



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

General Information, Page 1 of 3

TO CONSTRUCT AN 8' x 12' BATHROOM EXTENSION AND AN OPEN PORCH

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 Lot A-47-1 Lot Size 14.5 acres

Street Address 74 Stagecoach 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 Dawn Ryan

Mailing address 74 Stagecoach 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 11/29/20

(continued on the next page)

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



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 603-493-6304 (mobile) Evening phone 603-484-4623 (Direct dial at office)

Work E-mail dpinsonneault@winerbennett.com 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):

See accompanying application for a variance of §17.1(a) of the Zoning Ordinance to permit a
8'x12' expansion of a bathroom and a 27' x 8' porch.



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

Application for a Variance, Page 1 of 2

TO CONSTRUCT AN 8' X 12' BATHROOM EXTENSION AND AN OPEN PORCH

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: §17.1(e) and §6.2.4

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

A non-conforming structure may not be extended or enlarged; no building permitted within 35 feet of all lot lines. Ms. Ryan wishes to build an 8' x 12' extension to an existing bathroom and an open porch, both attached to the back side of her house that is a non-conforming structure because it lies within 35 feet of Stagecoach Road.

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: SEE ATTACHED

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

3. Granting the variance would do substantial justice: SEE ATTACHED

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

(continued on the next page)



Town of Wilton, NH
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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:

[SEE ATTACHED](#)

ii. The proposed use is a reasonable one:

[SEE ATTACHED](#)

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

[SEE ATTACHED](#)

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

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

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:

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

**Attachment to Variance Application (House)
74 Stagecoach Road – Lot A-47-1 – 14.5 acres (the “Property”)**

Dawn Ryan – Applicant and Owner

This attachment is appended to the Variance application submitted by Dawn Ryan (Applicant and Owner) for a variance from the application of Zoning Ordinance §17.1(e) that provides: “A non-conforming building or structure may not be extended or enlarged.” This provision has been in force at least since 1981(see former Article XII (A)(3).

The home and the garage on the Property are grandfathered non-conforming structures because they lie within 35 feet of Stagecoach Road contrary to the Zoning Ordinance’s setback requirements set forth in §6.2.4. *See property plan attached as Exhibits 1 and 1-A.*

Pertinent Background

Ms. Ryan’s home was built either during the late 18th or early 19th centuries. The barn on the Property was reportedly built around 1900. The garage that is attached to the barn was built sometime thereafter. Old houses were built quite close to the road before the age of modern cars presumably because it took effort to get to and from these houses, either by foot or horse and buggy.

In 1987, prior owners of the Property secured a building permit, without first getting a variance, to build an 11’ x 11’ addition (approximately 132 sq. ft.) to serve as a breakfast room.

Ms. Ryan wishes to build an 8’ x 12’ addition to the one-story carriage house (approximately 96 sq. ft.) to extend an undersized master bathroom. She also wishes to extend a 28-foot section of the carriage house roof by 8 feet to create an open porch. *See graphic attached as Exhibit 2.* These additions would be located to the rear of the carriage house and thus would be out of public view. *See graphic attached as Exhibit 3.*

Ms. Ryan already has plumbing and electrical permits for the bathroom extension. Ms. Ryan dismantled her master bathroom and moved forward with demolition and the project because she had received two written approvals for the porch, bathroom and roof construction under different contractors that she ultimately never signed a contract with.

Failure to start as scheduled means that this project will not be rescheduled by the contractor for a considerable amount of time even though the proposed additions will not increase the non-conformity of the structure, either horizontally or vertically (meaning that the carriage house setback from Stagecoach Road will not change).

Five Criteria for Granting a Variance

1. Granting the variance would not be contrary to the public interest because:

The construction of the additions will not have any impact on the public or on the owners of adjacent properties. The proposed additions will not result in a further encroachment upon the

35-foot setback. In addition, the increase in the Property's value resulting from these additions, taken together with the substantial improvements to be made to the interior of the structure, will benefit the Town (increased tax revenue) and the adjacent property owners (enhancement of their property values).

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

The spirit of the Ordinance is derived from the purpose of the ordinance. Among other things, the purpose of the Ordinance is "to promote and protect the health, safety, prosperity, convenience or general welfare" of Wilton's inhabitants. See *Preamble at §1 of the Zoning Ordinance*.

