



THE WENTWORTH
AN ELEGANT COUNTRY INN

Town of Jackson
Zoning Board of Adjustment
Attn: Frank Benesh, Chair
Post Office Box 268
Jackson, NH 03846

July 22, 2013

Reference: Variance Application for The Wentworth Inn
Applicant - Claude Pigeon, Architect, Couture Construction
Fritz Koepfel, Owner, The Wentworth Inn

Dear Chairperson Benesh:


Enclosed please find the following documents in conjunction with this application for a variance:

1. Application Form.
2. List of Abutters including addresses and Tax Lot Numbers.
3. Letter of authorization from the Wentworth Hotel of Jackson, Inc. to Claude Pigeon to act as applicant.
4. Copy of denial letter from Code Enforcement Officer Andrew Chalmers.
5. Copy of Deed to the property.
6. Two Copies of (a) architectural drawings (2 sets), (b) old plot plan showing existing and proposed building locations, and (c) town maps showing property location.
7. Toe copies of mailing labels for abutters and other entitled to/deserving of notice.
8. Letters from abutters in favor of the project

Please do not hesitate to contact me if there is anything else you require.

Thank you so much in advance of your consideration,

Sincerely,



Fritz Koepfel, President
The Wentworth Hotel of Jackson, Inc.
One Carter Notch Road
Jackson, NH 03846

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: July 22, 2013

TAX LOT NUMBER:

Name of applicant: Claude Pigeon
Address: Couture Construction
1803 Riverside Drive
Berlin, NH 03570
Cell: (603) 723-9952
E-mail: arccc@ne.rr.com

Owner: The Wentworth Hotel of Jackson, Inc.

Location of property 1 Carter Notch Road, Jackson, NH 03846

Acres: 3.6+/- or Sq. Ft. N/A

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 4.1.3 of the zoning ordinance to permit:

Renovation of the existing The Wentworth Inn to replace an outdated, disjointed and somewhat dysfunctional portion of the building complex with an addition that will not exceed the height of the existing building's roof lines, and be more integral and complementary to the existing structure. Section 4.1.3 of the Ordinance allows building heights of 35 feet. The roof line and turrets on the existing building and proposed addition exceed the height limitation. The turrets on the existing building and the addition top out at approximately 46 feet. The roof line and turrets on the proposed addition will not exceed the height of the existing building.

Facts supporting this request:

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

The requested height variance will serve only to allow the existing rooflines of this elegant country inn to remain consistent. Enforcing the height restriction to the proposed renovation of a portion of this building will result in uneven and inconsistent roof lines, resulting in a less pleasant looking and less functional building.

2. The spirit of the ordinance is observed because:

The requested height variance will serve only to allow the existing rooflines of The Wentworth Inn to remain consistent. Strict enforcement of the 35 foot height restriction to the proposed renovation of this building will result in uneven and inconsistent roof lines, resulting in a less pleasant looking and less functional building.

3. Granting the variance would do substantial justice because:

The Wentworth Inn is a landmark in Jackson. The requested variance in no way undermines the zoning ordinance because this landmark building is pre-existing and the requested height variance will neither create a new use or structure, but rather help to preserve and ensure the continued viability of this Jackson architectural centerpiece.

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

The substantial investment in the building will continue with the existing and pleasant architectural themes already in place. There is no new use being introduced; rather the existing building will be improved in both functionality and appearance, which will increase property values by enticing more visitors and tourists to the area, and render the surrounding properties more desirable from a commercial perspective.

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:

Height restrictions are valuable in certain instances in preserving local character and to prevent eyesores, such as placing a skyscraper in the middle of a neighbor that is otherwise architecturally similar. However, the renovation plan put forth for The Wentworth does not frustrate the purpose of the height restriction in the ordinance, as the proposed renovation carries through the distinctive architecture in the existing structure. Moreover, if the height restriction is imposed on the renovations to the hotel complex, the resulting rooflines will be inconsistent with existing rooflines, and provide for a less pleasant and less functional overall building.

b. The proposed use is a reasonable one because:

The applicant is seeking only to continue with the architectural theme already existing, and is not seeking to introduce a new use or a use that is inconsistent with the existing building or the surrounds.

