

TOWN OF MILFORD

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



Administrative Review

Date: December 10, 2020
To: Jason Plourde, Chair - Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2020-30: Daniel Illg, 21 Bear Court, Milford Tax Map 53, Lot 35-27 – Special Exception Application**

The applicant is before the Board of Adjustment seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.04.2.A.7 to allow the construction of a 432 sq.ft. addition to the existing single-family residence within 10 feet of the rear property line in the Residential 'R' district. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property is approximately 1.11 acres and is partially developed. The property contains a two-story, 4 bedroom, single-family residence.
 - b. The property contains in excess of 200 linear feet of frontage on Bear Court Access with a single access drive off of Bear Court.
 - c. The property is served by private well and septic.
 - d. The subject property lies within the Residential 'R' zoning district and is situated among the established residential neighborhood bordered to the west by privately owned/managed open space.
2. The proposal calls for the construction of a 432 square foot addition located on the rear of the existing residential home along the western property boundary. The southwest corner of the proposed addition will be situated approximately 10 feet from the rear property line. The intent and purpose of the addition will be a family room.
3. Pursuant to Section Sections Section 5.04.2.A.7, the incursion of the proposed addition within the rear 15 foot setback is a permitted use with the granting of a special exception.
4. 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. Discuss the impact of the proposed addition to the abutting properties and neighborhood and possible visual mitigation (if necessary).



ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

Date Received: 12-11-20
 Case Number: 2020-30
 Application #: 20201454
 Date Complete: _____
 Hearing Date: 12-17-2020
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION

Street Address: 21 Bear Ct

Tax Map / Parcel #: 53-35-27

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 5.04.2.A.7

Describe the **use** you are proposing under the above section of the Ordinance.

Asking for a special exception for reduced rear setback in order to accommodate an addition to our existing home.

The area behind our existing home is open and adjacent/abutting neighbors would have no view of the addition.

The only possible location for this ADU is the rear of the home, sides of existing home have septic tank/leach field on one side and garage on the other. This ~~ADU~~ Building Addition would impose upon the setback by 3ft on 1 corner.

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:
 An addition to our existing home.

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:
 It is a standard addition to a home with no special or unique circumstances.

B. The specific site is an appropriate location for the proposed use because:
 The rear of the house is the only location that can accommodate the addition since the septic tank and leach field are to the left-side of the house and the garage is to the right side.

C. The use as developed will not adversely affect the adjacent area because:
 The addition will not be seen by abutting/adjacent neighbors/area.

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:
 It is behind the house, so no nuisance or serious hazard to vehicles or pedestrians.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:
 The addition will be attached to the existing home.



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

12/17/20
 12/3/2020

Received: _____
 Case Number: TOWN OF MILFORD RECEIVED
 Date Complete: _____
 Hearing Date: NOV 13 2020
 Decision Date: _____
 Decision: PB ZBA Office
 2020-30

PROPERTY INFORMATION

Street Address: 21 BEAR CT
 Tax Map / Parcel #: 53-35-27 Lot Size: 1

PROPERTY CURRENTLY USED AS

RESIDENTIAL SINGLE FAMILY HOME

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

PROPERTY OWNER

Name: DANIEL ILLG
 Address: 21 BEAR CT
 City/State/Zip: MILFORD NH 03055
 Phone: (603) 305-7777
 Email: daniel.illg@ynhco.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.

 Property Owner's Signature Date: 11/13/20

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

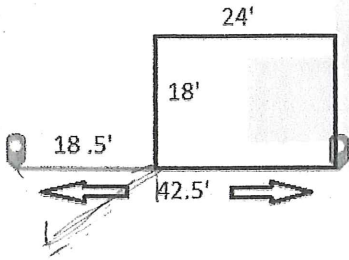
Application Fee:	\$75.00
Abutters Fee: \$4 x 6	\$24.00
Amount received:	99.00
Date Received:	11-13-20
Check _____ Cash <input checked="" type="checkbox"/>	

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.

