



**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
 (Revised January 2011)

**General Information, Page 1 of 3**

**RECEIVED**

APR 29 2014

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-134 & J-139 Lot Size 0.732 AC & 0.204 AC

Street Address 9 BURNS 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 Dorothy M. Cleaves Trust, Ann Lorden, Trustee

Mailing address 633 Center Road

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

Town, State, ZIP Lyndeborough, NH 03082

**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 *Ann C. Lorden* Date 4/25/14

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clerk use only	
Date and time received:	<u>4/29/14</u>
Received by:	<u>D. Miller</u> Amount paid: <u>160</u>
Case #:	<input checked="" 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 Ann C Larkin Date 4/25/14

**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 Dawn B. Tuomala, LLS, Monadnock Survey, Inc.

Mailing address PO Box 607

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 Ann C Larkin Date 4/25/14

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# Town of Wilton, NH

## Application to the Zoning Board of Adjustment

(Revised January 2011)

### 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 654-2345  Evening phone \_\_\_\_\_

Work E-mail DAWN.MONADNOCK@TDS.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):

PRESENTLY THERE ARE 2 SINGLE FAMILY RESIDENCES ON A SINGLE LOT OF RECORD AND THE SECOND LOT OF RECORD IS VACANT. THE PROPOSAL WILL ADJUST THE LOT LINE BETWEEN THE TWO RESIDENCES RESULTING IN EACH EXISTING DWELLING BEING ON THEIR OWN SEPARATE NONCONFORMING LOT.



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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: 5.2.1, 6.2.1 & 6.2.3

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

LOT J-134 - SECTION 5.2.1 - AREA - REQUIRED 0.5 ACRE - PROPOSED 0.422 ACRE  
LOT J-139 - SECTION 6.2.1 - AREA - REQUIRED 2.0 ACRES - PROPOSED 0.513 ACRE  
LOT J-139 - SECTION 6.2.3 - FRONTAGE - REQUIRED 200 FEET - PROPOSED 182.66'

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: \_\_\_\_\_

THERE WILL NOT BE ANY PHYSICAL CHANGE TO FEATURES PRESENTLY ON THE LOT.

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

IN GRANTING THE VARIANCE THE LOT LINE WILL PLACE EACH HOUSE ON IT'S OWN LOT. BOTH LOTS ARE SERVICED BY MUNICIPAL SEWER AND WATER SYSTEMS; LOTS UNDER THE RESIDENTIAL DISTRICT ARE REQUIRED TO HAVE 0.5 ACRES PER UNIT. PRESENTLY 2 UNITS ARE ON 0.732 AC. THEREFORE THE PROPOSAL WILL INCREASE THE AREA PER UNIT.

3. Granting the variance would do substantial justice: \_\_\_\_\_

IN GRANTING THE VARIANCE IT WILL ALLOW THE LOT LINE TO BE ADJUSTED BETWEEN THE 2 BUILDINGS THUS ALLOWING THE INDIVIDUAL SALE OF THE EACH HOUSE.

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

THERE WILL NOT BE ANY OUTWARD VISABLE CHANGE TO THE SURROUNDING NEIGHBORS. IT WILL INCREASE THE VALUE OF THE PROPERTIES SINCE IT WILL TAKE A LOT THAT DOESN'T MEET THE REGULATIONS AND MAKE IT MORE CONFORMNING.

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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:

THERE WILL NOT BE ANY OUTWARD PHYSICAL CHANGE ON THE PROPERTY FOR THE PUBLIC TO SEE BUT WILL RESULT IN 2 MARKETABLE PROPERTIES.

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ii. The proposed use is a reasonable one:

THE PROPOSAL WILL PLACE EACH BUILDING ON IT'S OWN LOT. THE LOTS ARE SIMILAR IN SIZE AND AREA TO OTHERS IN THE NEIGHBORHOOD.

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

PRESENTLY THERE ARE 2 LOTS; ONE OF WHICH IS ONLY 40 FEET IN WIDTH, 10 FEET OF FRONTAGE AND .02 ACRES. THE OTHER WITH 116 FEET OF FRONTAGE AND 0.7 ACRES. THE PROPOSAL WILL SPLIT THE DIFFERENCE AND MAKE THEM MORE CONFORMING.

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

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

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**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:

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

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