

Milford Community Development Office

TO: Monique Savoie - msavoie@nashuatelegraph.com
For inclusion in the 3/14/2024, Thursday Edition of the Milford Cabinet.

**Notice of Hearing
Milford Zoning Board of Adjustment
Town Hall, 1 Union Square, Milford, NH
Board of Selectmen's Meeting Room
Thursday, March 21, 2024 7:00 PM**

You may attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting Room. If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the **Meeting ID: 822 1768 6560** and **Password 568170** or log in via www.zoom.com using the Meeting ID and Password above.

A digital copy of the meeting materials can be found on the Town website at: <https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda-21March2024>.

We will also be live streaming the meeting on Granite Town Media, Government Channel 8: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>.

Notice is hereby given for a Public Hearing to be held March 21, 2024 at 7:00 PM in the Board of Selectmen's Meeting Room on the following case:

1. Public Hearing:

a. Case #2023-22

The applicants, Thomas & Xhevit Bifsha, are seeking a Variance from the Milford Zoning Ordinance, Article V, Sections 5.03.4.A & 5.05.1.P, for property located 210 Elm Street, Milford Tax Map 18, Lot 6. The Variance Request is to allow for six (6) total multi-family residential units, consisting of five proposed (5) multi-family units, and the retention of the one (existing) single-family residential unit (to be converted into a multi-family dwelling unit) to be permitted on the referenced .998-acre lot. The existing lot size is 43,027 s.f. in size, whereas a total of 52,272 s.f. would be required for the requested six (6) multi-family residential units. The lot is zoned Commercial ("C"), pursuant to Section 5.05.0 (General Requirements) and permits only 5 multi-family dwelling units/acre. Any multi-family residential units proposed within the Commercial Zoning District must also follow the residential density requirements, as set forth within the Residence "B" Zoning District (Section 5.03), which only allows a maximum of five (5) multi-family dwellings/acre.

Please call or email Terrence Dolan with any questions or concerns at 603-249-0620 or email at tdolan@milford.nh.gov.



ZONING BOARD OF ADJUSTMENT AGENDA

**Milford Town Hall - Board of Selectmen's Meeting Room
March 21, 2024 – 7:00 PM**

You may attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting Room with all Covid protocols in place. If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the Meeting ID: 822 1768 6560 and Password 568170 or log in via www.zoom.com using the Meeting ID and Password above.

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<http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>.

The Town of Milford Board of Adjustment will conduct a Public Meeting beginning at 7:00 p.m. to consider and review the following item listed below:

- 1. Call to Order**
- 2. Public Meeting:**
 - a. **Case #2023-22**

The applicants, Thomas & Xhevit Bifsha, are seeking a Variance from the Milford Zoning Ordinance, Article V, Sections 5.03.4.A & 5.05.1.P, for property located 210 Elm Street, Milford Tax Map 18, Lot 6. The Variance request is to allow for six (6) total multi-family residential units, consisting of five proposed (5) multi-family units, and the retention of the one (existing) single-family residential unit (to be converted into a multi-family dwelling unit) to be permitted on the referenced .998-acre lot. The existing lot size is 43,027 s.f. in size, whereas 52,272 s.f. would be required for the requested six multi-family residential units. The lot is zoned Commercial ("C"), pursuant to Section 5.05.0 (General Requirements). Any multi-family residential units proposed within the Commercial Zoning District must follow the residential density requirements, as set forth within the Residence "B" Zoning District (Section 5.03), which only allows a maximum of five (5) multi-family dwellings/acre.

- 3. Other Business: TBD**
- 4. Next Meeting(s):**
 - April 4, 2024
 - April 18, 2024

Please call or e-mail Terrence Dolan with any questions or concerns at 603-249-0620, or email at tdolan@milford.nh.gov.



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

TOWN OF MILFORD
 RECEIVED
 NOV 09 2023
 PB ZBA Office

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

PROPERTY INFORMATION

Street Address: 210 Elm Street, Milford, New Hampshire
 Tax Map / Parcel #: Map 18/Lot 6 Lot Size: approximately 1 acre

PROPERTY CURRENTLY USED AS

Residence


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

PROPERTY OWNER

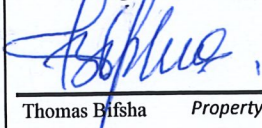
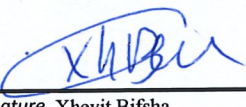

Name: Thomas Bifsha and Xhevit Bifsha
 Address: 210 Elm Street
 City/State/Zip: Milford, New Hampshire 03055
 Phone: (603) 892-9186
 Email: _____

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: Nikolla Bifsha 
 Address: 210 Elm Street
 City/State/Zip: Milford, New Hampshire 03055
 Email: bifsha3@gmail.com
 Phone: () Cell: (603) 892-9186

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.

