 29 HAZEN DRIVE, CONCORD, NH 03302-0095

APPROVAL NO.

THE PLANS AND SPECIFICATIONS FOR SEWAGE OR WASTE DISPOSAL SYSTEM SUBMITTED FOR:

OWNER: **CONNIE/PATRICK DEBOEVER**
26 BEVERLY RD.
SWAMPSCOTT MA 01907-

Map No./Lot No.: **R16/44**
Subd. Appvl. No.: **PRE67**
Subd. Name: **BLACK MOUNTAIN TERRACE**
County: **CARROLL**
Registry Book No.: **2814**
Registry Page No.: **197**
Probate Docket No.: **N**
(If Applicable) **1 BR**

COPY SENT TO:
OFFICE OF SELECTMEN
PO BOX 268
JACKSON NH 03846

Type of System: **225 GPD**
JACKSON

Town/City Location: **30 FRANCES DRIVE**

BY APPLICANT: PERMIT NO. **00733**

BRIGGS LAND SURVEYING
PO BOX 1587
CONWAY NH 03818-

Street Location:

Subsurface waste disposal systems must be operated and maintained in a manner so as to prevent nuisance or health hazard due to system failure.
(RSA 485-A:37)

It is unlawful to discharge any hazardous chemicals or substances into subsurface waste disposal systems. Included are paints, thinners, gasoline and chlorinated hydrocarbon solvents such as TCE, sometimes used to clean failed septic systems and auto parts. (Env-Ws 1503.04)

ADVISE YOUR CONTRACTOR OF REQUIRED CHANGES IN PLANS AS INDICATED BELOW CONDITIONS

1. THIS APPROVAL IS VALID FOR 90 DAYS FROM DATE OF SAID APPROVAL, PER ENV-WQ 1003.22.
2. THIS APPROVAL IS GRANTED ONLY TO IMPROVE AN EXISTING SITUATION.
3. THIS PERMIT IS FOR THE RECONSTRUCTION OF THE SEPTIC SYSTEM ONLY, ANY REPAIR OR REPLACEMENT OF THE STRUCTURE SHALL NOT INCREASE THE EXISTING FOOTPRINT OR OUTSIDE DIMENSIONS.
4. THE ON-SITE WATER WELL SHALL BE CONSTRUCTED USING THE FOLLOWING MINIMUM SPECIFICATIONS, IN ACCORDANCE WITH RSA 482-B AND WE 602.05(J).
5. WAIVERS GRANTED.

03/20/2012

Approved this date: _____

Date amended: _____

ERIC J THOMAS

By: _____

N.H. Department of Environmental Services Staff

Amended by: _____ (OVER)

REVISED 8/01

201104099

APPLICANT'S

CONTRACTOR COPY

~~Septic~~ Septic

APPROVAL FOR OPERATION

CA2012107872

CA2012107872

APPROVAL CALL

CONNIE/PATRICK DEBOEVER
26 BEVERLY RD
SWAMPSCOTT MA 01907-

R18 / 44
PRE67
BLACK MOUNTAIN TERRACE
CARROLL
2814
197

OFFICE OF SELECTMEN
PO BOX 268
JACKSON NH 03846

N
1 BR
225 GPD
JACKSON
30 FRANCES DRIVE

Blane Regeeson Permit No. 3843

26 Sept 2012

26 Sept 2012

26 Sept 2012

(OVER)

PERMIT 001

201104088

Pamela Landess
27 Vestry Street,
Beverly, Ma 01915

NHDES
New Hampshire Department of Environmental Services
Subsurface Systems Bureau
6 Hazen Drive
Concord, NH 03302

Regarding:

Encroachment Waiver for septic design.

To who It may concern,

I have reviewed the prepared septic design prepared for the residents of the property recorded as R 18 Lot 44 in Jackson New Hampshire.

I am aware that the newly installed septic will be within certain setbacks of my abutting property.

As the owner of the abutting lot r18 lot 43 in Jackson New Hampshire, I am in compliance and have no objections to this proposed septic plan.

Thank you for your consideration in his matter.

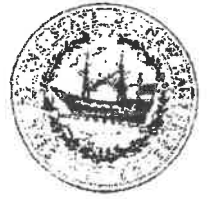
Pamela Landess

A handwritten signature in cursive script that reads "Pamela V. Landess". The signature is written in dark ink and is positioned below the printed name.

03-01-12



State of New Hampshire
Water Well Board
PO Box 95
Concord, NH 03302-0095



NON-CONFORMING WELL LOCATION FORM

Required under We 602.05(i)
Please Attach Copy to Well Completion Report

Property Owner PATRICK DeBOEVER, 26 BEVERLY ROAD, SWAMPSCOTT, MA 01907
Water Well Contractor ROTH ARTESIAN WELL CO
Location of Well 30 FRANCES ROAD TACKSON
Subdivision Name _____ Subdivision Lot # _____
Town Tax Map and Parcel #: Map # R18 Parcel # 44
Well Number 12-06-22-123 Latitude N44° 11' 53" Longitude W071° 11' 58"

REASON FOR NON-CONFORMING LOCATION

(Check appropriate box)

- ☒ The property size is not sufficient to allow for the required setback;
☐ Sufficient setbacks from other potential sources of contamination cannot be met;
☒ Excessive slopes prohibit access;
☐ The location of permanent structures would result in unreasonable impacts or damage to the structures;
☐ The location of lakes, ponds, streams or wetlands prohibits meeting the required setbacks;
☐ The presence of bedrock at or within four vertical feet of the surface would result in unreasonable offset trenching requirements; or
☒ Other (Explain) FUTURE SEPTIC SYSTEM APPROVED BUT NOT INSTALLED

SPECIAL METHODS OF CONSTRUCTION

Required under We 602.05(j)

- ☒ Extra casing installed into bedrock: Casing depth 48 Depth to bedrock 10
☒ Casing annulus grouted with bentonite grout; Other grout CEMENT
☐ Additional well seals:
☐ Jaswell type; Depth setting _____ feet below land surface; ☐ Annulus grouted
☐ Shale packer; Depth setting _____ feet below land surface; ☐ Annulus grouted
☐ Other (Explain) _____

SETBACK DISTANCES

Setback to on-site septic system leach field FUTURE APPROX 40 ft; Septic tank FUTURE APPROX 30 ft
Setback to off-site septic system leach field N/A ft; Septic tank N/A ft
Setback to property line(s) 2-6 FEET ft
Setback to other potential observed source(s) of contamination N/A ft

Well Number

12-06-22-123

(FOR CONTRACTOR'S USE)

State of New Hampshire
Water Well Board
PO Box 95
Concord, NH 03302-0095

Staff Use Only

WRB#

LOCACC

This report must be submitted to the N.H.
Water Well Board no later than 90 days after
the completion of the well.

Well Completion Report

Special Notes on Back

1. Well Owner/Home Owner: PATRICK DeBOEVER, 26 BEVERLY ROAD, SWAMPSCOTT, MA
and/or _____ Name _____ Permanent Mailing Address _____ 01907

