



Town of Wilton, NH
Application to the Zoning Board of Adjustment
 (Revised January 2010)

General Information, Page 1 of 3

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TOWN OF WILTON NH

Property Information

Describe the lot involved in the application (the lot that you want to build a building on, subdivide, conduct a business or other activity on, etc.). If more than one lot is involved, then describe them all in this space if it is convenient, or attach additional copies of this page.

Tax Map and Lot Number J-054 Lot Size .06 AC

Street Address 39 MAIN STREET

Zoning District (check one):

- Residential General Residence and Agricultural
 Commercial Industrial Office Park

Relevant Overlay Districts (check any that apply):

- Research and Office Park Floodplain Conservation Watershed
 Wetlands Conservation Aquifer Protection Elderly Housing

Owner

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

Name MARY LYN YONIKA

Mailing address 29 TAYLOR DRIVE

Mailing address _____

Town, State, ZIP MILFORD NH 03055

This application must be signed by the owners of all lots involved in the application.

I approve the submission of this application. If an applicant or representative is named on the next page, the person named there has my permission to represent me before the Wilton Zoning Board.

Signature *M. Yonika* Date 10/25/10

(continued on the next page)

clerk use only	
Date and time received: <u>11/8/10</u> <u>9:50 AM</u>	
Received by: <u>D. Miller</u>	Amount paid: <u>_____</u>
Case #: _____	<input type="checkbox"/> Abutter list and labels included

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Applicant

The applicant is the person who actually wants to build the building, conduct the business, etc. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.

Same as owner

Name _____
Mailing address _____
Mailing address _____
Town, State, ZIP _____

Signature of Applicant or Owner

I certify that to the best of my knowledge and belief, all information provided in this application is accurate.

Signature *ML Yonika* Date 10/25/10

Representative

Fill out this section if the application is being submitted by a realtor, surveyor, engineer, attorney, etc., on behalf of the actual owner or applicant.

Name DONALD YONIKA
Mailing address 29 TAYLOR DRIVE
Mailing address _____
Town, State, ZIP MILFORD NH 03055

I authorize the above-named representative to submit this application and to speak before the Zoning Board on my behalf.

Signature of applicant or owner

Signature *ML Yonika* Date 10/25/10

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Contact Information

How can we get in touch with the applicant or the applicant's representative, if there are questions about or problems with the application? Provide at least one of the following. If you provide more than one, please check your preferred form of contact.

This information is for: the applicant the representative.

Daytime phone _____ Evening phone 672 4164
 Work E-mail _____ Personal e-mail DYONIKA@COMCAST.NET

Proposed Use

- ① Explain what you want to do with the property. (Do you want to build a building, subdivide a lot, have a business, ...).
- ② Explain why you need the Zoning Board to let you do it. (The building will be too close to the lot line; the Planning Board wouldn't approve your subdivision; your lot is in a zoning district where businesses aren't allowed; ...).
- ③ Be specific. Identify the section or sections of the Zoning Ordinance that apply. If lot sizes or configurations or building placements are relevant, provide a scale drawing or plan showing all relevant information, such as lot lines, setbacks, present and proposed structures on your lot and neighboring lots, etc.

Description of proposed use and need for ZBA approval (use this page; attach additional pages as necessary):

- ① OWNER WOULD LIKE TO ADD A DECK AND STAIRCASE TO THE REAR OF THE BUILDING.
- ② THE DECK AND STAIRCASE ARE WITHIN THE SIDE YARD SETBACK.
- ③ SECTION 7.2.2 b, INDICATES THE SIDE SETBACK TO BE 25 FEET. AS THE LOT IS ONLY 23 FEET WIDE, THE DECK AND STAIRCASE CANNOT BE BUILT WITHOUT RELIEF FROM THE ZONING BOARD OF ADJUSTMENT

NOTE:
 THIS REVISION SEEKS ACTION BY THE ZBA ONLY FOR A VARIANCE TO SECTION 7.2.2.b OF THE ZONING ORDINANCE

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Application for a Variance, Page 1 of 2

When, because of the specific characteristics of your property, the Zoning Ordinance unreasonably restricts your use of your property without a corresponding public benefit, the Zoning Board may grant a Variance, which modifies or sets aside particular requirements of the Ordinance.

The specific section of the Zoning Ordinance to be varied: 7.2.2 b.

The requirement in that section that you want to change, and how you want it changed:

THE SIDE YARD SETBACK OF 25 FEET TO BE CHANGED
TO A SETBACK OF 0 FEET

To grant a variance, the Zoning Board must decide that it will satisfy each of the following five conditions. Please explain why you believe that each of the following statements is true. (Use additional sheets of paper if necessary.)

1. Granting the variance would not be contrary to the public interest: _____

THE PROPOSED IMPROVEMENTS MAY BE THE STIMULUS FOR
CLEAN-UP AND PHYSICAL ACCESS BY THE PUBLIC TO THE
RIVERFRONT AREA.

2. Granting the variance would be consistent with the spirit of the Ordinance: _____

SECTION 1.0, PREAMBLE, STATES THE PURPOSES OF THE ORDINANCE.
THE PROPOSED WORK, IN ADDITION TO 'CONVENIENCE', ALLOWS FOR 'SAFETY'
FOR OWNER TO EXIT THE BUILDING TO THE REAR

3. Granting the variance would do substantial justice: _____

GRANTING OF THE VARIANCE IS THE ONLY WAY THE
IMPROVEMENTS CAN BE ACCOMPLISHED.

4. The proposed use will not diminish surrounding property values: _____

ADDITION OF THE REAR DECK AND EXIT STAIRCASE, IN THE
OPINION OF THE OWNER, WILL INCREASE SURROUNDING PROPERTY
VALUES, AS IT IMPROVES CURRENT DEGRADED CONDITIONS.

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5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship. Complete just one of sections 5(a), 5(b), or 5(c):

5(a) 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:

A 25 FOOT SIDE YARD SETBACK IS INCONSISTENT WITH A BUILDING OF 23 FEET IN WIDTH, WITH SHARED WALLS

ii. The proposed use is a reasonable one:

IT IS REASONABLE TO HAVE SAFE EGRESS AND TO HAVE A DECK FROM WHICH ENJOYMENT OF THE VIEW AND SOUNDS OF THE ADJACENT SOUKHEGAN RIVER, IS

iii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

THE SPECIAL CONDITION IS THAT THE BUILDING AND/OR LOT IS ONLY 23 FEET WIDE, MAKING IMPOSSIBLE COMPLIANCE WITH A SET BACK WIDER THAN THE BUILDING.

5(b) i. The property cannot be reasonably used in strict conformance with the ordinance:

ii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

5(c) **Hardship resulting from a physical disability.**

i. The variance is necessary to make reasonable accommodations to allow a person with a recognized physical disability to reside in or regularly use the premises:

ii. The variance is in harmony with the general purpose and intent of the zoning ordinance:

