




Milford Zoning Board of Adjustment

Staff Review

Date: July 13, 2023

To: Zoning Board of Adjustment

From: Terrence S. Dolan, Director of Community Development 

Subject: Case #2023-08-Varaince Request for the Conversion of “The Grange” Building into a Two-Family Dwelling Residence, located @ 23 Webster Street, Residence “A” Zoning District, Map 30, Lot 115

For the ZBA’s information and consideration, the following provides my review of the above referenced case:

1. The need for a Variance from the Milford Zoning Ordinance regulations has been required by staff, and subsequently requested by the applicant, due to the lack of Two-Family Dwelling residences being listed (or considered) as an “Acceptable Use” in the Residence “A” Zoning District (under Article V, Section 5.02.1). Furthermore, a Two-Family Dwelling is not listed as an eligible use in order to request a “Special Exception” (pursuant to Article V, Section 5.02.2).
2. The long existing (non-residential) building, known historically as the “*Milford Grange*” (built in 1880), was used for many decades, primarily as an assembly hall for members of the Milford Area Chapter of *The Grange Association*. Both Regional & National “Grange” Associations are still in existence today, with a history of providing both community service and serving as a political action group for agricultural interests, with emphasis on small farms. Historically, their mission was primarily to aid small farmers and other agricultural-based businesses through Federal & State Legislative-oriented farming initiatives. The Grange Association(s) well also provide legal advice, lobbying efforts, technical assistance & consulting services for the farming communities throughout the Nation.
3. However, this singular building known as *The Grange* has not been utilized for several years for *any* use, remaining neglected and dormant. It has continued to decline in its physical appearance due to the lack of maintenance and suffers from recent vandalism (i.e. graffiti). In its present physical state, the building is clearly a visual detractor for the neighborhood in which it is located. It is the staff’s understanding that the previous owners, *Granite Grange #7, 14 W. Stearns Ave., Hooksett, NH 03106* (i.e. the State’s *Grange Association*) made a decision to sell this asset, and the property was subsequently sold to the current applicant earlier this year.

4. The new owners have proposed a *Two-Family Residence* with floor area square footages of the two dwelling units with a total of +/-2,400 square feet (i.e. living area for both floors combined with one Upper-Level Home and one Lower-Level Home). Provided is the estimated size for each unit:
 - a. First Floor Unit = 1,281 sf±
 - b. Lower Floor Unit = 1,119 sf±
5. No increase in the building's overall square footage is being requested, with the exception of a proposed 10' x 12' raised patio deck, to be constructed on the southerly (left) side of the existing building structure. (Both floor plans and a color architectural rendering of the proposed building are attached for your review).
6. The property is served by municipal sewer and water.
7. The applicant-owner is not establishing either of the *proposed* residential units as their personal residence.
8. The property lot is nearly twice the *average* size of the surrounding homesites within the neighborhood that consists of Webster Street, Gilson Street, Prospect Street and Glenn Drive. Note: This lot is somewhat *segregated* from any adjacent homes, and enjoys a substantial buffer of mature trees and understory along both side lot lines and along the rear lot line of the property. Adequate parking is available for the two (2) proposed dwelling units, as there is a sizable, existing gravel lot along the south side of the building structure, on the approximately .41-acre lot (Note: this parking area was likely established many decades ago for its past assembly usage). An exhibit has been provided to document the approximate distance from *The Grange* Building to the nearby homes along Webster Street.
9. No existing site vegetation is proposed for removal at this time.
10. Attached within the Agenda Item package is a guidance for the ZBA to consider for the issuance of a Variance.

Thank You

Cc: file



ZBA Application – Variance
MILFORD ZONING BOARD OF ADJUSTMENT

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

PROPERTY INFORMATION
Street Address: 23 Webster St, Milford NH 03055
Tax Map / Parcel #:
<i>A Variance is a use which is not permitted by the Zoning Ordinance. Approval from the Zoning Board of Adjustment is required to allow any use or deviation from the Zoning Ordinance. Please work with the Zoning Administrator to make sure your application is complete and you know what will be required of you at the hearing.</i>
What section of the Zoning Ordinance are you asking to be varied? Article _____ Section _____ Describe the variance you are requesting under the above section of the Ordinance. We are requesting the current building of a vacant buisness (vacant past 6 years) past business of the Milford NH Grange to build a 2 family home - First level 3 bedroom and lower level 2 bedrooms

