

TOWN OF MILFORD

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



Administrative Review

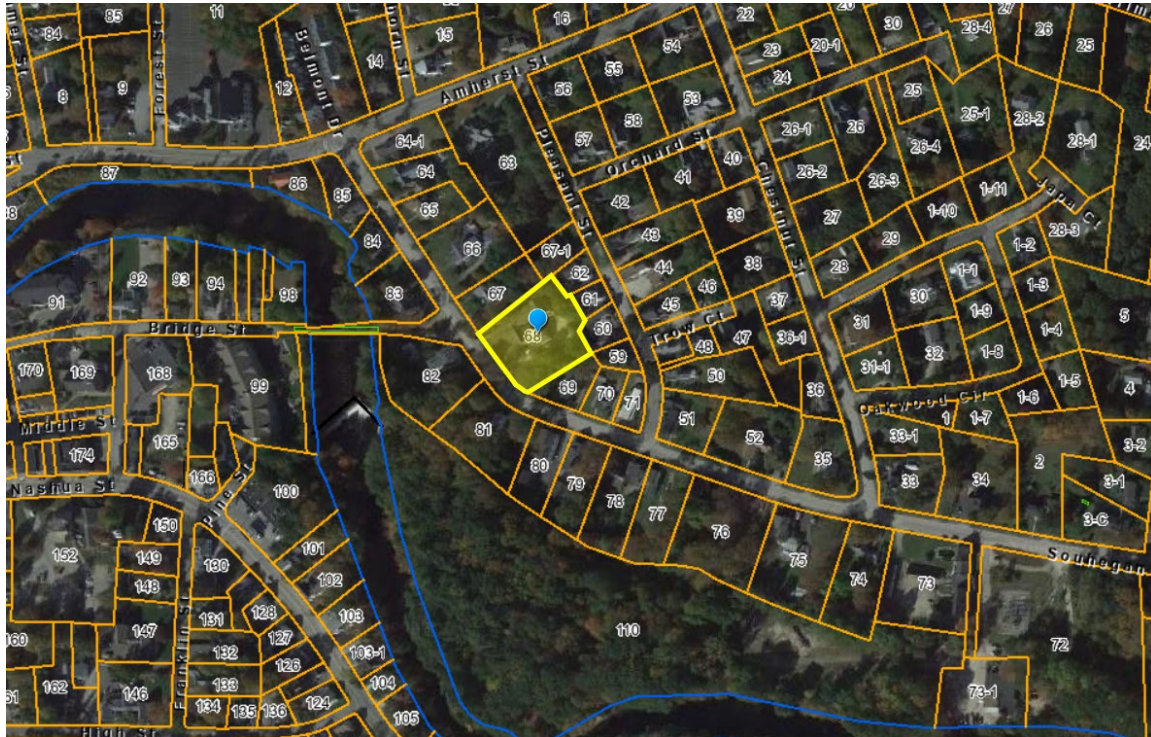
Date: July 29, 2022
To: Jason Plourde, Chair - Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Case #2022-18 Kurt and Diane Soucy for the property located at Tax Map 26, Lot 68, 24 Souhegan Street - Variance Application To Exceed The Density Limitations.**

The applicant is before the Board of Adjustment seeking a Variance from the Milford Zoning Ordinance, Article V, Section 5.03.4.A to allow the construction of 6 total residential units on 1 acre where a maximum of 5 units are allowed for a multi-family residence. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:
 - a. The subject property is approximately 1 acre (43,560 sq. ft.) and contains an existing 4-family residence with attached addition and garage totaling approximately 14,700 s.f. and detached, single-story garage totaling 1,248 sf located in the rear.
 - b. The property contains approximately 185 feet of linear frontage Souhegan Street and two driveways.
 - c. The property is serviced by municipal water and sewer.
 - d. The subject property falls within Residential 'A' Zoning District and is situated among an established residential neighborhood. The surrounding neighborhood contains a mixture of single, two-family, and multi-family residences. (See Attached Neighborhood Use Analysis)
2. The applicant is seeking to expand the existing 4 unit multi-family residence (a pre-existing, non-conforming use) by constructing two additional units within the unfinished portion of the attached addition and garage. No exterior construction to the building will occur. Further, the applicant is proposing in excess of 12 off street parking spaces for the 6 total units in the parking area behind the main brick portion of the house and in the existing garages.
3. Minimal improvements are being proposed to the exterior of the residential building. The majority of changes will be internal and focus on renovating the attached addition and 2nd floor of the attached garage. 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.
4. Pursuant to Section 5.03.4.A, the request to increase the total number of units to 6 will exceed the 5 unit per acre allowed for multi-family. 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.
5. As part of the Board deliberation, the applicant should be prepared to discuss the following:
 - a. Explanation /summary of the properties historical use and current use.
 - b. Overview of the Souhegan Street neighborhood.
 - c. General overview of the layout and design of the building.

- d. Summary of the proposed parking for the 6 total units (2 off street parking per apartment).

