



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: <i>ZACHARY A. JOWAS</i>			Date: <i>10/23/2020</i>
Applicant Mailing Address: <i>204 Village Rd.</i>			
Town: <i>Wilmot</i>	State: <i>NH</i>	Zip: <i>03287</i>	
Telephone	Primary: <i>617-794-6344</i>	Alternate: <i>603-877-0024</i>	
Owner of Property Information			
Name of Owner:			Date:
Owner Mailing Address:			
Town:	State:	Zip:	
Telephone	Primary:	Alternate:	
Location and Description of Property			
Map #: <i>19</i>	Lot #: <i>31-1</i>	Zoning District: <i>R-3</i>	
Address:			
Will a Site Plan Review approval be required by the Planning Board?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Proposed Use:			
<i>Hand craft home occupation.</i>			
Details of Request: 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 <u>5</u>)			

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

The undersigned hereby requests a VARIANCE to the terms of:

Article: IV, Section: P.2.f 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.)

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

My proposed use will have no impact on the public interest; it will create no nuisance or hardship for anyone. Neither the town in general nor any of the property abutters in particular will experience any impact from my proposed use.

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

My use will be in keeping with the existing residential character of the neighborhood. The spirit of the ordinance is to prevent commercial enterprise from taking place in residential areas; my use is essentially a home hobby - it's just a large one.

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

The current owners are limited in their prospective market by the scale of the property and the two large accessory structures; if a variance cannot be granted, it will be a hardship to them and will also mean that I cannot work in Warner.

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

There will be no impact to the surrounding properties in either the near- or long-term from my proposed use. No material change in view, no change in sight lines, no nuisance of any kind. No impact.

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]

There are two large accessory structures on the property that distinguish it from others in the area and have no use other than agricultural or for a home occupation. They were already/ previously in use for a commercial purpose. If a variance cannot be granted,

it means practically that the property may only be purchased and used by a new owner(s) for identical agricultural use, or at the considerable expense and impact of demolishing these structures.

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Authorization from Owner(s):

1. I (We) hereby designate _____ 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): _____

Date: _____

Date: _____

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

Date: 10/23/20

Date: _____

Printed name of person(s) who signed above:

For Zoning Board of Adjustment Use Only		
Assigned Case #:		
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:

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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	Name:
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Town of Warner Zoning Board of Adjustment Abutter(s) List

(Continued)

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October 24, 2020

Application for a Home Occupation – Conditional Use Permit

Zachary A Jonas, Jonas Blade & Metalworks

Dear Sirs and Madams,

My name is Zack Jonas, and my wife Karina and I are hoping to move from our home in Wilmot to 490 Pumpkin Hill Road in Warner (map #19, Lot# 31-1). Our offer on the property was accepted on October 19th, and we are very excited. The reason for this letter is that in order for the move to be possible, I'll need approval from the town to run my hand craft home occupation from an existing accessory structure on the property. The offer included a contingency to that effect.

The one difficulty I foresee in moving to Warner is that according to the town zoning ordinance, my use will require a variance on one point—IV.P.2.f—which states that no home occupation may use an area equivalent to more than 25% of the total floor area of the dwelling; the dwelling is listed at 4886 sqft, and the existing structure that I want to modify for use as my workshop is approximately 3000 sqft. Per instructions from Diane Ricciardelli, in her capacity as Warner Town Administrator, I have submitted the necessary paperwork to the Planning Board on an expedited basis in order to receive their determination that I must apply to the ZBA for a variance. I am grateful that the ZBA has also agreed to consider my appeal on an expedited basis to make this move possible.

I think it may be useful if I provide some context for my work. I am a master bladesmith, essentially a highly specialized blacksmith. I make hand forged knives—anything from kitchen knives and hunting knives, to more artistic collector's pieces—and I ship all over the world. I am a custom knife maker, or a bladesmith, and I have practiced my craft as a permitted home occupation from our three-acre residential property in Wilmot since 2012.

I joined the League of New Hampshire Craftsmen in 2012 and earned the rank of Journeyman Smith from the American Bladesmith Society that same year. I have been an annual exhibitor at the League's Sunapee craft fair since 2012 and a juror since 2015. In addition to Sunapee, I have also exhibited multiple times at the Smithsonian Craft Show in Washington D.C. and at the Philadelphia Museum of Art Craft Show. In 2019 I earned the rank of Master Smith from the ABS, making me one of only 120 in the world.

The zoning ordinance concerning Home Occupation is clearly designed to ensure that there is minimal impact to the existing residential character of the neighborhood. I believe that my home occupation will have *no* impact on the neighborhood. Three of my neighbors in Wilmot have homes within 100 yards of my workshop (one within 100 feet), and in eight years of operation I haven't had a single complaint from anyone, officially or otherwise. I operate my business as a real home craft; my workshop is a working studio, not a showroom or retail store. My work meets all of the other points in IV.P.2 easily, it just happens to take up a lot of space.

