

Town of Wilton, NH
Application to the Zoning Board of Adjustment
(Revised August 2022)

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 C 65 Lot Size 4.80 ? 5.91
Street Address 618 Isaac Frye Hwy, Wilton, NH

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 Holly & Robert Hartshorn
Mailing address 618 Isaac Frye Hwy, Wilton, NH
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 *Robert Hartshorn* Date 3/25/23
Holly Hartshorn
(continued on the next page)

clerk use only	
Date and time received: <u>MARCH 27, 2023 11:30 am</u>	
Received by: <u><i>CDL</i></u>	Amount paid: <u>\$235.00</u>
Case #: <u>04/11/23-02</u>	<input checked="" type="checkbox"/> Abutter list and labels included

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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 *Ray Hanton* Date 3-27-23

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 (only if a representative is named)

Signature _____ Date _____

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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 607-280-9405

Evening phone 607-280-9405

Work E-mail _____

Personal e-mail holly.harts.horn2@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 (attach additional pages as necessary):

We would like to put a new roof on our garage and
enclose our second story deck as living space.

We need the Zoning Board's help to do this because
our building is nonconforming due to placement on the lot.
The sections of the zoning ordinance that apply are 17.0 / 17.1e.

We are including plans for present and proposed structures
with this application.

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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: 17.1e

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

The requirement (17.1e) states 'A non-conforming building or structure may not be extended or enlarged.' We would like to change it to allow us make improvements on the same footprint and in keeping with the same look & feel as our current structure - to provide us with additional living space.

To grant a variance, the Zoning Board must find that it will satisfy each of the following five conditions. Please explain why you believe that each of the following statements is true (attach additional pages as necessary).

These five conditions come from the New Hampshire statutes and decisions of the state Supreme Court. Unless you are familiar with Zoning law, the language of these conditions probably does not mean what you think it means. If you have not applied for a variance before, we recommend that you consult with the Wilton Land Use Administrator or obtain professional advice.

1. Granting the variance would not be contrary to the public interest: Our structure will remain on the same footprint with an exterior that appears 'in like kind' to what exists today, therefore causing no harm to public interest if granted.

2. Granting the variance would be consistent with the spirit of the Ordinance: To grant this variance would be consistent with the spirit of the ordinance since granting the variance would not alter the essential character of the neighborhood & would not threaten

3. Granting the variance would do substantial justice: To grant the variance would do substantial justice because the inability to make these improvements would cause an unnecessary loss to our family & cause us undue hardship. Since the proposal would not cause a negative impact to the community it would do substantial justice to grant the variance.

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

The proposed project will not diminish property values. We have invested time, money & effort into thoughtfully & purposefully designing changes that do not change the look & feel of our neighborhood. By seeing this proposal through completion we are offering care, maintenance & improvement that honors the historic

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nature of the home & street while remaining in the footprint of the original structure. In taking such great care to honor our neighborhood we will not diminish surrounding property values.

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5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship.
Complete section 5(a), 5(b), OR 5(c):

5(a) i. Owing to special conditions of the property that distinguish it from other properties in the area:

See response on next page

ii. 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 response on next page

iii. and the proposed use is a reasonable one:

See response on next page

5(b) Owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it

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:

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5(a) i. Owing to special conditions of the property that distinguish it from other properties in the area:

The placement of our building on our lot creates a unique situation where a basic improvement such as re-roofing our garage and enclosing our porch cannot legally be implemented without a variance. Due to this special condition and the fact that the structure's location is pre-existing causes hardship by not allowing us as the homeowners to improve on our home as we like. This request for a variance is reasonable given the special condition of our property's position on our lot.

ii. 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:

Considering that the intent and meaning of the existing zoning ordinances were likely not put into law to be punitive to the homeowners who find themselves with lot placement such as ours but rather to defend against more egregious variances that would harm and cause hardship to the neighborhood it would be unfair to apply that provision to this property and it would be punitive to us as the homeowners, who's intention is to make reasonable improvements in keeping with the current style and footprint of the home.

iii. and the proposed use is a reasonable one:

This variance request is reasonable as the proposed changes have been made with the benefit of both the neighborhood and ourselves as the homeowners. We have made every consideration and effort to stay within our current footprint while remaining true to the exact look of the home, thereby making these changes nearly undetectable to passersby while we address critical repairs and improvements that allow us considerably greater enjoyment of our home which is an investment in our home and the Wilton community.