Building Contractor: _____ Name _____ Permanent Mailing Address _____

2. Location of Well: Town TACKSON Address 30 FRANCES ROAD
Street No Road Name

Town: Tax Map No. R18 Lot No. 44

Latitude N 44 ° 11 ' 537

GPS Manufacturer: ☒ Garmin ☐ Magellan

Longitude W 071 ° 11 ' 585

☐ Other _____

Please Report Coordinates in: Map Datum: WGS 84 Position

Format: hddd°mm.mmm

3. Non-Conforming Well Location Form Required: ☒ Yes ☐ No
If Yes, please attach form to this report.

4. Date Well was Completed: 6/22/12

5. Proposed Use of Well: ☒ Domestic ☐ Monitoring Well ☐ Other (Explain) _____

6. Reason for Constructing Well: ☐ New Supply ☒ Replace Existing Supply ☐ Other _____

7. Type of Well: ☒ Drilled in Bedrock ☐ Drilled in Gravel ☐ Dug ☐ Driven Point ☐ Wash Well ☐ Other _____

8. Total Depth of Well 265 feet below land surface.

9. Depth to Bedrock 10 feet below land surface.

10. Casing Details: Length 48 ft., Dia. 6 in., Material Steel, Wt. 17 lb./ft.

11. Method(s) of Sealing Casing to Bedrock: ☒ Drive Shoe ☐ Drillings ☒ Grout ☐ Other _____

12. Measured Yield: ☐ Bailed ☐ Pumped ☒ Compressed Air, for 1.5 Hours, at 4 GPM

13. Static Water Level: 30 feet below land surface. Date Measured 6/23/12

14. Water Analysis: Has the water been analyzed? ☐ Yes ☒ No If yes, where _____

15. Stratigraphic and Lithologic Log:

Depth in Feet		Water Bearing	Surficial Material Description	Texture	Type
From	To				
Ground Surface	<u>10</u>		<input type="checkbox"/> Sand <input type="checkbox"/> Gravel <input checked="" type="checkbox"/> Till <input type="checkbox"/> Clay/Silt <input type="checkbox"/> Weathered Bedrock		
			<input type="checkbox"/> Sand <input type="checkbox"/> Gravel <input type="checkbox"/> Till <input type="checkbox"/> Clay/Silt <input type="checkbox"/> Weathered Bedrock		
			<input type="checkbox"/> Sand <input type="checkbox"/> Gravel <input type="checkbox"/> Till <input type="checkbox"/> Clay/Silt <input type="checkbox"/> Weathered Bedrock		
			<input type="checkbox"/> Sand <input type="checkbox"/> Gravel <input type="checkbox"/> Till <input type="checkbox"/> Clay/Silt <input type="checkbox"/> Weathered Bedrock		
			<input type="checkbox"/> Sand <input type="checkbox"/> Gravel <input type="checkbox"/> Till <input type="checkbox"/> Clay/Silt <input type="checkbox"/> Weathered Bedrock		
Competent Bedrock			Bedrock Type	Texture	Color(s)
<u>10</u>	<u>265</u>		<input checked="" type="checkbox"/> Granite <input type="checkbox"/> Basalt <input type="checkbox"/> Schist <input type="checkbox"/> Gneiss <input type="checkbox"/> Other	<u>M</u>	<u>1, 2</u>
			<input type="checkbox"/> Granite <input type="checkbox"/> Basalt <input type="checkbox"/> Schist <input type="checkbox"/> Gneiss <input type="checkbox"/> Other		
			<input type="checkbox"/> Granite <input type="checkbox"/> Basalt <input type="checkbox"/> Schist <input type="checkbox"/> Gneiss <input type="checkbox"/> Other		
			<input type="checkbox"/> Granite <input type="checkbox"/> Basalt <input type="checkbox"/> Schist <input type="checkbox"/> Gneiss <input type="checkbox"/> Other		

Suggested Descriptors: Texture: Fine Medium Coarse

Color: White = 1, Gray = 2, Black = 3, Blue = 4, Green = 5, Yellow = 6, Brown = 7, Pink = 8

Please Complete Additional Information on Reverse Side

STATE OF NEW HAMPSHIRE

DEPARTMENT
OF
REVENUE
ADMINISTRATION



REAL ESTATE
TRANSFER TAX

THOUSAND HUNDRED AND DOLLARS
NO. DAY YR. AMOUNT
875408 \$

VOID IF ALTERED

Doc # 0011636 Sep 8, 2009 1:58 PM

John P. Quinn
Register of Deeds, Carroll County

C/H
L-CHIP
CAA012651

WARRANTY DEED

Know all Men by these Presents that I, **David Bruce Hlebica** of 55 Mill Road, North Hampton, New Hampshire, for consideration paid

grant to **Patrick DeBoever** and **Connie DeBoever**, husband and wife as joint tenants with the rights of survivorship, of 26 Beverly Road, Swampscott, Massachusetts

with WARRANTY COVENANTS,

A certain lot of land together with the buildings located thereon, now known as and numbered **30 Frances Avenue, Jackson, NH** at Black Mountain Terrace, which Terrace is on the easterly side of the Wildcat River in Jackson, Carroll County, State of New Hampshire, and this lot bounded and described as follows: Beginning at the northwesterly corner of said lot at an iron pin driven into the ground eight (8) feet east of the east bank of the Wildcat River at land now or formerly of Gould; thence running in a general easterly direction for a distance of approximately one hundred eight (108) feet to an iron pin driven into the ground on the west side of Frances Avenue; thence turning and running in a general southerly direction along the west side of Frances Avenue for a distance of one hundred (100) feet to an iron pin driven into the ground on the west side of Frances Avenue; thence turning and running in a general westerly direction along land now or formerly of Gould for a distance of approximately one hundred five (105) feet to an iron pin driven into the ground eight (8) feet east of the east bank of the Wildcat River; thence turning and running in a general northerly direction for a distance of one hundred (100) feet in a line parallel to the east bank of the Wildcat River to the point of beginning; this lot being Lot 9 on the Lot Plan of a Development known as Black Mountain Terrace, recorded in Drawer 5 of the Carroll County Registry of Deeds, reference to said plan being made for further description.

Conveying also to the grantees the right with other owners or occupants of lots in the

COPY !!

Meaning and intending hereby to describe and convey the same premises conveyed to the grantor herein by deed of Edward F. Hlebica & Hazel F. Hlebica dated May 6, 1997 recorded in said Registry in Book 1700, Page 708. This is not homestead property.

Witness my hand seal this ^{4th} day of ^{Sept.} ~~August~~ 2009.

