

TOWN OF FRANKLIN
INSPECTION DEPARTMENT
Building Inspection – Division of Wires – Division of Gas
Division of Plumbing
MUNICIPAL BUILDING – 355 East Central Street
Franklin, Massachusetts 02038

Lloyd (Gus) Brown
Building Commissioner

Telephone: 508-520-4926
FAX: 508-520-4906

ZONING REVIEW

APPLICANT: Shaoxian Yang

LOCATION: 24 Cross Street

ZONING DISTRICT: SFR IV

TYPE OF PROJECT: Construction of a Detached Garage

DATE: 11/14/2022 **DENY**

VARIANCE

ZONING BY LAW SECTIONS: 185 Attachment 9 Schedule of Lot, Area,
Frontage, Yard and Height Requirements

REASON FOR DENIAL: Applicant is seeking to construct a 25.5' x 28.4'
detached garage that is 10.8' from the rear setback where 15.4' is required.
The building permit is denied without a variance from the ZBA.

APPEAL OF DENIAL OPTIONS:

ZONING BOARD OF APPEALS

APPLICANT SIGNATURE _____ **DATE**

ZONING OFFICIAL SIGNATURE LAB _____ **DATE** 11/14/2022

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

TOWN OF FRANKLIN
TOWN CLERK

2022 NOV 21 A 11:36

ZBA APPLICATION FORM

GENERAL INFORMATION

RECEIVED
TOWN OF FRANKLIN

NOV 21 2022

ZONING BOARD OF APPEALS

The undersigned hereby petitions the Zoning Board of Appeals for the following:

Special Permit: _____ Variance: ☒ Appeal: _____

PETITIONER: Shaoxian Yang

PETITIONER'S ADDRESS: 24 Cross Street, Franklin, MA 02038 PHONE: 617-821-0057

LOCATION OF PROPERTY: 24 Cross Street, Franklin, MA 02038

TYPE OF OCCUPANCY: Private Residence ZONING DISTRICT: Single Family IV

ASSESSORS MAP & PARCEL: 286-050-000

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Addi'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input type="checkbox"/> Subdivision
<input checked="" type="checkbox"/> Other: <u>Detached Garage</u>	

DESCRIPTION OF PETITIONER'S PROPOSAL:

My petition is related to the height of my detached garage. It was built unintentionally higher than permitted.

I am petitioning for granting me the variance of 4.6' and allowing the current height of my detached garage

SECTIONS OF ZONING ORDINANCE CITED:

Article V Section §185-19. Accessory Buildings and Structures

Article _____ Section _____

Article _____ Section _____

Applicants for a **Variance** must complete Pages 1-5

Applicants for a **Special Permit** must complete Pages 1-4 and 6

Applicants for an **Appeal** to the ZBA pursuant to Zoning Bylaw section 185-45 (D) must attach a statement concerning the reasons for the appeal

Original Signature(s):

Shaoxian Yang
(Petitioner(s)/Owner)

Shaoxian Yang

(Print Name)

Address: 24 Cross Street, Franklin, MA 02038

Tel. No.: 617-821-0057

E-Mail Address: syang1186@yahoo.com

Date: 11/10/2022

Dear Building Board Members:

I am writing to provide some context on my petition for variance. My family lives at 24 Cross Street, Franklin. The house was built around 1900, without a garage. I decided to build a detached garage as a DIY project after a couple of contractors estimated a cost way beyond my budget.

Having asked around and done some research on the internet, I got it started. I knew I needed to apply for a building permit to begin with, unfortunately that was all I knew about the permitting process. I did not know that the permit needed to be closed on "built as-is", nor did I know that I should have had the foundation dug-out measured before pouring the concrete mix. Once I broke the ground, all of my attention has been on how to square up the foundation, how to make concrete form even and study, how to insert anchor bolts, what kind of nails to use, how to drive a toe-nail,... And I have been concerned about how to make the studs vertical and consistent 16-inch apart, how to erect a stud wall safely, how to make headers and cripple studs, whether the wall would fall on me, why the floor was shaking when being walked on, how to make a good birdsmouth cut, whether ceiling joist hangers would strengthen the rafters, which youtube method to follow, and how bad and how soon the rain would ruin the lumber...

My profession is business analyst, and I did not have any building experience before. Every hour of actual construction work would necessitate 5-hour research on google and youtube. I have been fully occupied by all these construction details, and have become less inquisitive on zoning requirements.

I bought a generic building plan from a website. The plan was submitted for the permit. While in the building process, I realized that my main house had a pitch of 12 while the generic building plan only had a pitch of 6. Thinking that this pitch difference would make the garage incongruous to the main house, I had a civil engineer draw a new roof plan with a pitch of 9, which was a compromise between the safety of constructing the roof myself (12-pitch would be too steep for me to handle) and aesthetics.

Now all of a sudden, I realize that I am running into an issue with zoning, in need of petitioning for variance.

I have made an honest mistake, and am asking committee members to take it into consideration.

Regards,
Shaoxian (Sean) Yang
24 Cross Street, Franklin

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JUL 21 2022
ZONING BOARD OF APPEALS

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed and returned to the Secretary of the Zoning Board of Appeals.

I/We Shaoxian Yang
(OWNER)

Address: 24 Cross Street, Franklin, MA 02038

State that I/We own the property located at 24 Cross Street, Franklin, MA 02038,
which is the subject of this zoning application.

The record title of this property is in the name of _____
Shaoxian Yang

*Pursuant to a deed of duly recorded in the date 10/28/2009, Norfolk
County Registry of Deeds at Book 27169, Page 443; or
Dedham Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

NOT
A N
O F F I C I A L
RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

Bk 27169 P443 #119556
10-28-2009 @ 03:21P

NOT
A N
O F F I C I A L
C O P Y

MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 10-28-2009 @ 03:21pm
Ct1#: 1927 Doc#: 119556
Fee: \$1,117.20 Cons: \$245,000.00

QUITCLAIM DEED

160 EAST CENTRAL STREET LLC, a Massachusetts limited liability company ("Grantor")

for consideration of TWO HUNDRED FORTY-FIVE THOUSAND AND NO/100 DOLLARS
(\$245,000.00) paid,

grants to SHAOXIAN YANG ^{individually} ~~and [REDACTED] as tenants in common~~, with an address
of 231 Eliot Street, Newton, Massachusetts

with QUITCLAIM COVENANTS,

the land with the buildings thereon known as 24 Cross Street, in the Town of Franklin, County
of Norfolk, Commonwealth of Massachusetts, more particularly described in Exhibit A
attached hereto.

Said property is conveyed subject to and/or with the benefit of any and all restrictions,
easements, agreements and other matters of record, in so far as they are still in force and
applicable.

Being a portion of the property conveyed to Grantor by Deed from Robert E. Miller
and Tiffany V. Miller dated June 1, 2009, recorded with the Norfolk County Registry of
Deeds in Book 26721, Page 39.

[SIGNATURE ON FOLLOWING PAGE]

Executed under seal this 28th day of October, 2009. N O T

A N
O F F I C I A L
C O P Y

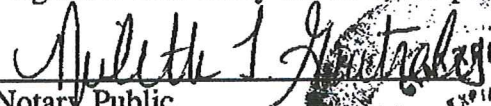

A N
O 160 EAST CENTRAL STREET LLC
C O P Y

By: 
Gregory Botsivales, Manager

COMMONWEALTH OF MASSACHUSETTS

County: Barnstable

On this 6th day of October, 2009, before me, the undersigned notary public, personally appeared Gregory Botsivales, Manager of 160 East Central Street LLC, personally known to me or proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public
My commission expires NOVEMBER 15, 2013

Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 15, 2013

TOWN OF FRANKLIN
ZONING BOARD OF APPEALS

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Shaoxian Yang PRESENT USE/OCCUPANCY: Shaoxian Yang
LOCATION: 24 Cross Street, Franklin, MA 02038 ZONE: Single Family IV
PHONE: 617-821-0057 REQUESTED USE/OCCUPANCY: Shaoxian Yang

		EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS ¹
Lot Area:		15,429 s.f.	15,429 s. f.	15, 429 s. f. (min.)
Continuous Frontage:		NA	NA	NA (min.)
Size of Lot:	Width	100.03'	100.03'	100.03' (min.)
	Depth	164.62'	164.62'	164.62' (min)
Setbacks in Feet:	Front	NA	NA	NA (min.)
	Rear	10.8'	10.8'	15.4' (min.)
	Left Side	29.0'	29.0'	15.4' (min.)
	Right Side	31.3'	31.3'	15.4' (min.)
Building Height:	Stories	1.5	1.5	1.5 (max.)
	Feet	15.4'	15.4'	15.4' (max.)
NO. of Dwelling Units:		NA	NA	NA (max.)
NO. of Parking Spaces:		2	2	NA (min./max)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

It is a detached garage, consrcuted as a do-it-yourself project (by myself). The finished garage will be solely used by my family. It is wood frame.

SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.

**TOWN OF FRANKLIN
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ZBA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH ZONING BYLAW SECTION 185-45 (D) (2) (6) AND MGL 40A, SECTION 10:

- A)** A Literal enforcement of the provisions of this Zoning bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

I have nearly completed the rough frame of the detached garage, whose material cost amounts to \$40,000. If I need to change the roof height to literally meet the requirement of setback, it would require me to tear down the roof, destroying the structure. And, I would also need to hire a professional to redesign a new roof plan or building plan. It would be very costly financially, mentally and in labor and time. Also, due to the location of the main house structure and limitation on other sides, any other location for the garage will render the property less aesthetic and less desirable.

- B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The hardship is owing to the awkward location of main house structure and slanted topography of the plot, which makes current location a only choice to build the detached garage. To grant my variance request, it will not impact the general zoning district, because my petition is only related to the rear side of the garage, adjacent to a wooded area, and the minimal requirement is satisfied. There is no any potential obstruction to the function of the land, neighbors' enjoyment, or other zoning violations.

- C)** Desirable relief may be granted without either:

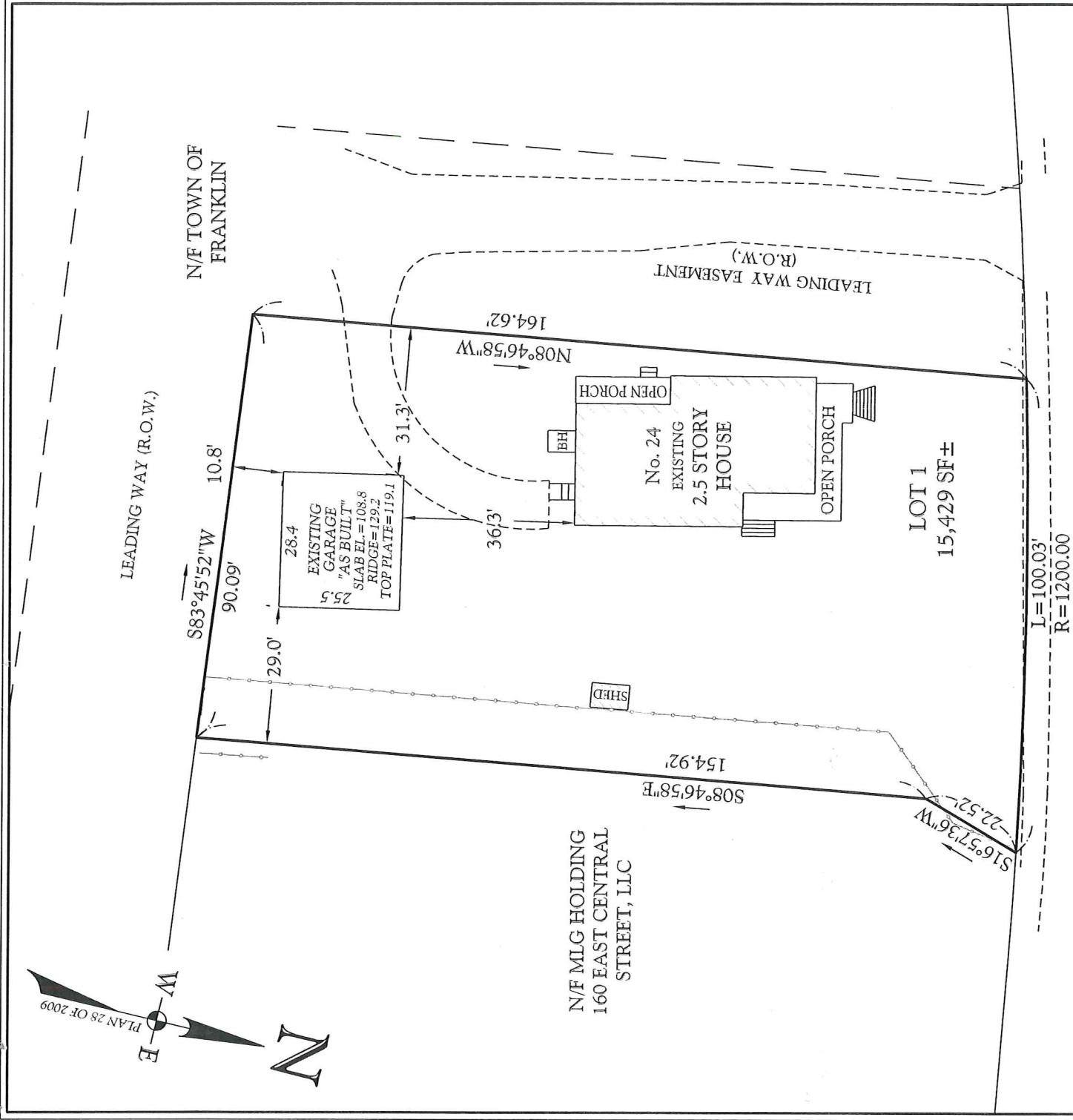
- 1) Substantial detriment to the public good for the following reasons:

The rear side (concerned) of the garage meets the minimum setback requirements. There is no breach of public land or private property. There is no infringement on neighbors' enjoyment of their properties.

- 2) Nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw for the following reasons:

Granting the request variance will not nullify or substantially derogating from the intent or purpose of the zoning bylaw because 1) The minimum requirement is satisfied; 2) The detached garage will enhance the overall character and aesthetic appeal of the neighborhood; 3) It is an honest mistake for the late petition.

If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.

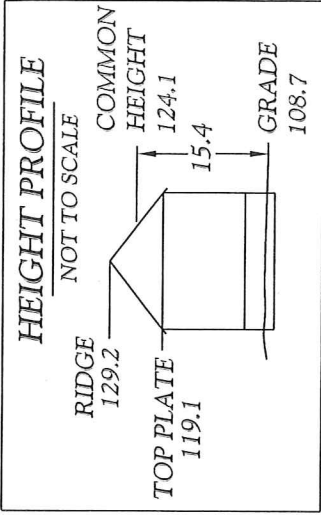


ZONING DISTRICT - SINGLE FAMILY IV

CROSS STREET

AS-BUILT LOT
COVERAGE=13.8%

I CERTIFY THAT THE LOT
SHOWN AND THE
IMPROVEMENTS THEREON
DO NOT LIE IN A WATER
RESOURCE DISTRICT.



OWNER:
SHAOXIAN YANG

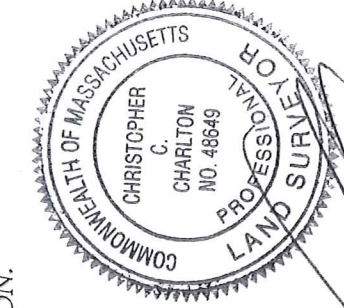
REFERENCES:
DEED: BOOK 27169, PAGE 443
PLAN: 28 OF 2009

I CERTIFY THAT THIS PLAN WAS
CREATED BY AN INSTRUMENT SURVEY
ON THE GROUND AND THAT ALL
STRUCTURES ARE LOCATED AS SHOWN
HEREON.

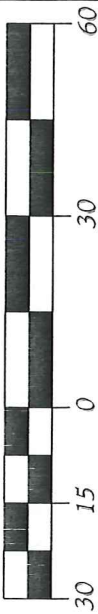
GARAGE AS-BUILT
CERTIFIED PLOT PLAN

LOCATED AT

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24 CROSS STREET
ASSESSORS PARCEL # 286-050-000-000
FRANKLIN, MA
NORFOLK COUNTY
CONTINENTAL LAND SURVEY, LLC
105 BEAVER STREET, FRANKLIN, MA
(508) 528 - 2528
SCALE: 1"=30' OCTOBER 12, 2022



CHRISTOPHER C. CHARLTON, PLS