  
 Thomas Bifsha Property Owner's signature Xhevit Bifsha 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: 13 x \$5.75	74.75
Legal Fee Notice	75.00
Amount received:	\$249.75
Date Received:	

Check _____ Cash _____

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: 210 Elm Street, Milford, New Hampshire
Tax Map / Parcel #: Tax Map 18/Lot 6
<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>5.05.1</u>
Describe the variance you are requesting under the above section of the Ordinance. The requested variance will permit the construction of six (6) units of residential housing when only four (4) units are permitted by a strict application of the Zoning Ordinance.

General Criteria Section 10.01

Explain how the proposal meets the following conditions per New Hampshire RSA 674:33.I

- Granting the Variance would not be contrary to the public interest because:
 Granting a variance to permit the construction of six residential units on the property will not alter the essential character of the neighborhood nor threaten the public health, safety or welfare.
- If the Variance were granted, the spirit of the ordinance would be observed because:
 Granting a variance to permit the construction of six residential units on the property will not alter the essential character of the neighborhood nor threaten the public health, safety or welfare.
- Granting the Variance would do substantial justice because:
 Granting the variance will do substantial justice because denying the variance will deny the applicant reasonable use of the property without a corresponding benefit to the public in light of the location of the property.
- Granting the Variance would not diminish the value of surrounding properties because:
 The immediate area surrounding the property is heavily developed commercially.
- 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.

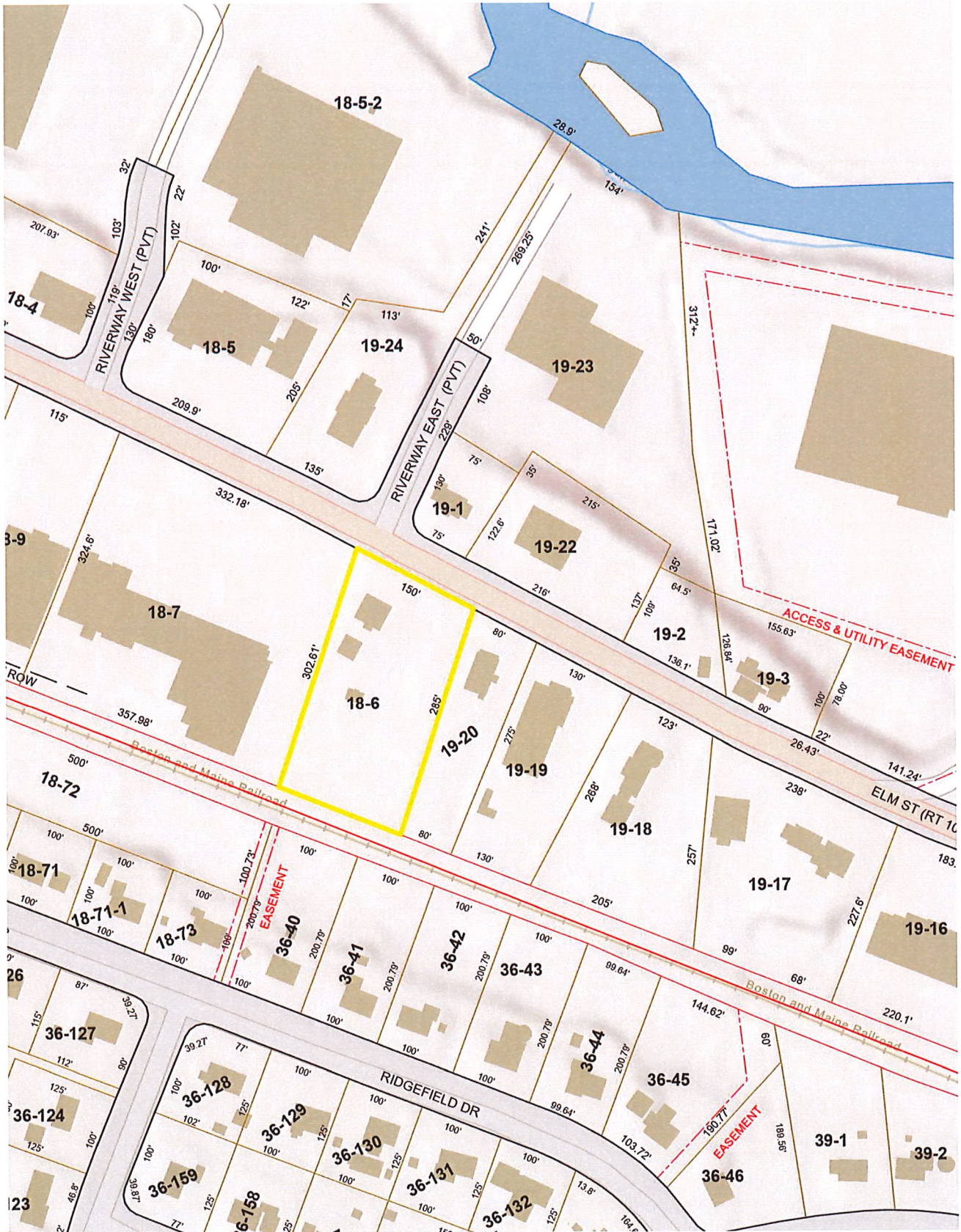
The property is in the Commercial District and surrounded by commercial uses. The property can reasonably support six residential units without adversely affecting the public interest.