The following additional information must be completed regarding the property in question:

Is any Use or Structure currently Non-Conforming? YES X NO _____

If yes, explain in detail:

The Wentworth Inn constitutes a pre-existing, non-conforming use with regard to the height of the building. Subsequent to the building being constructed in 1869, the Town of Jackson adopted a zoning ordinance in 1971, which currently limits the height of all structures in the town to no more than 35 feet. Substantial renovations to the structure were accomplished in the 1980s with all necessary permits.

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:

It is clear the existing building exceeds the height limitation imposed by the current zoning ordinance, but is a pre-existing, nonconforming (grandfathered) use and structure. It is unknown whether other the aspects of the building and/or uses would or would not be in compliance with current local and state land use regulations, although there are no known notices of deficiency issued with respect to any aspect of the building or use.

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.

See attached letter dated May 2, 2013 from Andrew C. Chalmers denying the application for building permit.

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.

ABUTTERS FOR THE WENTWORTH HOTEL, JACKSON, NH 03846 MAP V02 / LOT 10 / SUB G

<u>MAP</u>	<u>LOT</u>	<u>SUB LOT</u>	<u>LOCATION</u>		<u>ADDRESS</u>
			<u>FROM HOTEL</u>		
V01	38	N/A	SOUTH OF HOTEL	JACKSON COMMUNITY CHURCH, P.O. BOX 381, JACKSON, NH 03846	
V01	39	N/A	SOUTH / EAST/ACROSS RIVER	NOEL RENEE, P.O. BOX 675, JACKSON, NH 03846	
V01	37	00000A	SOUTH OF HOTEL	THE MALLETT CORPORATION, P.O. BOX 803, JACKSON, NH 03846	
V01	37	00000B	SOUTH OF HOTEL	KOEPPEL FRITZ, P.O. BOX M, JACKSON, NH 03846	
V01	37	00Land	SOUTH AND NORTH OF HOTEL	WENTWORTH RESORT TOWNHOUSE CONDOMINIUM ASSOCIATION, P.O. BOX 516, JACKSON, NH 03846	
V02	38	N/A	EAST ACROSS WILDCAT RIVER	TOWN OF JACKSON, POST OFFICE BOX 336, JACKSON, NH 03846	
V02	39	N/A	EAST ACROSS WILDCAT RIVER	TOWN OF JACKSON, POST OFFICE BOX 336, JACKSON, NH 03846	
V02	40	N/A	EAST ACROSS WILDCAT RIVER	TOWN OF JACKSON, POST OFFICE BOX 336, JACKSON, NH 03846	
V02	10	00Land	WEST OF HOTEL	WENTWORTH RESORT TOWNHOUSE CONDOMINIUM ASSOCIATION, P.O. BOX 516, JACKSON, NH 03846	

Town of Jackson
Zoning Board of Adjustment
Attn: Frank Benesh, Chair
PO Box 268
Jackson, N.H. 03846

July 22, 2013

Re: *Variance Application for "The Wentworth Inn"*
Applicant - Claude Pigeon/ Couture Construction
Owner - The Wentworth Hotel of Jackson, Inc.

Dear Chairperson Benesh,

On behalf of The Wentworth Hotel of Jackson, Inc., I hereby authorize Claude Pigeon and Couture Construction to act as the agent and applicant for The Wentworth Hotel of Jackson, Inc. in regards to an application for variance being submitted for consideration by the Board of Adjustment.

Thank you.



Fritz U. Koeppl, President
The Wentworth Hotel of Jackson, Inc.
One Carter Notch Road
Jackson, NH 03846

Town of Jackson

May 2, 2013

Mr. Fritz Koppel
1 Carter Notch Road
Jackson NH 03846

Mr. Koppel,

I recently received a preliminary set of drawings and building permit application for renovation/ new construction. These were submitted by your contractor, Couture Construction Corp. The scope of the work is for the expansion of the main building at the Wentworth. The proposed expansion would house new kitchen, laundry, exercise room and twelve new suites.

