



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by The Wendy Cheney Revocable Trust of 2023 for a variance to section 17.1(e) of the Wilton Zoning Ordinance has been granted. It will allow the construction of a deck on the rear of the existing house on Lot K-104, 6 Pine Valley Street, where the house is closer to the front lot line than allowed by the Ordinance, and the Ordinance does not allow the expansion of non-conforming structures.

This decision shall expire if the construction or use permitted by it has not begun by Friday, December 12, 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, January 11, 2024, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Facts

- The lot size is 0.23 acres.
- The 100-year-old house on the lot is located approximately twelve feet from the street, and is therefore non-conforming (Ordinance Section 5.2.1).
- The applicant proposes to construct a rear deck, approximately eight feet square, on the rear of the house.
- The proposed deck would easily satisfy all lot setback requirements.
- The proposed deck would have a negligible visual impact on any adjacent lots.

Reasons for the Decision

- Public interest: The proposed use does not threaten the public health, safety, or welfare, or change the character of the neighborhood.
- Spirit of the ordinance: The use is consistent with the residential zoning, and does not offend the setback restrictions.
- Substantial justice: Preventing the owner from making a minor and reasonable improvement to her property because of decisions that were made generations before anyone had ever imagined zoning would be a substantial injustice.
- Property values: The proposed deck would scarcely be visible from adjacent properties, and would be consistent with the use of other lots in the neighborhood.
- Hardship:
 - The hardship arises from the special condition of the property, that it has a historic 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 written in a cursive, flowing style with a long horizontal flourish at the end.

Neil Faiman, Chairperson
Wilton ZBA
December 13, 2023

Case #12/12/2023-1, decided Tuesday, December 12, 2023