

## Applicant's Checklist

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. letter</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>	✓	
✓		<ul style="list-style-type: none"> <li>Show for the "lot of record" the boundary lines with footage on all sides. <i>tax map</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. <i>some but not all distances noted</i></li> </ul>	✓	
	✓	<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>	✓	<i>length ✓ width ✓ height ✓</i>
✓		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)	✓	

Blanchette app.



## 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

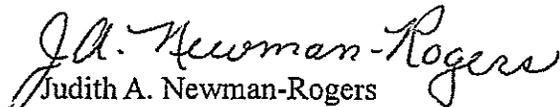
June 26, 2023

Dear Janice,

The building project at 33 School Street, Map 30 Lot 10, 0.70 areas, convert the single-family home on the property into 2 apartments, does not meet the Town Ordinance requirement for the land needed for this project. There is a garage apartment that already exists on the property so this would be 3 apartments in total.

A Building Application is denied.

Sincerely,

  
Judith A. Newman-Rogers  
Selectboard Administrative Assistant

Cc: Rhonda Rood



# 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:	Kristine F. Blanchette	Date:	06/27/2023
Applicant Mailing Address:	21 School STREET		
Town:	WARNER	State:	NH
Zip:	03278		
Telephone	Primary: 603-340-1903	Alternate:	
Owner of Property Information			
Name of Owner:	Geoffry & Maryan Lubien		Date: 06/27/2023
Owner Mailing Address:	33 School St		
Town:	Warner	State:	NH
Zip:	03278		
Telephone	Primary: 603-456-3784	Alternate:	
Location and Description of Property			
Map #:	30	Lot #:	010
Zoning District:	R-1 Village		
Address:	33 School St		
Will a Site Plan Review approval be required by the Planning Board?	<input checked="" type="radio"/> Yes		<input type="radio"/> No
Proposed Use:			
<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 _____)			
Grant variance for required acreage for 3 family. Subject lot is lacking 0.217 acres for required 0.917 Total subject acres is 0.70.			

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

See attached

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

See attached

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

See attached

**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;

See attached

**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]*

See attached

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

The undersigned hereby requests a VARIANCE to the terms of:

Article: 4, Section: K of the Warner Zoning Ordinance

**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:

See attached

One:

The subject property is in physical distress as well as in tax arrears. Public interest would be served by granting this variance so we can renovate the house and current apartment space. During the renovation we would create one owner residence and one additional residential apartment in the house proper and renovate the current carriage house apartment. This property will increase in value substantially, create three safe and clean residential dwellings without changing the building's footprint.

Two:

The spirit of the ordinance is density in relation to acreage. The subject property is located on a village street with town water and sewer, is one of seven homes with residential rental dwellings and has sidewalks on which to walk to village services. There are currently 2 two family homes (#27 and #29), 1 five family home (#5), 3 single family homes with apartments (#33, #35, #36) and one single family rental on school street (#20). The lot at 33 School Street allows for easy off street parking for at least 8 cars. The lacking 0.219 acres would be superfluous back land which abuts 13 acres of town recreation land.

Three:

Justice will be served to the whole community by increasing the value and beauty of the property, providing additional housing and getting it back on the tax rolls.

Four:

The property's current condition is diminishing the value of the surrounding properties and the neighborhood at large. We will remove the two huge dying pines in the front yard which are a danger to neighboring homes, repair and paint the house's antique exterior and correct the current dangerous knob and tube electrical, leaking roofs and dilapidated exterior stairs.

Five:

This property was previously on the market from 5/2/2022-8/15/2022 listed by Coldwell Banker Lifestyles with no buyers willing to purchase due to size, condition, deferred maintenance, knob and tube wiring, leaking roofs, mold, the need for complete interior and exterior renovations including adding proper kitchens and baths, the inability to obtain bank financing and home owner's insurance (property is not currently insured). This makes the subject property very different from any other property on School Street. By creating an owner's apartment and one rental apartment in the house proper in addition to renovating the current apartment in the carriage house we will be able to make this property more affordable for us as owner residents as well as creating two affordable rental spaces. Currently the house and apartment are substandard living spaces with substandard or non operational kitchens and baths.

