

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 H/ 1083/01-01 Lot Size 4.68 Acres

Street Address 20 Stephens Road

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 Steven and Edyta Weighart

Mailing address 20 Stephens Road

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  Steven Weighart Date 7/2/2026

(continued on the next page)

clerk use only

Date and time received: _____

Received by: _____ Amount paid: _____

Case #: _____ ☐ Abutter list and labels included

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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 _____

Mailing address _____

Mailing address _____

Town, State, ZIP _____

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   Date 7/2/2026

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 Jaran R. Blessing, Esq.

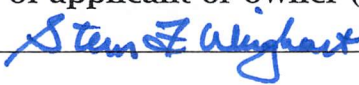
Mailing address PO Box 674

Mailing address _____

Town, State, ZIP Peterborough, NH 03458

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)

Signature  Date 7/2/2026

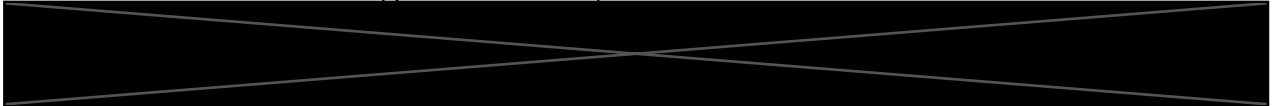
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Contact Information

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.



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):

This is an application for a special exception for a home occupation. The occupation meets 4/5 requirements of 5.3.1.1 so as not to require a special exception, except that the occupation, uses half of the floor space of the Barn, which is more than 20% of the gross heated floor space of the primary residence. Thus, according to 5.3.1 of the Ordinance, special exception from the ZBA is required, unless a variance is granted (which is also requested in this application).

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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: 5.3.1.1.(a)

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

Applicant requests a variance from the requirement that home occupations occupy an aggregate area no greater than 20% of the existing gross heated floor area of the primary residence. Applicant requests permission to use up to 1,500 square feet of existing barn space for the proposed home occupation

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: SEE ATTACHED

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

3. Granting the variance would do substantial justice: SEE ATTACHED

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

(continued on the next page)

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Application for a Variance, Page 2 of 2

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:
SEE ATTACHED

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:

SEE ATTACHED

iii. and the proposed use is a reasonable one:

SEE ATTACHED

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

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:

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Application for a Special Exception

A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board. Every special exception is allowed by some section or subsection of the Ordinance. Most special exceptions have a list of requirements; the Zoning Board can only approve the special exception if it finds that all the requirements are satisfied.

Note that in addition to the specific requirements that may be listed for a particular special exception, all special exceptions are subject to the general requirements in Section 4.12 of the Zoning Ordinance.

What section of the Zoning Ordinance defines the Special Exception that you are applying for? 5.3.1

Explain why your proposed use satisfies the requirements of the Zoning Ordinance (attach additional pages as necessary):

SEE ATTACHED

ATTACHMENT TO APPLICATION FOR A SPECIAL EXCEPTION AND/OR VARIANCE

WEIGHART

Introduction

Applicant seeks a variance from Section 5.3.1.1(a) of the Wilton Zoning Ordinance to allow a home occupation to occupy up to 1,500 square feet of existing barn space, notwithstanding the requirement that home occupations occupy an aggregate area no greater than 20% of the existing gross heated floor area of the primary residence.

If the variance is granted, the home occupation will otherwise comply with the requirements for a home occupation for which no special exception is required. The use will be conducted by the resident owner; there will be no customer or client visits to the premises; no non-resident employees; no signs; no exterior storage; no exterior operations; no retail sales from the premises; and commercial deliveries will be limited and small-scale. The proposed use is the operation of Gordon Products, which involves small, specialized low-voltage electronic sensing and monitoring devices and is represented as generating no excessive noise, hazardous materials, significant waste, odors, smoke, or other off-site impacts.

If the Board denies the variance, Applicant alternatively seeks a special exception under Sections 5.3.1 and 6.6.1.

Usage of the Space

The proposed Home Occupation would be operated from the Barn at the Property. The Barn's total square footage is 3,024 sq ft, it is 3 stories. The square footage used by the proposed Home Occupation would be 1500 sq. ft. of the Barn space, using all of the second floor, and 50% of the first floor. The third floor is personal use only.

The heated square footage of the home is 2,046 sq ft (total interior livable area of 2,387 sq ft minus the finished area below ground, 341 sq ft).

Specific section of the Zoning Ordinance to be varied

Section 5.3.1.1(a).

Requirement to be changed, and how Applicant wants it changed

Section 5.3.1.1(a) requires that home occupations, including those conducted in an associated structure, occupy an aggregate area no greater than 20% of the existing gross heated floor area of the primary residence of the person conducting the home occupation in order to qualify for a home occupation without a special exception.

Applicant requests a variance to allow the proposed home occupation to occupy up to 1,500 square feet of existing barn space, consisting of the second floor of the barn and approximately one-half of the first floor, with the third floor remaining personal use only. All other requirements applicable to a home occupation not requiring special exception approval will remain satisfied.

1. Granting the variance would not be contrary to the public interest

Granting the variance would not be contrary to the public interest, nor would it violate the spirit of the ordinance. The relief requested would not alter the essential character of the neighborhood or threaten public health, safety, or welfare. The proposed home occupation will be conducted entirely within an existing barn. It will not involve customer or client visits, non-resident employees, signage, exterior storage, exterior operations, retail sales from the premises, new construction, or material traffic impacts.

Furthermore, it does not seek relief from the Ordinance's substantive protections for neighborhood character, traffic, parking, exterior appearance, or performance impacts. The use will remain residentially subordinate and will be effectively invisible from off-site. Under New Hampshire law, mere conflict with the ordinance text is not enough; the question is whether the variance would "unduly, and in a marked degree" conflict with the ordinance's basic zoning objectives.

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

The spirit of the Ordinance is observed because the proposed use remains a home occupation in substance. Section 5.3.1.1 allows certain home occupations without special exception approval where they remain small, indoor, resident-operated, and free of customer traffic, employee traffic, signs, and exterior operations. The spirit of the particular requirement from which applicants seek a variance has to do with the space requirements compared to total heated floor area of the residence. The intention of this requirement is to ensure that residences remain primarily residential in character. The Town does not want a residence in name only, that is used more for business than family affairs. Here, the variance concerns only the amount of existing interior barn space that may be used. No portion of the actual residence itself will be used for the Home

Occupation. The proposed use satisfies those substantive protections. The only relief requested is from the numerical 20% floor-area cap.

Strict application of the 20% cap to this property would not advance the Ordinance's purpose where the proposed activity will occur inside an existing barn, will be operated by the resident owner, will not be visible from the road, and will not create the external impacts the home-occupation rules are designed to prevent. The variance therefore preserves the Ordinance's basic zoning objectives while allowing reasonable use of an existing associated structure.

3. Granting the variance would do substantial justice

Granting the variance would do substantial justice because denial would impose a substantial burden on Applicant without a corresponding benefit to the public. "Perhaps the only guiding rule on this factor is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." *Malachy Glen Assocs. v. Town of Chichester*, 155 N.H. 102, 109 (2007). Denial would prevent Applicant from using existing barn space for a quiet, enclosed, low-impact home occupation, even though the use will have no customer traffic, no non-resident employees, no signage, no exterior storage, no exterior operations, and no material effect on abutters.

The public would gain little or nothing from requiring this particular use to be limited to the 20% floor-area cap, because the proposed use does not implicate the traffic, visibility, noise, safety, or neighborhood-character concerns addressed by the home-occupation rules. New Hampshire's substantial-justice test asks whether the loss to the individual is outweighed by a gain to the general public. Here, there is no appreciable public gain from denial.

4. The proposed use will not diminish surrounding property values

The proposed use will not diminish surrounding property values because it will be conducted indoors, inside an existing barn, and will have no outward commercial appearance. There will be no customer or client visits, no retail sales from the premises, no non-resident employees, no signage, no exterior storage, no exterior operations, and no new structure.

The use is also represented as complying with the applicable performance standards: no detectable vibration beyond the property line, no excessive noise, no odors, no smoke or airborne particulates, no hazardous or toxic discharge, no lighting or glare beyond ordinary residential use, no signage, no meaningful fire or explosion hazard beyond ordinary residential use, no soil disturbance, and no proposed new structures. Because the use will be enclosed, quiet, and residentially subordinate, there is no reasonable basis to conclude that surrounding property values will be diminished.

5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship.

5(a)(i). Owing to special conditions of the property that distinguish it from other properties in the area

The property contains an existing three-story barn with approximately 3,024 square feet of interior space. The proposed home occupation would use approximately 1,500 square feet of that existing barn space, consisting of all of the second floor and approximately one-half of the first floor, while the third floor remains personal use only. The primary residence remains the principal use of the property.

The special condition is the presence, size, and configuration of the existing barn in relation to the residence and the proposed indoor, low-impact use. The barn allows the home occupation to be separated from the family's living space and conducted in a contained interior area without exterior commercial effects. That condition distinguishes the property from a typical residence without a substantial existing associated structure suitable for this type of home occupation.