Setbacks provide the public with aesthetic and functional benefits such as maintaining a safety zone between inhabitants and traffic. As mentioned above, the additions will not bring the structures any closer to Stagecoach Road. Consequently, a variance will maintain the *status quo*, which most certainly is consistent with the spirit of the Ordinance.

3. Granting the variance would do substantial justice because:

The strict application of §17.1(e) unjustly interferes with Ms. Ryan's reasonable use of the Property considering its unique setting and the character of her neighborhood.

The New Hampshire Supreme Court has said that substantial justice is done if the general public realizes no appreciable gain from the denial of the variance, but the applicant is adversely affected in a material manner if the variance is denied. In this case, the general public realizes no appreciable gain if the variance is denied. All a denial will do is prohibit Ms. Ryan from making ordinary improvements to her home. In addition, she may lose money that she has already paid on the project in reasonable reliance on the permits that already have been issued. Consequently, substantial justice is done if the variance is granted.

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

The proposed additions will in no way change the use of the Property. Accordingly, the value of the surrounding properties cannot be diminished if the variance is granted.

5(a)(i). No fair and substantial relationship exists between the general public purposes of the setback requirements of §6.2.4 and the restrictions on expanding non-conforming structures found in §17.1(e) and the specific application of those provisions to the Property because:

The house has been in its place for at least 200 years. The proposed additions will not move the house any closer to Stagecoach Road. Accordingly, denying Ms. Ryan a permit to build those additions because the house is classified as a "non-conforming structure" elevates form over substance that on its face shows that enforcement of these provisions is unfair and does not bear a substantial relationship with general public purposes.

5(a)(ii). The proposed use is a reasonable one because:

The proposed additions will not change how the “non-conforming structure” has been permissibly used for at least 200 years.

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

As noted above, Ms. Ryan’s house was built at a time when it made sense to build such a structure close to a road that wasn’t used by trucks and automobiles. Such structures should be cherished and preserved. On the other hand, the owner of such a property should not be penalized from making a reasonable use of such a structure when improvements are made that do not make the structure less safe in terms of its proximity from the road. That is the distinction between the Property and other properties in the area that have been built after 1981, if not before.

Accordingly, the two-prong “unnecessary hardship test has been established. *See NH RSA 674:33, I(b)(5)(A)*.

Conclusion

Ms. Ryan respectfully requests that the variance be granted.

Ms. Ryan reserves the right to provide additional testimony and information at the public hearing on this Application.

Ryan Variance Application (House)

1

NOTES

1. THE ZONING OF THIS LOT IS Z-1 (RESIDENTIAL SINGLE-FAMILY). THE VARIANCE IS REQUESTED FOR THE CONSTRUCTION OF A HOUSE WITH A LOT AREA OF 10,000 SQ. FT. AND A LOT WIDTH OF 100 FT. THE ZONING REQUIREMENTS FOR Z-1 ARE: MINIMUM LOT AREA 10,000 SQ. FT., MINIMUM LOT WIDTH 100 FT., MINIMUM SETBACKS: FRONT 25 FT., REAR 10 FT., SIDE 10 FT. THE PROPOSED HOUSE WILL BE 30 FT. WIDE AND 40 FT. DEEP, WITH A FRONT SETBACK OF 25 FT., A REAR SETBACK OF 10 FT., AND SIDE SETBACKS OF 10 FT. THE VARIANCE IS REQUESTED FOR THE FRONT SETBACK.
2. THE PROPOSED HOUSE WILL BE 30 FT. WIDE AND 40 FT. DEEP, WITH A FRONT SETBACK OF 25 FT., A REAR SETBACK OF 10 FT., AND SIDE SETBACKS OF 10 FT. THE VARIANCE IS REQUESTED FOR THE FRONT SETBACK.
3. THE PROPOSED HOUSE WILL BE 30 FT. WIDE AND 40 FT. DEEP, WITH A FRONT SETBACK OF 25 FT., A REAR SETBACK OF 10 FT., AND SIDE SETBACKS OF 10 FT. THE VARIANCE IS REQUESTED FOR THE FRONT SETBACK.
4. THE PROPOSED HOUSE WILL BE 30 FT. WIDE AND 40 FT. DEEP, WITH A FRONT SETBACK OF 25 FT., A REAR SETBACK OF 10 FT., AND SIDE SETBACKS OF 10 FT. THE VARIANCE IS REQUESTED FOR THE FRONT SETBACK.
5. THE PROPOSED HOUSE WILL BE 30 FT. WIDE AND 40 FT. DEEP, WITH A FRONT SETBACK OF 25 FT., A REAR SETBACK OF 10 FT., AND SIDE SETBACKS OF 10 FT. THE VARIANCE IS REQUESTED FOR THE FRONT SETBACK.
6. THE PROPOSED HOUSE WILL BE 30 FT. WIDE AND 40 FT. DEEP, WITH A FRONT SETBACK OF 25 FT., A REAR SETBACK OF 10 FT., AND SIDE SETBACKS OF 10 FT. THE VARIANCE IS REQUESTED FOR THE FRONT SETBACK.
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9. THE PROPOSED HOUSE WILL BE 30 FT. WIDE AND 40 FT. DEEP, WITH A FRONT SETBACK OF 25 FT., A REAR SETBACK OF 10 FT., AND SIDE SETBACKS OF 10 FT. THE VARIANCE IS REQUESTED FOR THE FRONT SETBACK.
10. THE PROPOSED HOUSE WILL BE 30 FT. WIDE AND 40 FT. DEEP, WITH A FRONT SETBACK OF 25 FT., A REAR SETBACK OF 10 FT., AND SIDE SETBACKS OF 10 FT. THE VARIANCE IS REQUESTED FOR THE FRONT SETBACK.

APPROVED BY THE WILTON PLANNING BOARD

DATE: FEBRUARY 15, 2013

BY: [Signature]

FOR: [Signature]

THE COMMISSIONER OF REVENUE

DATE: FEBRUARY 15, 2013

BY: [Signature]

FOR: [Signature]

THE COMMISSIONER OF REVENUE

UNDESIRABLE LEGEND

22A 6-20-2013

04 6-20-2013

035 6-20-2013

142C 6-20-2013

181C 6-20-2013

197 6-20-2013

LOT LINE ADJUSTMENT PLAN

TAX MAP A - PARCELS 42-3 & 47-1

BURTON HIGHWAY & STAGECOACH ROAD

WILTON, NEW HAMPSHIRE

PREPARED FOR AND LAND OWNERS:

HELLER-BLACKMER REVOCABLE TRUST

H. BLACKMER ROBBICHAU TRUSTEE

120 BURTON HIGHWAY

WILTON, NH 03098 (107° 47-23)

AND:

DAVID A. & ELIZABETH DEYSHER

74 STAGECOACH ROAD

WILTON, NH 03098 (107° 47-23)

FEBRUARY 15, 2013

SCALE: 1" = 100'

Surveying & Engineering & Land Planning & Permitting & Site Design

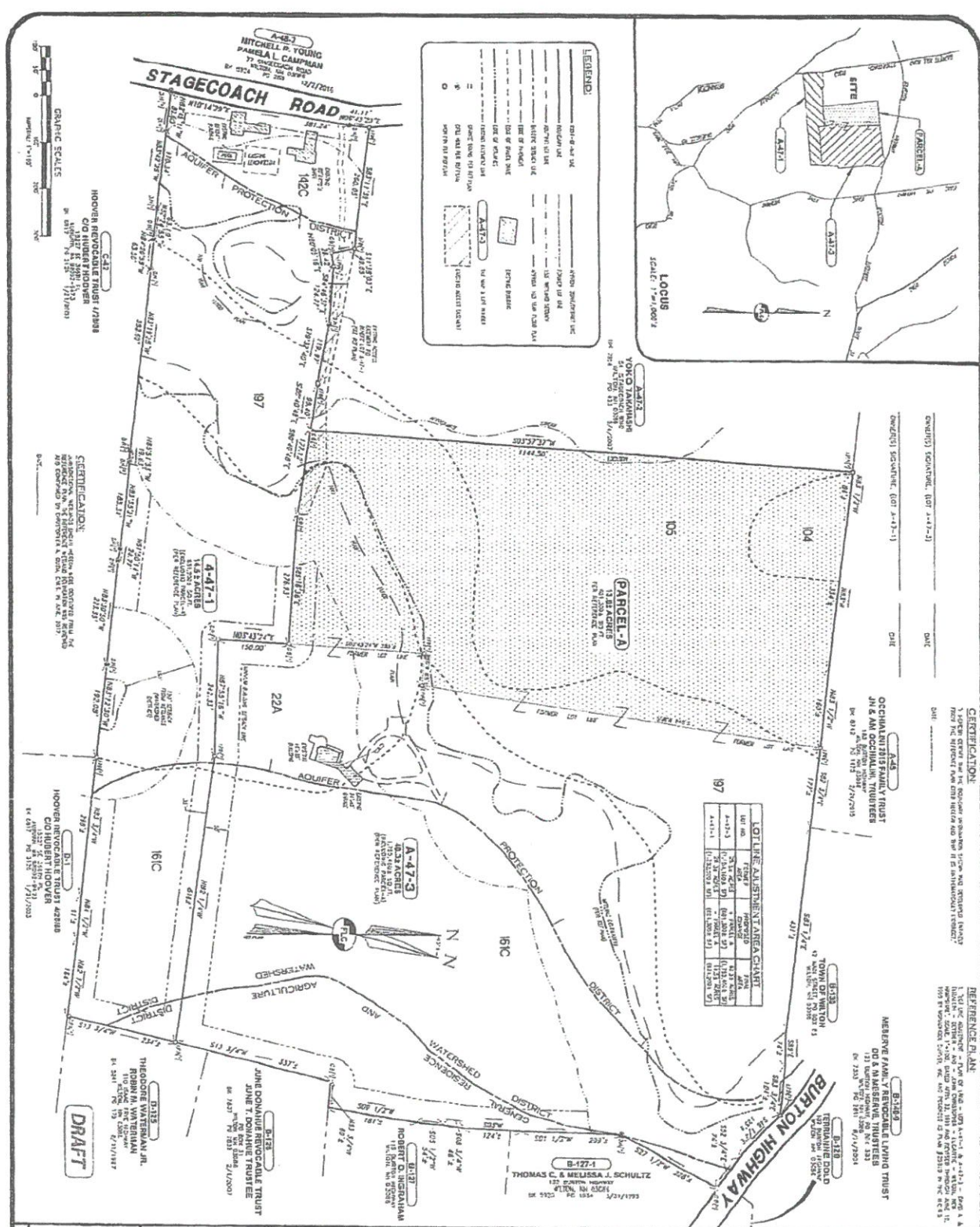
FIELDSTONE

LAND CONSULTANTS, PLLC

200 THE COMMONS, WILTON, NH 03098

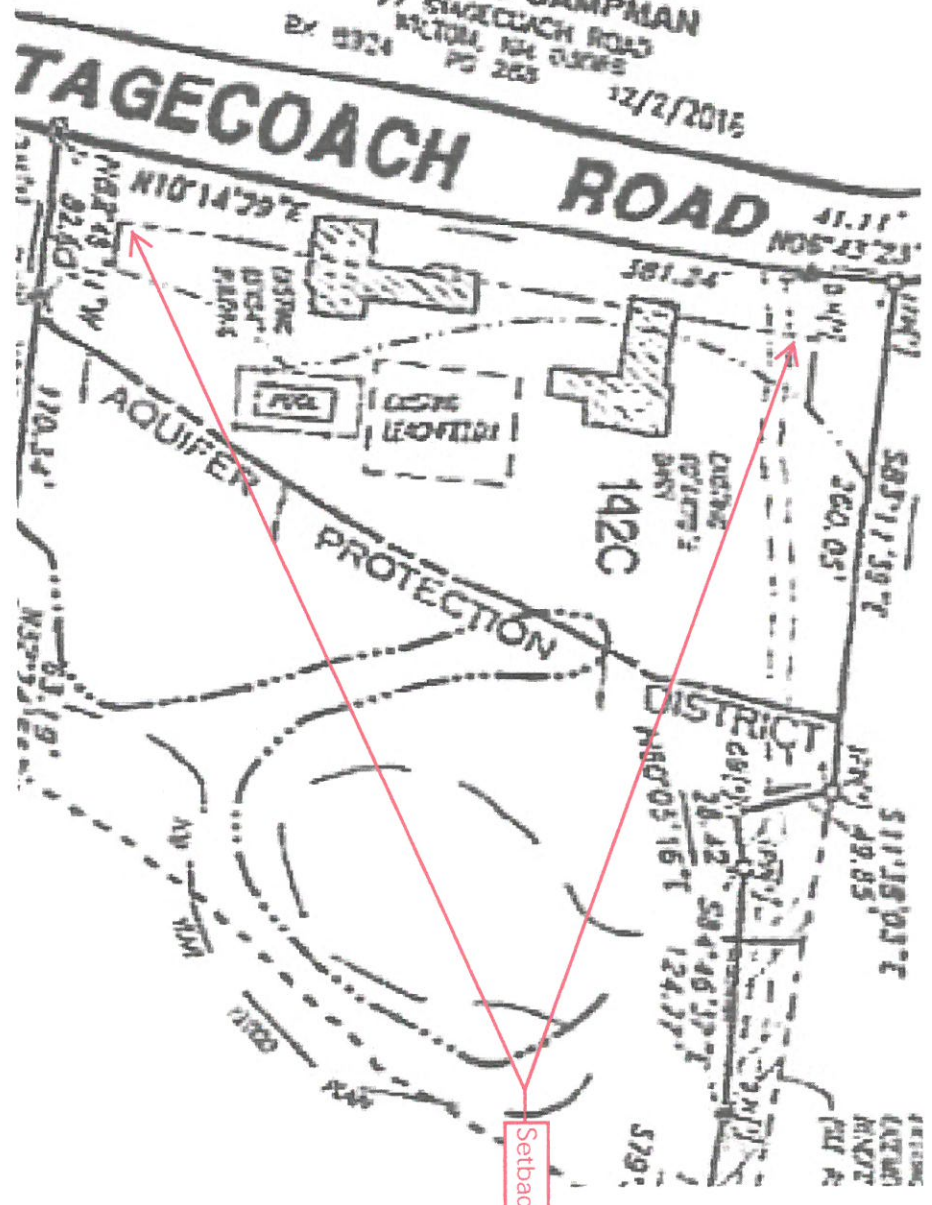
PHONE: 603.333.1111 FAX: 603.333.1112

WWW.FIELDSTONE-LLC.COM

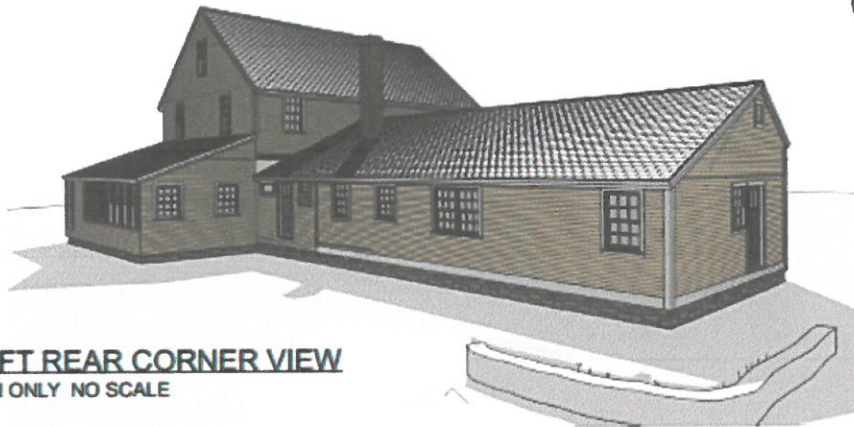


WILL R. YOUNG
PAMELA L. CAMPBELL
77 SAGECOACH ROAD
MILTON, MA 02186
BX 9924 PS 268

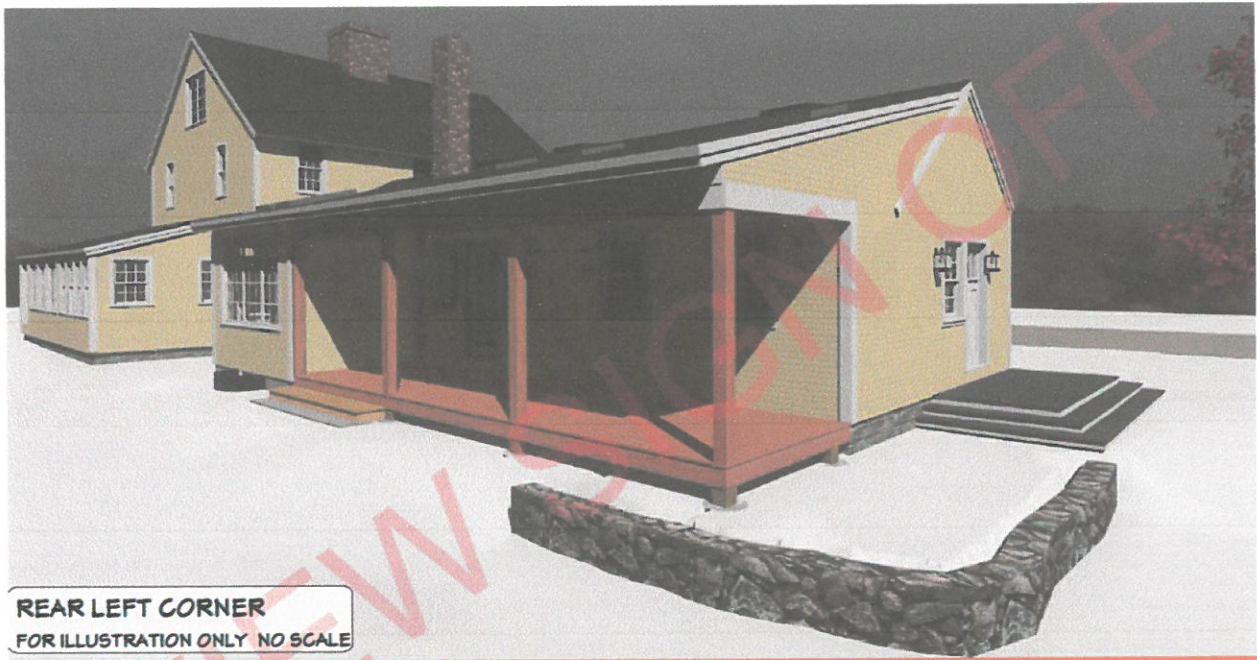
12/2/2015



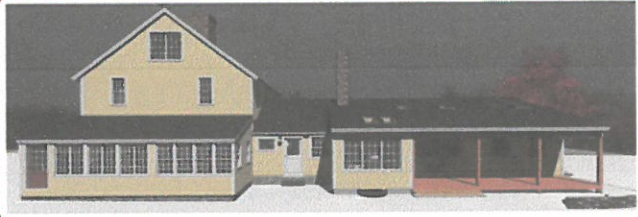
Ryan Variance
Application (House)
1-A



EXISTING LEFT REAR CORNER VIEW
FOR ILLUSTRATION ONLY NO SCALE



REAR LEFT CORNER
FOR ILLUSTRATION ONLY NO SCALE



