

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 Baldy Date 2/16/13

TAX LOT NUMBER: R-18/lot 23

Name of applicant BREMLEY BOEHNINGER

Address 35 CUMBERLAND AVE, PORTLAND, ME 04101

Owner Same
(if same as applicant write, same)

Location of property 6 SPRING STREET
(street, number, sub-division)

Acres 0.21 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 ^{2.2.3} 4.3.1.2 of the zoning ordinance to permit:
LIFTING OF CURRENT STRUCTURE OFF OF PIERS SO AS TO ADD IT TO A MORE PERMANENT CONCRETE FOUNDATION. I WOULD LIKE TO CONCURRENTLY SQUARE OFF A HIGHLY IRREGULAR FOOTPRINT AND ESTABLISH A MORE CONSISTENT ROOFLINE.

Facts supporting this request:

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

SEE ATTACHED

2. The spirit of the ordinance is observed because:

SEE ATTACHED

3. Granting the variance would do substantial justice because:

SEE ATTACHED

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

ATTACHED

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:

ATTACHED

b. The proposed use is a reasonable one because:

ATTACHED

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 ENTIRETY OF THE STRUCTURE EXISTS WITHIN CURBLINE SET BACKS. ACCORDING TO A 2011 SURVEY (AMMONDSON SURVEY CO. INC) THE BEST CASE BUILDABLE AREA AMOUNTS TO ~144 FT². THE WORST CASE SCENARIO ALLOWS FOR A BUILDABLE AREA OF ~50 FT².

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:

- PERS ARE NOT ADEQUATE OR BELOW FRONTLINE
- SEPTIC IS STEEL TANK, NOT LEACH FIELD
- EXISTING STRUCTURE FALLS COMPLETELY WITH-IN ROAD SETBACKS.

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.

- 11/15/12: INITIAL BUILDING PERMIT APPLICATION
 - 2/9/13: FRANK BONGSH RE: VARIANCE APPLICATION
 - 2/28/13: ANDY CUMMINGS RE: OLD BUILDING CODES.
-
-
-
-
-
-
-

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.

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

The structure exists on a private road and is visible, even in winter, by only two other structures. The proposed will bring the building foundation up to present day building standards and will allow for the footprint to be covered by a more consistent roofline allowing for improved snow shedding. As such this will undoubtedly increase the value of the property in question and improve those adjacent.

2. The spirit of the ordinance is observed because:

The proposal is for the nonconforming structure to extend toward the center of the property and not encroach further onto the property line of the abutters or the private right of way on Spring Street. Furthermore the visual impact on neighboring properties will be negligible.

3. Granting the variance would do substantial justice because:

Due to the extremely limited options that the property size allows a variance will give the owner enough leeway to improve the long term stability of the current structure by bringing it up to current building practice codes with no detrimental impact on the surrounding properties. When this area was initially subdivided a plot size of 0.21 acres allowed for reasonable space to build. Now, with more strict building codes and setbacks, this property would generally be unbuildable and as such is preventing equitable and reasonable work to the existing structure.

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

By removing the house from the current piers (old telephone poles) and establishing a more permanent foundation and consistent roofline the structure will undoubtedly increase in value thus improving the value of neighboring properties.

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

The size of this property allows no fair and equitable manipulation to the current structure. In the setting of trying to firm up the current foundation and thus protect the long term viability of the structure the property size restriction and setback guidelines makes this an unnecessary hardship for the applicant.

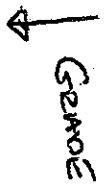
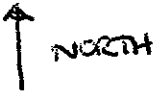
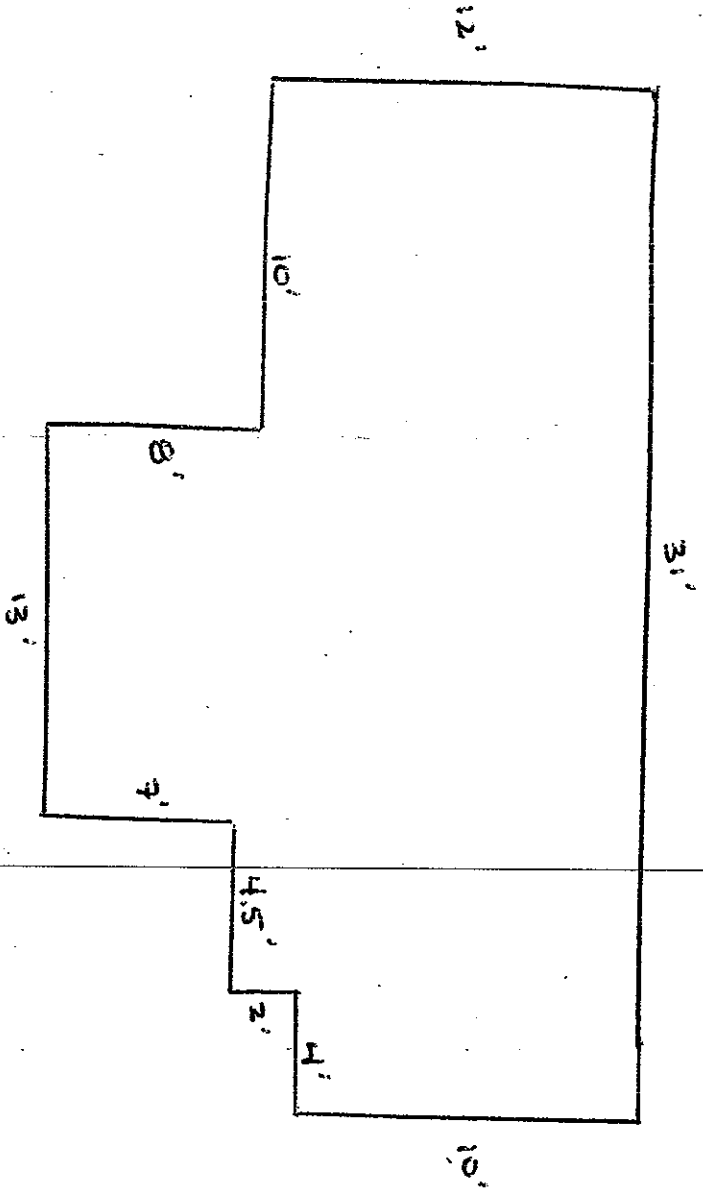
a. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

The location of the property on a secluded, private road far from dense development of town means that the impact of the proposed variance would be limited to one property owner at best.

b. The proposed use is a reasonable one because:

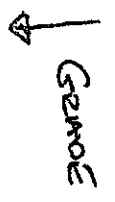
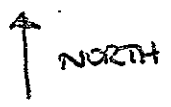
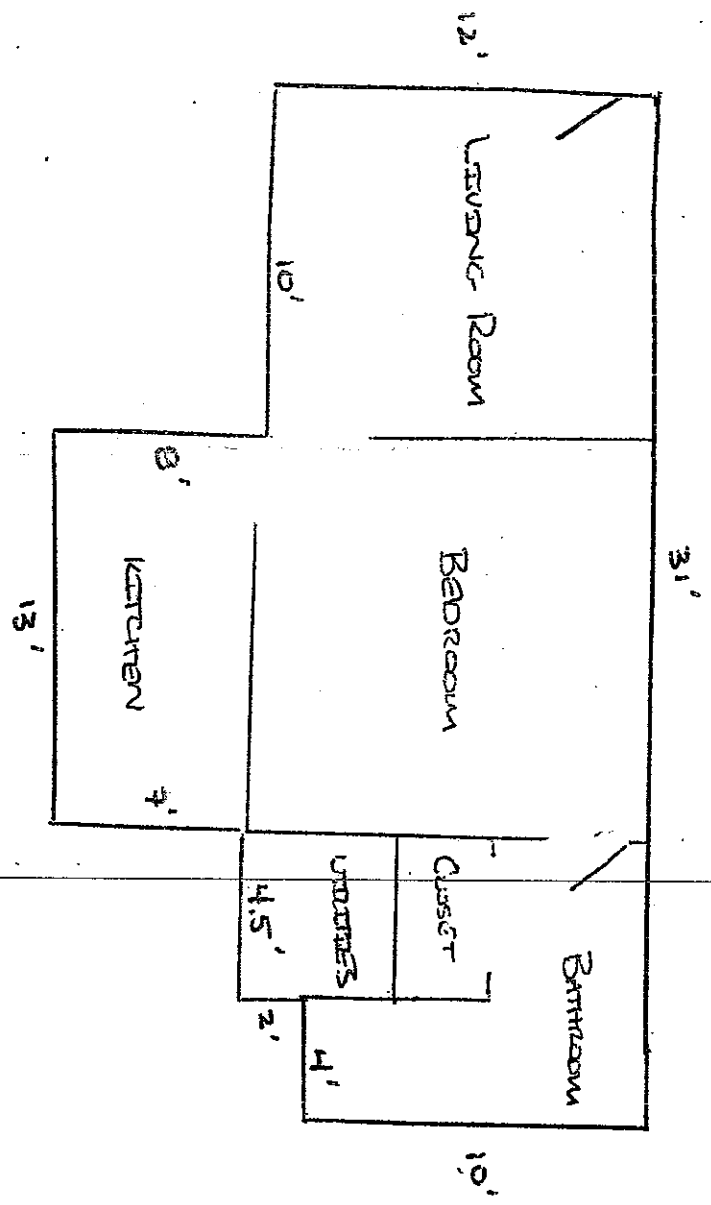
The overall goal of the proposed project is to bring the foundation up to current day building standards thereby creating a more stable, lasting structure that is less likely to collapse on itself due to antiquated and inadequate building practices. Squaring the structure will allow for the number of roof pitches to be decreased from six to three thus allowing for better snow shedding and thus structure stability. The current buildable area as delineated by the present town ordinances allows for only a small area. To use this space in squaring the foundation the building would have to be moved onto the septic tank.

