

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 _____ Date _____

TAX LOT NUMBER: MAP: 000V01 LOT: 00044

Name of applicant: Kevin and Patricia Dickie

Address: 6 Greenwood Ave. Swampscott, MA 01907

Owner Same
(if same as applicant write, same)

Location of property: 63 Main St. Jackson, NH
(street, number, sub-division)

Acres 0.090 or Sq. Ft. _____

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 2 of the zoning ordinance to permit: Raising ridge line to 20'

Facts supporting this request:

1. Granting the variance would not be contrary to the public interest: The requested variance would not impede the view of the abutters.

2. The spirit of the ordinance is observed because: It will adhere to the quality and appearance of Jackson.

3. Granting the variance would do **substantial justice** because: A building permit has been granted by the Board of Selectman to reframe the 2nd floor. Raising the ridge line would allow the structure to conform to the required ceiling height mandated by the state building code.

4. For the following reasons, the **values of the surrounding properties will not be diminished**: The current eyesore will be transformed into a proportioned, attractive and tasteful home. Views from surrounding properties will not be impeded.

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: It is necessary to make the existing property marginally useful and functional. The use is not different from the use to which it was before the proposed alteration.

b. The proposed use is a reasonable one because: without increasing the structure's height, reframing the 2nd floor would decrease the ceiling height and volume due to larger floor joists and roof rafters. Increasing roof height will allow second floor to conform to building code with regards to minimum ceiling height.

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:

2nd floor egress and stairway to the 2nd floor is non-conforming.

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 x
If no, explain in detail:

A new septic system has been approved by the Town and State. Installation has commenced.

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.

Prior Determination Regarding Proposed Use

The Town of Jackson Building Inspector, Andy Chalmers, visited the building site in October and stated that the ridge line could not be raised above the prior height without obtaining a variance.

ABUTTERS

**MAP: V-1 PARCEL: 43 (65 MAIN ST.)
BLAI SALETA & SARINA KHAN-REDDY
351 HIGH ST.
#1C
NEWBURYPORT, MA 01950-0043**

**MAP: V-1 PARCEL: 45 (49 MAIN ST.)
TOONS AT JACKSON, LLC
P.O. BOX 359
JACKSON, NH 03846**


**MAP: V-1 PARCEL: 42
TOWN OF JACKSON
P.O. BOX 268
JACKSON, NH 03846**

**MAP: V-9 PARCEL: 28 (12 THORNHILL RD.)
INSPIRATIONAL PROPERTIES, LLC
DON & JOYCE BILGER
P.O. BOX 822
JACKSON, NH 03846**

**MAP: V-9 PARCELS: 29 & 30 (60 & 62 MAIN ST.)
LAURENCE SIEBERT
P.O. BOX 90
JACKSON, NH 03846**

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION



REAL ESTATE TRANSFER TAX

****1 THOUSAND 5 HUNDRED AND 75 DOLLARS

MO.	DAY	YR.	AMOUNT
01	10	2011	896708 \$ ****1575.00

VOID IF ALTERED

Doc # 0000384 Jan 10, 2011 4 27 PM

Sean P. Anton
 Register of Deeds, Carroll County

C/H
 L-CHIP
 CAA025919

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that, WE, **BURDETT L. DAY**, of 63 Main Street, Jackson, County of Carroll, State of New Hampshire (03846) and **MARY J. DAY**, of 1449 Inlet Loop, The Villages, County of Sumter, State of Florida (32162), husband and wife, for consideration paid, grant to **KEVIN P. DICKIE** and **PATRICIA A. DICKIE**, husband and wife, both of 6 Greenwood Avenue, Swampscott, Essex County, Commonwealth of Massachusetts (01907), with **WARRANTY COVENANTS**, as joint tenants with rights of survivorship, the following:

A certain tract or parcel of land with buildings thereon, situate in Jackson, Carroll County, New Hampshire, bounded and described as follows:

Beginning at a point on the Main Road, leading from Thorn Hill to Glen Station, three (3) feet Southerly from building known as Blue Bird Beauty Parlor;

Thence North by said road to an iron hub, one half way distant between said Beauty Parlor and the former George N. Merrill Studio;

Thence Westerly to an iron hub and line of land between Chester H. Elkins and Trickey Brothers;

Thence South on said line of land of Helen K. and J. Ronald Meserve;

Thence Easterly on land of said Helen K. and J. Ronald Meserve to first mentioned bound.

EXCEPTING AND RESERVING the right to lay and maintain water pipes across said granted property.

BK 2906PG 0330

Said premises are conveyed SUBJECT TO and with the benefit of easements, restrictions, reservations and rights of way of record so far as the same are now in force and applicable.

Said premises are conveyed SUBJECT TO an Easement Deed dated July 8, 2010 and recorded at the Carroll County Registry of Deeds in Book 2869, Page 241 and Easement Deed dated July 8, 2010 and recorded at the Registry in Book 2869, Page 243.

MEANING AND INTENDING to convey the premises described in Quitclaim Deed of Magna Funding Corporation to Burdett L. Day and Mary J. Day, dated August 14, 1998, and recorded at the Carroll County Registry of Deeds at Book 1762, Page 901.

Said property is not homestead premises of Mary J. Day.

EXECUTED this 7 day of January, 2011.

BY: Burdett L. Day by his attorney in fact
BURDETT L. DAY by his attorney in fact, Linda J. Cleary
LINDA J. CLEARY
Mary J. Day
MARY J. DAY

STATE OF NEW HAMPSHIRE
COUNTY OF CARROLL

This instrument was acknowledged before me on January 10, 2011, by **BURDETT L. DAY** by his attorney in fact, **LINDA J. CLEARY**. Before me,

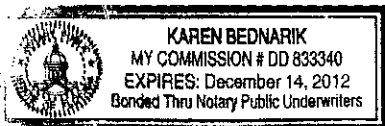


(SEAL)

Vicki Weegar
Justice of the Peace/Notary Public
Vicki L. Weegar
(Type/Print Name)
My commission Expires: _____

STATE OF FLORIDA
COUNTY OF Sumter

This instrument was acknowledged before me on January 7, 2011, by **MARY J. DAY**. Before me,



(SEAL)

Karen Bednarik
Justice of the Peace/Notary Public
Karen Bednarik
(Type/Print Name)
My commission Expires: 12-14-12

BK 2906P60331

EASEMENT DEED

BURDETT L. DAY, an unmarried man, of Jackson, New Hampshire and **MARY J.**

DAY an unmarried woman, of The Villages, Florida, for consideration paid, grant to **BURDETT L. DAY** with a mailing address of P.O. Box 331, Jackson, New Hampshire 03846, with
WARRANTY COVENANTS the following:

Cross easements between two certain parcel of land situate in Jackson, County of Carroll and State of New Hampshire and being parcels 43-44 on Map V-1 of the Jackson Tax map and as described in deed from Rena R. Merserve dated May 4, 1993 and recorded at the Carroll County Registry of Deeds at Book 1527, Page 266 as follows:

Reciprocal easements on said parcels for the installation, maintenance and repair of a leach field located westerly of the house located on parcel 43 and easterly of the house located on parcel 44 of said above-referenced tax map which field shall be shared by the two properties upon which it has been constructed and all future owners of said parcels shall share equally in the maintenance and repair of said leach field.

Meaning and intending to impose easement rights on the property described in deed of Magna Funding Corp dated August 14, 1998 at Book 1762, Page 901 and in deed of Laura L. Day to Burdett L. Day dated November 11, 1997 at Book 1725, Page 146.

This is a noncontractual transfer..

WITNESS our hands this _____ day of _____, 2010.

Burdett L. Day by his attorney in fact
Linda Cleary

Mary J. Day
Mary J. Day

STATE OF MASSACHUSETTS
COUNTY OF _____

July _____, 2010

Personally appeared Burdett L. Day, by his attorney in fact Linda Cleary, and acknowledged the foregoing instrument to be his free act and deed. Before me,

(SEAL)

Justice of the Peace/Notary Public
My commission expires: _____

Name

STATE OF FLORIDA
COUNTY OF SUMTER

June
July 29th, 2010

Personally appeared Mary J. Day and acknowledged the foregoing instrument to be her free act and deed. Before me,



SHANNON L. WEHL
MY COMMISSION # DD 640172
EXPIRES: May 3, 2011
Banded Thru Budget Notary Services

