

# TOWN OF MILFORD

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



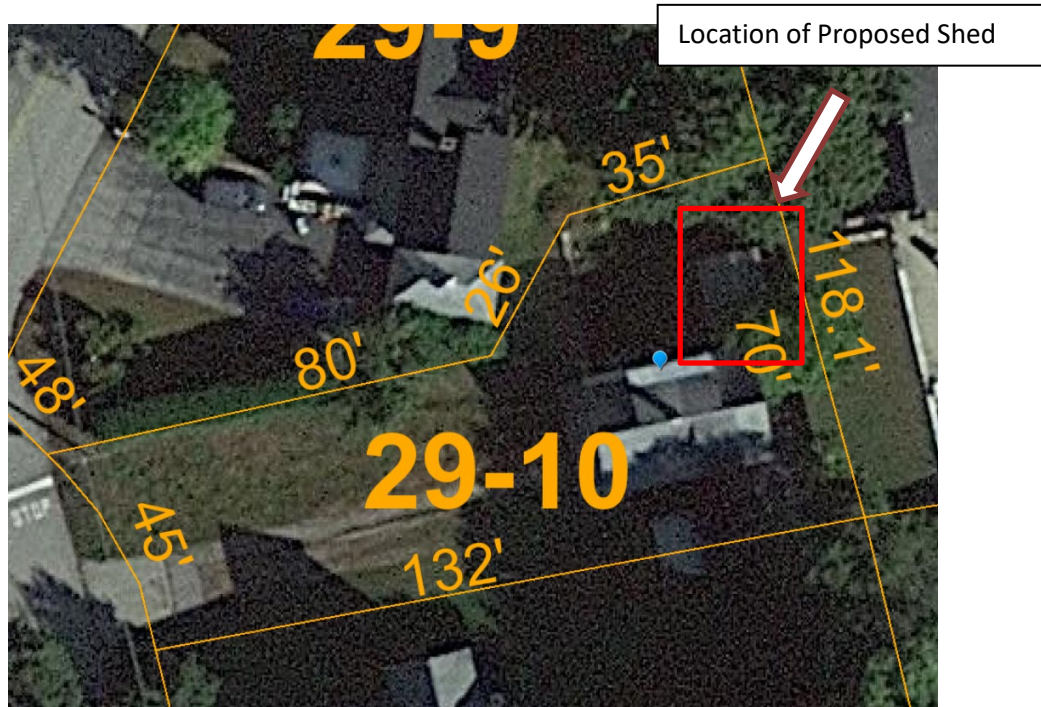
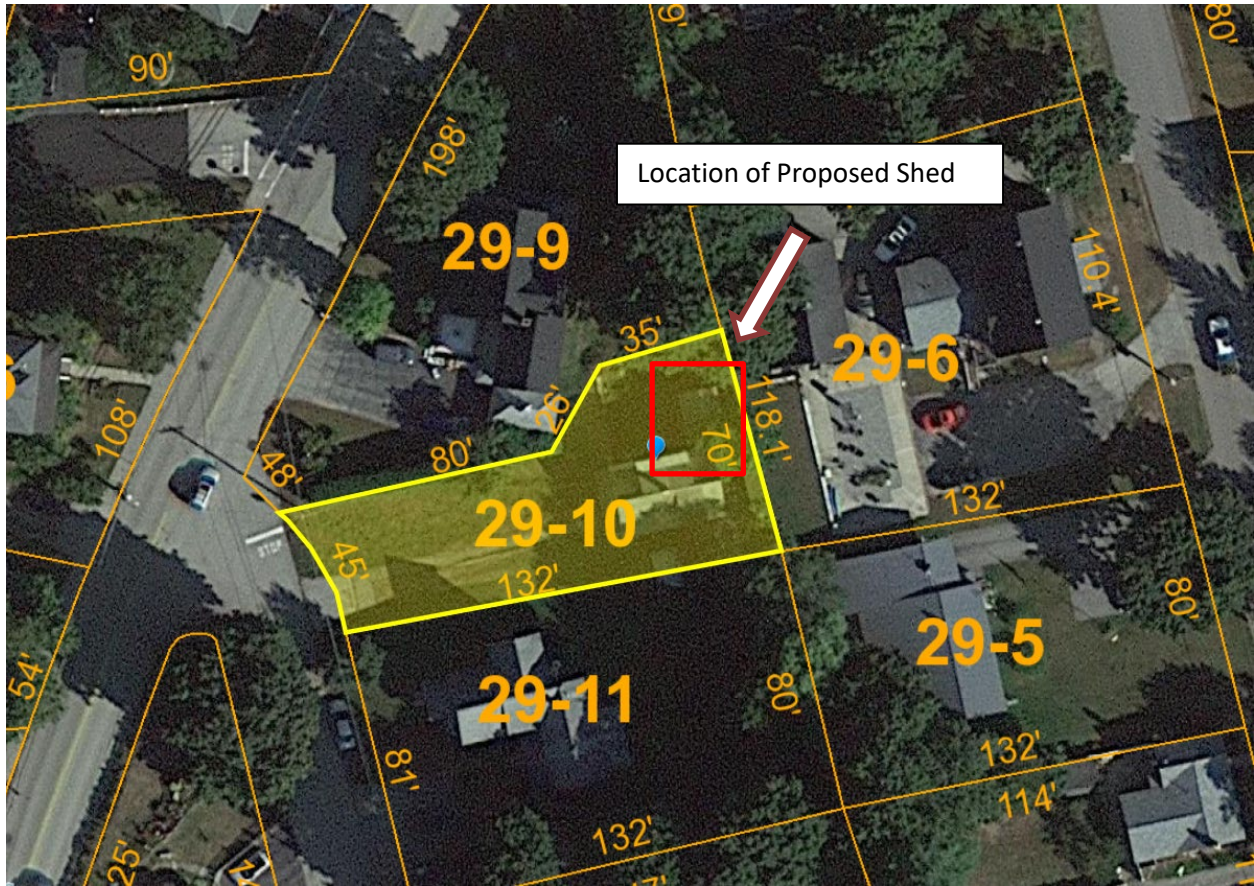
## Administrative Review