One might imagine that there could be a noise or nuisance impact on the neighborhood, but I can assure you there is not. My work is conducted entirely indoors. The loudest piece of equipment I have produces less noise than a lawnmower, is used far less frequently, and is literally bolted to the floor inside the workshop. My former next door neighbor, Gary Palumbo, currently Chair of the Wilmot Select Committee and formerly of both the Wilmot Planning Board and ZBA, has offered to attend any hearing pertaining to my appeal and to provide both his personal and official perspective on my use if it would aid the process.

One other point that may be worth emphasizing is that the structure I propose to use for my home occupation is one of two large, existing accessory structures on the property, both of which were previously used for commercial purposes when the property was a working bison farm. I will need to modify the proposed structure, but I plan to maintain the existing building envelope.

For the purposes of this application, I thought it would be useful to respond to each of the requirements for a Home Occupation from section IV.P2 of the town zoning ordinances individually:

- a. The use does not change either the character of the dwelling as a residence or the character of the neighborhood in which the Home Occupation is established;
 - My proposed use will not have any impact on the dwelling; it will be carried out entirely from an accessory structure on the property. It will not have any impact on the character of the neighborhood. I have conducted my home occupation for eight years from a much tighter residential neighborhood, and most residents don't even know I'm there.
- b. The use shall be carried out entirely within the dwelling or an accessory building located on the same premises as the dwelling.
 - The use shall be carried out entirely within an accessory building located on the property.
- c. The use is capable of being unobtrusively pursued;
 - See (a) above; my use is entirely unobtrusive.
- d. The use is clearly incidental and subordinate to the dwelling use;
 - The primary use for the property is for the dwelling; the home occupation is additional and secondary.
- e. The use is conducted by the legal resident of the dwelling; occupation will be completely secondary.
 - I will be a legal resident of the dwelling and I will be conducting the use of the property as a home occupation.
- f. The use utilizes an area (either in the dwelling or in an accessory building) of not more than twenty-five (25%) of the total floor area of the dwelling (including any functional basement).
 - This is the reason for my appeal; I am seeking approval for a variance on this point because I would like to convert an existing 30'x100' accessory structure to house my home occupation. The dwelling is listed at 4886 sqft. (In case it is relevant, I estimate that the existing accessory structures add another ~5500 sqft to the property.)
- g. There shall be no display of goods or wares visible from the street.
 - None; there is no shopping or retail component to the home occupation.
- h. No outside storage of equipment shall be allowed in connection with the Home Occupation.

- None; all of my equipment is stored, used, and maintained carefully indoors.
- i.** The dwelling or accessory building in which the Home Occupation is conducted shall not be rendered objectionable to the neighborhood because of exterior appearance, emission of odors, gas, smoke, dust, noise, electrical disturbance, hours of operation or in any other way.
 - I intend to modify (upon receipt of a building permit) the existing accessory building in a way that is aesthetically in keeping with the agricultural nature of the property. It may also be worth noting that the property is downhill from all neighboring vantage points, and I will not be making any significant changes to the appearance of the existing roof. My use of the property will produce none of the aforementioned nuisances (nor any other that I know of).
- j.** There are no on-premise contractors related to the occupation use
 - None
- k.** In a multi-family dwelling, the Home Occupation uses shall in no way become objectionable or detrimental to any residential use within the multi-family dwelling. The use shall not include features of design not customary in buildings for residential use.
 - The dwelling is and shall remain strictly single-family.
- l.** The use creates no nuisance nor any environmental, health or safety concerns;
 - None
- m.** The use shall not create a traffic safety hazard, nor shall it result in a substantial increase in the level of traffic congestion in the vicinity of the dwelling.
 - There will be no increase in traffic. No regular deliveries or pickups, no commercial traffic, nor any impact to traffic safety or congestion.
- n.** The use shall not involve the use, production, or storage of any hazardous (as defined by the State of New Hampshire) materials.
 - None beyond appropriately installed propane service and tank(s).
- o.** All Building Code requirements shall be met;
 - Certainly.
- p.** The Septic system shall meet NH State and Town of Warner requirements.
 - Certainly.
- q.** The Conditional Use Permit for a Home Occupation shall be nontransferable, and shall automatically expire when the applicant(s) is no longer the legal resident of the dwelling.
 - Understood.
- r.** A nonconforming Home Occupation use must have been legally established prior to any zoning ordinance that restricts such use.
 - Not applicable.
- s.** Childcare may be permitted as a Home Occupation but shall also comply with other requirements of this Ordinance.
 - Not Applicable.
- t.** The sales, rental, maintenance or repair of automobiles, motor vehicles or small engines shall not be permitted as a Home Occupation.
 - Not Applicable.
- u.** Restaurants or onsite purchase of meals are not permitted as a Home Occupation.
 - Not Applicable.

Section 3 of Article IV.P indicates that a Home Occupation Plan Review with a public hearing is required for all home occupation types that meet four criteria pertaining to contact with, and

parking for, general public, clients, and employees, the presence of on-premise employees, business signage, and commercial vehicles. My proposed use meets none of these criteria.

I would simply reiterate, on a personal note, that my proposed home occupation use of the property will be, from the perspective of impact to the property, to the character of the neighborhood, and to the town at large, quite indistinguishable from a personal hobby. I am a passionate home craftsman pursuing an historically significant craft in a modern context. It is important to me to be a productive and honest member of my community, and because the sale of my work produces some income, I believe this necessitates my application for a Home Occupation Conditional Use Permit. My craft takes up a lot of space, and this puts me out of compliance with Article IV, P.2.f of the Zoning Ordinance—which is the reason for my appeal.

It is clear that the relevant sections of the Zoning Ordinance were written and organized in such a way as to protect the town of Warner from obtrusive and obnoxious home occupations, and to protect its residential neighborhoods and residents from anything that would adversely impact their current character and quality of life. While my proposed use is at variance with one of the relevant points, I believe it is thoroughly in keeping with the intent of those who drafted them.

For the past eight years I have conducted the same home occupation, with the approval of the town of Wilmot, in a much more densely populated residential neighborhood where any negative impact would have been significantly more problematic than it could be at the property in question. In those eight years I have received no complaints of any kind and have had no impact on the neighborhood apart from being a friendly and helpful neighbor, and responsibly and respectfully maintaining my property. I hope to carry on in just the same way here in Warner, and I hope you will consider my application carefully.

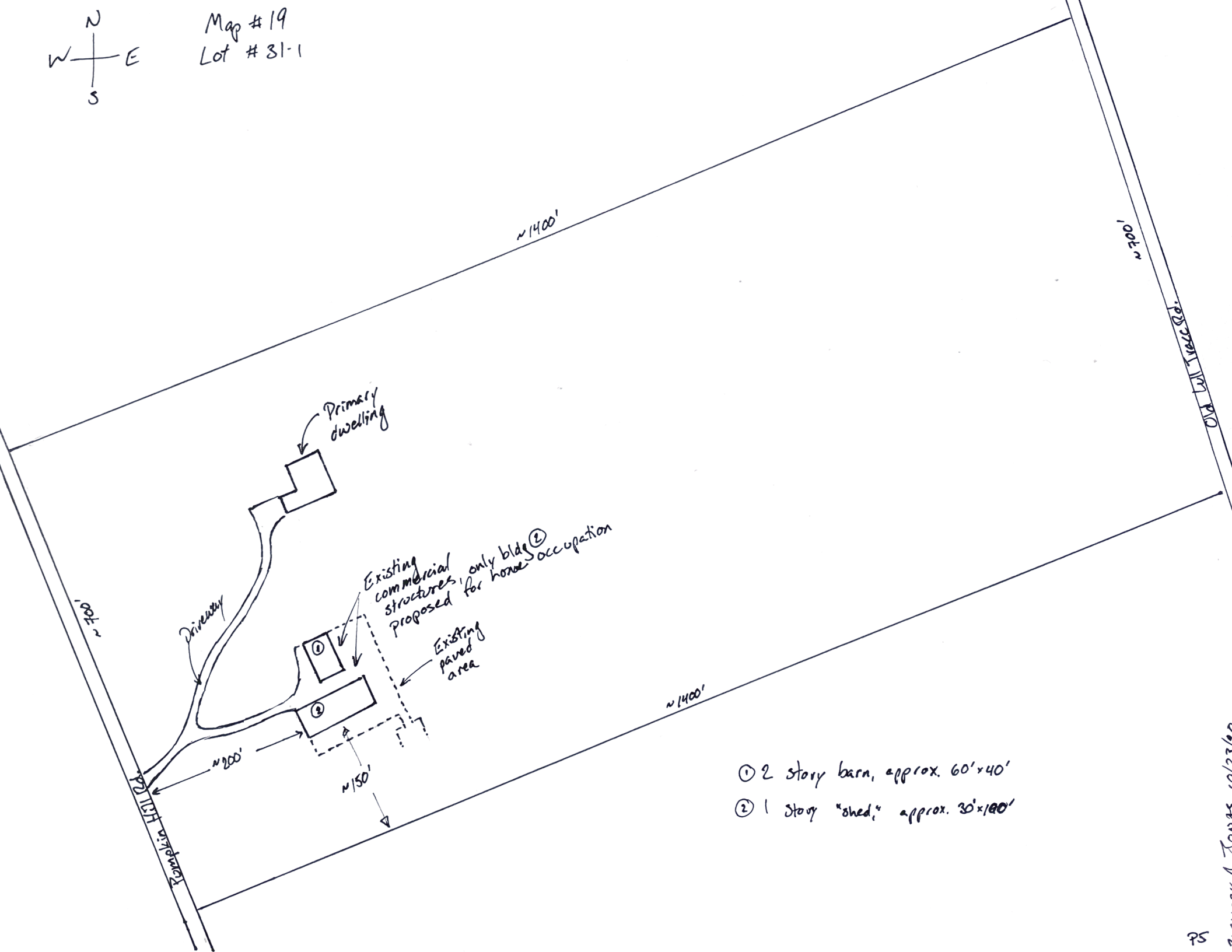
Sincerely,



Zachary A Jonas
Master Bladesmith
Jonas Blade & Metalworks
www.jonasblade.com



Map # 19
Lot # 31-1



- ① 2 story barn, approx. 60' x 40'
- ② 1 story "shed," approx. 30' x 100'