

TOWN OF MILFORD

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

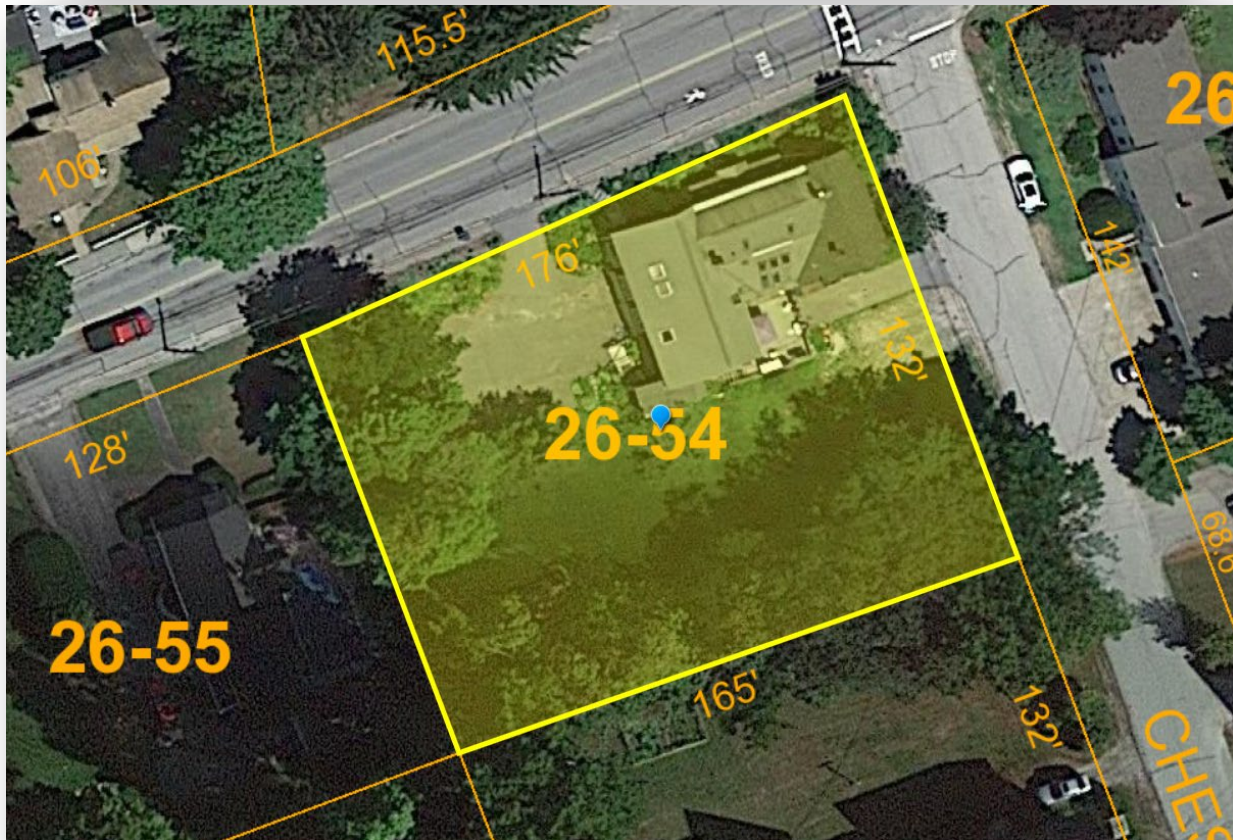


Administrative Review

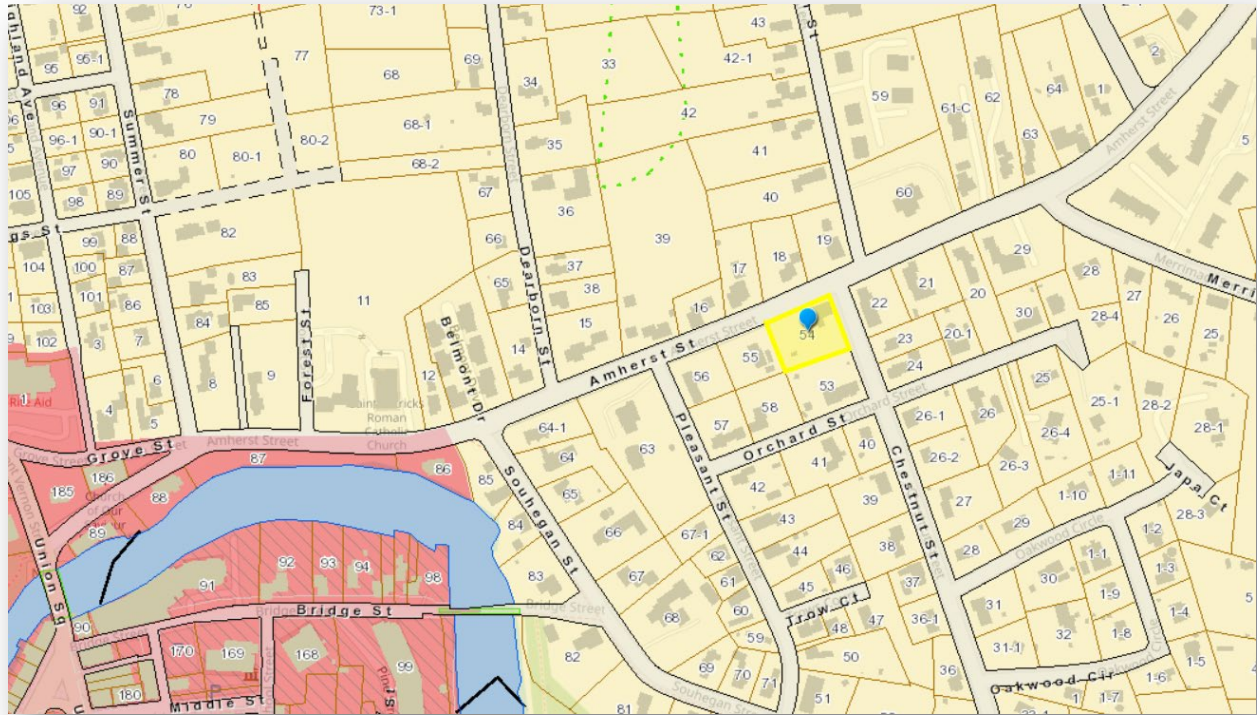
Date: October 15, 2021
To: Jason Plourde, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2021-24 Bryan Entrekin and Deborah Carroll, Tax Map 26, Lot 54, 79 Amherst Street.** Variance Application for relief from the Milford Zoning Ordinance, Article V, Section 5.02 to allow the conversion of an existing two-family to a three-family residence in the Residential 'A' District.

1. Existing Conditions:
 - a. The subject property is approximately .53 acres (23,087 square feet) with more than 173 linear feet of frontage on Amherst Street and an additional 132 linear feet on Chestnut Street. The surrounding neighborhood contains a mixture of single, two-family, and multi-family residences.
 - b. The corner property is partially developed and contains a 7,720 gross square foot two-family, 6 bedroom residence located on the northeast portion of the property. The property contains a 10 space parking lot (approx.) on the northwest portion of the property accessed on Amherst Street and secondary parking area accessed on Chestnut Street. The southern portion of the property has remained forested and undeveloped.
 - c. The property is serviced by municipal water and waste water.
 - d. Access to the property is by way of two curb cuts located on Amherst Street and second on Chestnut Street.
2. The applicant proposes to convert the existing two-family structure to a three-family residence. Minimal improvements are being proposed to the exterior of the residential building. The majority of changes to convert the two-family to a three-family will be internal. See attached existing and floor layout plan.
3. Pursuant to Section 5.02 Residential A District a three-family residence is not a permitted use in the district. The intent of the Residence A District is to provide for low-density or low-intensity uses, primarily single-family residential on individual lots. The proposed use requires a Variance for relief from the referenced section of the Zoning Ordinance.
4. The applicant appeared before the Board in 2009 and was granted a Variance to convert the single-family residence with an approved accessory dwelling unit to a two-family residence. Attached, please find the decision for Case #21-09.
5. As depicted in the Neighborhood Use Analysis tax map below, the subject property directly abuts or is in close proximity to a number of existing two- and multi-family residential uses. See attached Tax Map Use Map.

