



# Town of Wilton, NH Zoning Board of Adjustment

## Notice of Decision

The request by Dawn Ryan for a variance to section 17.1(e) of the Wilton Zoning Ordinance has been granted. It will allow the construction of a 14'x16' single-story addition on the back of the existing house on Lot A-47-2, 74 Stagecoach Road, where the house does not satisfy the setback requirement from the road.

This decision shall expire if the construction or use permitted by it has not begun by Thursday, November 12, 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 Thursday, December 12, 2024, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

### Findings of Fact

- Lot A-47-1 is a 14.5 acre lot on the east side of Stagecoach Road, in the General Residence and Agricultural District.
- The lot contains a large historic house which at its closest is only ten feet from its front lot line on Stagecoach Road, where the ordinance requires a 35' setback. Thus, the house is nonconforming.
- The applicant proposes to build a single-story 14' x 16' addition at the southeast (rear) corner of the house, extending to the south.
- No portion of the addition would be less than 50' from any lot line.
- Section 17.1(e) of the Zoning Ordinance prohibits the extension or enlargement of a non-conforming building.

### Reasons for the Decision

- **Public interest:**
  - The proposed use does not threaten the public health, safety, or welfare, or change the character of the neighborhood.
  - The proposed addition will not have any impact on adjacent property / abutters. The proposed addition will not further encroach on the 35' setback.
- **Spirit of the ordinance:**
  - The use is consistent with the residential zoning, and does not offend the setback restrictions.
  - As the spirit of the ordinance is to promote, protect health, safety etc., the new addition will a new, moved bathroom built to current codes for safety and building, thus replacing noncompliant structures.
- **Substantial justice:**

- Preventing the owners from making a minor and reasonable improvement to their property because of decisions that were made generations before anyone had ever imagined zoning would be a substantial injustice.
- The applicant would be adversely affected if the application is denied due to existing conditions of existing bathroom area. Building addition would allow for the creation of a safer home.
- **Property values:**
  - The proposed addition makes no tangible difference to the character of the property or the neighborhood.
  - No changes to use of the property. The house is 200 years old, the new addition would make the home safer which in turn would not affect surrounding house values.
- **Hardship:**
  - The hardship arises from the special condition of the property, that it has a historic house which would have been consistent with the character of the neighborhood when it was built, and still is consistent with the character of the neighborhood notwithstanding a subsequently imposed setback requirement.
  - As a consequence, strict adherence to the requirements of section 17.1(e) would not do anything to advance its purpose.

Sincerely,



Neil Faiman, Chairperson  
Wilton ZBA  
November 14, 2024

Case #11/12/2024-1, decided Tuesday, November 12, 2024