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

**Authorization from Owner(s):**

1. I (We) hereby designate Kristine F Blanchette 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): X Maryan Lubien  
X Geoffrey Lubien

Date: 6-26-23  
 Date: 6/26/23

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

Date: 26 June 2023

Kristine Blanchette

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

Printed name of person(s) who signed above:

Maryan Lubien  
Geoffrey Lubien  
Kristine Blanchette

For Zoning Board of Adjustment Use Only		
Assigned Case #:	2023-03	
Date Received at Land Use Office:	6/27/23	
Received by:	Janice Loz	
Fees Submitted:		
Amount: \$230.00	Cash:	Check #: Other:
Abutters' List Received:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Date of Review:	Date of Hearing:	Date Approved:
7/12/23	7/12/23	



## 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)

### Application for a Variance

**Case:** 2023-03  
**Applicant:** Kristine F. Blanchette  
**Owner:** Geoffry and Maryan Lubien  
**Agent:** Kristine F. Blanchette  
**Address:** 33 School Street  
**Map/Lot:** Map 30, Lot 010  
**District:** R-1

**Details of Request:** Requesting a Variance to the required acreage for a 3-family conversion. The lot is lacking 0.217 acres necessary in an R-1 for a multifamily development.

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.

ADMINISTRATIVE INFORMATION

OWNERSHIP

Tax ID 001006

Printed 04/18/2022 Card No. 1 of 1

TRANSFER OF OWNERSHIP

LUBIEN, GEOFFREY & MARYAN  
33 SCHOOL STREET  
WARNER, NH 03278

*Blanchette*

Date

PARCEL NUMBER  
30-010  
Parent Parcel Number

Property Address  
SCHOOL STREET 33  
Neighborhood  
3 VILLAGE W/SEWER- SIDE STREETS

Property Class  
109 Single Fam + Acc Apt

PLANNING DISTRICT INFORMATION  
Jurisdiction 219 WARNER, NH  
Area 219  
Routing Number 2015

# RESIDENTIAL

### VALUATION RECORD

Assessment Year	04/01/2005	04/01/2010	04/01/2015	04/01/2015	04/01/2020	04/01/2020	Worksheet
Reason for Change	2005 Update	2010 Reval	2015 PRELIM	2015 Reval	2020 Prelim	2020 Reval	
VALUATION	L 85480	77360	75360	75360	75360	75360	75360
Market	B 224030	258800	232510	232510	274370	274370	274370
	T 309510	336160	307870	307870	349730	349730	349730
VALUATION	L 85480	77360	75360	75360	75360	75360	75360
Assessed/Use	B 224030	258800	232510	232510	274370	274370	274370
	T 309510	336160	307870	307870	349730	349730	349730

Site Description  
Topography: Rolling  
Public Utilities: Water, Sewer, Electric

Street or Road: Paved  
Neighborhood: Static

Zoning: RI-Village Residential  
1 Homesite Improved  
2 EXCESS REAR  
Legal Acres: 0.7000

### LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor				Influence	Value
Soil ID	Acres		-or-	Base	Adjusted	Extended	Factor	
-or-	-or-	Effective	Depth	Rate	Rate	Value		
Actual	Effective	Depth	Square Feet					
Frontage	Frontage	Depth						
	0.4600		1.00	163043.57	163043.57	75000		75000
	0.2400		1.00	1500.00	1500.00	360		360

OBSOLESCENCE=OD FEAT

Supplemental Cards  
MEASURED ACREAGE 0.7000

Supplemental Cards  
TRUE TAX VALUE 75360

Supplemental Cards  
**TOTAL LAND VALUE 75360**

IMPROVEMENT DATA

**PHYSICAL CHARACTERISTICS**

Style: Victorian  
 Occupancy: Single family - Tenant  
 Story Height: 2.00  
 Finished Area: 2130  
 Attic: Unfinished  
 Basement: Full

