



Milford Zoning Board of Adjustment

Staff Review

Date: July 14, 2023

To: Zoning Board of Adjustment

From: Terrence S. Dolan, Director of Community Development

Subject: Case #2023-09-Special Exception Request for a three (3) foot Front Setback Encroachment for a proposed “Mud Room” at the Front Entry of the Home, located @ 36 King Street, Residence “A” Zoning District, Map 29 Lot 29-1

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

1. The Applicant has filed a necessary *Special Exception* Request to seek approval of an approximate three (3) foot encroachment into the required (30’) Front Setback, in the Residence “A” Zoning District, to construct a proposed “mud room”. The mud room, as designed, shall be approximately 10 feet in depth with an exterior staircase leading down to the front yard area that adds an additional four feet of depth (with the gable-roof overhang taken into consideration). The overall width for both the new mud room & exterior staircase shall be approximately 9 feet wide.
2. All encroachments (i.e. reduction) of a Front, Side or Rear Setback in the Residence “A” Zoning District (under Article V, Section 5.02.2.A.8) requires a Special Exception.
3. The proposed +/- 3-foot front setback encroachment is not unique within this neighborhood, (in comparison with other existing homes along King Street); as many of the nearby homes also possess much less than the required 30-foot Front Setback. An e-mail from the applicant is provided (see attached), listing several properties with existing homes, documenting only 12’-26’ Front Setbacks.
4. The property is served by municipal sewer and water.
5. No existing site vegetation was proposed for removal at the application.
6. Attached within the Agenda Item package is a guidance for the ZBA to consider for the issuance of a Special Exception. A design layout for the mud room, and several site photographs are attached for your review, as well.

Thank You

Cc: file



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

Date Received: _____
 Case Number: **TOWN OF MILFORD RECEIVED**
 Application Number: _____
 Hearing Date: **JUN 15 2023**
 Decision Date: _____
 Decision: **PB ZBA Office**
20230284

PROPERTY INFORMATION

Street Address: 30 King Street
 Tax Map / Parcel #: 029-021-001-000 Lot Size: 1/4 acre

PROPERTY CURRENTLY USED AS

Residential

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

PROPERTY OWNER

Name: Richard & Laura Elliott
 Address: 30 King Street
 City/State/Zip: Milford, NH 03055
 Phone: (603) 321-5828
 Email: laura@outsidetrips.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
6/15/23
 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:	\$100.00
Abutters Fee: <u>9 x 5.75</u>	<u>51.75</u>
Amount received:	<u>75.00</u>
Date Received:	<u>2026.75</u>
Check <input checked="" type="checkbox"/> Cash <input type="checkbox"/>	<u>CK 1658</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

Date Received: 9-6-15-23
 Case Number: 2023 0884
 Application #: 2023-09
 Date Complete: _____
 Hearing Date: 7-20-23
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION
Street Address: <u>36 King Street</u>
Tax Map / Parcel #: <u>029-021-001-000</u>
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 <u>5</u> Section <u>02.5</u> Describe the use you are proposing under the above section of the Ordinance. <u>Adding a mudroom to the front of the house to solve the storage issues we have.</u>

**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: <u>Please see attached file.</u>
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: <u>Please see attached file.</u>
B. The specific site is an appropriate location for the proposed use because: <u>Please see attached file.</u>
C. The use as developed will not adversely affect the adjacent area because: <u>Please see attached file.</u>
D. There will be no nuisance or serious hazard to vehicles or pedestrians because: <u>Please see attached file.</u>
E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because: <u>Please see attached file.</u>

General Criteria Section 10.02.1

Describe the project you are requesting an exception for:

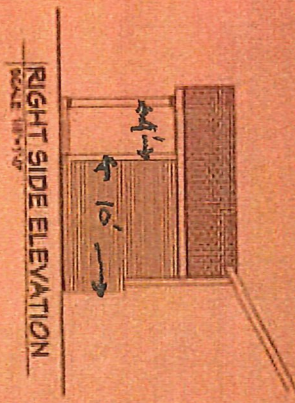
The project we are doing is to create a mudroom area in front of our house. As part of this project, we are adding more closet space since storage in our home is somewhat limited. We also have several dogs, so we would like an area for us to bring the dogs in for cleaning off versus just running through the house and making a mess of everything.

Beyond all of the above issues, when you first enter our house, there is only a 4x4 foot area with hardly any room before going upstairs or downstairs. Bringing in groceries, deliveries, or having visitors makes for a rather cramped experience. This mudroom helps address these issues as well.

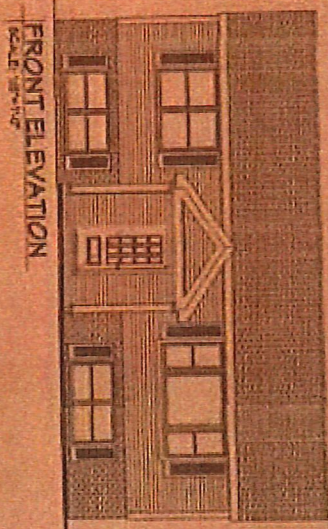
We are only asking for an extra two feet of space beyond the variance, which will resolve the other issues listed earlier and will not cause any changes to the neighborhood character.

- A. **The proposed use is similar to those permitted in the district because:**
 - a. This proposed project is just a simple residential mudroom, and it maintains the current character of the neighborhood. However, as stated earlier, we'll use the mudroom for extra closet space to provide storage relief with the rest of the house, so we are asking for an exception. Along with more storage space, having a place for taking off winter gear, rain gear, etc., vs. going up or down carpeted stairs to the house's main living area to help keep the house a bit cleaner.
- B. **The specific site is an appropriate location for the proposed use because:**
 - a. This mudroom is at the front of our house, where our driveway is. The front of the house is the main entrance area (our backyard is fenced off and locked most of the time), but it is the only area we can build an extension to our house. Except for the neighbor north of our house, neighbors surround us, and usable space is limited; thus, only the front of our home can be used for such a project.
- C. **The use as developed will not adversely affect the adjacent area because:**
 - a. The front of our house is already the main entrance, so there will be no change in foot traffic today.
- D. **There will be no nuisance or serious hazard to vehicles or pedestrians because:**
 - a. This proposed project is just a mudroom addition to the house, and we still have plenty of yard frontage left over that does not impede foot or car traffic. In addition, we still have another 28 feet before we get to the road. Therefore, the mudroom does not change our driveway, road traffic flow, or pedestrian-related traffic.
- E. **Adequate appropriate facilities will be provided for the proper operation for the proposed use because:**
 - a. We are not changing access to facilities since this is only a mudroom. All our sewer and town water hookups will remain as they are. In the future, if anything

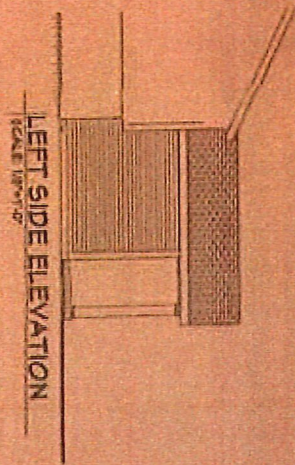
is going to be serviced, the mudroom will not be in the way. The electricity line goes over our driveway and not near the proposed mudroom area.



RIGHT SIDE ELEVATION
SCALE 1/8"=1'-0"



FRONT ELEVATION
SCALE 1/8"=1'-0"



LEFT SIDE ELEVATION
SCALE 1/8"=1'-0"

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF RESIDENTIAL DESIGN SOLUTIONS. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF RESIDENTIAL DESIGN SOLUTIONS IS STRICTLY PROHIBITED. RESIDENTIAL DESIGN SOLUTIONS SHALL NOT BE LIABLE FOR ANY ERRORS OR OMISSIONS IN THESE PLANS OR FOR ANY DAMAGE TO ANY PERSON OR PROPERTY ARISING FROM THE USE OF THESE PLANS.

A-1	REVISIONS	NO.	DATE	ELLIOTT REMODEL MILFORD, NH ELEVATIONS	Residential Design Solutions P.O. Box 540 Mont Vernon, NH 03057 603-235-4246 lmelvin540@gmail.com
			AS NOTED		

FOUNDATION PLAN

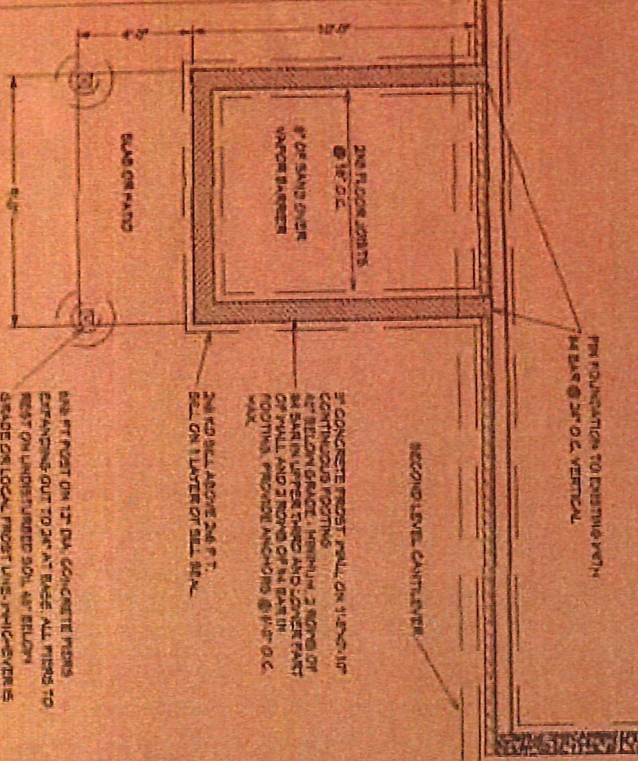
SCALE 1/8"=1'-0"

2x6 FLOOR JOISTS @ 16" O.C.
 4" OF SAND OVER VAPOR BARRIER

2x6 TO BE LAPPED 2x6 P.T. BEEL ON 1" LAYER OF SILL SEAL

1" CONCRETE POST PULL ON 1/2" x 2" x 1/2" CONCRETE FOOTING AT BELOW GRADE. MINIMUM 2 ROWS OF #4 BARS IN UPPER THIRD AND COVER FIFT FOOTING. PROVIDE ANCHORS @ 16" O.C. MAX.

6x6 FT POST ON 12" DIA. CONCRETE PIER EXPANDING OUT TO 24" AT BASE. ALL PIERS TO REST ON UNDISTURBED SOIL. AT BELOW GRADE OR LOCAL POST LINES. PROVIDE 2 ROWS OF #4 BARS. PROVIDE SILL POST CAP AND BASE - 2 REQ'D.



ENTRY FLOOR PLAN

SCALE 1/8"=1'-0"

2x2x10 BEAM

2x4x8 BEAM

2x2x10 BEAM

STAIR DOWN

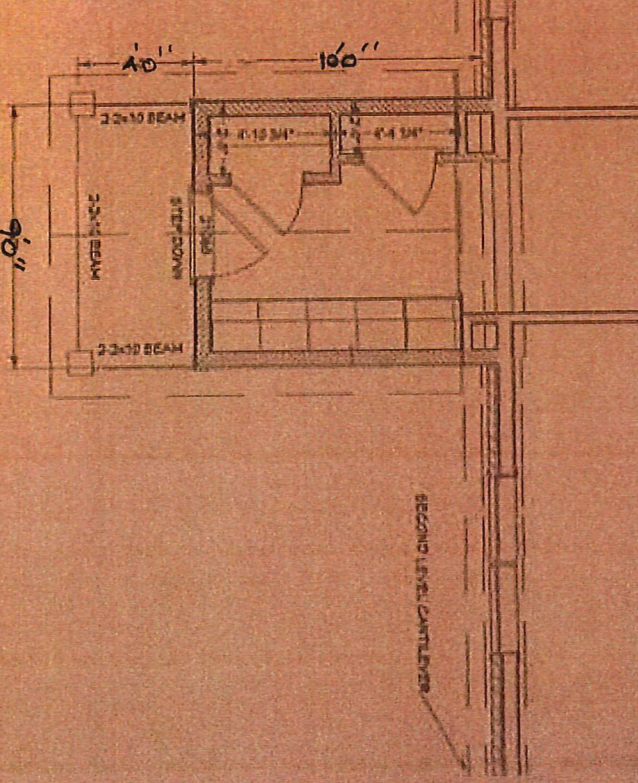
STAIR UP

4'-4 1/2"

4'-10 1/2"

10'-0"

9'-0"



THIS SET OF PLANS IS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS. I AM NOT PROVIDING CONTRACT ADMINISTRATION SERVICES. I AM NOT PROVIDING CONTRACT ADMINISTRATION SERVICES. I AM NOT PROVIDING CONTRACT ADMINISTRATION SERVICES.

<p>A-2</p>	<p>REVISIONS</p>	<p>PROJ NO</p> <p>ELL-2084</p>	<p>CLIENT</p> <p>ELLIOTT REMODEL</p> <p>MILFORD, NH</p>	<p>Residential Design Solutions</p> <p>P.O. Box 548 Mont Vernon, NH 03051</p> <p>603-235-4246 lmelvin548@gmail.com</p>	
	<p>DATE</p> <p>1-21-2022</p>	<p>DESIGNED BY</p> <p>L. MELVIN</p>	<p>SCALE</p> <p>AS NOTED</p>	<p>FLOOR PLANS</p>	
	<p>SCALE</p> <p>AS NOTED</p>	<p>DATE</p> <p>1-21-2022</p>	<p>PROJECT NO</p> <p>ELL-2084</p>	<p>CLIENT</p> <p>ELLIOTT REMODEL</p>	<p>DESIGNED BY</p> <p>L. MELVIN</p>
	<p>SCALE</p> <p>AS NOTED</p>	<p>DATE</p> <p>1-21-2022</p>	<p>PROJECT NO</p> <p>ELL-2084</p>	<p>CLIENT</p> <p>ELLIOTT REMODEL</p>	<p>DESIGNED BY</p> <p>L. MELVIN</p>

Terrence Dolan

From: Laura Elliott <laura@outsidetrips.com>
Sent: Saturday, February 18, 2023 5:37 PM
To: Lincoln Daley
Cc: Rich Elliott
Subject: Re: Variance vs Special Exception Form Question
Attachments: 7737FB08-C9FE-4FA3-8E37-5D37570A9CAA.jpeg; 3D658098-2F7B-49CB-BD29-47DDAF0BF2B6.jpeg; CA2F1303-8DD4-4C3D-A65F-540CA7C85B52.jpeg; 1129C80C-85AA-44F0-84AA-4279377E8068.jpeg; E091593F-FCA5-47E5-A89A-535FCF929AB0.jpeg; 47D975B4-40DA-4DDF-9B82-3D0E845A1303.jpeg; BC44EED5-5E73-4E33-88D7-EFF33F5C4885.jpeg; 538A1EE8-EDD5-4E17-A8AA-3790536D16FE.jpeg; 42DF28F6-5669-40B0-B4E0-7E1D23EA234B.jpeg; 695B02D2-DC2B-4992-965F-7D3AAF89E430.jpeg

Hi Lincoln,

Thank you for helping to provide my husband some help we had on questions last year. With things a little hectic, we have completed the form and have pictures at well that we think will help in showing. I am attaching some of the pictures of the front yard as well as the plans that were drawn up for the planned mudroom. I am hoping you can help with any suggestions or anything else needed and then, if needed, I can drop off any of the hard copies of these items and pay the fee that is needed.

The pictures that have yellow blocks included are the ones that show first where the mudroom is planned to extends out from the house and then the overhang is the second set of the yellow blocks.

Thank you again for your help and look forward to hearing from you for any further information and next steps.

Laura Elliott

36 King Street

From: Lincoln Daley <ldaley@milford.nh.gov>
Date: March 15, 2022 at 10:43:18 AM EDT
To: rich@outsidetrips.com
Cc: Jerry O'Connor <joconnor@milford.nh.gov>
Subject: RE: Variance vs Special Exception Form Question

Good Morning Rich,

I appreciate you reaching out regarding your potential project. As you correctly stated, your property is located in the Residential A Zoning District which requires a minimum 30' front and 15' side and rear property line setbacks. Yes, the potential encroachment within the front 30 foot set back would require a Special Exception Application before the Board of Adjustment. The process typically takes about a month to complete (from submittal to public hearing). The Board meets every 1st and 3rd Thursday of the month and submittal deadlines are approximately a month in advance of the scheduled meeting. Below, please find both the General Zoning Application and Special Exception Application for you to

The specific site is an appropriate location for the proposed use.
Yes, it is the front of our house.