While the plans are incomplete; during a meeting with your contractor it became evident that the proposed addition exceeds Jacksons building height limitation (Section 4.1.3 sets a 35 foot maximum height). As this does not conform to Jacksons Zoning Ordinance I regretfully have to deny this application.

In issuing the denial of the Building Permit this presents you with the opportunity to apply to the Zoning Board of Adjustment and seek relief from this height restriction.

You can contact Frank Benesh, the Chair of the Zoning Board of Adjustment through the Town Offices.

PO Box 268
Jackson NH 03846

Respectively,



Andrew C. Chalmers
Building Inspector/ Code Enforcement Officer
Town of Jackson

cc: Selectmen, Town file, Couture Construction, Frank Benesh

Andrew Chalmers, Building Inspector/ Code Enforcement Officer

COOPER, FAUVER & DEANS, P. A.
ATTORNEYS AT LAW
P. O. BOX 450 PINE STREET
NORTH CONWAY, NEW HAMPSHIRE 03860

April 12, 1991

TELEPHONE
603-356-5439

Fritz and Diana L. Koepfel
PO Box M
Jackson, NH 03846

RE: RATTAY TO KOEPPEL

Dear Fritz and Diana:

Enclosed please find Warranty Deed from Peter Rattay to you both dated March 22, 1991 recorded at the Carroll County Registry of Deeds at Book 1442, Page 618.

Very truly yours,

Diana M. Deans
COOPER, FAUVER & DEANS, P. A.

dlk
enc.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that PETER RATTAY of
Wentworth Resort, Jackson, County of Carroll and State of New
Hampshire 03846, for consideration paid, grant to FRITZ KOEPPPEL
and DIANA L. KOEPPPEL, husband and wife as joint tenants with
rights of survivorship, with mailing address of P.O. Box M,
Jackson, County of Carroll and State of New Hampshire 03846, with
WARRANTY covenants,

A certain Condominium Unit in the Wentworth Resort Townhouse
Condominium situated in Jackson, County of Carroll and State of
New Hampshire, the same as established by the Declaration of
Condominium, dated the 12th day of May, 1983 and recorded in the
Carroll County Registry of Deeds at Book 899, Page 103, as the
same may be amended from time to time as a matter of right
reserved to the Declarant thereof, the same being more
particularly described as follows:

UNIT NO. 21, consisting of Thorn Mtn. House, Thornycroft,
Arden, Sunnyside, Wildwood, Fair Lawn and Amster, and other
related buildings shown on a certain site plan entitled,
"Wentworth Resort a Condominium Development for Ernest J. Mallett,
Jr., Jackson, New Hampshire", as prepared by White Mountain Survey
Co., Inc., dated March 14, 1983 and recorded in the Carroll County
Registry of Deeds, Plan Book 62, Pages 47, 48 and 49.

TOGETHER WITH any and all "Limited Common Area" as shown on
said plans as appurtenant to the Unit herein conveyed and,
TOGETHER WITH an undivided one eighty-third (1/83rd) percentage
interest as tenant in common in and to the Common Area as the same
is set forth and identified in the said Declaration of Condominium
and appendices thereto, as appurtenant to the within described and
conveyed Unit. This percentage interest is subject to modification
or reallocation as Convertible Land is converted to additional
Units as provided by the said Declaration of Condominium.

The undivided percentage interest as tenant in common
appurtenant to the within described Unit is as to a certain parcel
of land situated in said Jackson, County of Carroll and State of
New Hampshire, as more particularly shown and described on a plan
entitled "Wentworth Resort A Condominium Development, for Ernest
J. Mallett, Jr., Jackson, New Hampshire", as prepared by White
Mountain Survey Company dated March 14, 1983 and recorded in the
Carroll County Registry of Deeds, Plan Book 62, Pages 47, 48 and

RECEIVED
CARROLL COUNTY
REGISTRY

1991 MAR 22 PM 4:06

REGISTRY OF DEEDS

Sullivan & Patten

002833

49 as may now or hereafter be modified by amendments to said Declaration of Condominium.

