

Town of Jackson Board of Adjustment
Notice of Decision

Case 2014-02: Application for a Variance by David Armstrong (the “Applicant”) for a variance from Section 4.3.1.2 of the zoning ordinance which requires a fifty foot setback from the sideline of any public or Private Road right of way in the Rural Residential District with regard to proposed expansion of a porch for the structure located at 21 Mill Street (Map V02 Lot 08).

Decided May 21, 2014, Decision Published June 3, 2014

Background

- 1) The current structure intrudes into the proscribed 50 ft setback by approximately 35 to 40 feet. Said intrusion includes a covered 8 ft by 24 ft porch that is attached to the front of the structure. Said porch is approximately 13 ft in height from the ground.
- 2) Applicant seeks a variance to allow an 8 ft by 38 ft expansion of the porch along the North side of the structure. Said expansion will be 8 ft wider (when viewed from the street). This will cause an additional encroachment into the setback of 8 ft in width, approximately 35 ft to 38 ft in depth, and thirteen feet in height.
- 3) Said property is unique in its setting, given the steep topography in the rear of the property which effectively limits expansion in that direction.

Findings

- 1) The Board finds that the granting of a variance will not be contrary to the public interest and that the spirit of the ordinance is observed in that it does not alter the essential character of the neighborhood nor does it threaten the public health, safety or welfare.
- 2) The Board finds that the failure to grant a variance would create a loss to the Applicant that is not outweighed by a gain to the general public.
- 3) In the absence of testimony to the contrary and based on the Board’s own knowledge, the Board finds that the values of surrounding properties are not diminished.
- 4) The Board finds that, owing to the special conditions of the property (the topography) that distinguish it from others in the area, no fair and substantial relationship exists between the application of the setback provision in this case and the general public purposes of that provision. The Board also finds that the proposed use of the property is a reasonable one.

Decision

Given the findings cited above, The Board of Adjustment grants the requested variance to Section 4.3.1.2 of the Town of Jackson Zoning Ordinance to allow construction of the proposed porch (8 ft wide by 38 ft deep by 13 feet in height) by by a vote of 5-0.

This decision may, for 30 days, be subject to a motion for a rehearing from any party of interest or the Selectmen. It should not be considered final until lapse of that period. Copies of this decision are provided to the Applicant, the Planning Board, Board of Selectmen, Town Clerk, Assessor, and Building Inspector.

Frank Benesh, Chairman, Board of Adjustment