

Town of Milford
ZONING BOARD OF ADJUSTMENT



NOTICE OF HEARING

Town Hall
1 Union Square
Milford, NH 03055-4240
(603) 249-0620
Fax (603) 673-2273
www.milford.nh.gov
TDD Access:
Relay NH 1-800-735-2964

Notice is hereby given for a Public Hearing to be held on February 7, 2013 at 7:00 PM in the Board of Selectmen's Meeting Room.

Frank and Kathleen Stetson, owners of Map 47, Lot 43, 416 Melendy Rd, in the Residence "R" district, are requesting an equitable waiver of dimensional requirements from Article V, Section 5.04.5:B, for an existing mobile home located fourteen (14) feet +/- from the side setback line where fifteen (15) feet is required.

Case # 2013-01

Dated: January 25, 2013

Shirley Wilson,
Administrative assistant to the ZBA

Owner/authorized representative must attend hearing; abutters requested to attend.



Town of Milford
Zoning Board of Adjustment

TOWN OF MILFORD
RECEIVED
JAN 03 2013
PB _____ ZBA _____ Office _____

Date Received: 1/3/12
Case #: 2013-01
Application #: 20130020
Payment amount: \$ 115.60
Date: 1/3/13 By: SW

Feb 7, 2013

Application for Equitable Waiver of Dimensional Requirements

Name of Applicant: FRANK AND KATHLEEN STETSON Phone #: [REDACTED]

Email: [REDACTED]

Address: PO BOX 7501 MILFORD, NH 03055

Owner: SAME
(If same as applicant, write "Same")

Owner's Address: SAME
(If same as applicant, write "Same")

Property Location: 416 MELENDY RD. Map 47 Lot 43
(Number and Street)

Description of property: TRIANGULAR 1/2 ACRE ON THE NORTH
SIDE OF MELENDY RD. AT THE JUNCTION OF
ROUTE 13. LOT DIMENSIONS ARE 245' FRONTAGE,
190' AND 351' SIDE LINES. RESIDENTIAL WITH TRAILER.
(Lot dimension, total area, present use)

This application is not considered acceptable unless all required statements have been made and all sections completed. Additional information may be supplied on separate sheets if necessary.

Fees: \$75.00 per case plus abutter fees, including owner and representative (if applicable).

Town of Milford New Hampshire
One Union Square · Milford, NH 03055 · Phone (603) 249-0620 · Fax (603) 673-2273
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Section 1 - APPLICATION FOR EQUITABLE WAIVER

An Equitable Waiver of dimensional requirements from Article V Section 5.04.5 'B' of the Zoning Ordinance is requested to permit:

15 FT. SETBACK IS 14± PER THE SURVEY

Facts supporting this request:

1. Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value:

THE CONCRETE PAD FOR THE TRAILER WAS RELOCATED ABOUT ONE FOOT DUE TO AN ERROR MADE BY THE COMPANY FROM MINE ERECTING THE FORMS. THE LOT LINE WAS APPROXIMATE BECAUSE THE CORNER BOUND HAD BEEN REMOVED BY OTHERS SEVERAL YEARS AGO.

2. A. Explain how the violation was not an outcome of ignorance of the law or Ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner or owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in Ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority:

I WAS AWARE OF THE 15 FT SETBACK RULE AND THOUGHT THE ORIGINAL FOUNDATION SLAB WAS MORE THAN THAT, THE SURVEY INDICATED THE LOT LINE A LITTLE CLOSER TO THE SLAB THAN WERE I THOUGHT IT WAS.

OR

- B. In lieu of 2.A, demonstrate that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected:

3. Explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property:

ON MY NEIGHBOR'S LAND THERE IS A ROW FOR
ACCESS TO A MACHINE SHOP OUT BACK, THE PAVEMENT
IS ABOUT 10 FT. FROM THE BOUNDRY, THIS MAKES IT
24½ FEET FROM DRIVEWAY PAVEMENT TO CORNER
OF HOUSE,

4. Explain how, that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected:

TO REMOVE THE CORNER OF THE HOUSE OR RELOCATE THE
ENTIRE HOUSE WOULD BE VERY EXPENSIVE. I DO NOT SEE ANY
PUBLIC BENEFIT TO BE GAINED.

Section 2 - ABUTTERS

See attached sheet.

Section 3 - ATTACHMENTS

- A. A plan of the property and all buildings, drawn to scale, is required.
- B. A Building Permit Application as needed (to be determined by the building official.)
- C. Additional explanations, justification, abutters' statements, letters, etc.

Section 4 - REPRESENTATION

Owner(s) authorization for the applicant or other agent to represent the owner at the proceedings:

Print the name of the person or party representing the owner(s)

The applicant or agent, as stated hereon, has authorization from the property owner to submit this Zoning Board of Adjustment application and to represent the property owner on matters relative to said process.

[Handwritten Signature]

Owner's Signature

1-3-13

Date

Section 5 - SIGNATURES

Signature of Applicant

[Handwritten Signature]

Date

1-3-13

Signature of Owner

[Handwritten Signature]

Date

1-3-13

Signature of Zoning Official

[Handwritten Signature]

Date

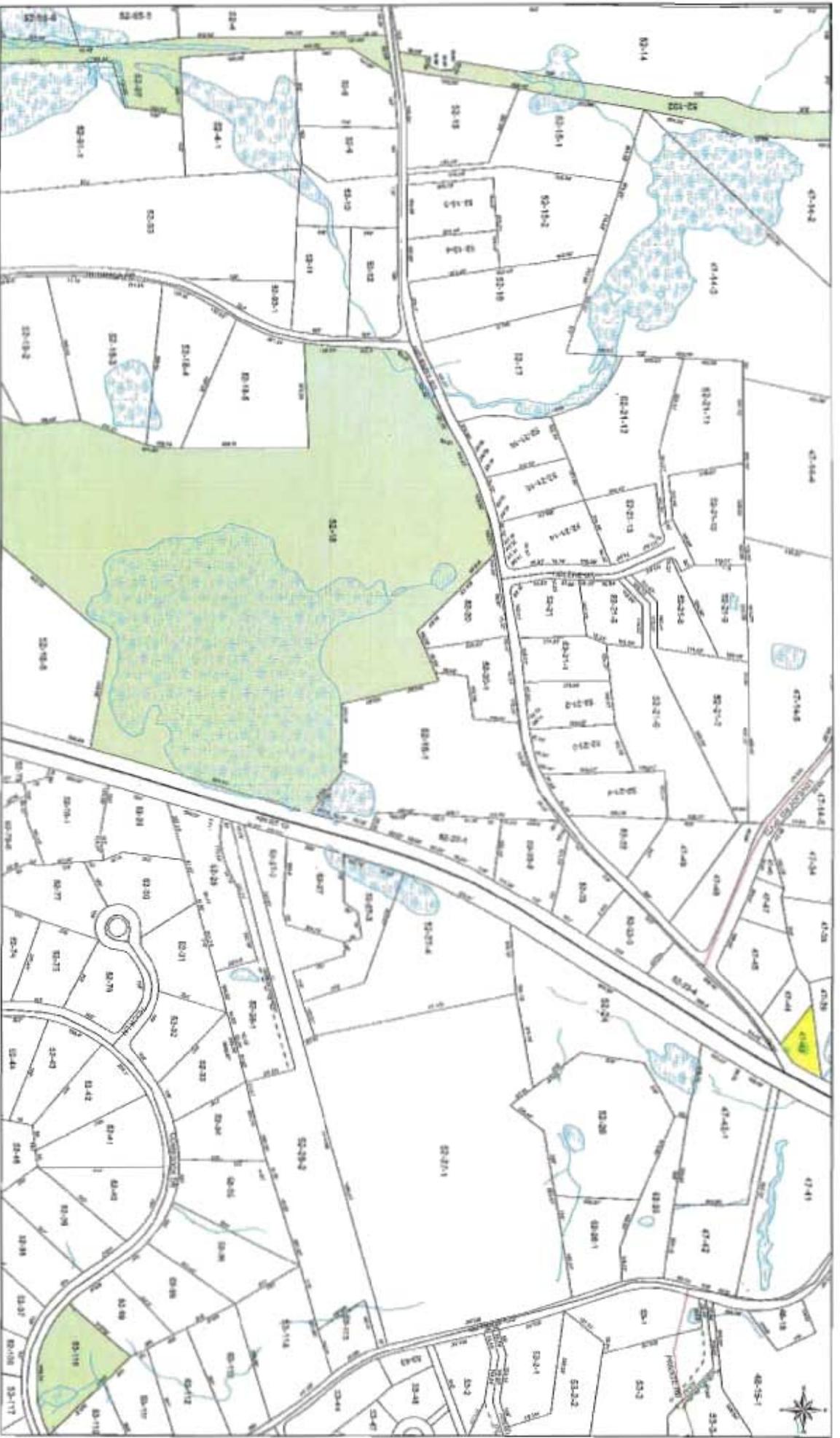
01/14/13

Community Development Director / Zoning Administrator

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Code Enforcement Officer's decision and comments:

Revised 11/25/2011



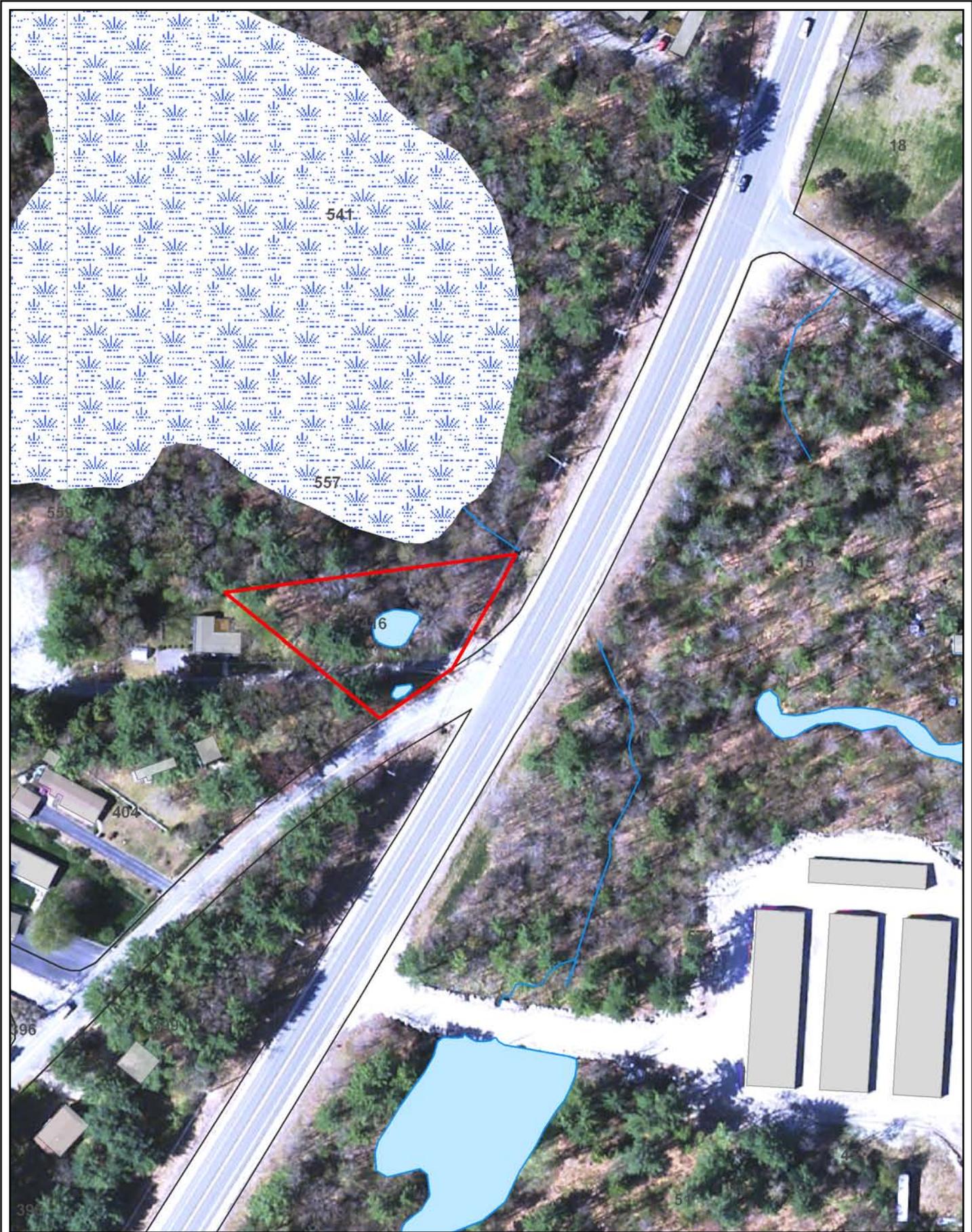
1 inch = 300 feet
 0 150 300 450 Feet

This document has been prepared to give applicants an idea of the approximate nature of the information shown. It is not to be used for deed descriptions.

MILFORD, NH

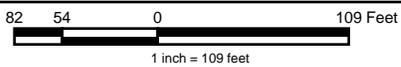
The Community Development Department maintains a continuing program to identify and record water bodies. The Department makes no claim to the validity or accuracy of its information.

DATE:
 April 2012
 Rev. 10/2012



Milford, NH

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416 Melendy Rd

Map 47 Lot 43

Town of Milford
ZONING BOARD OF ADJUSTMENT



NOTICE OF HEARING

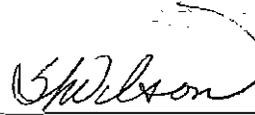
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Notice is hereby given for a Public Hearing to be held on February 7, 2013 at 7:00 PM in the Board of Selectmen's Meeting Room.

Lawrence and Brenda Cassidy, owners of Map 27, Lot 39, 101-103 Souhegan St, in the Residence "A" district, are requesting a variance from Article V, Section 5.02.4:A, for the creation of a lot with 69 feet of frontage where 100 feet is required.

Case # 2013-02

Dated: January 25, 2013


Shirley Wilson,
Administrative Assistant to the ZBA

Owner/authorized representative must attend hearing; abutters requested to attend.



**Town of Milford
Zoning Board of Adjustment**

Date Received: 1-10-13
Case #: 2013-02
Application #: 20130023
Payment amount: \$133.00
Date: [redacted] By: 1/10/13

unx
Feb 7, 2013

Application for Variance

Name of Applicant: Lawrence / Brenda Cassidy - Trustees Phone #: [redacted]

Email: [redacted]

Address: 6 Winn Road, Lyndeborough, NH 03082

Owner: same
(If same as applicant, write "Same")

Owner's Address: same
(If same as applicant, write "Same")