**Date:** January 28, 2021  
**To:** Jason Plourde, Chair - Zoning Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** **Case #2021-05: John Heaton, 106 Union Street, Tax Map 29, Lot 10 - 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 allow the construction of a 10' x 16' square foot storage shed (accessory structure) located at 106 Union Street within the 15 foot rear dimensional setback in the Residential 'A' District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
  - a. The subject property is approximately .16 acres (6,969.6 sq. ft.) and is mostly developed. The property contains a two story, single-family residence.
  - b. A portion of the proposed 10' x 16' shed will be located within the 15 foot rear dimensional setback. The intent is to use the same foot print and foundation of the previous accessory structure that had been removed.
  - c. Property contains approximately 45 feet of linear frontage on Union Street and is serviced by municipal water and sewer.
  - d. The subject property falls within the Residential 'A' Zoning district and is situated among established residential neighborhoods on Park Street and Union Street.
2. Prior to the acquisition of the property in 2020, a previous accessory structure had been removed leaving behind the foundation. The location of the accessory structure / foundation falls within the rear 15 foot setback, approximately 6 – 10 feet from the rear property line (measurement not provided by applicant). The applicant is seeking to construct a new 10' x 16' storage shed in the same location using the same existing foundation within the 15 foot rear dimensional setback. Upon further discussion with the Building Inspector, the Zoning Code Enforcement Staff informed the applicant that they would require a Special Exception for the setback encroachment.
3. Pursuant to Section 5.02.2.A.8, locating a structure within the 15 foot rear dimensional setback is permitted by way of Special Exception.
4. As part of the Board deliberation, the applicant should be prepared to discuss the following:
  - a. Explanation and measurement of the limits of the proposed accessory structure and relief requested.
  - b. Impact to abutting properties and comparative analysis of building/structure locations on abutting/neighborhood lots.

**Aerial Photo(s) of Subject Property :**





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

Due received: \_\_\_\_\_  
 Case Number: 2021-  
 Date Complete: \_\_\_\_\_  
 Hearing Date: 3/18/21 **TOWN OF MILFORD RECEIVED**  
 Decision Date: \_\_\_\_\_  
 Decision: PB ZBA Office \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 106 Union St, Milford NH 03055  
 Tax Map / Parcel #: 29/10 Lot Size: .16

**PROPERTY CURRENTLY USED AS**

Primary residence of John Heaton & Gabrielle Cohen  
Private, regular home

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

**PROPERTY OWNER**

Name: John Heaton  
 Address: 106 Union St  
 City/State/Zip: Milford, NH, 03055  
 Phone: (978) 319 2056  
 Email: john.heaton89@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]  
 Property Owner's signature Date: 01/08/2021

APP: 20210031

**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 <u>6</u>	<u>24</u>
Amount received: <u>CH # 785</u>	
Date Received:	
Check <input checked="" type="checkbox"/> Cash <u>\$99</u>	

*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**

Received: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Application #: TOWN OF MILFORD  
 RECEIVED  
 Date Complete: \_\_\_\_\_  
 Hearing Date: JAN 11 2021  
 Decision Date: \_\_\_\_\_  
 Decision: PB ZBA Office

**PROPERTY INFORMATION**

Street Address: 106 Union St, Milford, NH 03055

Tax Map / Parcel #: 202/10

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 5.02.02.A.8

Describe the use you are proposing under the above section of the Ordinance.  
 We are requesting permission to install a 10'x16' Wood storage shed on our property. A foundation of this size already exists from some prior structure. It is just for storage, no heat, plumbing, or electrical utility will be included.

