

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

General Information, Page 1 of 3

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MAR 26 2024

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 H013 Lot Size 2.40

Street Address 19 Potter Rd.

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 Elizabeth & Cale Brandley

Mailing address 19 Potter Rd.

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 Cale Brandley Elizabeth Brandley Date 3-26-24

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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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General Information, Page 2 of 3

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 *Cal Brandley Elizabeth Brandley* Date 3-26-24

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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MAR 26 2024

Town of Wilton, NH

Application to the Zoning Board of Adjustment

(Revised August 2022)

General Information, Page 3 of 3

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 530.637.1053 Evening phone 530.637.1053

Work E-mail elizabeth@wildrosefarm.org Personal e-mail elizabethlane30@gmail.com

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

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MAR 26 2024
EP

We have a portion of our home in disrepair that we intend to demolish and rebuild.

Unfortunately, we are unable to rebuild that existing footprint, thus a proposed new addition to accommodate our needs. This expands the nonconformity.

Additionally, the new septic system will be placed in the location the old septic system was in which encroached into the setbacks.

Both items require a variance request as we are unable to meet setback requirements.

Elyse Bradley

Cal Bradley

3-26-24

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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 & 6.2.5

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

6.2.4: The new addition will be constructed within the setbacks

6.2.5: The septic system currently within setbacks is being replaced within setbacks

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: We are not changing the character of the neighborhood. By reconstructing it the building will be more attractive & of value to all properties in the neighborhood.
2. Granting the variance would be consistent with the spirit of the Ordinance: The ordinance is designed to grant the homeowner use of the property as designated by the district residential & agriculture. It was built in 1980s, became a residential dwelling unit, a use we intend to continue.
3. Granting the variance would do substantial justice: In the current situation we would have to walk away from the mortgage if we cannot continue using it as a residential dwelling.
4. The proposed use will not diminish surrounding property values: The surrounding properties are residential units. There is nothing in our plans that will distract from that.

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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:

Literal enforcement would not allow us to
live in our home,

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

The proposed use to maintain it as a
residential dwelling unit is a reasonable
request.

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: