

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-048-2 Lot Size 2.28

Street Address 77 Stagecoach 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 Denise Berrigan

Mailing address 77 Stagecoach 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 DM Berrigan Date 08-OCT-2024

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|---|--|
| clerk use only | |
| Date and time received: <u>10-14-2024</u> | |
| Received by: <u>DL</u> | Amount paid: <u>\$205-</u> |
| Case #: <u>11/12/2024-02</u> | <input checked="" type="checkbox"/> Abutter list and labels included |

\$205

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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 Jacob McMaster

Mailing address 37 Border St Amherst NH 03031

Mailing address _____

Town, State, ZIP Amherst, NH 03031

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 *Jacob McMaster* Date 10/8/24

OM Berrigan **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 Jacob McMaster / McMaster Landscape and Maintenance LLC

Mailing address 3

Mailing address 37 Border St

Town, State, ZIP Amherst, NH 03031

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)

X Signature *OM Berrigan* Date 08-OCT-2024

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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 603-801-1221 Evening phone _____

Work E-mail Jmcmaster19@gmail.com 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):

Application is for a variance on Zoning Ordinances 17.1(e) + 6.2.4
Ms. Berrigan would like to build a porch roof over a patio that is being constructed. The porch roof would be L shaped, extending 15 ft off the house and running the width of back and side of house 33 and 32 ft. Porch roof will be located on back of house (North Side) where the 8x12 deck was and over the existing patio area (West Side) on Davisville side. The proposed porch roof will not encroach on the 35 ft set back or increase the non-conformity of the house. Measuring from house to the edge of Stagecoach road the house is between 37-39ft set back. The only corner of house that is nonconforming is the front Davisville corner which was approximately 33ft from edge of road.

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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: 17.1(e) + 6.2.4

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

Ms. Berrigan's home was built during the late 1800 or early 1900s before certain set backs and ordinances were in order. We wish for a variance to build a porch roof on a non-conforming structure. The porch roof will not increase the house's non-conformity.

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: _____

The porch roof addition over patio will not have any impact on the public or abutters. Porch roof and patio will be an improvement and increase outdoor living space and property value.

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

Ordinances such as set backs provide the public with aesthetic and functional benefits such as maintaining a safety buffer between inhabitants and traffic. Some houses were built before the time of these precautions and therefor may require a variance to the ordinance in order to maintain or improve the property/living space. As stated above the proposed structure will not encroach on these set backs thus not causing any public harm or safety issues. Therefor granting this variance would be in the spirit of the Ordinance.

3. Granting the variance would do substantial justice: _____

The zoning ordinance application of 17.1(e) negatively effects home owners who have purchased older homes that are grandfathered in. Granting this variance would do substantial justice in giving Ms. Berrigan the luxury of more outdoor living space and a possible increase in property value. Denial of this variance would be no gain to the public. Unjustly restricting Ms. Berrigan's reasonable use of the property considering the neighborhood and house's old characteristics.

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

The proposed structure will in no way change the use of the property and no surrounding property values would be negatively effected if the variance is granted.

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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:
Ms. Berrigans house was built before a time where trucks and automobiles were part of society. In those times it made sense to build homes closer to the road in order for easier access by horse/foot/buggy. Structures and neighbors like this should be preserved and cherished. These antique qualities of the home distinguish it from others built circa mid 1900s. On the other hand the owners of these such properties should not be penalized when they want to make reasonable improvements to their property that do not harm the public or impede on the set backs.

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:

The proposed structure would not increase the non-conformaty of existing structure in any way.

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

See 5(a) above

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:
