



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

General Information, Page 1 of 3

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/023 Lot Size .30 Acres

Street Address 14 Whiting Hill Road

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 DJF Properties, LLC

Mailing address 48 Coot Bay Drive

Mailing address _____

Town, State, ZIP Rindge, NH 03461

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 *Daniel Fougere* Date 3-19-16

Daniel Fougere, Member-Manager
 DJF Properties, LLC (continued on the next page)

clerk use only	
Date and time received: _____	
Received by: _____	Amount paid: _____
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 _____ Date _____

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 Robert V. McKenney, Esq.

Mailing address McKenney & Bausha, P.C.

Mailing address 109 Ponemah Road

Town, State, ZIP Amherst, NH 03031

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 *Daniel Fougere* Date 3-19-10

Daniel Fougere, Member-Manager

DJF Properties, LLC

(continued on the next page)



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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 (603) 672-5200 Evening phone (603) 672-5200

Work E-mail mckemey@mckemeyandbausha.com Personal e-mail _____

Proposed Use

Explain what you want to do with the property. (Do you want to build a building, subdivide a lot, have a business, ...).

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; ...).

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):

Please see attached

On February 17, 2010 the Applicant appealed a Decision issued by John Shepardson, Building Inspector (the "Building Inspector") on January 25, 2010. On March 9, 2010 a hearing was held by the Zoning Board of Adjustment (case # 3/9/10-2) on the Applicant's Appeal of the Administrative Decision. At that hearing the Applicant asserted that the building has been used and can continue to be used for five (5) dwelling units. At the request of the Applicant, and without prejudice to the Applicant's Appeal of the Administrative Decision, the ZBA unanimously continued the hearing to April 13, 2010 to afford the Applicant the opportunity to apply for the two (2) variances requested herein.

The Property has been assessed and taxed as a five (5) unit Property. The Tax Card reflects a structure with (5) units and a total of 9+ bedrooms. The Town of Wilton building files for the Property include an Application for Permit to Build, Alter or Enlarge Building (no. 2210) dated November 8, 1996 and a subsequent Application (no. 2251) dated June 30, 1997. A Certificate of Occupancy was issued on December 29, 1998. The Applications included requests to add rooms, bathrooms, dormers, windows and exterior entrances. In addition, the Utility Service Master Card reflects a three (3) apartment dwelling. Prior owners of the Property have openly utilized the structure for up to five (5) dwelling units since at least November, 1996. The Applicant is seeking two (2) variances in order to utilize the building as a four (4) unit dwelling.



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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: 5.1 (c)

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

Please see attached

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: _____

Please see attached

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

Please see attached

3. Granting the variance would do substantial justice: _____

Please see attached

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

Please see attached

(continued on the next page)



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Application for a Variance, Page 2 of 2

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:

Please see attached

ii. The proposed use is a reasonable one:

Please see attached

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

Please see attached

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:

The specific section of the Zoning Ordinance to be varied: 5.1 (c)

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

The Applicant may utilize the building as a four (4) unit dwelling and exceed by one (1) dwelling unit the total number of dwelling units permitted by the Zoning Ordinance. The Applicant also requests that the Zoning Ordinance be varied to permit four (4) dwelling units even though the building is not newly constructed as required by section 5.1(c) of the Zoning Ordinance.

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

The public's interests are served as the variant use will keep the taxation of the building approximately equivalent to the current tax. The public is also served by maintaining rental units in close proximity to downtown.

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

The variant use is no more intensive than the current use of the property. There will be no additional impact to the neighborhood. The variant use is consistent with the spirit of the Zoning Ordinance and granting the Application will result in fewer dwelling units than currently exist.

3. Granting the variance would do substantial justice:

The Applicant requests that the Zoning Board employ equitable and pragmatic considerations to its analysis of this Application. Denial of the variant use would do substantial injustice as the Applicant had no knowledge of the prohibiting zoning regulations when the property was purchased, as more specifically set forth in the Applicant's Appeal of Administrative Decision.

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

The variant use is consistent with neighboring uses. The building is already taxed as a five (5) dwelling unit building, and the exterior building will be repaired with the facade remaining the same, thereby not diminishing the value of other properties.

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:

The property has been utilized for up to five (5) dwelling units for over thirteen (13) years. The use is in keeping with the general purpose of the Zoning Ordinance which allows for multiple dwelling units within the district.

ii. The proposed use is a reasonable one:

In light of the existing use of the property the proposed use is reasonable.

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

The configuration and existing use of the Property supports the Applicant's assertion that special conditions exist that distinguish it from other properties in the area including the compatibility of the building for its existing (and continued) use. Also, see paragraphs 5(a)i and 5(a)ii above.



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The specific section of the Zoning Ordinance to be varied: 5.2.1

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

Please see attached

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: _____

Please see attached

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

Please see attached

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