

TOWN OF MILFORD

Office of Community Development
Planning • Zoning • Building Safety • Code Enforcement • Health
Economic Development • Active Projects



Administrative Review

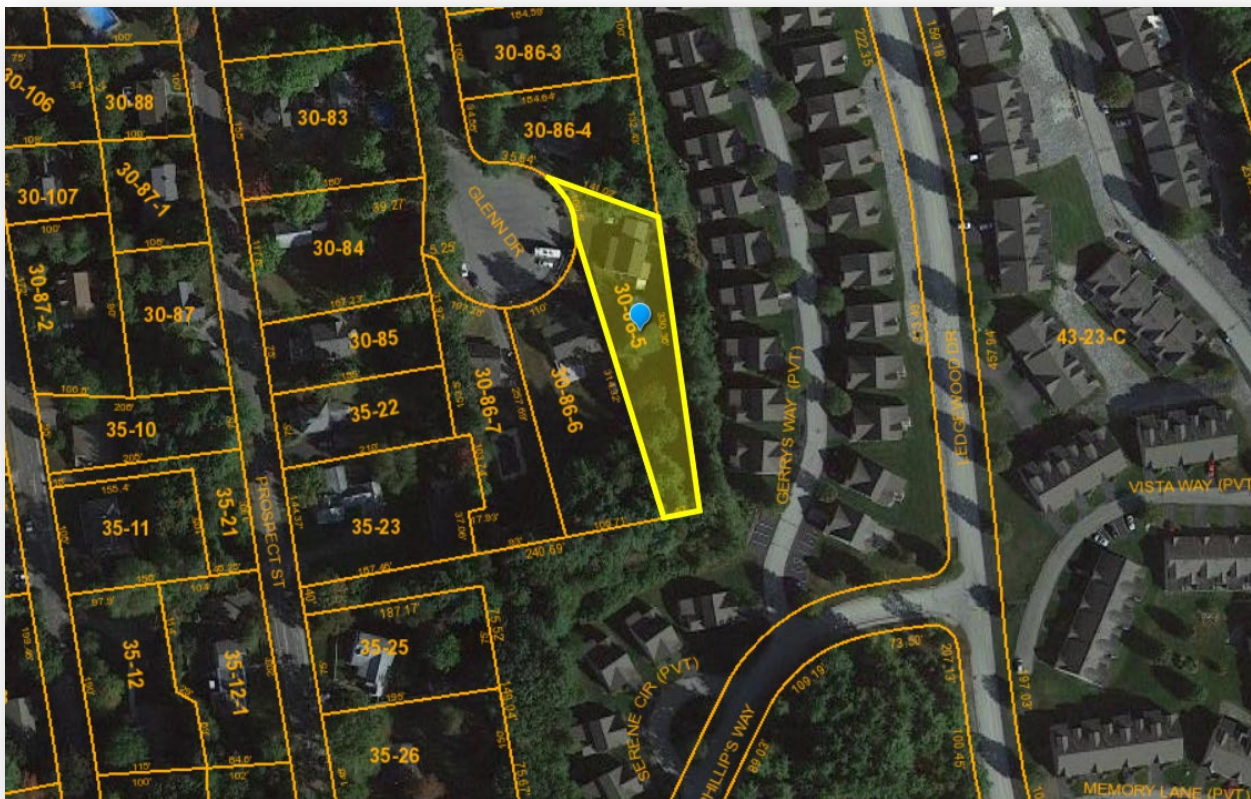
Date: September 22, 2020
To: Jason Plourde, Chair - Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2020-23:** Jason & Susan Clark, Milford Tax Map 30, Lot 86-5, 28 Glenn Drive - Special Exception Application

The applicant is before the Board of Adjustment seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.02.02.A.8 to the construction of a 150 s.f. addition to the existing single-family residence 4 feet within the 15 foot rear dimensional setback in the Residential 'A' Zoning District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property is approximately .54 acres (23,522 sq. ft.) and is partially developed. The property contains a single-family residence
 - b. The single-family house and attached garage are located outside of the 30 foot front and 15 side dimensional setbacks.
 - c. Property contains approximately 100.5 feet of linear frontage on Glenn Drive and is serviced by municipal water and sewer.
 - d. The subject property lies within the Residential 'A' Zoning district and is situated among an established residential neighborhood. East of the property lies the Ledgewood development.
2. The proposal calls for the constructing a small addition (new kitchen) to the rear portion of the residence. A section of the proposed addition and related stairs will be located 3 feet 11 inches within the 15 foot rear dimensional set back. Pursuant to Section 5.02.2.A.8, locating a structure within the side dimensional setback is permitted by way of Special Exception.
3. As part of the Board deliberation, the applicant should be prepared to discuss the following:
 - a. Reasons, rationale, and alternatives considered for location of the proposed addition.
 - b. Impact to abutting properties and possible visual mitigation.
 - c. Clarify/identify the attached section of the building behind the garage highlighted in red square below.



Aerial Photo(s) of Subject Property :



Street Photo(s) of Subject Property:





ZBA Application
MILFORD ZONING BOARD OF ADJUSTMENT
GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

APP 2020/099

Received: 8-18-2020
 Case Number: 2020-23
 TOWN OF MILFORD
 Date Complete: RECEIVED
 Hearing Date: AUG 18 2020
 Decision Date: _____
 Decision: _____
 PB _____ ZBA _____ Office _____ 9-17-20

PROPERTY INFORMATION
 Street Address: 28 Glenn Dr.
 Tax Map / Parcel #: 030-086-005-000 Lot Size: _____

PROPERTY CURRENTLY USED AS
Primary Residence

If the application involves multiple lots with different owners, attach additional copies of this page.

PROPERTY OWNER
 Name: Jason & Susan Clark
 Address: 28 Glenn Dr.
 City/State/Zip: Milford, NH 03055
 Phone: (603) 554-5338
 Email: jclarknh@gmail.com

The applicant is the person who is making this proposal on behalf of themselves, the owner or a third party. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, an engineer or lawyer, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.

APPLICANT/REPRESENTATIVE
 SAME AS OWNER
 Name: _____
 Address: _____
 City/State/Zip: _____
 Email: _____
 Phone: () Cell: ()

The undersigned property owner(s) hereby authorize(s) the filing of this application and agree to comply with all code requirements applicable to this application.

[Signature] 8/10/2020
 Property Owner's signature Date:

Zoning District (check one):

Residence A
 Residence B Residence R
 Commercial
 Limited Commercial
 Industrial
 Integrated Commercial-Industrial
 Integrated Commercial-Industrial-2

Overlay District (check any that apply):

West Elm Street Overlay
 Nashua/Elm Street Overlay
 Commerce & Community Overlay
 Open Space & Conservation
 Wetlands Conservation
 Groundwater Protection
 Floodplain Management

APPLICATION FEES

Application Fee:	\$75.00
Butters Fee: \$4 x <u>33</u>	<u>\$132.00</u>
Amount received:	
Date Received: <u>OK #1274</u>	
Check <input checked="" type="checkbox"/> Cash <input type="checkbox"/>	

THE FEES ASSOCIATED WITH THIS APPLICATION DO NOT APPLY TO ANY OTHER FEES REQUIRED FOR APPROVAL OF THIS PROJECT. PLANNING, IMPACT, BUILDING AND OTHER FEES MAY APPLY.

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ZBA Application – General Information **MILFORD ZONING BOARD OF ADJUSTMENT**

Preparing an Abutters List

1. Here are some guidelines to help you prepare an abutters list.
 - a. Find the lot(s) you are interested in and their abutting lots from the tax maps in the Community Development or Assessors Offices.
 - b. Go to the Milford Assessors Office to check whether the town has a record of any of the abutting lots having been sold more recently than the records available online through the Milford GIS or Vision software.
 - c. Check whether there is any conservation, preservation, or agricultural preservation parcels that are adjacent to your lot. Make sure you get the correct mailing address for the entity that holds the title to this type of lot. It may be a home owners association, a conservation group or the Town of Milford.
2. For the purpose of notification by the Town of Milford Zoning Board of Adjustment, any property being,
 - a. Under a condominium or other collective ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3XXIII
 - b. Under a manufactured housing park form of ownership defined in RSA 205-A:1, the term “abutter” includes the manufactured housing park owner and tenants who own manufactured housing which adjoins or is directly across the street, stream, or active railroad from the land under consideration by the Zoning Board of Adjustment.
 - c. An active railroad property, the owner of which shall be notified.

In cases where the applicant is different from the owner of the land under consideration by the Zoning Board of Adjustment, the term “abutter” shall include the owner AND the applicant.

For the purpose of receiving testimony only, and not for the purpose of notification, the term “abutter” shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration by the Zoning Board of Adjustment.

Addition information

1. The Town of Milford only has lot and owner information for properties located within the Town of Milford. If the lot under consideration abuts an adjoining town you will need to go to that municipality for abutter information.

Burden of Proof

The applicant shall have the burden of proving any historical facts relevant to a case before the Zoning Board. Such relevant facts include, but are not limited to, the date on which a lot, structure, or use came into existence, violation history, open permits or applications.

The existence of a structure or use on a particular date may be established by testimony or by documentary evidence.

Supporting Documents

The following information may be required to deem your application “complete.”

1. Floor Plans
2. Plot Plans
3. Conservation Commission Report
4. Septic system analysis
5. Any additional information that supports your application



ZBA Application - Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

Date Received: 8-18-20
 Case Number: 2020-22
 Application #: 20201094
 Date Complete: 9/16/20
 Hearing Date: 10/1/20
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION

Street Address: 28 Glenn Dr.
 Tax Map / Parcel #: 030-086-005-000

A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board of Adjustment. Most special exceptions have a list of additional criteria that must be met in order for the ZBA to approve the application.
 *Note that in addition to the specific criteria that may be listed for a particular special exception, all special exceptions are subject to the general criteria in Section 10.02.1 of the Zoning Ordinance.

What section of the Zoning Ordinance are you applying under?
 Article V Section 5.02.2.A.8

Describe the use you are proposing under the above section of the Ordinance.
Kitchen addition to existing single-family house.

Application for (check all that apply):

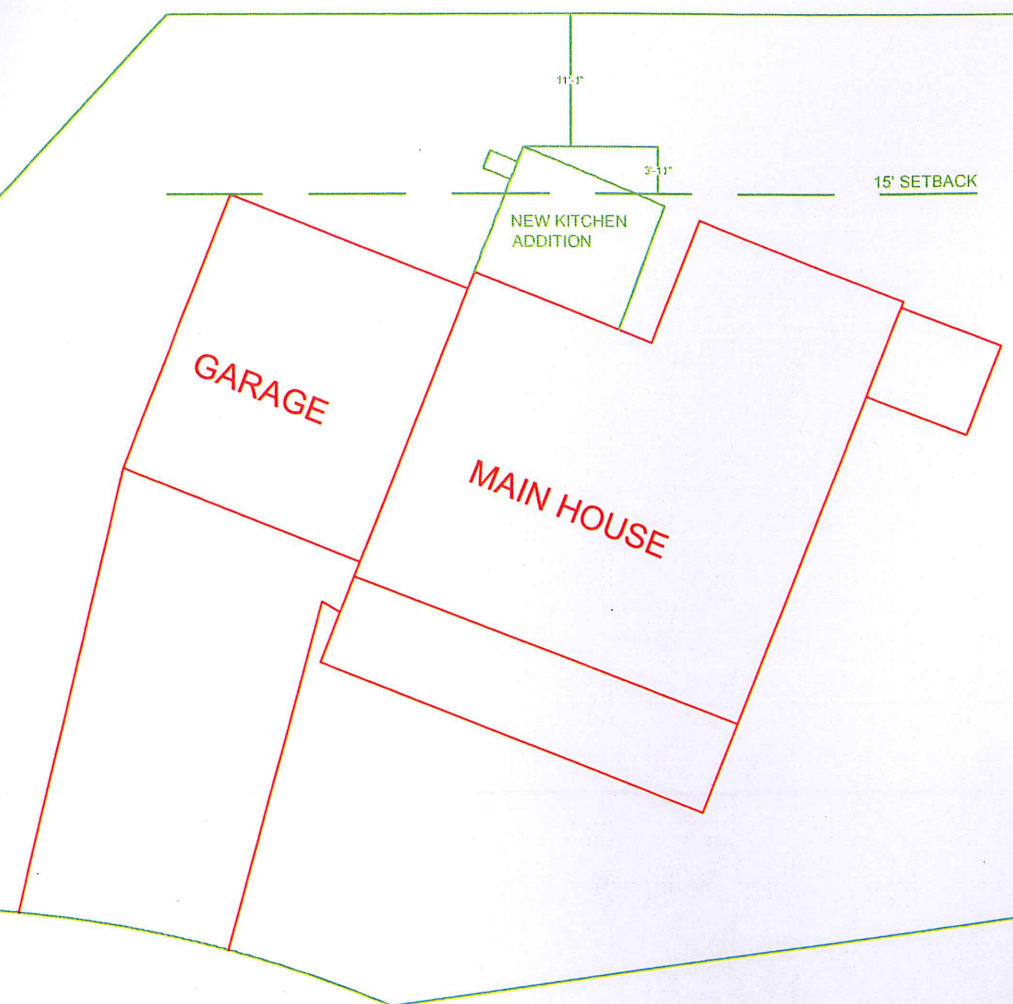
Home Occupation
 Self-Storage Facilities
 Accessory Dwelling Unit
 Office in Res-A & B
 Wetland Buffer Impact
 Change/Expansion of Non-conforming Use/Structure
 Side/Rear yard setback reduction Other

