

New Map# _____
Map/Lot # _____

Office use only

Application #: _____
Date Submitted: _____

Application for Appeal
Zoning Board of Adjustment (ZBA), Franklin, New Hampshire

RECEIVED
FEB 08 2023

SPECIAL EXCEPTION

This application is to be completed by anyone requesting a Special Exception of the ZBA. Please complete the entire application; failure to do so will delay processing it.

~ 305-4. A. Special Exception is a use that would not be appropriate generally or without restriction throughout a particular zone. But if controlled as to the number, area, location or scale and relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a particular zone as an exception only if provided for in the zoning ordinance (see Chapter 305-4) and then only by permission of the Board of Adjustment.

PRINT legibly and in INK. The application must be signed and dated. The owner must sign the application or a letter of authorization from the owner must be attached. **You must be present at the meeting to speak for your application.**

1. Location of the property for which the appeal is being applied:

Street Address: 0 Carver Street Franklin N.H. 03235

	Owner	Person Completing Application
2. Name:	<u>Diane and Edward Tavitian</u>	<u>Gary Bennett</u>
Address:	<u>190 Summit Ave</u>	<u>497 Hooksett Rd # 441</u>
City/State/Zip:	<u>Waldwick N.J. 07463</u>	<u>Manchester N.H. 03104</u>
Phone #:	<u>201-445-9269</u>	<u>603-315-8830</u>
Email:	<u>Edtavitian@hotmail.com</u>	<u>teambennett@msn.com</u>

3. Zoning Classification: B-1

4. Briefly describe the PROPOSED project, be specific:

Build Single family Home, Energy efficient and neighborhood friendly.

5. Please attach to the application a plot plan, on an 8 1/2 x 11 sheet of paper, or survey plan that shows: the existing property lines; all existing and the proposed structure(s) and their setbacks from the property lines for both; any wetlands, ledge, flood area, septic systems, or other features that limit where the proposed structure(s) can be placed on the property. The Board reserves the right to require a formal survey plan to assist in the consideration of the application request.

6. Site has (Check appropriate response): ☒ City Water ☒ City Sewer ☐ Well ☐ Septic

7. Was a Variance previously granted for this site: ☐ Yes ☒ No

8. Was a Special Exception previously granted for this site: ☐ Yes ☒ No

9. If your use has requirements set forth in the Zoning Ordinance, you must attach a separate sheet of paper showing that you meet the requirements as set forth in the Zoning or a Variance application must also be submitted.

10. Additional Comments, if any:

- B. In acting upon an application for a Special Exception, the Board of Adjustment shall take into consideration whether:

1. Why the specific site is an appropriate location for the proposed use or structure:

See attached.

2. Why the proposal is not detrimental, injurious, obnoxious or offensive to the neighborhood:

See attached

3. Whether there will be nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking:

See Attached

4. Whether adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure:

See Attached

5. Whether the proposed use or structure is consistent with the spirit of the Zoning Ordinance and the intent of the Master Plan:


See attached.

Your application is incomplete unless the following are submitted:

- i. Letter of Authorization, if you are not the owner;
- ii. Plot Plan sketch (refer to Letter A #8);
- iii. Abutter's List, blank form attached; and,
- iv. All fees are paid.

Note: The Zoning Administrator and/or the Zoning Board may require more information if necessary.

Note: The Zoning Board of Adjustment Members may conduct a site visit. At the time of their visit, you **SHALL NOT** make contact with them. A board member is not allowed to have a conversation with any applicant outside of a Meeting atmosphere.


Signature of Applicant

2/6/23
Date

1. Date Application Submitted: 2/8/23

2. Fee Collected ☒ Yes ☐ No

Amount: \$

228.25 (includes copy fee)

Form of Payment:

☐ Cash

☒ Check

#

1190

3. Date of Public Hearing: 3/1/23

Date Notice Sent to Applicant Explaining Board Action: _____

Zoning Board Decision: ☐ Granted ☐ Denied

4. Comments, if any: _____

B1.

The current neighborhood consists of single-family homes. All 3 directly abutting properties are residential. Building an energy efficient single family ranch style home on this land will carry on the use of this residential neighborhood.