439.06'

Well

177.27'



Septic

Leach Field

TOWN OF MILFORD
RECEIVED
SEP 14 2020
PB _____ ZBA _____ Office _____

175'

Feet
Measurement Result
42.5 Feet
Segment : 127.9 Feet
Clear



Building Permit Application
TOWN OF MILFORD, BUILDING SAFETY DEPARTMENT

2020/213

TOWN OF MILFORD
RECEIVED
SEP 14 2020
Application # _____ ZBA _____ Office _____

JOB SITE INFORMATION AND LOCATION

Street Address: 21 BEAR CT Lot # _____
Tax Map / Parcel # 53 50/35-27

DESCRIPTION OF WORK

ADDITION TO BACK OF HOUSE TO BE FAMILY ROOM. 18X24'

PROPERTY OWNER TENANT
Name: DANIEL ILLG
Address: 21 BEAR CT
City/State/Zip: MILFORD NH 03055
Phone: (603) 305 7777 Cell: () ()
Email: daniel.illg@yahoo.com
 APPLICANT CONTACT PERSON

TYPE OF WORK
 New Construction
 Alteration/Addition/Replacement
 Demolition
Valuation of work: \$ 40,000

CONSTRUCTION CATEGORY
 One & Two Family Dwelling
 Condominium
 Commercial/Industrial
 Multi-family Dwelling
 Accessory Structure
 ADU
 MH
 Tenant Change
 Other: _____

Business Name: _____
Contact Name: _____
Address: _____
City/State/Zip: _____
Phone: () () Cell: () ()
Email: _____

BUILDING PERMIT FEES*
Please refer to the Fee Schedule (approved by the BOS on 5/8/17)
Due upon application \$50.00
Amount received: \$ 50.00
Date received: _____
Check Cash # 1233

CONTRACTOR

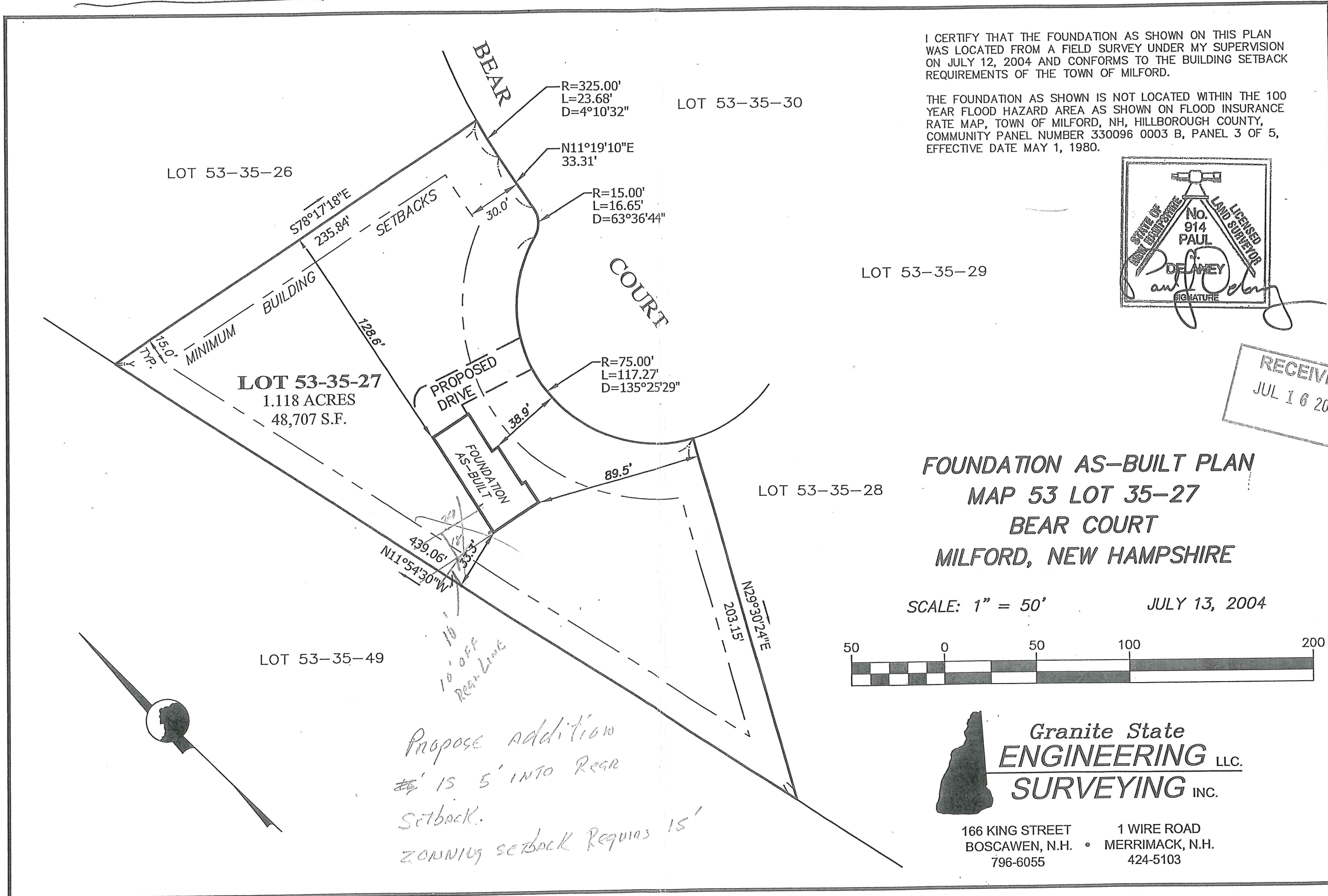
Business Name: SAME AS ABOVE
Address: _____
City/State/Zip: _____
Phone: () () Cell: () ()
Email: _____

