

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

General Information, Page 1 of 3

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DEC 20 2023

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 J118 Lot Size .08

Street Address 27 ISLAND STREET

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 BILL GAGAN

Mailing address 31 HAMPSHIRE HILLS DRIVE

Mailing address _____

Town, State, ZIP BOW, NH 03304

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 Bill Gagan Date 12-20-23

(continued on the next page)

clerk use only

Date and time received: _____

Received by: _____ Amount paid: _____

Case #: _____ 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 Will G Date 12-20-23

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 Will G Date 12-20-23

(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 603-731-7030 Evening phone 603-731-7030
 Work E-mail billgagan@comcast.net Personal e-mail billgagan@comcast.net

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):

I AM REQUESTING A VARIANCE DUE TO
SET BACK CONSTRAINTS

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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? [REDACTED] 17.3

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

By removing the existing building, we are eliminating safety and health concerns of the
Town and the neighbors. With the building of a new home, we are enhancing the value
of existing neighboring properties and helping to make the Island Street area a more
desirable place to live.

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Application for a Variance, Page 1 of 2

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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: 4.8

The requirement in that section that you want to change, and how you want it changed: **Relief from Section 4.8 since the proposed new home will not be setback 50 feet from the delineated wetlands and water bodies.**

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: **Granting a variance would actually be in the public interest. Demolishing the existing, unsafe property and rebuilding a new home would increase the existing home values, alleviate the health and safety concerns that exist today.**

2. Granting the variance would be consistent with the spirit of the Ordinance: **The spirit of the ordinance is observed since the monstrosity of a property would be removed and a new home built in its place.**

3. Granting the variance would do substantial justice: **The removal of the existing property and rebuild of a new one would be welcomed by neighbors as well as those living in the town who know of this building.**

4. The proposed use will not diminish surrounding property values: **The removal and rebuild will absolutely increase the existing values of the neighboring properties and bring peace of mind.**

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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 proposed will be a new built home, new materials used throughout, with the plan to use repurposed material such as barn doors, antique clawfoot bathtub, etc.

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: **For health and safety reasons, as well as the existing properties structural integrity being compromised or non-existent, this property requires demolition.**

iii. and the proposed use is a reasonable one: **Rebuilding on this site is reasonable, for the many reasons that I have previously stated.**

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

Rebuilding on this site is reasonable, for the many reasons I have previously stated.

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:

Not applicable to this scenario.

ii. The variance is in harmony with the general purpose and intent of the zoning ordinance:

Agreed and understood.