

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

General Information, Page 1 of 3

Property Information

RECEIVED
MAY 22 2023
BY: _____

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 C-47 Lot Size ± 1.5 acres

Street Address 748 Isaac Frys Hwy, Wilton

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 Robert + Sara Spittel

Mailing address 748 Isaac Frys Hwy

Mailing address _____

Town, State, ZIP W. Han 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 [Signature] Date 5/21/23

(continued on the next page)

clerk use only	
Date and time received: _____	
Received by: _____	Amount paid: _____
Case #: <u>010/13/2023-01</u>	<input 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  Date 5/21/23

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)

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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 Sara 603 930 0768 Evening phone Rob 603 801 7968
 Work E-mail Sara saraj.spittel@gmail.com Personal e-mail Rob rspittel@gmail.com

Proposed Use

- ① Explain what you want to do with the property. (Do you want to build a building, subdivide a lot, have a business, ...).
- ② 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):

① We want to remove the current non-conforming garage on our property - replacing it with a different foot print - Still ^{with in} outside of the 35' setback required by section 6.2.4 of the Wilton zoning ordinance. The current structure is 16' from the roadway at its closest point.

Due to slope of property, buried utility lines, and the location of our non-conforming historic home, we would like to move the new structure back 10' further from the road, but do not see 20' as possible from both financial and design aspects... thus making it non-conforming

② We are seeking approval from the ZBA for a variance of section 6.2.4 of the ordinance so that the new building can be placed 25' from the roadway at the closest point, instead of 35'

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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: 6.2.4 + 17.3

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

Section 6.2.4 requires 35' setback from lot lines. We are requesting a variance so that one corner of the new structure will be 25'. The current structure is only setback 16'.

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: _____

This project will have no impact on the public interest.

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

This project will take a completely non-conforming building and make it, into conformance with current ordinances. closer

3. Granting the variance would do substantial justice: Granting this variance will do justice to the property as it will allow for the construction of a new structure, while taking into consideration property grade, existing utility lines, the home's non-conforming setback and historical nature of building.

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

We cannot foresee any diminishment of surrounding property values by granting this variance. The proposed new structure would be an improvement over the existing structure in design, function and setback.

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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:

The property has significant slope, buried electric & propane lines, and a home that is non-compliant with setbacks. These issues make the construction of a new ~~home~~ building inside setbacks of 35' untenable both financially and practically.

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:

All changes visible to the public will be positive. The property exists among a whole neighborhood of non-conforming historic properties, which all have unique, quirky and charming characteristics

iii. and the proposed use is a reasonable one:

This request is reasonable as it shows an attempt to move the new structure further back, in the spirit of the ordinance, while recognizing the inherent issues surrounding this historic property. We have worked for 23 years to improve the property, and look forward to this opportunity to continue making improvements.

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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Application for a Special Exception

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MAY 24 2023
BY:

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? 17.3

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

- 17.3 a) The home is over 150 years old and we believe the garage to be close to 100 years old. Both structures existed before Wilton adopted zoning ordinances.
- 17.3 b) the variance requested is for a lot line.
- 17.3 c) The proposed structure will be in keeping with the location of the non-conforming home. The entire historic neighborhood is charming, in part due to the quirky and unique homes which many violate ordinance issues - including setbacks due to roadways being built after homes were situated.
- 17.3 d) The location of the proposed structure is drawn on the diagram attached to this application. If the variance is granted, this drawing will become part of the property's file kept at town Hall.
- 17.3 e) The current structure is a 6-sided two story building built into the hillside. We will keep the two story concept, and make the building 4-sided. It will need to be wider than the current building so it will accommodate parking two cars. The current garage was not built to house vehicles. The new driveway will be able to more comfortably accommodate 2 cars, right now it is doable, but a tight fit.