



# Town of Wilton, NH Zoning Board of Adjustment

## Notice of Decision

The request by Cale and Elizabeth Brandley for variances to sections 6.2.4 and 6.2.5 of the Wilton Zoning Ordinance has been granted. It will allow the partial demolition and replacement of an existing house, and the replacement of an existing septic system, on Lot H-13, 19 Potter Road, where the new house and septic system will be closer to the lot lines than allowed by the Ordinance.

This decision shall expire if the construction or use permitted by it has not begun by Thursday, April 30, 2026. (Wilton Zoning Ordinance section 17.4)

The selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before Thursday, May 30, 2024, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

### Findings of Fact

- The area of lot H-13 is only 0.4 acres, where the ordinance requires 2 acres.
- The lot predates zoning; the house was built in 1806.
- The lot depth is 85', leaving 15' for building between the 35' front and rear setbacks.
- The applicant proposes to demolish part of the existing house and add a second story to the one-story part of the remainder.
- The construction will also add two small areas to the footprint at the rear of the house: for an external staircase which will extend into the rear setback, and to square off an alcove which is not in the setback.
- The net footprint of the house will be substantially reduced.
- The applicant proposes to replace the old septic system with a new system in the same location, which encroaches into the rear setback.
- Because of well radii, there is no possible location for the septic system on the lot which meets the setback requirements.

### Reasons for the Decision

- **Hardship:**
  - The relatively tiny historical lot constitutes a special condition of the property which makes use of the property in strict conformity to the ordinance impractical.
  - The proposed construction will result in a substantial building footprint on the property, reducing the existing setback non-conformity.
- **Spirit of the Ordinance, Public Interest:** Proposed changes do not adversely affect abutters, the character of the neighborhood, or the public health, safety, or welfare.
- **Property Values:** The proposed changes actually reduce the visual overloading of the lot.

- **Substantial Justice:** Enforcing the letter of the ordinance would impose a substantial inconvenience on the applicant with no corresponding public benefit.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Faiman". The signature is fluid and cursive, with a long horizontal flourish at the end.

Neil Faiman, Chairperson  
Wilton ZBA  
May 1, 2024

Case #4/9/2024-4, decided Tuesday, April 30, 2024