Aerial Photos of Subject Property:

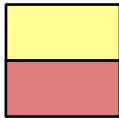


Zoning Tax Map:



Zoning District

Residential A Zoning District –
Commercial Zoning District –



Street Photos of Subject Property



Street Photos of Subject Property (Continued)



Amherst Street – Looking Northeast



Amherst Street – Looking Northeast

Street Photos of Subject Property (Continued)



Street Photos of Subject Property (Continued)





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

TOWN OF MILFORD
 RECEIVED
 SEP 16 2021
 PB ZBA Office

Date received: 9-16-21
 Case Number: 2021-24
 Date Complete: _____
 Hearing Date: 10-21-21
 Decision Date: _____
 Decision: APP 2021-0492

PROPERTY INFORMATION

Street Address: 79 Amherst St.
 Tax Map / Parcel #: 26/54 Lot Size: .53 acre

PROPERTY CURRENTLY USED AS

Two-family dwelling (effective 6/18/2009)

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

PROPERTY OWNER

Name: Bryan Entrekin & Deborah Carroll
 Address: 26 W. Hollis Rd.
 City/State/Zip: Hollis, NH 03049
 Phone: (603) 321-5978
 Email: dac@oco.net

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.

Bryan Entrekin
Deborah Carroll
 Property Owner's signature

9-14-2021
 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 <u>8⁰</u>	<u>32.00</u>
Amount received:	<u>107.00</u>
Date Received: <u>CRK # 1359</u>	
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 – Variance
MILFORD ZONING BOARD OF ADJUSTMENT

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

PROPERTY INFORMATION
Street Address: 79 Amherst Street, Milford, NH 03055
Tax Map / Parcel #: 26 / 54
<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 <u>V</u> Section <u>5.02.1</u>
Describe the variance you are requesting under the above section of the Ordinance. <u>In 2015, we obtained the Town's approval/variance granted for this property's Use to change from Single-Family to a 2-unit multi-family.</u> <u>Today, we seek to increasee the number of units in the building to 3 total units</u>

General Criteria Section 10.01

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

- Granting the Variance would not be contrary to the public interest because:
 We are keeping with the current physical characteristics of the neighborhood. Further, the Use we are seeking (increase 2 units to 3 units) is similar to other multi-family buildings in the neighborhood. This building is protected by a complete fire sprinkler system which minimizes Life Safety issues.
- If the Variance were granted, the spirit of the ordinance would be observed because:
 The neighborhood buildings have similar density patterns (see attached color-coded map). We would re-demising the existing 4,277 square feet with interior partitions to accommodate a 3rd unit. There would be not net increase in the number of bedrooms in the building (bedrooms total 9 existing and will remain at 9 after re-demise).
- Granting the Variance would do substantial justice because:
 It will bring this large property in line with other buildings of similar size & use in the neighborhood.
- Granting the Variance would not diminish the value of surrounding properties because:
 There will be no physical changes to the exterior of the building nor the lot. Current facade will be maintained. This is a re-demise of interior only. There is ample existing parking on the property so there will be no change to the lot. (parking spots total 9 existing and will remain at 9 which exceeds the required 6 spots).
- 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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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 :

In 2015, we obtained approval from Town to go from a Single-Family dwelling to a 2-unit multi-family. We are now requesting approval for 3 total units in the building. It remains consistent with other buildings in the neighborhood.

AND

ii. The proposed use is a reasonable one because:

The interior re-demise of the building to accommodate a 3rd unit is minimal and not out the norm for the existing neighborhood. The total number of bedrooms does not increase with this re-demise - it remains as existing - therefore minimizing any change to the density in the neighborhood. Existing parking and green space will also remain constant with the re-demise to 3 units as ample off-street parking already exists.

(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) 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:

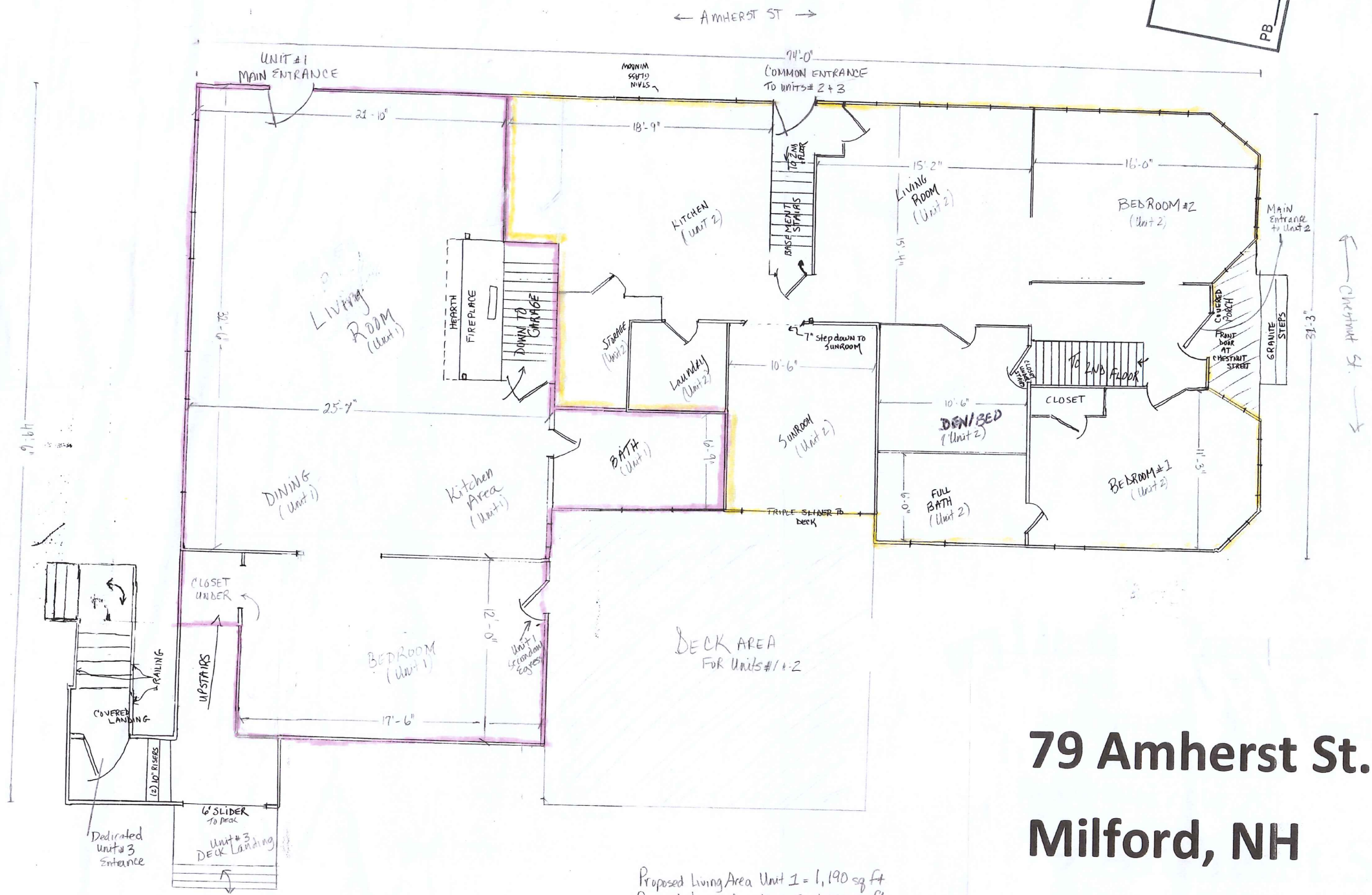
1. The Variance requested under this paragraph shall be in harmony with the general purpose and intent of the Zoning Ordinance because:

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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.

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1st Floor

Scale: 1/4" = 1'-0"

- Prop. Living Area Unit 1 = 1,190 sq ft
- Prop. Living Area Unit 2 = 1,360 sq ft.
- Prop. Living Area Unit 3 = 1,727 sq ft.
- 4,277 TOTAL SQ FT.
- Prop. Unit 1 = 1st FLOOR OF BARN
- Prop. Unit 2 = Main house floors 1 & 2
- Prop. Unit 3 = 2nd FLOOR OF BARN

**79 Amherst St.
Milford, NH**

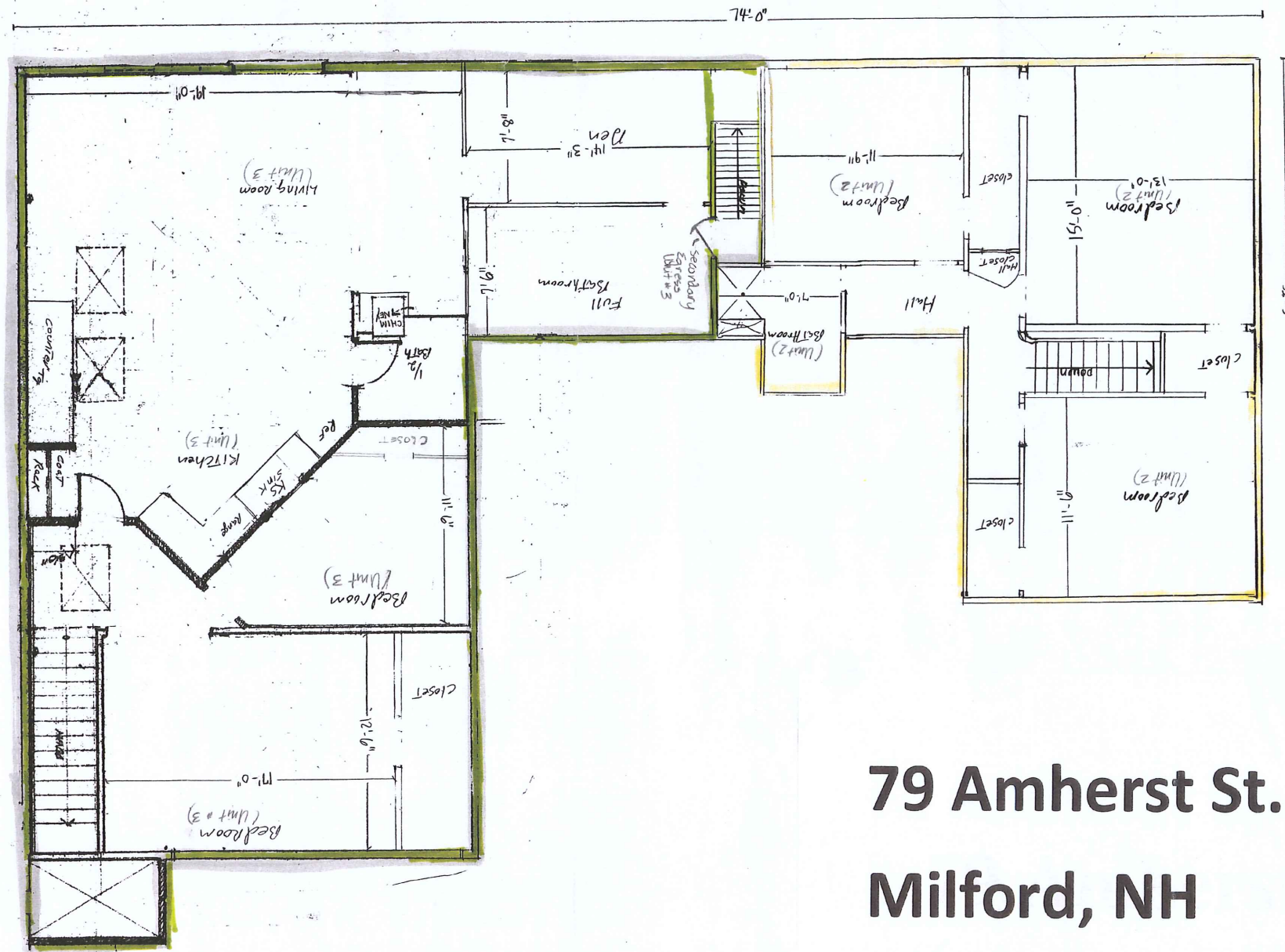
**Variance for 2-family to 3-family dwelling
in Residential Zone 'A'**

September 15, 2021

**Owners: Bryan Entrekin
& Deborah Carroll**

2nd Floor

Scale: 1/4" = 1'-0"



