

APPLICATION FOR A VARIANCE

Do not write in this space.

Case No. _____

Date Filed _____

(signed - ZBA)

To: Zoning Board of Adjustment,

Town of Jackson

Name of Applicant MARK + Susan Ross - Parent

Address PO BOX 541 248 GREEN HILL RD JACKSON, NH 03846

Owner SAME

(if same as applicant, write "same")

Location of Property 248 GREEN HILL RD R-12 insert # 2 #146
(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 _____

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 _____

Guadalupe P. Punt
(Signature)

Date _____

Variance Request for Mark and Susan Ross-Parent
248 Green Hill Rd. Jackson, NH Tax map# R12, lot 146
Mailing address:
PO Box 541
Jackson, NH 03846

March 2022

A variance is requested from sections 6.1.4, 6.1.5, 6.1.7 of the zoning ordinance to permit the building of a septic system for a 3-bedroom house and 1 bedroom ADU.

Not Contrary to the public interest:

Old Abbott Farm, Susan and Mark Ross-Parent's home of 27 years, needs a septic system and a new small barn/garage. Currently the property has a septic tank (upgraded around 1999 to 1250 gallons) and a dry well (date unknown.) Installing a septic system is in the public interest because it will modernize an antiquated septic situation and prevent possible environmental and safety issues. It is their hope to replace the antiquated and dilapidated barn/garage (built in 1910) with a 1 bedroom ADU.

It is the planned ADU that is noted on the submitted septic plan that caused the denial and thus this request for a variance. The ADU will replace the barn/garage that is currently on the property. It is in poor repair, of antiquated construction, and possibly unsafe. A new building, of about the same size and appearance, and in about the same site, will be a beginner-ender residence for their sons (beginner) and aging-in-place residence for themselves (ender.)

The proposed septic system will not alter the character of the neighborhood - it is tucked behind the proposed ADU. The 1-bedroom ADU brings the number of bedrooms over the Jackson Town ordinance limit for septic loading on the site but remains within State of NH limits. Being within the NHDES lot loading requirements the project does not threaten the health, safety or general welfare of the public. The ADU will be built in the style of the old garage/barn, preserving the character of the property and the neighborhood.

It is also in the public interest to consider the need for elder housing in Jackson, and the need for housing for young families. This ADU and the subsequent use of the main house will contribute to housing options in Jackson. Susan and Mark are aiming to create a space where they can live long into their elder years with, hopefully, the support of family living in the main house. This is the best-case scenario, and may not come to fruition, but an agreement with a young family to rent the house long-term is a possibility. Whether the future occupants are younger Ross-Parents or another family, Susan and Mark hope to support the efforts to bring young families and workforce housing to Jackson.

Spirit of the ordinance:

Susan and Mark plan to build a septic system for the property that will accommodate the 3-bedroom house at modern standards no matter the outcome of this application for variance.

The property needs a modern septic system for health and safety reasons, consistent with the ordinance. The submitted septic plan is in accordance with NHDES regulations and updates a "grandfathered" septic tank-dry well system that predates any Jackson septic ordinance. The proposed plan calls for "advanced Enviro-septic" piping due to the slope and soils of the property. This continues the project's adherence to the spirit of the ordinance in its goal to protect wells and groundwater. While most of the ordinance is written to regulate new

construction with the goal to limit subdivisions and new construction to the lot loading limits greater than the state requirements, this project is for an existing homesite. The proposed ADU will replace an existing building. Allowing the proposed septic system to be large enough to accommodate the addition of a 1 bedroom ADU is in the spirit of the ordinance by creating another residence and promoting a reasonable use of the property in a residential zone. The ADU will be built in the same style as the garage/barn maintaining the rural and cultural heritage of the area.

Justice:

By limiting the septic plan to 3 bedrooms in this instance would be a significant hardship for the Ross-Parents. While the abutters will be protected from possible environmental and safety issues from an antiquated septic situation and the proposed plan meets state regulations, the Ross-Parents will be unable to build an ADU that will accommodate them as they age. At this writing, Mark's parents, both 91 years old, live with Susan and Mark in the current house. This has given Susan and Mark over a year's worth of first-hand knowledge of the difficulties of living in this 1850s farmhouse as an elderly person. While renovations were made to increase accessibility it is clear that elderly people with diminished dexterity and strength could not safely inhabit the property without support. With these observations in mind the Ross-Parents plan to create an ADU with 1-floor living and accessible to residents with limited mobility. The property is in a rural residential zone and the new septic system and the proposed ADU will be consistent with the residential use of the property.

Property values in the residential neighborhood would not be diminished by building the proposed septic plan. The plan brings an antiquated system up to modern standards. This plan went through several drafts to take into consideration the proximity of the neighbors and their kitchen window views of the Ross-Parent's property, as well as keeping the leach field as far away from the property line as possible. In addition, rebuilding a decrepit building that is in such disrepair that it is no longer useful or quaint will enhance the appearance of the neighborhood. The proposed ADU will be similar in size and design as the 1910 garage/barn it will replace. Landscaping is planned to curtail the growth of a patch of knotweed and bring the area around the ADU and leach field back into native NH beneficial plants. These environmental and cosmetic improvements will enhance property values.

Unnecessary Hardship

- a. The proposed septic meets NHDES standards. This property is unique in that the amount of land from the lot used to calculate the lot loading is reduced due to the steepness of the hill that flanks the entire property on the west side.
- b. Purpose of ordinance:

Use as intended: The proposed septic system will help maintain the health and safety of the neighborhood and environment.

Maintain essential character of town: The proposed septic system, specifically the leach field, will be situated behind buildings and in proximity to the gardens. It will blend in. The new building will be similar in size, scope, and design of the garage/barn it will replace, maintaining the historic appearance of the old garage/barn.

Health and safety: the new septic system meets NHDES regulations and is specifically engineered for the soil type and slope of the property.

- c. The proposed use is a reasonable one because it will modernize an outdated septic system. It meets NHDES regulations for the number of bedrooms that will result with the addition of the ADU. The new septic system will handle the proposed 1 bedroom ADU that will be built in the historic style of the 1910 barn/garage preserving the historic and rural-residential appearance of the neighborhood.