



**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 MAR, Lot 013 Lot Size .19 acres

Street Address 21 DALE 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 Sylvia W. Haesley Trust

Mailing address 166 Kinsley Street

Mailing address \_\_\_\_\_

Town, State, ZIP Nashua, NH 03060

**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  Date 9/8/10

(continued on the next page)

<b>clerk use only</b>	
Date and time received: _____	
Received by: _____	Amount paid: _____
Case #: _____	<input type="checkbox"/> Abutter list and labels included



**Town of Wilton, NH**  
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**General Information, Page 2 of 3**

**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 9/8/10

**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 C. Wilson Sullivan

Mailing address P.O. Box 360

Mailing address \_\_\_\_\_

Town, State, ZIP Wilton, NH 03086

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  Date 9/8/10

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**Town of Wilton, NH**  
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**General Information, Page 3 of 3**

**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 603 654-2031  Evening phone \_\_\_\_\_

Work E-mail CWslaw@tellink.net  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):

The Applicant requests an equitable waiver allowing for the duplex to continue as a duplex. There is not the acreage required under Section 5.2.1 of the Wilton Zoning Ordinance.





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**Application for an Equitable Waiver, Page 1 of 2**

When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by the Zoning Ordinance, the Zoning Board can grant an "Equitable Waiver" from the requirement. See RSA 674:33-a.

What requirement of the Zoning Ordinance is violated? SEE Exhibit A

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What section of the Zoning Ordinance is the requirement in? SEE Exhibit A

It is your responsibility to prove each of the following facts to the Zoning Board. Please explain why you believe that each of the following statements is true. (Use additional sheets of paper if necessary.) See the note on "Burden of Proof" in the "General Information" section at the beginning of this application.

1. Either:

(a) The violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value: SEE Exhibit A

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and

(b) The violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority: \_\_\_\_\_

SEE Exhibit A

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Or:

(c) The violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected. \_\_\_\_\_

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*AMK*



**Town of Wilton, NH**  
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**Application for an Equitable Waiver, Page 2 of 2**

2. The physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property. SEE Exhibit A

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3. Due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected. SEE Exhibit A

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*Handwritten signature or initials*

**EXHIBIT A TO  
APPLICATION FOR AN EQUITABLE WAIVER  
IN THE MATTER OF SYLVIA HORSLEY**

**What requirement of the Zoning Ordinance is violated?**

That provision that requires a minimum of one-half (½) acre per dwelling unit.

**What section of the Zoning Ordinance is the requirement in?**

Section 5.2.1.

**Answer to Question 1:**

(a) The violation was not noticed or discovered by any owner or former owner, agent or municipal officer until the Year 2010. At that point, the structure had been converted to a duplex twenty-five (25) years prior to the date of discovery.

(b) The violation was not an outcome of ignorance of the law or ordinance or failure to inquire and the like. A building permit was issued in error in 1985, allowing for the creation of a duplex when the acreage of the lot was insufficient for a duplex to be constructed. The violation was a result of an error in ordinance or applicability by the then building inspector.

**Answer to Question 2:**

There is no public or private nuisance nor a diminishment of the property value or an adverse affect on any other property by virtue of the duplex being in existence. Several public meetings have been held in this matter where the issue of the duplex was discussed and no objection was made from any neighbors claiming any public or private nuisance.

**Answer to Question 3:**

The building is now suited for a duplex use. There is no access between the two building units. There is a second kitchen and separate bathroom in the smaller duplex unit and it would be inequitable to require the violation to be corrected.

