

Town of Jackson Board of Adjustment

Notice of Decision - Final

Case 2022-01

Application for a Variance concerning the demolition of existing structures and construction of a new structure and a new septic system on the property owned by Mark and Susan Ross-Parent at 248 Green Hill Road (Map R 12, Lot 146); submitted by the owners.

Background

- 1) Mark and Susan Ross-Parent (The “Applicant”) is the owner of the above-referenced parcel which has an existing three-bedroom residence, separate garage and separate studio. The intent is to demolish the garage and studio, construct a one bedroom additional dwelling unit (ADU), and replace the existing septic system (which contains a cesspool) with a new system servicing both the existing residence and the new ADU.
- 2) The proposed septic system is compliant with State of New Hampshire regulations but not those of the Town of Jackson in regard to the lot’s capability to support an additional dwelling unit.
- 3) The Applicant is requesting a variance from the Town requirements.
- 4) The Board unanimously decided to postpone a decision until a site visit can be made by the Board members, and continued the hearing to May 18, 2022 at 7:00 p.m.
- 5) The May 18, 2022 meeting was postponed until May 25, 2022 at the Applicant’s request, due to all five board members not being present.

Findings

- 1) On the question that the grant of the variance would *Not Be Contrary to the Public Interest*, the Board finds that the request does not meet this criterion.
Voted: 5-0 against.
- 2) On the question that in the grant of the variance *the Spirit of Ordinance Would be Observed*, the Board finds that the request does not meet this criterion.
Voted: 5-0 against.
- 3) On the question that in the grant of the variance *Substantial Justice Would be Served* and would not be outweighed by any harm to the general public or other individuals, the Board finds that the request does not meet this criterion.
Voted: 5-0 against.
- 4) On the question that in the grant of the variance *Property Values Will Not Be Diminished*, the Board finds that the request does not meet this criterion.
Voted: 5-0 against.

- 5) On the question that in the grant of the variance that literal enforcement of the current zoning ordinance in this case would *Result in an Unnecessary Hardship*, the Board finds that the request does not meet this criterion.

Voted: 5-0 against.

Decision

Given the findings cited above, by a unanimous vote, the Zoning Board of Adjustment denies the requested variance.

ZBA Members in Attendance

Huntley Allen

David Mason

David Matesky

Frank Benesh, Vice-Chair

James Gleason, Chair

May 25, 2022