



Milford Zoning Board of Adjustment

Administrative Review

Date: March 14, 2024-as revised March 20, 2024

To: Zoning Board of Adjustment

From: Terrence S. Dolan, Town Planner

Subject: Case #2023-22: Thomas & Xhevit Bifsha for the property located at Tax Map 18, Lot 6, 210 Elm Street. Variance Application from the Milford Zoning Ordinance, Article V, Section 5.03.4. & 5.05.1.P to allow the construction of a new 5-unit multi-family residential building, and the retention of an existing single-family residence (to be converted into a separate, stand-alone multi-family unit).

Background:

The applicant is before the Board seeking a Variance from the Milford Zoning Ordinance, Article V, Section 5.03.4. & 5.05.1.P to allow the construction of a five (5)-unit multi-family residential building and the retention of the existing single-family home on the 43,027 square feet (**.988-acre lot**), where 52,272 square feet (1.2 acres) is required in the Commercial 'C' Zoning District for the six (6) multi-family units. The applicants are the current owners of the property lot.

In reviewing the files for this property, I offer the following comments:

1. The lot contains 150 linear feet of frontage along the south side of Elm Street, and lies within the Commercial Zoning District. The property contains a 1,248 sq foot single-family residential structure, built in 1920, and is served by town municipal water and sewer.
2. The existing neighborhood along this portion of the Elm Street corridor, in proximity to the subject property, is largely made up of a mix of commercial uses (various retail sales, restaurants, small strip centers, general offices, medical/dental facilities, veterinarian clinic), along with residential uses on both the north and south sides of Elm Street, many of which are two-family or multi-family.

3. The property lot is flanked on both its east and west sides by other commercial uses. The applicant is proposing to retain its existing 1,248 sq. ft. single-family residence along with the construction of a new five (5) unit multi-family building. In accordance with Section 5.05.0 multi-family dwellings are a permitted use in the Commercial 'C' District. However, the density for multi-family dwellings must meet the conditions set forth in the ordinance relative to the Residences "B" Zoning District. (please refer to Section 5.03.4.A & B)
4. The allowable density for a multi-family use in the Commercial "C" Zoning District is determined by both Section 5.05.1.P & Section 5.03.4.A & B, which states that multi-family dwellings shall be served by both municipal sewerage and water systems and may have a maximum of five (5) units per acre (8,712 square feet required per unit). The maximum density may be reduced by the Planning Board based on recommendations of other qualified consultants.
5. The total maximum allowable for the property pursuant to Section 5.03.4.A is only 4.94 units (@ the permitted 5 MF DU's/Acre **(.998-acre lot: 43,027 square feet / 8,712 square feet/unit required)**). The applicant's request requires a lot with a minimum area of 52,272 square feet (6 units x 8,712 square feet).

Thus, due to the insufficient lot size, a Variance is being requested by the applicant to allow for the two additional multi-family dwelling units.