**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:  
 Put a storage shed on a pre-existing foundation of same footprint size. It is close to property lines.  
 Wood shed, 10'x16' for storage of lawn mower, snowblower, outdoor equipment, etc...

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

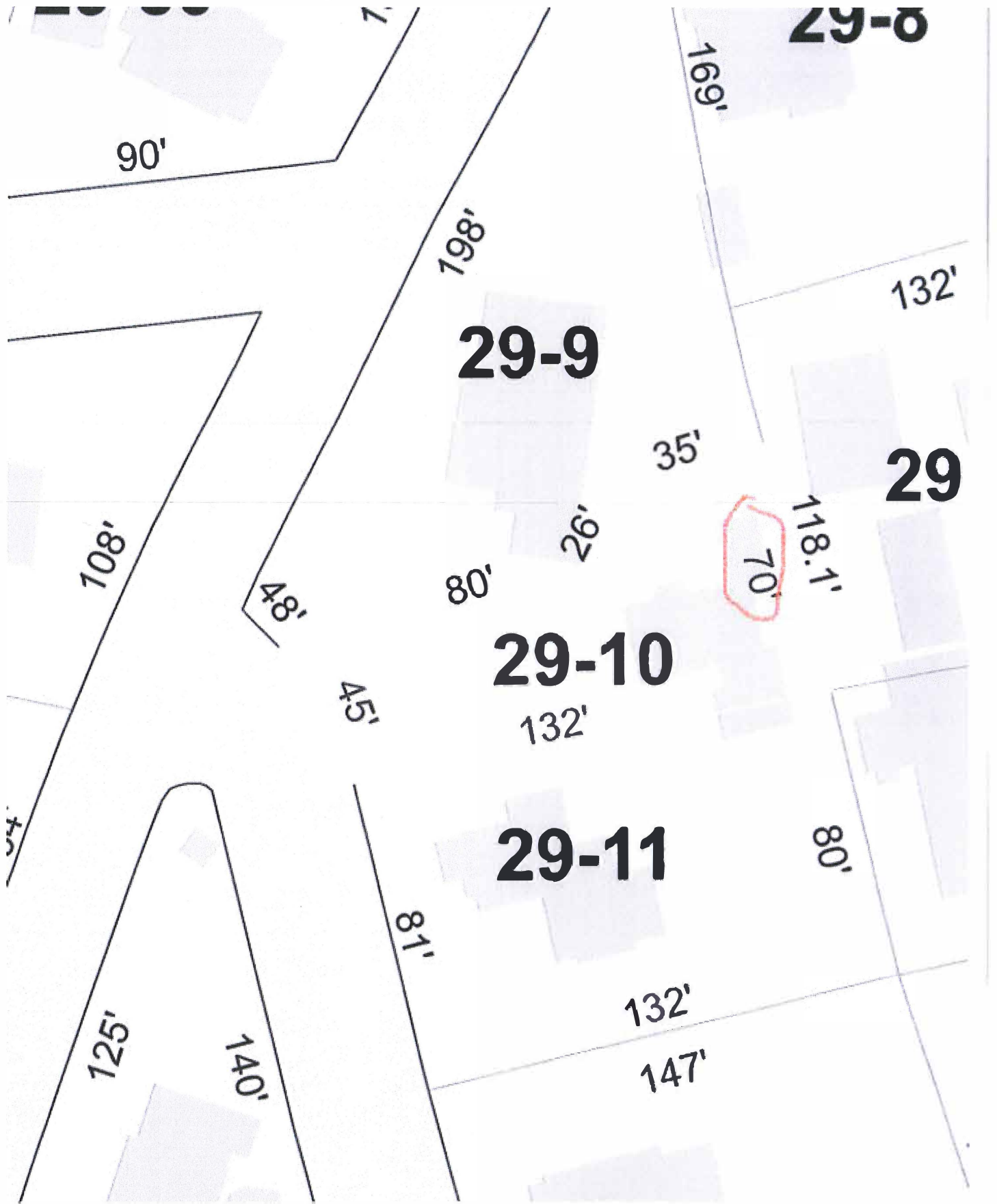
A. The proposed use is similar to those permitted in the district because:  
 It's just an outdoor storage shed for yard equipment. No additional utilities are to be included.

B. The specific site is an appropriate location for the proposed use because:  
 There is already a foundation of the same footprint from a previous structure for the same use. Previous owners must have had a shed or garage there at one time.

C. The use as developed will not adversely affect the adjacent area because:  
 the same size structure used to be here & we don't want to add any utilities like heat, plumbing, or electrical

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:  
 it is well set back from the road and sidewalks. Building inspector has already reviewed the site & does not see any issues.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:  
 no facilities required because no utilities are to be included. Its just a shed.



**29-50**

160.55'

90'

**29-8**

169'

198'

**29-9**

132'

108'

35'

**29**

48'

80'

26'

118.1'

70'

**29-10**

45'

132'

**29-11**

80'

81'

132'

147'

125'

140'