Town of Milford
Zoning Board of Adjustment Minutes
June 2, 2011
Case #9-11
Jill Langelier
Special Exception

Present: Kevin Johnson, Chairman
Laura Horning
Fletch Seagroves
Steve Winder
Michael Unsworth - Alternate

Katherine Bauer – Board of Selectmen representative
Zach Tripp - Alternate

Absent: Steve Bonczar

Secretary: Shirley Wilson

The applicant, Jill Langelier, owner of 99 Union St, Map 29, Lot 50 in the Residential "A" district, is requesting a Special Exception from Article V, Section 5.02.2:A.8 to permit the placement of a storage shed two (2) +/- feet from the rear property line.

MINUTES APPROVED JULY 7, 2011

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

Kevin Johnson, chairman, opened the meeting by stating that the hearings are held in accordance with the Town of Milford Zoning Ordinances and the applicable New Hampshire statutes. He continued by informing all of the procedures of the Board; he then introduced the Board. He read the notice of hearing into the record as well as the list of abutters; Jill and Jeffrey Langelier, owners of 99 Union St were present.

J. Langelier stated that they are looking put a storage shed on their property in between an existing storage shed to the west and the play area to the east. Our house and garage space is very limited and we need more room for tools, toys, the mower, holiday decorations, etc. Her understanding is that if a shed is greater than 120 SF, a special exception is needed to put it closer than fifteen (15) feet to the property line. We basically want to put the rear of the shed in line with where the fence is now, which is about two (2) feet from the property line.

K. Johnson inquired if the fence exists in that location now.

J. Langelier replied yes.

K. Johnson asked if there were any questions from the board; there were none. He then opened the hearing for public comment; there were none, so he closed the public portion of the hearing and read a letter received at the Town Hall on 5/31/11 from one of the abutters, John Miller, owner of 2 George St.

To Kevin Johnson, as Chairman of the Zoning Board, I have looked at the plans for the location of the shed at 99 Union St and have no problem with its location.

K. Johnson asked the applicant to go through the criteria for a special exception.

1. **The proposed use shall be similar to those permitted in the district:**
   J. Langelier said that other properties have grandfathered structures closer to the property line than fifteen (15) ft. In fact, our own garage is only about a foot from the property line.
2. **The specific site is an appropriate location for the proposed use because:**
   J. Langelier said the rear of the shed will be in line with current fence and next to another smaller shed. Due to other landscape features this is the only appropriate location for this shed.
3. **The use developed will not adversely affect the adjacent area because:**
   J. Langelier said the only effect that the proposed shed will have on the adjacent properties will be to obstruct the view between properties, which will improve privacy for all affected parties. I would not consider this an adverse effect but a benefit.
4. **There will be no nuisance or serious hazard to vehicles or pedestrians:**
   J. Langelier said the shed will be on our property and the rear of the shed will be in line with a current fence. No concerns to the neighbors in terms of safety would be anticipated.
5. **Adequate appropriate facilities will be provided for the proper operation of the proposed use because:**
   J. Langelier said access to the storage shed will only be from the property owner's yard which is completely fenced in.

K. Johnson asked if there were any additional questions; there were none.

K. Johnson read from the <u>Town of Milford Zoning Ordinance:</u> Article V, Section 5.02.2.A:8 Acceptable Uses and Yard Requirements by Special Exception: *8.Reduced front, side and rear setbacks.* Currently the required setback is fifteen (15') feet from the side and rear property lines. He then read Section 10.02.1: *The Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguard as determined by the board, grant permits for such special exceptions as allowed in the various zoning districts as set forth in Article II. The Board may refer all applications for special exceptions to the Planning Board for its review and recommendations prior to holding public hearing on the application. The*

Board of Adjustment, in acting on an application for a special exception shall take into consideration the following conditions: (1992) A. The proposed use shall be similar to those permitted in the district. B. The specific site is an appropriate location for the proposed use. C. The use as developed will not adversely affect the adjacent area. D. There will be no nuisance or serious hazard to vehicles or pedestrians. E. Adequate appropriate facilities will be provided for the proper operation of the proposed use.

K. Johnson asked if the board had any additional questions; there were none, so they continued with the discussion of the criteria.

A. The proposed use shall be similar to those permitted in the district:

S. Winder said it is permitted in the district by special exception.

L. Horning and M. Unsworth agreed.

F. Seagroves said yes, and referenced the Code Enforcement comments stating that if this was a 120 SF shed; it could be six (6') feet from the property line due to a recent change in the zoning ordinance.

K. Johnson concurred saying this use is similar to those permitted in the district. Storage sheds are permitted in the district and many of the existing structures that we frequently see in these areas with older homes are well within the current allowed setbacks.

B. The specific site is an appropriate location for the proposed use because:

M. Unsworth said yes, it's right next to their other shed and it is within their fence and property line.

L. Horning said yes, as the homeowner very adequately pointed out, there will be an increase in privacy for both herself and the abutter.

S. Winder agreed, he didn't see a better place on the property to put it.

F Seagroves said yes, it is appropriate; it is in line with the other shed and close to the fence.

K. Johnson agreed that this is an appropriate location; reviewing the plot plan that the applicant provided, he doesn't see where it would make sense to put it in any other area in the yard. In actuality aligning it with the existing shed and play area, along the fence does present an aesthetically pleasing design rather than having bits and pieces dropped here and there throughout the property. It gives it a more cohesive look to the property.

C. The use developed will not adversely affect the adjacent area because:

F. Seagroves said this would not affect any adjacent areas because the fence is already there and no one will see it.

L. Horning agreed saying the fence is already acting as a dividing line or subsequent barrier between the two properties. Aesthetically it will be a nice clean line across the backyard.

S. Winder agreed saying the abutter who would be most impacted already sent us correspondence saying that he doesn't have a problem with it.

M. Unsworth agreed with Steve.

K. Johnson agreed. He couldn't see how, when developed, this would personally affect any of the adjacent properties.

D. There will be no nuisance or serious hazard to vehicles or pedestrians:

S. Winder said he could not see how this would impact pedestrians or vehicles.

M. Unsworth said he did not see this as a possibility.

F. Seagroves agreed.

L. Horning said the only vehicle she could see out there would be a lawn mower being operated by the homeowner. She did not see any kind of nuisance to pedestrians or vehicles.

K. Johnson agreed, this in no way would present a nuisance as it is set well back from any of the streets. Any of the other locations would have the potential of creating a larger hazard. Again, this is an ideal location for it.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

M. Unsworth said this is a shed.

F. Seagroves said everything would be sufficient.

S. Winder and L. Horning agreed.

K. Johnson said that we can rest assured with the applicant obtaining a building permit to construct the shed and with the appropriate inspections, the Town will make sure the facility will be adequate to serve as a storage shed.

K. Johnson stated that after reviewing the petition and hearing all the evidence, and by taking into consideration the personal knowledge of the property in question, this Board of Adjustment has determined the following findings of fact. K. Johnson called for a vote.

1. Is the exception allowed by the Ordinance?

L. Horning stated yes.

S. Winder, F. Seagroves, M. Unsworth, and K. Johnson agreed.

2. Are the specified conditions present under which the exception may be granted?

M. Unsworth stated yes.

F. Seagroves, L. Horning, S. Winder, and K. Johnson agreed.

K. Johnson asked if there was a motion to approve Case #9-11.

F. Seagroves made the motion to approve Case #9-11.

M. Unsworth seconded the motion.

Final Vote

M. Unsworth – yes S. Winder – yes L. Horning – yes F. Seagroves – yes
K. Johnson – yes

Case #9-11 was approved by a unanimous vote.

K. Johnson reminded the applicant of the 30 day appeal period.