

New Map#

Office use only

Application #:

Map/Lot #

116-121

Date Submitted:

03/01/2024

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

VARIANCE

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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: 59 Edwards Street

Owner

Person Completing Application

2. Name: Craig & Jessica Emerson

Craig Emerson

Address: 59 Edwards Street

City/State/Zip: Franklin, NH 03235

Phone #: 603-520-2603

Email: gearheadteacher@gmail.com

3. Zoning Classification: RS

4. Briefly describe the PROPOSED project, be specific:

To subdivide 59 Edwards Street (116-121) into two separate Residential lots.

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

See attached.

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

☒ True ☐ False

See attached.

3. Substantial Justice is done:

☒ True ☐ False

See attached.

4. The Value of Surrounding properties are not diminished:

☒ True ☐ False

See attached.

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

See attached.

ii. The proposed use is a reasonable one.

☒ True ☐ False

See attached.

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.

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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

Date

Office Use Only:

Date of Submission:

3/1/24

Date of hearing:

4/3/24

Fee Collected

☒ Yes

☐ No

Form of Pymt:

☐ Cash

☒ Check # 240

Amount Paid

\$ 290.00

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

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Applicant information:

Printed Name: Craig & Jessica Emerson

Contact Telephone: 603-520-2603

Address: 59 Edwards Street, Franklin, NH 03235

Owner/Agent Information

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

Map	Lot	Name	Address
116	121	Craig & Jessica Emerson	59 Edwards Street

Abutter(s) Information

Map	Lot	Name	Address
116	122	Christopher & Amy Burley	55 Edwards Street
116	123	Steven & Coral Theberge	41 Edwards Street
116	160	Craig & Jessica Emerson	59 Edwards Street
116	130	Patricia Calabrese	31 No Sulloway Street
116	116	Tyler Nelson & Samantha Isabelle	1 Freedom Drive
116	118	Leland & Peggy Dimond	2 No Sulloway Street
116	119	Rolanda Sarkis	16 No Sulloway Street
116	114	Samuel & Kathleen Robertson	2 So Sulloway Street

(If needed please attach an additional sheet.)

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

Applicant Signature

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.

Attachment to Application for Appeal, VARIANCE, Emerson, 59 Edwards Street

This request is being made to ask permission to subdivide what is currently one lot into two lots. This lot is located in the Single Family Residential (RS) Zoning district and a variance is required per Zoning Ordinance 305-14 "Lot and Yard Requirements". These requirements include a minimum of 15,000 sq. ft lot size when municipal water and sewer serves the property; along with required lot frontage of 100' and setbacks of 30' front and 25' side/rear.

The existing lot is 0.63 acres (27,442.8 sq ft) and is proposed to be separated into two lots: one approx. 15,662 sq. ft. and one approx. 11,780 sq. ft.

1. The creation of a new lot in this neighborhood is not contrary to public interest as the lot is comparable to multiple existing lots within the same community. The attached map shows the lot in question, 116-121, on the corner of Edwards and North Sulloway Streets. The lots with acreage highlighted in orange (116-117, 116-113, 116-114, 116-116, 116-118, 116-122, 116-123, 116-124, 116-125, 116-126, 116-141) are all examples of lots with less than the minimum required lot size of 15,000 sq. ft. The lots with green highlights denote lots in the neighborhood that do not meet the minimum required lot frontage of 100', and include (116-100, 116-101, 116-102, 116-113, 116-119, 116-123, 116-125, 116-141). Of note, the road frontage of this proposed lot is on a dead-end street.
2. The spirit of the ordinance is to ensure lots have adequate space for homes and yards, which all existing lots of these varying sizes currently do and this lot would, as well. The current lot size is large enough that the separation still allows the proposed lot to have higher total square footage than other existing lots, which vary from approximately 8,000 to 14,000 sq. ft
3. a) In reference to the existing neighborhood lots listed above, including both abutting and non-abutting properties, the addition of an under-sized lot would not create any disparity within the neighborhood.
b) With the current lot size being as it is, and the current house and garage placement, this large portion of the lot is limited to strictly yard and storage area. Despite the limitations of this land it is currently taxed fully.
4. This new lot would be a buildable one and would bring the potential for brand new residential construction in this other-wise area of mostly aged homes. The new construction would be assessed higher and in-turn most likely increase property values of other homes in the area.
5. i. The current lot shape and placement of the home and garage: an L-shape with the home and garage at one far end, leaving such a large yard, is not common in this neighborhood. This proposed subdivision would leave the current lot shape more in-line with existing parcels of land in the direct vicinity.
ii. The construction of a single family home of similar size to area homes, and on a lot of similar size to existing lots, is of reasonable use.

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Mc Sullivan St

235'

135'

Proposed

100'

Proposed

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35'

House

38'

Driveway

20'

Garage

10'

85'

122'

15'

New Lot would
Meet 15k Square Ft.
(15,662)
and minimum Road
Frontage.

