

TOWN OF WILTON

ZONING BOARD OF ADJUSTMENT

MARCH 13, 1996

VOTING BOARD: Chairperson Neil Faiman; members Tom Mitchell, Carol Roberts and Jim Tuttle; alternate member Bob Spears.

CLERK: Diane Nilsson

AGENDA: Donald & Julienne Byrd - Variance.

Case # 3/13/96-1 BYRD

Donald M. & Julienne Byrd, Lot J-120, 18 Island Street, in the Residential District, requested a variance to the terms of Section 5.2.3 of the Wilton Zoning Ordinance to permit the construction of an addition to an existing house which does not satisfy the setback requirement.

The meeting was called to order at 7:34 p.m. Donald Byrd explained that he and his wife wish to remove an existing part of their house and add a new addition instead. By removing the existing part of the house, a 20' side setback will be created where presently the setback is only 5'. The new addition will be 31' from the street, creating a front setback 4' short of the 35' required front setback. Mr. Byrd noted that most of the houses on Island Street have much less than his proposed 31' setback.

There were no abutters present.

Mr. Faiman stated that he looked at the property and noted that the houses on either side of the Byrd property were much closer to the street than what the Byrd's were proposing. He also felt that the large increase in the side setback would improve the property to such an extent that the 4' setback problem in the front seemed workable. He felt that the addition significantly improved the lot usage overall.

MOTION: Mr. Tuttle moved to approve the variance as presented, seconded by Ms. Roberts with all in favor.

Mr. Faiman stated that the Byrd's will receive notification of approval in the mail. He further stated that the selectman, 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 April 2, 1996 and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:22)

The Board agreed on the following criteria:

1. The proposed use would not diminish the surrounding property value because **the only property that would be affected will be enhanced by the larger side setback.**
2. Granting this variance would be in the public interest because **the affected property will be enhanced by a larger side setback.**
3. Denial of the variance would cause unnecessary hardship because of the following special circumstances which make this property unique from other properties in the same zone: **The shallow lot makes it difficult to make improvements anywhere else.**

4. Granting the variance would do substantial justice because **it allows the property owner to receive full value for his property.**
5. The use is not contrary to the spirit of the ordinance because **of the negligible reduction in the setback requirement.**

OTHER BUSINESS

MINUTES - February 14, 1996

MOTION: Mr. Spear moved to approve the 2/14/96 minutes as written, seconded by Mr. Tuttle with three in favor. Mr. Mitchell and Ms. Roberts abstained.

MINUTES - December 13, 1996

MOTION: Mr. Mitchell moved to approve the 12/13/96 minutes as written, seconded by Mr. Tuttle with two in favor. Mr. Faiman, Ms. Roberts and Mr. Spears abstained.

Mr. Mitchell moved to adjourn the meeting. All members agreed. The meeting was adjourned at 7:50 p.m.

ATTEST,

Diane Nilsson

Diane Nilsson, Clerk

Posted: 3/19/96