

PUBLIC NOTICE

Town of Jackson Board of Adjustment

Notice is hereby given that on Wednesday, October 20 at 7 PM, the Jackson Board of Adjustment will meet at the Jackson Town Office for public hearings on the following matters:

Case 2010-08 Pine Cone Properties LLC (Patricia Wyhinny), concerning 164 Green Hill Road, Map R12 Lot 168, Application for an Equitable Waiver of Dimensional Requirements.

This meeting shall constitute a public hearing on this application and may be recessed to a further meeting date for deliberation, as may be announced at this hearing.

The above applications are on file at the Jackson Town Office building and are available for review during normal town office business hours.

Frank Benesh, Chairman
Board of Adjustment
PO Box 268
Jackson, NH 03846

October 8, 2010

MELENDY & LEE, P. A.
ATTORNEYS AT LAW
481 White Mountain Highway
PO Box 2046
Conway, New Hampshire 03818-2046

Fay E. Melendy
Susan H. Lee*

TEL. (603) 447-1700
FAX (603) 447-1116
Admitted in
*NH and ME

September 10, 2010

Mr. Frank Benesh, Chairman
Jackson Board of Adjustment
P.O. Box 268
Jackson, NH 03846

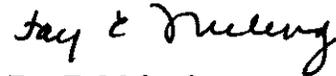
In re: Pine Cone Properties, LLC, 164 Green Hill Road

Dear Mr. Benesh,

Enclosed is an amended Application for Equitable Waiver which now includes the abutter information and corrects the name of the entity owner. Also enclosed is the filing fee of \$75.00. If anything further is needed, please let me know.

Thank you for your assistance in this matter.

Yours very truly,



Fay E. Melendy

APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS
BOARD OF ADJUSTMENT
PO Box 268, Jackson, N.H. 03846

Revised July 19, 2006

Do not write in space below:

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

Applicant Signature Fay E. Melendy Date 9/7/10

TAX LOT NUMBER; R12 - 168

Name of applicant Fay E. Melendy

Address P. O. Box 2046, Conway, NH 03818

Owner Properties, LLC
Pine Cone ~~Realty Trust~~, c/o Patricia Wyhinny
(If same as applicant, write same)

Location of property 164 Green Hill Road
(street, number, sub-division)

Acres 1.03 or Sq. Ft. 44,753

An Equitable Waiver of Dimensional Requirements is requested from section 4.3.1.2 of the Zoning Ordinance to permit maintenance of existing house within the 50 foot set back from Green Hill Road

1. Does the request involve a dimensional requirement, not a use restriction? YES NO

2. Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the town Building permit was issued in 1987 to add sun room and in 1995 to construct garage. Measurement taken from edge of road.

- or

Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser and how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake Measurement taken for preparation of plan to accompany application for variance to permit construction of a portion of garage in the set back. Discovery did not occur until spring 2010. The nonconformity was not known when the property was purchased in 2009.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area:

The improvements as constructed do not have any adverse impact on surrounding property or use of roadway. Several homes on the road are closer to roadway than applicant's house. Improvements were made with notice to and permits from the Town based on good faith measurements of the road boundary.

4. Explain how the cost of correction far outweighs any public benefit to be gained:

Correction would require dismantling of significant portion of structure, including sun room entrance and garage, none of which currently affect the health and safety of the community.

Is any Use or Structure on the subject property (other than that referenced above) currently Non-Conforming?

YES NO

If yes, explain in detail:

Does the subject property including all existing or proposed buildings, signs, driveways, and septic systems meet Jackson Zoning Ordinance requirements and applicable state regulations? YES NO

If no, explain in detail:

As noted above, portion of structure was constructed in set back area.

ADDITIONAL INFORMATION: Summarize below any information from preliminary discussions with 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..

Jackson Zoning Ordinance Section 15.2.4 states - Waivers shall be granted only from physical layout, mathematical or dimensional requirements. An equitable waiver shall not be construed as a Non-Conforming Use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the Zoning Ordinance. This Section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them.

Attach all pertinent documents 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 public hearing.

If you have questions about this application, please review the application instructions and checklist and the ZBA information found on www.jacksonvillage.net under Boards and Commissions. In addition, you may contact the Chairman of the Board of Adjustment, PO Box 268, Jackson, NH 03846

Application for Equitable Waiver

Pine Cone Properties, LLC

ABUTTER NOTIFICATION FORM

<u>Map</u>	<u>Parcel</u>	<u>Owner</u>	<u>Address</u>
R12	168	Pine Cone Properties, LLC C/o Patricia Wyhinny	8 Corey Drive South Barrington, Ill 60010
R12	165C-5	James E. Green	15 David Drive Andover, Mass. 01810
R12	166	James E. Green	15 David Drive Andover, Mass. 01810
R12	179	Jackson Ski Touring Foundation	P.O. Box 216 Jackson, NH 03846
R13	20	Daniel Sampson Claudia H. Samson	15015 N. Lynwood Spokane, WA 99208
		Fay Melendy Melendy & Lee	P.O. Box 2046 Conway, NH 03818

BUTTERFIELD

FROM: Ted Brown, Building Inspector

June 30, 1987

TO: Jackson Selectmen

RE: Moseley, Helen - Green Hill

This house sits fairly close to the road, the terrain preventing it from being any further back. This is an old road that has been widened a number of times, and so it cannot be determined where the actual line of the right-of-way is. In measuring, I used the edge of the shoulder.

The owner desires to add an 8½' x 9' addition to the front (south) side of the house to gain sunlight during the winter. The addition is about minimal. Measurement from the nearest corner of proposed addition to the edge of the shoulder was just 50'.

The situation was discussed with Selectmen Tilney and Kelly (Heald absent) at the 6/29 meeting. Kelly is familiar with the situation, having measured for the original foundation. It was agreed that the owner should be given the benefit of any doubt in locating the edge of the right-of-way, and that in this instance it was in order to grant the building permit.

JTB.

B/p typed
& signed
by JTB.

Place in a Conspicuous Location

TOWN OF JACKSON, N.H.

BUILDING PERMIT

UNPAINTED OR UNTREATED WOOD MAY BE TAKEN TO THE BURN PIT AT THE TRANSFER STATION. OTHER BUILDING MATERIALS AND SUPPLIES SHOULD BE PUT IN A DUMPSTER AND HAULED TO BETHLEHEM AT THE EXPENSE OF THE CONTRACTOR/OWNER

HELEN MOSELEY

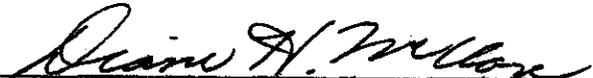
has been issued

Permit No. B-95-18 to erect (), alter ()

