

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 Joanne & Allen Brooks E. Allen Date: November 11, 2015

TAX LOT NUMBER: R13, Lot 16 / R12/164 (house)

Name of applicant: Joanne & Allen Brooks

Address: P. O. Box 507, 226 Green Hill Road, Jackson, NH 03846

Owner Same
(if same as applicant write, same)

Location of property 226 Green Hill Road
(street, number, sub-division)

Acres : 3.5, +/- 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 4.3.1.2 of the zoning ordinance to permit: The construction of a small 9' by 5' bathroom, as an addition to existing house, Map R 12, Lot 164, now merged with property across street, new map R13, Lot 16.

Facts supporting this request:

1. Granting the variance would not be contrary to the public interest: The proposed bathroom would be at the back of the house. The 2 new walls would face north and west, almost out of public view, and would not alter the look of the house except to complete / square off an already existing space. The character of our house would be unchanged. In no way would the public interest or welfare be in jeopardy.

2. The spirit of the ordinance is observed because:

Our recent application for a building permit was denied. We believe the construction of a small bathroom will not render our house more non-compliant. Our house was owner-built in the late 19th century, when the road it is on was a simple dirt track, and the town-ordained setbacks that Mr. Bennett referred to in his denial were nonexistent. The proposed addition on the back of the house will in no way affect front-of-house road traffic, or public services such as snow removal and emergency vehicles. In addition, the character of the neighborhood will in no way be altered.

3. Granting the variance would do **substantial justice** because:

Denying our application for a variance would result in a substantial loss for us, the homeowners, and we see no possible gain to the general public by strictly applying the setback ordinance to our very special situation.

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

Because there is no close proximity to our neighbors, the visual impact will be minimal. In fact, this old farmhouse has always been considered an asset the neighborhood, and this small addition will in no way change the character of the original house. One of our missions while living here has been to help preserve and maintain the antique structures on this property.

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:

Our house, as previously stated, was built long before any ordinances or setback requirements were established in the town. That makes our house quite different from many neighboring houses. In fact, "because of the special conditions of the property, application of the ordinance provision to his [our] property would not advance the purpose of the ordinance provision in any fair and substantial way" (see OEP's Zoning Board Handbook).

b. The proposed use is a reasonable one because:

Our reasons for wishing to build on this bathroom are not based on mere convenience. We both have a longstanding commitment to staying in the town of Jackson, and would like to continue to live in this house and neighborhood as long as we can. However, there may well come a time when we can no longer climb the stairs to our bedroom, and we have envisioned needing to sleep downstairs. The proposed bathroom would be built adjacent to our new sleeping quarters. In addition, in the event of any age-related disabilities, this close access to toilet and walk-in bathing and shower would be a huge asset to us, and as well to any possible caregivers. Without this we might well need to move prematurely out of this dwelling, one that we have cared for and lived in and maintained for 33 years. This would definitely be an enormous hardship.

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:

As has been previously addressed in other sections, the front of the house we live in has very little setback from the road. The proposed addition, however, a small bathroom, would be on the back of the house.

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 X NO X
If no, explain in detail:

Yes, and no. We do have a new septic system that was state-approved and constructed. The existing structures do not fall within current setback requirements.

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.

N/A

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.

N ↑

Ravine / Spruce Brook

Approx.
Height =
9 ft 6 in

9 ft

Proposed Door
Bathroom
Addition

Existing House,
226 Green Hill Road

Back

← W

→ E

Porch

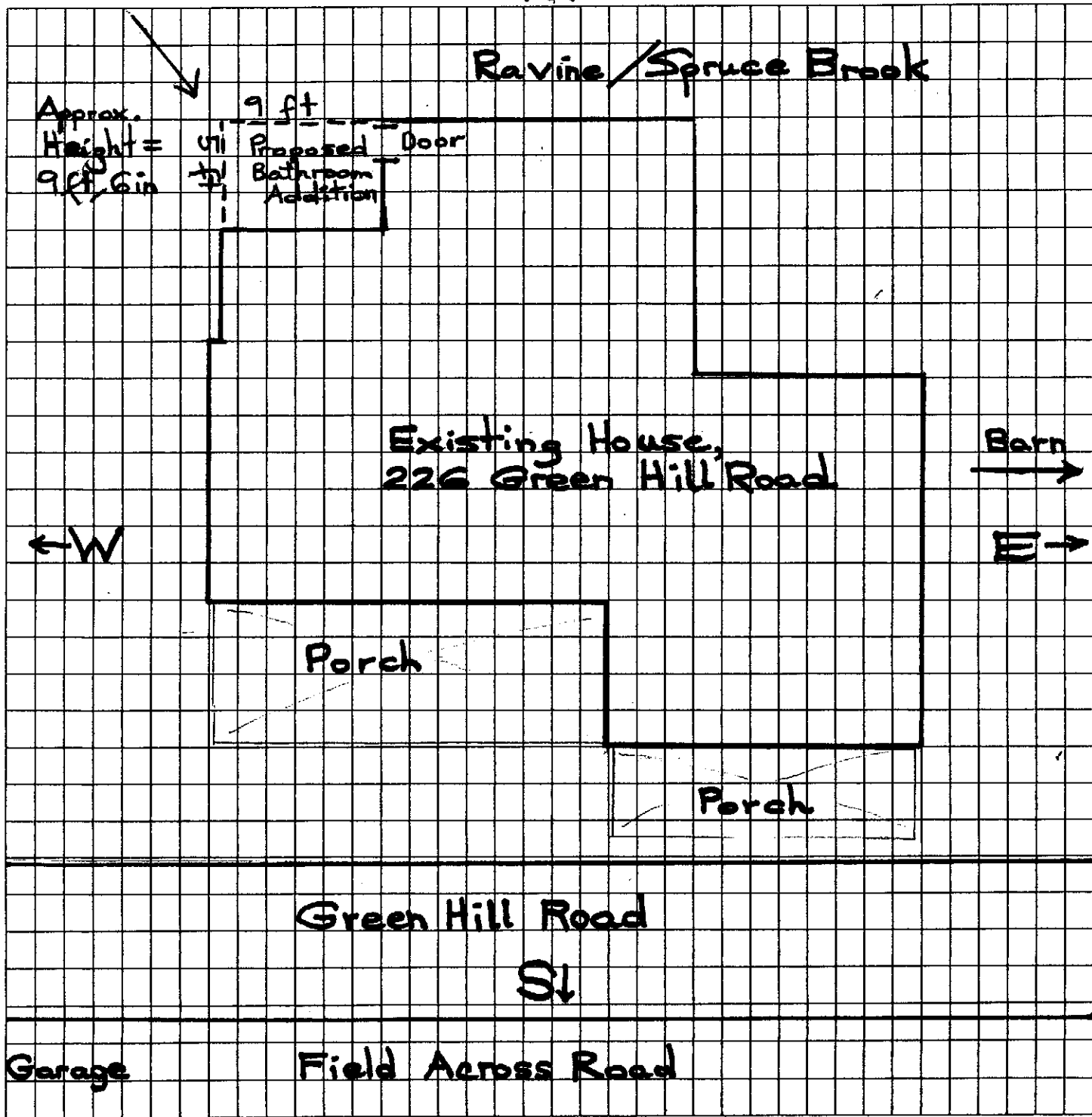
Porch

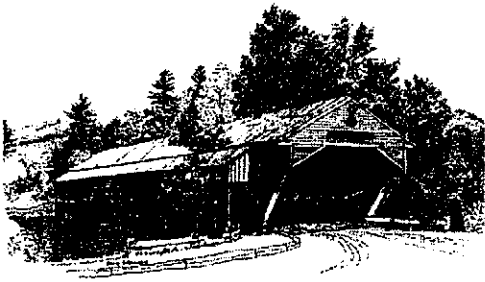
Green Hill Road

S ↓

Garage

Field Across Road





TOWN OF JACKSON

OFFICE OF THE SELECTMEN

November 5, 2015

Joanne & Allen Brooks
226 Green Hill Road
PO Box 507
Jackson NH 03846

Joanne & Allen Brooks

I recently received and reviewed a building permit application submitted by you for the construction of a 9' X 5' Bathroom located at map R12 Lot 164 at 226 Green Hill Road. I am denying your building permit, because of zoning rules in the Town of Jackson zoning ordinance.

In review of the Town of Jackson zoning ordinance: Section 4.3.1.2 Setbacks. Section 4.3.1.2 talks about that you cannot build any structures within these setbacks.

In issuing the denial of a building permit this presents you with the opportunity to apply for, and seek relief through an application to, the Zoning Board of Adjustment. If you decide to appeal my decision, the appeal to the Zoning Board of Adjustment must be submitted within thirty days of this notice of denial. You can contact Frank Benesh, the Chair of the Zoning Board of Adjustment 383-8229. He would be the person to obtain an application to that Board.

Thanks Kevin Bennett

Building Inspector Town of Jackson