SUBJECT, NEVERTHELESS, to easements, restrictions, payment of charges, reservations, and all other items, covenants, conditions, agreements and provisions as contained in said Declaration of Condominium, Articles of Association, By-Laws and Rules and Regulations as the same are now recorded in the Carroll County Registry of Deeds, Book 899, beginning at Page 103 as the same may be amended from time to time pursuant to the provisions contained therein.

RESERVING to Ernest J. Mallett, Jr. et als the right to use the portion of Unit 21 which is commonly known as the "Thornycroft" building, access thereto and parking associated therewith for business office purposes without further assessment or consideration, for the period of four (4) years from January 4, 1988 in accordance with the terms of the lease thereto.

SUBJECT FURTHER to the following rights reserved to Ernest J. Mallett, Jr., et als, their successor and assigns in the deed dated January 4, 1988 and recorded in the Carroll County Registry of Deeds at Book 1295, Page 266:

"(a) Grantors shall have the right to prior approval of any new construction, additions or modifications as to Unit 21, including but not limited to, quality of materials, styles, architecture and color.

(b) Grantors shall have the "Right of First Refusal" to purchase said Unit 21 after reasonable notice and applicable notice under the Condominium Documents, whereupon Grantors shall have the right to purchase Unit 21 on the same terms and conditions as any bona fide offer from some third party which the Grantee finds acceptable."

TOGETHER WITH the assignment of the business trade name "Wentworth Resort Hotel".

TOGETHER WITH the assignment, without recourse, of the Lessor's rights under a certain lease for the "Thornycroft" building, as evidenced by the Notice of Lease dated January 4, 1988 and recorded at the Carroll County Registry of Deeds at Book 1295, Page 285.

TOGETHER WITH the assignment of the Right of First Refusal under paragraphs (A) and (B) of a "Right of First Refusal" dated January 4, 1988 and recorded in the Carroll County Registry of Deeds at Book 1295, Page 256.

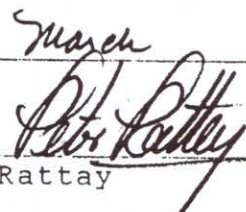
TOGETHER WITH a right of access to the above described Unit

over the private roads as shown on the above referenced plan as the same may be now or hereafter actually located on the earth. Provided, however, such right to access is subject to the restrictions that the said roads shall remain private and the within grantees' use is in common with other Unit Owners and subject to the obligation for maintenance and repair thereof as is required in the above referenced Declaration, Articles of Association and By-Laws. THE TOWN OF JACKSON SHALL HAVE NO RESPONSIBILITY FOR PROVIDING SUCH MAINTENANCE AND REPAIR AND IS NOT OBLIGATED TO PROVIDE ANY SERVICE UNLESS THE TOWN'S USE OF THE ROAD CAN BE DONE SAFELY.

Meaning and intending to describe and convey those premises conveyed to Peter Rattay by deed of Ernest J. Mallett, Jr., et als recorded August 14, 1984 in the Carroll County Registry of Deeds at Book 955, Page 327. See also deed of Ernest J. Mallett, Jr. et als to Peter Rattay dated January 4, 1988 and recorded in the Carroll County Registry of Deeds at Book 1295, Page 266.

This is non homestead property.

EXECUTED this 2nd day of March, 1991.


Peter Rattay

STATE OF NEW HAMPSHIRE
COUNTY OF CARROLL

March 22, 1991


Personally appeared the above-named PETER RATTAY and acknowledged the foregoing instrument to be his voluntary act and deed. Before me,


~~Notary Public/Justice of the Peace~~

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION
REAL ESTATE TRANSFER TAX

MO	DAY	YR
3	22	91

 \$ 13,650.00

13 THOUSAND 6 HUNDRED AND 50 DOLLARS

CONTROL NUMBER 09623 | VOID IF ALTERED

3K1442 PG 020



THE WENTWORTH

RESORT
CONDOMINIUM ASSOCIATION

Jackson, June 15, 2013

Dear Town of Jackson Zoning Board of Adjustment,

I, Jack Kwesell represent the Board of Directors of the Wentworth Resort Condominium Association in Jackson, NH which is an abutter to property owned by The Wentworth Hotel of Jackson, Inc. The Wentworth Resort Condominium Association was approached by the company's president, Fritz Koeppel, with regard to a variance request being proposed with regard to the Wentworth Hotel.

The Board of Directors of the Wentworth Resort Condominium Association reviewed the plans for the substantial renovation to the rear of the building, to include the spire and consistent with the historical roof lines which I understand exceeds the maximum height restriction under Jackson's zoning ordinance.

The Board of Directors of the Wentworth Resort Condominium Association is fully in support of the request for the variance. The renovation to the building will be a tasteful addition to the existing building, and will only serve to improve the overall appearance of the building itself and the neighborhood in general. The Board of Directors of the Wentworth Resort Condominium Association hopes the Zoning Board of Adjustment will grant the requested variance to allow this renovation to proceed forward.

Sincerely,

A handwritten signature in cursive script that reads 'Jack Kwesell'.

Jack Kwesell
President
The Wentworth Resort Condominium Association



Jackson Historical Society

P.O. Box 8 Jackson, New Hampshire 03846

July 4, 2013

Fritz Koeppl
The Wentworth Hotel of Jackson, Inc.
Jackson, New Hampshire

Dear Fritz,

Thank you for showing us the plans for the substantial renovation and expansion to The Wentworth. We commend you for achieving an overall design that is tasteful and fitting to the present building. In enhancing your hotel you are adding value to the Town of Jackson itself.

We hope you will be successful in obtaining the variance you seek from the Zoning Board of Adjustment. Given your record over many years as a responsible corporate citizen, you are deserving of the fullest consideration the Board can offer.

Sincerely,



G. Warren Schomaker
Preseident

Keeping the past alive

www.jacksonhistory.org Tel (603) 383-4060 e-mail: info@jacksonhistory.org

THE JACKSON OLD LIBRARY TRUST

MAIN STREET

JACKSON, NH 03846

Jackson Zoning Board of Adjustment

26 June, 2013

Jackson Town Offices

Jackson, NH 03846

Dear ZBA:

Four members of the Jackson Old Library Trust support the application by the Wentworth for a variance of roof and turret height as long as they are no higher than the existing ones. It is our understanding they will not be.

We are,

Susan May, President

Marilyn Rodes, Treasurer

Margie Furlong and

Alicia Hawkes.

Joan Aubrey recuses herself due to conflict of interest.

Thank you,

Susan May

Susan May Susan May

Alicia Hawkes Alicia Hawkes

Marilyn Rodes Marilyn Rodes

Margie Furlong Margie Furlong

JACKSON COMMUNITY CHURCH,
P.O.BOX 381
JACKSON, NH 03846

RENEE NOEL
P.O.BOX 675
JACKSON, NH 03846

THE MALLETT CORPORATION,
P.O.BOX 803
JACKSON, NH 03846

FRITZ KOEPPPEL
P.O.BOX M
JACKSON, NH 03846

WENTWORTH RESORT
TOWNHOUSE CONDOMINIUM
ASSOCIATION
P.O.BOX 516
JACKSON, NH 03846

TOWN OF JACKSON
PO BOX 336
JACKSON, NH 03846

CLAUDE PIGEON
COUTURE CONSTRUCTION
1803 RIVERSIDE DRIVE
BERLIN, NH 03570

THE WENTWORTH HOTEL OF
JACKSON, INC.
PO BOX M
1 CARTER NOTCH ROAD
JACKSON, NH 03846

DONNA KERR
D.L. KEER ARCHITECTURAL
DESIGN SERVICES
1444 RIVER ROAD
LUNENBURG, VT 05906

THE JACKSON OLD LIBRARY TRUST
MAIN STREET
JACKSON, NH 03846

JACKSON HISTORICAL SOCIETY
PO BOX 8
JACKSON, NH 03846