

RECEIVED

APR 26 2021

Selectmen's Office

APPLICATION FOR A VARIANCE

paid \$75
CK# 1844
4/26/2021

Do not write in this space.

Case No. _____

Date Filed _____

(signed - ZBA)

To: Zoning Board of Adjustment,

Town of Jackson

Name of Applicant Malissa and Chris Marcolle

Address 58 Green Hill Rd PO Box 337

Owner same

(if same as applicant, write "same")

Location of Property 58 Green Hill Rd (VOI LOT 14)
(street, number, sub-division and lot number)

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

Application for a Variance

A variance is requested from article _____ section _____ of the zoning ordinance to permit SEE ATTACHED

Facts in support of granting the variance:

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

SEE ATTACHED

2. If the variance were granted, the spirit of the ordinance would be observed because:

SEE ATTACHED

3. Granting the variance would do substantial **justice** because:

SEE ATTACHED

4. If the variance were granted, the **values** of the surrounding properties would not be diminished because:

SEE ATTACHED

5. Unnecessary Hardship

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

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

SEE ATTACHED

- and -

ii. The proposed use is a reasonable one because:

SEE ATTACHED

b. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

SEE ATTACHED

Applicant

Christopher Mancab
(Signature)

Date

4-26-2021
4/26/21

Application for Variance

A variance is requested from the Town of Jackson Zoning Ordinance, Section 4.3.1.2, Setbacks.

Facts in support of granting the variance:

1. **Granting the variance would not be contrary to the public interest because** the existing house, and the proposed addition, are within the setback from the road and our abutters on either side. The existing house and proposed addition are not within the setback of our abutter to the north, the Jackson Water Precinct, but there is a steep incline directly behind the proposed project and the addition would not be visible from most of the Jackson Water Precinct property.
2. **If the variance were granted, the spirit of the ordinance would be observed because** this project would not change the essential character of the neighborhood. It would not negatively impact our abutters.
3. **Granting the variance would do substantial justice because** The existing house was built prior to current building codes and zoning ordinance laws and encroaches on Water Precinct property. The home owners are improving and bringing up to modern code the current structure as well as expanding the home to fit their growing extended family needs. Specifically, adding space to relocate their mother/grandmother to live with them. Not granting the variance would likely result in the owners needing to relocate. It will also allow the home owners to move their driveway further up the road, away from the crest of a hill, giving more visibility (and safety) when pulling into and out of their driveway as well as replacing material and improving road culverts and overall erosion on property.
4. **If the variance were granted, the values of the surrounding properties would not be diminished because** it is designed in keeping with the current look and feel of the current structure and the surrounding homes. It is no closer to the road. If anything, this project will increase the value of the surrounding homes.
5. **Unnecessary Hardship.**
 - a. **Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:**
 - I. **No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because** the property already encroaches setback of the abutters to the north, the Jackson Water Precinct. The proposed addition would not encroach any further than it already sits and, as stated earlier, the

addition would not be visible from most of the Jackson Water Precinct's property due to the steep incline directly behind the property.

-and-

li. The proposed use is a reasonable one because the proposed use is residential.

- b. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.** As stated earlier the existing structure already encroaches on the setback to our abutters to the north, the Jackson Water Precinct. Not granting a variance would not allow any addition to the home.

Register of Deeds, Carroll County

Lisa Scott

STATE OF NEW HAMPSHIRE			
DEPARTMENT OF REVENUE ADMINISTRATION		REAL ESTATE TRANSFER TAX	
***3	THOUSAND	2	HUNDRED AND 25 DOLLARS
MO.	DAY	YR.	AMOUNT
07	08	2016	909078 \$ ***3225.00
© D I FALTERED			

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that I, **MANJUSHA J.**

McDEVITT-McCANN, single, having a mailing address of PO Box 18, Jackson, Carroll County, New Hampshire (03846), for consideration paid, grants to **CHRISTOPHER C.**

MARCOTTE and MALYSSA J. MARCOTTE, having a mailing address of PO Box 508, Intervale, Carroll County, New Hampshire (03845), as joint tenants with Rights of Survivorship, *with Warranty Covenants:*

A certain tract or parcel of land situated on Green Hill Road in Jackson, Carroll County, New Hampshire, and bounded and described as follows:

Beginning at an ash tree and concrete post on Green Hill Road, at the corner of land of Joseph Savage, from thence running southeasterly on Green Hill Road two hundred (200) feet to an iron pipe at land of Frank Dubie; thence turning and running North 53° East along land of said Frank Dubie seventy-five (75) feet to an oak tree; thence turning and running North 44° West along land of Pitman one hundred ninety-eight (198) feet to a concrete post at land of said Savage; thence turning and running South 48° West along land of said Savage eighty-five (85) feet to the point of beginning.

MEANING AND INTENDING to describe and convey the same premises conveyed by Warranty Deed of Edward F. Dubie dated June 14, 2011, and recorded at the Carroll County Registry of Deeds at Book 2934, Page 909.

The grantor herein releases all rights of homestead in the above-referenced property.

BK 3270 PG 985

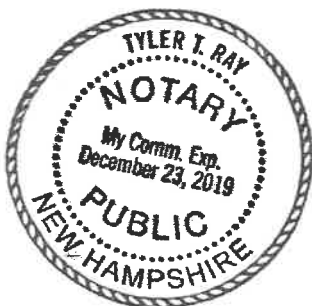
EXECUTED on this 8th day of July, 2016.


Manjusha J. McDevitt-McCann

**STATE OF NEW HAMPSHIRE
COUNTY OF CARROLL**

Before me this 8th day of July, 2016, personally appeared the above-named Manjusha J. McDevitt-McCann, and acknowledged the foregoing instrument to be her voluntary act and deed.

Seal:



Tor T. Ray
Notary Public/Justice of the Peace
Print or Type Name: _____
My Comm. Expires: _____

BK3270PG 986



TOWN OF JACKSON

OFFICE OF THE SELECTMEN

April 13 2021

Malyssa and Chris
58 Green Hill road
Jackson, NH 03846

RE: Building Permit Denial Map V1/Lot 14

Dear Malyssa and Chris

I recently received and reviewed your building permit application for the construction of a 2 story structure 17' X 11" entryway/Mudroom with 2nd floor 16' X 8' transition room. 2 story 25' X 30' 2 car garage with 700 square foot in-law suite above, including bathroom, wet bar and a 6' foot deck off the back. This would be at your residence at 58 Green Hill Road. 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.

You can fill out a variance with the Jackson ZBA at <https://www.jackson-nh.org/board-adjustment/pages/application-instructions-and-checklist>.

Thank you,

Kevin Bennett
Jackson Building Inspector



**BRIAN BYRNE, KATHY
PO BOX 322
JACKSON, NH 03846**

Map-Lot-Sub 000V01-000009-000000

**PITTENGER, FREDERICK L.
NANCY PITTENGER
GREEN HILL REALTY TR
PO BOX 13
JACKSON, NH 03846**

Map-Lot-Sub 000V01-000008-000000

**DAME-MOSER, LISA E. SUZANNE
DAME PO BOX 703 JACKSON, NH
03846-0703 Map-Lot-Sub
000V01-000015-000000**

**JACKSON WATER PRECINCT PO
BOX 151 JACKSON, NH 03846
Map-Lot-Sub
000V01-000020-000000**

**WALKER, JEFFREY A.
SEXTON, CATHERINE P.
99 BLACKSTRAP RD
FALMOUTH, ME 04105
Map-Lot-Sub
000V01-000013-000000**

**SAMSON, DANIEL P. JR.
SAMSON, CLAUDIA H.
15015 N.LYNWOOD
SPOKANE, WA 99208
Map-Lot-Sub
000R13-000020-000000**

Brian and Kathy Byrne
PO Box 332
Jackson, NH 03846

Lisa Dame-Moser
Suzanne Dame
PO Box 703
Jackson, NH 03846

Jackson Water Precinct
PO Box 151
Jackson, NH 03846

Jeffrey Walker
Catherine Sexton
99 Blackstrap Rd
Falmouth, ME 04105

Frederick and Nancy Pittenger
PO Box 13
Jackson, NH 03846

Daniel P. Jr Samson
Claudia Samson
15015 N. Lynwood
Spokane, WA 99208



DJ Plumbing and Heating
P.O. Box 271
Barnstable, MA 01953
(508) 535-3448

SCALE 1/4" = 1'-0"

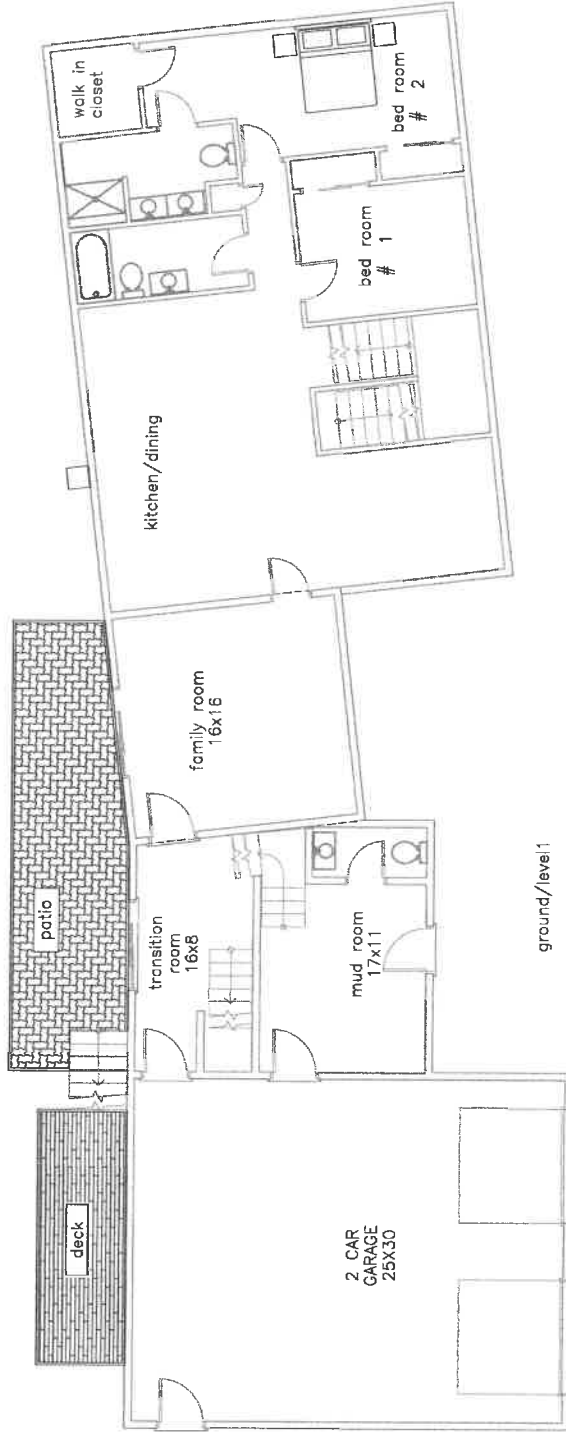
DATE MARCH 28, 2021

BY North Light

JOB GREEN HILL
ROAD

FOR Chris and Malaysia Marcotte

FIRST FLOOR



Height of existing
Building 18'

Height of addition
25'



DJ Plumbing and Heating
P.O. Box 11123
Denver, MA 01023
(508) 738-4444

SCALE 1/4" = 1'-0"

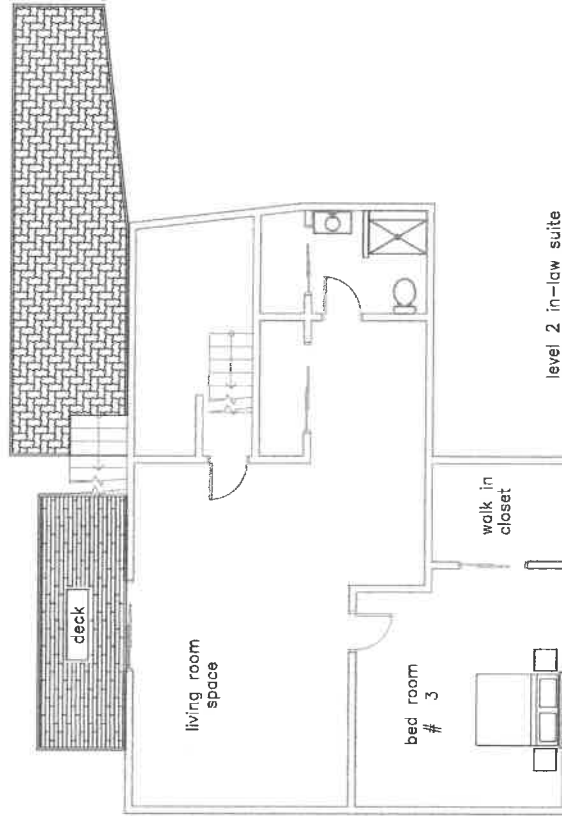
DATE MARCH 29, 2021

BY Martin Engel

JOB
**GREEN HILL
ROAD**

FOR
Chris and Malysa Marcotte

**PROPOSED
2ND FLOOR**





DJ Plumbing and Heating
1000 Main Street
Dorchester, MA 01923
(978) 738-4668

SCALE 1/8" = 1'-0"

DATE

MARCH 26, 2021

BY

Mark Engel

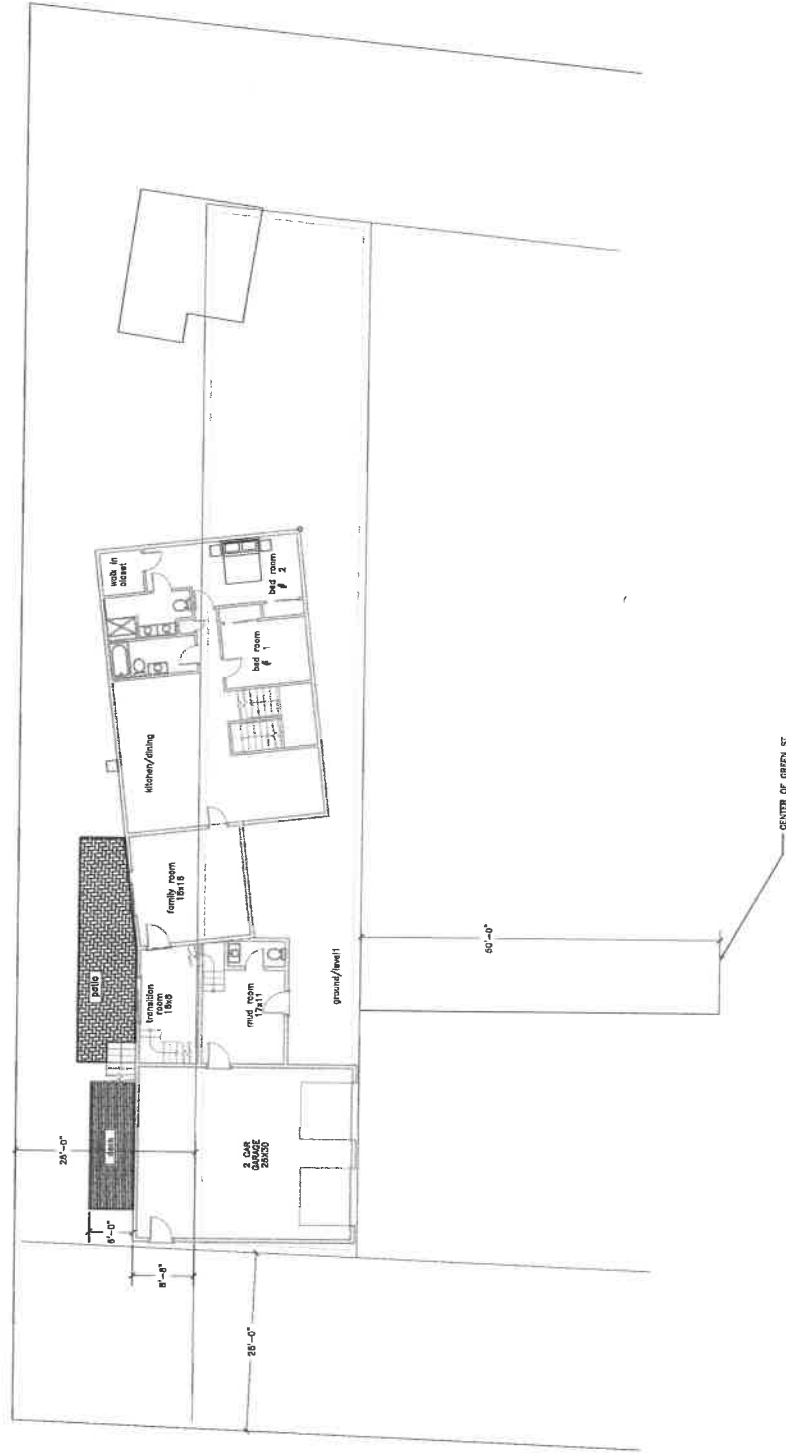
JOB

GREEN HILL
ROAD

FOR

Chris and Malysa Marcotte

NEW ADDITION
SETBACK
PLAN





DJ Plumbing and Heating
200 West Street
Dorchester, MA 01922
(877) 728-4448

SCALE 1/8" = 1'-0"

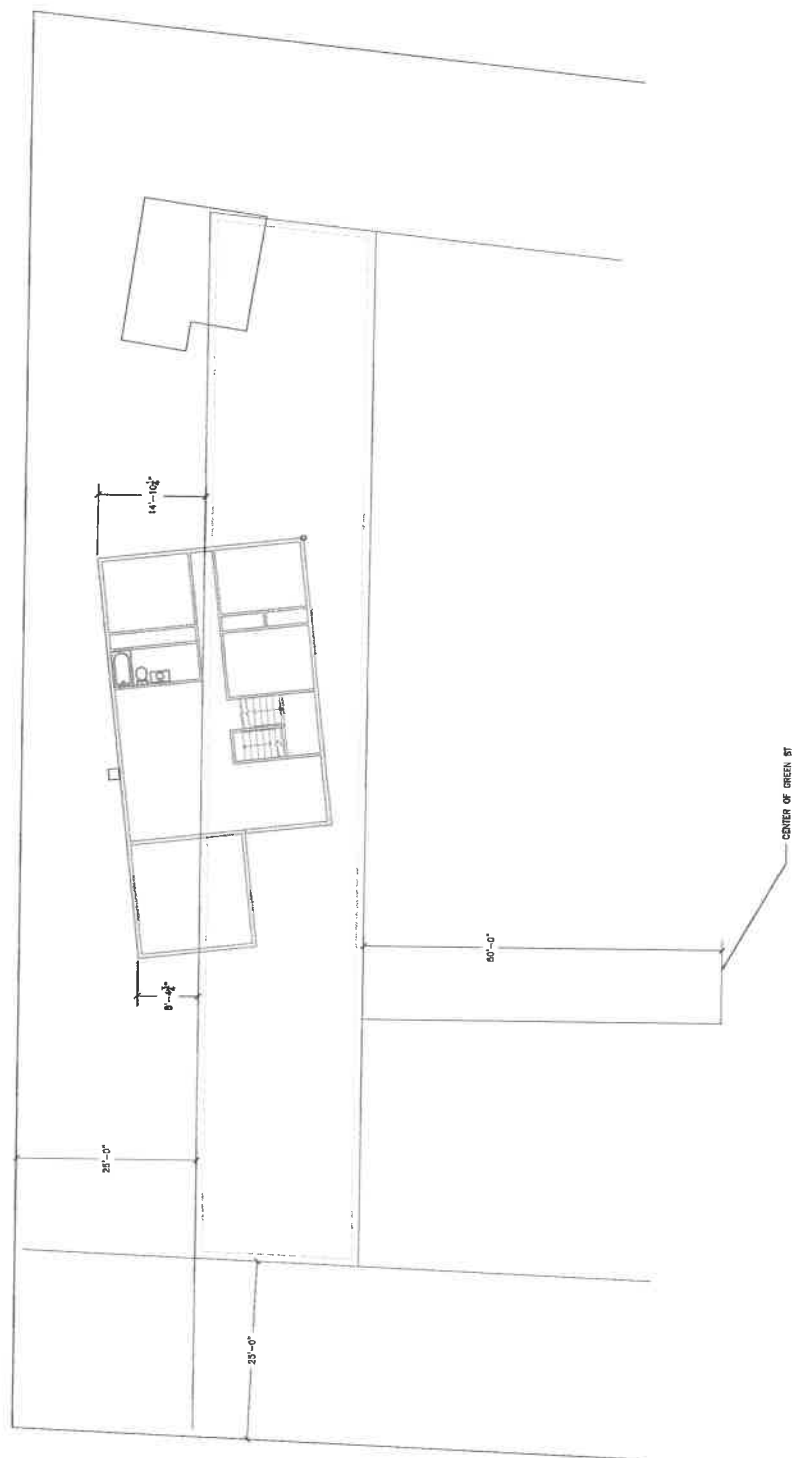
DATE MARCH 28, 2021

BY Martin Engel

JOB
**GREEN HILL
ROAD**

FOR
Chris and Malysse Marcotte

**EXISTING
SETBACK
PLAN**





DJ Plumbing and Heating
100 Main Street
Dartmouth, MA 01923
(508) 729-4648

SCALE 1/4" = 1'-0"

DATE MARCH 24, 2011

BY Matt Engel

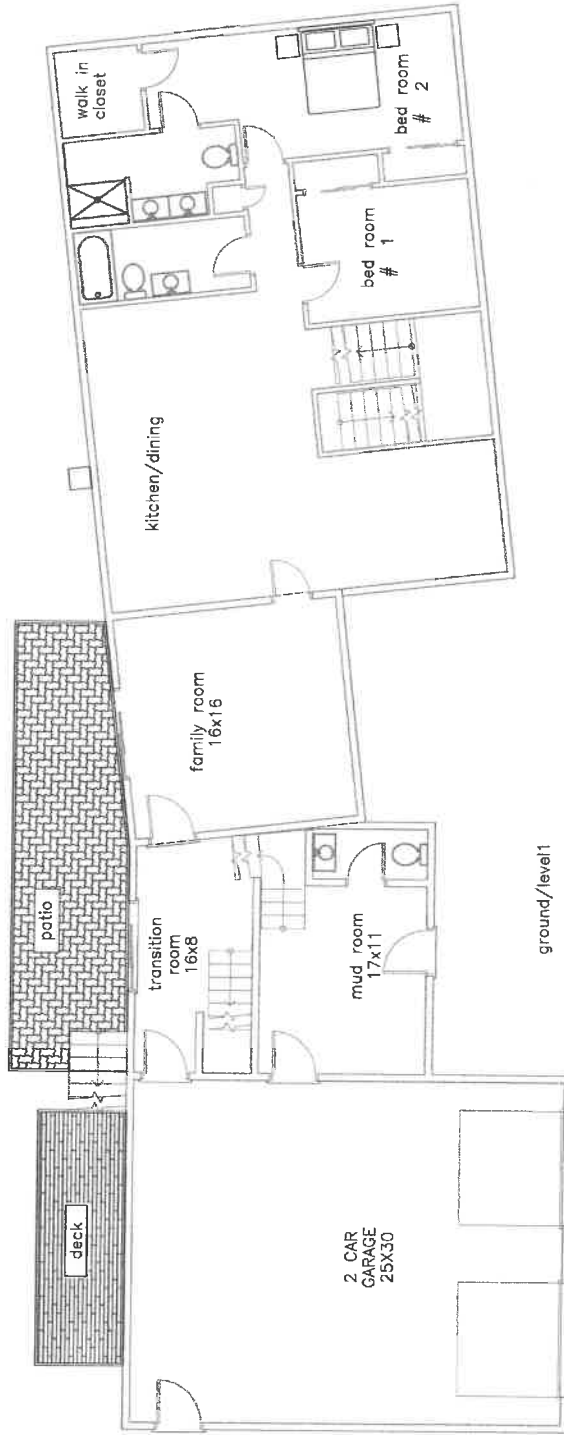
JOB

GREEN HILL
ROAD

FOR

Chris and Malysa Marcotte

FIRST FLOOR





DJ Plumbing and Heating
P.O. Box 371
Dorchester, MA 01923
(617) 734-4546

SCALE 1/4" = 1'-0"

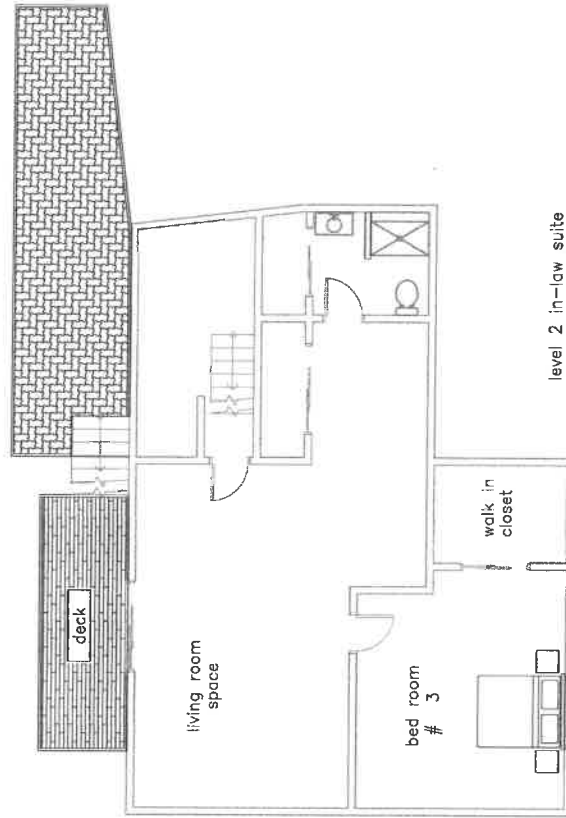
DATE MARCH 28, 2021

BY Mark Engel

JOB
**GREEN HILL
ROAD**

FOR
Chris and Malysia Marcotte

**PROPOSED
2ND FLOOR**





DJ Plumbing and Heating
1000 W. 1st St.
Darien, MA 01923
(978) 728-4546

SCALE 1/8" = 1'-0"

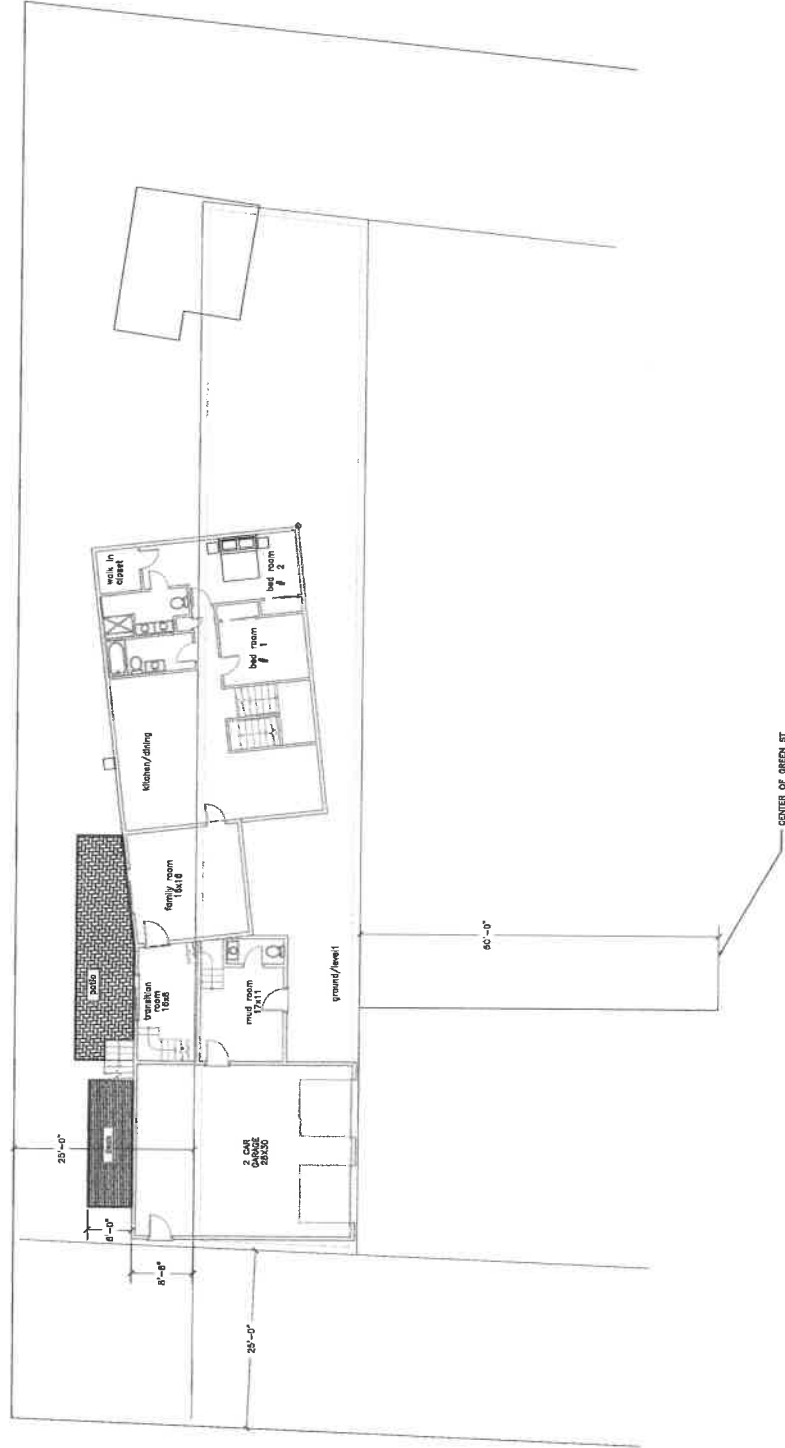
DATE MARCH 28, 2021

BY Martin Engel

JOB
**GREEN HILL
ROAD**

FOR
Chris and Malysa Narozila

**NEW ADDITION
SETBACK
PLAN**





DJ Plumbing and Heating
1700 S. 10th St.
Darien, MA 01923
(978) 284-4444

SCALE 1/8" = 1'-0"

DATE MARCH 28, 2021

BY Martin Engel

FOR

**GREEN HILL
ROAD**

Chris and Mayessa Marcolite

**EXISTING
SETBACK
PLAN**

