



TOWN OF WARNER

P.O. Box 59

Warner, New Hampshire 03278-0059

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Date of Decision: December 8, 2021

Application for Variance: Case: 2021-3

Property Owner: Robert Shoemaker

Property Agent: Robert Shoemaker

Property Location: 15 Morse Lane, Warner, NH

Property Location: Map 17, Lot 12-1

Zoning District: R-2

Description: Variance to the terms of Article VI, C. Frontage, lot and yard requirements. Request to build a 24' x 24' garage within the required 40' setback from the edge of the public right of way.

You are hereby notified that on December 8, 2021 the Warner Zoning Board of Adjustment found that the criteria for the variance to Article VI, C had been met and voted to **APPROVE** the request to construct a 24' x 24' garage 6' from the right-of-way. Following a public hearing the variance was approved by a vote of 5-to-0.

The Board's decision was based on the following findings/criteria:

1. Granting the variance will not be contrary to the public interest because the building will be sufficiently set back from the right-of-way to avoid being a present or future problem to road construction or the public. Additionally, the garage will be separated from the road by a stone wall and visually screened by trees.
2. By granting the variance the spirit of the ordinance is observed because the character of the district and the use of the road will not be negatively impacted by the proximity of the garage to the road.
3. By granting the variance substantial justice is done because the site proposed has the most desirable outcome for the property owner and the property. A list of factors considered for siting the garage including; access to existing driveway, proximity to shop and home, grade of slope, drainage, minimizing impact to stonewall and plantings, and the southern exposure for the opening of the garage, which will face the opening away from the road.
4. Granting the variance will not diminish the values of surrounding properties because the new garage will be visually consistent with existing structures on the property and be screened to have minimal visual impact from the road. The property owner also owns the two undeveloped abutting lots on Morse Loop.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship owing to special conditions of the property that distinguish it from other properties in the area. The steep slope at the back of the property, toward the Warner River, and the placement of existing buildings and driveway leaves few options for the proposed garage. The Zoning Board found that it is unreasonable to hold the property owner in strict conformance to the ordinance and that it is necessary to grant the variance to enable reasonable use of the property. In discussion of this provision, it was also found that no relationship exists between the general public purposes of the ordinance and this specific application.

Barbara J. Marty

12.15.2021

Barbara Marty, Chair, Zoning Board of Adjustment

Date

Warner Zoning Board of Adjustment Note: The New Hampshire RSA 677:2: provides that the Board of Selectmen, any party to the action, or any person directly affected has a right to appeal this decision within 30 days after the date of the decision. This notice has been placed on file and made available for the public inspection in the records of the ZBA.

cc: Applicant, Applicants File, Planning Board, Board of Selectmen, Building Department, Town Clerk, and Assessing Clerk.