General Criteria Section 10.01
<i>Explain how the proposal meets the following conditions per New Hampshire RSA 674:33.1</i>
1. Granting the Variance would not be contrary to the public interest because: Improvements to the building will enhance the appeal of it and the neighborhood as a whole. The current building is run down, the landscaping is overgrown, the building had graffiti, roof was leaking (just replaced), all bottom windows are boarded up. Our desire is to create residential living with many improvements to the landscaping and building.
2. If the Variance were granted, the spirit of the ordinance would be observed because: The building's physcial structure will not change - we will be adding a small deck on one side. We love the nostalgic features of the building as well as the history and will be keeping and incorporating as many features as we can into the build. We feel it will compliment and add value to the updated building and neighborhood. We have done this in proir homes!
3. Granting the Variance would do substantial justice because: The neighborhood is residential - With rising interest rates a 2 family is most likely going to be an owner-occupied property which will portray a stronger pride of ownership- one being well maintained verses an investment property which may or may not -
4. Granting the Variance would not diminish the value of surrounding properties because: Currently the building is rundown, the landscaping is overgrown, the building has grafitti, we just replaced the roof that was leaking, all the bottom windows are covered with plywood - We are making many improvements to make the building beautiful again, but keeping the nostalgia and history where we are able - this will only increase and support the surrounding properties
5. Unnecessary Hardship: <i>This section is the central portion of your argument and is the critical factor that the Zoning Board of Adjustment will need to determine what is unique to your property and not generally applicable to other properties in the area or in town.</i>



ZBA Application – Variance
MILFORD ZONING BOARD OF ADJUSTMENT

A. Owing to special conditions of the property that distinguish it from other properties in the area; denial of the Variance would result in unnecessary hardship because:
i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because :
Currently the property is in Residential "A" district which does not allow a 2 family home without a variance approval - We feel it would be reasonable and practicle due to the needed change of current use (although the building has been vacant for 6 years) to residential. Home is large enough, plenty of land for use and fits neighborhood.
AND
ii. The proposed use is a reasonable one because:
The building has been vacant for 6 years and housing is needed - we are improving the current building and landscape - building to be 2 family residential will fit the neighborhood - Proir use was business - no longer fits the neighborhood
(B) Explain how, if the criteria in paragraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a Variance is therefore necessary to enable a reasonable use of it:
(C) Not withstanding paragraph (B) above, a Variance may be granted without finding a hardship arising from the terms of the Zoning Ordinance when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:
1. The Variance requested under this paragraph shall be in harmony with the general purpose and intent of the Zoning Ordinance because:
A 2 family home is in harmony with the neighborhood and fits the purpose of the area. It would improve the building and landscape over all, the current use, the saftey of the area with the building not being vacant as well as improve values in the area. It would be a great value for the town.
In addition, Variances may have extra criteria that must be met. This includes, but is not limited to: 6.03.5 Floodplain Management: The criteria for evaluation is listed in 6.03.5:B General Conditions and the applicable conditions are listed in 6.03.5:C. If your project is covered by this regulation, include your answers to the required criteria as specified in the referenced Section of the Milford Zoning Ordinance as an attachment under Section 3 C. of this application.
ATTACHMENTS – additional information may be needed to help the Zoning Board of Adjustment fully understand your petition. A. A plan of the property and all buildings, drawn to scale, is required. B. A Building Permit Application as needed (to be determined by the building official.) C. Additional explanations, justification, abutters' statements, letters, etc.



ZBA Application – Variance **MILFORD ZONING BOARD OF ADJUSTMENT**

Please read the following information that is designed to help you understand the unique nature of a Variance petition.

Town of Milford Zoning Ordinance can be found at:

[http://planning.milfordnh.info/DOCUMENTS/ZONING%20ORDINANCE%20MASTER%20\(2011\).pdf](http://planning.milfordnh.info/DOCUMENTS/ZONING%20ORDINANCE%20MASTER%20(2011).pdf)

NH RSAs, Chapters 672-677 can be found at:

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LXIV.htm>

VARIANCE: A variance is an authorization, which may be granted under special circumstances, to use your property in a way that is not permitted under the strict terms of the zoning ordinance. If you are applying for a variance, you must first have some form of determination that your proposed use is not permitted without a variance. Most often, this determination is a denial of a building permit. A copy of the determination must be attached to your application. For a variance to be legally granted, you must show that your proposed use meets all five (5) of the following conditions:

- a. Granting the Variance would not be contrary to the public interest.

A variance would be considered contrary to the public interest if it unduly and to a marked degree violated the basic zoning objectives of the Zoning Ordinance. Will the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?

- b. Granting the Variance would observe the spirit of the ordinance.

This requires that the effect of the variance be evaluated in light of the goals of the zoning ordinance.

- c. Substantial justice would be done by granting the Variance.

Substantial justice is done when any loss to the individual is not outweighed by a gain to the general public.

- d. Granting the Variance would not diminish the value of surrounding property.

The applicant, to convince the Zoning Board must explain that granting the variance will not decrease the value of surrounding property.

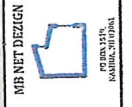
- e. Denial of the Variance would result in an unnecessary hardship.

The first requirement is that there are special conditions or characteristics applying to the property (such as, but not limited to, exceptional narrowness, shallowness, or shape of the property, or exceptional topographical conditions), that distinguish it from other properties in the area. Because of these special conditions, no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property. And finally, the proposed use must be a reasonable one. You must explain what makes the property unique and why a "hardship" would be created if the terms of the ordinance were strictly applied.