Aerial Photograph(s) of Subject Property:



Street View(s) of Subject Property:



View of Souhegan Street looking NW



View of Souhegan Street looking SE





ZBA Application

MILFORD ZONING BOARD OF ADJUSTMENT

GENERAL PROPERTY INFORMATION FOR ALL APPLICATIONS

PROPERTY INFORMATION

Street Address: 24-26 Souhegan St

Tax Map / Parcel #: 26-68 Lot Size: .98 ACRES

PROPERTY CURRENTLY USED AS

4 UNITS, BUT HAS APPROXIMATELY 6,000 SQ FT OF UNFINISHED SPACE. 3 UNITS ARE OCCUPIED BY RENTERS

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

PROPERTY OWNER

Name: KURT + DIANE SOUCY

Address: 23 DEARBORN ST.

City/State/Zip: MILFORD NH. 03055

Phone: (603) 365-0301 KURT'S CELL

Email: KD SOUCY@MY FAIR POINT.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: DIANE SOUCY

Address: 23 DEARBORN ST.

City/State/Zip: MILFORD NH. 03055

Email: KD SOUCY@MY FAIRPOINT.NET

Phone: () Cell: (603) 365-0560

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.

Property Owner's signature

Date:

Date Received: _____
 Case Number: _____
 Application Number: 20220910
 Hearing Date: _____
 Decision Date: _____
 Decision: _____

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>12</u>	<u>\$48.00</u>
Amount received:	<u>127.36</u> 126.36
Date Received:	<u>7/21/22</u>
Check _____ Cash <input checked="" 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.

126.36
CASH



ZBA Application - Variance
MILFORD ZONING BOARD OF ADJUSTMENT

Date Received: 7-21-22
 Case Number: 2022-17
 Application #: _____
 Date Complete: _____
 Hearing Date: 8-18-22
 Decision Date: _____
 Decision: _____

TOWN OF MILFORD
 RECEIVED
 JUL 21 2022
 PB _____ ZBA _____ Office _____

PROPERTY INFORMATION

Street Address: 24-26 SOUTHEGAN STREET

Tax Map / Parcel #: 26 / 68

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.

WE WOULD LIKE TO ADD 2 ADDITIONAL UNITS TO THIS CURRENTLY 4 UNIT PROPERTY.

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 IS AN ULTIMATE LOCATION TO LIVE IN. WE ARE NOT CHANGING THE CHARACTER. THIS PROPERTY HISTORICALLY HAS BEEN APPROVED AS A 4 FAMILY. NO EXTERIOR CHANGES OR ALTERATIONS TO THE BUILDING.

2. If the Variance were granted, the spirit of the ordinance would be observed because:
THE USE IS HISTORICALLY MULTI-FAMILY HOMES - MOST OF THE SURROUNDING HOMES ARE MULTI-FAMILY, SO THE USE IS SIMILAR TO THE AREA.

3. Granting the Variance would do substantial justice because:
WE HAVE AMPLE PARKING AND A BIG EXISTING FOOTPRINT (10,000 SF ±). IT WOULD NOT ALTER THE CHARACTER OF THE AREA. FINISHING OUR UNFINISHED SPACE INTO 3 UNITS INSTEAD OF JUST THE 1 UNIT WILL CREATE MORE AFFORDABLE HOUSING.

4. Granting the Variance would not diminish the value of surrounding properties because:
THIS IS LOCATED IN AN OLDER AREA. ADDING 2 ADDITIONAL UNITS WILL HAVE NO IMPACT WHATSOEVER TO SURROUNDING PROPERTIES. (CURRENTLY 4 UNITS - WANT TO MAKE IT INTO A 6 UNIT)

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.

THIS IS A UNIQUE PROPERTY - A LARGE HOME THAT HAS ADDED VALUE THROUGH ADAPTIVE REUSE INTO QUALITY HOUSING. OFFERING ADDITIONAL UNITS IN A GREAT NEIGHBORHOOD CREATES MORE AFFORDABLE HOUSING WITHIN WALKING DISTANCE TO TOWN. KEEPING THE BUILDING'S CHARACTER HAS ALSO ADDED TO THE NEIGHBORHOOD, BY NOT OFFENDING WITH THE LOOK OF THE BUILDING.



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 :

THE PROPERTY & SURROUNDING PROPERTIES ARE MULTI-FAMILY ALREADY. THE SPACE THAT WE WOULD MAKE INTO THE ADDITIONAL UNITS IS 6000 SF. INSTEAD OF USING ALL FOR THE 1 UNIT WE WOULD USE APPROX 3300 FOR THE ADDITIONAL 2 UNITS.

ii. The proposed use is a reasonable one because:

THE SPACE IS THERE, INSIDE AND OUTSIDE FOR PARKING. WE ARE TAKING CARE TO KEEP THE PROPERTY AS HISTORIC AND TRUE TO ITS DESIGN, NOT ADDING TO THE EXISTING FOOTPRINT.

