

APPLICATION FOR AREA VARIANCE

BOARD OF ADJUSTMENT
PO Box 268, Jackson, N.H. 03846

Revised 01/08

An Area Variance (also called a dimensional variance) is one which involves physical aspects of a property such as building height or size, setback, frontage or lot size. If you have questions about an area variance or this application, additional information can be found in the application instructions or by contacting the Chairman, Jackson Board of Adjustment.

Do not write in space below:

Case No. _____ Date Filed _____
ZBA Signature _____ Public Hearing _____
Decision _____

Applicant Signature _____ Date 11/02/2009 _____

TAX LOT NUMBER: V09 lot 30 _____

Name of applicant Laurence and Marjorie Siebert _____

Address 60 Main St. _____

Owner same _____
(if same as applicant write, same)

Location of property 60 Main St. _____
(street, number, sub-division)

Acres .08 acres _____ or Sq. Ft. _____

A variance is requested from section 4.3.1.2 _____ of the zoning ordinance to permit:

In order for a variance to be granted all of the following conditions must apply:

1. The value of **surrounding property** will not be diminished because: There has always been a series of fences, trellises and displays in the same location for the past 10 years, some of them well over 6 feet in height

2. The variance will not be contrary to the **public interest** because:
This is a unique property in that it is commercially zoned, is very small but has sustained and enhanced the village atmosphere for a decade. The shop has been sought out and featured by Ski Magazine, Yankee Magazine, NH ToDo Magazine, The Boston Globe and other local publications aiding in the economy and viability of all the local inns and tourism in the North country. The fence barely can be seen by the road and cannot be seen from any

other abutting property; as well the size, amount, and height of the displays on the fence have not increased by the addition of the fence.

(Area Variance page 2)

3. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**. To establish unnecessary hardship for an area variance, you must prove that:

a. An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property because:

A quick inventory of the items that have been located in that space for the past 10 years equals approximately \$5000 and is replaced 4 or 5 times per year yields between \$20,000 and \$25,000 annually for our small business in sales. The only reason I changed the lay out of this space was to enable the Town to come on to my property with tractors and dig on my property to get drainage for a Fire Department that has leaked for many years come Spring time. Had I not let the town dig on my property, the status quo would have remained and my wife and I would not be under the financial hardship of trying to afford building, permitting, engineering and legal fees.

b. The benefits sought cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance because the only other method to achieve what we had all along would be a return to hanging items on the walls of the Fire Department again which quite frankly was unattractive and puts us in direct conflict with a vindictive Selectmen whom misuses his authority to attack residents who disagree with his narrow agenda.

4. **Substantial justice** is done because:

The fence was built in a good faith, good will effort to help the Town of Jackson with a long-standing problem, at considerable cost time and effort on our part to be helpful to the town.

5. The variance is consistent with the **spirit of the ordinance** because: The ordinance strictly does not want buildings built within a setback, not fences. The fence blocks no one's view it affects no one's property. As we have no fence ordinance in town it seems only a technicality of following the IBC so literally as to call a fence a structure when in fact it is only a fence. The only real concern then is not one of zoning but of safety. Which in order to obtain a building permit we have been working with the building inspector and a local engineer to correct.

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:

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

If no, explain in detail:

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.

Please see attached forms

Frank, I will be submitting copies of pertinent Selectman's Minutes and correspondence with the town of Jackson shortly. I just wanted to move the process along and get a date set as we are moving into the holiday season.

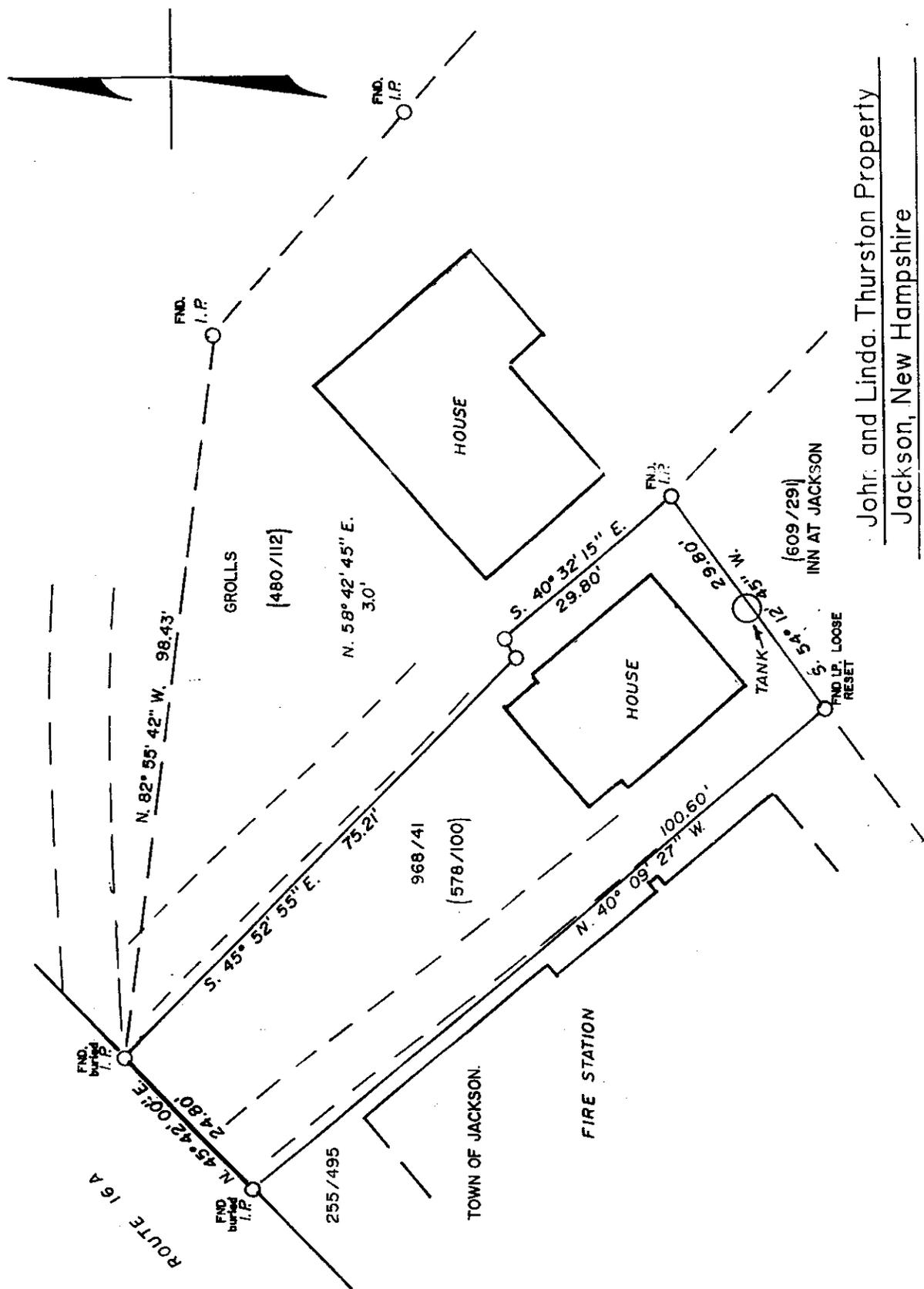
Attach all pertinent document and correspondence.

