

TOWN OF MILFORD

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



Administrative Review

Date: July 29, 2021
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2021-15:** Ryan and Abby Farnsworth, 53 Vahalla Drive, Milford Tax Map 36, Lot 74 – Special Exception Application for Dimensional Setbacks. (*New Application*)

The applicant is before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.02.A.8 to allow the construction of an accessory structure (shed) approximately four feet from the side property line dimensional setback in the Residential 'A' Zoning District. In reviewing the files for this property, I offer the following comments:

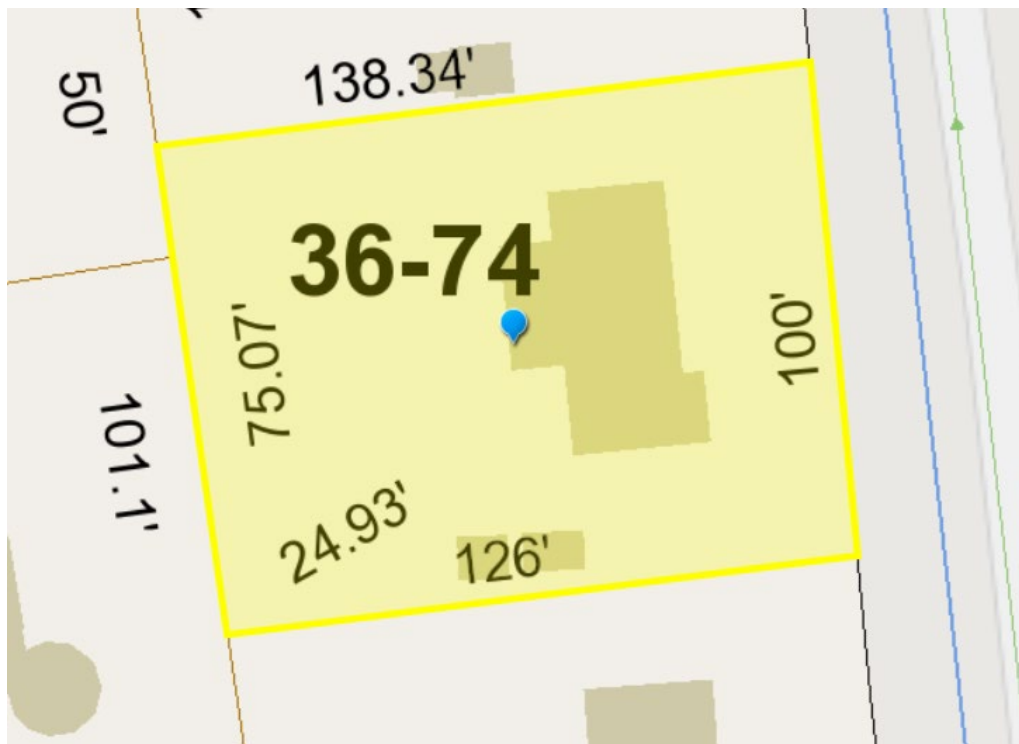
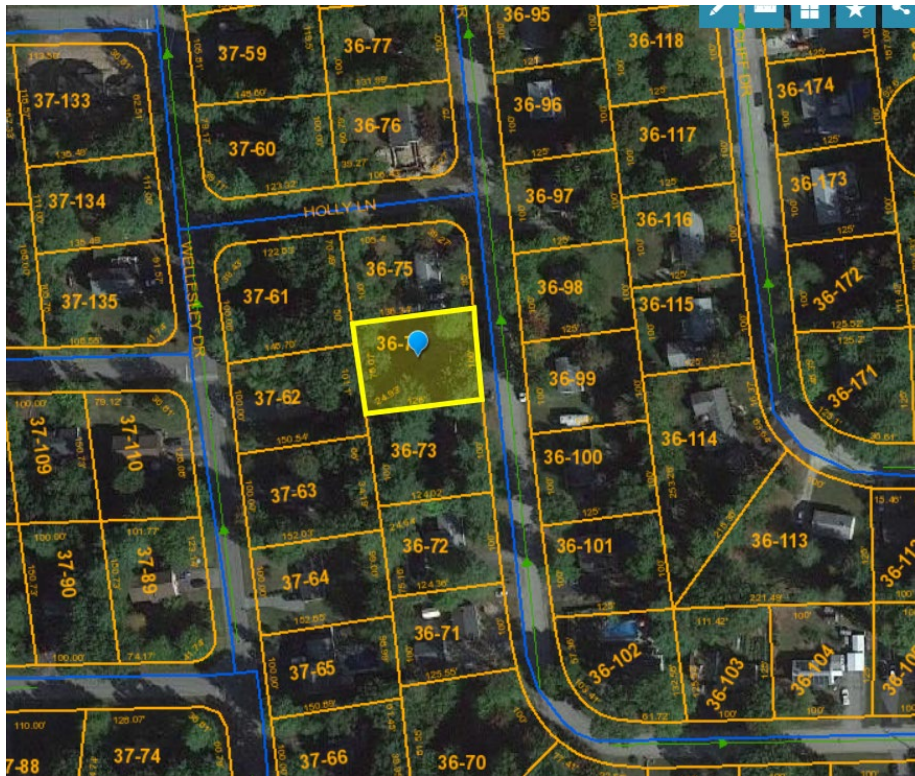
1. Existing Conditions:
 - a. The subject property is approximately 13,068 square feet in area with approximately 100 linear feet of frontage on Valhalla Drive.
 - b. The property consists of a single-story, 3 bedroom, single-family residence and is serviced by municipal water and wastewater.
 - c. The subject property is situated in an established single-family residential neighborhood and bounded by residential homes.
2. The proposal calls for the removal of a two existing aging sheds (8'x 10', 8'x 12') located approximately 4 feet from southerly property line and replacing them with one of a slightly smaller total area. According to the applicant, the proposed shed will have minimal impact as it will be located in the same area of the existing sheds and 4 foot distance from the sided dimensional setback.