2.

In my opinion, having a single-family home on this parcel will complete the Carver Street neighborhood. A ranch style home will fit in perfectly with the surrounding homes. This could not be said if a business is allowed to be built on this land.

Abutters that are business are located across the street. For a business to use this land it would need to purchase one of the abutting properties to make a conforming lot. This does not seem to be feasible.

3.

A single-family home will generate far less traffic than a business would on a daily basis. Having the driveway and parking on Carver Street would eliminate the hazard of pulling directly onto Rt. 3 at a nonstop sign location. Putting a business vs, a residential home on this location would eliminate the neighborhood feel to Carver Street.

4.

I have spoken with the Franklin Public Works Department and both water and sewer are stubbed off and accessible for this piece of land. The proposed structure will conform to all other zoning set backs that are listed for Zoning B-1.

5.

The zoning ordinance does permit for a single-family home by "special exception". By building an energy efficient single-family home on this parcel will protect the character of the existing neighborhood.

NORTH MAIN STREET

137'S

96-26

0.26 AcC

37

50'

123'S

50'

96-25

0.172 Ac

100'

96-24

0.172 Ac

100'

84.8'

26

50'

28

50'

27

50'

96-23

0.255 Ac

112.9'

25

21

22

137'

86.96'

24

96-16

100'

100'

96-2

0.115

23

50'

330'

112.85'

139.13'

ITCHINSON STREET

50'

50'



Shorey's Grilled
Cheese & Ice Cream
Temporarily closed

96-26

0.26 Ac

37

50'

Carver St

123'S

Carver St

84.8'

26

96-24

0.172 Ac

25

96-23

0.255 Ac

112.9'

21

22

24

137'

86.96'

96-16

23

112.85'

139.13'

Hutchinson St

50'

11

3A

Pizza Chef of Franklin
Pizza • \$\$

Shorey's Grilled Cheese & Ice Cream
61 Shaw Road
Franklin, NH 03235

Juanita Sylvestre
5 Carver Street
Franklin, NH 03235

Jeffrey Rigmont
Melissa Sanborn
10 Hutchinson Street
Franklin, NH 03235

Wayne Fajans
Charles Dow
411 North Main Street
Franklin, NH 03235

418 North Main Street Franklin
PO Box 301
Franklin, NH 03235

Marc Kellum
12 Hutchinson Street
Franklin, NH 03235

+ owner = 7 \$70.00

**ADDENDUM
TO THE PURCHASE AND SALES AGREEMENT**



DT 01/10/23 7:36 AM EST
ET 01/10/23 8:06 AM EST
dotloop verified dotloop verified

GB

This 1 Addendum to the Purchase and Sales Agreement with an effective date of January 9, 2023 between
Diane Tavitian, Edward Tavitian ("SELLER"), and
Gary Bennett ("BUYER"), for
the property located at Carver Street, Franklin, NH 03235,
hereby agree to the following:

1. The sellers Diane Tavitian & Edward Tavitian give Gary Bennett permission to apply for a special exception from the Planning and Zoning Board to build a single family home on the property on Carver street owned by the sellers.

All other aspects of the aforementioned Purchase and Sales Agreement shall remain in full force and effect. The aforementioned Purchase and Sales Agreement, together with this Addendum (and all prior addenda, if any), constitute the entire agreement and understanding between the parties hereto concerning the subject matter thereof, and supersede any agreements and understandings prior to the date hereof, whether written or oral, and may not be amended except in a writing executed by all parties.

Each party is to receive a fully executed copy of this Agreement. This Agreement shall be binding upon the heirs, executors, administrators and assigns of both parties.

DocuSigned by:

Gary Bennett
02821F0C90E043C...
BUYER Gary Bennett

1/9/2023
DATE / TIME

BUYER

DATE / TIME

Diane Tavitian
SELLER Diane Tavitian

dotloop verified
01/10/23 7:36 AM EST
ECFY-UQZJ-HF00-ZPFR
DATE / TIME

Edward Tavitian
SELLER Edward Tavitian

dotloop verified
01/10/23 8:06 AM EST
BMOK-KIVZ-GQFQ-NBOG
DATE / TIME