



# ZBA Application – Special Exception

## MILFORD ZONING BOARD OF ADJUSTMENT

Date Received: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Application #: \_\_\_\_\_  
Date Complete: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Decision Date: \_\_\_\_\_  
Decision: \_\_\_\_\_

### PROPERTY INFORMATION

Street Address: \_\_\_\_\_

Tax Map / Parcel #: \_\_\_\_\_

*A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board of Adjustment. Most special exceptions have a list of additional criteria that must be met in order for the ZBA to approve the application.*  
**\*Note that in addition to the specific criteria that may be listed for a particular special exception, all special exceptions are subject to the general criteria in Section 10.02.1 of the Zoning Ordinance.**

What section of the Zoning Ordinance are you applying under?  
  
Article \_\_\_\_\_ Section \_\_\_\_\_  
Describe the **use** you are proposing under the above section of the Ordinance.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Application for (check all that apply):

- Change/Expansion of Non-conforming Use/Structure (2.03.1.C)
- Wetland Buffer Impact (6.02.6)
- Accessory Dwelling Unit (10.2.6)
- Office in Res-A & B (10.2.7)
- Home Business (7.12.6)
- Side/Rear Yard Setback Reduction (Zoning District Specific)
- Other

### General Criteria Section 10.02.1

Describe the project you are requesting a Special Exception for:

#### **Explain how the proposal meets the general criteria as specified in Article X, Section 10.02.1 of the Zoning Ordinance:**

A. The proposed use is similar to those permitted in the district because:

B. The specific site is an appropriate location for the proposed use because:

C. The use as developed will not adversely affect the adjacent area because:

D. There will be no nuisance or serious hazard to vehicles or pedestrians because:

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:



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***Explain how the proposal meets the specific criteria of the Zoning Ordinance for each section:***

#### **WETLAND AND WETLAND BUFFER IMPACT 6.02.6**

1. Has the need for the project been addressed? Please explain.
2. Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain.
3. Has the impact on plants, fish and wildlife been addressed? Please explain.
4. Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain.
5. Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain.
6. Has the cumulative impact if all parties owning or abutting the affected wetland were allowed to alter or impact the wetland or buffer area in the same way? Please explain.
7. Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain.
8. Has a comment from the Milford Conservation Commission been solicited? Yes\_\_\_ No\_\_\_  
Date of Conservation Commission Meeting attended:\_\_\_\_\_

#### **HOME BUSINESS CRITERIA 7.12.6**

1. Is the Home Business located in the Residential 'A', Residential 'B', or Residential 'R' Zoning District?
2. Please explain if the Home Business is conducted entirely within the dwelling or accessory structure.
3. A sign of not more than six (6) square feet is allowed and shall not advertise in such a way that would encourage customers or salespersons to come to the property without an appointment. Please provide the dimensions, design, and approximate location of the sign.
4. There shall be no more than two (2) non-resident employees of the Home Business. Please provide the total number of non-resident employees.
5. The Home Business shall not be more than 25% of the combined floor area of all structures on the property. Please detail the total combined floor area of all structures on the property used for Home Business.

*Section continued on next page.*



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#### **HOME BUSINESS CRITERIA 7.12.6 (Continued)**

6. Retail sales of goods incidental to Home Business are allowed. Please explain if there will be retail sales of goods incidental to Home Business.
7. There shall be not more than sixteen (16) clients or deliveries per day. If applicable, please provide the anticipated number of clients or deliveries per day.
8. There shall be no parking of or deliveries by vehicles with more than two (2) axles. Only one (1) commercial vehicle may be parked on the property in conjunction with the Home Business. Please summarize the anticipated size of the delivery vehicles and number of commercial vehicles serving the Home Business.
9. A Home Business shall not be conducted in a way that is perceptible in external effects (such as but not limited to noise, odors, traffic) from beyond the lot line between the hours of 9:00 p.m. and 7:30 a.m. Please explain the hours of operation.
10. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances. If applicable, please explain if there will be the storage of hazardous, flammable or explosive, or toxic substances associated with the Home Business and its location on the property.

#### **ACCESSORY DWELLING UNITS 10.02.6**

1. Is the property going to be Owner Occupied?
2. Has a Building Permit application been made? Copy of permit application attached?
3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?
4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit?
5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood?
6. Is there adequate off-street parking? How many spaces?
7. Are any additional curb cuts being proposed?
8. Are all necessary additional entrances or exits located to the side or rear of the building to the maximum extent possible? Please note on the plan.

*Section continued on next page.*



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### **ACCESSORY DWELLING UNITS 10.02.6 (Continued)**

1. Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval.
2. Is there only one (1) ADU on the property?
3. Is the ADU no more than 750 square feet gross floor area? How many square feet is the ADU?
4. Does the ADU have no more than two (2) bedrooms? Please show on plans.
5. If inside the existing dwelling, is there at least one common wall with a door between the two spaces at least 32 inches wide? Please show on plans.
6. If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.
7. Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report.
8. Is the ADU in compliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so?
9. If no, has a Variance from Section 10.02.6:A been granted by the ZBA?

### **OFFICE IN THE RESIDENCE A AND B DISTRICTS 10.02.7**

1. Is the specific site of the proposed office use located in an existing building that is an appropriate location for the proposed use and ancillary to the Residential Use permitted by right? Please explain.
2. Will the use as proposed adversely affect adjacent Residential areas? Please explain.
3. Will there will be any nuisance, such as but not limited to: noise, odor, hours of operation, traffic, deliveries and lighting associated with this use? Please explain.
4. Will there be any outside storage? Please explain.
5. Has the applicant made a site plan application to the Planning Board (hearing subsequent to Zoning Board approval)?  
Yes \_\_\_ No \_\_\_ Date of hearing: \_\_\_\_\_