CHANGE IN FOOTPRINT PROPOSAL CURRENT



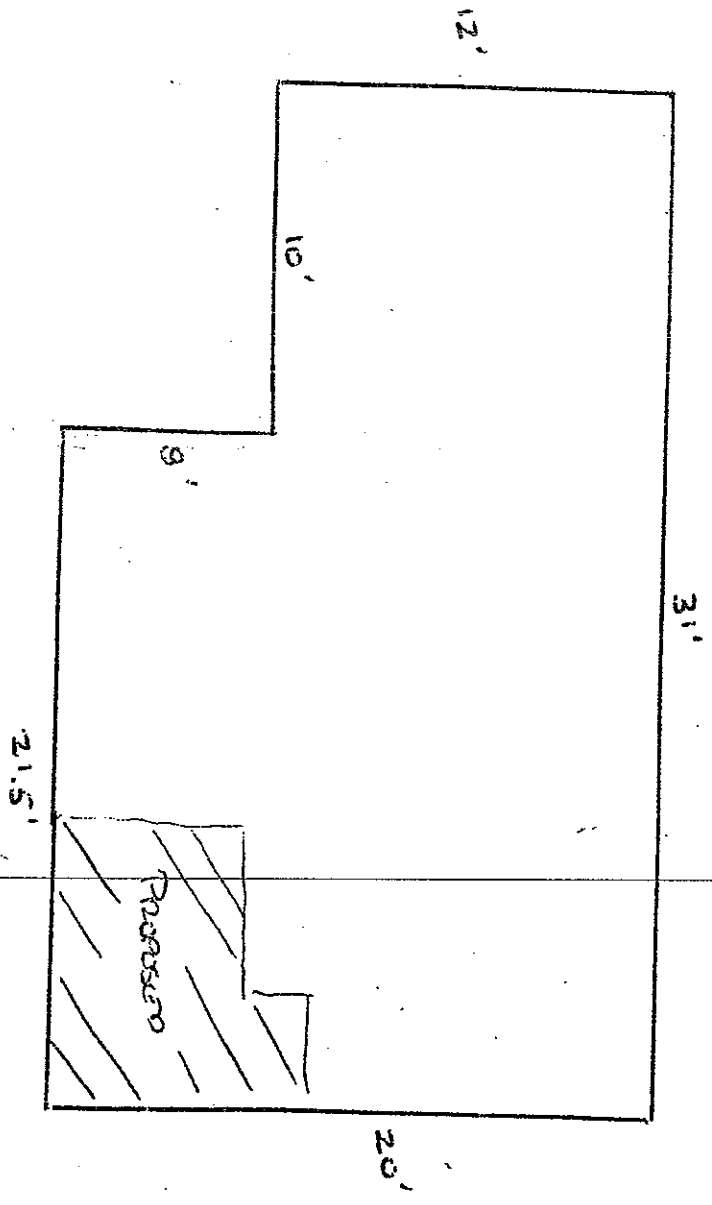
1" = 6'

FLOOR PLAN: CURRENT (1st Floor)



Changes in Footprint Proposed

Proposed

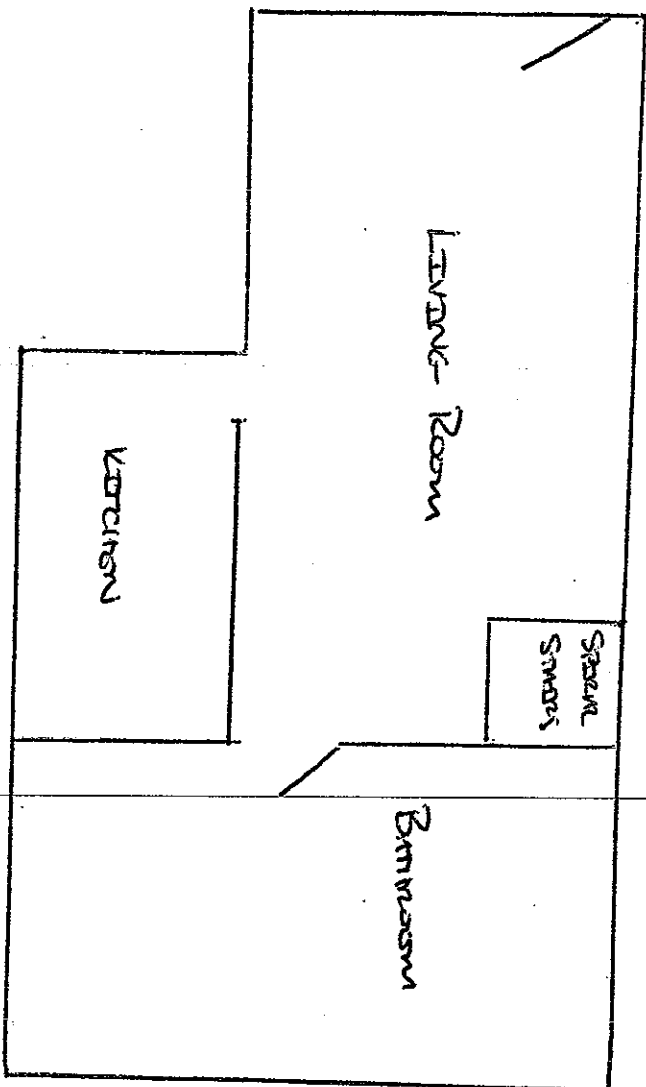


↑ NORTH

↓ GRADE

100361

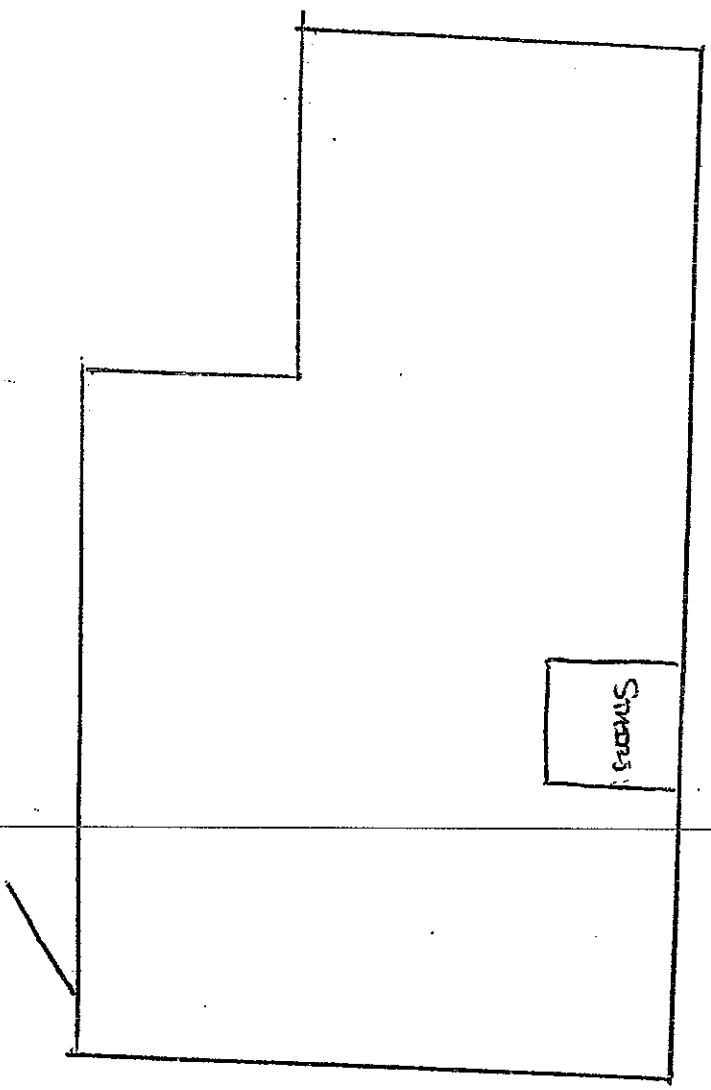
Floor Plan: Residence (1st Floor)



↑ NORTH

↓ Garage

FLOOR PLANS: "Basement"
(No Current Basement, base on Plans)



Note: To Accommodate New, Four Foundation will
Left Building ~ 4 Feet & Excavate ~ 4 Feet
Below Grade. This will Cause the Peak Roof
Height to be ~ 20 Feet Above Grade @ MAX.

↑ North

↓ Grade



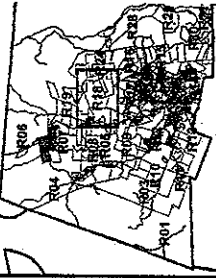
Town of JACKSON
Carroll County
New Hampshire

LEGEND

- PARCEL INFO**
 12.9 Parcel Number (PID)
 3.4c Parcel Acreage
 200' Frontage (feet)
- WATER BODIES**
 Lakes and Streams
- ROADS**
 State Road
 Class V Road
 Class VI Road
 Trail
 Private Road
 Forest Service Road
- SHADE REGIONS**
 Town Land

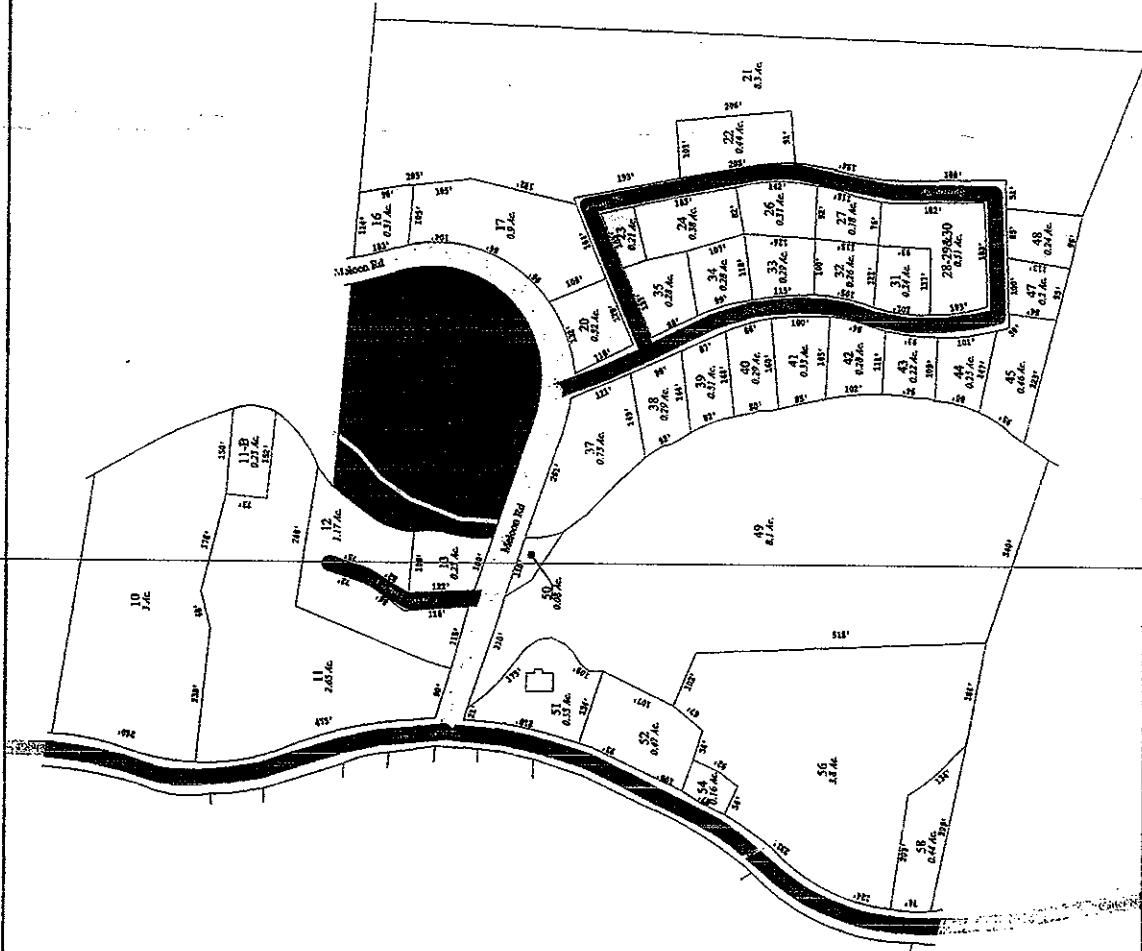
SCALE
 FEET
 50 100 200 300 400

INDEX



MAP Inset
R18

R-18/
 Lot 23



Revised April 1, 2012

MAP NOTES:

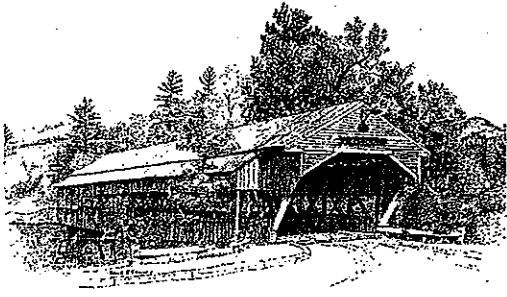
For a complete Township
 Map to be used for assessment

**List of Abutters for
Tax map R18/Lot 23
owner: Bradley Boehringer**

R18/Lots 20 & 35: William and Patricia Chipman, 6 Applewood Drive, Ipswich, MA 01938

R18/Lot 24: Wanda Silkowski, 12 Beach Street Apt 3, Revere, MA 02151

R18/Lots 17 & 21: Marguerite Walton, TTEE, Marguerite A. Walton Trust, 3 Cedar Hill, Byfield, MA
01922



TOWN OF JACKSON

OFFICE OF THE SELECTMEN

TOWN OF JACKSON
P O BOX 268
JACKSON, NH 03846

December 10, 2012

Bradley Boehringer
P O Box 76
Jackson, NH 03846

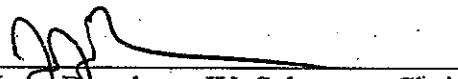
Re: Map R18, Lot 23

Dear Mr. Boehringer:

During the Selectman's Board Meeting on December 6, 2012, your building permit application for the building alteration project was denied because the proposed construction encroaches into the 50' setback from the right-of-way of Spring Street, and as a result does not meet the setback requirements in Jackson's Ordinance Section 4.3.1.2 and Non-Conforming Uses, Buildings and Structures Section 2.2.3.

In order to proceed with your plans, you will need to obtain a variance from Jackson's Zoning Board. Please contact the present chairman, Frank Benesh (tel: 383-8229) or email: Frank_Benesh@alum.mit.edu, if you wish to proceed with this option.