Property Location: 101-103 Souhegan St. Milford, NH Map 27 Lot 39
(Number and Street)

Description of property: Total land area approx. 1 & 1/4 acres

Rental 2 story house and garage at 101 Souhegan St.

Rental mobile home at 103 Souhegan St.

Most land area behind dwelling units
(Lot dimension, total area, present use)

This application is not considered acceptable unless all required statements have been made and all sections completed. Additional information may be supplied on separate sheets if necessary.

Fees: \$75.00 per case plus abutter fees, including owner and representative (if applicable).

Town of Milford New Hampshire
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Section 1 - APPLICATION FOR VARIANCE

A variance is requested from Article V Section 5.02.4:A of the Zoning Ordinance to permit:

The creation of a new lot with 69ft of frontage in lieu of the 100ft requirement

Facts supporting this request:

1. Granting the Variance would not be contrary to the public interest because:

completed in 2006

It will cause no detrimental impact upon the health, safety, and welfare. Update to town water and sewage and underground electrical improves public health concerns.

2. If the Variance were granted, the spirit of the ordinance would be observed because:

Trying to improve the situation by placing the mobile home dwelling unit on its own lot consistent with other lots in the neighborhood.

3. Granting the Variance would do substantial justice because:

There is no public benefit to be gained that would outweigh the benefit to the owner.

4. Granting the Variance would not diminish the value of surrounding properties because:

Residential housing units do not generally diminish adjacent/adjoining housing units. This mobile home upgraded to a much newer unit. Purchased as new in 2006.

