

TOWN OF WARNER

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

General Instructions for an Appeal to the Zoning Board of Adjustment

All applications are subject to RSA 91-A, which affords the public access to government records

Getting Started

Before filling out the application, be certain you know which application you should file. If the application is incomplete, it will be returned causing a delay in the processing of the application and hearing before the Zoning Board of Adjustment (ZBA).

When you're ready to get started, make sure you read everything included with the application, follow all the steps listed and work with the Land Use office to make sure everything is complete before you submit your application. The burden of preparing and submitting a complete ZBA application is with the applicant.

Types of Appeals

Variance

- A variance is an authorization, which may be granted under special circumstances, to allow your property relief from requirements specified in the Zoning Ordinance. For a variance to be legally granted, you must show that your proposed use meets the five criteria listed in the Ordinance.
- If you have a referral from the Select Board, Planning Board or Building Department, a copy must be included with your application.

2. **Special Exception**

The Zoning Ordinance provides that uses, buildings or activities in a particular zone will be permitted by Special Exception if specified criteria are met. The necessary criteria for a Special Exception are given in the Ordinance. Your appeal for a Special Exception will be granted if you can show that the criteria stated in the application are met.

Appeal of Administrative Decision (RSA 677)

- Decisions made by administrative officers involving what the ordinance says and means are appealable by anyone with standing (RSA 677:2). This includes decisions by the Select Board the Planning Board, the ZBA or any other "administrative officer" regarding the terms of the ordinance. This does not mean, however, that decisions to enforce (or not enforce) the ordinance are also appealable to the ZBA. These decisions are discretionary and are not reviewable under RSA 676:5, II (b) or any other statute.
- The appeal must be made normally within 30 days of the decision. The appeal will be granted if you can show that the decision was made in error.
- A copy of the decision being appealed must be attached to the application.
- The ZBA will not reopen a case based on the same set of facts unless it is convinced that the original decision was unlawful or unreasonable.

Equitable Waiver of Dimensional Requirements

a. If you have found that your structure does not conform to the dimensional requirements for the zoning district in which it is located as a result of an error by your builder, yourself or a public official, you may be eligible for an Equitable Waiver. This does not mean that your structure is then legally nonconforming, but rather recognizes the error and prevents any enforcement action against that error in the future. All subsequent construction at the site must then comply with all dimensional requirements.

Application Instructions

- 1. Read, complete and sign the proper application for the type of appeal required. If the application is incomplete it will be returned, which will cause a delay in the processing of the application and the hearing before the Zoning Board of Adjustment (ZBA).
- The ZBA strongly recommends that prior to filing an application, the applicants become familiar with the applicable Warner Zoning Ordinance.
- 3. If a variance is requested, it may be based on a referral from the Select Board, the Planning Board or a denial of a building permit.
- 4. Please include the following along with your application:
 - a. A list of all abutters within 200 feet of the boundaries of the property on the supplied form. Accuracy of the list is the applicant's responsibility.
 - b. A copy of any order, referral, notice of violation or other communications that pertain to the property.
 - c. A copy of the property deed.
 - Authorization from Owner(s) which must be signed by all property owners and designate if someone will speak on behalf of the property owner(s).
 - e. Plot Plans shall:
 - 1) Clearly indicate where the site is located (locus map) and what is proposed drawn to scale.
 - 2) Show the boundary lines with footage on all sides and setback lines for the lot.
 - 3) Name the road the lot fronts on.
 - 4) Show all existing structures on the lot, clearly indicating their dimensions, distance from other structures and distance from adjacent property lines drawn to scale and measured from roof overhang.
 - 5) For a proposed structure, include all of the above and a floor plan with dimensions, (length, width, and height) and yard setback distances measured from roof overhang.
- 5. A check for the correct amount made out to the Town of Warner must be provided at the time of filing.

Applicat	ion Fee	Notification Fee	
Residential	\$50.00	Per Abutter <u>H</u> x \$15.00 Ø. t	110°
Commercial	\$100.00	Newspaper Notification *\$60.00 \00	1100

^{*}Standard Posting: Intertown Record = \$60.00 Upon request of applicant a Special Posting in the Concord Monitor = \$300.00

6. A completed application must be received at least 21 days prior to the next ZBA meeting. Public notice of the hearing will be posted and printed in a newspaper, and notice shall be given to the applicant, all abutters, and to parties the ZBA may deem to have interest, at least five days prior to the date of the hearing. The applicant and all other parties are expected to appear at the hearing in person, or by agent, to state reasons why the appeal should or should not be granted.

Public Hearing Process

- 8. The applicant, or the applicant's agent, shall present the application at the hearing. If an attorney represents the applicant and desires to present a written brief, the brief may be delivered with the application.
- 9. At the beginning of the public hearing the ZBA will decide if the application is complete.
- 10. After the public hearing, the ZBA will reach a decision. The decision could be postponed to a date specified to allow for additional information or to consult with Town Counsel. After the ZBA reaches a decision, a formal Notice of Decision will be mailed to the applicant and property owner(s), placed in the ZBA files and distributed as specified in the Rules of Procedure.
- 11. The applicant, Select Board, any party to the action or proceedings, or any person directly affected thereby may appeal for a rehearing. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application. (RSA 677:2)



The applicant hereby requests a Variance to the terms of:

TOWN OF WARNER

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

Application for Variance

Article: XC·L·D· Sec	tion: of the V	Varner Zoning Ordinance
Applicant/Contact Person:		
Name of Applicant: Michael	Carroll	Date: 5/26/25
Mailing Address: V6 6xx	118	
Town: Warner	State: NH	zip: 03278
Telephone: 603-340-0196	Alternate:	Email:
Owner of Property:		
Name of Owner: Mithae	Carroll	Date: 5/26/25
Mailing Address: Po box	118	
Town: Warner	State: NH	zip: 63278
Telephone: 663-340-0196	Alternate:	Zip: 63279 Carroll Curpentry ILCO Email: Gmail. Col
Location of Property:		
Map#: 역 Lot#: み(Zoning District: () R	-1
Address: 290 North	Village Road	Warner, NH 0327
Describe the request:		
Reglissing Sct Bac	ck Relief from	m Abuthers
POT Zonung (ordinance	
to build 36 from		ndrie like
and 86 feet	9	

12. Abutter(s) List instructions:

- a. Please list the name and addresses of all owners of the property that abut the subject property, defined as follows:
 - 1) Any person whose property is located in New Hampshire and;
 - adjoins or is directly across a street or stream from or;
 - ii. has a boundary which is within 200 feet of any boundary of the land under consideration by the ZBA or;
 - iii. has frontage on a pond on which the land under consideration by the ZBA also has frontage.
 - 2) In case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. (also see RSA 672:3)
- b. In addition to abutters, please include the names and addresses of the applicant, owner(s) of the subject property and as applicable, the owner's agent engineer, land surveyor, architect, soil scientist, wetland scientist, and holders of conservation, preservation, or agricultural preservation restrictions.
- c. If the property abuts a street, the Select Board shall receive a notice as an abutter. If the property abuts a State Highway, the State Department of Transportation as well as the Select Board shall be noticed as abutters. If the property is within ¼ mile of the Warner River, the Warner River Local Advisory Committee shall be noticed as an abutter. If a referral was received from the Planning Board, they shall be noticed as an abutter.
- d. The abutter list must be obtained from the Town of Warner's Assessors records and submitted with the application.

Applicant Nam	ne: <u></u>	icha	e (Carroll	
Parcel: Map:	9	Lot:	21		

Application Checklist

Applications must be received 21 days prior to the next regular ZBA meeting

Have y	ou included		Land Use Office	
Yes	No	Item	Yes	No
		Application fees paid		

Include 1 original and 8 copies of the following						
	Completed application for the type of appeal requested					
\checkmark	Owner Authorization Form, signed by all owners					
	If the application is based on a referal from the Select Board, the Planning Board, or a denial of a building permit from the Building Department it must be include with the application					
	Other communication received from the Select Board, Planning Board, Building Department, or State agencies that pertains to the property (if applicable)					
	Current copy of the deed to verify owner(s) and easements					
	List of all abutters within 200 feet of the boundaries, or with shared water frontage					
$\overline{}$	Plot plan as described below					
	Plot plan shall include the following drawn to scale					
	Indicate where the site is located in Warner (locus map)					
	Property boundary line measurements including setbacks on all sides and name of the frontage road.					
	Include all existing structures, clearly indicate their dimensions, distance from other sturctures and from adjacent property lines measured from the roof overhang					
	For a proposed structure, include all of the above plus a floor plan with dimensions (lenghth, width, height)					

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

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 on Page 3 of the Application Instructions. In addition to abutters, please include the names and addresses of the applicant, owner(s) of the subject property, and, as applicable, the owners' agent, engineer, land surveyor, architect, soil scientist, wetland scientist, and holders of conservation, preservation, or agricultural preservation restrictions.

