



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Holly and Robert Hartshorn for a variance to section 17.1(e) of the Wilton Zoning Ordinance has been granted. It will reroof a garage and enclose a second-story deck as living space on Lot C-65, 618 Isaac Frye Highway, where the house is closer to the lot lines than allowed by the Zoning Ordinance, and the Ordinance does not allow the enlargement of a non-conforming building.

This decision shall expire if the construction or use permitted by it has not begun by Friday, April 11, 2025. (Wilton Zoning Ordinance section 17.4)

The selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before Thursday, May 11, 2023, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- The total size of Lot C-65 is more than five acres, but the residentially developed front portion of the lot is small and narrow.
- The house is historical, preceding the Zoning Ordinance by more than a century.
- No change in the footprint of the building is proposed.
- None of the proposed construction will occur in any setback.

Reasons for the Decision

- Public interest: The proposed use does not threaten the public health, safety, or welfare, or change the character of the neighborhood.
- Spirit of the ordinance: The use is consistent with the residential zoning, and does not offend the setback restrictions.
- Substantial justice: Preventing the owners from making a minor and reasonable improvement to their property because of decisions that were made generations before anyone had ever imagined zoning would be a substantial injustice.
- Property values: The proposed improvements would, if anything, be a benefit to the neighborhood and its property values.
- Hardship:
 - The hardship arises from the special condition of the property, that it has a historic house which would have been consistent with the character of the neighborhood when it was built, and still is consistent with the character of the neighborhood notwithstanding a subsequently imposed setback requirement.
 - As a consequence, strict adherence to the requirements of section 17.1(e) would not do anything to advance its purpose.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Faiman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Neil Faiman, Chairperson
Wilton ZBA
April 12, 2023

Case #4/11/2023-2, decided Tuesday, April 11, 2023