**ROOFING**  
 Material: Asphalt shingles  
 Type: Hip  
 Framing: Std for class  
 Pitch: Not available

**FLOORING**  
 Slab B, 1.0  
 Sub and joists 2.0, A  
 Concrete B  
 Hardwood 1.0, 2.0

**EXTERIOR COVER**  
 Poured Concrete B  
 Wood Clapboards 1.0, 2.0, A

**INTERIOR FINISH**  
 Plaster 1.0, 2.0

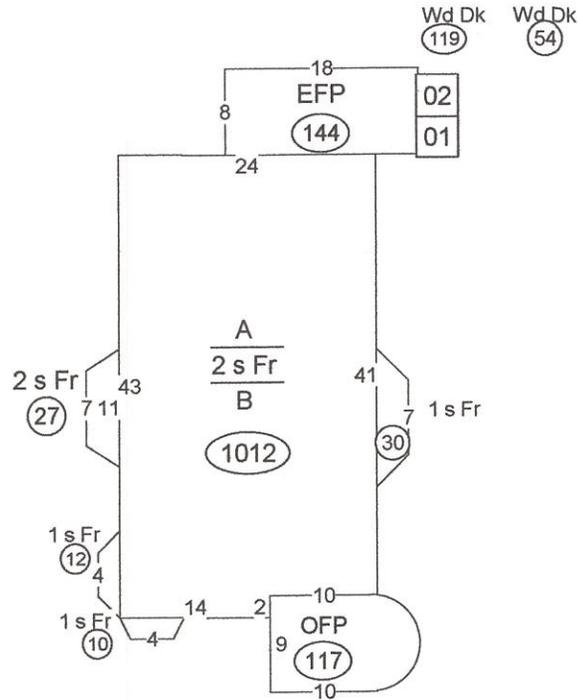
**ACCOMMODATIONS**  
 Finished Rooms 9  
 Bedrooms 4

**HEATING AND AIR CONDITIONING**  
 Primary Heat: Steam  
 Lower Full Part  
 /Bsmt 1 Upper Upper

**PLUMBING**

	#	
3 Fixt. Baths	2	6
Kit Sink	2	2
Water Heat	2	2
Extra Fixt	1	
TOTAL		11

**REMODELING AND MODERNIZATION**  
 Amount Date



COLOR-TAN



(LCM: 102.00

**SPECIAL FEATURES**

**SUMMARY OF IMPROVEMENTS**

Description	Value	ID	Stry Use	Const Hgt	Type Grade	Year Const	Eff Year	Cond	Base Rate	Feat- ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value	
01 :BASEMENT	17934	D	DWELL	0.00		Good	1907	1987	GD	0.00	N	0.00	4154	292170	23	10	100	100	202470
01 BARN2STY		01	BARN2STY	2.00	0	Good	1907	1907	GD	35.00	Y	46.55	26x 31	61370	35	0	100	100	39890
02 LIVQTRS		02	LIVQTRS	0.00		Gd-	1980	1980	GD	37.10	N	43.41	26x 31	40010	20	0	100	100	32010