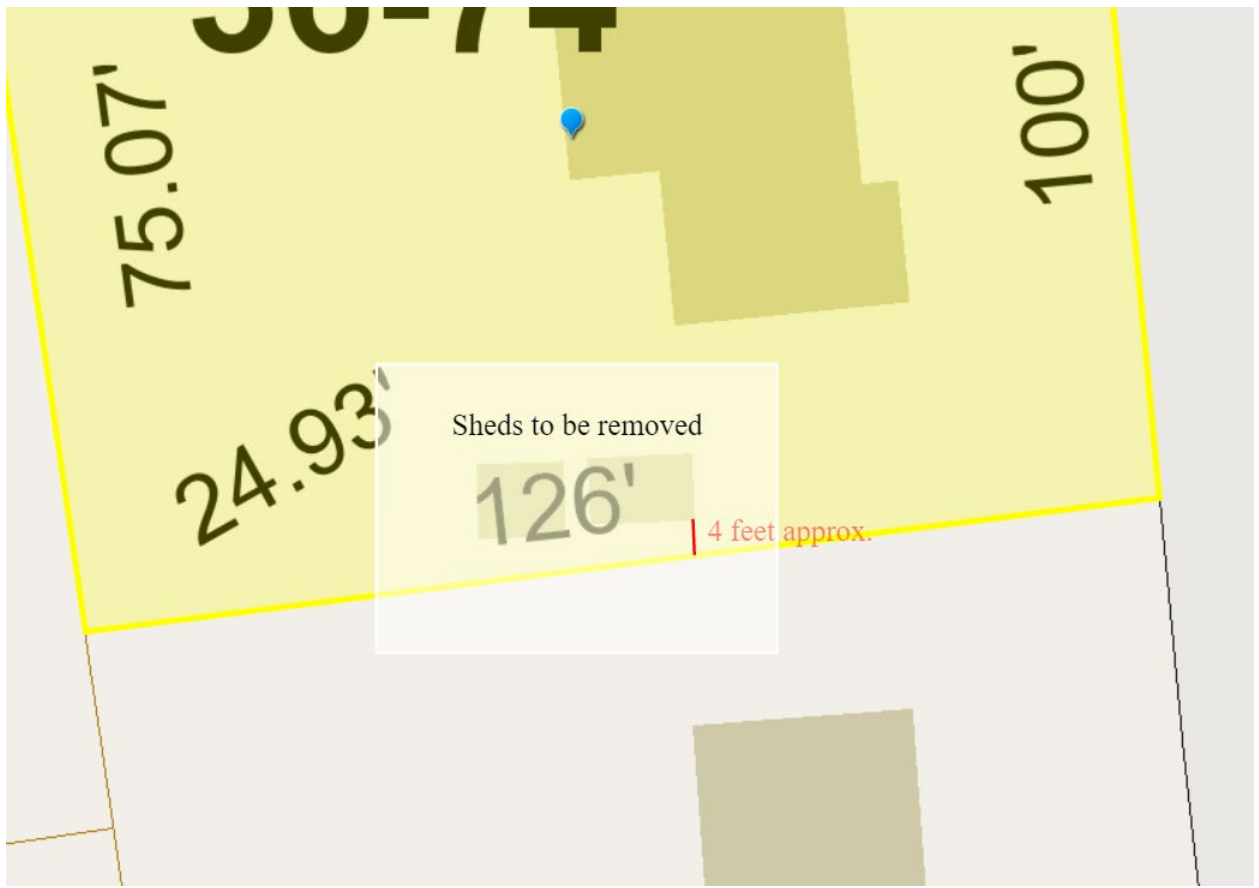
Unfortunately, minimal property information was available to applicant. As such, the applicant was not able to provide a surveyed plan show the property boundary and existing/proposed conditions. In lieu of the survey plan, the applicant enlisted the services of a licensed surveyor to locate the side property boundary. The applicant provided photos of the property depicting the side surveyed boundary, the location of the existing sheds, and future location of the proposed new shed.