5(a)(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

The general public purpose of Section 5.3.1.1(a) is to ensure that a home occupation remains incidental and secondary to residential use and does not become a commercial or industrial use with off-site impacts. That purpose is fully satisfied here without strict application of the 20% cap.

The proposed home occupation will remain resident-operated, indoors, and subordinate to the residence. It will involve no customers or clients at the property, no non-resident employees, no signs, no exterior storage, no exterior operations, and no meaningful increase in traffic. Applying the 20% cap to prohibit use of existing barn space would not materially advance the purpose of the provision, because the proposed use does not create the visibility, traffic, parking, noise, or neighborhood-character impacts the provision is intended to prevent.

RSA 674:33 expressly allows this hardship analysis where, owing to special property conditions, no fair and substantial relationship exists between the public purpose of the ordinance provision and its application to the property, and the proposed use is reasonable.

5(a)(iii). The proposed use is a reasonable one

The proposed use is reasonable. It is a home occupation conducted by the resident owner within an existing barn. It involves small, specialized, low-voltage electronic sensing and monitoring devices, with remote sales only. There will be no customer or client visits to the property, no non-resident employees, no signage, no exterior storage, no exterior operations, no retail sales from the premises, and only limited small-scale deliveries.

The use is also reasonable because Wilton's Ordinance expressly allows qualifying home occupations without special exception approval. The requested variance does not seek to avoid the home-occupation rules generally; it seeks relief only from the numerical area cap, while leaving all substantive protections in place. Under New Hampshire law, the applicant does not have to prove the proposed use is necessary to the operation, only that it is a reasonable use of the property given its special conditions.

Special Exception Analysis:

If the Board does not find it appropriate to grant a variance as discussed above, applicants seek a special exception under the following Ordinance Sections.

5.3.1 Requirements

a. Incidental and secondary use

20 Stephens Road is the primary residence of the Weighart family. The proposed occupation would take place in the barn.

b. Resident owner

Steven Weighart is the sole shareholder and owner of the Home Occupation.

c. Non-family employees

The company has no employees except Steven Weighart.

d. Additions and changes to residence

No additions or changes are required for the operation of the Home Occupation

e. Exterior storage of materials

There will be no exterior storage of materials.

f. Required parking

The Home Occupation will require no additional parking. No client will visit the home, infrequent deliveries from suppliers do not much exceed ordinary carrier deliveries for residential purposes.

g. Traffic

Little to no additional traffic will be generated in the neighborhood. The Home Occupation will require no more than two small scale deliveries per week.

6.6.1 Requirements

a. Visibility from Road

The operation of the Home Occupation shall not be evident from the road or any other public right of way.

b. Storage of Materials

No materials or equipment shall be stored outside.

c. Retail Sales

There shall be no retail sales stemming from the Home Occupation.

d. Separate Structures

No separate structures shall be constructed or placed to accommodate the Home Occupation.

e. Home Occupation Subordinate and Secondary

The Home Occupation shall be clearly subordinate and secondary to the primary use of the property as a residence for the Weighart family.

4.10 Performance Standards

4.10.1 Vibration and Ground Motion.

The Home Occupation shall not cause any vibration or other aperiodic ground motion detectable past the property line

4.10.2 Noise.

The Home Occupation shall generate less than 45 decibels, as measured from the property line, at all times.

4.10.3 Odors

The Home Occupation shall generate no detectable odors.

4.10.4 Smoke and Airborne Particulates.

The Home Occupation shall generate no smoke or airborne particulates detectable to the human eye.

4.10.5 Discharge of Hazardous or Toxic Materials, Gases or Liquids.

The Home Occupation shall not generate or discharge hazardous or toxic materials, gases, or liquids.

4.10.6 Lighting and Glare.

The Home Occupation shall not generate lighting and glare beyond ordinary residential use.

4.10.7 Signage.

No signage shall be added to the property.

4.10.8 Electromagnetic Radiation.

No activity of the Home Occupation shall produce electromagnetic radiation that causes abnormal degradation, by reason of proximity, primary field, blanketing, spurious radiation, conducted energy in power or telephone systems or harmonic content, of other electromagnetic receptors of quality and proper design located beyond the property line.

4.10.9 Materials Creating a Fire or Explosion Hazard.

No materials shall be stored that pose any meaningful risk of fire or explosion beyond ordinary residential use.

4.10.10 Stormwater Management.

No activity of the Home Occupation shall disturb the soil.

4.10.11 Structure Design.

There are no proposed structures.