In lieu of a claim of unnecessary hardship, the Variance may be granted when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that any Variance sought shall be in harmony with the general purpose and intent of the zoning ordinance and the Variance shall survive only so long as the particular person or persons have a continuing need to use the premises. To meet this criterion, explain the accommodations that are necessary and identify the person or persons and provide evidence of their disability.



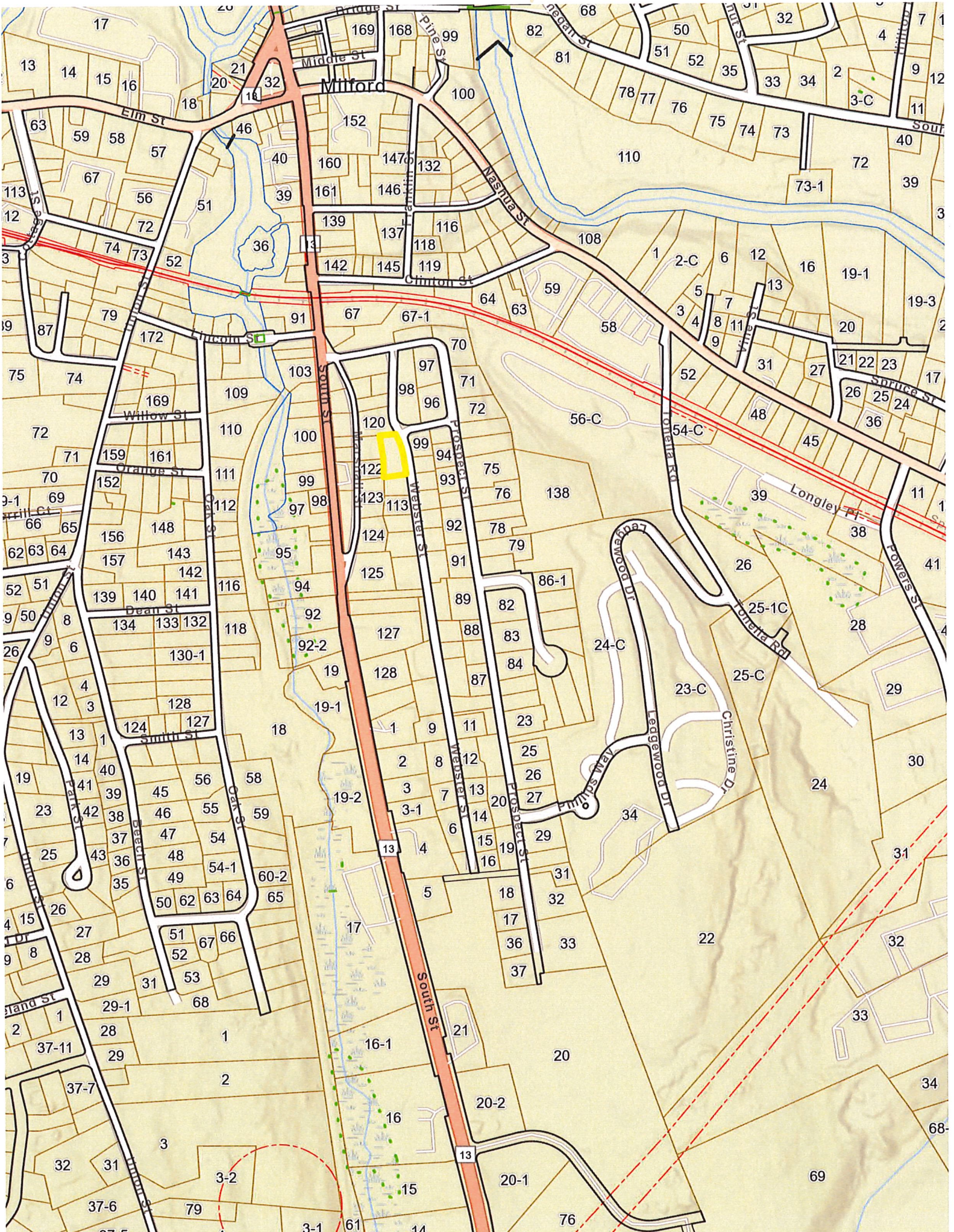
TOWN OF MILFORD
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JUN 22 2023
PB _____ ZBA _____ Office _____

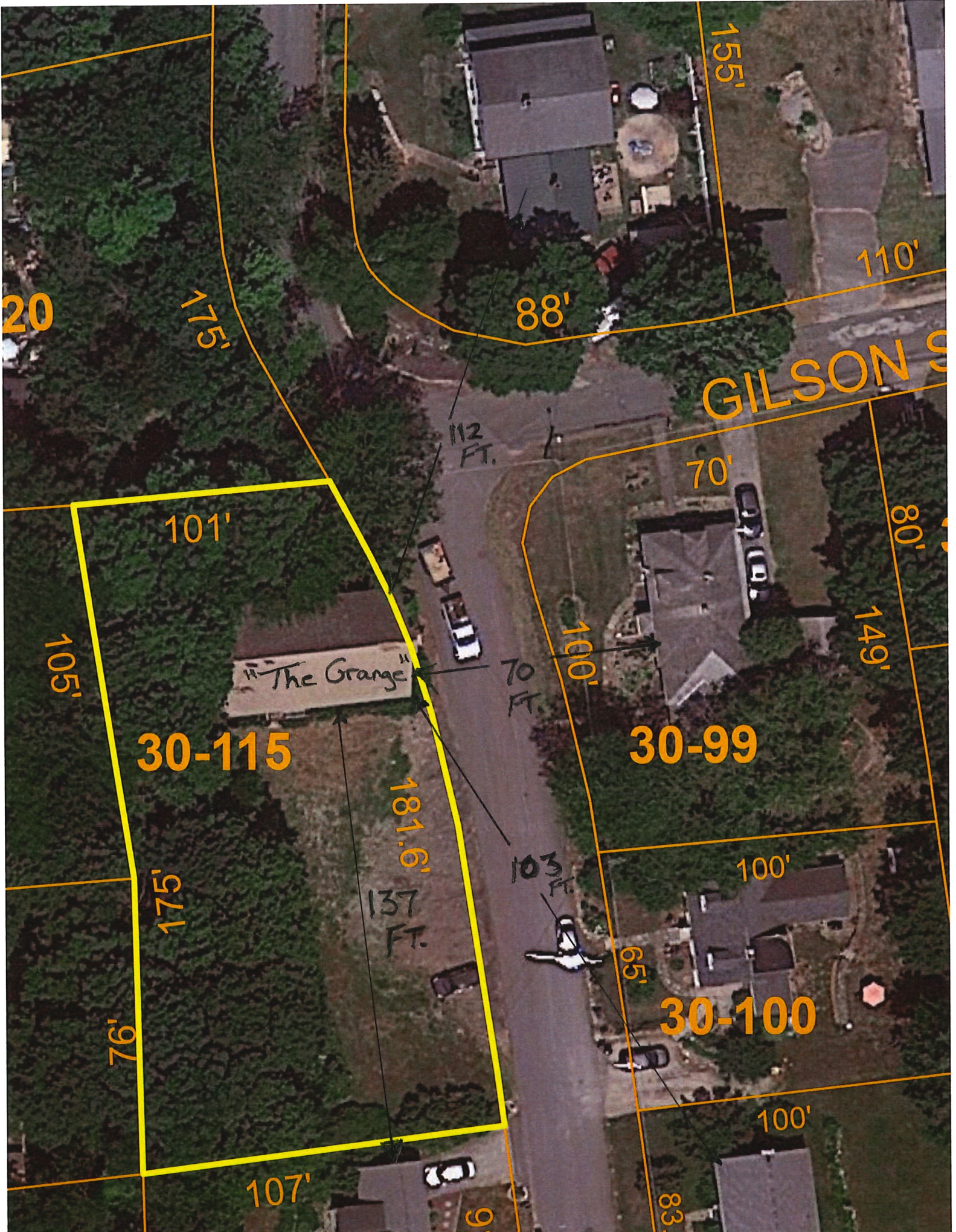


GRANGE HALL
CONCEPTUAL DESIGN- FEASIBILITY STUDY
23 WINDSOR STREET
MILFORD, NH 03055

EXHIBIT

MB NET DESIGN
PO BOX 307
MILFORD, NH 03055





GILSON S

30-115

30-99

30-100

"The Grange"

20

175'

88'

155'

110'

101'

105'

70'

80'

70 FT.

100'

149'

181.6'

137 FT.

103 FT.

100'

65'

76'