79 Amherst St.

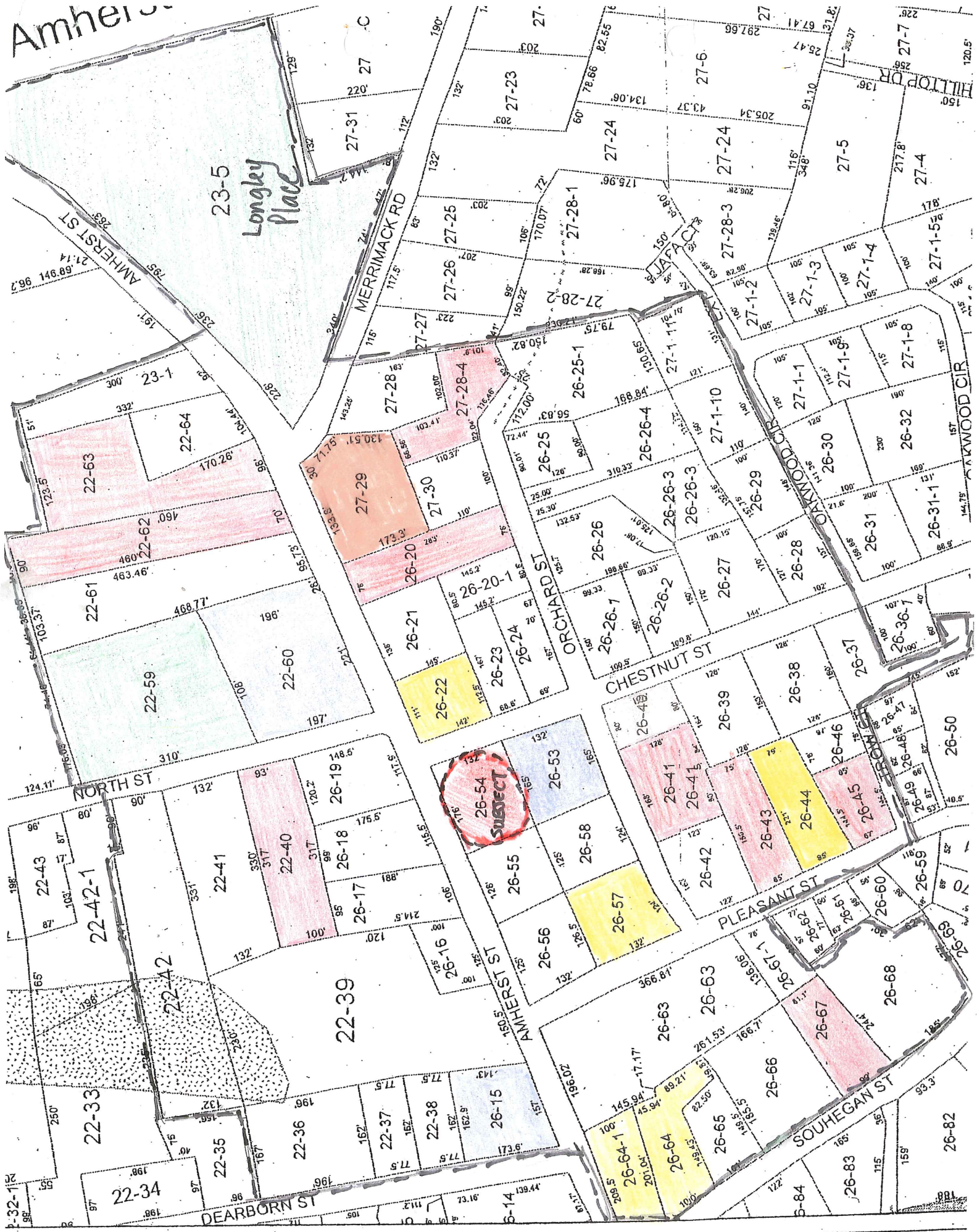
Milford, NH

Variance for 2-family to 3-family dwelling
in Residential Zone 'A'