Data Collector/Date  
 NTRM 11/13/2014

Appraiser/Date  
 DM 04/01/2020

Neighborhood  
 Neigh 3 AV

Supplemental Cards  
 TOTAL IMPROVEMENT VALUE

274370



**LEGEND**  
 PARCEL NUMBERS ..... 1  
 ADJACENT MAPS ..... 2  
 MATCH LINE ..... 3

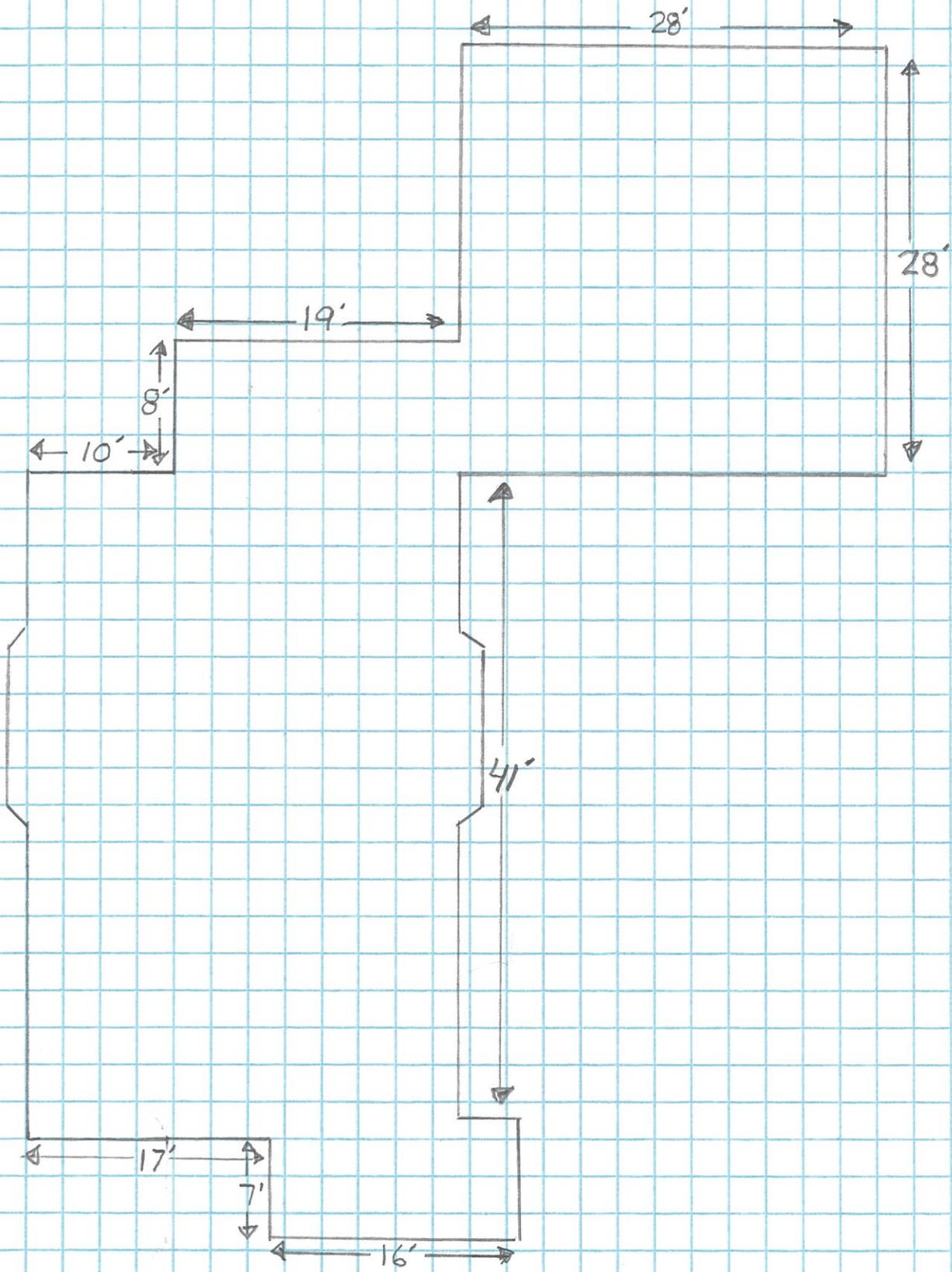
For Assessment Purposes  
 Not to be used for Conveyances

PROPERTY MAP  
**TOWN OF WARNER**  
 MERRIMACK COUNTY, NEW HAMPSHIRE  
 PREPARED BY  
 JAMES W. SEWALL COMPANY OLD TOWN, MAINE  
 SCALE 1 INCH = 100 ± FEET  
 REVISED 2013



Scale 1" = 10'

Blanchette Lot 10 Map 30



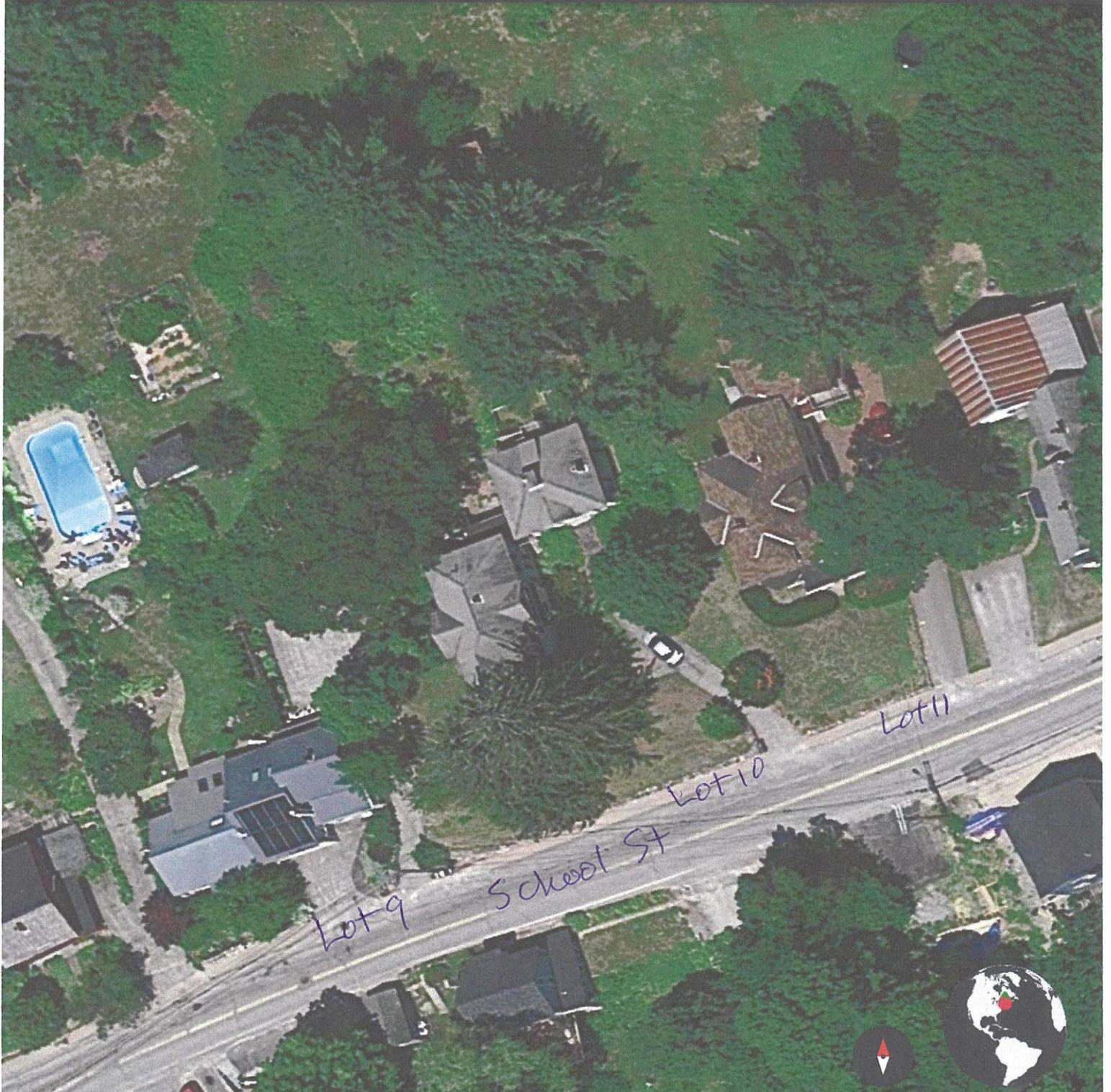
33 School Street

Dianchelle

You are currently running an experimental version of Earth.

[Learn more](#)

[Send feedback](#)



Google Earth

Imagery date: 7/8/...

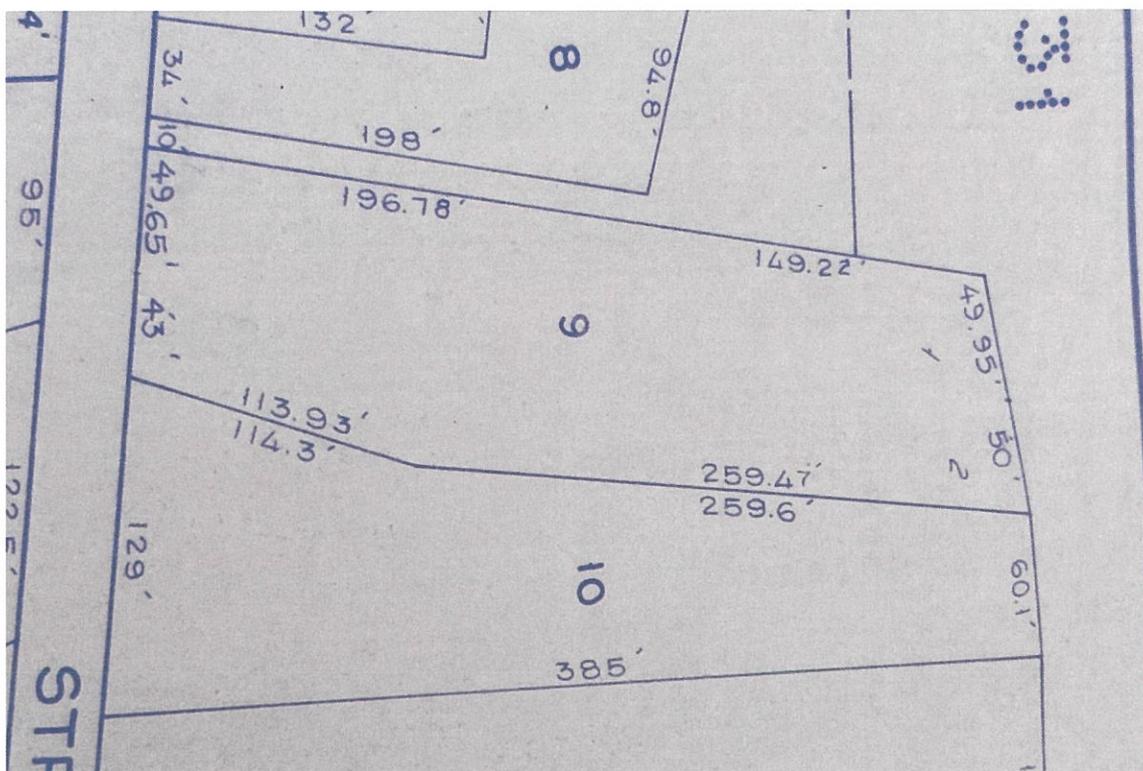


Camera: 338 m 43°16'51"N 71°4...



Blanchetto

Map 30 Lot 10



Blanchette

BK1590 PG0260

RECEIVED

016651

1986 SEP -5 AM 8 49

MERRIMACK COUNTY

KNOW ALL MEN BY THESE PRESENTS, That We, ROBERT C. LOSIK and CATHERINE A. LOSIK (husband and wife) both of Warner County of Merrimack, State of New Hampshire,

for consideration paid, grant to GEOFFREY J. LUBIEN and MARYAN LUBIEN both of 83 Wentworth Drive, Bedford, County of Hillsborough, State of New Hampshire 03102,

with warranty covenants to the said GEOFFREY J. LUBIEN and MARYAN LUBIEN, as joint tenants with rights of survivorship, the following described premises:

Two certain tracts of land, with the buildings thereon, situated in Warner, County of Merrimack, State of New Hampshire, bounded and described as follows, to wit:

TRACT I: Beginning at a point on the Northerly side of School Street which marks the Southwest corner of the property now or formerly of Neil Smith and the Southeast corner of the tract herein described; thence running Westerly along the Northerly side of School Street 129 feet, more or less, to a concrete retaining wall; thence running North 05° East 114.32 feet along said concrete retaining wall to an "x" in said concrete retaining wall; thence running Northerly along land now or formerly of Bartlett 259.69 feet, more or less, to an iron bound at land now or formerly of Bartlett; thence North 75° East 60 feet, more or less, to a rock at the end of a snow fence at land now or formerly of Smith; thence running Southerly along the Westerly line of said Smith land 385 feet, more or less, to the point of beginning.

TRACT II: Beginning at a stump of a large oak tree on the Southerly side of School Street; thence running South 38° East against land now or formerly of Dowling, known as the Tannery Lot, to the middle of the Tannery Brook; thence Easterly along the center of the bed of the south or main branch of said brook to an iron pin and pile of stones; thence Northerly by land now or formerly of Bartlett to a stone bound on the South side of said School Street; thence Westerly by the Southerly side of said School Street about 140 feet to the point of beginning.

Meaning and intending to describe and convey hereby all and the same premises conveyed to Warren Steussing and Marion L. Steussing by deed of Jeremy F. McCabe and M. Georgia McCabe dated April 30, 1973, recorded in Merrimack County Records, Book 1170, Page 234.

Being the same premises described in the deed of Warren R. Steussing and Marion L. Steussing to Robert C. Losik and Catherine A. Losik dated September 24, 1976, and recorded in Merrimack County Registry of Deeds in Volume 1281, Page 327.

BK1590 PG0260

Blanchette

BK1590 PG0261

MCRD

And we, the ~~xxxxxx~~ said grantors release to said grantee ~~s~~ all rights of homestead and other interests therein.

Signed this 2nd day of September, 1986.

#975.00  
STATE OF NEW HAMPSHIRE  
TAX ON TRANSFER OF REAL PROPERTY  
STATE TAX COMMISSION  
P.R. SEP-98 10664  
975.00

*Robert C. Losik* L.S.  
Robert C. Losik  
*Catherine A. Losik* L.S.  
Catherine A. Losik L.S.

BK1590 PG0261

State of New Hampshire

Sullivan, ss.: September 2, A.D. 1986.

Personally appeared Robert C. Losik and Catherine A. Losik whose names are known to me, or satisfactorily proven, to be the persons subscribed to the foregoing instrument and acknowledged that they for the purposes herein contained.



Before me, *Mary R. Pease*  
Justice of the Peace - Notary Public

MERRINACK COUNTY RECORDS;  
RECEIVED AND RECORDED  
*Kathi L. Husay*  
REGISTER