I CERTIFY THAT THE INFORMATION GIVEN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[Signature] Date: 9/14/2020
Authorized signature

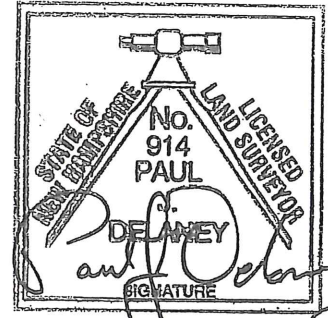
THIS PERMIT APPLICATION EXPIRES IF A PERMIT IS NOT OBTAINED WITHIN 180 DAYS FROM ACCEPTED AS COMPLETE.
...
NO CHANGE FROM THE INFORMATION IN THIS APPLICATION WILL BE MADE WITHOUT APPROVAL OF THE BUILDING OFFICIAL.
...
NO WORK SHALL BE PERFORMED BEFORE THE ISSUANCE OF A PERMIT.

5.04.02A Line 7 Special Excav



I CERTIFY THAT THE FOUNDATION AS SHOWN ON THIS PLAN WAS LOCATED FROM A FIELD SURVEY UNDER MY SUPERVISION ON JULY 12, 2004 AND CONFORMS TO THE BUILDING SETBACK REQUIREMENTS OF THE TOWN OF MILFORD.

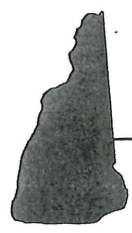
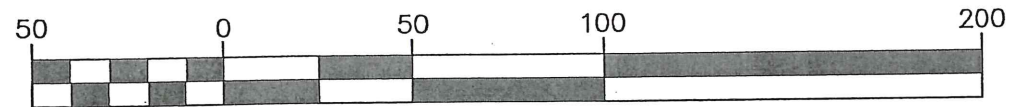
THE FOUNDATION AS SHOWN IS NOT LOCATED WITHIN THE 100 YEAR FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP, TOWN OF MILFORD, NH, HILLBOROUGH COUNTY, COMMUNITY PANEL NUMBER 330096 0003 B, PANEL 3 OF 5, EFFECTIVE DATE MAY 1, 1980.



**FOUNDATION AS-BUILT PLAN
MAP 53 LOT 35-27
BEAR COURT
MILFORD, NEW HAMPSHIRE**

SCALE: 1" = 50'

JULY 13, 2004



**Granite State
ENGINEERING LLC.
SURVEYING INC.**

166 KING STREET BOSCAWEN, N.H. 796-6055
1 WIRE ROAD MERRIMACK, N.H. 424-5103

Aerial Tax Map of Subject Property

