

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

**205 Webster Lake Rd
Franklin NH 03235**

Application for Deck Variance

**Chris and Juliann Barrett
15 May 2023**

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

VARIANCE

Please complete the entire application. Failure to do so will delay processing it. Nine (9) color copies of the completed application and all supporting information, collated into 9 individual packets, 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: 205 Webster Lake Rd Franklin NH 03235

Owner

Person Completing Application

2. Name: Chris Barrett Chris Barrett

Julianne Barrett

Address: 10 Sandy Brae PO Box 1032

City/State/Zip: Grantham NH 03753

Phone #: 603 965 6298

Email: barrettchristopherm@gmail.com

3. Zoning Classification: LP

4. Briefly describe the PROPOSED project, be specific:

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

205 Webster Lake Rd Franklin NH 03235 Deck Variance
Application

Briefly describe the proposed project:

A 15'x13' deck attached to the existing structure. It would connect to the screened porch via a screen door allowing more usable outside space and, most importantly, a second egress which the home currently lacks

1. The Variance will not be contrary to the public interest:

The proposed deck will not extend beyond the already existing structure. The deck will be the same distance from the lake that the house and screen porch already are.

That side of the house has only the Log Cabin Association's common beach area as an abutter. The Association land between our property and the actual beach area is essentially loosely maintained woodlands. The beach itself is 150 feet or so from the deck and the impact is negligible, if any.

The deck will be built over unimproved land, by that I mean just regular soil that is present all over the property. No trees will be cut.

2. The Variance is consistent with the Spirit of the Ordinance:

The proposed deck is consistent with the spirit of the ordinance because it has minimal impact on the environment, watershed area, and current spacing between neighbors.

The proposed deck does not extend beyond the existing structure's boundaries.

The area of the proposed deck is land that is locked on three sides- two by the house and one by the lake- this enables us to have minimal impact on the neighboring property, the association beach.

As there is only the well pump shed on that side of the house on the association property, there is little worry for spacing between structures.

The proposed deck will be surrounded by a 12 inch wide berm, filled with mulch, flowers, and possibly small shrubbery, in order to improve the look of the area and to help

ensure that storm water is properly situated.

3. Substantial Justice is done:

The home does not have a second egress. Our records show it was built in 1939. While we love nearly every aspect of the home, we have four children 11 and under and a second egress is essential for their safety. The proposed deck allows for the second egress through the screened porch which connects to the house via a sliding glass door. The screen door will allow greater safety in case of an emergency.

4. The Value of Surrounding properties are not diminished:

The proposed deck will add value to the house in two ways: First, the second egress will bring an old home more into line with current safety standards

Second, the 15'x13' proposed deck will allow more living space and more importantly, outdoor space, that will enhance the value to us and any prospective future owner

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

Ai. 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

True. The proposed deck will allow a second egress to the home. It is within the boundaries of the current structure with regards to the property line and will have minimal impact on surrounding properties

Aii. The proposed use is a reasonable one

True. With the existing structure being so close to the water, and the current screen porch not having an exterior egress, this proposed deck will be in the least impacting area for a second egress and outdoor living space

2. The Variance is consistent with the Spirit of the Ordinance:

☐ True ☐ False

3. Substantial Justice is done:

☐ True ☐ False

4. The Value of Surrounding properties are not diminished:

☐ True ☐ False

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

ii. The proposed use is a reasonable one.

☐ True ☐ False

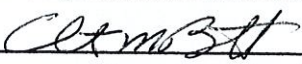
B. If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance,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

☐ True ☐ False

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 and may request a Site Visit to your property.


Signature of Applicant

15 MAY 23
Date

Office Use Only:

Date of Submission: _____

Fee Collected ☐ Yes ☐ No

Form of Pymt: ☐ Cash ☐ Check # _____

Date of hearing: _____

Amount Paid

\$ _____

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
screighton@franklinnh.org

ABUTTERS LIST

Applicant information:

Printed Name: Chris Barnett Contact Telephone: 603 965 6298
Address: _____

Owner/Agent Information

(See fee schedule for rates - fees go up as Postage is raised)

Map	Lot	Name	Address
75	64	Chris and Julianne Barnett	205 Webster Lake Rd

Abutter(s) Information

Map	Lot	Name	Address
35	3	Bowler Mayo Revocable Trust of 2022	1 Log Cabin Rd Franklin NH 03235
75	65	Log Cabin Association	Log Cabin Association c/o Peter Rutigliano 16 Deerwood Lane Woodbury CT 06798
35	26	Fernanda Cho Family Trust	204 Webster Lake Rd Franklin NH 03235

(If needed please attach an additional sheet.)

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

Chris Barnett
Applicant Signature

15 MAY 23
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.

AcC

50'

115'

35-3

0.14 AcC

115'

70'

75-64

0.17 AcC

30'

85'

44'

150'

70'

115'

SITE ASSESSMENT SKETCH

SELLER'S NAME: Roger & Virginia Gross Family Trust
LOT LOCATION: 205 Webster Lake Road, Franklin, New Hampshire
Street City/Town

TAX MAP: 75
LOT NO.: 064

THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT TO BE UTILIZED FOR BOUNDARY LINE DETERMINATION OR FOR MATTERS RELATING TO ESTABLISHING LOT LINES. IT IS INTENDED FOR SITE INSPECTION PURPOSES ONLY.

See Waivers for the Following

1. Distance to Existing Waterline with EDA
2. Distance to Property Lines with EDA

Tax Map 75, Lot 64
Area
0.17 Acres +-

Tax Map 35, Lot 003
n/f
Boulter Mayo Revocable Trust

IP Fnd

Existing Paved
Driveway

S.T.

Existing 2 Bedroom Seasonal
Cottage

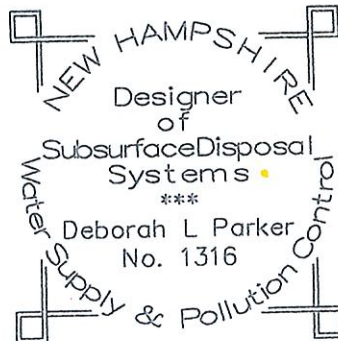
PSNH $\frac{41}{58}$ SL

Existing
Garage

Right-of-Way to the Beach

100' Protective Well Radius
100' Protective Well Radius

Existing Log Cabin Association
Wells (Prior to 1989)



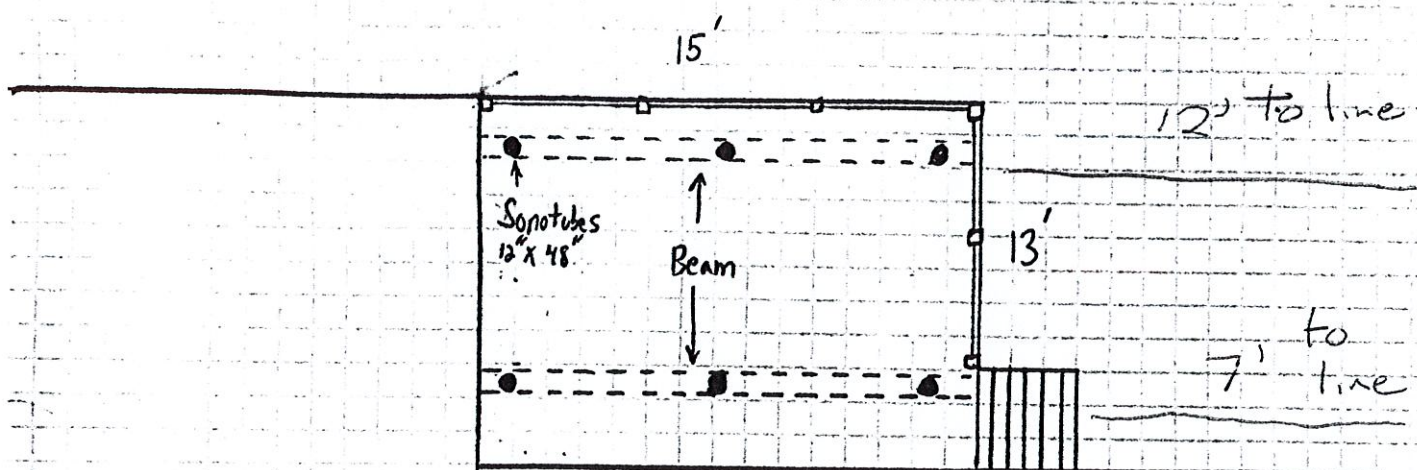
Septic System Designs
Residential Land Planning
Lake Front Site Assessments
Wetlands Mapping

220 Lake Shore Drive
Franklin, NH 03235
Phone: 603-934-3113
Web: Hindsdesigns.net

Hinds
Septic Design Services

Not to Scale

Project No.: 170028



Barrett Home

205

Webster Lake

