

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

VARIANCE

- A. Please complete the entire application. Failure to do so will delay processing it. The completed application and all supporting information must be submitted by the Deadline Date in order for your appeal to be heard at the next meeting of the Zoning Board.

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.*

This application is to be completed by anyone requesting a use or area VARIANCE from the ZBA. A variance is a relaxation or a waiver of any provision of the ordinance authorizing the landowner to use his or her land in a manner that would otherwise violate the ordinance and may be granted by the board of adjustment on appeal.

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

Street Address: 98 Pleasant St.

Owner

Person Completing Application

2. Name: Daniel Darling

Daniel Darling

Karen Darling

Address: 98 Pleasant St.

City/State/Zip: Franklin, NH 03235

Phone #: 603-918-1998

Email: dand0919@yahoo.com

3. Zoning Classification: R3

4. Briefly describe the PROPOSED project, be specific:

Would like to build a detached one-car garage, 14 feet wide and 24 feet long, and in line with the back of the house,
at the end of an existing driveway which lies approximately 3 feet from and parallel to property line.

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

Please respond to whether the following is a true statement or a false statement and EXPLAIN your answers in DETAIL:

- B. A variance may be granted if all the following criteria are met:

1. The Variance will not be contrary to the public interest: ☒ True ☐ False

The addition of a garage will not affect the general public but will be of great benefit to the home's residents.

It will be built in a style to match the house on the property, improving the aesthetics of the neighborhood.

2. The Variance is consistent with the Spirit of the Ordinance: ☒ True ☐ False

The buildable property is only 56 feet wide, and the current paved driveway is the logical place to locate the garage; however, the west wall of the garage would lie 2 feet from the property line. Would gladly do otherwise if possible, but it's not.

3. Substantial Justice is done: ☒ True ☐ False

The substance of the ordinance is to protect neighboring property from encroachment; in this case, existing structures already fail to meet current setback requirements, so another structure will not violate principles of fairness.

4. The Value of Surrounding properties are not diminished: ☒ True ☐ False

The addition of an attractive garage would have no negative effect on surrounding property values, and would possibly increase them. Also, the neighboring house relevant in this case is currently a burned-out shell.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

- A. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and ☒ True ☐ False

The setback ordinance makes sense on a lot 100 feet wide, but the narrowness of this lot makes compliance nearly impossible if a garage is to be useful. In fact, the existing house to the west is 5 feet from the property line.

- ii. The proposed use is a reasonable one. ☒ True ☐ False

A one-car garage is a reasonable addition to this property.

- B. If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. ☒ True ☐ False

The boundaries of this property were established over 100 years ago; utilizing the current driveway requires a variance.

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. \$100.00 application fee, plus \$6.70 per abutter for abutter's notices.

Note: The Zoning Administrator and/or the Zoning Board may require more information if necessary and may request a Site Visit to your property.


Signature of Applicant

7-2-2021
Date

Office Use Only:

Date of Submission: 7/9/2021

Fee Collected ☒ Yes ☐ No

Form of Pymt: ☐ Cash ☐ Check # 1175

Date of hearing: 8/4/2021

Amount Paid

\$ 133.50

Decision: ☐ Granted ☐ Denied

Date Notice sent to applicant:

Comments, if Any:



CITY OF FRANKLIN, NEW HAMPSHIRE

"The Three Rivers City"

Planning and Zoning
316 Central Street
Franklin, New Hampshire 03235

Phone: (603) 934-2341
dlewis@franklinnh.org

ABUTTERS LIST

Applicant information:

Printed Name: Karen Darling and Daniel Darling Contact Telephone: 603-918-1998
Address: 98 Pleasant St., Franklin, NH 03235

Owner/Agent Information

(\$6.70 per abutter including owner and agent- fees go up as Postage is raised)

Map	Lot	Name	Address
135	006	Daniel & Karen Darling	98 Pleasant St., Franklin, NH 03235

Abutter(s) Information

Map	Lot	Name	Address
135	005	Nawaz Azam	66 Calef Hill Rd., Tilton, NH 03276
135	008	Michael & Alexa Lombardo	108 Pleasant St., Franklin NH 03235
135	130	Brian J. Petrini	3212 Parade Rd., Laconia NH 03246
135	129	David & Lynn Hardy	91 Pleasant St., Franklin NH 03235
134	413	City of Franklin	316 Central St., Franklin NH 03235