130'

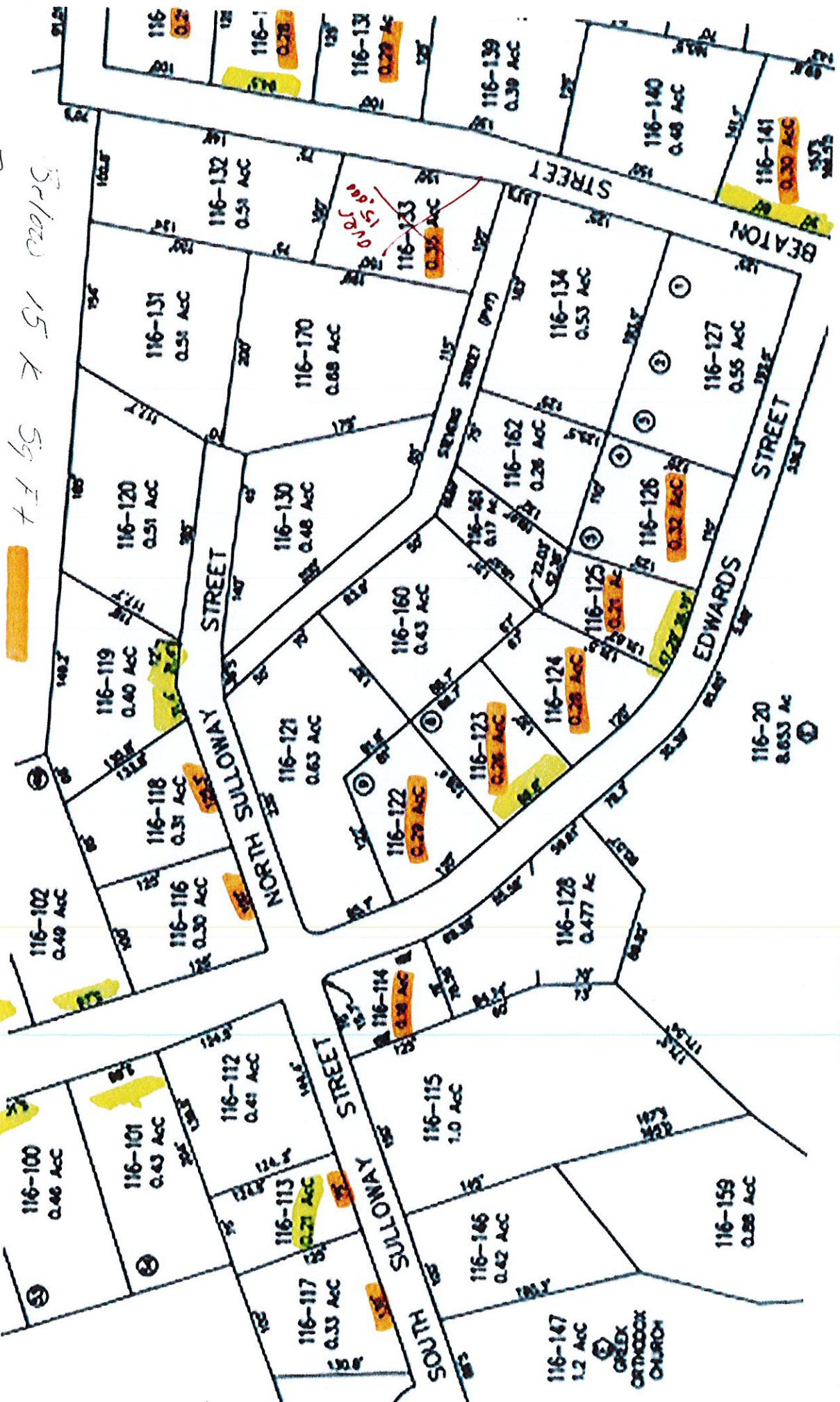
Lot lines on Mc Sullivan are
approximate until Survey

Existing lot would meet
min frontage on Mc Sullivan
and would be approximately
11,000 - 12,000 Square Feet
(11,780)

102'

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Beaton Main Tractage 102'

100'

NORTH SULLOY

235'

116-121

0.63 Acc

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36'S

50'

70'

85.7'

122'

⑨

87.8'

130'

116-122

11,786

116-

87,942.

CRAIG R. EMERSON
JESSICA L. EMERSON
59 EDWARDS ST.
FRANKLIN, NH 03235

3308

54-8965/2114

30

3/1/24

Date

CHECK ARMOR
CHECK PROTECTION

Pay to the
Order of

City of Franklin

\$ 240 ⁰⁰/₁₀₀

Two hundred forty ⁰⁰/₁₀₀

Dollars



Photo
Safe
Deposit
Details on back

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Gratitude is a Great Attitude

For Variance for Sub-division

Craig

NP

⑆ 2 1 1 4 8 9 6 5 6 ⑆ 0 0 4 1 3 4 9 4 3 0 8 ⑆

3308

Hafland Clarke