



TOWN OF WARNER

P.O. Box 269, 5 East Main Street
Warner, New Hampshire 03278-0059
Land Use Office: (603)456-2298 ex. 7
Email: landuse@warnernh.gov

Zoning Board of Adjustment NOTICE OF DECISION

Date of Decision: September 13, 2023

An Appeal of Administrative Decision

Case: 2023-04

Applicant: Karen Coyne and William Hanson

Agent: Michael Harris, BCM Environmental & Land Law

Address: on Willaby Colby Lane

Map/Lot: Map 13, Lot 19-1

District: R2

Details of Request: Relating to the interpretation and enforcement of the provisions of Article IV.F, and Article VI.C., of the Warner Zoning Ordinances and of RSA 676:5. An appeal of an administrative decision to issue a Permit to Build No. 2023-51 on property located along the Warner River on Willaby Colby Lane.

You are hereby notified that on September 13, 2023 the Warner Zoning Board of Adjustment voted to **accept** the Appeal to an Administrative Decision as being made in a timely manner.

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

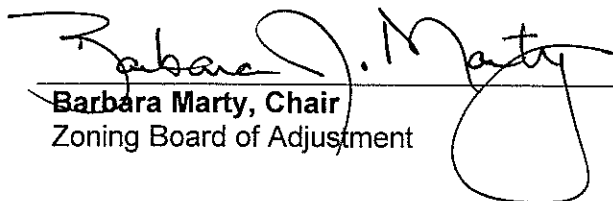
1. The statement defining the deadline for appeals of administrative decisions reads:

"If you have been denied a building permit or are affected by some other decision regarding the administration of the Town of Warner Zoning Ordinance, you may appeal the decision to the Zoning Board of Adjustment. The appeal must be made normally within 30 days of the decision, according to the Rules of Procedure of the Warner Zoning Board of Adjustment. The appeal will be granted if you can show that the decision was indeed made in error."

2. The applicant did their due diligence and made considerable effort to be informed. The Select Board promised, and yet, did not notify the applicant when a Building Permit was filed by the property owner. The lapse in notification to the applicant caused the appeal to be filed after the 30-day deadline.

3. Timeline: A Building Permit was signed by the Select Board on June 20, 2023. The permit to build notice issued on June 21, 2023. The Select Board did not notify the applicant as promised. The application for an appeal of a Building permit application was hand-delivered to the Select Board's office on July 24, 2023 to be forwarded to the Land Use office. The Land Use office did not receive the hand-delivered application.

Summary: Following a public hearing on September 13, 2023 the board voted to accept the Appeal of an Administrative Decision as being filed in a timely manner by a vote of 5-to-0.


Barbara Marty, Chair
Zoning Board of Adjustment

9.19.23

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.

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



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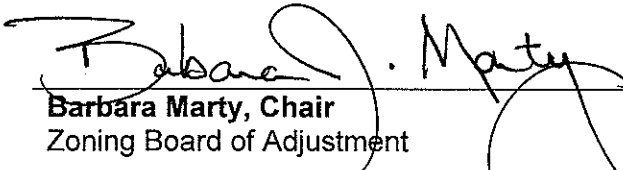
Details of Request: Relating to the interpretation and enforcement of the provisions of Article IV.F, and Article VI.C., of the Warner Zoning Ordinances and of RSA 676:5. An appeal of an administrative decision to issue a Permit to Build No. 2023-51 on property located along the Warner River on Willaby Colby Lane.

You are hereby notified that on September 13, 2023 the Warner Zoning Board of Adjustment voted to **GRANT** the appeal of an Administrative Decision to vacate Building Permit number 2023-51 for Map 13, Lot 19-1, issued on June 21, 2023 for 112 Willaby Colby Road, for Leo Storch, signed by Warner's Building Inspector and two members of the Select Board.

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

1. In 1989 the Warner Planning Board approved a subdivision which created Lot 19-1.
2. In 1989 the setbacks from the Warner River were not defined. The setbacks for the R-2 District was 30-feet from the right-of-way.
3. No active or substantial development or building took place on the property within the 5-year period of time as outlined in RSA 674:39.
4. Prior waivers or conditions given to Map 13, Lot 19-1 by the Planning Board in 1989 have expired as stated in RSA 674:39. The current Warner Zoning Ordinance setbacks of 75-feet from the Warner River and 40-feet from the Right-of-Way shall apply.

Summary: Following a public hearing on September 13, 2023 the board voted to grant the Appeal of an Administrative Decision by a vote of 5-to-0.


Barbara Marty, Chair
Zoning Board of Adjustment

9.19.23

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.

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