5. Unnecessary hardship:'

A. Owing to special conditions of the property that distinguish it from other properties in the area; denial of the Variance would result in unnecessary hardship because:

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 because:

The minimum frontage requirement is meant to make sure there is adequate space for the permitted use and the proposed lot has more than adequate width to support the existing use. Difficulty in managing - incidental to house.

and;

ii. The proposed use is a reasonable one because:

~~**Single family residences are permitted and this mobile home is a grand fathered single family unit. It also has a natural screen of trees and shrubs between residences.**~~

(B) Explain how, if the criteria in paragraph (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:

~~**Distinguishing characteristics of this mobile home is that it has always been used as a single family dwelling unit and is incidental to the existing house. It has always been known as 103 Souhegan St. and the house as 101 Souhegan St.**~~

(C) Notwithstanding paragraph (B) above, a Variance may be granted without finding a hardship arising from the terms of the Zoning Ordinance when reasonable accommodations are necessary to allow a person or persons with a recognized **physical disability** to reside in or regularly use the premises, provided that:

i) The Variance requested under this paragraph shall be in harmony with the general purpose and intent of the Zoning Ordinance because:

All of the above.

In addition, Variances may have extra criteria that must be met. This includes, but is not limited to:

6.03.5 Floodplain Management: The criteria for evaluation is listed in 6.03.5:B General Conditions and the applicable conditions are listed in 6.03.5:C.

If your project is covered by the above situation, include your answers to the required criteria as specified in the referenced Section of the Milford Zoning Ordinance as an attachment under Section 3 C. of this application.

Section 2 - ABUTTERS

See attached sheet.

Section 3 - ATTACHMENTS

- A. A plan of the property and all buildings, drawn to scale, is required.
- B. A Building Permit Application as needed (to be determined by the building official.)
- C. Additional explanations, justification, abutters' statements, letters, etc.

Section 4 - REPRESENTATION

Owner(s) authorization for the applicant or other agent to represent the owner at the proceedings:

Print the name of the person or party representing the owner(s)

The applicant or agent, as stated hereon, has authorization from the property owner to submit this Zoning Board of Adjustment application and to represent the property owner on matters relative to said process.

Lawrence S. Cassidy
Owner's Signature

1-10-2013
Date

Section 5 - SIGNATURES

Signature of Applicant Lawrence S. Cassidy Date 1-10-2013

Signature of Owner Lawrence S. Cassidy Date 1-10-2013

Signature of Zoning Official Phil Parker Date 01/14/2013
Community Development Director/
Zoning Administrator

For office use only

Code Enforcement Officer's decision and comments:

No issues with proposed subdivision from a planning perspective. Approval would allow for a lot, with two residences in the Residence A district, to become conforming (one single-family residence per lot). Resultant lot sizes will exceed minimum lot size requirements in the Residence A district.

ABUTTER LIST

Abutter - Any person whose property is located in New Hampshire and adjoins or is directly across the street, stream, or active railroad property 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/her land will be directly affected by the proposal under consideration.

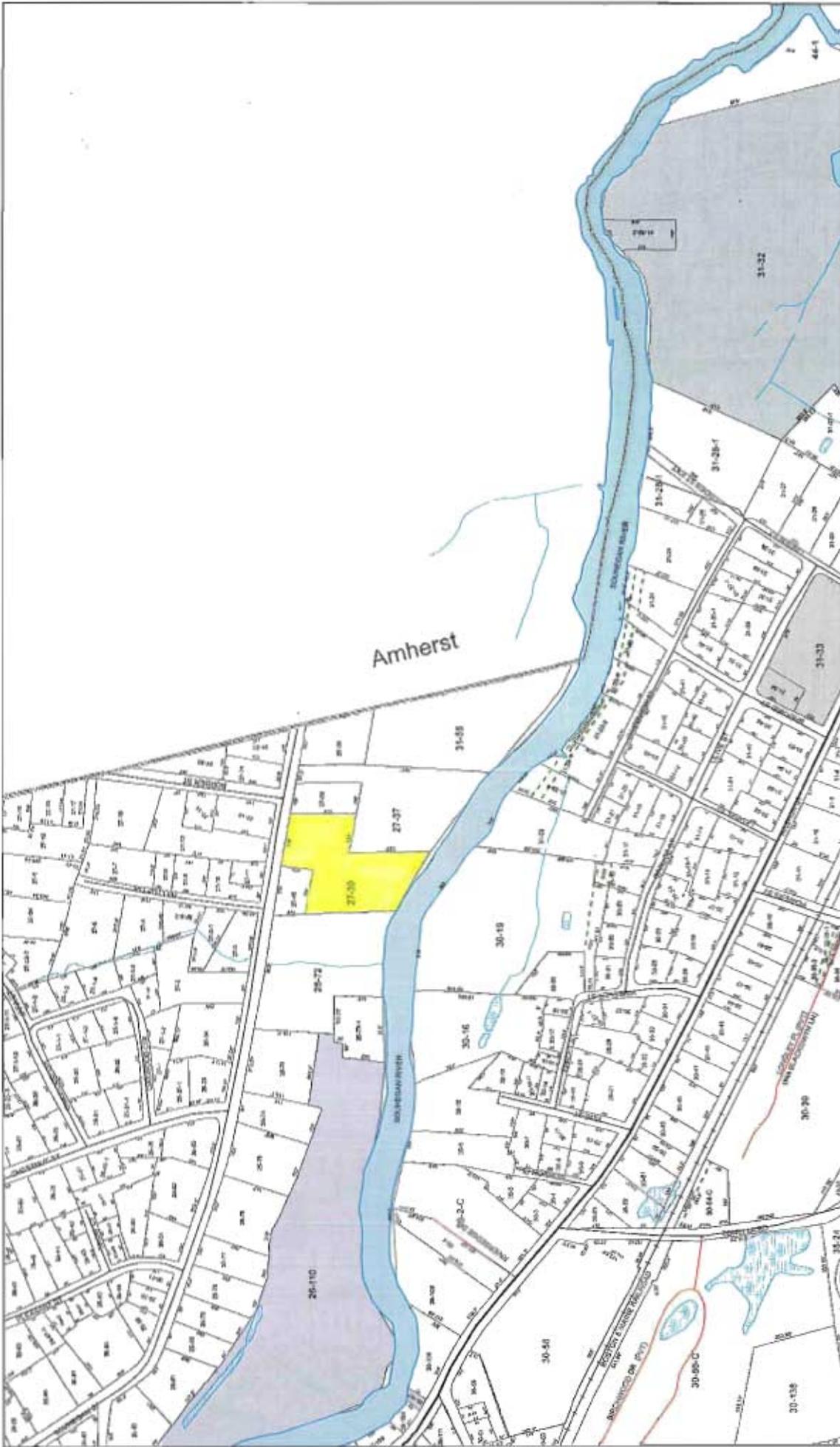
For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For 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 defined in RSA 205-A:1, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street, stream, or active railroad from the land under consideration by the local land use board. For purposes of notification by a municipality of a local land use board hearing, in the case of an abutting property being an active railroad property, the owner of the railroad property shall be notified. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case where the applicant is different from the owner of the land under consideration by the local land use board, the term "abutter" includes the applicant.

Map	Lot	Property Owner	Street Address	Town	State	Zip Code
26	72	PSNH 9/6 Tax Accounting	PO Box 330	Mannchester	NH	03105
27	40	Laura Maroni				
27	38	Sean Scot MacDonald	95 Souhegan St.	Milford	NH	03055
27	37	Robert F. Schooley				
27	37	Katherine L. Edwards	107 Souhegan St.	Milford	NH	03055
27	19	Bobbie Sue Anne Kehler	111 Souhegan St	Milford	NH	03055
27	11	Wheeler Properties LLC	16 Farley St	Milford	NH	03055
27	12	Mary Ireland Trustee	98 Souhegan St.	Milford	NH	03055
27	13	Stacey Ann Mason	102 Souhegan St.	Milford	NH	03055
27	39	Maxion B. Kopp Trustee	PO Box 143	Milford	NH	03055
		Lawrence S. Cassidy-owner	Trustee			
		Brenda Cassidy	6 Winn Rd	Lyndeborough	NH	03082
		Robert Todd LLC	PO Box 190	New Boston	NH	03070

The above abutter listing reflects the most current assessing records and the Milford Planning Board is released from any responsibility for inaccurate information or incorrect abutter notification.

Signature of Owner: Lawrence S. Cassidy Date: 1-10-2013
 Map & Lot: 2739

10 ABUTTERS
 58.00
 15.00
 133.00



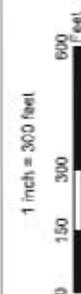
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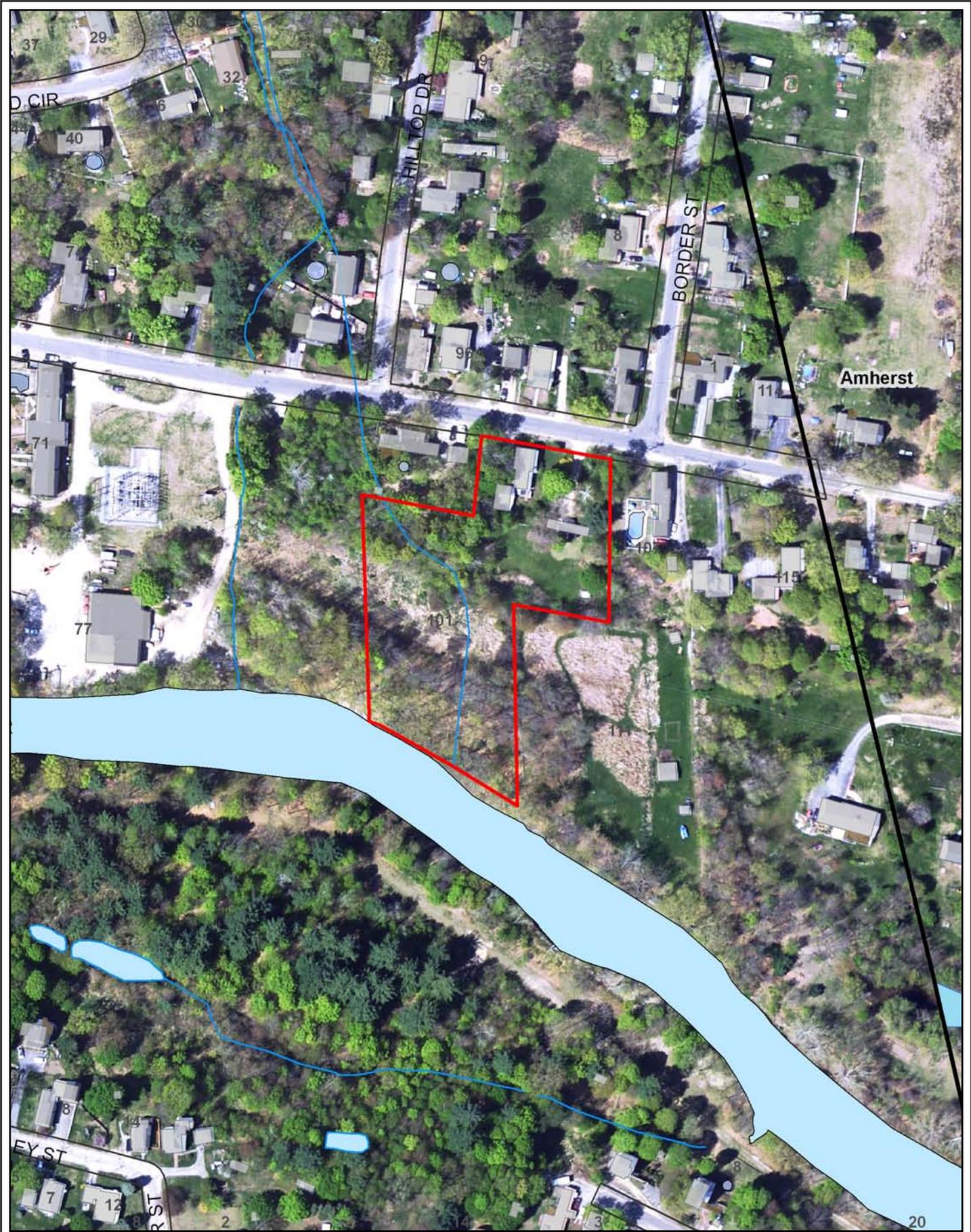
DATE:
April 2012
Rev. 10/2012

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MILFORD, NH

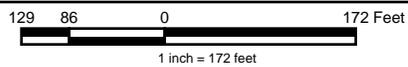
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Milford, NH

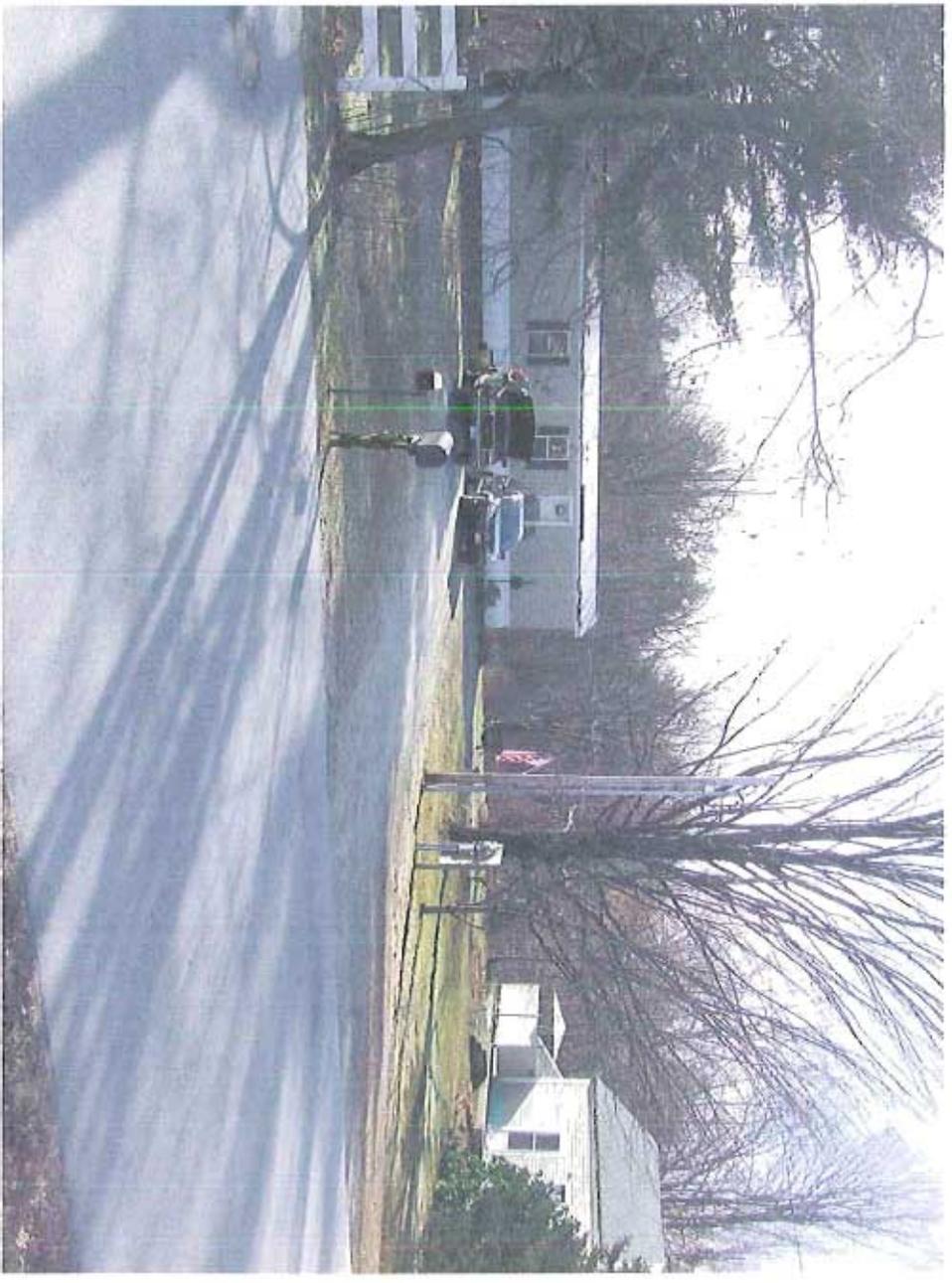
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101-103 Souhegan St

Map 27 Lot 39

101-183 So. hegans St



Lawrence S. Cassidy



101-103 Southogans St



Lawrence S. Cassidy



101-103 Sohegan ST



LAWRENCE T. CROSS, JR