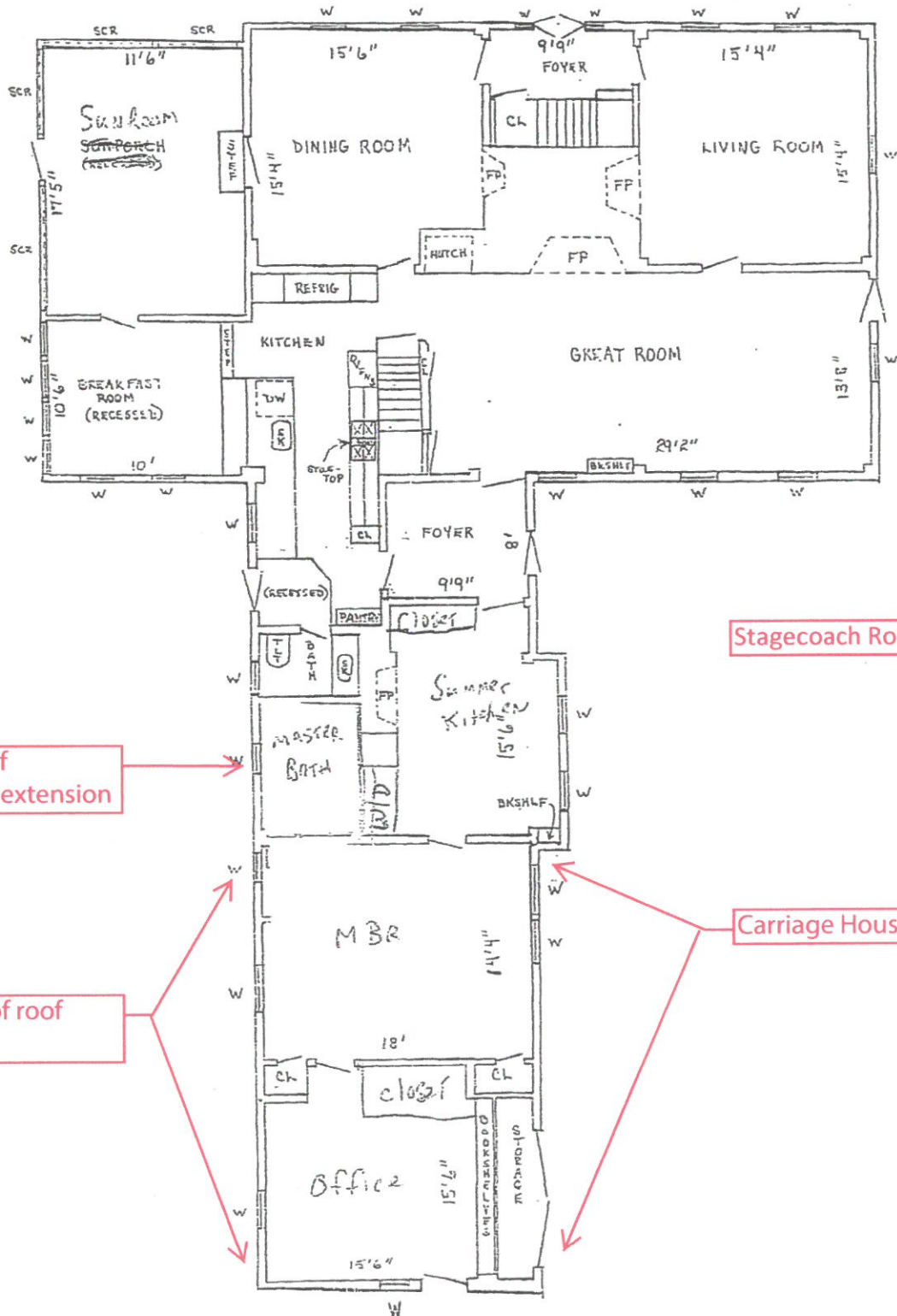
Proposed Additions

HOUSE

First Floor Plan - Inside Dimensions
[APPROXIMATE]

Ryan Variance
Application (House)

3

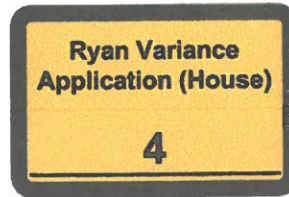


Stagecoach Road →

Location of bathroom extension →

Location of roof extension →

Carriage House →



From: Norma Ditri <nditri@wiltonnh.gov>
Date: November 17, 2020 at 6:22:35 PM EST
To: "Ryan, Dawn" <dryan@deloitte.com>, nick@crossroadscontracting.com
Cc: "Justin L. Pasay" <jpasay@dtclawyers.com>, Michele Decoteau <mdecoteau@wiltonnh.gov>, Paul Branscombe <wiltonta@wiltonnh.gov>
Subject: [EXT] RE: 2nd barn permit

Hi Dawn,

I will try to answer your questions. First, I must apologize for not getting back to you sooner. It is crazy busy in this little town.

The barn and garage were both built in 1900 (approximately) according to records I found. They are attached, I believe, which essentially makes them the same building. The issue that is now impacting the three permits is the fact that your garage/barn and house are non-conforming structures (stated below). I was thinking about the wetlands issue and the first barn permit and made the assumption that a small 8' addition on the back of your house, which is up on the hill, would be fine. The denials of the barn permits brought increased awareness.

I consulted the Town Attorney regarding the wording in Wilton's Zoning Ordinance so that I could better understand exactly what I am enforcing. The ordinance specifically addresses non-conforming structures and explicitly says they cannot be enlarged. Since your buildings could not be built by today's standards, it makes them non-conforming. Michele and I are here to assist you, if needed, with an application for appeal to the ZBA. The deadline for the December meeting is Tuesday Nov 24, 2020.

I realize this feels like a last-minute road block and I apologize for that. I also know you've had a difficult time finding a company you were confident in and I think you've made a great choice with Crossroads.

It is my sincere hope that this will work out for you.

Thank you,
Norma Ditri