

TOWN OF WILTON

ZONING BOARD OF ADJUSTMENT MINUTES

SEPTEMBER 11, 1991

VOTING BOARD: Chairman Neil Faiman; members Steve Blanchard, Herb Klein, Tom Mitchell and Grayson Parker.

CLERK: Diane Nilsson

AGENDA: William Ladd - Application for a Special Exception.
Catherine and Stephen Travis, - Application for a Variance.

Mr. Faiman called the meeting to order at 7:40 p.m.

Case # 9/11/91-1 LADD

William Ladd (applicant) and Rosemary Duggan (owner), Stagecoach Road, Lot A-047 in the Residential/Agricultural District, requested a Special Exception under the terms of Section 5.3.1 of the Wilton Zoning Ordinance to permit Mr. Ladd to operate a solo practitioner law practice from his home as a home occupation.

Mr. Faiman stated that all members of the Board with the exception of Mr. Blanchard visited the property prior to the meeting.

Mr. Ladd presented plans for the proposed office and waiting area. He stated that there would be no structural changes to the house. There are two paved parking areas; one, 32' wide will accommodate 3 vehicles, the other is 24' wide and will accommodate two vehicles. The size of the office and waiting area is 600 sq. ft. and the total area of the house with the office is 2800 sq. ft. Mr. Ladd plans to hire one non-family employee.

Abutter Emily Giffin stated that she sees no problem with the plan.

Abutter Don Cuss stated a concern about an increase in traffic on Stagecoach Road.

Mr. Ladd spoke to the speeding problem on Stagecoach Road in general and stated that the traffic for his practice would be very light.

MOTION: Mr. Blanchard moved to approve the Special Exception as presented.
Mr. Klein seconded with all in favor.

Mr. Faiman stated that Mr. Ladd will be receiving a Notice of Approval in the mail. He also stated that the Selectmen, any party to the action or proceedings, or any person 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 Tuesday, October 1, 1991, and must fully specify all grounds on which the rehearing is requested.

Case # 9/11/91-2 TRAVIS

Catherine and Stephen Travis, Holt Road, Lot D-063 in the Residential/Agricultural District, requested a Variance to the terms of Section 6.2.4 of the Wilton Zoning Ordinance to permit an existing garage within the lot setback, less than 20' from the property boundary.

Ms. Travis stated that 14 years ago when the garage was built, the owner was given a building permit. Since the property line is only 18.5' away from the garage, the owner should have applied for a Variance at that time.

She and Stephen purchased the property in 1985 from Ron and Linda Tuttle and a title search done at that time did not turn up any problem. When the Travis's recently applied for refinancing, their bank discovered the setback problem and stated that they must be granted a Variance in order for the garage to be legal.

MOTION: Mr. Blanchard moved to grant the Variance to permit the existing garage within the lot setback. Mr. Parker seconded the motion with all in favor.

Mr. Faiman stated that Ms. Travis will be receiving a Notice of Approval in the mail. He also stated that the Selectmen, any party to the action or proceedings, or any person 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 Tuesday, October 1, 1991, and must fully specify all grounds on which the rehearing is requested.

FINDINGS OF FACT:

1. The proposed use would not diminish the surrounding property value because **the garage has been in existence for fourteen years.**
2. Granting this Variance would be in the public interest because **it would correct an administrative error.**
3. Denial of the Variance would cause unnecessary hardship because of the following special circumstances which make the property unique from other properties in the same district: **An administrative error was made with the granting of the building permit without a Variance fourteen years ago.**
4. Granting the Variance would do substantial justice because **it would correct an error made in 1978 that has gone undetected until September 11, 1991.**
5. The use is not contrary to the spirit of the ordinance because **it is manifestly consistent with development in that neighborhood and in the Residential/Agricultural District generally.**

MOTION: Mr. Mitchell moved to adopt these findings of fact as reasons for granting the Variance. Mr. Klein seconded with all in favor.

APPROVAL OF MINUTES - August 14, 1991

MOTION: Mr. Blanchard moved to approve the 8/14/91 minutes as written. Mr. Klein seconded with all in favor.

MOTION: Mr. Blanchard moved to adjourn the meeting. Mr. Mitchell seconded with all in favor.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Posted: 9/16/91


Diane Nilsson, Clerk

Notice of Decision

You are hereby notified that the application of **William Ladd (applicant) and Rosemary Duggan (owner)** for a special exception under the terms of Section 5.3.1 of the Wilton Zoning Ordinance has been **granted**.

The special exception will permit Mr. Ladd to operate a solo practitioner law office from his home as a home occupation at **Lot A-47, Stagecoach Road**.

The proposed use is also subject to Site Plan Review by the Wilton Planning Board.

The selectmen, any party to the action or proceedings, or any person 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 **Tuesday, October 1, 1991**, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Signed,



Neil Faiman
Chairperson, Wilton ZBA

Case # 9/11/91-1