

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 Patricia Wyhinny Date 6/23/10
Pine Cone Properties, LLC

TAX LOT NUMBER:

Name of applicant Pine Cone Properties LLC, c/o Patricia Wyhinny

Address 8 Corey Dr., S. Barrington, IL 60010

Owner Same
(if same as applicant write, same)

Location of property 164 Green Hill Road
(street, number, sub-division)

Acres 1.03 or Sq. Ft. 44,753

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:
Changing the roof from a shed dormer type to a gable. The footprint of the garage would remain the same.

Facts supporting this request:

I. Granting the variance would not be contrary to the public interest:
because the public interest is serviced best by the gradual and continued improvement of all properties in the town. This project does not interfere with the health, safety and general welfare of the public. The project does not alter the essential character of the locality and the property would not change from the existing nature of the mostly wooded site.
2. The spirit of the ordinance is observed because:
in an effort to maintain and enhance the economic health of the town of Jackson, this project will increase the property value and the esthetics of this property and those surrounding. Also, the ordinance seeks to limit the visual impact of construction adjacent to the right-of-way. This proposed renovation represents a solution to provide a reasonable use with limited impact to the right-of-way.

3. Granting the variance would do substantial justice because:

The owner would benefit from a garage that would be a functional part of the existing structure. There is no gain to the general public by strict enforcement of the dimensional ordinance as neighboring residences are at a significant distance and are closer to the right-of-way. The enforcement of the ordinance, in this particular case, is an injustice to the lot owner.

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

The proposed changes do not infringe on any other property owners rights and will only enhance the surrounding properties. The building can not be seen from any currently developed property and any new development would benefit from the limited impact of the new work with the improved quality of the project.

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:

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:

The topography on this particular lot does not allow for any expansion to the garage further away from the existing road right-of-way. The slopes to the north and east of the existing structure make it far to difficult for any expansion as there would have to be a phenomenal amount of fill and the slope of the fill would run into and destroy a brook on the property.

b. The proposed use is a reasonable one because:

The existing topography, with it's dramatic falloff, makes it in feasible to consider any other location for this garage. Many other homes on the road are built closer to the road but lack the extreme topographic challenges of this site. Granting the variance would make the garage fully functional and it is reasonable for a home in Jackson to have at least one fully functional garage.

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:

The existing building and garage are currently within today's standards of the right-of-way setback as shown on the plan. The house was built prior to zoning with the addition to the sunroom in 1987 and garage in 1995. The owner's received building permits for both additions and they are on record at the town office.

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:

The existing building and garage are currently within today's standards of the right-of-way setback as shown on the plan. The house was built prior to zoning with the addition to the sunroom in 1987 and garage in 1995. The owner's received building permits for both additions and they are on record at the town office.

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.

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.

PROGRESS PRINT
PERMANENT DRAWING
NOT TO BE USED FOR CONSTRUCTION
DATE: 04/08

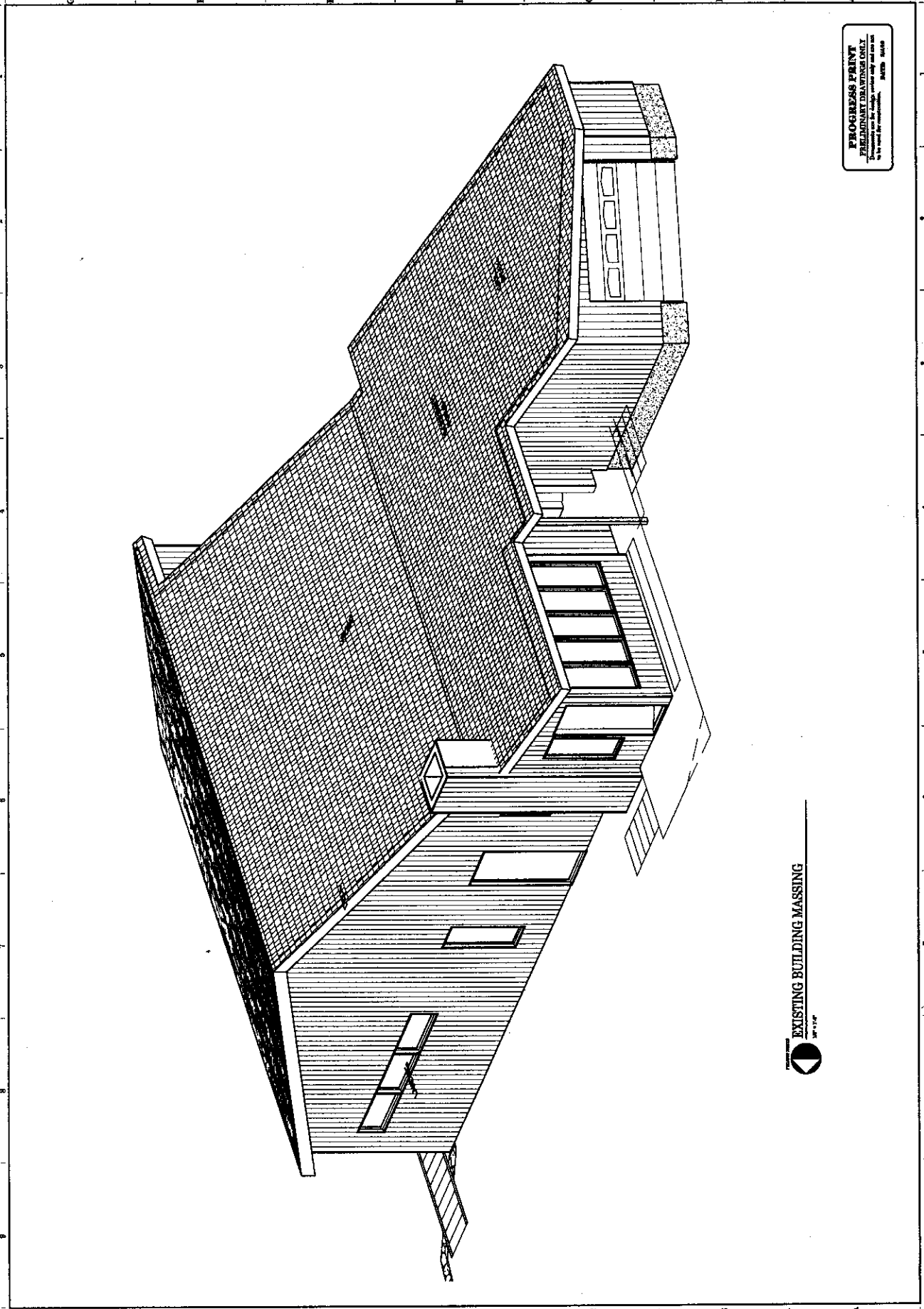
EXISTING BUILDING MASSING
04/08

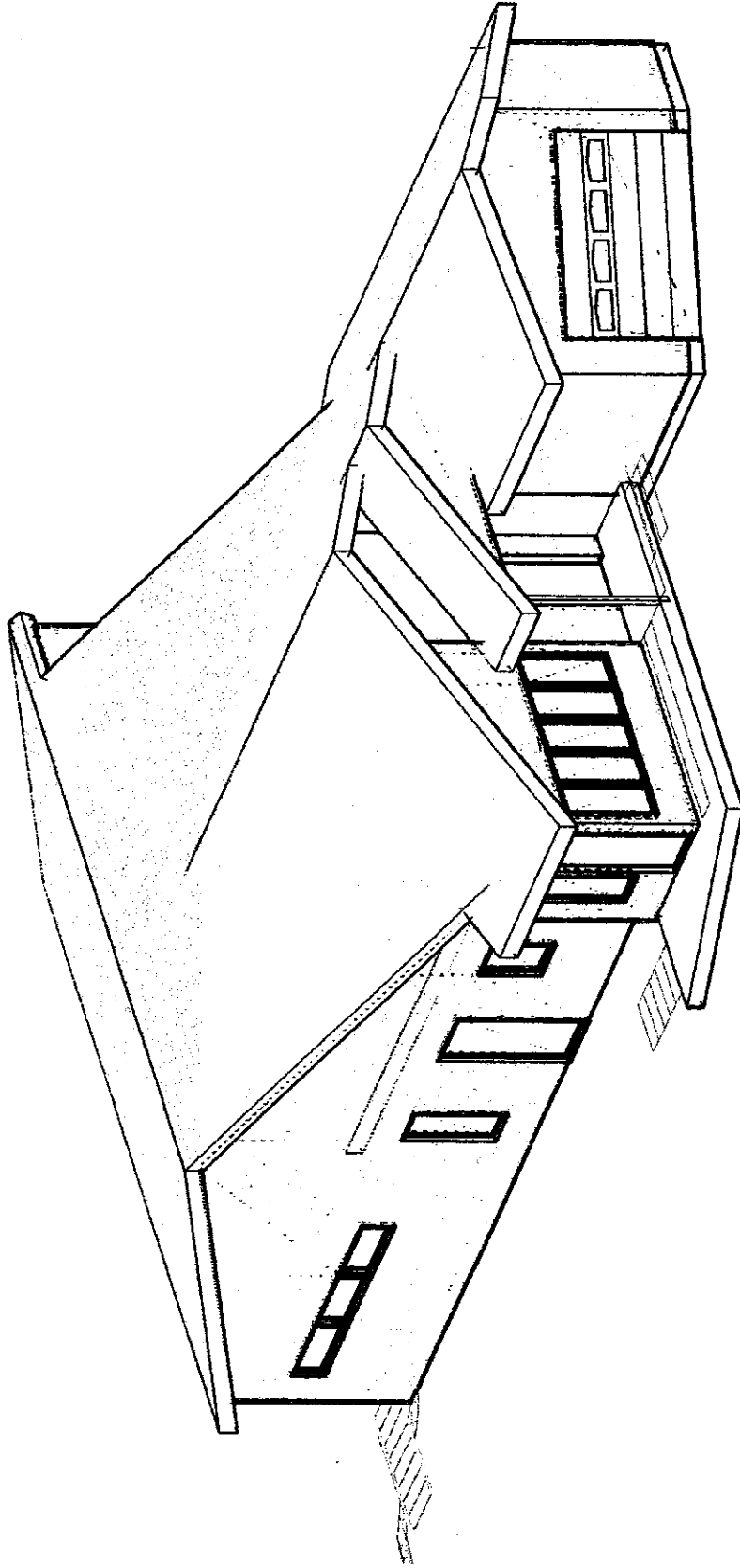
MASSING CONCEPTS
EXISTING MAIN LEVEL PLAN

WHINNERY ENTRY RENOVATIONS
Patrick Whinnery
164 Green Hill Road
Jackson, New Hampshire

CHRISTOPHER P. WILLIAMS, ARCHITECTS
P.O. Box 703 Meredith, New Hampshire 02838 603-279-6513

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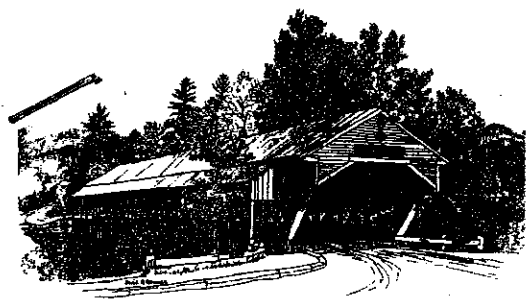
EXISTING BUILDING MASSING
REV. 01

The new ridge will be approximately 6 feet 3 inches higher than the lowest eave in the front of the ^{current} garage and approximately one foot higher in the back where the garage connects to the house.

PROJECT NO. 100
 DATE 08/11/11

TOWN OF JACKSON

OFFICE OF THE SELECTMEN



June 7, 2010

Pine Cone Properties, LLC
8 Corey Drive
Barrington, IL 60010

Dear Pine Cone Properties LLC:

At the Selectman's Board Meeting on June 3rd, your building permit request was denied. The town's building inspector, Andy Chalmers, recommended the denial since it violates the Town of Jackson's Zoning Ordinance; section 2.2. I have enclosed a copy of his recommendation to the Board. In order to proceed with your plans, you will need to obtain a variance from Jackson's Zoning Board. As you are already aware, the present chairman is Frank Benesh (tel: 383-8229). Please contact Frank for the proper variance application. Thank you.

Sincerely,

Linda M. Dresch
Town of Jackson

Cc: Daniel Shea (returned check #2123 for \$280.00 dated 6/2/10)
341 Old County Road
Brownfield, ME 04010



To: The Jackson Board of Selectmen

From: Andy Chalmers

Re: Map R 12 Lot 168

Subj: Building Permit Application

Thursday, June 03, 2010

Dear Selectmen,

The applicant has applied for a building permit to add new pitched roofs to the existing non-conforming structure.

I would not recommend granting this application.

This application is proposing to change the roof line of a non-conforming structure. This work will not increase the footprint, but, it will significantly increase the volume of the non-conformity (they want to add a pitched roofs to the existing low-slope roofs)... this 'will enable them to add a taller door to the garage and improve the appearance of the structure from Green Hill Road'.

This application, in my estimation, does not meet the intent of the Ordinance. The proposed changes are not dictated by consideration for safety, snow disposal, or building code requirements therefore the most recent amendment to the zoning ordinance does not apply in this case.

I would suggest that this application would be best addressed by the Zoning Board.

It has also been determined that the additions to the existing structure already encroach into the set-back from Green Hill Road. I would suggest that the applicant be encouraged to apply to the ZBA for an equitable waiver to mitigate these issues.

Sincerely,

Andrew Chalmers

Andrew C Chalmers
Building Inspector

*Delay based increase in
non-conformity*



TOWN OF JACKSON

OFFICE OF THE SELECTMEN

April 5, 2010

Pine Cone Properties, LLC
8 Corey Drive
Barrington, IL 60010

Dear Pine Cone Properties LLC:

At the Selectman's Board meeting on April 1st, your building permit request was denied. The town's building inspector, Andy Chalmers, recommended the denial since it violates the Town of Jackson's Zoning Ordinance; section 4.3.1.2. In order to proceed with your plans, you will need to obtain a variance from Jackson's Zoning Board. The present chairman is Frank Benesh (tel: 383-8229). Please contact Frank for the proper variance application. Thank you.

Sincerely,

Linda M. Dresch
Town of Jackson

Cc: Daniel Shea
341 Old County Road
Brownfield, ME 04010

To: The Jackson Board of Selectmen

From: Andy Chalmers

Re: Map R12 Lot 168

Subj: Building Permit Application

Thursday, April 01, 2010

In reviewing this building permit application I have spoken with the builder, Dan Shea. Given that the proposed building is currently entirely inside the 50' front setback from the right of way; I cannot recommend that this building permit application be granted to allow additional construction to occur within this protected setback.

I would recommend that the Selectmen deny this application on the grounds that it violates the Town of Jackson's Zoning Ordinance; section 4.3.1.2.

Sincerely,



Andrew C Chalmers
Building Inspector

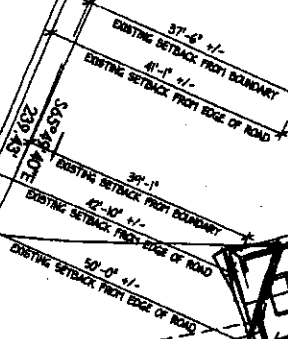


SITE PLAN

Green Hill Road

Map R-12/1
246.61'

25' setback



50' front setback from ROW

Map R-12 / Parcel 168
SD Lot 12

25' setback

25' setback

3452 SQ. FT. 172.25'

S35°25'05"W
194.76'

PROGRESS PRINT
 PRELIMINARY DRAWING
 NOT TO BE USED FOR CONSTRUCTION
 DATE: 08/20/12

DD-01

ENTRY RENOVATIONS
SITE PLAN

WYBINNY ENTRY RENOVATIONS
 Patricia Wybinny
 164 Green Hill Road
 Jackson, New Hampshire

CHRISTOPHER P. WILLIAMS, ARCHITECTS
 P.O. Box 703 Meredith, New Hampshire 08226 603-879-8013

Scale: 1/8" = 1'-0"