3. The applicant will need to provide a visual representation of the proposed shed and proposed square footage.
4. The shed is categorized as an accessory structure and permitted within the Residential 'A' District. Pursuant to Section 5.02.A.8, a structure can be placed within the side (15') dimensional setbacks with the issuance of a Special Exception by the Board of Adjustment.
5. The applicant should be prepared to provide information regarding any/all alternative locations considered for the placement of the detached garage.
6. As a part of the applicant's submittal, enclosed please find testimonials from neighbors.

7. If the Board votes in favor of the application, Staff recommends that as a condition of final approval, the applicant flag the location area of the shed with the approved setback relief for Community Development staff to review/confirm prior to construction/installation.

Aerial Photos of Subject Property:





Sheds to be removed

126'

4 feet approx.

Street Photos of Subject Property:

53 Valhalla Drive Looking West



53 Valhalla Drive Looking Southwest



Valhalla Drive Looking South



Valhalla Drive Looking North





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

Date received: _____
 Case Number: _____
 Date Complete: **TOWN OF MILFORD RECEIVED**
 Hearing Date: **JUN 16 2021**
 Decision Date: _____
 Decision: PB _____ ZBA _____ Office _____

PROPERTY INFORMATION

Street Address: **53 Valhalla Drive**
 Tax Map / Parcel #: **36-74** Lot Size: **0.3 acres**

PROPERTY CURRENTLY USED AS

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

PROPERTY OWNER

Name: **Ryan & Abby Farnsworth**
 Address: **53 Valhalla Drive**
 City/State/Zip: **Milford, NH, 03055**
 Phone: **(603) 661-2507**
 Email: **farnsworth.ryan@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.

 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
Abutters Fee: \$4 x ¹¹⁹	36.99
Amount received:	111.99
Date Received:	
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.



