



Town of Wilton, NH

Application to the Zoning Board of Adjustment

(Revised January 2011)

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 F-37-2 Lot Size 0.75 ac

Street Address 142 Intervale Road, Wilton, NH, 03086

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: Gareth Dimery

Mailing address 142 Intervale Road

Mailing address _____

Town, State, ZIP Wilton, NH 03086

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 5/25/2018

(continued on the next page)

RECEIVED

MAY 25 2018

TOWN OF WILTON NH

clerk use only

Date and time received: _____

Received by: _____ Amount paid: _____

Case #: _____ Abutter list and labels included

TOWN OF WILTON
42 MAIN STREET PO BOX 83
WILTON, NEW HAMPSHIRE 03086
(603) 654-9451

Customer's Order No.					Date <u>5/18</u>	
Name <u>Gareth Dimery</u>						
Address						
Phone No.						
SOLD BY	CASH	C.O.D.	CHARGE	RETURN	PAID OUT	
QUAN.	DESCRIPTION		PRICE	AMOUNT		
<u>8</u>	<u>Abottan @</u>		<u>6</u>	<u>48 -</u>		
	<u>App fee</u>			<u>100 -</u>		
	<u>269 APP</u>					
	<u>dd or 1294</u>					
				SUB		
				TOTAL		
				TAX		
				TOTAL	<u>148 -</u>	

All claims and returned goods MUST be accompanied by this bill.

4742 Rec'd by SNW
THANK YOU

For the grace of God that brings salvation has appeared to all men. TITUS 2:11

GARETH DIMERY
 199 RUSTY ALLEN PL
 ANCHORAGE, AK 99504
 609-760-2215

1294
 89-7202/3252

Date 5/25/18

Pay to the Order of Town of Wilton \$ 148.00

One Hundred Forty Eight Dollars

AlaskaUSA
 Federal Credit Union

Toll free (800) 525-9094
 Anchorage (907) 563-4567
 www.alaskausa.org

[Signature] MP

For _____

Harland Clarke BELIEVE



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

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 5/25/18

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 _____

Mailing address _____

Mailing address _____

Town, State, ZIP _____

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 5/25/18

(continued on the next page)

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

Daytime phone (609) 760-2215 Evening phone (609) 760-2215
 Work E-mail gareth.dimery@faa.gov Personal e-mail gareth@dimery.net

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.

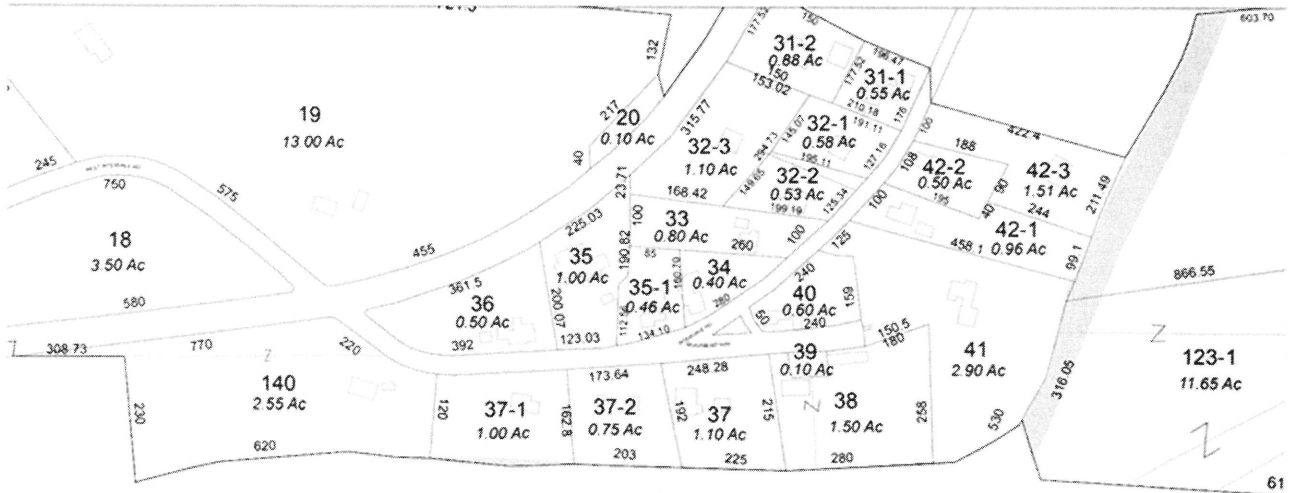
Description of proposed use and need for ZBA approval (use this page; attach additional pages as necessary):

I am requesting a waiver under section 5.5.3 b to add a living unit over my detached garage. I purchased the property at 142 Intervale Raod on October 5th, 2017. Approximately four months earlier, I had come upon the property that had constructed upon it a shell of a two story dwelling and a detached horse barn that had been repurposed into a garage. I contracted with L&B Properties, LLC to complete the house to my specifications and to upgrade the garage by providing stairs to the 24 square foot by 24 square foot area above the garage first floor. I also had the garage insulated and added siding to the garage to match the house. It is my intention to create a one bedroom living unit above the garage as a home for my parents who are reaching retirement age. I have no intention to sublet or rent the unit at any time in the future.

The exterior changes to the garage will be to:

- add a deck to the back upper story that faces the river and away from the road,
- add a sliding door to provide access to the deck,
- add an exterior entrance separate from the existing garage entrance,
- add stairs from the deck to the surface to provide a safety exit, and
- add two windows to the side of the garage facing the main house so that they are not seen from any abutter.

Below is a lot plan of section F:

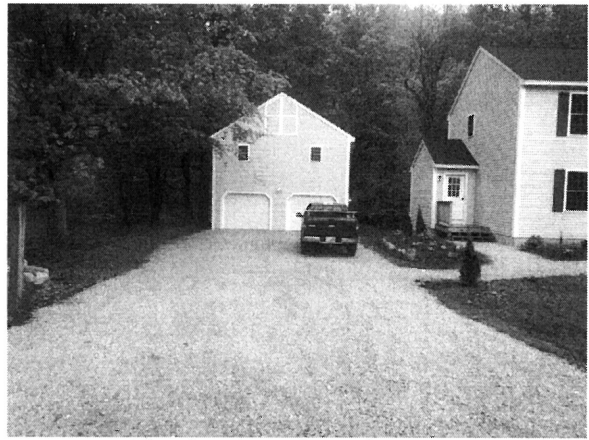


MATCH SHEET F

Below are photographs of the existing structure from Intervale Road



View from Intervale Road



View from Intervale Road

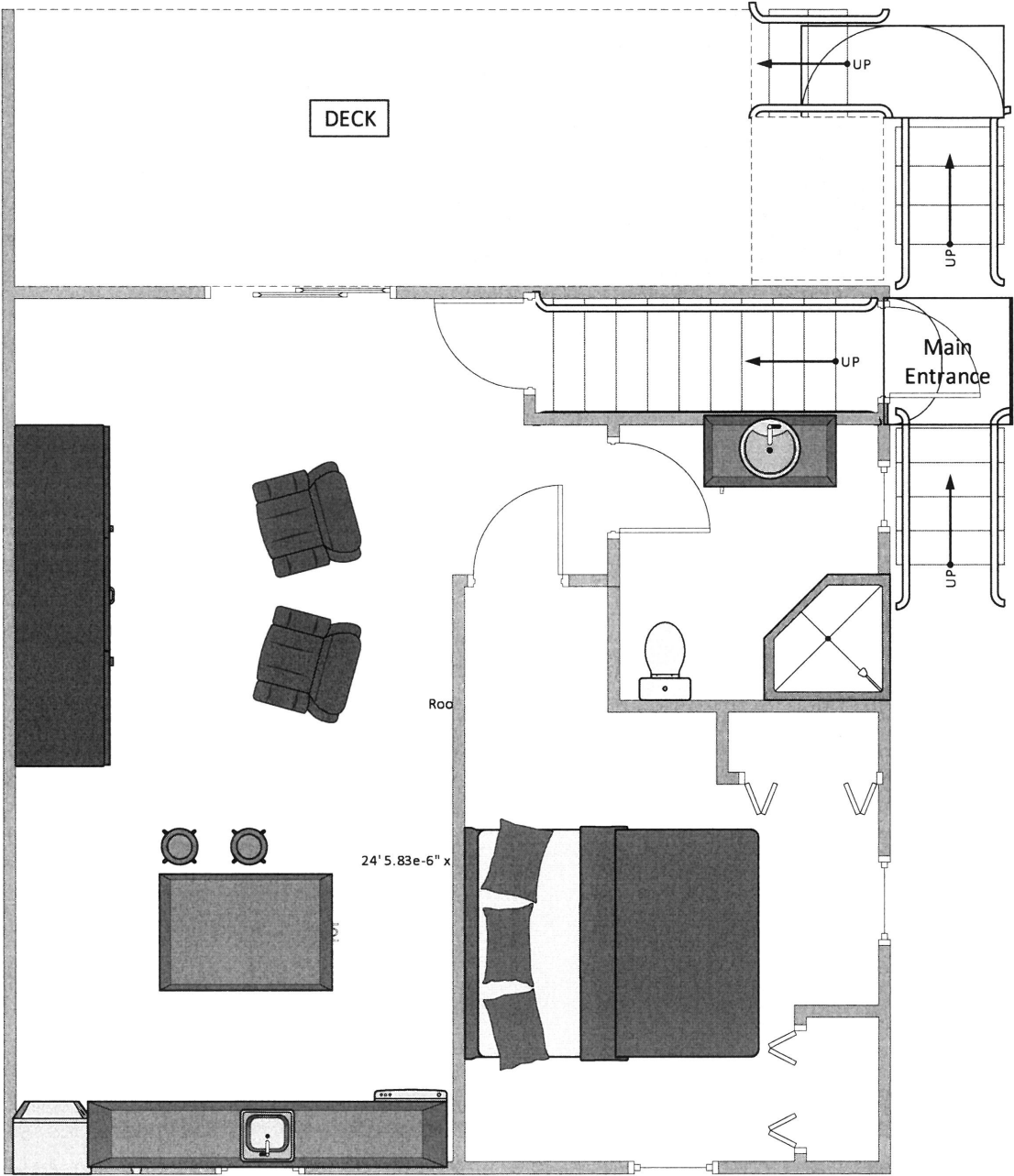


Side View



View from Back yard

Below is a rough graphic of the proposed installation:





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

A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board. Most special exceptions have a list of requirements; the Zoning Board can only approve the special exception if it finds that all the requirements are satisfied.

Note that in addition to the specific requirements that may be listed for a particular special exception, all special exceptions are subject to the general requirements in Section 4.4 of the Zoning Ordinance.

What section of the Zoning Ordinance defines the Special Exception that you are applying for? _____

Explain why your proposed use satisfies the requirements of the Zoning Ordinance: _____



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

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: 5.5.3 b

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

The specific section of this ordinance requires the "sharing of a common interior wall." I am seeking a variance that allows me to create a less than 800 square foot living space above my garage, which is detached from the house and therefore cannot share a common wall.

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:

Granting the variance would not be contrary to the public interest because the modification to the existing structure would not be visible from the road and will be almost imperceptible to my neighbors and abutters.

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

Granting the variance is in the spirit of the Ordinance based on my answer to number 1 in that it would not be contrary to the public interest and, based on section 5.5.1, the modification to the garage is a modification to an existing unit in a zoning district where residential uses are permitted.

3. Granting the variance would do substantial justice:

Granting the variance would do substantial justice because it would allow completion of my original plan to add the dwelling unit above the garage. My plan was to install a living space above my garage as a retirement home for my parents, who intend to retire next year. I was unable to do this during construction due to limitations in the original building permit obtained by L&B Properties, LLC.

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

The proposed use would not diminish surrounding property values because surrounding property would not be affected. The variance would not alter the street view of the existing property in any way. The only visible change would be to the back side of the garage that is not seen from the street and is blocked from view on either side of my lot by trees and other obstructions.



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

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 is no relationship between the purpose of the ordinance and removal of the requirement of section 5.5.3 b, "sharing a common wall with the existing dwelling" because I am not changing the exterior presentation of the units that were already in place on the lot. The accessory dwelling had been in place in the area for a significant period of time since it originally was a horse barn. My modification of the horse barn to date has actually improved the view of the surrounding zoning area and matches the exterior view of the house.

ii. The proposed use is a reasonable one:

The proposed use is reasonable in that I made what improvements allowed in the original building permit as explained by my builder with the intention of seeking a variance at a later date.

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

The variance is requested because the original lot owner did not foresee the additional use and therefore did not request it in the original building permit. The special condition of this two story unit distinguishes it as usable space that can be suited to provide a living unit for my parents.

It was my plan to create a living space above the garage for my parents since they intend to retire next year and will be frequent, long term visitors to my home. My step-father is retired military who had back surgery in November but is still active in industry. My mother suffered a Traumatic Brain Injury during a fall and is still suffering from some of the after effects. If required, the medical records of these two events are available upon request.

This living space would allow me to provide care and support should it be needed later in their life while also providing them privacy and comfort. The size and position of the living space, while less than 800 square feet, would be easy to care for while at the same time providing them a degree of comfort with dignity. Also, since I have a brother in Middleboro MA and a sister in Montreal, this living arrangement would enable support from both of them at a later date.

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

NOT APPLICABLE

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

NOT APPLICABLE

Known Abutter's List on 23 May 2018:

F-037-2

Owner: Gareth Dimery (applicant)

Address: 142 Intervale Road, Wilton, NH 03086

F-036 (Same address as F-035)

Owner: 149 Intervale Road LLC

Address: 438 Gibbons Hwy, Wilton NH 03086

F-035

Owner: James M & Christine V Devine

Address: C/O Devine Flooring, 438 Gibbons Hwy, Wilton NH 03086

F-035-1

Owner: Joshua D & Kristin Hardwick

Address: 137 Intervale Road, Wilton NH 03086

F-037

Owner: Frederick L Kelly (Trust)

Address: Linda C Kelly (Trustee), 1 Riverbend way, Wilton NH 03086

F-124-1

Owner: John R Griffith, Rev Trust

Address: 253 Abott Hill Rd, Wilton NH 03086

F-139

Owner: High Mowing School

Address: Isac Frye Hwy, Wilton NH 03086

F-137-1

Owner: Todd Grainger

Address: 148 Intervale Road, Wilton NH 03086