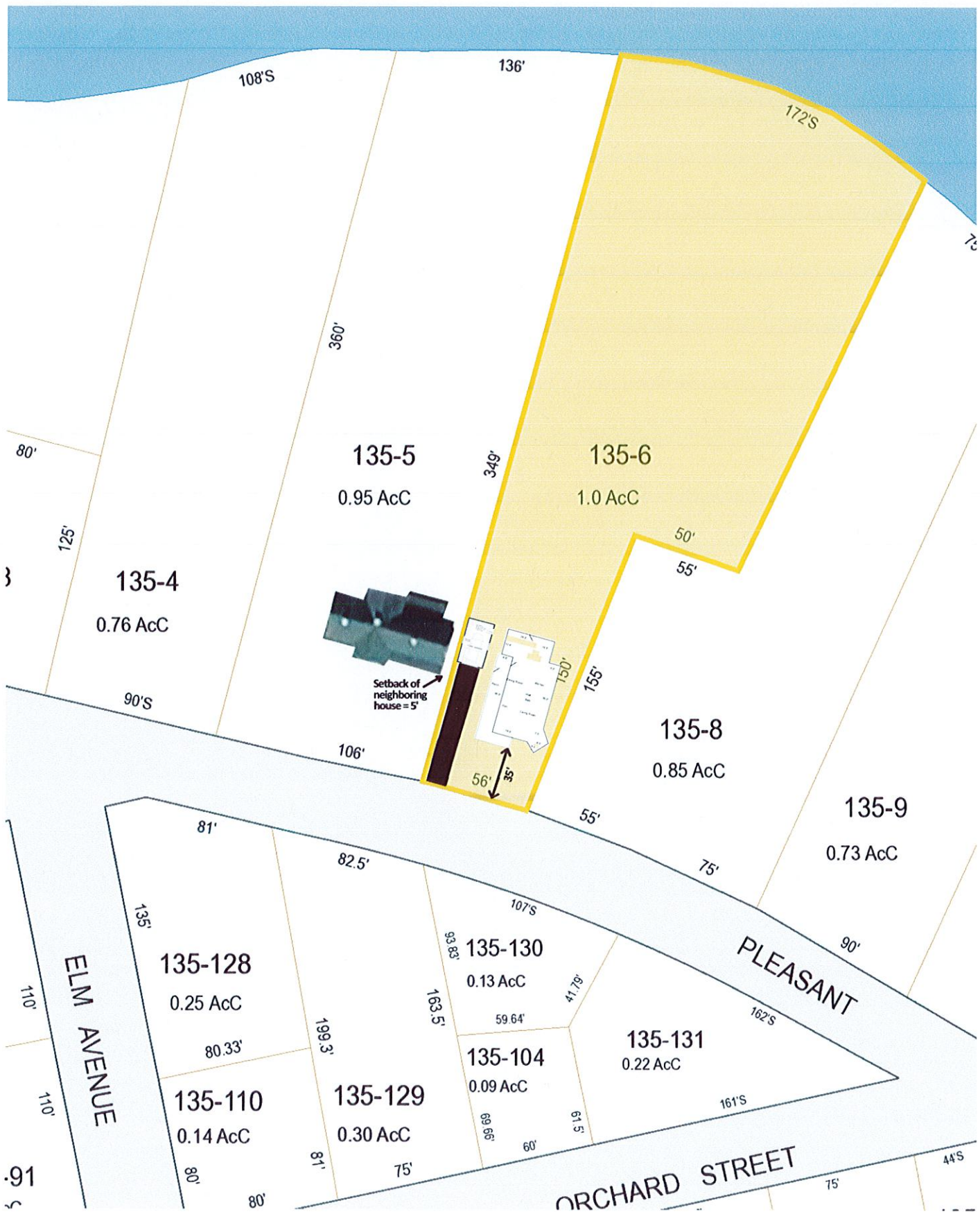
(If needed please attach an additional sheet.)

I, the undersigned Daniel Darling, certify that to the best of my knowledge the above is an accurate and complete abutters list.

Dan W
Applicant Signature

7-2-2021
Date

672:3 Abutter. - "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

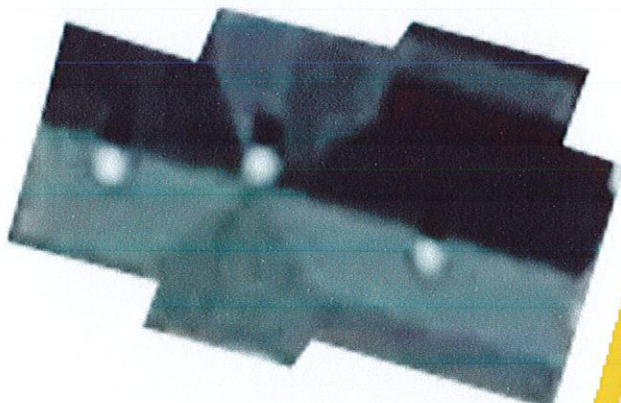


135-5

0.95 AcC

135-6

1.0 AcC



Setback of
neighboring
house = 5'