The use as developed will not adversely affect the adjacent area.
No, it will not.

There will be no nuisance or serious hazard to vehicles or pedestrians.
No.

Adequate appropriate facilities will be provided for the proper operation of the proposed use.
Yes.

Thank you.

Rich



Lastly, I would encourage you to articulate the responses to the 5 Special Exception responses in your submitted application. See below for some suggested guidance.

The proposed use shall be similar to those permitted in the district.

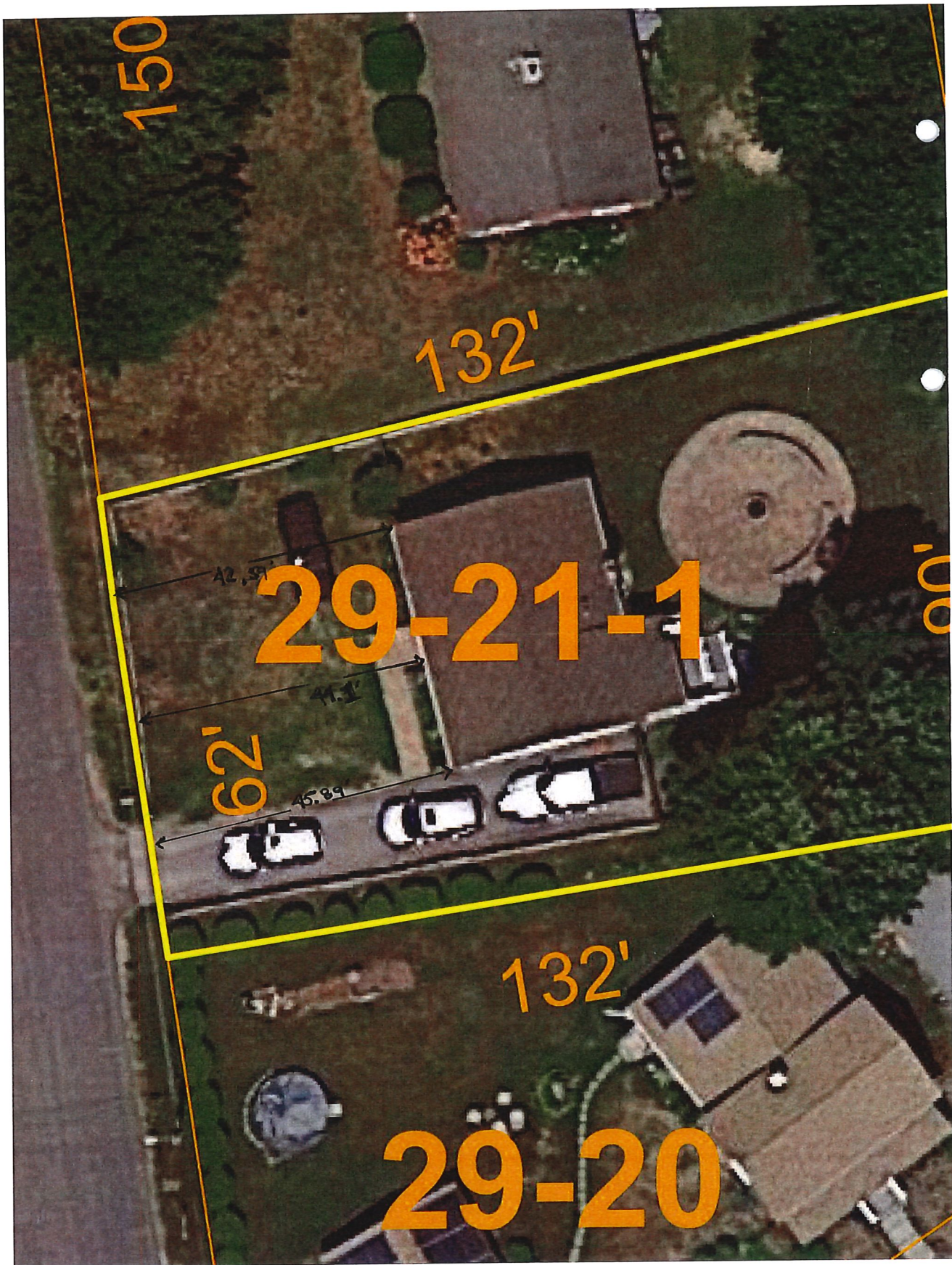












36 King St.
Elliot Residence

Terrence Dolan

From: Laura Elliott <laura@outsidetrips.com>
Sent: Sunday, June 4, 2023 6:02 PM
To: Terrence Dolan
Subject: Re: 36 King Street Zoning Variance
Attachments: CA6E50C1-176D-4999-8E3A-F5479A4DC37C.jpeg;
E220E876-7E64-48F7-80B1-2D2F2D28E006.jpeg; 53155443-85ED-424E-
A831-3FE2643772A8.jpeg; 1CA0EDD8-9505-4520-AA62-5FE96EBB0887.jpeg;
48E6E171-6893-41D4-925D-CD116EEAD809.jpeg

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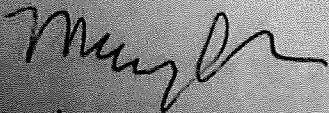
Hi Terrey,

I have gotten 5 of our neighbors to sign a letter and I am attaching this. From what I recall, I think this was the last part. Should I then bring the paperwork in? Just wondering what was the best next step? Thanks!

Dear Members of the Zoning Board,

I understand that my neighbors, Laura and Richard Elliott, at 36 King Street are planning to add a mudroom to the front of their house that will encroach in the 30 feet setback requirement by 3 feet. This will not impact me in a negative way.

Sincerely,



5/29/2023

Mary Alcorn

37 King Street

Milford, NH 03055

Dear Members of the Zoning Board,

I understand that my neighbors, Laura and Richard Elliott, at 36 King Street are planning to add a mudroom to the front of their house that will encroach in the 30 feet setback requirement by 3 feet. This will not impact me in a negative way.

Sincerely,

Ernie Tocco
6/3/23

Ernie Tocco
32 King St
MILBRO

Dear Members of the Zoning Board,

I understand that my neighbors, Laura and Richard Elliott, at 36 King Street are planning to add a mudroom to the front of their house that will encroach in the 30 feet setback requirement by 3 feet. This will not impact me in a negative way.

Sincerely,

Ronald Lacasse Jr 27 King st 6/03/23
Ronald Lacasse Jr

Dear Members of the Zoning Board,

I understand that my neighbors, Laura and Richard Elliott, at 36 King Street are planning to add a mudroom to the front of their house that will encroach in the 30 feet setback requirement by 3 feet. This will not impact me in a negative way.

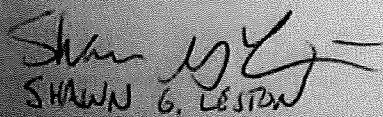
Sincerely,

Debra Despres
Debra Despres
33 King St
Milford, NH 03055
June 3rd, 2023

Dear Members of the Zoning Board,

I understand that my neighbors, Laura and Richard Elliott, at 36 King Street are planning to add a mudroom to the front of their house that will encroach in the 30 feet setback requirement by 3 feet. This will not impact me in a negative way.

Sincerely,



SHAWN G. COSTON

15 OSBOURNE RD.

MILFORD, NH 03055

6/3/20

Terrence Dolan

From: Rich Elliott <rich@outsidetrips.com>
Sent: Sunday, May 7, 2023 6:07 PM
To: Terrence Dolan
Cc: Laura
Subject: 36 King Street Zoning Variance

WARNING: This email originated outside of our organization. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

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Hello Terrey,

I think Laura was trying to get some information concerning our variance application and I believe it pertained to hardship and character of the neighborhood. She freely admits she might not have fully understood the ask.

She walked up and down the street looking at the houses and several of them are less than 30 feet from the road. Two of them in particular are across the street from us.

