

**Applicant's Checklist**

*A copy of checklist sent to applicant*

Have you included		Item	Land Use Office finds	
Yes	No		Yes	No
		Complete and sign, the proper application for the type of appeal (request).	✓	
		If a <b>variance</b> is requested, it must be based on a <b>referral</b> from the Board of Selectmen or the Planning Board and included with the application. <i>Building Dept. denied</i>	✓	
		A list of all abutters within 200 feet of the boundaries of the property on the supplied form. Accuracy is the applicant's responsibility. The abutters list must be obtained from the Town of Warner's Assessor's records.	✓ <i>included</i>	
		An attached copy of any order, notice of violations or other communications received from either the Board of Selectmen or the Planning Board that pertains to the property. (If applicable) <i>Building Dept</i>	✓	
		<b>Plans shall include:</b>		
		<ul style="list-style-type: none"> <li>Clearly indicate where the site is located (locus map) and what is proposed drawn to scale.</li> </ul>	Yes <i>locus map</i>	<i>what is drawn to scale?</i>
		<ul style="list-style-type: none"> <li>Show for the "lot of record" the boundary lines with footage on all sides. <i>see tax maps</i></li> </ul>	✓	
		<ul style="list-style-type: none"> <li>A copy of the lot's deed (to verify Owner).</li> </ul>	✓	
		<ul style="list-style-type: none"> <li>Name of the road the lot fronts on.</li> </ul>	✓	
		<ul style="list-style-type: none"> <li>Include all existing structures on the lot, clearly indicating their dimensions, distance from other structures and distance from abutting property line, drawn to scale.</li> </ul>	✓ <i>All structures noted + distance from abutters</i>	<i>Distance from other structures &amp; what is drawn to scale?</i>
		<ul style="list-style-type: none"> <li>For a proposed structure, include all of the above a floor plan with dimensions, (length, width, and height).</li> </ul>	✓	
		The applicant has <b>paid fees</b> (see application for specific fees). <b>Check</b> made out to the <b>Town of Warner</b> .	✓	
		Application must be received 15 days prior to the next ZBA meeting.	✓	
		All property owners must sign the application.	✓	
		Authorization from Owner must be signed to designate someone to speak on behalf of the property owner(s). (If applicable)	<i>n/a</i>	



# TOWN OF WARNER

PO Box 265  
Warner, New Hampshire 03278-0265  
Telephone: (603) 456-2298 Fax: (603) 456-2297  
Warnernh.gov

Selectboard  
Christine Frost, Chair  
Harry Seidel  
Jody Sloane  
selectboard@warnernh.gov  
Diane Ricciardelli,  
Town Administrator  
administrator@warnernh.gov

Janice Loz  
Warner Land Use  
PO Box 265  
Warner NH 03278

June 26, 2023

Dear Janice,

The proposed building project for 48 Farrell Loop, Map 07, Lot 026-1, 1.60 acres, R2 zone, does not meet Town Ordinance requirements. The replacement structure has a larger footprint than the structure it will be replacing. The property is grandfathered, non-conforming therefore any increase to the footprint of the building must meet setback requirements for the R2 district.

A Building Application is denied.

Sincerely,

Judith A. Newman-Rogers  
Selectboard Administrative Assistant



# TOWN OF WARNER

P.O. Box 59  
 Warner, New Hampshire 03278-0059  
 Land Use Office: (603)456-2298 ex. 7  
 Fax: (603) 456-2297

Zoning Board of Adjustment

## APPLICATION FOR VARIANCE

This application is subject to NH RSA 91-A which affords the public access to government records and meetings.

Application Fee		Notification Fee	
Residential	\$50.00	Abutter Notification	___ x \$8.00
Commercial	\$100.00	Applicant Notification	\$60.00

\* Fees for publication of the Legal Notice will be invoiced and must be paid prior to starting the hearing \*\* Please use attached form to list all abutters within 200 feet of the boundaries of the property.

Applicant/Contact Person Information			
Name of Applicant: <u>Mark Michie</u>		Date: <u>06/23/23</u>	
Applicant Mailing Address: <u>34 Ox Pond Rd.</u>			
Town: <u>Webster</u>	State: <u>NH</u>	Zip: <u>03301</u>	
Telephone Primary: <u>(603) 748-3856</u>	Alternate: <u>N/A</u>		
Owner of Property Information			
Name of Owner: <u>Same as applicant</u>		Date:	
Owner Mailing Address:			
Town:	State:	Zip:	
Telephone Primary:	Alternate:		
Location and Description of Property			
Map #: <u>07</u>	Lot #: <u>026-1</u>	Zoning District: <u>R-2 (med. Density)</u>	
Address: <u>48 Farrell Loop, Warner, NH 03278</u>			
Will a Site Plan Review approval be required by the Planning Board?		Yes	<input checked="" type="radio"/> No
Proposed Use:			
<u>Residence</u>			
<b>Details of Request:</b> <i>Please feel free to include additional information on separate attached pages. Be sure to put the name of applicant and date on each sheet. (indicate number of sheets attached _____)</i>			
<u>To replace the existing delapidated structure with a new structure with a slightly altered footprint.</u>			

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

The undersigned hereby requests a VARIANCE to the terms of:

Article: ~~XVII~~, Section: ~~RSA 674:33~~ of the Warner Zoning Ordinance

Article XIII

sec. C

D. non-conforming structure replaced with structure 2-feet wider than original

Handwritten initials in a circle.

**For a Variance to be granted, the following five conditions must be met:**

(For more information reference the Warner Zoning Ordinance Article XVII and RSA 674:33.)

Please explain in writing how your project meets each of the five (5) conditions, in the space provided on the following pages. If you do not use the space provided refer to attached pages.

The applicant seeking a variance must be prepared to prove these conditions at the Public Hearing. In order for the public hearing to proceed there needs to be responses to all five conditions.

The five conditions are:

1. Granting the variance will not be contrary to the public interest because:
2. By granting the variance, the spirit of the ordinance is observed because:
3. By granting the variance substantial justice is done because:
4. Granting the variance will not diminish the values of surrounding properties because:
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:
  - A. Meaning that owing to special conditions of the property that distinguish it from other properties in the area:
    - i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision on the property; **and**
    - ii. The proposed use is a reasonable one.  
[Explain what is unique about the property that makes the specific zoning restriction unfair and unrelated to the purpose of the provision, and that it is a reasonable use]
  - B. Or, if the criteria in 'A' are not established, then 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 the property.  
[Explain what is unique about the property that makes the specific zoning restriction unreasonable]

1. Granting the variance will not be contrary to the public interest because:

By removing the unsafe delapidated structure and replacing it with a new structure will help improve the appearance of the area allowing abutting property owners a more appealing view from their properties.

2. By granting the variance, the spirit of the ordinance is observed because:

By granting the variance it serves the best interest of the community and abutting property owners.

3. By granting the variance substantial justice is done because:

Replacement of the old structure with a new structure + landscaping that conforms better to the appearance of the neighboring properties.

4. Granting the variance will not diminish the values of surrounding properties because:

The appearance of the property with the new structure and landscaping should be an enhancement to the community + abutting properties.

**Answer - 5.A.i. and 5.A.ii. - or 5.B.**

**5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:**

- A. Meaning that owing to special conditions of the property that distinguish it from other properties in the area:
- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision on the property;

**and**

- ii. The proposed use is a reasonable one.

*[Explain what is unique about the property that makes the specific zoning restriction unfair and unrelated to the purpose of the provision, and that it is a reasonable use]*

**Or, if the criteria in 'A' are not established**

- 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 the property.

*[Explain what is unique about the property that makes the specific zoning restriction unreasonable]*

The property has been a non-conforming lot for many years with a mobilehome that is now in a state of disrepair.

The proposed new structure would conform to setback requirements and greatly improve the appearance of the property.

**ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED**

**Authorization from Owner(s):**

1. I (We) hereby designate N/A to serve as my (our) agent and to appear and present said application before the Warner Zoning Board of Adjustment [Zoning Board].
2. By submitting this application I (We) hereby authorize and understand that agents of the Town may visit the site without further notice. I (We) further understand the Zoning Board may at some point during the review process schedule a Site Visit, which will be duly posted.
3. I (We) understand that the Zoning Board will review the application/plan and/or may send the application/plan out for review. The applicant shall pay for such a review.
4. To the best of my (our) knowledge, the information provided herein is accurate and is in accordance with the Town of Warner Zoning Ordinance and other land use regulations of the Town and other applicable state and federal regulations which may apply.

Signature of Owner(s): Mark Michie

Date: 06/23/23

\_\_\_\_\_

Date: \_\_\_\_\_

Signature of Applicant(s), if different from Owner: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Printed name of person(s) who signed above:

Mark Michie

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**For Zoning Board of Adjustment Use Only**

<b>Assigned Case #:</b> <u>2203-02</u>		
<b>Date Received at Land Use Office:</b> <u>June 26, 2023</u>		
<b>Received by:</b> <u>Janice Lee</u>		
<b>Fees Submitted:</b>		
<b>Amount:</b> <u>182.00</u>	<b>Cash:</b>	<b>Check #:</b>
		<b>Other:</b>
<b>Abutters' List Received:</b>	<input checked="" type="radio"/> <b>Yes</b>	<input type="radio"/> <b>No</b>
<b>Date of Review:</b> <u>7/12/23</u>	<b>Date of Hearing:</b> <u>7/12/23</u>	<b>Date Approved:</b>



## TOWN OF WARNER

P.O. Box 265, 5 East Main Street  
Warner, New Hampshire 03278-0059  
Land Use Office: (603)456-2298 ex. 7  
Email: [landuse@warnernh.gov](mailto:landuse@warnernh.gov)

# ABUTTER'S NOTICE OF PUBLIC HEARING *Zoning Board of Adjustment Meeting*

**July 12, 2023**

Meeting in the Town Hall

7:00 PM

The Town of Warner Zoning Board of Adjustment has received an application for a Variance application. As of State Law (RSA 675:7), the Zoning Board will hold a Public Hearing on the request. Notification of this hearing is being made to all abutters. The hearing will give you the opportunity to look at the proposal, ask questions and make comments. The application will be available the Monday before the meeting, online at <https://warnernh.gov> on the Zoning Board web page, under the Cases icon.

Written comments will be made a part of the public record and must be received by 12:00 PM **noon on the day of the meeting Wednesday, July 12, 2023**. Mail to: Town of Warner, Zoning Board, P.O. Box 265, Warner, NH 03278, or, E-mail: [landuse@warnernh.gov](mailto:landuse@warnernh.gov)

### Hearing for an Application for a Variance

**Case:** 2023-02  
**Applicant:** Mark Michie  
**Agent:** Mark Michie  
**Address:** 48 Farrell Loop  
**Map/Lot:** Map 07, Lot 026-1  
**District:** R-2

**Details of Request:** To replace the existing non-conforming structure with a new non-conforming structure with a slightly altered footprint.

This meeting will be held in person at the Town Hall and remotely through Zoom conferencing.

**Join Zoom Meeting:** <https://us02web.zoom.us/j/84102051310>

**Meeting ID:** 841 0205 1310

**Passcode:** 1234

Note: Zoning Board meetings will end no later than 10:00 P.M. Items remaining on the agenda will be heard at the next scheduled monthly meeting.



**PHYSICAL CHARACTERISTICS**

Style: Mobile-single  
Occupancy: Single family

MH Make:  
MH Model:  
MH Park:

Story Height: 1.0  
Finished Area: 0  
Attic: None  
Basement: None

**ROOFING**

Material: Asphalt shingles  
Type: Gable  
Framing: Std for class  
Pitch: Not available

**FLOORING**

**EXTERIOR COVER**  
Vinyl

**INTERIOR FINISH**

**ACCOMMODATIONS**

**HEATING AND AIR CONDITIONING**

Primary Heat: Forced hot air  
Lower Full Part  
/Bsmt 1 Upper Upper

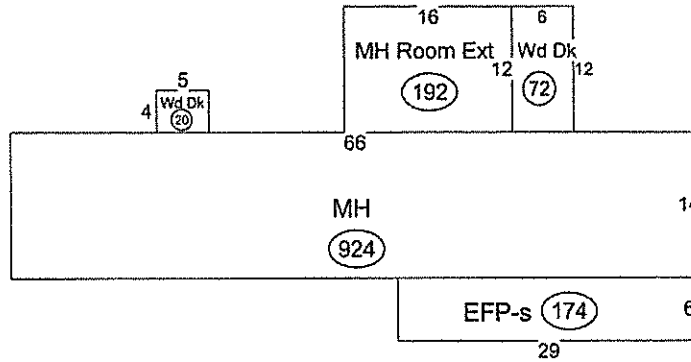
**PLUMBING**

	#	
3 Fixt. Baths	2	6
Kit Sink	1	1
Water Heat	1	1
TOTAL		8

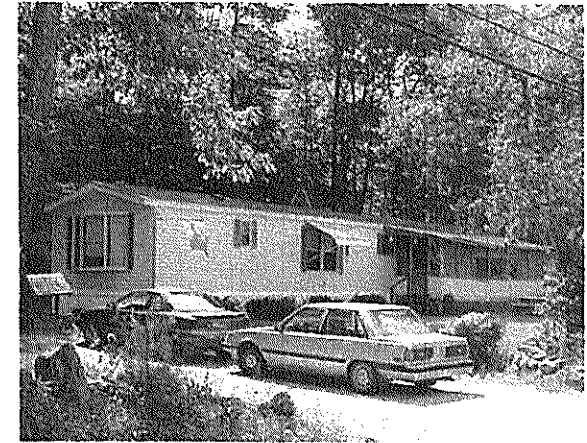
**REMODELING AND MODERNIZATION**

Amount Date

01



Color - Grey/ White



(LCM: 100.00)

*1.6 acres*

**SPECIAL FEATURES**

Description Value

**SUMMARY OF IMPROVEMENTS**

ID	Use	Stry Hgt	Const Type	Grade	Year Const	Year Eff	Year Cond	Base Rate	Feat- ures	Adj Rate	Size or Area	or	Computed Value	Phys Depr	Obsol Depr	Market Adj	Comp	Value	
M	MHOME	0.00			Avg	1985	1989	AV	49.65	N	49.65	14x 66		67960	72	0	100	100	19030
01	UTLISHED	1.00	1		Fair	1985	1985	FR	13.65	N	11.88	14x 9		1500	50	0	100	100	750
02	PAV	0.00			Avg	999	999	AV	0.00	N	0.00			0	0	SV	0	100	500

Data Collector/Date

Appraiser/Date

Neighborhood

Supplemental Cards

TOTAL IMPROVEMENT VALUE

20280

# CONCORD HOME SALES

405 Suncook Valley Highway

Epsom, NH 03234

Phone 603-736-8252

DRYWALL Foundation

Series 28x48

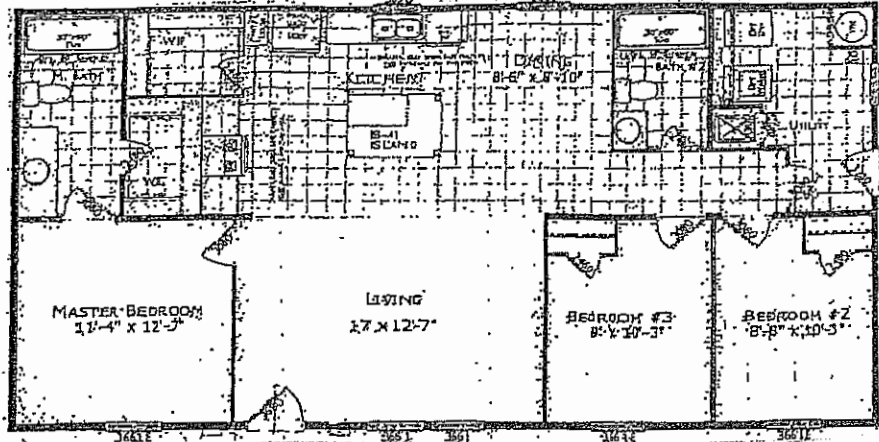
3 Bedroom 2 Bath

#6

Model FDDSA-34826

1,344 Square Feet

**\$129,500**



Cathedral Ceilings	660
OSB All Walls	608
30# Roof Load	396
9' Dormer	940
40 Gallon Electric Water Heater	57
Water Shut-offs throughout	75
Furnace Stack Extension	36
Exterior Faucet	85
Extra Window	180
Extra Window in Master Bath	210
NE Safety Switch	70
AC Ready Conduit/Breaker	91
LED Recessed Can Lights	140
Paddle Fan with Light in Livingroom	255
LED Lights in Master Bath	180
Linoleum Transition Bar	116
Linoleum in Livingroom	175
Stainless Dishwasher	425
Stainless Microwave over Range	295
Cabinet Pulls in Kitchen	85
Laminate Backsplash in Kitchen	60
Island in Kitchen	655
Laminate Backsplash in Bathrooms	52
Single Lever Faucet in bathrooms	70
60" Shower with Doors	395
Elongated Toilets	50
Wire Shelving in Laundry Area	22
NH State Warranty Seal	75
Total Options on Display	\$6,458.00
<b>TOTAL PRICE AS DISPLAYED</b>	<b>\$135,958.00</b>

12

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14

PERMY

ROUTE

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Lot 26-1



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21-1

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31-2

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181.18'

292

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702'

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752'

972.5'

241.3'

41

886.6'

752'

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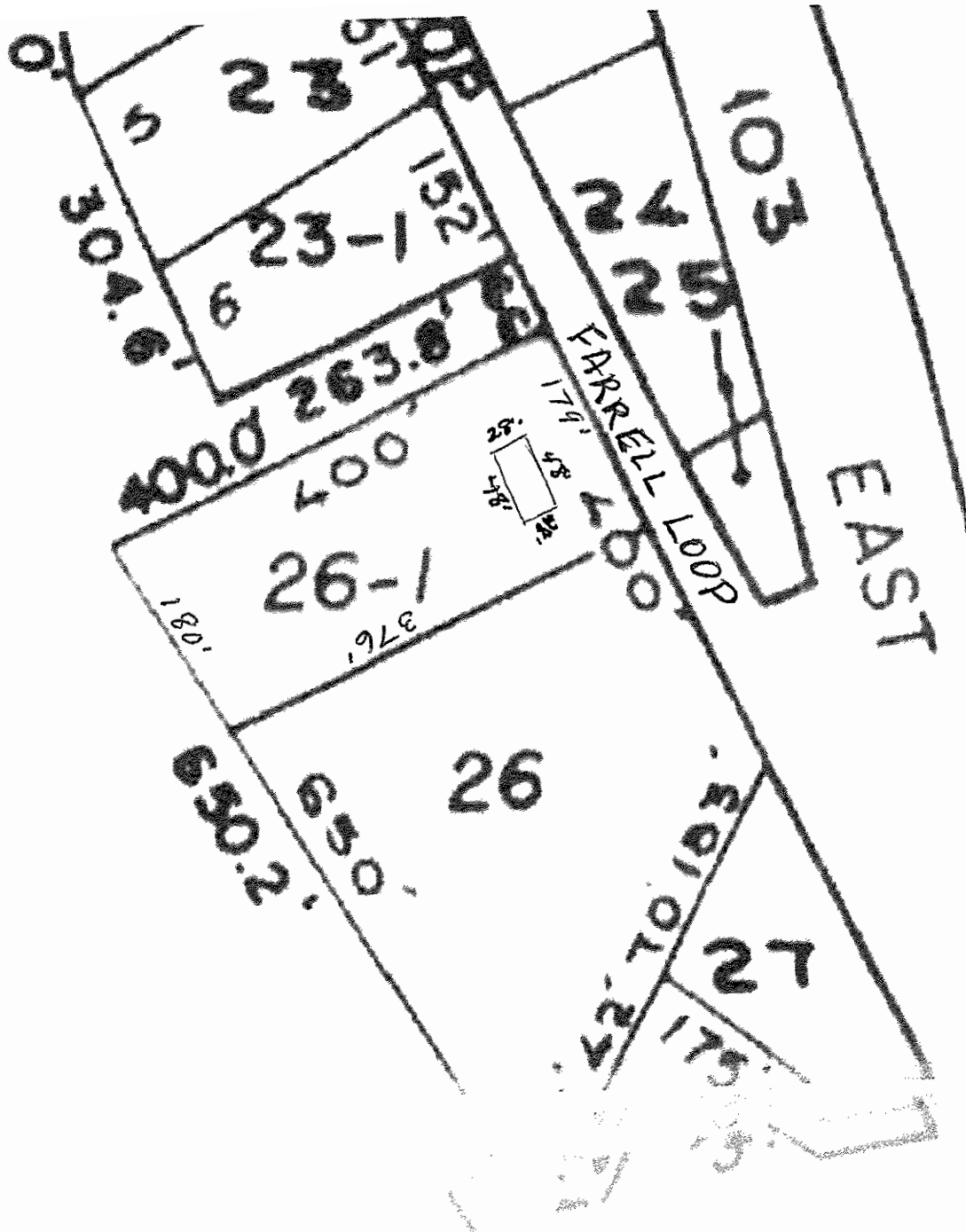
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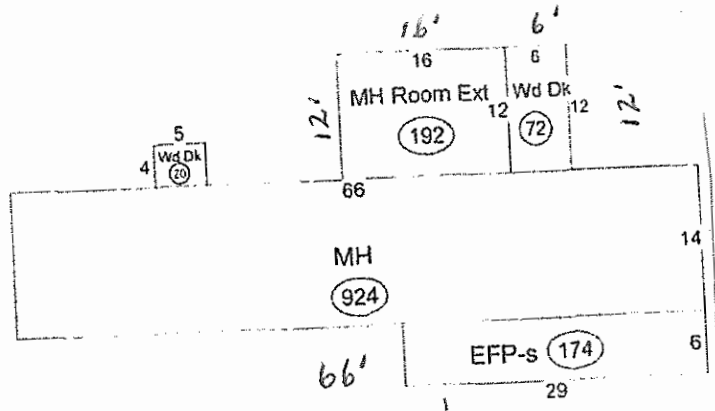


1  
2

Existing Structure - 26' x 66' (EFP not included)

Rear S.B. - 300+ Feet

L. Side S.B. 60' Feet



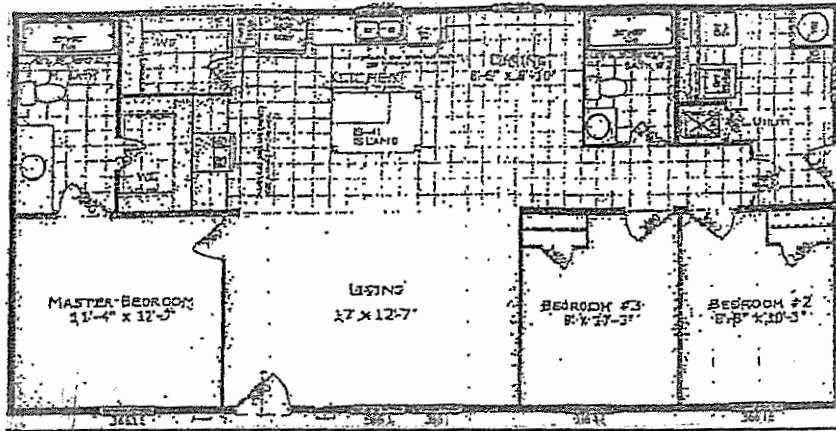
R. Side S.B. 53' Feet

Front setback  
44' Feet  
To Farrell Loop  
(179.9) Feet of Frontage)

Proposed new structure - 28' x 48' (13' H.)

Rear S.B. 300+ Feet

L. Side S.B. 60' Feet



R. Side S.B. 71' Feet

Front S.B. 40' Feet  
to Farrell Loop  
(179.91 Feet of Frontage)

Return to:  
Mark Michie  
34 Ox Pond Road  
Webster, NH 03303

T.T. \$1,275.00

## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Charles E. Druke, Jr. and Andrea D. Druke, Husband and Wife, of 133 Broadway, Concord, NH 03301, for consideration paid, grant to Mark Michie, unmarried, of 34 Ox Pond Road, Webster, NH 03303

with WARRANTY COVENANTS:

A certain tract of land with manufactured housing thereon situated on Farrell Loop, also known as Old Route 103, in the town of Warner, County of Merrimack and State of New Hampshire, being shown as Lot 2 on a plan entitled "Preliminary Subdivision Plan, property of Kathy Berry and Frances Brown" dated August 1988, prepared by Jeffrey A. Evans, to be recorded in the Merrimack County Registry of Deeds, bounded and described as follows:

Beginning at a point in a stone wall at the westerly side of Old Route 103; thence running South 34° 53' 22" East along said wall a distance of one hundred seventy-nine and 91/100 (179.91) feet to a point; thence running South 55° 20' 26" West along Lot 1 on said plan a distance of three hundred seventy-six and 03/100 (376.03) feet to a point; thence running North 42° 32' 32" West a distance of one hundred eighty and 00/100 (180.00) feet to a point; thence running North 55° 06' 38" East a distance of four hundred and 00/100 (400.00) feet to the point of beginning.

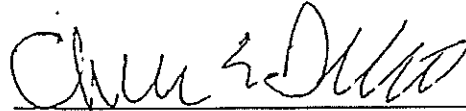
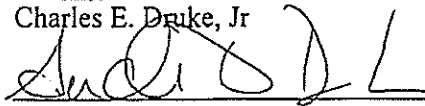
Containing one and 60/100 (1.60) acres, more or less.

Also conveying a certain 1986 manufactured home constructed by Skyline, Model Hampshire, Serial No. 2216-0494V situated on the above-described premises.

Meaning and intending to describe and convey the same premises conveyed to these grantors by deed dated December 31, 1999 and recorded with the Merrimack County Registry of Deeds at Book 2193, Page 2.

We, the grantors hereby release all rights of homestead in the above described premises.

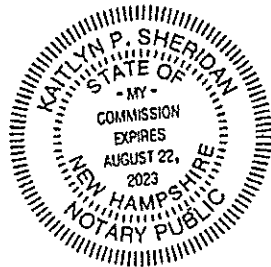
Executed this 16th day of June, 2023.

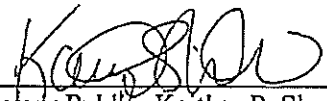
  
\_\_\_\_\_  
Charles E. Duke, Jr  
  
\_\_\_\_\_  
Andrea D. Duke

State of New Hampshire  
County of Merrimack

June 16, 2023

Then personally appeared before me on this 16th day of June, 2023, the said Charles E. Duke, Jr and Andrea D. Duke and acknowledged the foregoing to be their voluntary act and deed.



  
\_\_\_\_\_  
Notary Public: Kaitlyn P. Sheridan  
Commission expiration: 08/22/2023