



TOWN OF WARNER

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NOTICE OF DECISION

Date of Decision: March 8, 2023

Application for a Variance to the terms of Article VI.C.1. of the Ordinances

Case: 2022-06 (Review of revised materials).

Applicant: Steve Shumsky

Agent: Keach-Nordstrom Associates, Inc., Allison Lewis

Address: 30 Pleasant Pond Road

Map/Lot: Map 26, Lot 25

District: R-2

Description: Currently a non-conforming lot of record encroaching on setbacks. Existing structure will be demolished. A proposed new 792 square foot single family home to be built. The new structure will be setback 5.5-feet from the building overhang to the right-of-way.

You are hereby notified that on March 8, 2023 the Warner Zoning Board of Adjustment voted to **APPROVE** a Variance to the terms of Article VI.C.1 in a R-2 district for property located on Map 26, Lot 25, 33 Pleasant Pond Road. The existing non-conforming structure will be replaced and setback 5.5-feet from the property line. *Reference: Landuse Property file "Map 26, Lot 25" site plan dated November 28, 2022, prepared by Keach-Nordstrom.*

The following conditions will apply:

1. Removal of the nonconforming shed.
2. Off-road parking built and pitched away from the pond for two 10' x 20' foot parking spots.
3. Shoreland impact and wetland permit conditions met per the NHDES permit.

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

1. **Granting the requested variance will not be contrary to the public interest because:** The removal of the existing shed will make the property more conforming and will providing off street parking eliminating safety concerns for pedestrians walking to the abutting public beach. The new construction and site work will be to the specifications and conditions set forth in the Shoreland Impact and Wetlands Permit from the Department of Environmental Services, which will protect the lake.
2. **By granting the variance, the spirit of the ordinance is observed because:** Proper drainage will be installed to protect the pond. The new construction will include engineered stormwater management for roof runoff and properly sloped off-street parking for vehicles. These improvements will protect the lake and eliminate vehicles from crowding the roadway.
3. **By granting the variance substantial justice is done because:** The requested variance allows for a reasonable expansion on a non-conforming lot. The property is so restrictive with the setbacks due to the shape of the property.
4. **Granting the variance will not diminish the values of surrounding properties because:** The dilapidated structure which is a safety hazard will be replaced. The seasonal home will be 5.3' closer to Pleasant Pond Road however, by removing the existing shed there will be more space

between the buildings and the roadway. The combined improvements should have a positive effect for the surrounding properties.

5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:** Reasonable use of the .016-acre non-conforming lot of record is constrained by the pond and road setbacks. The lot is crescent shaped bounded by the road and lake on the long sides. Rebuilding along the length of the lot would cause the structure to come closer to the road or lake. Granting the variance to build closer to the road at the deepest part of the lot allows the most reasonable use of the property while protecting the public interest.

Following a public hearing the variance was **granted** by a vote of 4-to-0.

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.

copy: Applicant, Applicant's File, Planning Board, Select Board, Building Department, Town Clerk, and Assessing Clerk.