

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 Lot C-47 Lot Size +/- 1.5 Acres

Street Address 748 Isaac Frye 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 Sara & Rob Spittel

Mailing address 748 Isaac Frye Hwy

Mailing address _____

Town, State, ZIP Wilton, 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  Date 3/20/2024

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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 _____

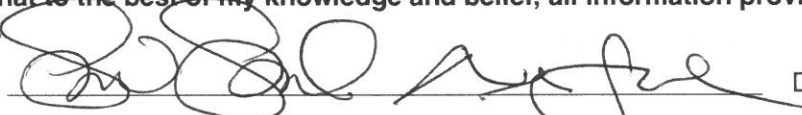
Mailing address _____

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 3/20/2024

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 _____

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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 603-960-0768 Evening phone Same

Work E-mail Saraj.spittel@gmail.com Personal e-mail Same

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):

We plan to replace our garage with a new structure. The new structure will be in character with the house in size and appearance. We will be changing the footprint of the structure (smaller) and moving it further away from the lot line. Due to the slope and irregular shape of the property, location of the home, buried electric and propane lines, and proximity to the intersection of Davisville Rd and Isaac Frye Hwy - it is not financially or physically feasible to move the new structure in compliance with zoning regulations keeping it 35' from the lot line. We are looking to move the building so it is 12' from the property line, rather than the current 3'. This effort is in keeping with the spirit of the ordinance, although doesn't get it back the full 35' required by 6.2.4.

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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? 17.3

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

17.3 a. The home was built in 1860 and we believe the garage to have been built close to 100 years ago. Both structures existed before Wilton adopted zoning ordinances.

17.3 b. The setback being requested is for a lot line. Zoning requires 35', current structure is 3', and the new garage would be 12'. The distance to the road is further than the lot line. The new garage will be much further from Davisville Road than it is currently set.

17.3 c. The proposed garage will be in keeping with the neighborhood and the home on the property. The entire historic neighborhood is charming, in part due to the quirky and unique homes, many which violate ordinance issues - including setbacks from lot lines as the homes were in existence before the zoning ordinances, and in some cases before the modern roads were established. The new garage's style will imitate the home, with shingles on the top floor and clapboard on the bottom - marking a stark difference from the current garage which is a compilation of additions and changes made over the years. We also anticipate site lines coming down Davisville Rd to Isaac Frye to be improved with the new setback - benefitting the neighborhood.

17.3 d. The location of the propose structure is drawn on the plans attached to this application. If the special exception/variance are granted, the drawing will become part of the property's file, kept at Town Hall, and the new garage will be built to this specification.

17.3 e. The current structure is a 5 sided two story building, built INTO the hillside of the steep property. We will shorten the height of the building (while keeping it 2 stories), and standardize the building so that is has four sides. It will be built to accommodate vehicles. The current garage was not designed for cars, it was designed for animals and farm implements, as such we have never been able to park in it. The new, longer driveway will be able to more comfortably accommodate two cars, which is currently a tight fit. Currently it can be difficult for vehicles on Davisville Rd to navigate around our driveway if a long vehicle like a pickup truck is parked there.

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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 & 7.3

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

Section 6.2.4 requires a 35' setback from lot lines. We are requesting a variance so that the building will be 12' back from the lot line instead of the current 3'.

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 improve the public interest, both for motorists on Davisville Rd, and neighbors who will benefit from the increase in property values with a new, usable structure. The purpose of the new structure will be exactly the same as the current use, a garage.

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

This project aims to come closer to the spirit of the ordinance as it moves the structure from 3' to 12' back from the lot line.

3. Granting the variance would do substantial justice: _____

Granting this variance will allow for the construction of a new structure, while taking into consideration the property's grade, situation of underground utilities, and the home's non-conforming setback to the lot line and historic nature. It would do justice to the current historic homes in the neighborhood as it would be aesthetically more appealing, and functionally improve traffic on Davisville Rd.

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

We believe this proposed change would increase surrounding property values, as the new structure will be an incredible improvement, reflecting well on the neighborhood.

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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 limitations due to slope, buried utilities, lot shape and the proximity to the intersection of Isaac Frye Hwy and Davisville Rd.~~

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:

~~From the general public perspective, the proposed build will be a win, as it will help with site lines, moves our vehicles further from the roadway, and improves the aesthetics of the building. It will benefit the general public.~~

iii. and the proposed use is a reasonable one:

~~The proposed use is exactly the same, while improving the form and function of the existing structure. It moves the garage further from the road, and improves both site lines and movements of motorists approaching Isaac Frye Hwy from Davisville Rd.~~

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

~~The current building is virtually on the lot line, and the driveway is incredibly short, not capable of accommodating a pick up truck, as it will stick out into Davisville Rd. The topography of the property and incredible slope leading to the road, in addition to the buried utilities make construction 35' from the lot line untenable from both financial and logistical perspectives. The proximity to the intersection of Isaac Frye Hwy and Davisville doesn't allow for a different location of the garage.~~

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:
