



# 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	\$7.00
Commercial	\$100.00	Applicant Notification	\$7.00

- \* 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:	Michael W BROWN		Date: 6-29-21
Applicant Mailing Address:	100 IRON Kettle Rd		
Town:	WARNER	State:	NH Zip: 0327
Telephone Primary:	496-2849	Alternate:	
Owner of Property Information			
Name of Owner:	Paula Violette Brown		Date: 6-29-21
Owner Mailing Address:	100 Iron Kettle Rd		
Town:	Warner	State:	NH Zip: 03278
Telephone Primary:	496-1674	Alternate:	
Location and Description of Property			
Map #:	14	Lot #:	36-1 Zoning District: R-2
Address:	302 + 296 Kearsarge Mt Rd		
Will a Site Plan Review approval be required by the Planning Board?	<input checked="" type="radio"/> Yes		<input type="radio"/> No
Proposed Use:	Separated back to orig lots + Orig deeds re 1983 + 1984		
<b>Details of Request:</b> 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 _____)			

Mike Brown 6/28/21

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

The undersigned hereby requests a VARIANCE to the terms of:		
Article:	, Section:	of the Warner Zoning Ordinance

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

Explain in writing how your project meets each of the following conditions (on separate paper if needed). The applicant seeking a variance must be prepared to prove these conditions at the Public Hearing. (For more information reference the Warner Zoning Ordinance Article XVII and RSA 674:33.)

<p><b>1. Granting the variance will not be contrary to the public interest because:</b>  <i>Opportunity, as needed, to change ownership of Residence + or Towers Separately</i></p>
<p><b>2. By granting the variance, the spirit of the ordinance is observed because:</b>  <i>Doesn't change anything in the spirit of the Ordinance. Phone Towers have become necessary assets <sup>to the</sup> public. Residences are in high demand for housing shortage</i></p>
<p><b>3. By granting the variance substantial justice is done because:</b>  <i>Allowing the lot to be sub-divided, classifying ownership as two separate lots is clear title on ea for financing + separate tax bills + list of tower on residence</i></p>
<p><b>4. Granting the variance will not diminish the values of surrounding properties because:</b>  <i>Pre existing use doesn't change w/pro compact to either</i></p>
<p><b>5 Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:</b></p> <p>A. Meaning that owing to <u>special conditions</u> of the property that <u>distinguish it from other properties in the area</u>:</p> <ul style="list-style-type: none"> <li>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; <b>and</b></li> <li>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]</li> </ul> <p>B. <u>Or</u>, if the criteria in 'A' are not established, then owing to <u>special conditions</u> of the property <u>that distinguish it from other properties in the area</u>, 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]</p>

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

ALL COSTS OF MAILING BY CERTIFIED MAIL, FEES, AND LEGAL ADVERTISEMENT IN A NEWSPAPER MUST BE PAID BY APPLICANT BEFORE THE HEARING MAY BEGIN.

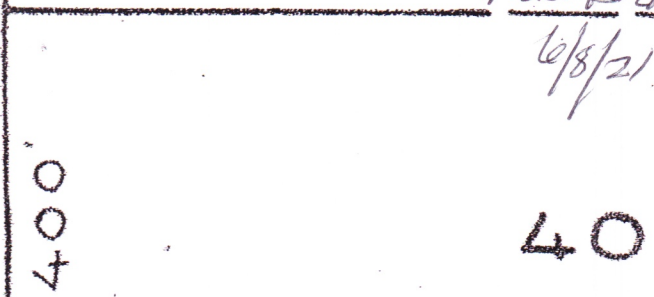
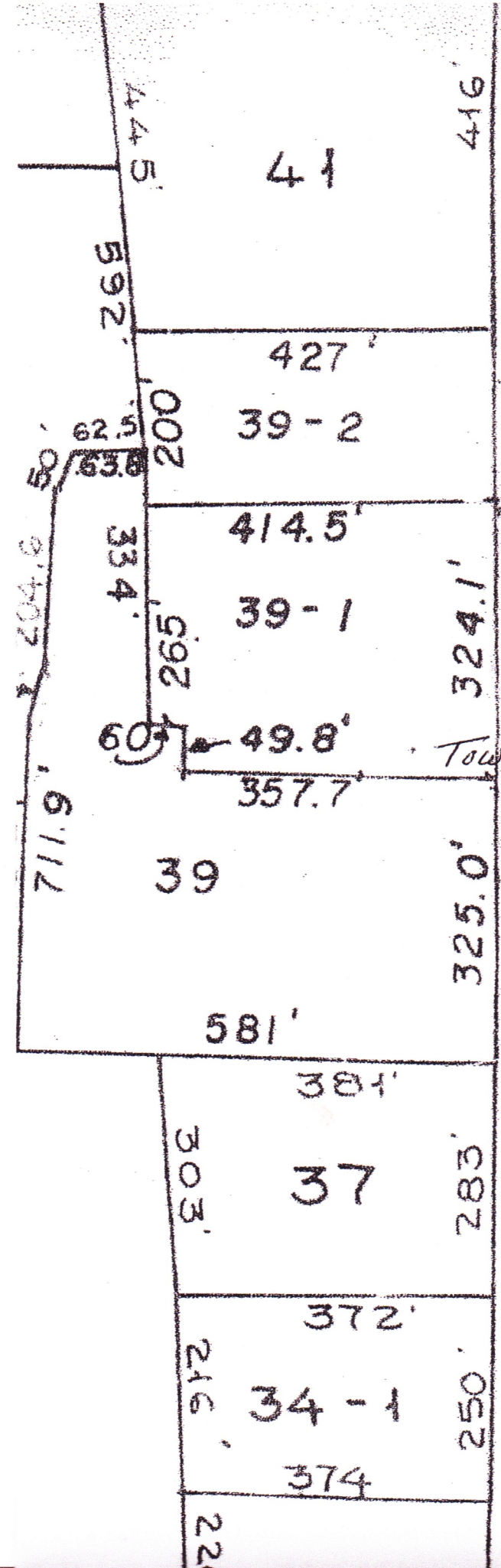
**Town of Warner Zoning Board of Adjustment Abutter(s) List**

Please list all abutters **within 200 feet** of the boundaries of the property.  
Applicant must reference and follow stipulations in the Abutter(s) List Instructions  
on page 3, item numbers 10.a. through 10.d. of the Application Instructions.

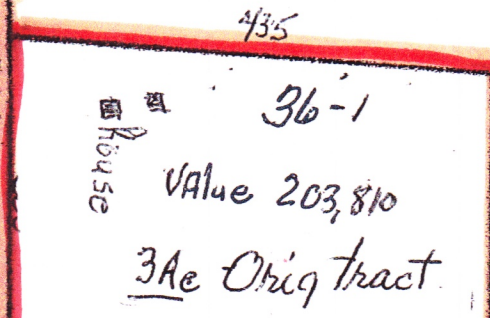
Map 14	Name: Clark, John + Katherine Ann
Lot 36	Address: 278 Kearsarge Mt Rd
Map 14	Name: Mell, Gary + Christine
Lot 38	Address: 288 Kearsarge Mt Rd
Map 14	Name: Hupley, Helen + Frank Jr
Lot 39	Address: 291 Kearsarge Mt Rd
Map 14	Name: Nolan, Kim (Juanita deceased)
Lot 39-1	Address: 301 Kearsarge Mt Rd
Map 14	Name: Allen, Robert + Mary
Lot 39-2	Address: 352 Kearsarge Mt Rd
Map 14	Name: SAME as ABOVE
Lot 40	Address:
Map 14	Name: MacBride, Benjamin + Hannah Lee
Lot 29-1	Address: 352 Pleasant St, Concord 03301
Map	Name:
Lot	Address:
Map	Name:
Lot	Address:
Map	Name:
Lot	Address:
Map	Name:
Lot	Address:

*Diane Violette Estate*  
*w/ Tel Tower*

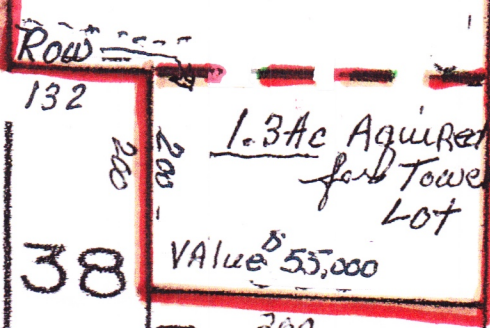
*Nike Binn*  
*6/8/21*



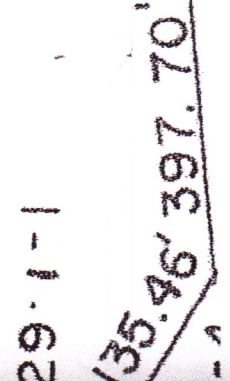
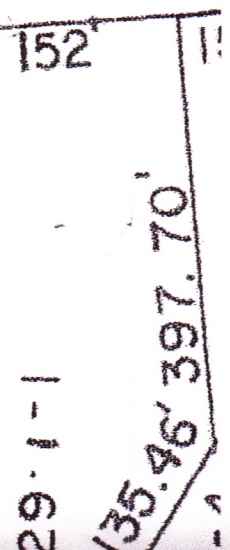
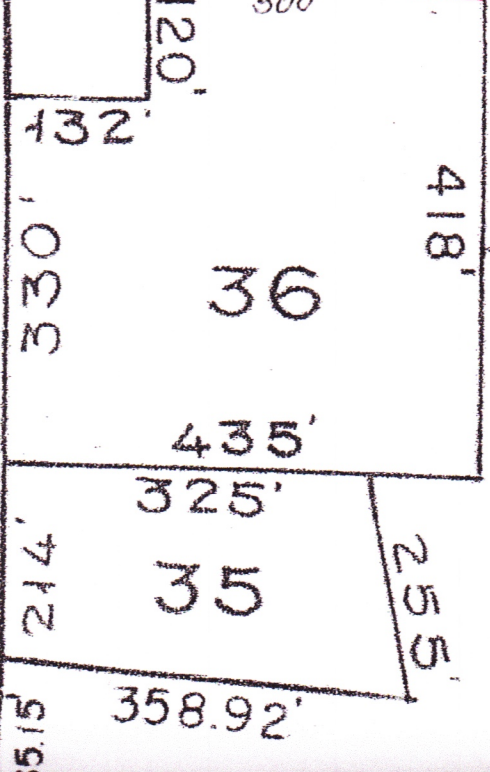
*(Proposed)*



*Contract Purchase 1981*  
*B 1448*  
*P 157*  
*1983*  
*Transferred @ MCRD*



*B 1476*  
*P 779*  
*6/1984*

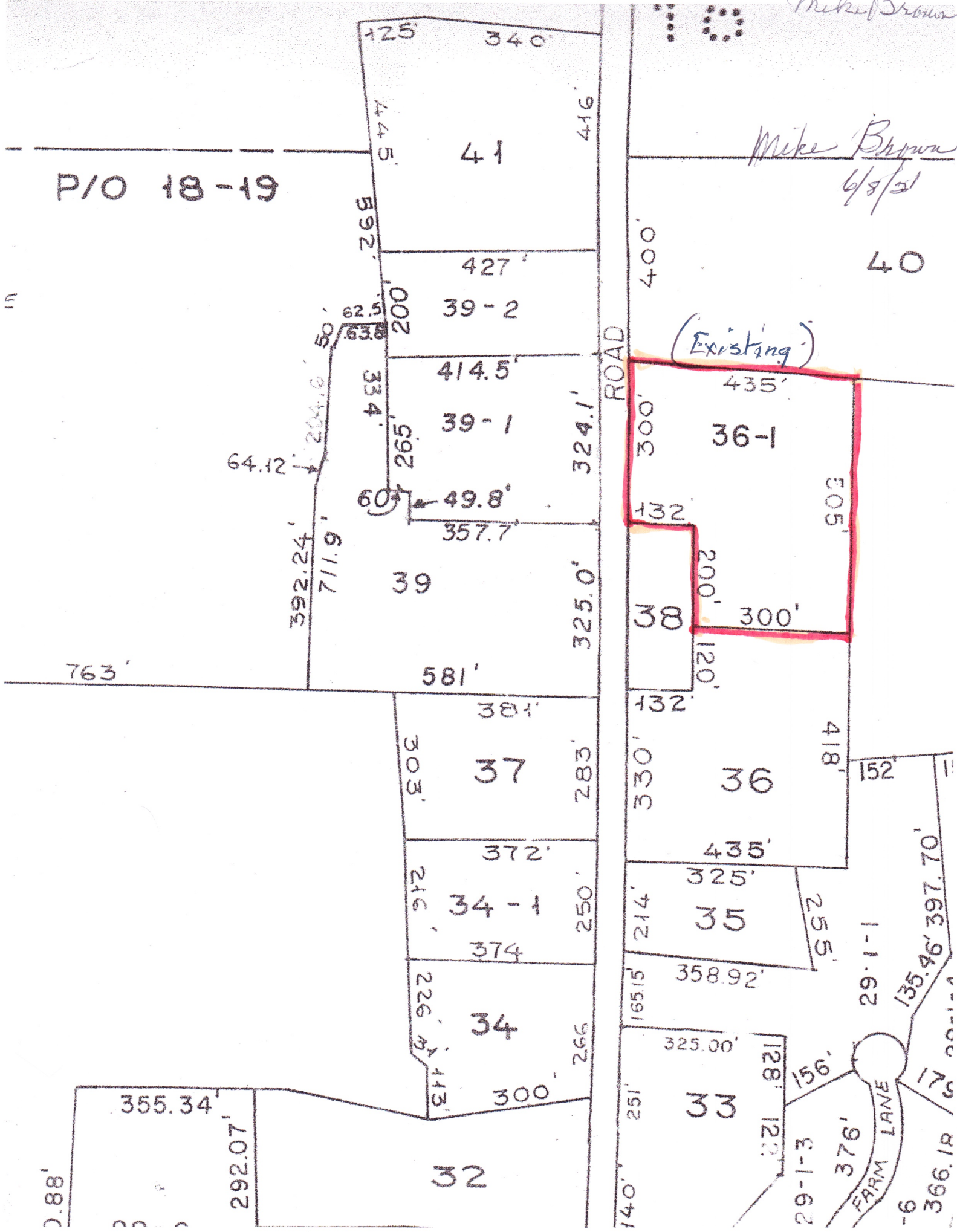




Mike Brown

P/O 18-19

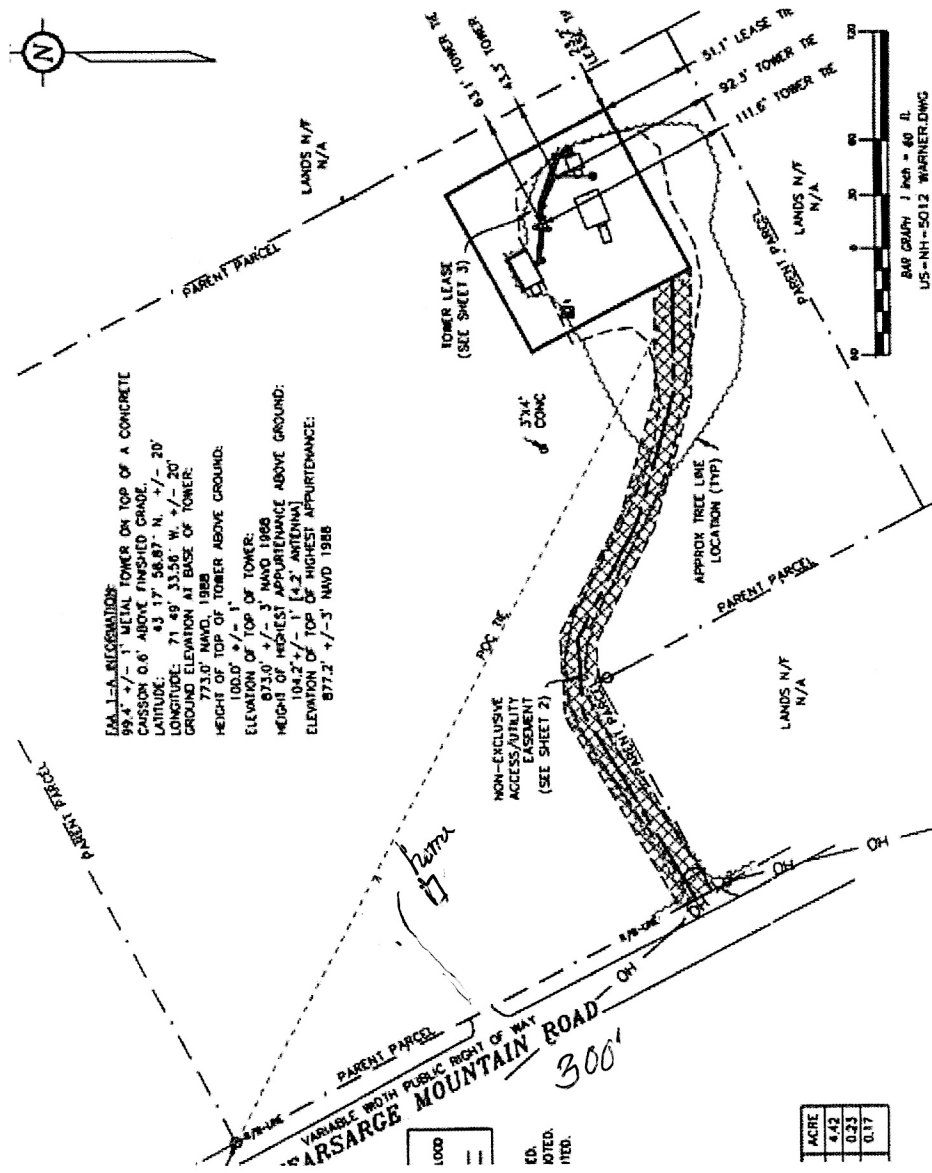
Mike Brown  
6/8/21



Rowshorn

Exhibit "A"

LEGAL DESCRIPTION



E.A. J. & A. INCORPORATED  
 99.4' +/- 1' METAL TOWER ON TOP OF A CONCRETE  
 CASSION 0.6' ABOVE FINISHED GRADE.  
 LATITUDE: 43 17' 56.87" N. +/- 20"  
 LONGITUDE: 71 49' 33.56" W. +/- 20"  
 GROUND ELEVATION AT BASE OF TOWER:  
 773.0' NAVD. 888  
 HEIGHT OF TOP OF TOWER ABOVE GROUND:  
 104.2' +/- 1' [4.2' ANTENNA]  
 ELEVATION OF TOP OF HIGHEST APPURTENANCE:  
 877.2' +/- 3' NAVD 1988

ACRE
4.42
0.23
0.17

LOD  
 ED.  
 ADDED.  
 ITED.

300'  
 VARIABLE WIDTH PUBLIC RIGHT OF WAY  
 ARSARGE MOUNTAIN ROAD

BAR. CS/BN. 1 Inch = 40' 0"  
 US-NY-5012 WARNER.DWG



ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

Authorization from Owner(s):

1. I (We) hereby designate Michael W. Brown 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.

Dan  
Marc  
Paula

Signature of Owner(s):	<u>Daniel P. Violette</u>	dotloop verified 06/29/21 6:06 PM EDT GMBO-MS8F-TKVD-QNBO
	<u>Marc A. Violette</u>	dotloop verified 06/29/21 7:09 PM EDT 5A3U-SWAN-1EBK-XTEY
	<u>Paula J. Brown</u>	dotloop verified 06/29/21 7:46 PM EDT Y35F-JS19-F05K-ZCHS

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

Signature of Applicant(s), if different from Owner: Michael W. Brown

<u>Michael W. Brown</u>	dotloop verified 06/29/21 6:58 PM EDT 0TH-69FS-FTWD-CXHU	<u>Michael W. Brown</u>
-------------------------	--	-------------------------

Printed name of person(s) who signed above:

Daniel Violette  
MARC Violette  
Paula BROWN

For Zoning Board of Adjustment Use Only		
<b>Assigned Case #:</b>		
Date Received at Land Use Office:		
Received by:		
Fees Submitted:		
Amount:	Cash:	Check #: Other:
Abutters' List Received:	Yes	No
Date of Review:	Date of Hearing:	Date Approved:

Mike Brown 6/28/21