

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

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 A-065 Lot Size 4.5

Street Address 19 Ravinville Rd Wilton NH

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 Lawrence Withers

Mailing address 19 Ravinville Rd

Mailing address _____

Town, State, ZIP Wilton NH 03096

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 3-15-2024

(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 _____ Date _____

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 (203) 671-6735 Evening phone _____

Work E-mail _____ Personal e-mail _____

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):

See attached page

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Proposed use

I am requesting a variance to section 14.3.1 of the Wilton Zoning Ordinance to allow a 2-lot subdivision in the Watershed District that does not meet the minimum lot size of 6 acres per dwelling unit.

My property is also located in the General Residence & Agricultural District where the minimum lot requirement is 2 continuous dry acres per dwelling unit. (section 6.2.1)

My property fronts Davisville Road for approximately 400 feet and Duggin Road for approximately 570 feet. Both Davisville Road and Duggin Road are Class V Roads.

The first known deed to my property can be traced back to the 1830's, thereby establishing it as a lot of record. (section 17.2)

As a lot of record, and a lot that pre-dates the Wilton Zoning Ordinance, and the delineation of the Watershed District, it would be reasonable to allow the 2-lot proposed subdivision to allow a family member to develop the land.

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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: 14.3.1

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

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: _____
see attached page

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

3. Granting the variance would do substantial justice: _____
see attached page

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

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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:

see attached page

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:

iii. and the proposed use is a reasonable one:

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:

Application for a Variance

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I am requesting a variance to section 14.3.1 of the Town of Wilton Zoning Ordinance to allow a 2-lot subdivision in the Watershed District that does not meet the minimum lot size of 6 acres per dwelling unit.

- a. *The variance is not contrary to the public interest.*

Lot size within a 200-foot radius from any of my property corners ranges from 0.5 acres up to 11.04 acres.

- a. A-061 = 11.02 acres
- b. A-058-06 = 11.04 acres
- c. A-058-01 = 5.00 acres
- d. A-056 = 1.00 acres**
- e. A-054 = 1.90 acres**
- f. A-053 = 0.50 acres**
- g. A-052 = 2.40 acres**
- h. A-051 = 2.50 acres**

- b. *The spirit of the ordinance is observed.*

My lot, A-055, pre-dates the Wilton Zoning Ordinance and the delineation of The Watershed District.

- c. *Substantial justice is done.*

Because my proposed 2-lot subdivision results in 2 lots that mirror the size and character of the majority of lots in the immediate area, there is no disservice brought upon me or my neighbors.

- d. *The values of surrounding properties are not diminished.*

The lot size of 2.25 acres and 2.25 acres, the resulting area from the 2-lot subdivision, will be consistent with lot sizes of most properties in the immediate area thereby complementing the character of the neighborhood and not distracting from it.

- e. *Literal enforcement of the ordinance would result in unnecessary hardship.*

My lot happens to be larger than most of my neighbors. It was deeded at a time that pre-dates the Wilton Zoning Ordinance and Watershed District. The 2-lot subdivision will allow me to maintain consistency throughout the neighborhood and provide my family with a place to grow. It would be a fair and reasonable decision to allow the 2-lot subdivision and maintain the family character of the neighborhood.

A-51 (Data as of 2023-10-12)
MAYES, BRETT A & LINDSAY F,
34 DAVISVILLE ROAD
WILTON, NH 03086

A-52 (Data as of 2023-10-12)
RICH, BENJAMIN A & RACHEL L,
22 DAVISVILLE ROAD
WILTON, NH 03086

A-53 (Data as of 2023-10-12)
BACKEBERG TRUST DTD 01/13/03,
ELIZABETH F BACKEBERG, TRUSTÉE
5 DAVISVILLE ROAD
WILTON, NH 03086

A-54 (Data as of 2023-10-12)
BACKEBERG TRUST DTD 01/13/03,
ELIZABETH F BACKEBERG, TRUSTEE
5 DAVISVILLE ROAD
WILTON, NH 03086

A-56 (Data as of 2023-10-12)
MARTINEAU, MARK & MARYELLEN, MARTINEAU,
JENNA M
29 DAVISVILLE ROAD
WILTON, NH 03086

A-58-1 (Data as of 2023-10-12)
KINGSLEY, DANIEL, REDMAN, GEORGINA
41 DAVISVILLE ROAD
WILTON, NH 03086

A-58-6 (Data as of 2023-10-12)
DUGGAN REV TRUST, ELIZABETH,
ELIZABETH DUGGAN, TTEE
78 DUGGIN ROAD
WILTON, NH 03086

A-59-2 (Data as of 2023-10-12)
DOERR, KENNETH J & EVELYN M,
90 WEST BERLIN ROAD
BOLTON, MA 01740

A-61 (Data as of 2023-10-12)
BACON, ERIC A & TRACY-JEAN,
9 DUGGIN ROAD
WILTON, NH 03086