

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

RECEIVED
MAY 24 2023
BY: _____

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 D-036 Lot Size 0.80

Street Address 84 Holt 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 Michael & Linda Pellerin

Mailing address 84 Holt Road

Mailing address same

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 Linda Pellerin Date 5/23/23

Linda Pellerin
(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
Application to the Zoning Board of Adjustment
(Revised August 2022)

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 Michael Pellerin

Mailing address 84 Holt Road

Mailing address _____

Town, State, ZIP Wilton, NH 03086

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 Michael Pellerin Date 5/23/23

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 _____

(continued on the next page)

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

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 603-801-2169 Evening phone 603-769-0235

Work E-mail _____ Personal e-mail lpellerin@gibbsail.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 are building an addition to our existing garage. The new space is a 20'X30' Living Space consisting of 2 bedrooms and a bath - although there are no closets planned. The original House is too close to the lot line on the South. It is only 27' from the lot line to our neighbor's driveway
Zoning ordinance 17.1 any non-conforming building may continue in existence. The new addition is shown as 50' from the West Lot Line Setback and is shown on the site plan.

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

Application for a Special Exception

A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board. Every special exception is allowed by some section or subsection of the Ordinance. Most special exceptions have a list of requirements; the Zoning Board can only approve the special exception if it finds that all the requirements are satisfied.

Note that in addition to the specific requirements that may be listed for a particular special exception, all special exceptions are subject to the general requirements in Section 4.12 of the Zoning Ordinance.

What section of the Zoning Ordinance defines the Special Exception that you are applying for? 17.1

Explain why your proposed use satisfies the requirements of the Zoning Ordinance (attach additional pages as necessary):

Non-Conforming Building Structures and Uses - a. any non-conforming building may continue in existence. Since this was part of the original house built in 1923 it should satisfy the previous existence -
the new addition is in the rear (west) of the property within 50' of the setback and is keeping with the existing development of the neighborhood.

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

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: 17.1 Non-Conforming Building, Structures and Uses

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

a. Any non-conforming building or use of land or buildings may continue in existence. Since the house was built in 1923 it was in existence prior to all the new amended codes. The non-conformity is the south lot setback of 27'

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: Nothing on the original house was changed so the public interest remains untouched. The new addition is in the rear of the property and the public won't even notice the change because it was just extending the original Garage by 20' in the rear.
2. Granting the variance would be consistent with the spirit of the Ordinance: 17.1 pertains to the non-conformity of the original lot setback on the west side which remains in existence per the ordinance and untouched.
3. Granting the variance would do substantial justice: The original lot setback of 27' on the west has been in existence for 100 years and the variance allows us to continue our addition to add living space for our children and their children. Granting new residents to Wilton.
4. The proposed use will not diminish surrounding property values: The variance allows us to complete the addition which will enhance property values in the neighborhood. Also creates a barrier wall that is both functional and beautiful thus enhancing the property values.

(continued on the next page)

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

Application for a Variance, Page 2 of 2

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:

The South Lot setback prohibits any changes on that portion of the property so all improvements must be elsewhere on the site. Most homes on our street the street don't have the same south lot issue.

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:

The zoning ordinance interferes with the reasonable use of the property considering the unique setting of the Lot Setback in this environment. The property cannot be changed in any way without the variance.

iii. and the proposed use is a reasonable one:

The addition is a reasonable use of the property. It enhances the beauty of this property and the neighborhood. Many neighbors have commented on the lovely wall near the addition. We are not able to move the original house nor is that a reasonable request.

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:
