

Obdulio and Amanda Garcia – 126 Pead Hill Rd LOT B-62

12/19/19

Our request for variance has two courses that would allow us proceed with our plan. We have presented two applications for variance one to Section 6.2.1 which is our preferred course of action. Should that fail then we would like our second application for variance to be considered to Section 5.5.3.

Thank you for your time and consideration of these applications.



Variance 5.5.3

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 B-62 Lot Size 1.40

Street Address 126 Pead Hill Rd.

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 Obdulio + Amanda Garcia

Mailing address 126 Pead Hill Rd.

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 [Signature] Date 12/1/19
(continued on the next page)

clerk use only
Date and time received:
Received by: Amount paid:
Case #: 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 12/1/19

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 _____

(continued on the next page)



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 603-801-7394 Evening phone _____

Work E-mail _____ Personal e-mail DJayG3@gmail.com

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):

General Information: *Proposed Use Explanation*

Our home was constructed in 1977 on lot B-62 as a single family home, approximately 2000 sq ft, on 1.4 acres of land. In 1990 the owners decided to construct an addition of a large master bedroom and living room as well as a humongous indoor pool room and inground pool. This addition added approximately 2000 sq ft of living space and 2500 sq ft in the room that contains the pool. Our intent is to reinvent this home by splitting the original building from the addition and creating two units and renovating both areas to convert to a multi-family. The owners of the property will reside in the renovated 4500 sq ft addition and the original structure would be a 1600 sq ft rental/ADU. We are requesting variance on Section 5.5.3 waiving the maximum allowable size of an Accessory Dwelling Unit from 800 sq ft to the approximate 1600 sq ft unit we would be constructing.

Application for Variance: *Specific Zoning Ordinance to be Varied*

Section 5.5.3 – Accessory Dwelling Units: Requirements

Conditions: *Page 1*

1. The renovations to my property will have no negative effects on my neighborhood because we are remaining within the current footprint of our building and not encroaching on any setbacks or boundaries. Granting our variance request would help the Town of Wilton achieve goals outlined in the Master Plan regarding more affordable housing and redevelopment of existing stock of buildings. This project will also preserve the rural characteristic of my neighborhood by improving and retaining existing structures.
2. Ordinance 5.5.3 allows ADUs up to 800 sq ft and the unit we will be left with after we complete our renovations will be approximately 1600 sq ft. The spirit of the ordinance intends to limit the size of an ADU on a home that is much smaller than our. When we are completed with the project our entire property will be nearly 6000 sq ft and limiting the ADU size to only 800 sq ft creates unnecessary regulations for our specific property. State law 674:72 VII – Minimum ADU size by state law is 750 sq ft and 674:72 IX – Cannot limit ADUs to one bedroom would indicate that Wilton's stance on ADUs is quite stringent. If an ADU were limited to 800sq ft under the town's laws then each bedroom would be extremely small coupled with tiny bathrooms and living area. Our property presents adequate space for a comfortable family-sized ADU.
3. Granting the variance would enable us to realize a vision we had when purchasing the property in 2011. Currently our home is in disrepair and we intend on updating nearly every square inch of the property. To deny our request would derail our vision and also detract from the Master Plan's intentions. Substantial justice would be served by granting this variance because our property is non-conforming and we would be bound by what we have due to this fact.

4. Surrounding properties and the neighboring area would benefit from a successful variance to complete our plan. When we are complete with our renovations we will have one of the nicest properties on Pead Hill which will cause other property values to rise. With a higher assessment on our property there would be a taxation increase to the town, including impact fees, to assist in developing town services and attracting new residents. We anticipate a mutually beneficial outcome for our neighbors after we have made our investment.

5(a)

- i. When considering the purpose of the ordinance as it pertains to our specific property we believe there is no real correlation. Our property will have little effect on the rural characteristic of the town after the renovations are complete. Our interpretation of the ordinance is to prevent overly populated areas outside of the dense, downtown district which is held to different land use regulations. Our requested variance will not create an overly populated section of Pead Hill but rather an updated, welcomed change from the current condition our house is in.
- ii. Our house and lot is perfectly situated to accommodate our intended use. We also value the rural characteristic of our town and are not interested in seeing huge development. A project like ours is intended to maximize the existing structure and unravel the undesirable decisions made by previous owners. The large square footage of our property, which is situated exactly in the middle of our triangle lot, is more than adequate for 2 families. The position of our home is such to maximize the road frontage unique to our lot with our home running 110 feet along Pead Hill. The characteristics of our lot makes changing the property's dimensions unrealistic which further proves our proposed use is a reasonable one.
- iii. The shape and size of our lot, as previously stated, creates a unique set of circumstances for the property. The narrowest portion of our triangle lot is positioned on the corner of Pead Hill and Adams Dr with nearly 300ft of road frontage. The largest area of our lot points towards a beautiful mountain view with amazing sun rises and sunsets. The orientation of our home is such to maximize the road frontage and visibility the mountains and sky. Making changes to the building on the property is unrealistic and unwarranted due to these natural conditions. To maintain the view of the mountains and maximize the road frontage other allowed uses of our property are less desirable and would cause unnecessary hardship. To be granted our requested variance would allow us to maximize the existing structure's capabilities without losing the unique features of our lot all while achieving the vision laid out by the Master Plan.

Variance G.2.1



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Application for Variance: *Specific Zoning Ordinance to be Varied*

Section 6.2.1 – Lot Requirements: Area (See Section 5.3.7 – Multi-Family Dwellings)

Conditions: *Page 1*

1. The renovations to my property will have no negative effects on my neighborhood because we are remaining within the current footprint of our building and not encroaching on any setbacks or boundaries. Granting our variance request would help the Town of Wilton achieve goals outlined in the Master Plan regarding more affordable housing and redevelopment of existing stock of buildings. This project will also preserve the rural characteristic of my neighborhood by improving and retaining existing structures.
2. Ordinance 6.2.1 requires lots not served by town water/sewer to contain only 1 dwelling unit per 2 acres. My lot is non-conforming to this law in its current state therefore further adjustments to its use would not have any major impact on the ordinance itself. We agree that on new construction the best effort should be made to comply with land use laws but we aim to improve our lot within the constraints presented. Again referencing the Master Plan, “All indicators reveal a critical demand for rental units in Wilton” (pg. 17). By granting our variance we would be able to address this demand and the spirit of ordinance 6.2.1 does not intend to limit the town’s ability to meet this demand.
3. Granting the variance would enable us to realize a vision we had when purchasing the property in 2011. Currently our home is in disrepair and we intend on updating nearly every square inch of the property. To deny our request would derail our vision and also detract from the Master Plan’s intentions. Substantial justice would be served by granting this variance because our property is non-conforming and we would be bound by what we have due to this fact.
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