



ZBA Application - Variance
MILFORD ZONING BOARD OF ADJUSTMENT

Date Received: 9-26-23
 Case Number: 2023-19
 Application #: 2023 1244
 Date Complete: _____
 Hearing Date: 11-2-23
 Decision Date: _____
 Decision: _____

PROPERTY INFORMATION

Street Address: 15 Old Wilton Rd Milford NH

Tax Map / Parcel #: 74-151

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.

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.

1.04 ac
 "I"
 4,600 sq Warehouse
 1,100 Office (50' x 22')
 5,700 sq Overall

General Criteria Section 10.01

Explain how the proposal meets the following conditions per New Hampshire RSA 674:33.1

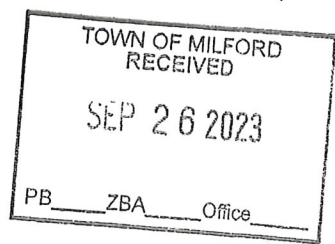
1. Granting the Variance would not be contrary to the public interest because:
 It would benefit the public interest to have a local energy Auxiliary Integrity Supplier in the same district they ship at ex: MB + not state 6 hours

2. If the Variance were granted, the spirit of the ordinance would be observed because:
 It encourages mixed use and will allow easy access to our local customers to pick up product.

3. Granting the Variance would do substantial justice because:
 It allows for best use of the building

4. Granting the Variance would not diminish the value of surrounding properties because:
 No alterations to the existing structure is needed

5. Unnecessary Hardship:
 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.





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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 : <i>N/A</i>
AND
ii. The proposed use is a reasonable one because: <i>We currently have a new warehouse with display area approved. Was approved for Major Site Plan by Planning Board</i>
(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:
<i>Having 2 locations is an economic hardship + is confusing to our customer base.</i>
(C) Notwithstanding 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: <i>Its an attractive building and only contributes to the spirit of the West Elm St Overlay district</i>
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

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

PROPERTY INFORMATION

Street Address: 15 Old Wilton Rd

Tax Map / Parcel #: 14/10-1 Lot Size: _____

PROPERTY CURRENTLY USED AS

~~Warehouse~~ Warehouse

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

PROPERTY OWNER

Name: Ronald Racicot

Address: 21 Old Wilton Rd

City/State/Zip: Milford N.H. 03055

Phone: (603) 673 9773

Email: gogideon@hotmail.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.

Ronald Racicot
Property Owner's signature

9-20-23
Date:

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Zoning District (check one):

- Residence A
- Residence B Residence R
- Commercial
- Limited Commercial
- Industrial
- Integrated Commercial-Industrial
- Integrated Commercial-Industrial-2

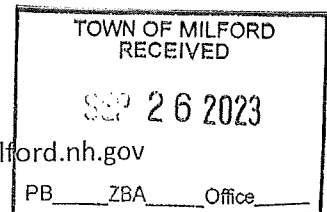
Overlay District (check any that apply):

- 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>5.75</u> X <u>4</u>	<u>198</u>
Amount received:	_____
Date Received:	_____
Check <input checked="" type="checkbox"/> Cash <input type="checkbox"/>	<u>ck 566</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 – General Information

MILFORD ZONING BOARD OF ADJUSTMENT

This application must be complete and filed in the Milford Office of Community Development, along with an abutter list, and with all fees paid, on the official submittal date for the meeting at which the application is to be considered. An application shall not be deemed complete unless all materials have been submitted and necessary fees have been paid.

If you have any questions about how to complete this application, please contact the Office of Community Development. We will be happy to help you understand the Zoning Board application process and legal requirements, but we cannot give you legal advice. If you are uncertain about how the zoning laws apply to your case, we recommend that you obtain professional advice.

General Instructions

Use this form for all applications to the Milford Zoning Board of Adjustment, except:

- If the Selectmen, Planning Board, Building Inspector, or any other town board or official has made a decision to allow someone else to do something that you do not think they should be allowed to do. In that case, use the ***Third-Party Appeal of Administrative Decision*** form.
- To ask the Zoning Board to hold a new hearing to reconsider a decision that was made at a previous meeting, use the ***Request for Rehearing*** form.

Contents of an Application

Your application must include the "General Information" section and at least one application for a special exception, variance, equitable waiver, or appeal of administrative decision.

You may include more than one application section, as long as they are all for the same proposed use.

For example, you might appeal an administrative decision, and also apply for a variance that would permit the same use, in case the appeal is denied; or you might have a proposed use that would require several variances and special exceptions.

Please work with the Office of Community Development to help you determine what you are applying for or asking relief from.

Fee

The fee is \$100 for the application, plus \$5.75 for each abutter.

Abutter List

The abutter list must include the name and mailing address of:

- the applicant,
- the property owner or owners,
- every person who owns property which touches any lot involved in the application (even at a corner) or is directly or diagonally across a road, stream, river, or railway right-of-way from a lot involved in the application, **and**
- the holders of any conservation, preservation, or agricultural preservation restrictions on any of the lots involved in the application.

It is your responsibility to provide an accurate abutter list. A Zoning Board decision that is made without notifying all abutters may not be valid and an abutter who was not properly notified may be able to have the decision overturned.



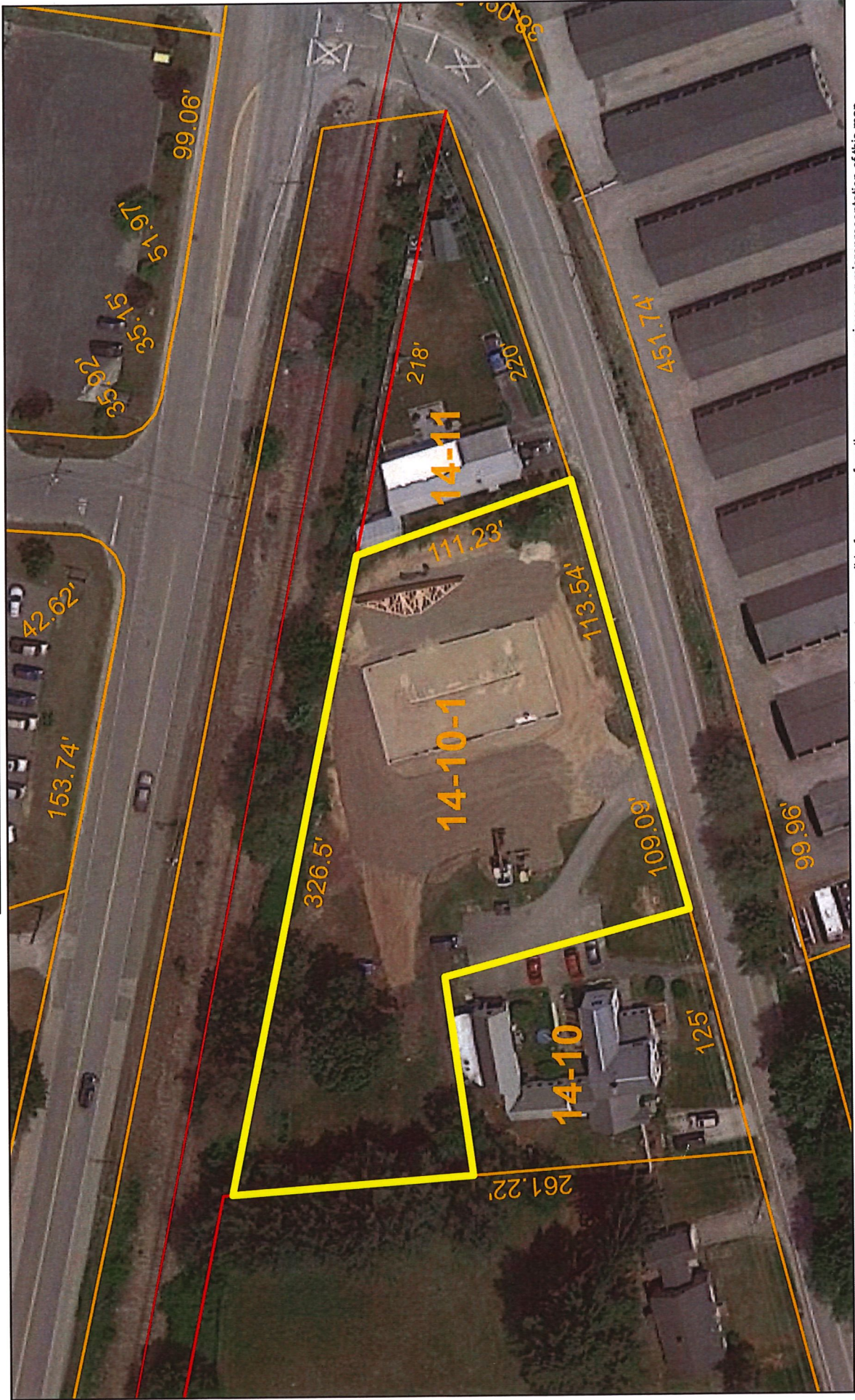
October 23, 2023

Town of Milford, NH

1 inch = 70 Feet



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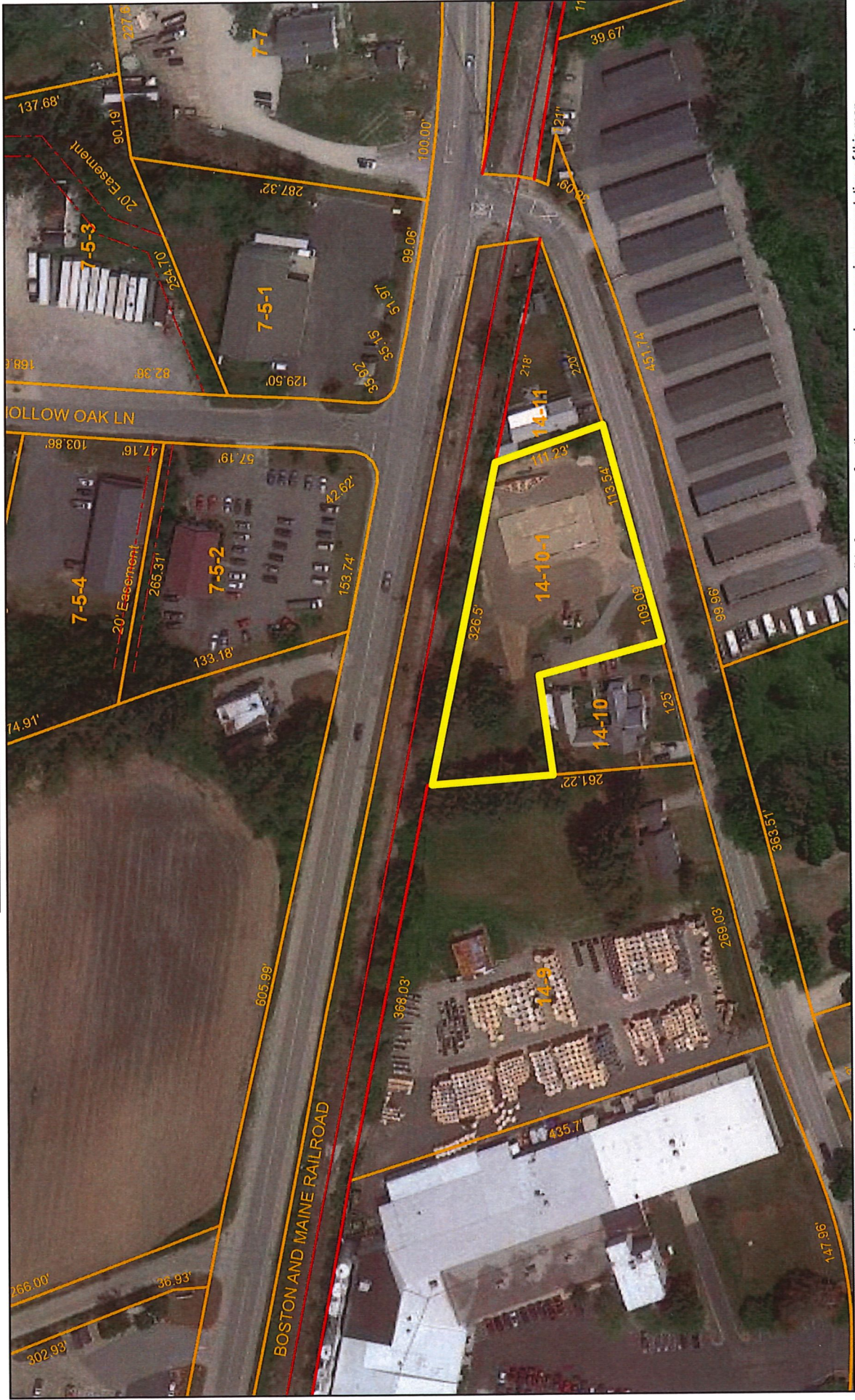
Town of Milford, NH

1 inch = 139 Feet



October 23, 2023

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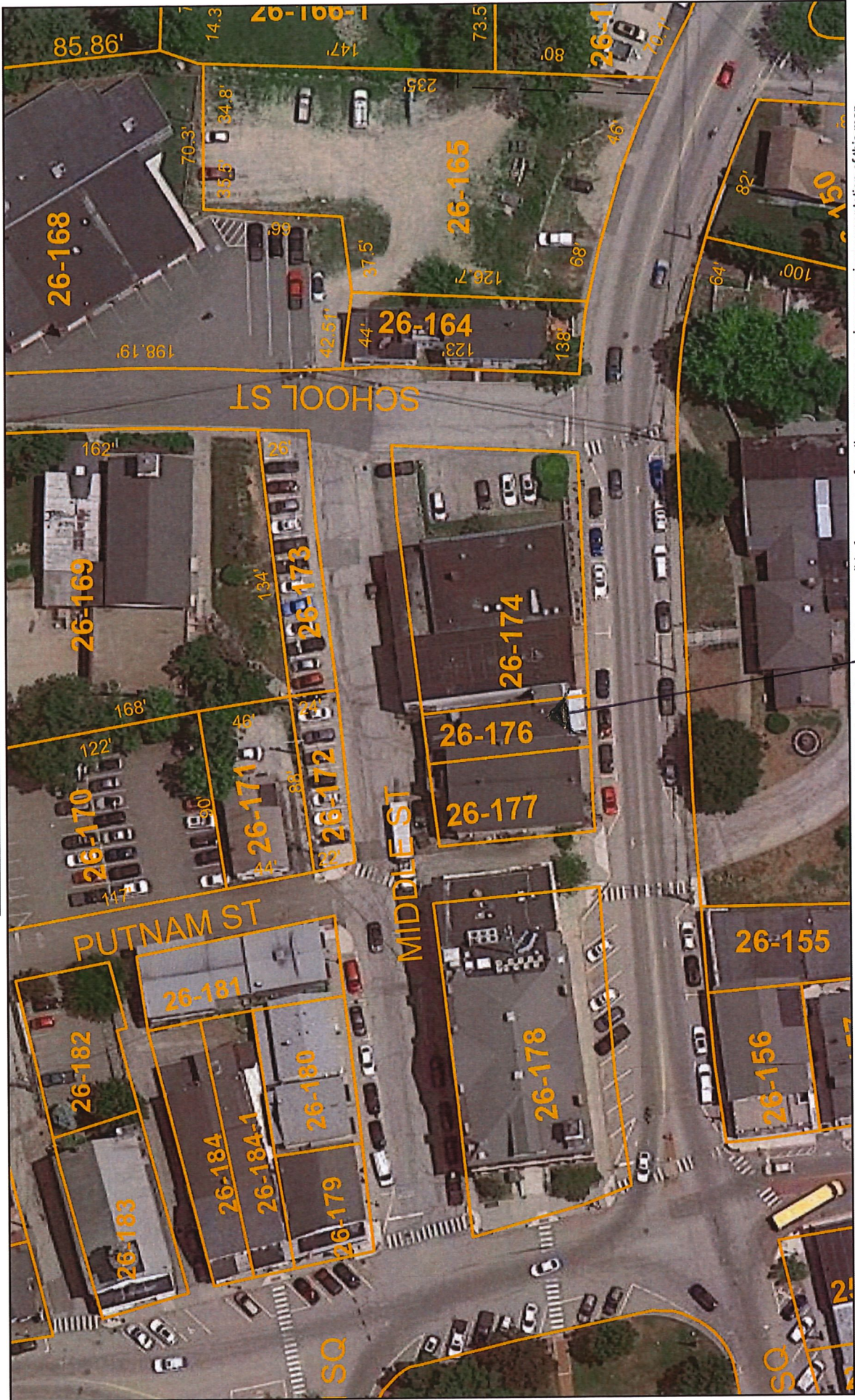
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Sons Chimney - 50 Nashua St. Retail location

