

**Town of Milford
Zoning Board of Adjustment Minutes
July 16, 2015
Case #2015-12
Stephen McNamara, Jr.
Special Exception**

Present: Zach Tripp, Chairman
Fletcher Seagroves, Vice-Chair
Michael Thornton
Len Harten, Alternate
Kevin Johnson

Absent: Joan Dargie
Kathy Bauer, Board of Selectmen Representative

Secretary: Peg Ouellette

The applicant, Stephen McNamara, Jr. owner of Map 27 Lot 4, 16 Hilltop Dr, in the Residence “A” district, is requesting a special exception from Article II, Section 2.03.1.C:13 to allow construction of a front landing and steps within the front setback..

Minutes Approved on August 6, 2015

Zach Tripp, Chairman, opened the meeting by stating that the hearings are held in accordance with the Town of Milford Zoning Ordinance and the applicable New Hampshire Statutes. He continued by informing all of the procedures of the Board; he then introduced the Board and read the notice of hearing into the record. Applicant, Stephen McNamara, Jr. was present. The list of abutters was read. No abutters were present.

Z. Tripp asked applicant to explain what he wanted to do.

S. McNamara said in 2007 he put an addition on the north side. He wanted to move the front door to the front middle of the house. He understands it approaches the 30 ft. setback. I want to come off the street for usefulness of the house and make it more presentable and easy access off the road or driveway for visitors.

Z. Tripp asked current door location.

S. McNamara said at back of the house.

Z. Tripp asked where landing is.
S. McNamara said originally one was on the front. When he sided the house he had permission to enclose the porch.
K. Johnson commented that he sent an e-mail to Brandi at Community Development. The red notes on the packet are referring to posts must not be notched, etc.
S. McNamara said he got the e-mail.
K. Johnson wanted to say those are the Building Inspector's comments on the sketch. Reason he asked Brandi is that American Standard Code specifies 7 in. maximum riser International Building Code specifies 7 ¾ in. Applicant is at 7 ½ so he thought we were using IBC, which one?
F. Seagroves said there are two drawings – one saying step road 19 ft. 3 in. and other says steps to road 18 ft 3 in.
S. McNamara said one might have been an old one.
F. Seagroves said let's agree on one.
Z. Tripp noted one that says 20 ft. 6 in. and another says 19 ft. 3 in.
S. McNamara said one was with two steps and one was with one step. When he changed the elevation he only needed one more step to ground level to the walkway.
Z. Tripp said then, actually 18 ft. 3in.
S. McNamara said that was correct.
K. Johnson said he is using two steps.
S. McNamara said one. Two steps show 18 ft 3in.
K. Johnson said he's only using one step.
S. McNamara said it's 19 ft3 in.
Z. Tripp said zoning setback is 30 ft but house by itself is 23 ft. 6 in.
S. McNamara said that was correct.
K. Johnson said applicant didn't provide a top view of porch and steps. Sketch said header against the wall will be three ft long. Problem is if you make header and deck 3 ft then you only have 26 in. width because he'd have to take deck posts off and 5-4 handrails are typically 5 ½ in. and IDC requires landing to be same width as the door. He would have to make headers 46 in. so that deck itself, with the posts and handrails on it will be 36 in
M. Thornton thought it was equal to or greater than.
K. Johnson said it can't be less than the doorway.
Z. Tripp asked about exterior lighting.
S. McNamara said it will go outside the door to light the deck.
Z. Tripp asked for further questions. There were none. He opened the meeting for public comment. There were none. He closed the public comment portion of the meeting.
Z. Tripp asked S. McNamara to read the application into the record.
A. Scott read the application:

A Special Exception as specified in Article II Section 2.03.1.C of the Zoning Ordinance is requested to permit:

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

This is an older residential neighborhood with many structures situated in the front 30' setback.

2. The specific site is an appropriate location for the proposed use.

To gain access from road or driveway.

3. The use as developed will not adversely affect the adjacent area

It's close to house (he added not to the road).

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

It's a quite dead-end road and will seldom get used.

5. Adequate appropriate facilities will be provided for the proper operation of the proposed use.

A new door is being installed to improve the front entrance of an existing house. Everything will be constructed to code for the proposed use.

Z. Tripp asked if there were other houses on the street that have front porch coming off the steps.

S. McNamara said right across the street.

Z. Tripp asked if that was on the picture. House set back in a similar manner. It looks like they all are.

M. Thornton and F. Seagroves said they are pre-zoning.

There being no further questions from the Board, Z. Tripp moved on to discussion of the criteria.

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

K. Johnson – yes, it is standard architectural feature for porch and steps to the door. Some houses have front steps. Some have angle to the street and have steps in different location, but appears to be similar to houses in the area.

M. Thornton – standard convention today is to have entrance at the front of the house.

L. Harten - yes.

F. Seagroves – yes, reduced, front, side and rear setback is allowed.

Z. Tripp – reduced front, side and rear setback allowed per 5.02.2.8. It is similar use as testified.

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

L. Harten - absolutely.

F. Seagroves – yes, it is another means of egress. Now he only has one. In case of fire, he might need another.

K. Johnson – yes.

Z. Tripp – agreed. It is appropriate location at the front of the house. There is already a window there.

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

K. Johnson doesn't see how adding a front door to a house would adversely affect the adjacent area.

M. Thornton – doesn't see any method of affecting adjacent areas.

L. Harten – agreed, can't see any adverse affect to the adjacent area. They are dealing with a setback. A lot of properties on that street are within the 30 ft. setback.

F. Seagroves – agreed, everybody should have a front door.

Z. Tripp – most of the houses on the street have about the same setback. A couple of doors down are similar and probably same proximity to the street.

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

F. Seagroves – Putting a front door and steps would not be a hazard.

L. Harten – agreed. It is not so close to the road where vehicles would be driving over it or pedestrians tripping over it.

K. Johnson – agreed. No nuisance to the public by adding a front porch. Looking at aerial photo and adjacent properties, he doesn't see any obstruction to sight line for vehicles or into the right of way for pedestrians.

M. Thornton – no new nuisance.

Z. Tripp – agreed with Board, it is a dead end street on about three lots from the end.

S. McNamara said it is third.

Z. Tripp doesn't see how a front step would obstruct sight line.

He doesn't see any nuisance or serious hazard.

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

M. Thornton – yes, location is good. The size adjustment Kevin mentioned and landing shall be equal to or greater than – with those provisions it looks good.

K. Johnson – agreed Code Inspector has reviewed it and added some construction notes for applicant. Taking those into consideration and the calculation of width vs. the door that would be adequate for an ingress/egress front door.

F. Seagroves – yes, applicant has gone over it with the Building Inspector.

L. Harten – agreed, appropriate facilities are being provided are a railing and stairs.

Z. Tripp – agreed, Building Inspector reviewed it. Applicant testified there will be lighting. He's sure the Building Inspector would require that anyway.

Z. Tripp asked for further questions. There were none.

Vote on criteria:

After reviewing the petition and after hearing all the evidence and by taking into consideration the personal knowledge of the property in question, the Board of Adjustment member has determined the following findings of fact:

Is the special exception allowed by the ordinance?

F. Seagroves - yes; K. Johnson– yes; M. Thornton – yes; L. Harten – yes; Z. Tripp - yes

Are the specific conditions present under which a special exception may be granted?

K. Johnson – yes; M. Thornton – yes; Len Harten – no; F. Seagroves – yes; Z. Tripp - yes

Z. Tripp asked if there was a motion to approve the application.

K. Johnson moved that special exception be granted in Case #2015-12

M. Thornton seconded.

Final Vote:

K. Johnson – yes; M. Thornton – yes; L. Harten – yes; F. Seagroves – yes; Z. Tripp - yes

Case #2015-12 was approved by 4 to 0 votes.

Z. Tripp reminded the applicant of the 30 day appeal period.