GARAGE ADDITION TO SINGLE FAMILY DWELLING

at GREEN HILL ROAD R-12 lot 168/169

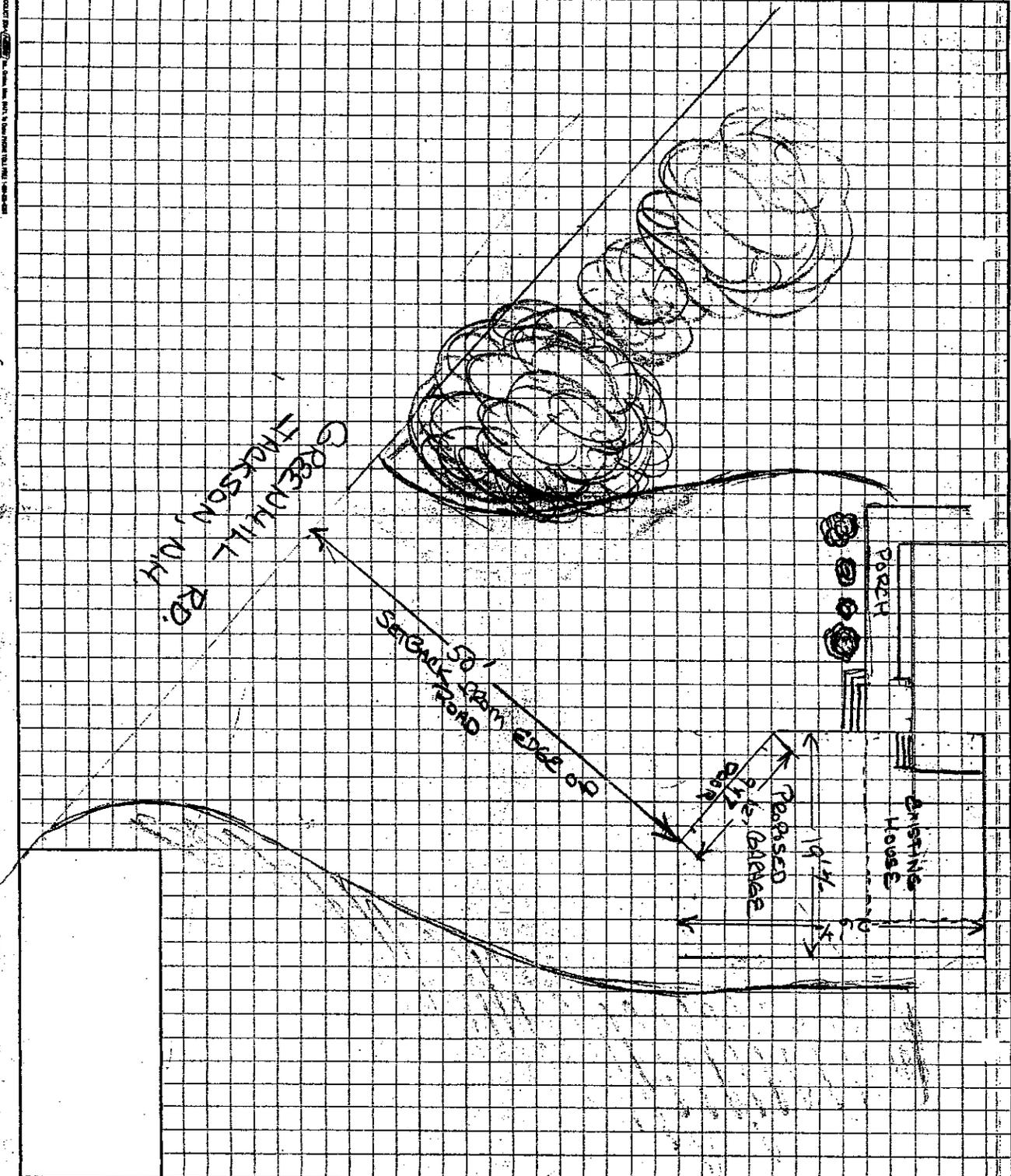
May 5 19 95


Code Enforcement Officer

Permit must be returned to Town Office upon completion of work.

Permit must be exercised within one year and to a speedy completion, or permit will be declared invalid.

Chart for inspections is on reverse side



JOB Helen Mosely Jackson, N.H.
 SHEET NO. 36 OF _____
 CALCULATED BY B. W. C. R. H. T. DATE _____
 CHECKED BY _____ DATE _____
 SCALE 1/8" = 1'



Green Hill Road

EXISTING UNDERGROUND UTILITIES

N62°27'55"E
248.61'

EXISTING SETBACK FROM BOUNDARY 37'-6" +/-
EXISTING SETBACK FROM EDGE OF ROAD 4'-1" +/-

Proposed 34'-11"
EXISTING SETBACK FROM BOUNDARY 42'-10" +/-
Proposed 50'-0" +/-
EXISTING SETBACK FROM EDGE OF ROAD

25' setback

50' front setback from ROW

Map R-12 / Parcel 168
SD Lot 12

25' setback

25' setback

S33°38'09"E
172.25'

S35°25'05"W
194.76'

PROGRESS PRINT
REVISIONS
DATE
BY

DD-C
DATE: 07/11/2011

ENTRY RENOVATIONS
SITE PLAN

WHINNY ENTRY RENOVATIONS
Patricia Whinny
164 Green Hill Road
Jackson, New Hampshire

CHRISTOPHER P. WILLIAMS, A ARCHITECTS
P.O. Box 783 Merridith, New Hampshire 03225 603-879-6610

Scale: 1/8" = 1'-0"