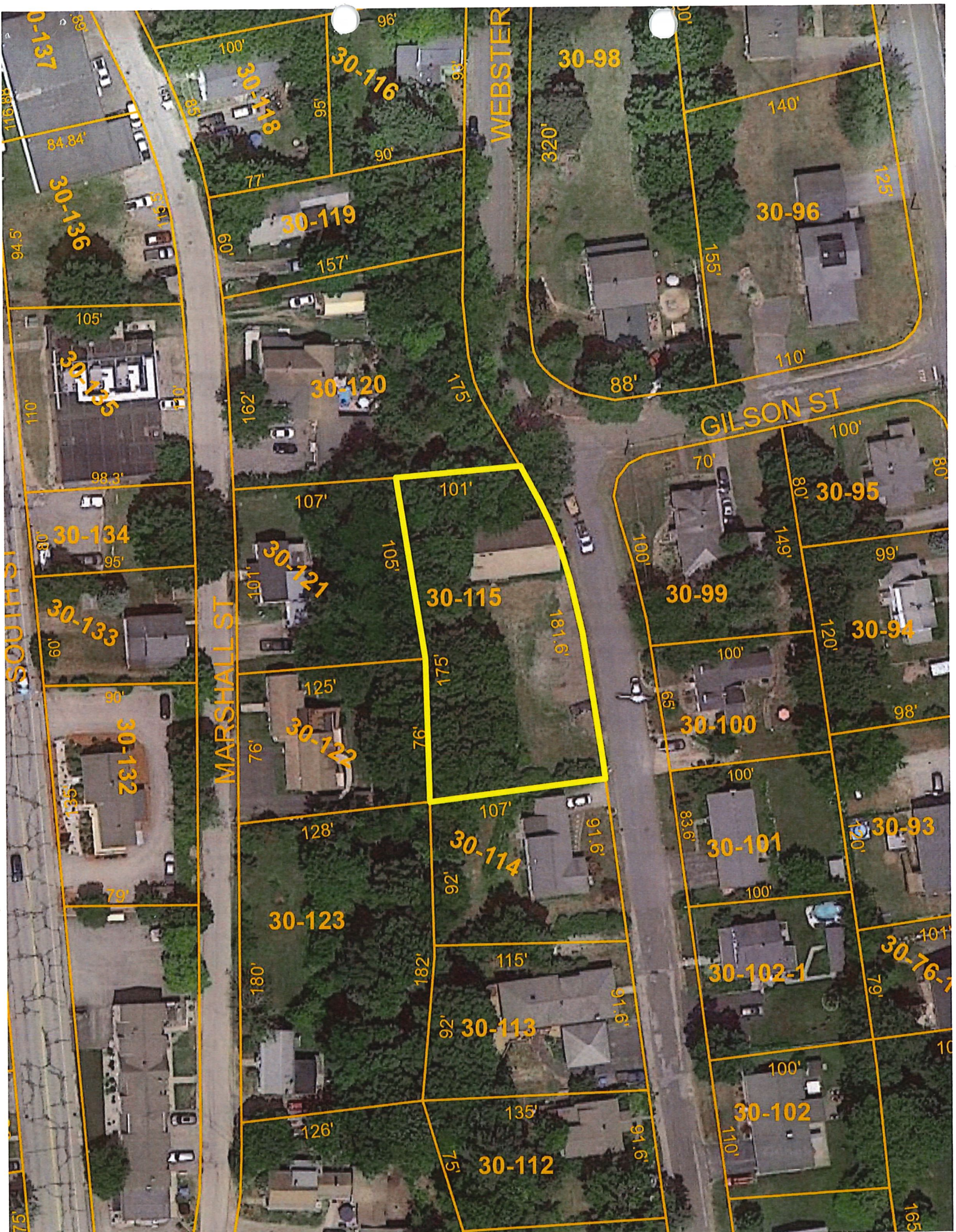
175'

100'

107'

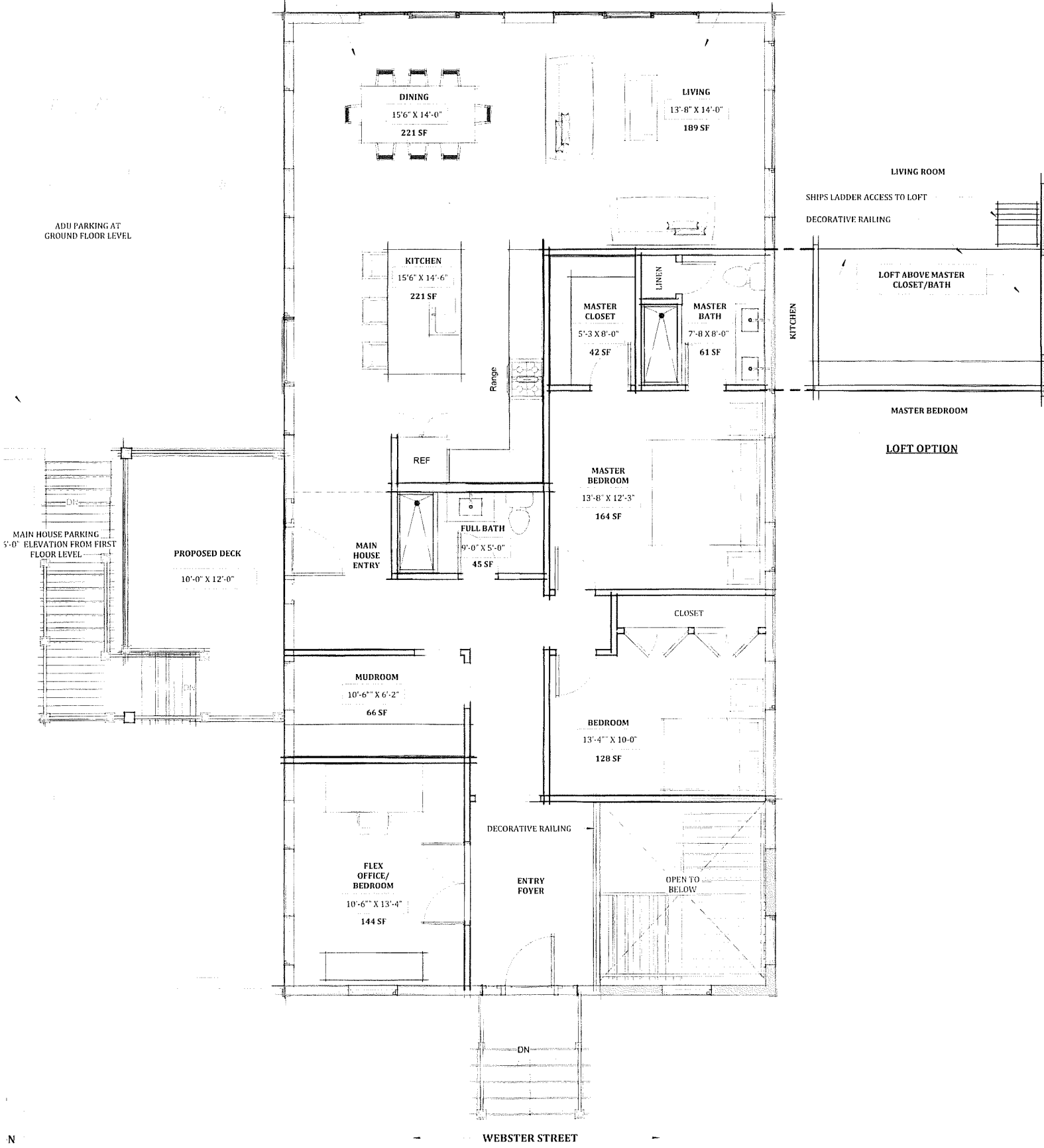
91'

