

Town of Winchester  
Zoning Board of Adjustment  
Notice of Public Hearing  
7-14-22

The Winchester Zoning Board of Adjustment will be meeting on 7-14-22 at 7:00pm on the Main Floor of the Town Hall, 1 Richmond Road for the following:

The board will review for acceptance an application submitted by Milton Point Realty Inc. for a variance to Article III, J, 1 of the Zoning Ordinance for property at 78 Main Street, map 26 lot 18. The owner wishes convert a single family residence into a duplex. If the application is found complete the board will move into a hearing.

If a decision is not reached the hearing will continue at the following meeting without further notice. The application is available for review in the Land Use Office during regular business hours and on the town website [winchester-nh.gov](http://winchester-nh.gov).

Respectfully,  
Margaret Sharra, Land Use

Application for: 78-80 Main Street

Date: 6/6/2022

Map# 26 Lot# 18

Name & address of applicant: Milton Point Realty Inc.  
60 East 42nd Street, Suite 4600, New York, NY 10165  
Email: JKats1988@gmail.com Phone: 914-260-9870

Name & address of owner: Milton Point Realty Inc.  
60 East 42nd Street, Suite 4600, New York, NY 10165  
Email: JKats1988@gmail.com Phone: 914-260-9870

Location of property: 78-80 Main Street Zoning District: Central Business District

Description of property (include a plot plan, frontage, side & rear lines, water, structures, etc.) 1,883 sq. ft. single family house, town water/sewer

Proposed use/existing use: Existing use is a single family house  
Proposed use is a 2-family house

Fill out the attached abutters list and submit the non refundable fee of \$150 with the completed application and other necessary forms at least 21 days prior to the review by the ZBA. The ZBA generally meets on the second Thursday of each month if there is business. A complete application will be reviewed for acceptance before a public hearing is held within 30 days. You or your representative must be present at the hearing. All owners NOT representing themselves must submit a letter of representation for the applicant with the application.

Please complete and submit the following appropriate page(s) for the request of a variance, a special exception, an equitable waiver of dimensional requirements, an appeal from an administrative decision or a rehearing. Attach all other supporting documentation to the application.

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After the public hearing, the board will typically render a decision within 30 days. You will be sent notice of this decision. If you believe the board's decision is wrong, you have the right to appeal. The Selectboard or any party with standing has similar rights of appeal. With an appeal, you must first ask the board for a rehearing. All requests shall be submitted on the appropriate ZBA forms and include the required fee. The motion must be made within 30 days of the decision and must set forth the grounds on which the claimed the decision is unlawful or unreasonable. The board may grant a rehearing if it is determined there were errors of law or new information is stated in the motion. Notice to the public and abutters are required for a rehearing. Refer to RSA 677:2 and RSA 676:7 for details.

**Variance:**

The undersigned hereby requests a variance to the terms of Article III, section I, subparagraph 1, of the Winchester zoning ordinance.

Jason Koth 6/6/2022  
Signature of applicant and date

Jason Koth 6/6/2022  
Signature of owner and date

Facts supporting the variance request:

1. Granting of the variance will not be contrary to the public interest because:  
The house was a 2-family many years ago, so the variance will revert it to its old status.  
There is a massive need for middle class housing in the area.  
The house is currently a vacant eyesore, which this variance will undo.

2. The spirit of the ordinance is observed because:  
This is a residential area which will remain residential; the use of the space does not change from residential to anything else.

3. By granting the variance substantial justice would be done because:  
The introduction of two units of middle class housing in a town that needs it.  
The elimination of rural blight in the center of town.

4. The value of surrounding properties are not diminished because:  
The house is being upgraded and improved, so if anything this variance will actually jack up the values of surrounding properties, not diminish them.  
Eliminating rural blight will only improve the surrounding properties' values.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship; owing to special conditions of the property that distinguish it from other properties in the area, because:

a) 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 because:  
Keeping the house as-is will make it a needlessly oversized 1,883 sq. ft. single family house that will be nearly impossible to rent; the rental price will be well above what most folks can afford. Additionally, the electrical service in the house

and b) the proposed use is a reasonable one because:  
The street already has numerous multi-family houses which are identical to the type of housing I am proposing for this house. Most of my neighbors are already mutli-family houses.

Or: explain how if the criteria of (a)&(b) are not established, an unnecessary hardship will be deemed to exist if, and only if, 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.

is already wired up for a 2-family. There are 2 panels, 2 sets of wiring, etc. - the house had clearly at some point been used as a 2-family, before reverting to a 1-family. Staying as a 1-family would necessitate ripping out all the existing wiring and panels, and totally rewiring the entire premises.