Using GIS:

Our house is roughly 43' from the road

Several other lot examples (rounded answers):

29-36 - 12'

29-37 - 16'

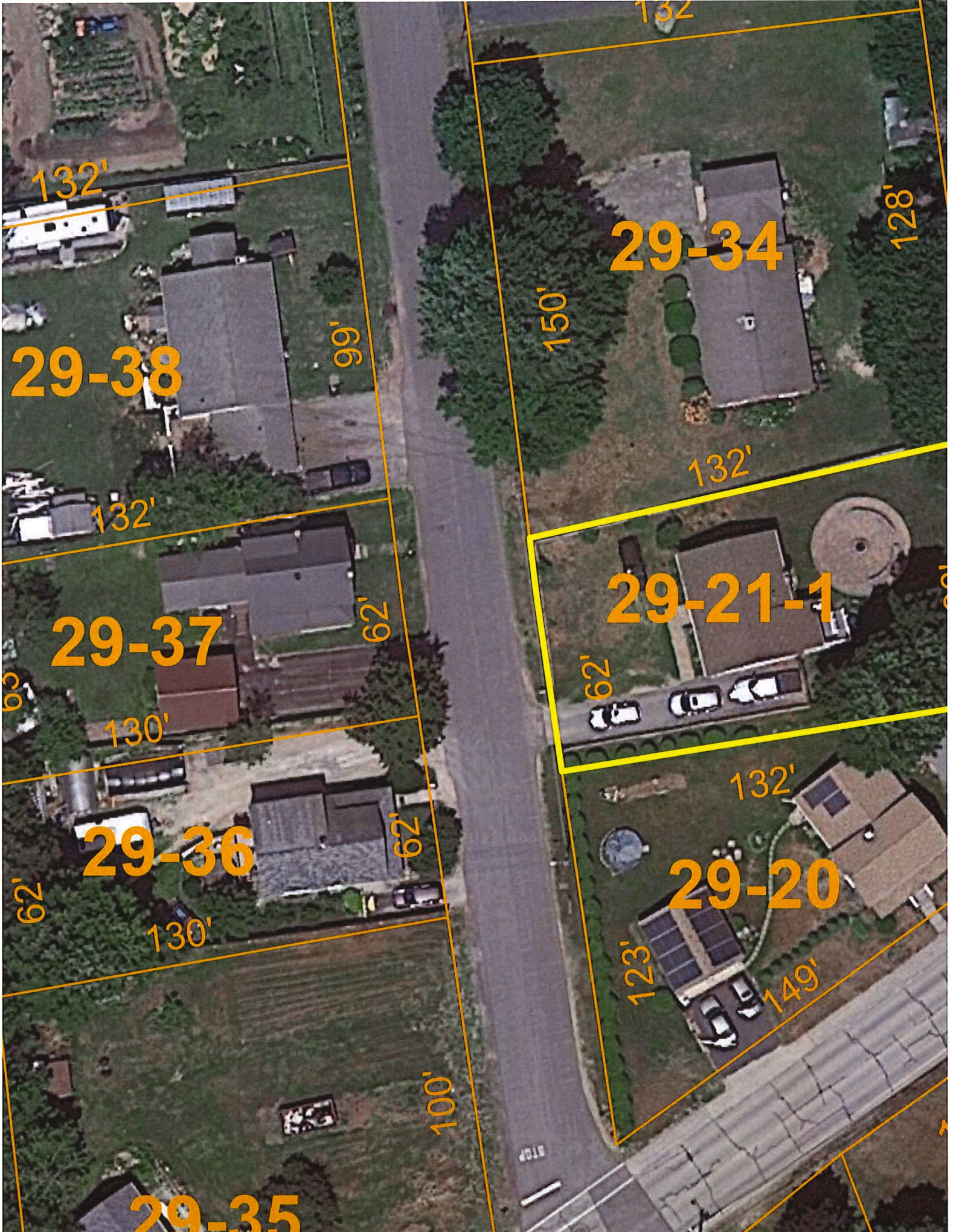
29-38 - 26.5'

29-41 - 15'

In general, I believe our mudroom will remain in character for the street since there are various properties that are fairly close to the road. Even when added, we still have a decent enough distance from the street and would not be sitting on top of it.

Not sure what else you might need for our application, but don't hesitate to give me a call at 603.321.8558, happy to gather any other data required. I am usually working from 9am - 6pm so will be in front of a computer to help answer your questions.

Rich



132'
29-38
99'

132'
29-37
62'

130'
29-36
62'
130'

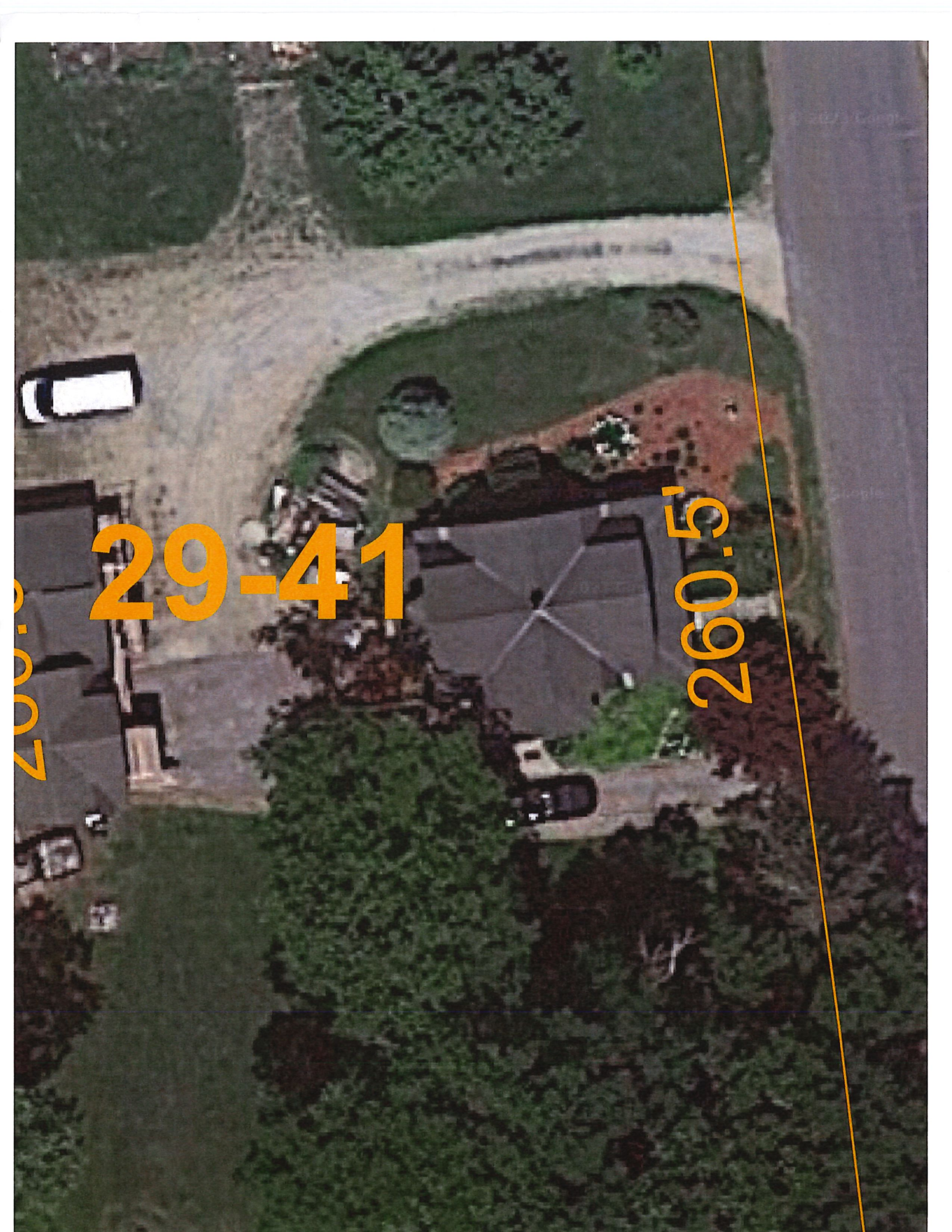
100'
29-35

132'
29-34
128'
150'

132'
29-21-1
62'

132'
29-20
123'
149'

401E



29-41

260.5'

200.0'