

# Town of Jackson, NH

## Zoning Board of Adjustment

### Notice of Decision

Meeting Date: June 2, 2021

Case 2021-01: Application for a Variance to allow an addition to an existing structure at 58 Green Hill Road. The proposed work is located on the property owned and occupied by Maylissa and Chris Marcotte (The Applicant). The property is shown on Map V01, Lot 14 of the Town of Jackson Zoning Map.

Five of the five members of the Board were in attendance.

#### Background

- 1) The Applicant own and occupy the above-referenced parcel which has an existing structure. The existing building is within the front and side set-backs of the property, but encroaches upon the set-back of the abutter to the rear of the property.
- 2) The Applicant wishes to construct a two-storey addition to the existing residence consisting of a first floor garage and ground level deck, and second floor living quarters with balcony. The addition would also extend into the rear set-back, by a shorter distance than the existing structure.

#### 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 regarding setbacks.
- 2) Filing from the Applicant, requesting a variance to the above Section.
- 3) Floor plan diagrams, including a partial site plan showing the rear set-back line.
- 4) A list of abutters.

#### Public Testimony

- 1) The Applicant described the reason for, and nature of the proposed construction, including the addition to the building footprint.

#### Findings

- 1) The Board finds that the grant of the variance would not be contrary to the Public Interest - given the location of the building at the rear of the lot.  
Voted: 5-0 in favor.
- 2) The Board finds that the Spirit of Ordinance would be observed.  
Voted: 5-0 in favor.

- 3) The Board finds that the benefit to the applicant in adding to the existing structure would constitute Substantial Justice and would not be outweighed by any harm to the general public or other individuals.  
Voted: 5-0 in favor.
- 4) The Board finds that the new construction will not diminish the value of surrounding properties, as it is less of an encroachment on the side yard setback.  
Voted: 5-0 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 existing location of the proposed structure on 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 construction of the above-referenced addition, 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-I-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  
Dave Mason  
James B. Gleason, Chair