New Map#	Office use only	Application #:	
Map/Lot #		Date Submitted:	

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.

ord	ler for your appea	l to be heard at the next meeting of the Zoni	ng Board.		
		in INK. The application must be signed and ne owner must be attached. You must be pre-			
rela	axation or a waive	to be completed by anyone requesting a user of any provision of the ordinance authorilate the ordinance and may be granted by the	zing the landowner to use his or her		
1.	Location of the	property for which the appeal is being applic	ed:		
	Street Address:	Rowell Drive			
		Owner	Person Completing	g Applicatio	n
2.	Name:	William Vey	Kent Brown		
			Brown Engineering LL	С	
	Address:	11 Ruthven Street	63 West Street - P.O. I	Box 703	
	City/State/Zip:	Quincy Ma. 02171	Ashland, NH 03217		
	Phone #:	(617) 413-9612	(603) 744-1044		
	Email:	williamvey@gmail.com	kent@brownengineeri	ingllc.com	
3. 4.	Zoning Classific Briefly describe See attached	the PROPOSED project, be specific:	dential District	***************************************	
6.	property lines; wetlands, ledge, on the property application requ Site has (Check	appropriate response):	and their setbacks from the proper s that limit where the proposed stru	rty lines for ucture(s) can ne considerat	both; any be placed
7.	Was a Variance	previously granted for this site: XYes	No		
		hether the following is a true statement or a	false statement and EXPLAIN your	· answers in .	DETAIL:
В.	A variance i	may be granted if all the following criteria as	re met:		
1.	The Variance w	ill not be contrary to the public interest:		True	☐ False



2.	The Variance is consistent with the Spirit of	f the Ordinance:	True	☐ False
	See attached			
•				
3.	Substantial Justice is done:		True	☐ False
	See attached			
4.	The Value of Surrounding properties are no	t diminished:	True	☐ False
	See attached		two and	
5.		ordinance would result in an unnecessary har		
A	For purposes of this subparagraph, ""unne that distinguish it from other properties in	ecessary hardship" means that, owing to special the area:	al conditions of the	e property
	 No fair and substantial relationship exi ordinance provision and the specific ap 	ists between the general public purposes of the oplication of that provision to the property; an	e 🔲 True d	☐ False
	See attached			
	·· · · · ·			
			True	False
	ii. The proposed use is a reasonable one.			
E	See attached	not established an unnecessary hardshin w	ill be True	☐ False
E	See attached If the criteria in subparagraph (A) are a deemed to exist if, and only if, owing to s from other properties in the area, the conformance with the ordinance, and	not established, an unnecessary hardship we special conditions of the property that distingue property cannot be reasonably used in a variance is therefore necessary to enal	ish it strict	☐ False
E	See attached If the criteria in subparagraph (A) are a deemed to exist if, and only if, owing to s from other properties in the area, the conformance with the ordinance, and reasonable use of it.	special conditions of the property that distingue property cannot be reasonably used in	ish it strict	☐ False
E	See attached If the criteria in subparagraph (A) are a deemed to exist if, and only if, owing to s from other properties in the area, the conformance with the ordinance, and	special conditions of the property that distingue property cannot be reasonably used in	ish it strict	☐ False
	See attached If the criteria in subparagraph (A) are a deemed to exist if, and only if, owing to s from other properties in the area, the conformance with the ordinance, and reasonable use of it. See attached ur application is incomplete unless the follow	special conditions of the property that distingue property cannot be reasonably used in a variance is therefore necessary to enalwing are submitted:	ish it strict	☐ False
	See attached 3. If the criteria in subparagraph (A) are a deemed to exist if, and only if, owing to s from other properties in the area, the conformance with the ordinance, and reasonable use of it. See attached ur application is incomplete unless the follow i. Letter of authorization, if you ar	special conditions of the property that distingue property cannot be reasonably used in a variance is therefore necessary to enalwing are submitted: re not the owner;	ish it strict	☐ False
	See attached 3. If the criteria in subparagraph (A) are a deemed to exist if, and only if, owing to s from other properties in the area, the conformance with the ordinance, and reasonable use of it. See attached ur application is incomplete unless the follow i. Letter of authorization, if you are ii. Plot Plan sketch (refer to Letter iii. Abutter's List, blank form attack)	repecial conditions of the property that distingue property cannot be reasonably used in a variance is therefore necessary to enable ving are submitted: re not the owner; A #8);	ish it strict	☐ False
Yo	See attached If the criteria in subparagraph (A) are redeemed to exist if, and only if, owing to some from other properties in the area, the conformance with the ordinance, and reasonable use of it. See attached ur application is incomplete unless the follow i. Letter of authorization, if you are ii. Plot Plan sketch (refer to Letter iii. Abutter's List, blank form attack iv. All fees are paid.	ring are submitted: re not the owner; A #8); hed; and,	nish it strict ble a	☐ False
Yo	See attached If the criteria in subparagraph (A) are redeemed to exist if, and only if, owing to some from other properties in the area, the conformance with the ordinance, and reasonable use of it. See attached ur application is incomplete unless the follow i. Letter of authorization, if you are ii. Plot Plan sketch (refer to Letter iii. Abutter's List, blank form attack iv. All fees are paid.	special conditions of the property that distingues property cannot be reasonably used in a variance is therefore necessary to enalty are submitted: re not the owner; A #8); hed; and,	ish it strict ble a e Visit to your property.	☐ False
Yo	See attached If the criteria in subparagraph (A) are redeemed to exist if, and only if, owing to some from other properties in the area, the conformance with the ordinance, and reasonable use of it. See attached ur application is incomplete unless the follow i. Letter of authorization, if you are ii. Plot Plan sketch (refer to Letter iii. Abutter's List, blank form attack iv. All fees are paid.	special conditions of the property that distingues property cannot be reasonably used in a variance is therefore necessary to enalty are submitted: re not the owner; A #8); hed; and,	nish it strict ble a	☐ False
Yc	See attached If the criteria in subparagraph (A) are a deemed to exist if, and only if, owing to s from other properties in the area, the conformance with the ordinance, and reasonable use of it. See attached ur application is incomplete unless the follow i. Letter of authorization, if you are ii. Plot Plan sketch (refer to Letter iii. Abutter's List, blank form attack iv. All fees are paid. The Zoning Administrator and/or the Zoning Board mathematical incomplete unless the follow ii. Plot Plan sketch (refer to Letter iii. Abutter's List, blank form attack iv. All fees are paid.	special conditions of the property that distingues property cannot be reasonably used in a variance is therefore necessary to enalty are submitted: re not the owner; A #8); hed; and,	e Visit to your property.	☐ False
Yo Not	See attached If the criteria in subparagraph (A) are a deemed to exist if, and only if, owing to s from other properties in the area, the conformance with the ordinance, and reasonable use of it. See attached ur application is incomplete unless the follow i. Letter of authorization, if you are ii. Plot Plan sketch (refer to Letter iii. Abutter's List, blank form attack iv. All fees are paid. The Zoning Administrator and/or the Zoning Board mathematical incomplete unless the follow ii. Plot Plan sketch (refer to Letter iii. Abutter's List, blank form attack iv. All fees are paid.	special conditions of the property that distingues property cannot be reasonably used in a variance is therefore necessary to enalty are submitted: re not the owner; A #8); hed; and,	e Visit to your property.	☐ False
You Not	See attached 3. If the criteria in subparagraph (A) are a deemed to exist if, and only if, owing to s from other properties in the area, the conformance with the ordinance, and reasonable use of it. See attached 1. See attached 1. Letter of authorization, if you are ii. Plot Plan sketch (refer to Letter iii. Abutter's List, blank form attach iv. All fees are paid. 1. The Zening Administrator and/or the Zoning Board mattach iv. Signature of Applicant iii. Signature of Applicant iii.	precial conditions of the property that distingue property cannot be reasonably used in a variance is therefore necessary to enally ving are submitted: re not the owner; A #8); hed; and, ry require more information if necessary and may request a Situation of the same	e Visit to your property.	☐ False
You Note Offit Date Date	See attached 3. If the criteria in subparagraph (A) are a deemed to exist if, and only if, owing to s from other properties in the area, the conformance with the ordinance, and reasonable use of it. See attached ur application is incomplete unless the follow i. Letter of authorization, if you are ii. Plot Plan sketch (refer to Letter iii. Abutter's List, blank form attack iv. All fees are paid. The Zoning Administrator and/or the Zoning Board material incomplete unless the follow ii. Plot Plan sketch (refer to Letter iii. Abutter's List, blank form attack iv. All fees are paid. Signature of Applicant	precial conditions of the property that distingue property cannot be reasonably used in a variance is therefore necessary to enal ving are submitted: The not the owner; A #8); The distingue property that distingue property that distingue property cannot be reasonably used in a variance is therefore necessary to enal ving are submitted: The not the owner; A #8); The distingue property that distingue proper	e Visit to your property. Date	☐ False

*



63 West Street - P.O. Box 703, Ashland, NH. 03217 Phone (603) 744-1044 www.brownengineeringllc.com

Appeal for a Zoning Variance

Date:

March 6, 2024

Location of Property:

Tax Map 134 Lot 406

Rowell Drive, Franklin NH.

Owner and Applicant:

William Vey

11 Ruthven Street Quincy, Ma. 02171 (617) 413-9612

williamvey@gmail.com

Zoning Classification:

RS-Single Family Residential District

Property Area:

7.3 Acres City s

City services: The site has city water and sewer

History of the site:

May 28, 2003 1 acre subdivided out of lot 406 September 24, 2003 Boundary Line Adjustment October 22, 2003 Lot 406 subdivided into 6 lots December 4, 2015 Voluntary Merger of the 6 lots

July 7, 2021 Variance was granted for two lot subdivision

Description of project:

This application is an appeal to Section 305-14 Lot and yard Requirements of the Franklin zoning ordinance. The lot currently has 50' of frontage on Rowell Drive and the requirement in the Ordinance is for 100' for each lot. To meet the zoning Ordinance a city road would have to be built which would create the frontage and allow up to 6 lots to be created. The granting of the Variance to allow a lot with no frontage would allow a future subdivision to create two new lots which would not have the frontage required on an accepted public way, and to allow the construction of the future home lots on the proposed private driveway. A variance was granted on July 7, 2021 for the same appeal including one Accessary Dwelling Unit on one of the two lots, which is also requested. The variance lapsed after two years on July 7, 2023. The granting of this appeal would

William Vey Appeal of Zoning Requirements Tax Map 134 Lot 406 Rowell Drive

reestablish the 2021 variance and allow the property owner to go before the Planning Board for the subdivision.

Criteria for granting of the variance:

1. The Variance will not be contrary to the Public Interest:

The proposed lots will be accessed via a private road / driveway that will not be maintained by the city. The two lots proposed are less than the 6 lots on a public road as allowed in the Zoning Ordinance. Any use of the lot will conform to the zoning ordinances permitted uses.

2. The Variance is consistent with the spirit of the ordinance:

The ordinance has a minimum frontage requirement for subdivisions in which the lots would share a public roadway instead of a private shared driveway. The proposed lots will meet all other Zoning requirements, except for frontage on a public road.

3. Substantial Justice is done:

The granting of this variance would allow the subdivision of the lot into two lots with the construction of a private shared driveway. This is a less intense development of this property than the ordinance allows with the construction of a city road.

4. The value of surrounding properties are not diminished:

The private shared driveway will allow access to Rowell Drive for two lots instead of the six lots that could be created if the variance was not granted, and the owner followed up with the subdivision currently allowed by the ordinance. New construction homes typically increase value of abutting homes.

5. <u>Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:</u>

I. Unnecessary hardship means that, owing to the special conditions of the property that distinguish it from other properties in the area, then: i) No fair and substantial relationship exists between the general purpose of the ordinance provision and the specific application of that provision to the property; and ii) the proposed use is a reasonable one. First, the applicant is proposing the development of the property in conformance with the lot area requirements in the Zoning Ordinance. Second, the accessway will be maintained by the owner, and not by the City of Franklin, thus not impacting the maintenance schedules of the Municipal Services Department. Third, the applicant is using the property in a reasonable fashion and which is very

William Vey Appeal of Zoning Requirements Tax Map 134 Lot 406 Rowell Drive

similar with the goals of the 2003 subdivision, but with fewer lots and less impact to the City.

II. 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. As outlined above, the proposed use of the land is reasonable.

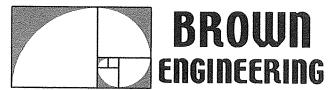
Prepared By:

Kent Brown, P.E.

Brown Engineering LLC

63 West Street P.O. 703

Ashland, NH. 03217



63 West Street – PO Box 703, Ashland, NH 03217 Phone (603) 744-1044 www.brownengineeringllc.com

Letter of Authorization

To Whom It May Concern:

I William Vey the owner of property in the City of Franklin designated as Tax Map 134, Lot 406 on Rowell Drive hereby authorize Brown Engineering and it's Associates to submit the required documents for a two Lot Subdivision of the above listed property. I further authorize Brown Engineering to act on my behalf on this matter.

William Vey Date

CITY OF FRANKLIN, NEW HAMPSHIRE

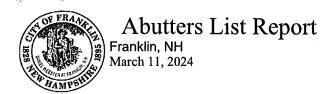


"The Three Rivers City"

Planning and Zoning 316 Central Street Franklin, New Hampshire 03235 Phone: (603) 934-2341 screighton@franklinnh.org

HAM	PSHIR Fra	anklin, New Hampshire 03235	
		ABUTTE	RS LIST
Applicant i	nformation:		
Printed Na	me: Kent Bro	own, Brown Engineering LLC	Contact Telephone: 603 744-1044
Address:	P.O. Box 7	703, Ashland, NH. 03217	
98 Garino Educarionia sepupurpurpu di MCPO APPANGA Ambiero de espire.	elektik merekik bilakan casa casak kentukan en arkin cuman baga menung mangan pagan	Owner/Agent	Information
		(See fee schedule for rates - fee	s go up as Postage is raised)
Map	Lot	Name	Address
		William Vey	11 Ruthven Street, Quincy, Ma. 02171
		Brown Engineering LLC	P.O. Box 703, Ashland, NH. 03217
manusconsponent on papagament and artificially contributing or		Abutter(s) In	formation
Мар	Lot	Name	Address
		See attached	
		(If needed please attach	an additional sheet.)
I, the unde	ersigned Ken	t Brown, certify	that to the best of my knowledge the above is an accurat
	ete abutters lis		3/0/2014
,	Monlica:	nt Signature	Date
	- "Abutter" means any p	person whose property is located in New Hampshire a	and adjoins or is directly across the street or stream from the land under consideration by ation. the term "abutter" shall include any person who is able to demonstrate that his land

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.



Subject Property:

Parcel Number: **CAMA Number:** 134-406-00

134-406-00 Property Address: ROWELL DRIVE Mailing Address: VEY, WILLIAM

11 RUTHVEN STREET **QUINCY, MA 02171**

Abutters:

Parcel Number: CAMA Number: 116-135-00

Property Address: 10 ROWELL DRIVE

116-135-00

Parcel Number: 116-136-00 CAMA Number: 116-136-00

Property Address: 9 ROWELL DRIVE

Parcel Number: 116-151-00 CAMA Number: 116-151-00

Property Address: 12 ROWELL DRIVE

Parcel Number: 116-152-00 CAMA Number: 116-152-00

Property Address: 8 ROWELL DRIVE

Parcel Number: 133-013-00 CAMA Number: 133-013-00

Property Address: 144 SANBORN STREET

Parcel Number: 133-015-00 CAMA Number: 133-015-00

Property Address: 180 SANBORN STREET

Parcel Number: 133-016-00 CAMA Number: 133-016-00

Property Address: 186 SANBORN STREET

Parcel Number: 133-412-00 CAMA Number: 133-412-00

Property Address: 200 SANBORN STREET

Parcel Number: 134-022-00 CAMA Number: 134-022-00

Property Address: 6 ROWELL DRIVE

Parcel Number: 134-405-00 CAMA Number: 134-405-00 Property Address: 5 ROWELL DRIVE

Mailing Address: FRITSCHE, ROBERT S 23 CLIFFORD STREET RUMFORD, RI 02916

Mailing Address: CREASEY, TIMOTHY S CREASEY,

MARIE G

9 ROWELL DRIVE FRANKLIN, NH 03235

Mailing Address: FRANKLIN, CITY OF 316 CENTRAL STREET

FRANKLIN, NH 03235

Mailing Address: LAROCHE, ROBERT A

PO BOX 377

FRANKLIN, NH 03235

Mailing Address: QUALFD PERSNL RESID TRST OF 20

LEGARE - TTEE, NAN M 144 SANBORN STREET FRANKLIN, NH 03235

Mailing Address: LAPOINTE, GLENN LAPOINTE,

KATHRYN 180 SANBORN STREET

FRANKLIN, NH 03235

Mailing Address: PROULX, GARY M PROULX, MARYANNE

PO BOX 522

FRANKLIN, NH 03235

Mailing Address: FRANKLIN, CITY OF 119 CENTRAL STREET FRANKLIN, NH 03235

Mailing Address: DEFOSSES FMLY TRST, THE RAYMON

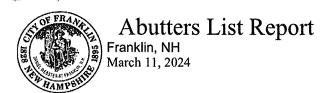
DEFOSSES - CO-TTEES, RAYMOND J PO BOX 402

FRANKLIN, NH 03235

Mailing Address: THOMPSON, BRYAN R DENNISON, KANDY M

5 ROWELL DRIVE FRANKLIN, NH 03235





Parcel Number: 134-406-01 CAMA Number: 134-406-01 Property Address: 2 RUBY LANE Mailing Address: ROBERTS, JENNIFER 2 RUBY LANE FRANKLIN, NH 03235



