



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Betheny and Christopher Roberts for a variance to section 17.1(e) of the Wilton Zoning Ordinance has been granted. It will allow the construction of a platform on the house on Lot F-165, 9 Greenville Road, where the house is closer to a lot line than allowed by the Ordinance, and the Ordinance does not allow the expansion of non-conforming structures.

The requests for a variance to section 8.2.4 of the ordinance and a special exception under section 17.3 of the Ordinance have been denied without prejudice because they are unnecessary, given that the approval of the variance to section 17.1(e) enables the applicant's proposed use.

This decision shall expire if the construction or use permitted by it has not begun by Friday, August 14, 2026. (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 Friday, September 13, 2024, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- Lot F-165 is located at the corner of Gibbons Highway (NH 101) and Greenville Road (NH 31 South) in the Industrial District. The lot area is 0.5 acres.
- The lot contains a nineteenth century house. Although residential uses are not permitted in the Industrial District, a variance granted in ZBA Case #9/10/2019-2 allows use of the house as a single-family residence.
- The house is closer to Greenville Road than allowed by the setback requirements of section 8.2.4 of the Ordinance.
- The applicants propose to construct a platform or deck approximately 8' x 16' at the entry to the house, to improve access over the irregular ground in the entry area. Although the proposed location complies with the setback requirements, section 17.1(e) of the Ordinance prohibits the extension or enlargement of a non-conforming building or structure.

Reasons for the Decision

- **Public Interest, Spirit of the Ordinance, Property Values:** No deep analysis is needed to conclude that the proposed platform will have no effect on the public health, safety, or welfare, the character of the neighborhood, or neighboring property values.
- **Substantial Justice:** The proposed platform will remedy a significant inconvenience and safety concern for the applicants, while disallowing it would provide no conceivable public benefit.
- **Hardship:** The property is a small lot with a historic house which got vacuumed up into the Industrial District, and whose original setbacks disappeared as the old town roads evolved into state highways. The proposed platform itself will be comply with the setback

requirements, and will not affect the property in any way that the district setback requirements were intended to prevent. Thus, 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 fluid and cursive, with a long horizontal flourish at the end.

Neil Faiman, Chairperson
Wilton ZBA
August 15, 2024

Case #8/13/2024-2, decided Wednesday, August 14, 2024