Respectfully,



Jerry Dougherty IV, Selectmen Chair
Jackson Selectmen

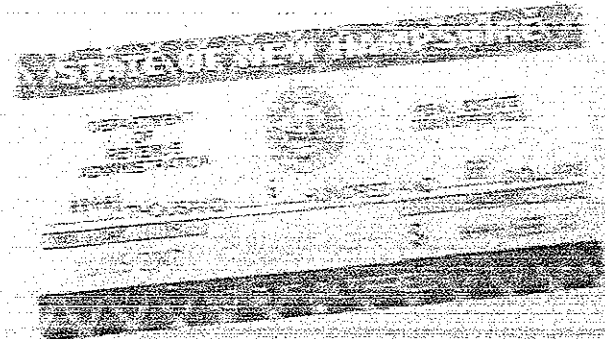
Cc: Rick Murnik, Contractor

0016648

RECEIVED
CARROLL COUNTY REGISTRY

2007 NOV 19 PM 04:35

Carroll County
REGISTER OF DEEDS



The space above this line is reserved for recording information

WARRANTY DEED

~~WITNESSETH THAT THE UNDERSIGNED, WESTMAN THOMAS BOWEN
of the County of Carroll, State of New York, do hereby certify that
the within and foregoing is a true and correct copy of the original
of the within and foregoing as the same appears in the records of
the Office of the Registrar of Deeds for the County of Carroll, State of New
York.~~

Beginning at the Northwesterly corner of said parcel at an iron pin driven into the
ground on the South side of Spring Street and on the West side of Jackson Avenue
at the intersection of said Spring and said Jackson Avenue; thence running in a
general Westerly direction for approximately one hundred (100) feet along the
South side of Spring Street to an iron pin driven into the ground; thence turning
and running in a general Southerly direction for approximately eighty (80) feet to
an iron pin driven into the ground at the Northwesterly corner of Lot 21; thence
turning and running in a general Northeasterly direction for approximately ninety-
five (95) feet, along said Lot 21, to an iron pin driven into the ground on the West
side of Jackson Avenue; thence turning and running in a general Northerly
direction along the West side of Jackson Avenue for approximately one hundred
eighteen (118) feet to the point of beginning.

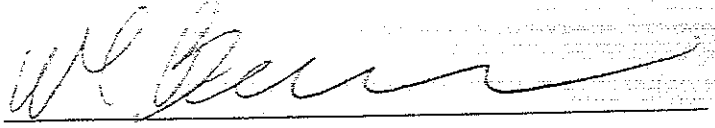
This parcel being Lot 20 on Second Lot Plan of development known as Black
Mountain Terrace, recorded in the Carroll County Registry of Deeds at Book 339,
Pages 125 and 126, reference to said Plan being made for further description.

BK2676PG0001

Meaning and intending to describe and convey those premises conveyed by Warranty Deed of The King Family Revocable Trust of 1991 to Whitman Thomas Bowen dated 06/14/02 recorded in Book 2033 Page 602.

The above described property is not part of the homestead of the grantor's ~~self~~ ^{or that of his spouse}.

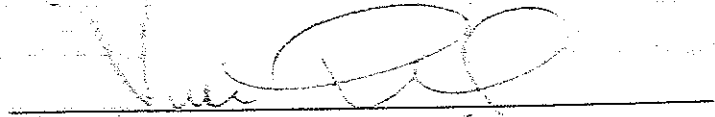
EXECUTED, this 19 day of November, 2007.



Whitman Thomas Bowen

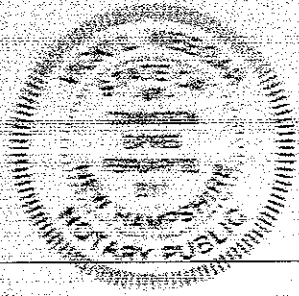
STATE OF New Hampshire COUNTY OF Carroll

The foregoing instrument was acknowledged before me this 19 day of November, 2007, by Whitman Thomas Bowen known to me or satisfactorily proven by personal identification to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes stated therein.



Notary Public

My Commission Expires: 2/22/11



BK2676P0002

RESIDENTIAL/COMMERCIAL BUILDING PERMIT APPLICATION

TOWN OF JACKSON

PO Box 268

Jackson, New Hampshire 03846

Phone: 603-383-4223 Fax: 603-383-6980

Date of Application 11/5/12 ^{ORIGINAL} Permit Number Issued _____

Map & Lot Number R-18, LOT 35 (23)

Street Name and Number 6 SPRING STREET

Village District _____ or Rural Residential District (Check one)

Property Owner Information:

Name BRADLEY BOEHRINGER Telephone #'s 603 801 1345 (c)

Mailing Address 35 CUMBERLAND AVE, APT 3, PORTLAND, ME 04101

Email Address bradboehringer@gmail.com

Contractor Information:

Name RICK MURNIK Telephone #'s 603 387 9087

Mailing Address BOX 191, GLEN 03838

Email Address RICK@WESTSIDEAV.COM

Reason for Permit:

Structure: New _____ Addition _____ Alterations X Wind Generation Facility _____

Specify changes: REMOVE SOUTH END OF HOUSE (BATHROOM), SQUARE OFF THAT END OF HOUSE FOR NEW BATHROOM, LEFT HALF & SECURE w/ FULL FOUNDATION

Intended Use: WILL HAVE FULL BASEMENT FOR STORAGE & UTILITIES

Dimensions of New Structure or Addition: SQUARING OF SOUTH END WILL INCREASE FT² BY ~ 67.5

Is this property or part of this property in Current Use? Yes _____ No X Explain _____

See RSA Chapter 79-A Current Use Taxation. "Current use" is an assessment of land value for taxation purposes meant to encourage the preservation of open space. Land presently within "current use" cannot be part of the buildable area of the lot unless removed from current use.

Structure Setback Requirements: 50 feet' from the edge of any road right-of-way (typically the edge of the road right of way and the front property line are one in the same), 25 feet from any abutter property line and 50' from the near bank of any year-round stream or body of water which is a property boundary. Setback requirements may also be affected by Section 5, River Conservation District, of the Zoning Ordinance. The village district has additional requirements that apply along route 16A and for frontage on a road right of way. Please refer to the Zoning Ordinance

Specify the setback distances: Facing the road ^(NORTH ASPECT) > 52' Back of property ^(SOUTH) > 25', VARIANBLE

Side of property ^(WEST) > 25', VARIANBLE Other Side of Property ^(EAST) BETWEEN ~ 45 & 50, VARIANBLE

Length of frontage on the street CORNER LOT, 206' TOTAL

SEE SURVEYORS MAP FOR BOUNDARY & SETBACKS

PRELIMINARY PLAN

Map R-18/Lot 17
 n/f Waltom, M Ttee

Map R-18/Lot 20
 n/f Chipman, W & P

Map R-18/Lot 35
 n/f Chipman, W & P

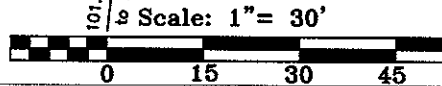
Map R-18/Lot 23

Map R-18/Lot 24
 n/f Sukkowski, W

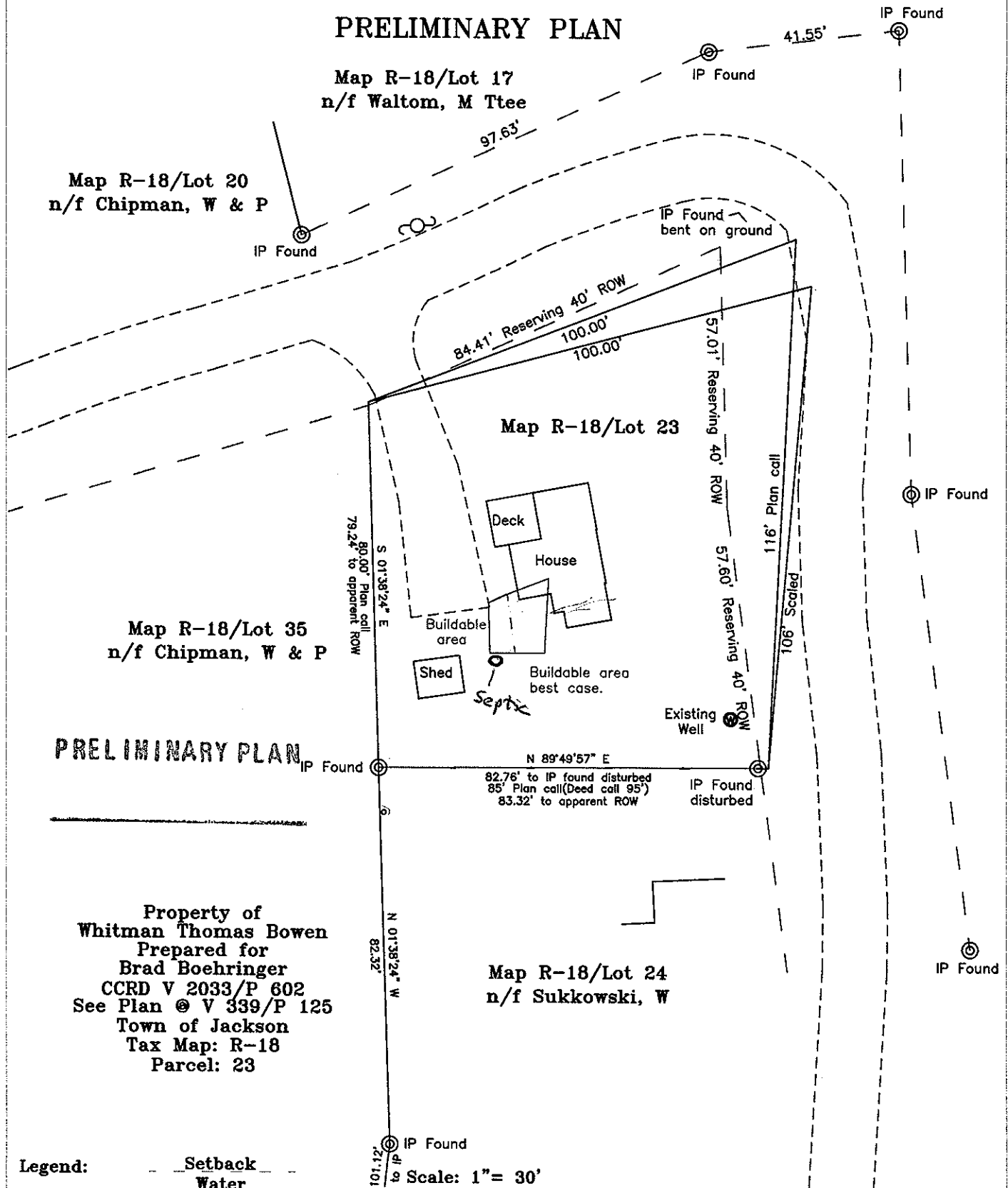
PRELIMINARY PLAN

Property of
 Whitman Thomas Bowen
 Prepared for
 Brad Boehringer
 CCRD V 2033/P 602
 See Plan © V 339/P 125
 Town of Jackson
 Tax Map: R-18
 Parcel: 23

Legend: Setback
Water
 ○ IP Found Travelled Way



DRAWN BY: _____ DATE: _____
 SURVEYED: _____



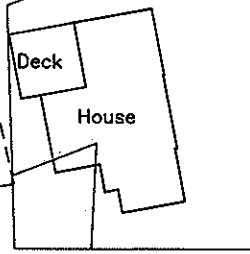
PRELIMINARY PLAN

Map R-18/Lot 17
 n/f Walton, M Ttee

Map R-18/Lot 20
 n/f Chipman, W & P

Map R-18/Lot 35
 n/f Chipman, W & P

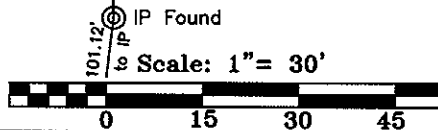
Map R-18/Lot 23



Map R-18/Lot 24
 n/f Sukkowski, W

Property of
 Whitman Thomas Bowen
 Prepared for
 Brad Boehringer
 CCRD V 2033/P 602
 See Plan © V 339/P 125
 Town of Jackson
 Tax Map: R-18
 Parcel: 23

Legend: Setback
 Water
 IP Found Travelled Way



DRAWN BY: _____ DATE: 7- 8-
 SURVEYED: _____

25' all around

PRELIMINARY PLAN

Map R-18/Lot 17
n/f Walton, M Ttee

Map R-18/Lot 20
n/f Chipman, W & P

Map R-18/Lot 23

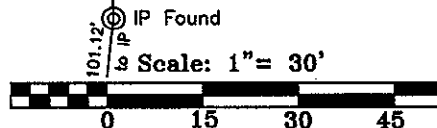
Map R-18/Lot 35
n/f Chipman, W & P

PRELIMINARY PLAN

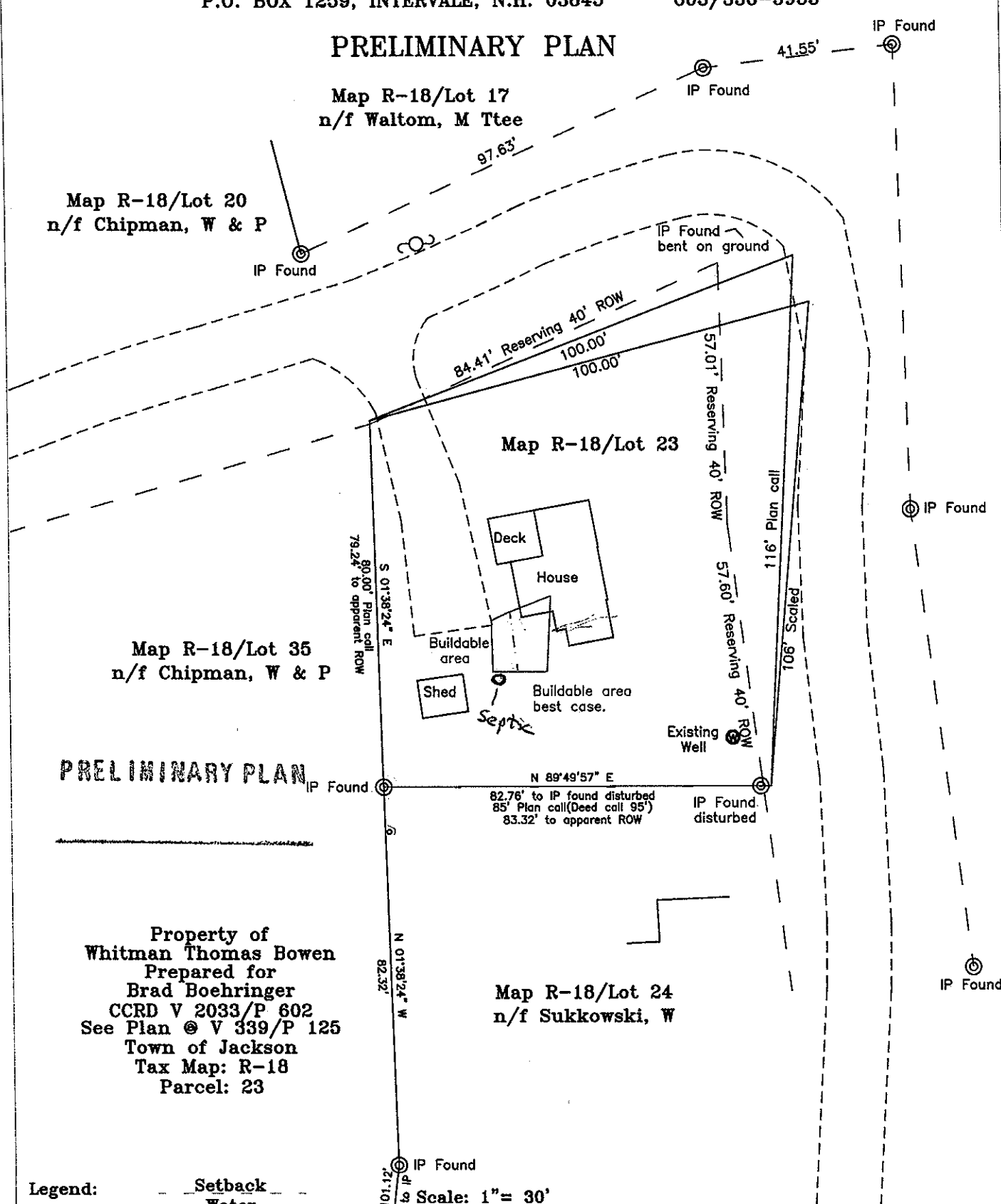
Property of
Whitman Thomas Bowen
Prepared for
Brad Boehringer
CCRD V 2033/P 602
See Plan @ V 339/P 125
Town of Jackson
Tax Map: R-18
Parcel: 23

Map R-18/Lot 24
n/f Sukkowski, W

Legend:
 --- Setback
 --- Water
 ○ IP Found
 --- Travelled Way



DRAWN BY: _____ **DATE:** 8-2-
SURVEYED: _____



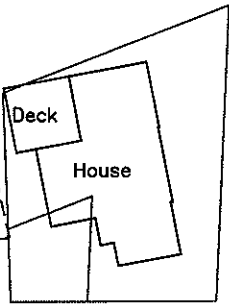
PRELIMINARY PLAN

Map R-18/Lot 17
 n/f Walton, M Ttee

Map R-18/Lot 20
 n/f Chipman, W & P

Map R-18/Lot 35
 n/f Chipman, W & P

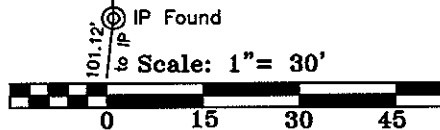
Map R-18/Lot 23



Map R-18/Lot 24
 n/f Sukkowski, W

Property of
 Whitman Thomas Bowen
 Prepared for
 Brad Boehringer
 CCRD V 2033/P 602
 See Plan @ V 339/P 125
 Town of Jackson
 Tax Map: R-18
 Parcel: 23

Legend:
 ○ IP Found
 — Setback
 — Water
 — Travelled Way



DRAWN BY: _____ DATE: _____
 SURVEYED: _____

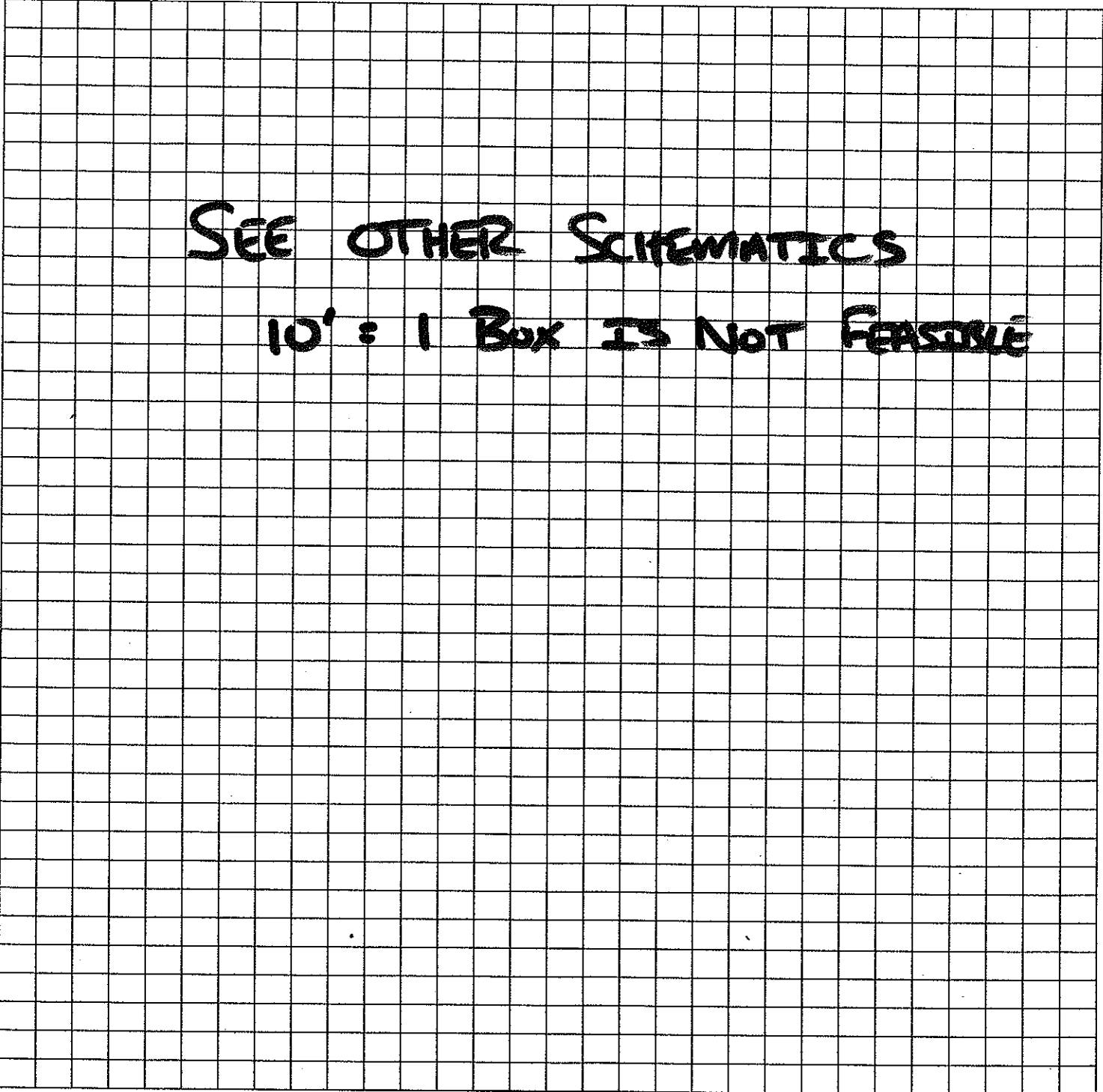
30' @ row 25' to abutment



SITE PLAN DETAIL

In the space below draw the exact shape of your lot and mark the boundary distances: Show all present and proposed structures in their correct location on the lot.

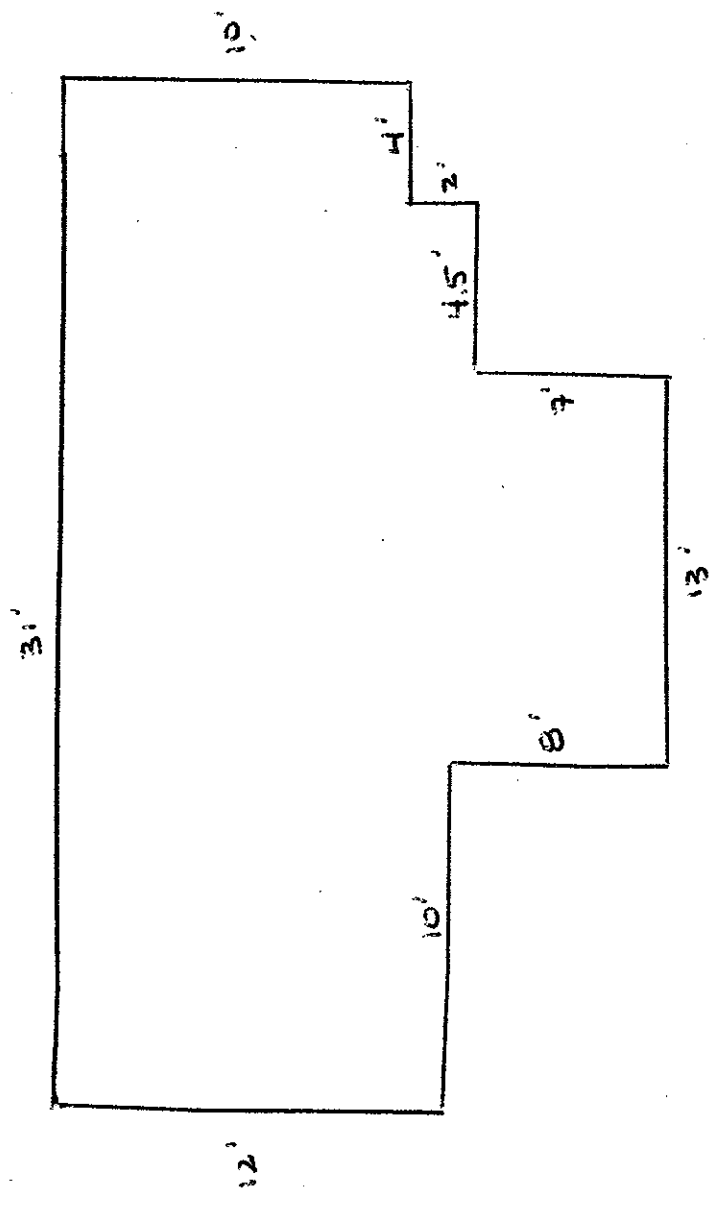
1 SQUARE EQUALS TEN FEET



1" = 30'

CHANGE IN FOOTPRINT PROPOSAL CURRENT

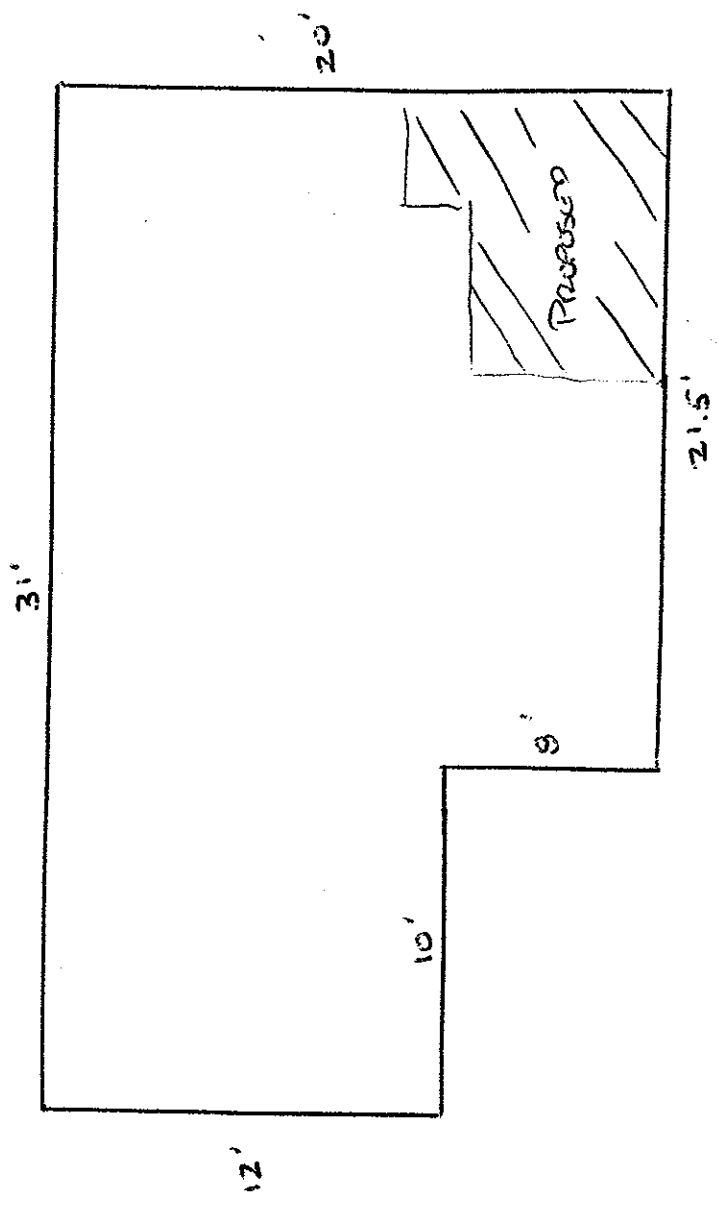
GEARAGE
↑



NORTH
↓

CHANGE IN FOOTPRINT PROPOSED

↓ GRADE

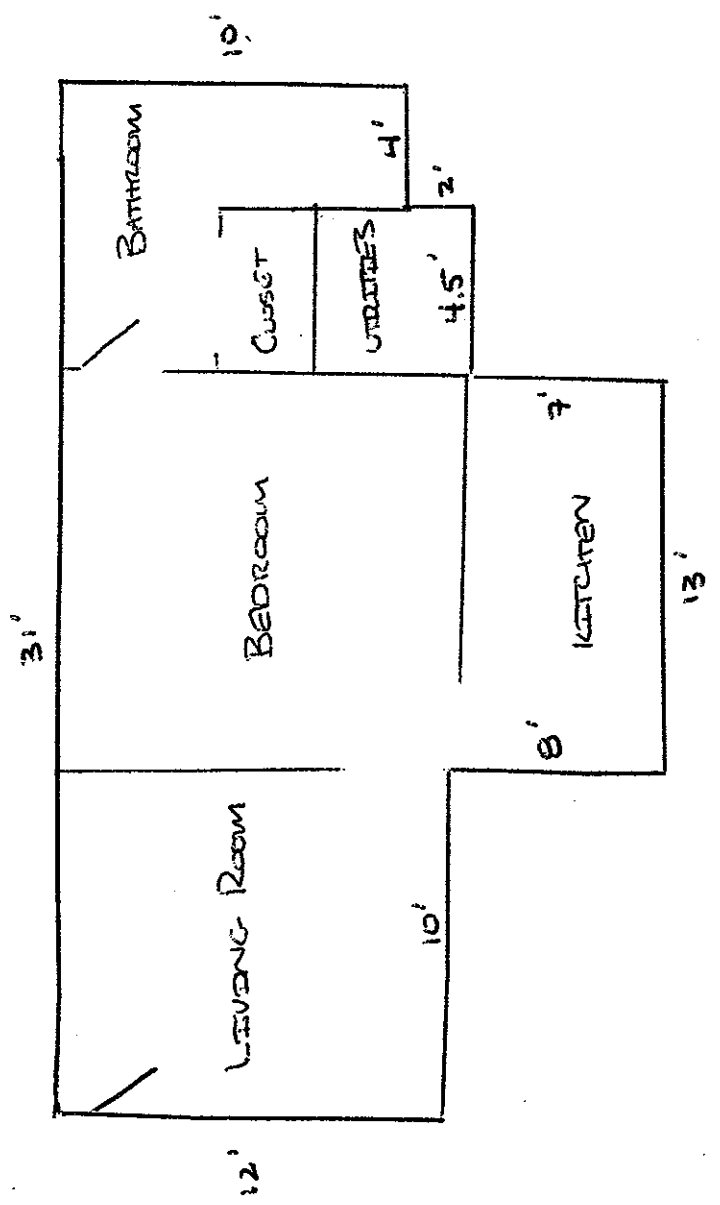


↓ NORTH

1" = 6'

FLOOR PLAN: CURRENT (1st Floor)

GEAR ↘

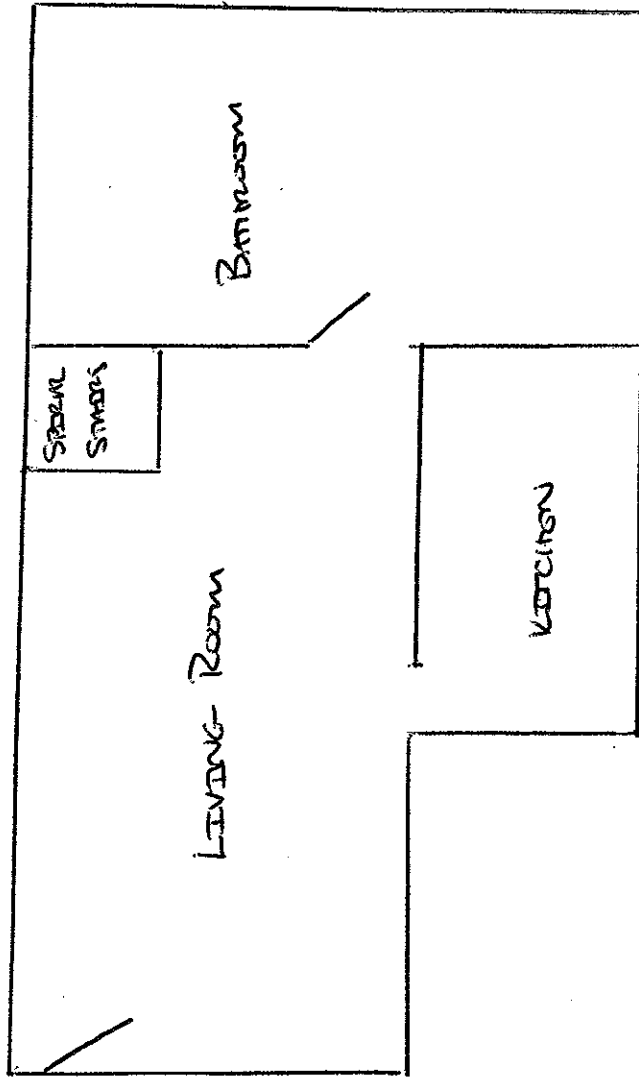


NORTH ↓

1" = 6'

Floor Plan: Proposed (1st Floor)

↓ GROUND



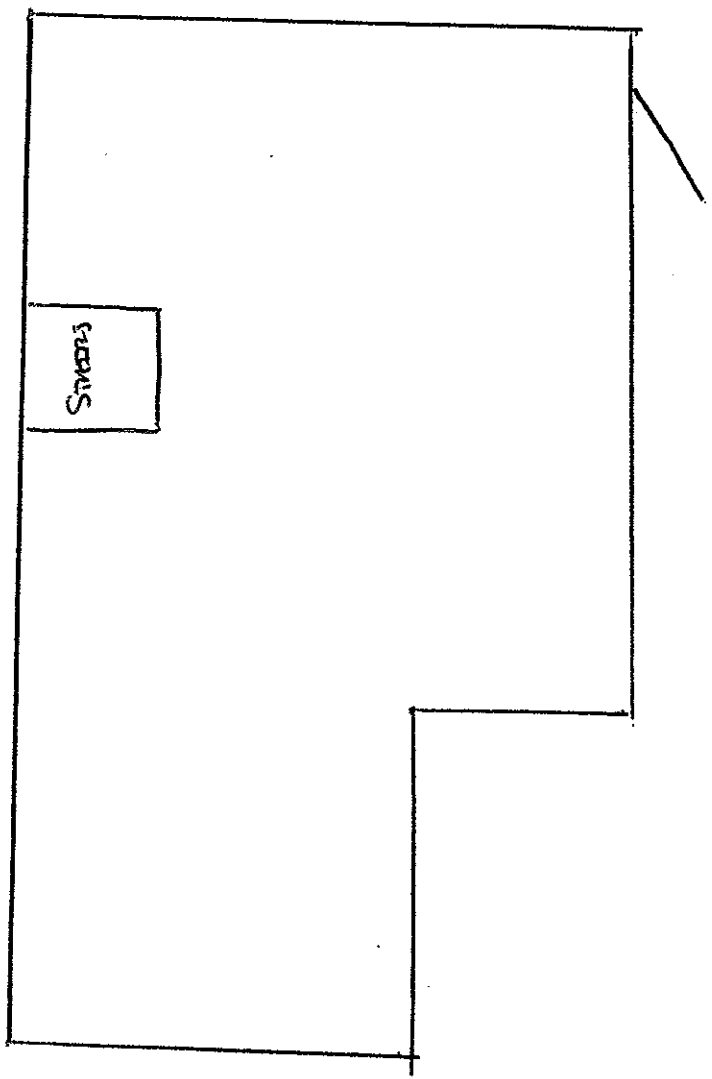
↑ NORTH

1" = 6"

"Floor Plans" Basement

(No Current Basement, House on Piers)

↓ GRADE



↓ NORTH

Special Flood Hazard

Is this land in an area of Special Flood Hazard? YES _____ No X

Please see Section 10 of the Jackson Zoning Ordinance for details on flood areas.

CONSTRUCTION TYPE: (applicable to proposed work on permit) Check all that apply.

Foundation:

Concrete X
Cem. Block _____
Stone _____
Piers _____

Basement:

Full X
3/4 _____
1/2 _____
1/4 _____

Insulation:

Blanket _____
Walls _____
Roof _____
Attic _____

Exterior Walls:

Clapboard _____
Wide Siding _____
Wood Shingles X
Stucco _____
Brick _____
Vinyl Siding _____
T-11 _____

Interior Finish:

Drywall X
Plaster _____
Paneling _____
Knotty Pine _____

Floors:

Basement _____
First Floor _____
Second Floor _____
Third Floor _____

Log _____

Bedrooms:

number _____

Electric:

Type of Service _____

Heating:

Electric _____
Hot Water _____
Hot Air _____
Fireplace _____
Wood Stove X
Steam _____
No Heat _____

Plumbing:

Full Baths 2 # 1/2 _____
Laundry Room _____
Garbage Disposal _____
Kitchen Sinks # _____
Other _____
No Water _____

RECONFIGURE GARBAGE

Out buildings: include size of building

Garage _____
Barn _____
Shed _____
Deck _____
Patio _____
Swimming Pool _____
Other _____

PERMITS AND APPROVALS:

Site Disturbance:

Type: Driveway _____ Excavation ✓ Well _____ Septic _____
Blasting: Contractor Name N/A Phone _____
License Number: _____ Proposed start date of project: _____

FOR FOUNDATION WORK

Driveway Permit:

Copy of driveway permit is attached: Yes _____ No _____ Not Applicable X

Septic System:

N/A, NO GREATER SEPTIC LOADS ADDED

Note: New septic loads may not be added to any existing structure without an approved town and state septic system design.

Non-Conforming Lot Size: See Zoning Ordinance Section 6 for Minimum Lot Size requirements.

Septic Approval # N/A

Additional Items of Note:

Water Testing & Wells: The state of New Hampshire encourages all owners to have new and existing wells tested.
Water: Dug Well X Drilled Well _____ Community Well _____ Town Water _____

Water course if applicable: _____

Is this property located within the Jackson Water Precinct boundary? NO

Is the property in compliance with the Jackson Water Precinct requirements? N/A

Please call Jackson Water Precinct 383-6539 for more information.

Well Radius:

For any lot, the entire well radius to the extent possible shall be located on this lot. If the well radius cannot be located entirely on the lot, it shall be located to the extent possible within the well radius of any abutting lot or within land which is non-buildable under state and local regulation. The purpose of this requirement is to protect water quality on all lots. An applicant shall be expected to release the town in connection with protective well radii in the same manner as the State of New Hampshire under RSA 485-A:30-b. This release shall be recorded at Carroll County Registry of Deeds.

Streams & Rivers: Please refer to the Jackson Zoning Ordinance

Plumber: _____

License Number: _____

Electrician: _____

License Number: _____

Gas Fitter: _____

License Number: _____

RESIDENTIAL/COMMERCIAL BUILDING PERMIT FEES:

A Building Permit APPLICATION Must Be Submitted For ALL PROJECTS

Although a building permit is not required for Alterations within the footprint of an existing building or structure if the Alterations have an estimated value of less than \$10,000, a Building Permit Application must be submitted.

Note: When a permit is not required (circumstances outlined above) the Town of Jackson will not require or provide inspections of the work. Inspections may be required under the State of New Hampshire Building Code, RSA 155-A. It is the obligation of the contractor and / or owner to request inspections.

Alterations to an Existing Building or Structure Extending Outside the Existing Footprint :

A permit is required for alterations that extend outside the footprint of an existing building or structure (i.e. including but not limited to decks and attached sheds) valued at less than \$10,000.

Note: Alteration is specifically defined at Section 3.4 of the Jackson Zoning Ordinance. The definition reads: "Alteration" means any structural change to a building and change of present design or use where compatible and consistent with existing uses.

Permit Fees are required for all projects except Alterations under the circumstances described above.

Building Permit Fees will be determined by the Town's Building Inspector. The fees are calculated based upon gross area (total square feet of all floors) of the proposed work and type of construction. The gross SF is multiplied by the adjusted SF construction cost. The construction cost is determined by using regionally adjusted Building Valuation Data (BVD). The BVD is a national average construction cost for building

to the minimum standards of the Building Code. Building Valuation Data is updated twice a year by the International Code Council and is available for viewing at the Town Office.

All fees will be collected prior to the issuance of the Building Permit.

Example:

Type of construction: R-2 Residential, 1 and 2 family, V-B

Area: unfinished basement 1,200 SF x \$19.20 = \$23,040

1st floor 1,200 SF x \$130.43 = \$156,516

2nd floor 800 SF x \$130.43 = \$104,344

Total SF Construction Cost = \$283,900

\$283,900 (total construction cost) x .0025 (permit fee multiplier) = \$709.75

- 1 check for a non-refundable base fee to process the application, \$25 for value of less than \$10,000, and \$75 for value over \$10,000.
- 1 check for 0.0025 per dollar value for the estimated value of work requiring an inspection using the ICC Building Valuation Data.

Permit Application Non-Refundable Processing Fee \$25 _____ \$75 X _____

Permit Fee - estimated value of work \$ _____ x 0.0025 = _____

SPOKE WITH ANDY, HE WILL CALCULATE

Note: Project value is subject to review by the Town of Jackson based on the area of the project and estimated costs per square foot, giving consideration to the work to take place.

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. 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.

Failure to secure an approved Building Permit may result in fines pursuant to RSA 676:17

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: Bradley Bodringar Date: 11/5/12

Owner(s) Signature: _____ Date: _____

Owner(s) Signature: _____ Date: _____

Board of Selectmen Approval: _____
Date of Approval _____