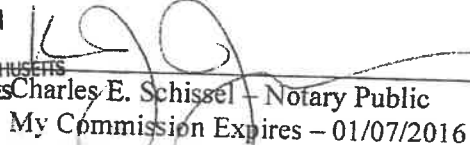

David Bruce Hlebica

COMMONWEALTH OF MASSACHUSETTS

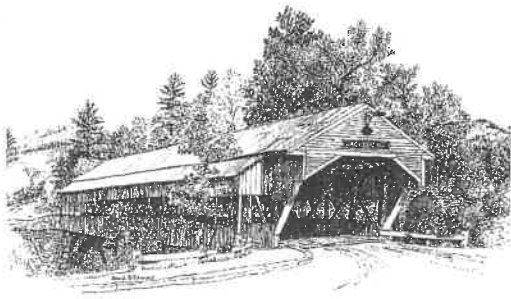
Essex County

On this ^{7th} day of ^{Sept.} ~~August~~ 2009, before me, the undersigned notary public, personally appeared David Bruce Hlebica, proved to me through satisfactory evidence of identification, which was his/her/their Drivers License(s) to be the person(s) whose name is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.



KARA J. JOHNSON
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES SEPTEMBER 6, 2013

Charles E. Schissel - Notary Public
My Commission Expires - 01/07/2016

COPY!



TOWN OF JACKSON

OFFICE OF THE SELECTMEN

April 26, 2011

Patrick DeBoever
26 Beverly Rd
Swampscott, MA 01907

Dear Mr. DeBoever,

During the April 7th Selectmen's Board meeting, they agreed with Andy Chalmers, Jackson's Building Inspector, that a building permit is not needed for you to replace the existing 6 x 9 shed with a pre constructed shed. We will keep your application on file in the office. Your Value Fee check is being returned to you with this letter.

Thank you for following proper procedures to inform the town of your project.

Sincerely,

Ella Cressy
Administrative Assistant
Selectmen's Office

November 3, 2010

Town of Jackson
Board of Selectmen
P.O. Box 268
Jackson, NH 03846

Re: Map R18, Lot 44

Appeal of Administrative decision

Dear Board of Selectmen,

I received your letter dated 10/18/2010 informing me that my building permit was denied. I wish to respectfully appeal your administrative decision, and ask for further consideration given the following reasons:

1) As you know I have raised the pitch of my roof to allow for safety and snow disposal considerations. And while it is conventional logic that an increase in vertical rise will add strength and improve its ability to shed snow, your letter of denial states the following:

(" Although provisions in Section 2.2.3(i) allows for consideration in in roof alterations for safety, snow disposal or to satisfy building code requirements, the latter could have been accomplished without increasing the roof pitch to seven feet as indicated on the building permit application".)

Upon recent conversation with my contractor regarding this project he informed me that the existing roof was a 4 pitch. He designed and built a 6 pitch roof. When I retroactively filled out my permit application I wrongly stated a 7 pitch. I am absolutely positive this can be verified with photo documentation of what was the existing roof, and the measurements of the newly constructed one.

2) Although the interior floor dementions have not been altered, the aforementioned letter puts forth the proposition that I have somehow increased floor space as further reason for the denial of a building permit.

(" Work already performed has created an increase of interior floor space by adding a loft from raising the roof line of the structure.")

It is an undisputed fact that an increased roof pitch will create an increase in celing height. It is a byproduct of the construction. However, I fail to understand how a claim of additional floor space could be validated. For clarification, I refered to the Town of Jackson Zoning Ordinance SECTION 3: DEFINITIONS and have found nothing outlining any meaning or definitions regarding floor space. I have consulted several area builders as well as realtors and found they all share the same opinion that if floor space is to be be calculated, an area would need to have a standing height requirement. In the attic of my building, (the said "loft" that is being refered to) I have 29 inches of clearance at the opening and 44 inches at the highest point. I believe one could make a convincing argument that a minimum requirement for calculating floor space would be at the very least standing head room. In consideration of all of this, I can only respectfully disagree and regard this as a matter of the Board's opinion, however not supported by the Town Of Jackson's Zoning Ordinance.

3) I also wish to point out the previously undisclosed fact that in the process of construction, I have documented the removal of an existing 12 inch platform that ran across the front and both sides of the building going back 11 feet. In doing so I have reduced the physical footprint of this structure by 36 square feet (16%) and thus making the building more conforming.

In summary, I am asking for further consideration in this matter and requesting that a permit be granted without cause for further action due to the following facts: I have acted in good faith and within the letter of the Zoning Ordinance 2.2.3 . In contracting the necessary improvements to my outbuilding, I have stayed within the exact width and depth of the existing building. The roof constructed was built to a lesser 6 pitch and with regards to Section 2.2.3 (ii), and with no benefit other than the provisions provided in Section 2.2.3 (i) The overall footprint of this structure was reduced considerably (16%) resulting in greater conformity.

Again I wish to thank you in advance for your time and consideration in this matter.

Regards,

A handwritten signature in black ink, appearing to read 'Patrick DeBoever', with a stylized flourish extending to the right.

Patrick DeBoever