ZBA Application – Special Exception
MILFORD ZONING BOARD OF ADJUSTMENT

TOWN OF MILFORD
RECEIVED
JUN 16 2021
PB ZBA Office

Received: _____
Case Number: _____
Application #: 2021 1178
Date Complete: _____
Hearing Date: _____
Decision Date: _____
Decision: _____

PROPERTY INFORMATION

Street Address: 53 Valhalla Drive

Tax Map / Parcel #: 36-74

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.A.1

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

Construction of shed.

**Application for
(check all that apply):**

- Change/Expansion of Non-conforming Use/Structure (2.03.1.C)
- Wetland Buffer Impact (6.02.6)
- Accessory Dwelling Unit (10.2.6)
- Office in Res-A & B (10.2.7)
- Home Business (7.12.6)
- Side/Rear Yard Setback Reduction (Zoning District Specific)
- Other

General Criteria Section 10.02.1

Describe the project you are requesting a Special Exception for: Replacing two sheds with one.

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: Many homes in the neighborhood and area have sheds on or near property lines already

B. The specific site is an appropriate location for the proposed use because: It is the current location of the current sheds.

C. The use as developed will not adversely affect the adjacent area because: Not much change is going to occur, only improvements. It will also take up less space

D. There will be no nuisance or serious hazard to vehicles or pedestrians because: It is away from the street.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because: It is a storage shed and will be a place where tools and equipment are stored.

Special Exception Notes for 53 Valhalla Drive

Issues with selection of location of new shed:

1. We are unable to find property markers.
 - a. Currently we are waiting to hear back from multiple Surveyors.
 - b. Land Surveying is very expensive for my family at the moment.
2. Shed might be located within 15 feet of property line.
 - a. If we were to estimate it would be 5-10 feet from the property line. Because this is not allowed, we would need to apply for a Special Exception.

Reasons the location of the shed was selected:

1. To have the same footprint as before (it is actually smaller than the space needed for the two previous sheds).
 - a. This would provide minimal alterations to the property and not change the aesthetic for neighbors.
2. Currently there are fences which go up to the shed in multiple locations. This would ease the cost of redoing fences after installation of the shed.
3. Having the shed close to the driveway is important.
 - a. Being able to have secure access to tools and machines to keep up with property maintenance (Example: Being able to get the snowblower to driveway without causing property damage).
4. Currently the two sheds provide privacy between neighboring property (36-73, 57 Valhalla Drive)
 - a. With the proposed location of the shed, the owners of 57 Valhalla Drive (Peter & Kristin Benoit) are in agreement for the location of the shed (Please see letter from Peter and Kristin Benoit).
5. Other Locations have been looked at:
 - a. Moving it to the backyard would cause multiple problems.
 - i. Due to the grade change from the front of the property to the rear, extensive dirt work would be required to make a base for the shed. (Please see letter from Marc Vaillancourt, contractor).
 - ii. Putting it on the rear property line is a concern due to water drainage and accumulation. Damage could occur (Please see letter from Marc Vaillancourt, contractor).
 - iii. By moving it in the backyard, it would take away from the area of the yard where children play.
 1. This removal of yard square footage would decrease the value of the property (Please see letter from Nancy Walsh, realtor).
 - iv. Moving it to the opposite side yard is a hazard due to underground utilities, removal and replacement of two fences, more zoning issues, and being removed from the area of use (see reason 3).
 - v. Placing in the front of the property would bring up various issues and concerns.
 1. It would become an eyesore to the neighborhood.

Special Exception Notes for 53 Valhalla Drive

2. It would take away from the front yard square footage and would decrease property value (Please see letter from Nancy Walsh, realtor).
6. Location is similar to numerous sheds in the neighborhood and town.
 - a. When driving through residential areas in town, there are many properties that have sheds on or near property lines.
 - b. We would like to have our shed in an area of our property which does not disrupt neighbors and is not taking away from our current use. We would like to be able to put the shed where it is current safe and convenient for its intended purpose, to store tools and equipment.

For all the reasons above, it has been determined that the best area for the shed is the current location of two older sheds. Keeping with similar practices with smaller lots in the neighborhood we would like to keep our shed in an area which does not take away from our property but adds value. Thank you for your time in this matter.

Sheds or building on or near property lines.

