

(E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

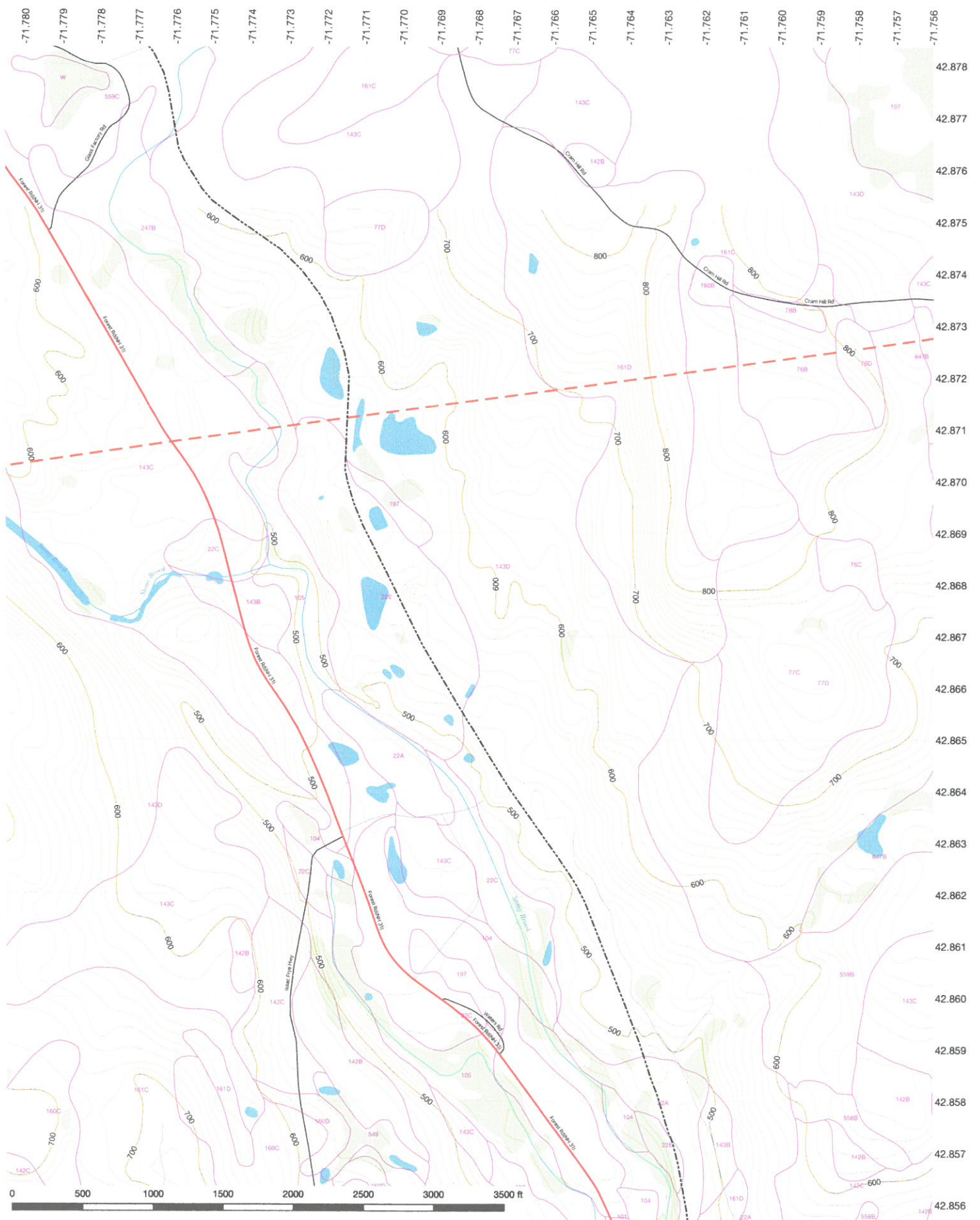
The State's guidance to zoning boards of adjustment states that "When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist." The height restriction in our industrial district is applied equally to all of the property owners in the district. A virtual exploration of the district conducted via USDA Soil Maps, New Hampshire's Contour Maps, NH Property Maps and Google Maps, suggests that B-10 is *very* similar or almost identical in topography, soil type and visually to B-11, which belongs to Granite State. We again refer our ZBA to State guidance that says, "**Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed.**"

As for Quinn Properties LLC's concerns about the changing markets and reduced demand for the product, of their current non conforming use, it is doubtful that Quinn Properties LLC was unaware of these market conditions when they purchased the property in February of 2018 and it is unlikely that there are no other possible viable uses for their property since, according to their June, 2019 application, there is currently a nonconforming sand and stone extraction operation on the property.

It is highly unlikely that lot B-10 is so different from properties in the district as to make the height restriction any more of a hardship for Quinn Properties LLC than it is for other property owners in the district, so it is doubtful that Quinn Properties LLC faces an unnecessary hardship in this case.



Source: WRCS web Soil Survey



Quarry at 50 Quinn Drive, Wilton, NH
 DOT 2018 transport, NHDFlowline, NWIPlusNH wetlands; 5' Contours; Soil types
 Map projection: EPSG:3614, NAD83(NSRS2007) / New Hampshire (ftUS); GPS Grid: EPSG:4326 WGS84