(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:

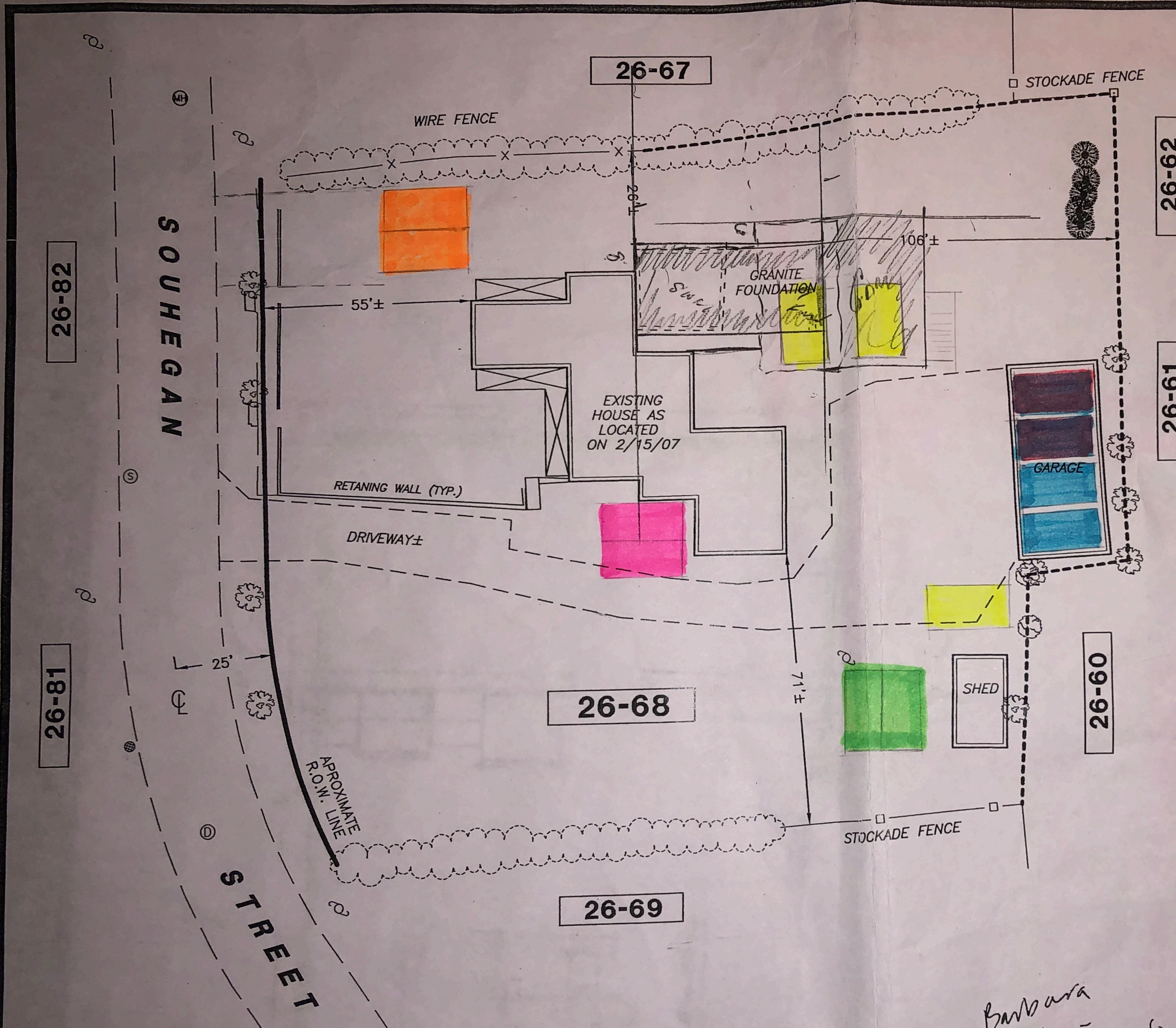
(C) Notwithstanding paragraph (B) above, a Variance may be granted without finding a hardship arising from the terms of the Zoning Ordinance when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

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

IT HISTORICALLY HAS BEEN USED AS A MULTI-FAMILY NO EXTERIOR CHANGES ARE NEEDED. WE ARE NOT ALTERING THE CHARACTER OF THE AREA. IT IS A SIMILAR USE TO THE AREA & SQUARE FOOTAGE EXISTING.

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.



26-67-1

26-62

26-61

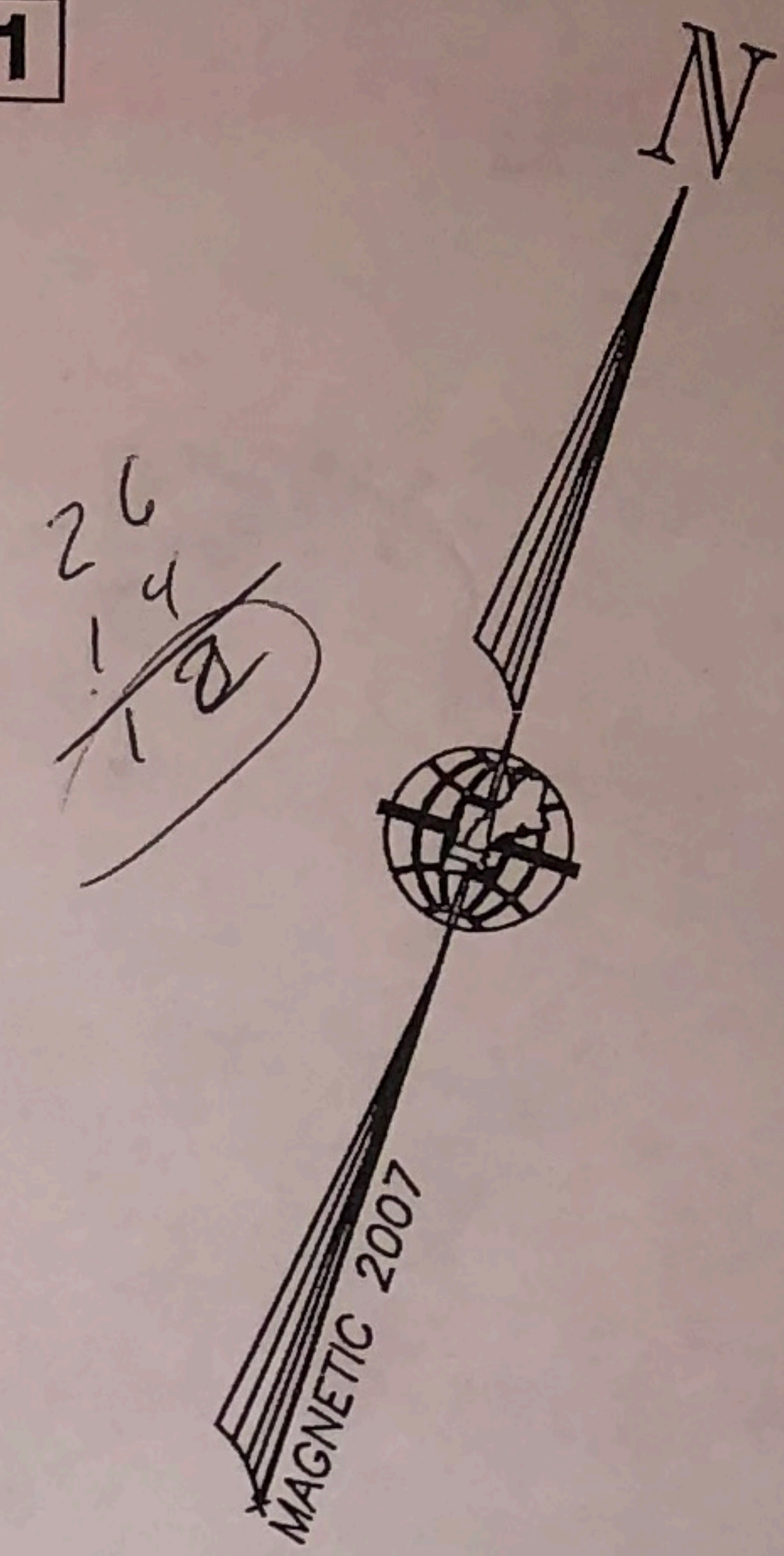
26-82

26-81

26-68

26-69

26-60



NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING IMPROVEMENTS ON LOT 26-68, RELATIVE TO THE PHYSICAL EVIDENCE AND LINES OF OCCUPATION AS SHOWN.
2. THE CURRENT OWNER OF RECORD IS KURT A. & DIANNE E. SOUCY, 23 DEERBORN STREET, MILFORD, N.H. 03055. SEE H.C.R.D. BOOK 7453 PAGE 1246 DATED 5/02/05.
3. THIS IS NOT TO BE CONSIDERED A BOUNDARY SURVEY.

**EXISTING IMPROVEMENTS PLAN
LAND OF:
KURT A. & DIANNE E. SOUCY
TAX MAP 26 LOT 68
MILFORD, NEW HAMPSHIRE**

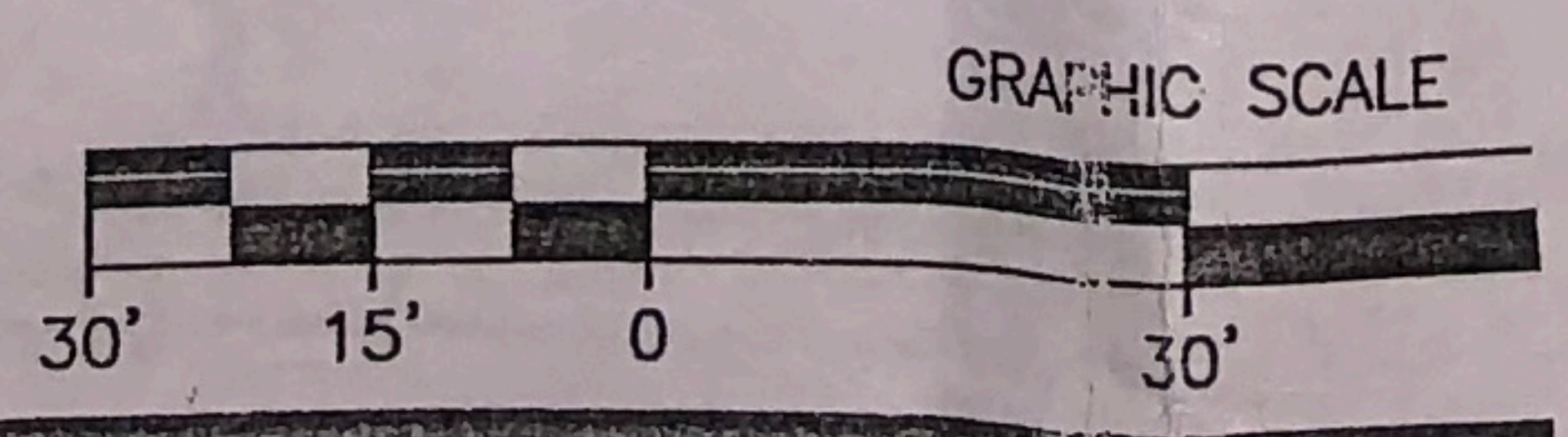
SCALE: 1" = 30' FEBRUARY 20, 2007

MERIDIAN
Land Services, Inc.
OFFICE: 31 OLD NASHUA ROAD, AMHERST, NEW HAMPSHIRE 03031
MAILING ADDRESS: PO BOX 118, MILFORD, NEW HAMPSHIRE 03055-0118
TEL 603-673-1441 FAX 603-673-1584 MERIDIAN@MERIDIANLANDSERVICES.COM

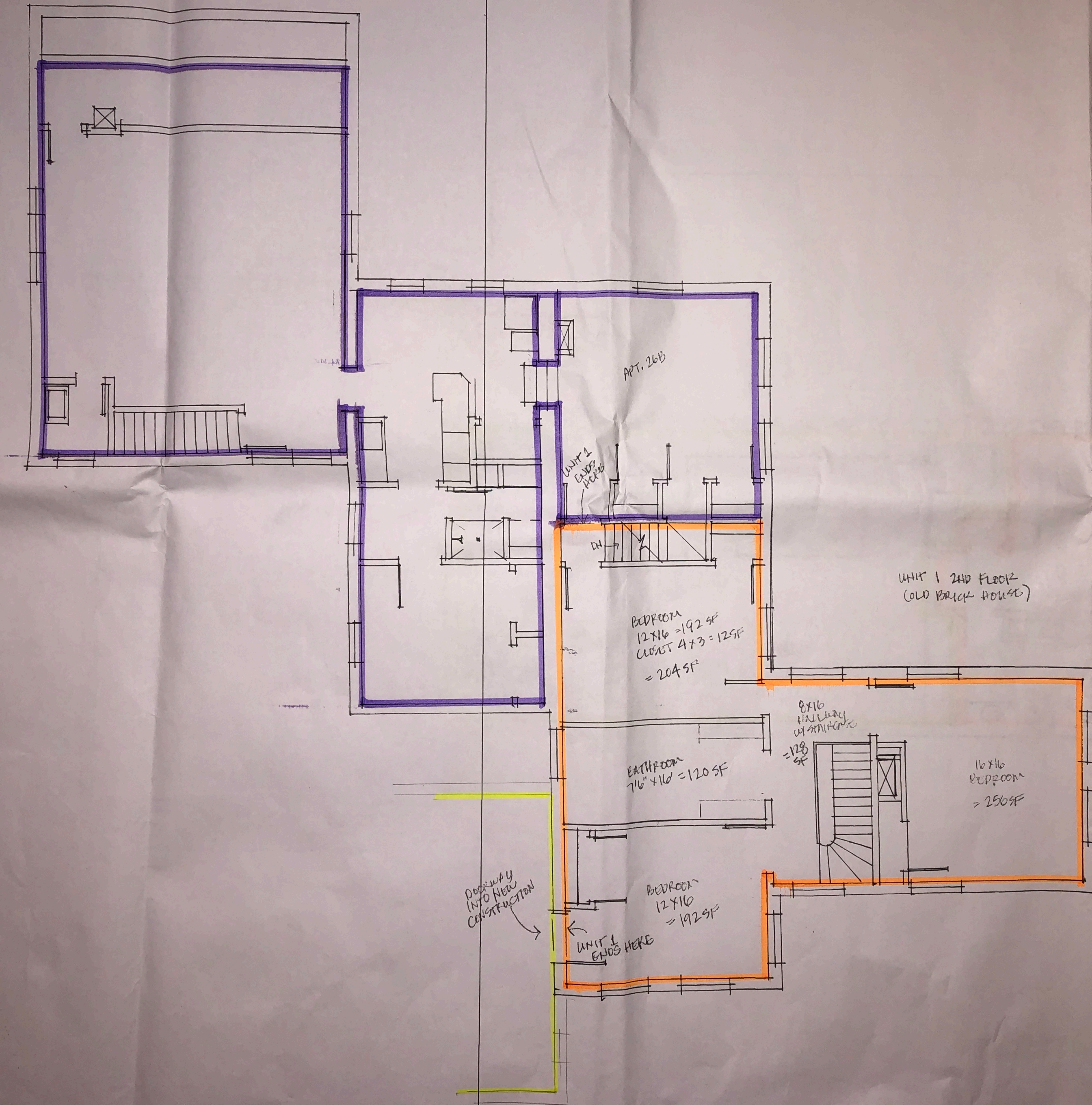
ENGINEERS - LAND SURVEYORS - SCIENTISTS - LAND PLANNERS

FILE: 7441C00.dwg PROJECT NO. 7441.00 SHEET NO. 1 OF 1

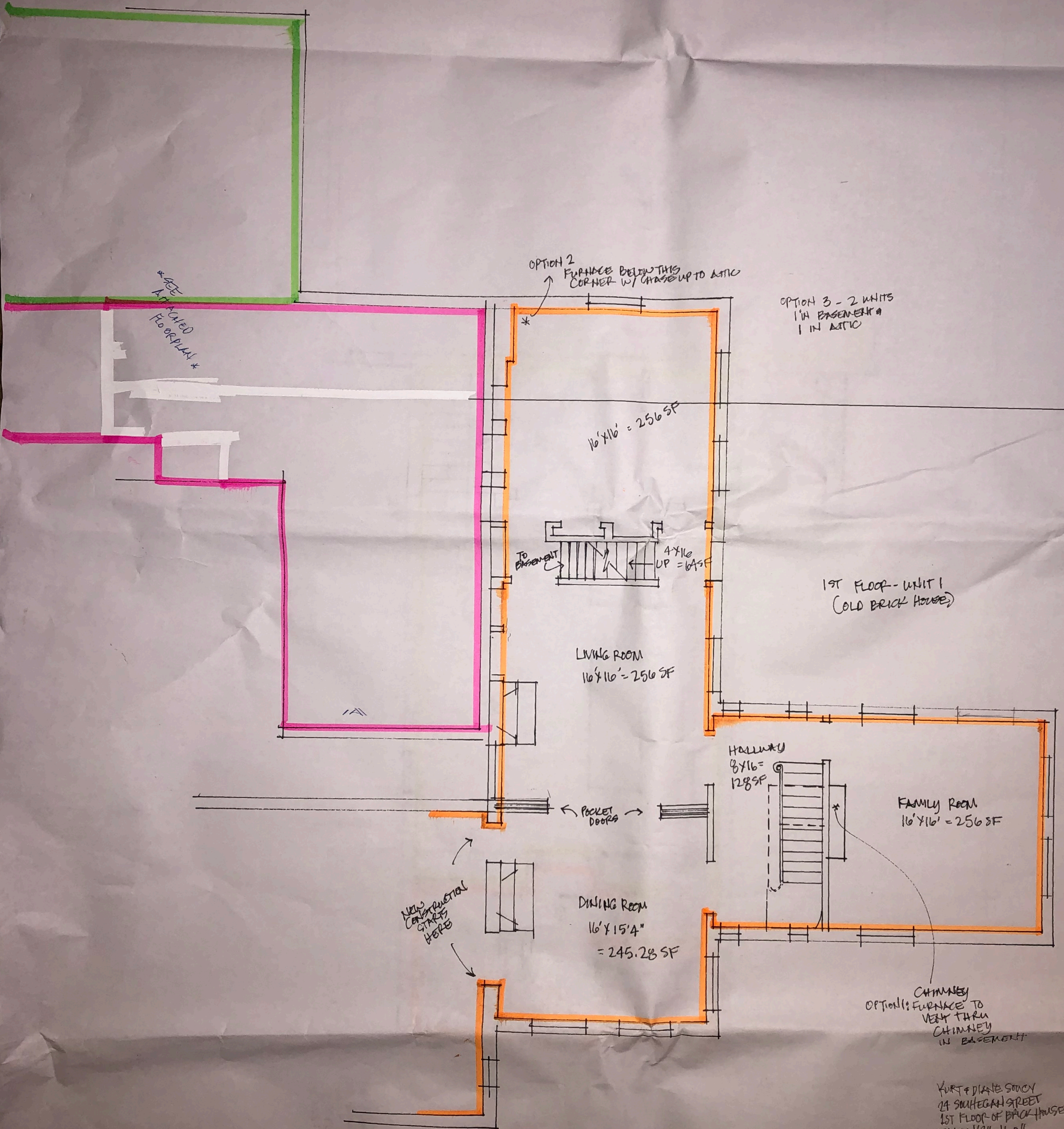
*Barbara
Cady =
no need to
call*



REV.	DATE	DESCRIPTION	C/O	DR	CK



KURT & DIANE SOUNCY
24 SOUTH HEGAN STREET
2ND FLOOR OF BRICK HOUSE
SCALE: 1/2" = 1'-0"

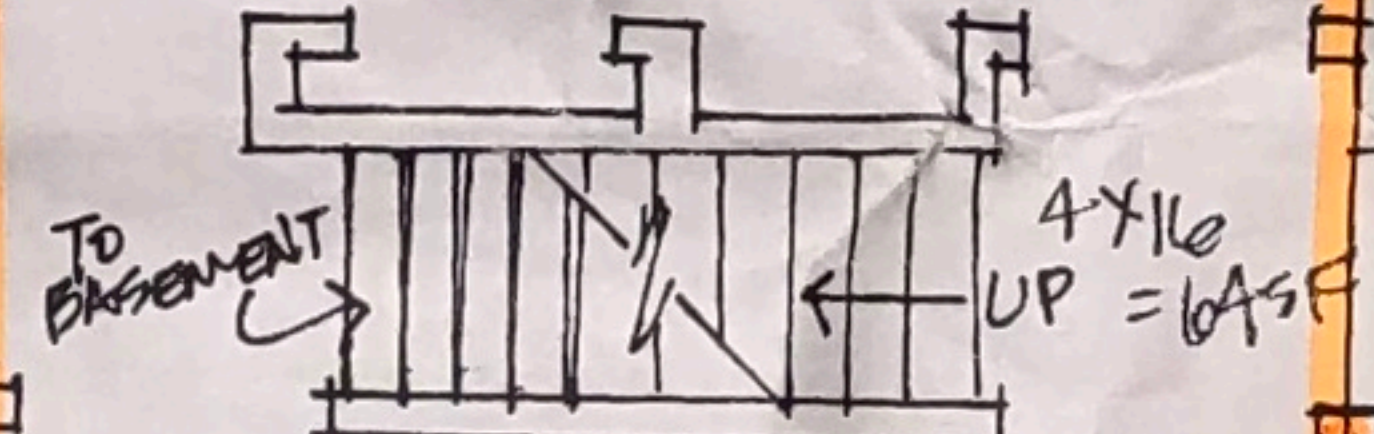


SEE ATTACHED FLOORPLAN

OPTION 2
FURNACE BELOW THIS
CORNER W/ CHASE UP TO ATTIC

OPTION 3 - 2 UNITS
1 IN BASEMENT &
1 IN ATTIC

16' x 116' = 256 SF



1ST FLOOR - UNIT 1
(OLD BRICK HOUSE)

LIVING ROOM
16' x 116' = 256 SF

HALLWAY
8' x 16' =
128 SF

FAMILY ROOM
16' x 116' = 256 SF

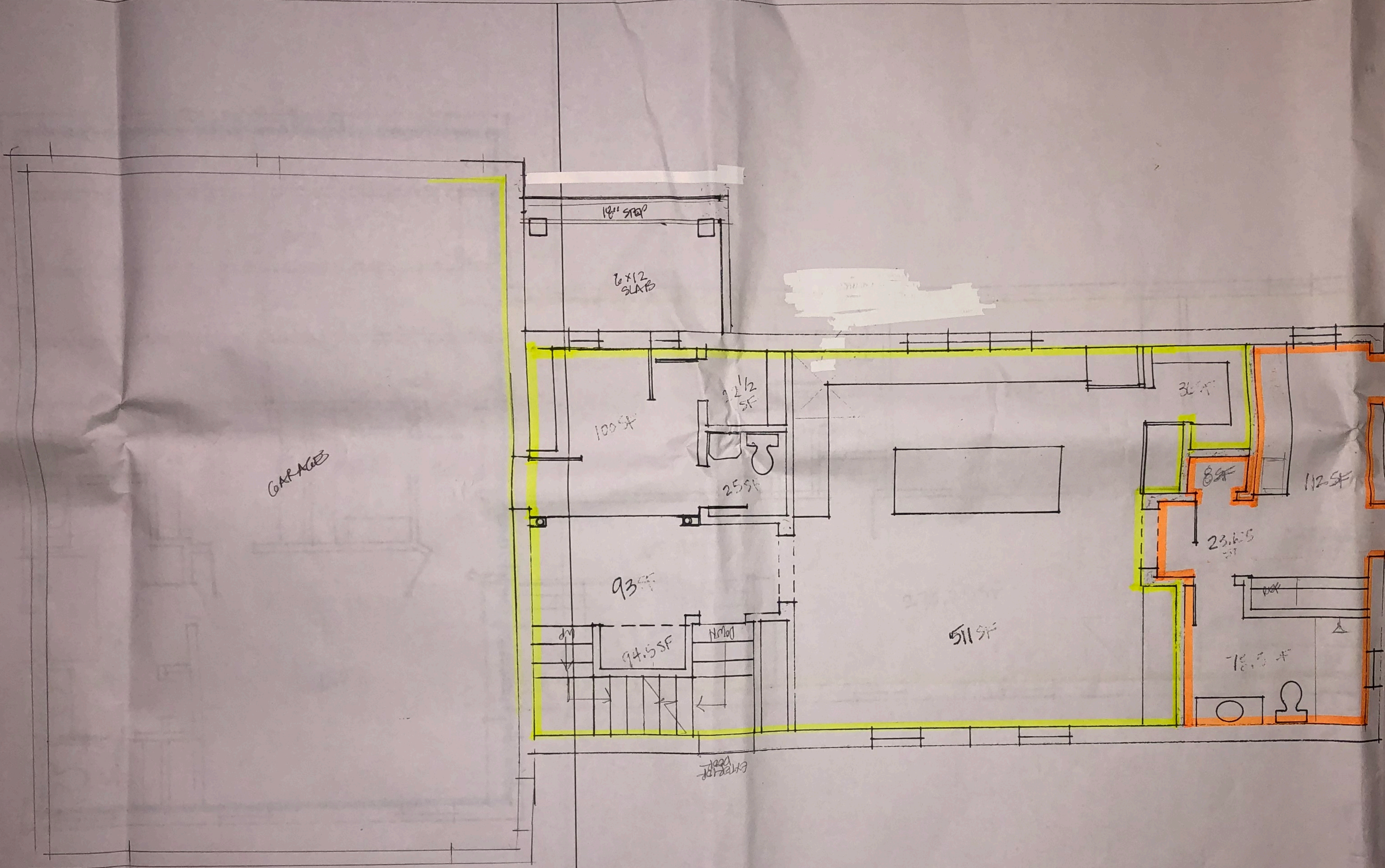
POCKET DOORS

NEW
CONCRETE
STAIRS
HERE

DINING ROOM
16' x 15'4"
= 245.28 SF

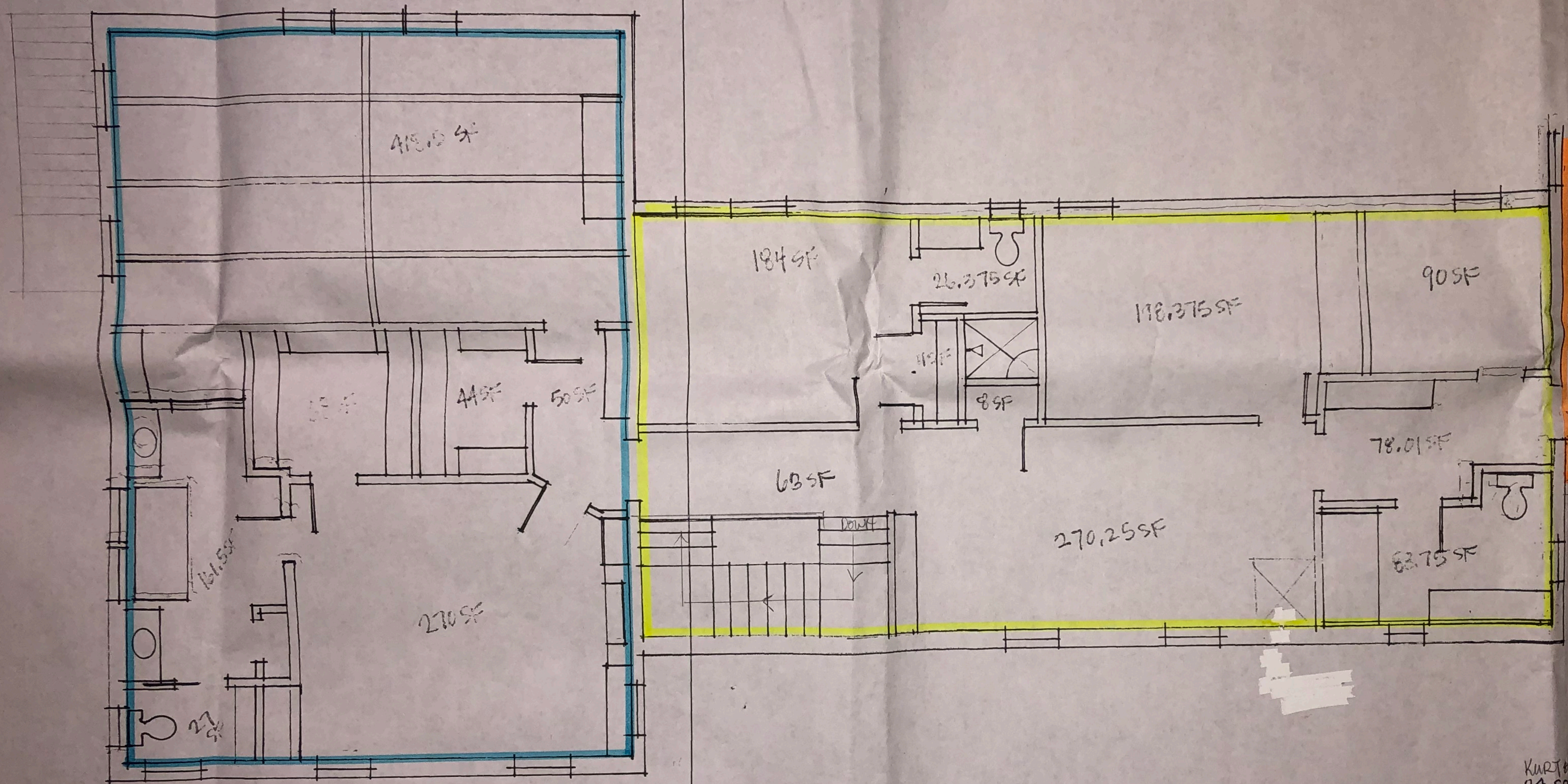
CHIMNEY
OPTION 1: FURNACE TO
VENT THRU
CHIMNEY
IN BASEMENT

KURT & DIANE SANCY
24 SOUTHGATE STREET
1ST FLOOR OF BRICK HOUSE
SCALE: 1/2" = 1'-0"



KURT & ORANE SACH
 24 SOUTHGATE STREET
 MILFORD, NH
 1ST FLOOR
 SCALE: 1/4" = 1'-0"

UNIT 1
UNIT 2 = 2022 AP + BARNMENT 1150 = 2132



CONNECTS TO OLD POPPER HOUSE HERE

KURT & DIANE SOUCH
24 SOUHEGAN STREET
MILFORD, NH
2ND FLOOR
SCALE: 1/4" = 1'-0"