September 15, 2021

Owners: Bryan Entrekin
& Deborah Carroll

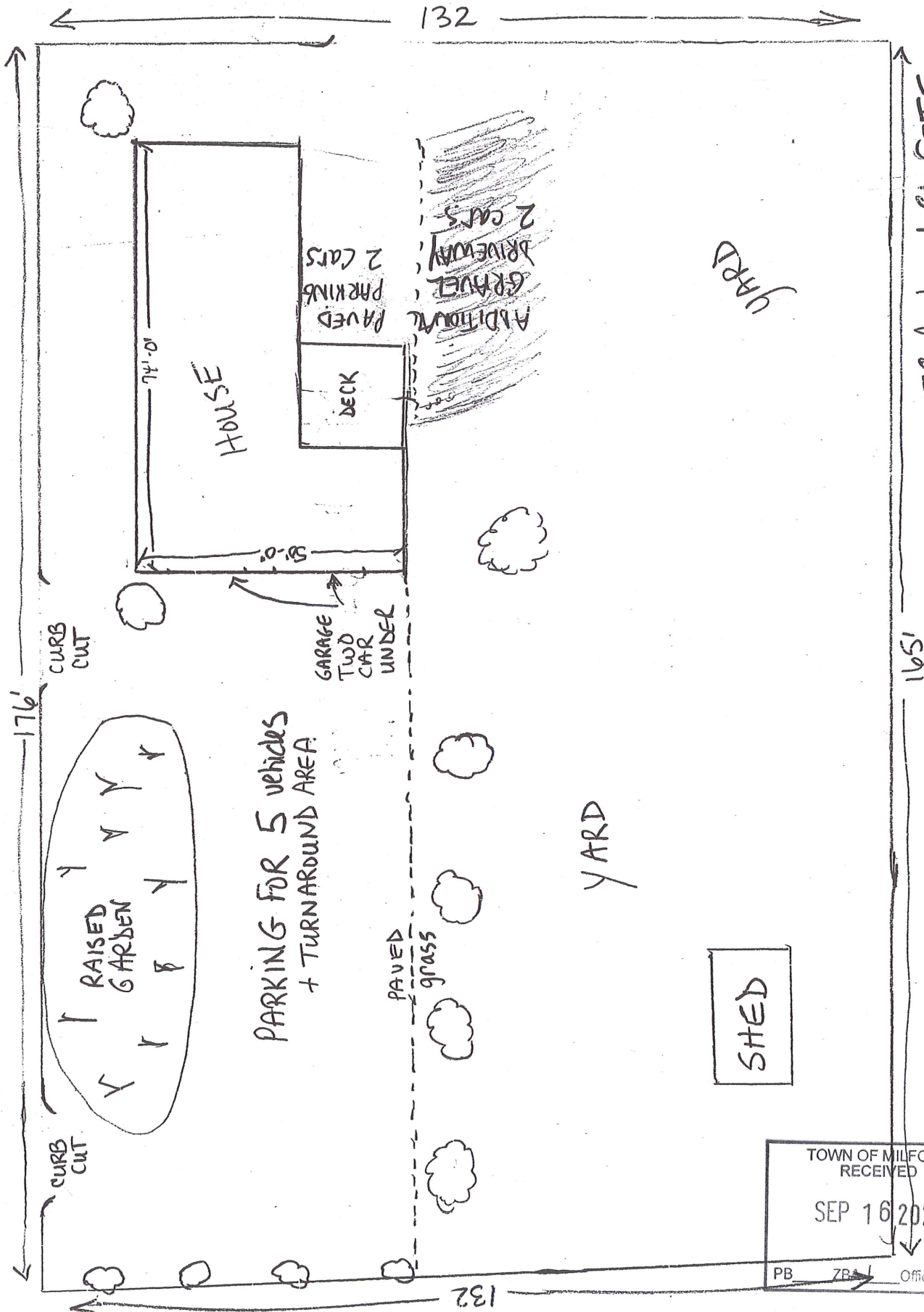
Amherst



= 4-8 UNIT
 = 2 UNIT
 = 3 UNIT
 = OVER 8 UNITS
 = PROF BLDG

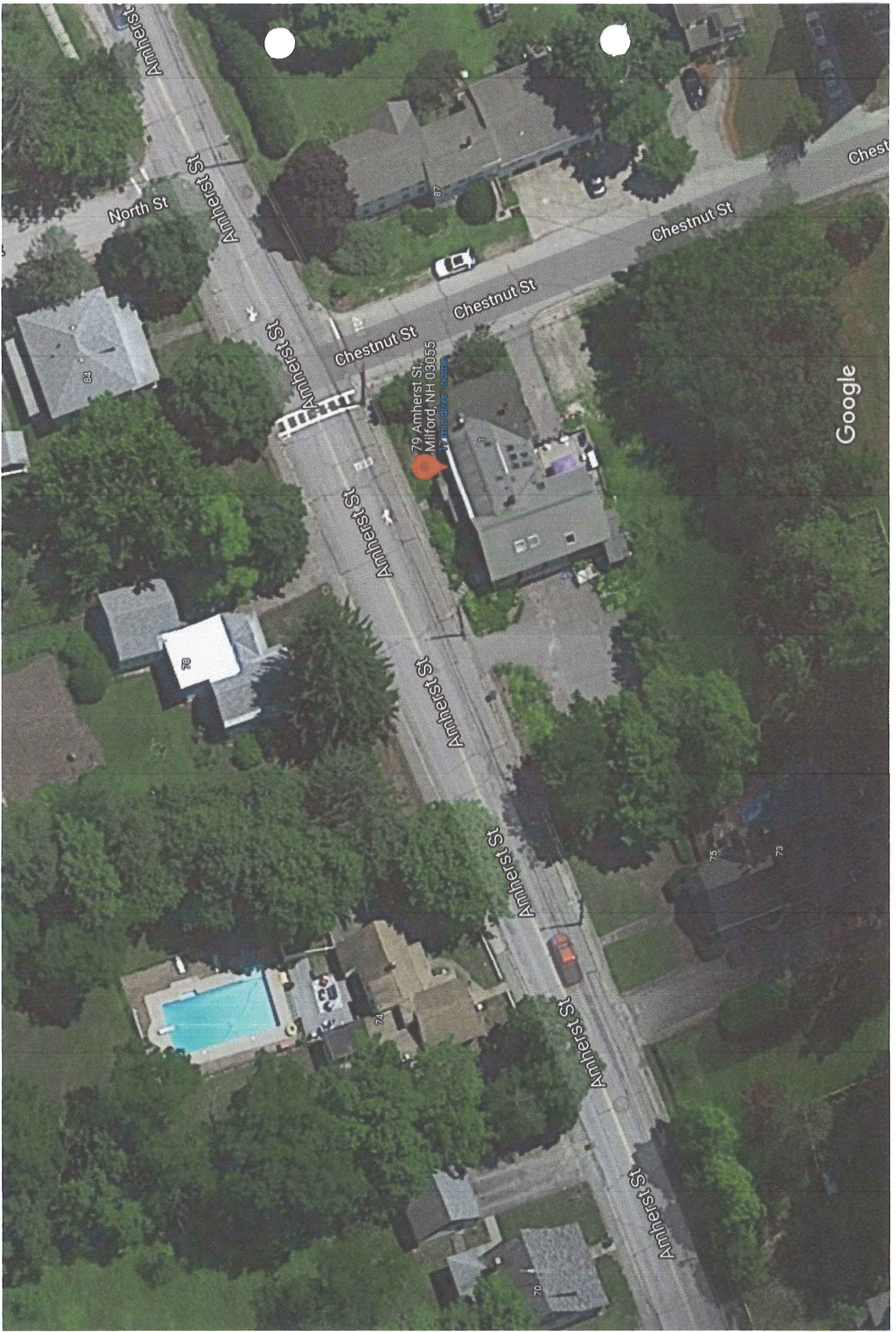
CHESTNUT ST.

AMHERST ST.



79 Amherst St. SITE
 OWNERS: CARROLL + ENTREKIN
 NOT TO SCALE

TOWN OF MILFORD
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 PB ZBA Office





Town of Milford

ZONING BOARD OF ADJUSTMENT

Town Hall
1 Union Square
Milford, NH 03055-4240
(603) 673-7964
Fax (603) 673-2273
www.milford.nh.gov

TDD Access:
Relay NH 1-800-735-2964

NOTICE OF DECISION

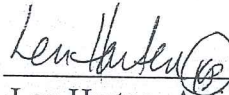
You are hereby notified that the request of Deborah Carroll and Bryan Entrekin, owners of 79 Amherst Street, Map 26, Lot 54, Residence "A" district, for a variance from Article V, Section 5.02.1 to permit a two (2) family dwelling, was approved by a 4-1 vote effective June 18, 2009.

In accordance with NH RSA 677:2, application for a rehearing in this matter must be received by the Board of Adjustment prior to close of business (4:30 p.m.) on July 17, 2009.

In addition, in accordance with the Town of Milford Zoning Ordinance, Article X, Section 10.060 – Expiration, the special exception shall become null and void within one (1) year if work covered by the special exception has not been executed or if an extension has not been applied for.

Case # 21-09

Dated: June 18, 2009



Len Harten, Acting Chairman

CC: Dana MacAllister, Residential Building Inspector
John Griffin, Griffin & Owen, PC