Shannon R Wehl
Notary Public

My commission expires: 5-3-11

Shannon L Wehl
Name

TOWN OF JACKSON
P. O. BOX 268
JACKSON, NH 03846

FACSIMILE TRANSMITTAL SHEET

TO: KEVIN AND PATRICIA DICKIE Kevin and Patricia Dickie	FROM: Ella Cressy, Administrative Assistant
COMPANY:	DATE: 7/6/2011
FAX NUMBER: 978-532-5455	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER:	SENDER'S PHONE NUMBER: 603-383-4223
RE: Building Permit App #2	SENDER'S FAX NUMBER: 603-383-6980

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Mr and Mrs Dickie,

I am faxing the page from the Building Permit Application that requires a signature. We need both of you to sign and fax it back to us before Thursday at noon so we may put it on the agenda for the Selectmen's meeting. If we don't have the owners signatures, we won't be able to proceed with the permit process. Your help in this matter is greatly appreciated.

Regards,

Ella Cressy
Administrative Assistant
Town of Jackson

IN THE EVENT THAT A BUILDING PERMIT IS NOT ISSUED, THE APPLICATION FEE IS NON-REFUNDABLE.

Permitted work must be completed within one year from the date of issuance. RSA 676:15 provides penalties for noncompliance of \$100 per day for exceeding one year requirement. Application for a renewal permit may be submitted. Permit renewal fees are \$25 for Projects with a permitted estimated value less than \$2,500 and \$75 for projects with a permitted value of \$2,500 & above.

Note: RSA 676:17 provides that any individual failing to secure an approved building permit shall be subject to a civil penalty of \$275 to \$550 per day and may be guilty of a misdemeanor or a felony.

I understand and accept that approval granted by the Town of Jackson, based upon information supplied herein, does not relieve me from having to comply with any Local Ordinances, State or Federal Laws.

I hereby certify that the information herein is true and the above project will be accomplished in accordance with the information submitted. I have read and understand the Town of Jackson Zoning Ordinance as it applies to this project and I understand the Board of Selectmen will act to enforce both the Zoning Ordinance and the State of New Hampshire Building Code.

Owner's Signature: David E. Quinn Patricia A. Quinn Date: 7/6/11

Board of Selectmen Approval:

Date of Approval _____

TOWN OF JACKSON BUILDING PERMIT

DISPLAY IN A CONSPICUOUS LOCATION

Permit Number: 2011000023

Permit Date: 07/07/2011

Map: 000V01

Lot: 000044

Sub Lot: 000000

This certifies that: DICKIE, KEVIN P.

at: 63 MAIN STREET

has permission to: RMVE PRCH & POUR FNDTN RMVE RF & 2ND FLR REFRME PRCH & MN RF AS 1 RFLNE
REBLD SHED DRMS FRME 2NDFL

All unpainted wood may go into the Bartlett-Jackson Transfer Station burn pit. A dumpster must be hauled in for other construction materials and hauled to a landfill at the expense of the owner or contractor.

Hard wired smoke detectors must be installed in accordance with Life Safety Codes pursuant to RSA 153:10all.

All work must comply with State of New Hampshire Building Code Requirements.

Demolition Fees: Please see the Jackson Transfer Site attendant for fees on demolition materials.

SEPTIC SYSTEM:

The Septic System shall not be covered until inspected by NHWSPCC (Rick Treiss 603-466-5379). No liability is incurred by the Town of Jackson for reason of any approval to construct or use sewage disposal system. Approval is based on plans submitted by the applicant.

Signed: Beatrice R. Davis

CODE ENFORCEMENT OFFICER

Telephone: 603-383-4223

NOTE: THIS PERMIT EXPIRES ONE YEAR AFTER DATE ISSUED.

Permit must be exercised within one year and to a speedy completion or permit will be declared invalid.
Permit must be posted on site before work begins and returned to Selectmen's Office when completed.

- Dickey, Kevin & Patricia (Map VI, Lot 44) Reframe porch and main roof; rebuild shed roof and dormers; frame 2nd floor Inspector Chalmers noted this is the structure in town across from the Fire Department; there have been nine different plan reiterations. This one is to straighten up the broken roofline; the roof is framed with two-by-fours; it's a mess; it will increase the volume but our ordinance allows for that when there are code issues; the footprint stays the same. Office Administrator Falcey asked about the term "shed"; the item should clarify this is the shed roof. Chairman Davis was also concerned with the term shed. **Selectman Dougherty, seconded by Selectman Allen, made a motion to approve the application as recommended by the Building Inspector. The motion passed unanimously.**

