



# Town of Wilton, NH Zoning Board of Adjustment

## Notice of Decision

The request by Linda and Michael Pellerin for a variance to section 17.1 of the Wilton Zoning Ordinance has been granted. It will allow the construction of additional living space at the back of an attached garage on Lot D-36, 84 Holt Road, where the house is closer to a side lot line than allowed by the Ordinance, and the Ordinance does not allow enlargement of a nonconforming structures.

This decision shall expire if the construction or use permitted by it has not begun by Friday, June 13, 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, July 13, 2023, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

### Findings of Fact

- Lot size is 0.8 acres
- The house was built in 1923.
- For the purposes of this application, the Zoning Board assumes that the house, breezeway, and garage comprise a single structure.
- The south side of the house is 27' from the side lot line, less than the 35' required setback, and the structure is therefore nonconforming.
- Paragraph 17.1(e) prohibit the extension or enlargement of a non-conforming structure.
- The applicants propose a 20' x 30' "living space" addition on the back (west) side of the garage.

### Reasons for the Decision

- Public interest: The proposed addition does not threaten the public health, safety, or welfare, or change the character of the neighborhood.
- Spirit of the ordinance: The addition is consistent with the residential zoning, and does not violate 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 not change the character or use of the lot.
- Hardship:
  - The hardship arises from the special condition of the property, that it has a 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 at the end.

Neil Faiman, Chairperson  
Wilton ZBA  
June 15, 2023

Case #6/13/2023-1, decided Tuesday, June 13, 2023