83'



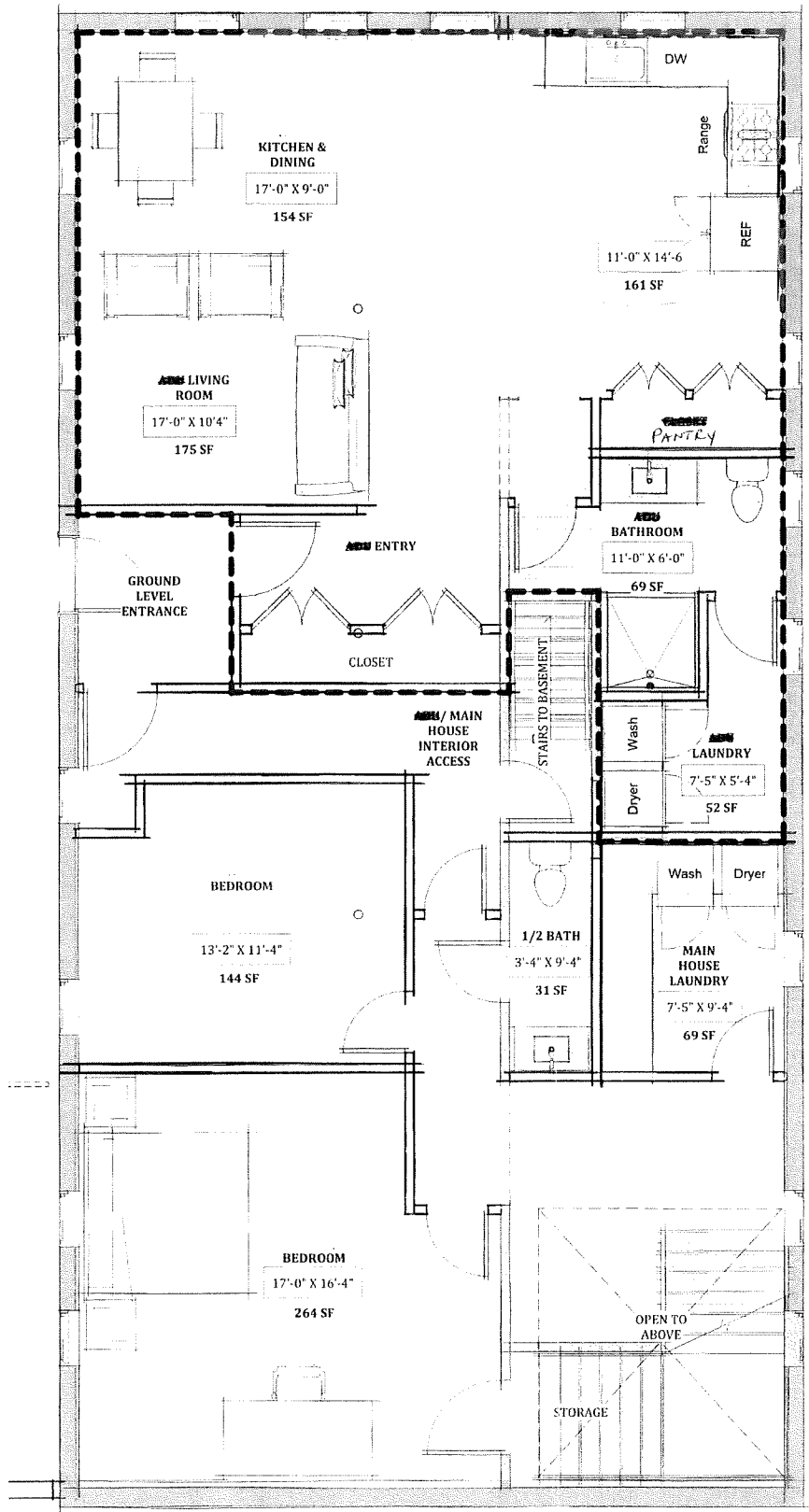
1281 SF

DOUBLE HEIGHT SPACE; CATHEDRAL CEILING AT KITCHEN, LIVING ROOM AND DINING SPACES



2 FIRST FLOOR - CONCEPTUAL DESIGN
1/4" = 1'-0"

1119
CONCEPT: ~~750~~ SF MAX











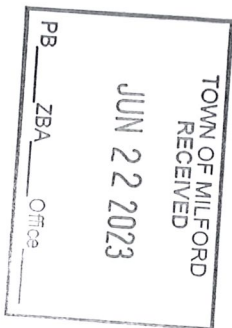




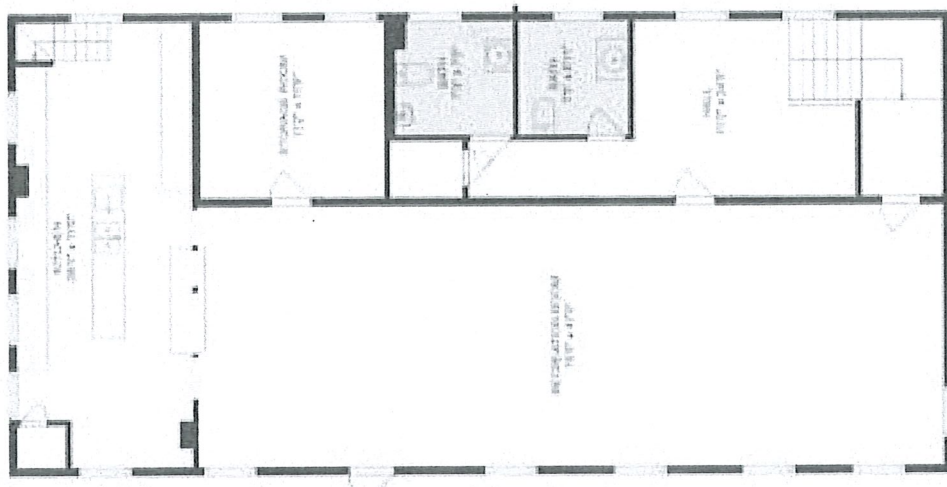
Equifund Capital LLC

Grange Hall Property – 23 Webster St, Milford NH 03055

- 2 Family, 1 unit top floor, 1 unit bottom floor
 - o 3 bedrooms in upstairs unit
 - o 2 bedrooms in downstairs unit
- Top floor unit will have mini-split heating/AC system
- Bottom floor unit will have FHA propane heating system
- Using existing exits/doorways
- Parking directly off street – 6 spots; 3 per unit
- No structural changes or additions
- Property will have some have some additional landscaping and grass areas