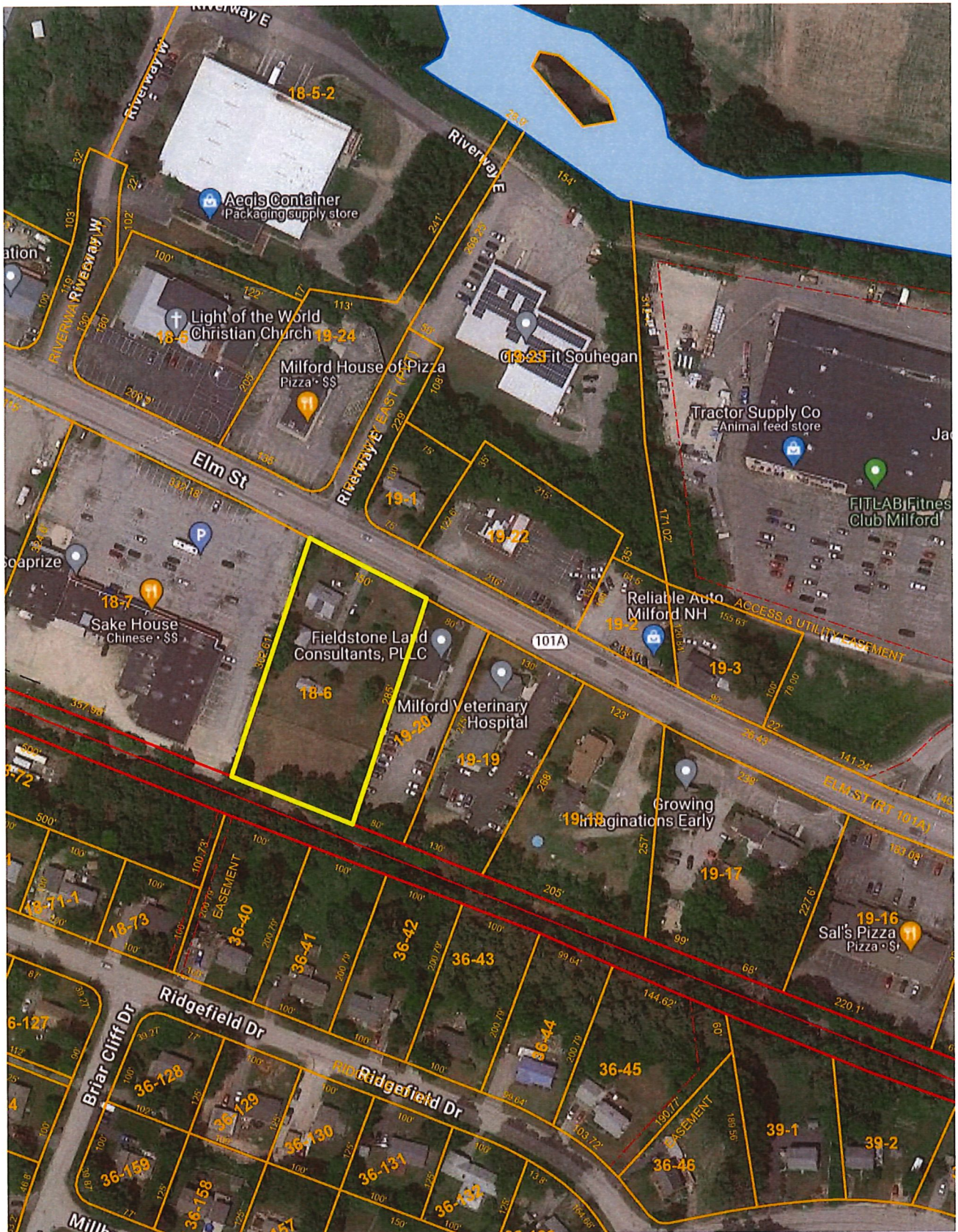


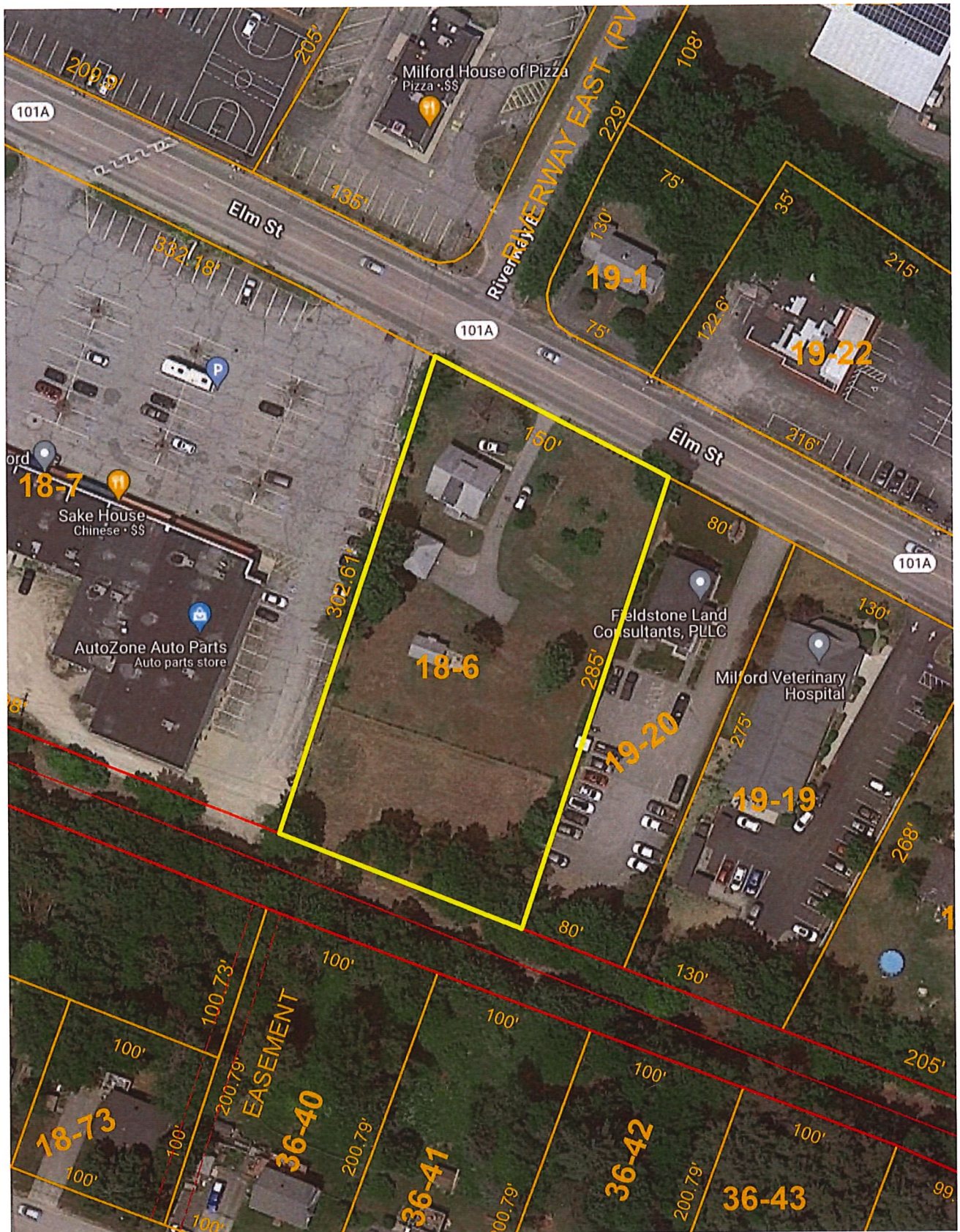
ZBA Application - Variance
MILFORD ZONING BOARD OF ADJUSTMENT

TOWN OF MILFORD
 RECEIVED
 NOV 09 2023
 PB _____ ZBA _____ Office _____

<p>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:</p>
<p>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 :</p>
<p>The property is in the Commercial District and surrounded by commercial uses. The property can reasonably support six residential units without adversely affecting the public interest.</p>
<p>AND</p>
<p>ii. The proposed use is a reasonable one because:</p>
<p>The proposed use is consistent with the neighborhood and will not overburden the property. Multi-family residential use is permitted.</p>
<p>(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:</p>
<p>N/A</p>
<p>(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:</p>
<p>N/A</p>
<p>1. The Variance requested under this paragraph shall be in harmony with the general purpose and intent of the Zoning Ordinance because:</p>
<p>N/A</p>
<p>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.</p>
<p>ATTACHMENTS – additional information may be needed to help the Zoning Board of Adjustment fully understand your petition.</p> <p>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.</p>







Milford, New Hampshire
Google Street View
Sep 2023 See more dates



Google

Image capture: Sep 2023 © 2024 Google





210 ELM ST

Location 210 ELM ST

Mblu 18/6/11

Owner BIFSHA, THOMAS & XHEVIT

Assessment \$292,100

Appraisal \$292,100

PID 1430

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$121,100	\$171,000	\$292,100

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$121,100	\$171,000	\$292,100

Owner of Record

Owner BIFSHA, THOMAS & XHEVIT
Co-Owner
Address 265 ELM ST
 MILFORD, NH 03055

Sale Price \$235,000
Certificate
Book & Page 8239/2082
Sale Date 09/14/2010
Instrument 33

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BIFSHA, THOMAS & XHEVIT	\$235,000		8239/2082	33	09/14/2010
ROBICHAUD, HEIDI B TRSTEE	\$225,000		7933/0263	81	12/19/2007
MACALEESE, JEANNE A	\$0	1	1082/0190		01/01/1942

Building Information

Building 1 : Section 1

Year Built: 1920
Living Area: 1,248
Replacement Cost: \$247,733
Building Percent Good: 45

Replacement Cost

Less Depreciation: \$111,500

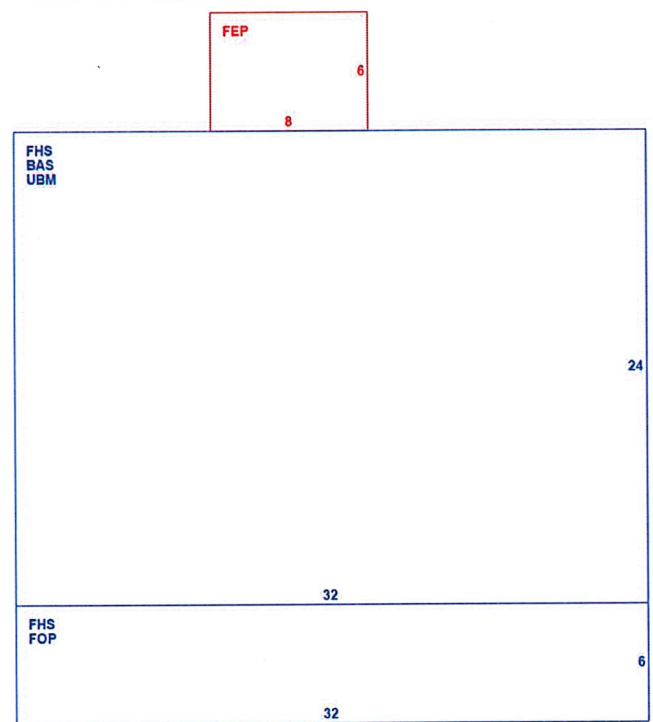
Building Attributes	
Field	Description
Style:	Bungalow
Model	Residential
Grade:	Average
Stories:	1.5
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plastered
Interior Wall 2	Drywall/Sheet
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil/Propane
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	6
Bath Style:	Average
Kitchen Style:	Average
Num Kitchens	
Cndtn	
Mobile Park	
Color	
Num Park	
Fireplaces	
data input	VS
Fndtn Cndtn	
Basement	

Building Photo



(https://images.vgsi.com/photos/MilfordNHPhotos/A00\00\58\27.jpg)

Building Layout



(ParcelSketch.ashx?pid=1430&bid=1541)

Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	768	768
FHS	Half Story, Finished	960	480
FEP	Porch, Enclosed, Framed	48	0
FOP	Porch, Open, Framed	192	0
UBM	Basement, Unfinished	768	0
		2,736	1,248

Extra Features

No Data for Extra Features

Land

Land Use

Use Code 1010
Description Single Family
Zone C
Neighborhood C07
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 1
Frontage
Depth
Assessed Value \$171,000
Appraised Value \$171,000

Outbuildings

Outbuildings							<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #	Comment
FGR	GARAGE	01	1 STRY AVG	483.00 S.F.	\$8,700	1	
SHD	SHED	01	FRAME/MSNRY	240.00 S.F.	\$900	1	