NOTE: This application is not acceptable unless all required statements have been made. Use additional attachments or separate sheet to provide answers to questions not already covered if the space provided is inadequate.

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

List of Abutters:

- Burdett
- PO Box 331 Jackson NH
03846
1. Bert Day VO1 Lot 43 Lot 44 address? 65 Main St. Jackson
 2. Village House John and Sally Partoon PO Box 359 Jackson NH 03846 VO1 Lot 45
 3. Inn at Thorn Hill Jim and Ibby Cooper PO Box A Jackson NH 03846 VO9 Lot 27A
 4. Inn at Jackson Don and Joyce Bilger PO Box 822 Jackson NH 03846 VO9 Lot 28
 5. Town of Jackson PO Box 268 Jackson NH 03846 VO9 Lot 31



John and Linda Thurston Property
 Jackson, New Hampshire

SURVEY OF JULY 19, 1991

SCALE

1" = 20'

PREPARED BY: T. Thorne - Surveys, Inc.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT, I, LAURENCE G. SIEBERT of P.O. Box 90, Jackson, Carroll County, State of New Hampshire 03818, for consideration paid, grant to said LAURENCE G. SIEBERT and MARJORIE D. SIEBERT, husband and wife, as JOINT TENANTS with rights of survivorship, both of P.O. Box 90, Jackson, Carroll County, State of New Hampshire 03818, with WARRANTY covenants,

A certain tract or parcel of land with the buildings thereon situated in Jackson, Carroll County, State of New Hampshire, as follows:

Beginning at an iron pipe at the Southeast side of the Highway leading through Jackson Village from North Conway to Pinkham Notch, said iron pipe being at the Northeast corner of land of the Town Jackson (fire house lot), formerly of Richmond Green, and said iron pipe being at the Northwest corner of land herein conveyed; bearing North 48 degrees 45' East, by said Highway 24.5 feet to an iron pipe at corner of land now or formerly of David N. and Louise A. Moody, said iron pipe also being at corner of land now or formerly of John and Olive C. Gault and Georgia A. Viera, formerly of Richmond Green, and said iron pipe being at the South side of a driveway leading to "Hearthstone Lodge"; thence South 46 degrees East, by land of said Moodys, 75 feet to an iron pipe set on top of a rock; thence North 60 degrees East, still by land of said Moodys 3 feet to an iron pipe; thence South 39 degrees 15' East, still by land of said Moodys, and on a line approximately equidistant from the two buildings, 25.8 feet to an iron pipe at land of said Gault and Viera; thence South 38 degrees 30' West, by land of said Gault and Viera 11.5 feet to an iron pipe at land of said Town of Jackson; thence North 17 degrees 17' West, by land of said Town of Jackson, 100 feet to the road ledge at

RESERVING a right of way over the Northeast corner of the parcel herein conveyed, for the purpose of a driveway to the Moody lot hereinabove referred to.

Meaning and intending to convey the same premises conveyed to Laurence G. Siebert, as hereinbefore referred to as Laurence G.

RECEIVED
CARROLL COUNTY REGISTRY

3 AUG 26 AM 9:20
REGISTER OF DEEDS
Blacken

BK 17

... Siebert are husband and
... is to place the subject

This instrument is exempt from transfer stamps under RSA
10:201, 11.

... signed by hand this 25th day of August, 1998.

[Signature]

Laurence G. Siebert
LAURENCE G. SIEBERT

STATE OF NEW HAMPSHIRE
CARROLL, SS.

August 25, 1998.

LAURENCE G. SIEBERT personally appeared and acknowledged
the foregoing instrument to be his voluntary act and deed.

Before me, [Signature]
NOTARY PUBLIC

My commission expires: 05-13-2003

