



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Fait's Property Maintenance, LLC for a variance to section 5.2.1 of the Wilton Zoning Ordinance has been granted. It will construct a single-family home on a lot which is smaller than the minimum lot size required by the Ordinance on Lot J-112-1, Island Street and Mill Street.

This decision shall expire if the construction or use permitted by it has not begun by Friday, November 14, 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, December 14, 2023, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- The lot size is 0.25 acres.
- The lot is at the corner of Island Street and Mill Street.
- The lot satisfies the Ordinance definition of a "Lot," but not a "Lot of Record."
- The lot existed with its present dimensions at least as long ago as 1954.
- The applicant proposes to construct a single-family home, as illustrated on a "Proposed Construction Plan" that was submitted in Case #6/13/2023-4.
- Zoning Ordinance Section 5.2.1 requires a lot size of 0.5 acres per dwelling unit for residential uses in the Residential District.
- Notwithstanding Section 5.2.1, Zoning Ordinance Section 17.2(a) would allow use of the lot for a single family dwelling only if it were a lot of record,

Reasons for the Decision

- **Spirit of the Ordinance:** The proposed use is a permitted residential use which is consistent with the character and density of the neighborhood.
- **Public Interest:** The proposed use does not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public.
- **Property Values:** The proposed use is consistent in character and scale with the existing residential development of the neighborhood, and there is no reason to believe that it reduce neighboring property values.
- **Hardship:** It is a peculiarity of the ownership history of the property that, while it has unquestionably been a distinct "lot," as defined by the Ordinance, since long before the adoption of the Ordinance, it is not a "lot of record." This is a special condition of the property which, while it does not affect its physical characteristics in any way, renders it ineligible for the grandfathering provision of section 17.2(a), thus making any reasonable use impossible. RSA 674:33, I(b)(2)

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
November 15, 2023

Case #11/14/2023-1, decided Tuesday, November 14, 2023