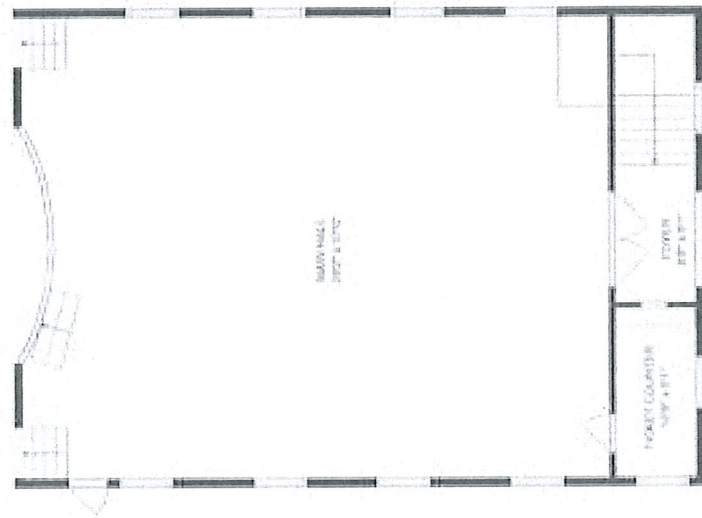


Grange Bldg
EXISTING FLOOR PLAN



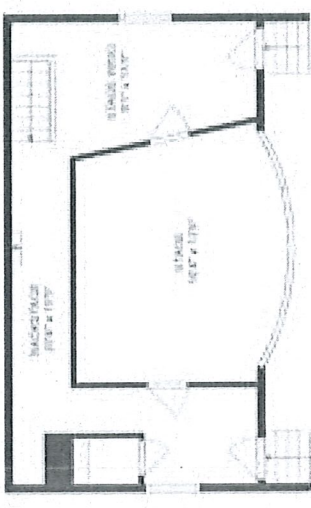
Lower Level

FLOOR 1



Upper level

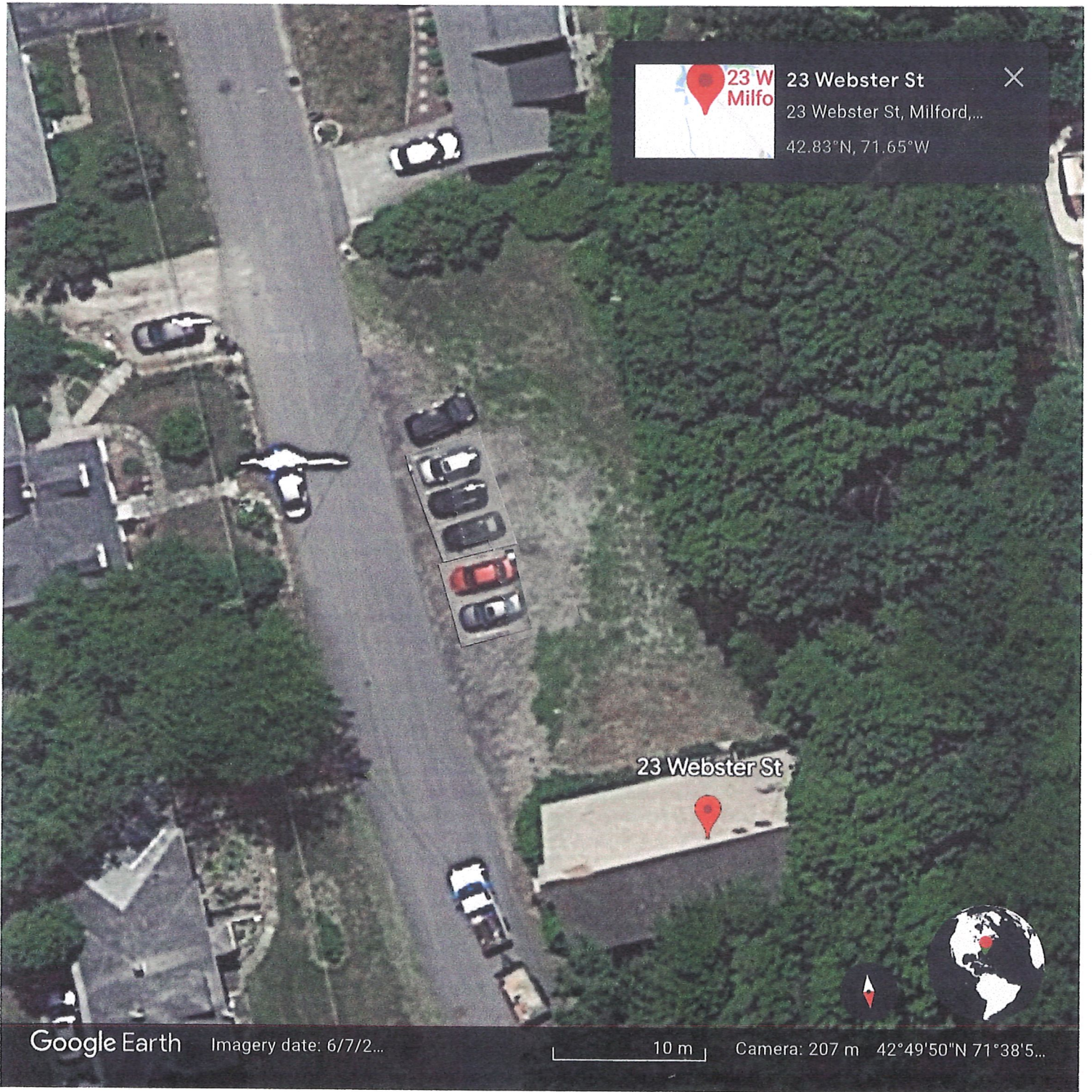
FLOOR 2



FLOOR 1

TOWN OF MILFORD
RECEIVED
JUN 22 2023
PB ZBA OFFICE

MEASUREMENTS ARE CALCULATED BY CURICASA TECHNOLOGY. DEEDED HIGHLY RELIABLE BUT NOT GUARANTEED.



23 Webster St
23 Webster St, Milford, ...
42.83°N, 71.65°W



23 Webster St



Google Earth

Imagery date: 6/7/2...

10 m

Camera: 207 m 42°49'50"N 71°38'5...

60 PARKING SPACES - SEE ABOVE