General Criteria Section 10.02.1

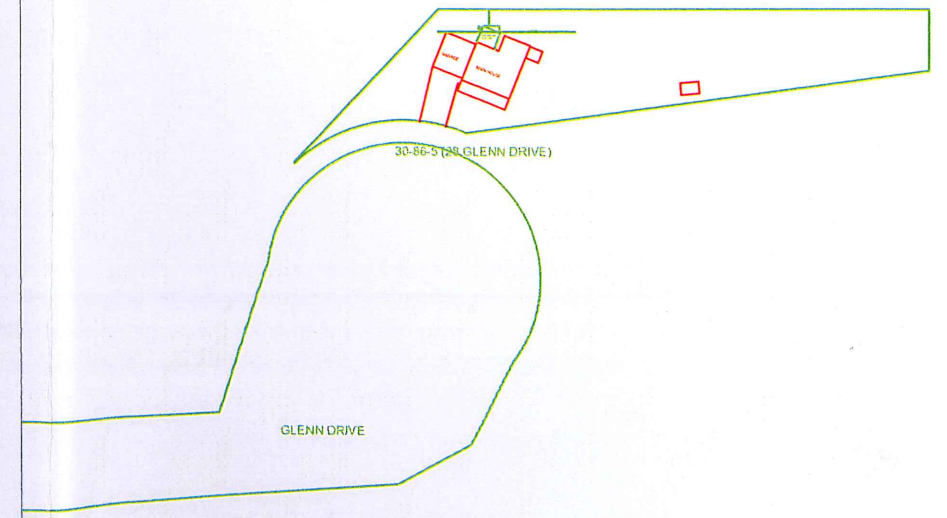
Describe the project you are requesting a Special Exception for:
Kitchen addition to rear of house which encroaches upon the 15 foot setback of the property by 4 feet.

Explain how the proposal meets the general criteria as specified in Article X, Section 10.02.1 of the Zoning Ordinance:

- A. The proposed use is similar to those permitted in the district because:
Addition is approx. 150 sq.ft., single story. Addition will match existing addition on rear of home.
- B. The specific site is an appropriate location for the proposed use because:
Existing kitchen to which the addition will replace is local to the proposed location of the addition.
- C. The use as developed will not adversely affect the adjacent area because:
Current space is open lawn area. Tree line to remain intact.
- D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
No walkways or driveways are in the rear of the house, site of the addition
- E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
New kitchen in addition will replace existing kitchen in the property.



30-86-5 (28 GLENN DRIVE)



CUSTOMER LOGO

CUSTOMER INFORMATION

CLARK KITCHEN

JASON AND SUSAN CLARK
28 GLENN DR.
MILFORD, NH 03055

CONTRACTOR INFORMATION/STAMPS

ENGINEER MNGR	NAME
PROJECT MNGR	NAME
PROJECT NO.	NAME

REV	DESCRIPTION	DATE
1	SAMPLE	11/17/14

DATE

07/28/2020

SCALE

1/16=1'- 1/128=1'

SHEET TITLE

PLOT PLAN

SHEET

SK-01