

NOTICE OF DECISION - Denied

Zoning Board of Adjustment,
Town of Jackson NH

Case No: 2024-03

You are hereby notified that the application of Mr. Edmund Harvey (the “Applicant”) of 196 Packers Falls Rd., Durham, NH (V07 L109; 7 Balsam Dr., Jackson) **MOVING FOR A REHEARING** of his appeal an administrative decision by the Board of Selectman concerning section 4.4.3.6(b)(v) of the zoning ordinance concerning advertising the number of bedrooms for a short term rental property has been **DENIED**, by an unanimous vote of the members of the Zoning Board of Adjustment (the “ZBA”).

Summary of the facts of the case discussed at the above public meeting of the ZBA held on Wednesday November 20, 2024.

1. On Wednesday October 16, the ZBA, by a vote of 2 in favor and 2 opposed, denied the Applicant’s appeal of a June 2024 decision by the Select Board to cite the Applicant for advertising a 3-bedroom rental with a maximum occupancy of six, stating that the ordinance limits any advertising with regard to the number of bedrooms to the figures on the tax card and building permit. The applicant’s tax card and building permit indicate two bedrooms.
2. The Applicant filed a timely motion for a rehearing on November 20th, citing in part, (1) a desire to have another opportunity to convince one of the two members voting against his appeal to change their vote and (2) describing statements in the public hearing that were not relevant to the decision and/or were untrue and were unfavorable to the Applicant.
3. The ZBA discussed that the Applicant was aware of the four-member composition of the ZBA at the time of the original application and that this fact was not a reason to rehear the case. The ZBA further discussed that each member was able to set aside the testimony from the public hearing that was not relevant to the interpretation of the zoning ordinance section in question. None of the members who originally denied the Applicant’s appeal was willing to move to reconsider their vote.
4. Concluding the discussion, Mr. Mason made a motion to grant the request for a rehearing. There was no second of his motion.
5. Mr. Allen then moved to deny the request for a rehearing and Mr. Wasco seconded. The motion passed by a vote of four to zero.

Accordingly, the Applicant’s motion for a rehearing is DENIED.

Frank Benesh
Chairperson, Zoning Board of Adjustment

November 25th, 2024.