		1111 (6,000)	
Мар:	Lot:	Name:	
Address:			
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Address:			
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Address:			
Мар:	Lot:	Name:	
Address:			
	Lot:	Name:	
Address:			



Subject Property:

Parcel Number:

9-21

CAMA Number:

9-21

Property Address: 290 NORTH VILLAGE ROAD

Mailing Address: CARROLL, MICHAEL

PO BOX 118

WARNER, NH 03278

Mailing Address: MONTMINY, JOSEPH P MONTMINY,

WARNER, NH 03278 Mailing Address: COLEMAN FAMILY REVOC LIVING TR

WARNER, NH 03278

WARNER, NH 03278

270 NORTH VILLAGE ROAD

1950 LAMMERTON DRIVE

ALLISON PARK, PA 15101 Mailing Address: RUFF, MARK W. WHITTEMORE, ERIN F

302 NORTH VILLAGE ROAD

COLEMAN, ROBERT P & MARCIA W,

JANINE R

Abutters:

Parcel Number:

9-19

CAMA Number: 9-19

Property Address: 270 NORTH VILLAGE ROAD

Parcel Number: 9-20

9-20 CAMA Number:

Property Address: NORTH VILLAGE ROAD

CAMA Number:

9-22

Property Address: 302 NORTH VILLAGE ROAD

Parcel Number: 9-22

Parcel Number: 9-23 CAMA Number:

Parcel Number: 9-25

Property Address: NORTH VILLAGE ROAD

9-25

Mailing Address: WARNER, TOWN OF

WARNER, NH 03278

Mailing Address: WARNER, TOWN OF

PO BOX 265

PO BOX 265

5/20/2025

CAMA Number:

Property Address: NORTH VILLAGE ROAD

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

Authorization from Owner(s):				
I (We) hereby designate and present said application before the Warner			s my (our) agent	and to appear
2. By submitting this application, I (We) hereby without further notice. I (We) further understan public site visit, which will be duly posted.	authorize and underst d the ZBA may at som	and that agents e point during t	of the Town ma he review proce	ay visit the site ass schedule a
3. I (We) understand that the ZBA will review review. The applicant shall pay for such a revie		and/or may sen	d the application	n/plan out for
4. To the best of my (our) knowledge, the inform of Warner Zoning Ordinance and other land uregulations which may apply.	nation provided herein i use regulations of the	Town and othe	r applicable sta	te and federal
Signature of Owner(s):	/ form	Date: _	5/201	25
		Date:		
Signature of Applicant(s)		_		
if different from Owner:		Date:		
		Date:		
Printed name of person(s) who signed above:				
Michael (wroll				
		,		
For Zoning Board of Adjustment Use Only				
Assigned Case #:				
Date Received at Land Use Office:				
Received by:				
Fee Amount: Cash:	Check #:	C	Other:	
	No:			
		oto Annroyad:		
Date of Review: Date of Hear	ring: Da	ate Approved:		

Application for Variance

State in writing how the following conditions pertain to the property and be prepared to present the application at a public hearing. The burden of proof is on the applicant to show that all conditions have been met.

Warner Zoning Ordinance Article XVII and RSA 674:33

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

See Attached

2. Granting the variance will not be contrary to the spirit of the ordinance.

SeeAHached

3. By granting the variance substantial justice is done.

See Affached

4. By granting the variance the value of surrounding properties are not diminished.

se Attached

- 5.Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
- a. For purposes of this subparagraph, "unnecessary hardship" means 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 to the property; and
- ii. The proposed use is a reasonable one.

OR

b. If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, 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 it.

Variance for Michael Carroll 290 North Village Road, Warner, NH

1. The Variance will not be Contrary to the Public Interest.

The proposed House will be 30' \times 84' with a 1' overhang and will be used by the owner. The surrounding properties have House, garages, sheds etc. close to the property line. This House will be located on Northwest side of the property where there are No buildings. I believe it would be in the best interest of the public to locate the House as far away from the wetlands as Possible. The location of the building setbacks and wetlands on the property would make this property unbuildable. This variance would be in keeping with the neighborhood.

2. The Variance is Consistent with the Spirit of the Ordnance.

This proposal would be consistent with the Zoning Ordinance. The ordnance has this section for such a project that will enhance the area in which it is located. The Town of Warner Zoning Ordnance realizes that not all proposals will fix within the zoning ordinance as it is written. In this case the lot was created prior 1941.

Substantial Justice is done.

This proposed house will be in a location that will not diminish any property valve and will be located in an area of the lot that has no abutting structures. The house will meet the front setback of 50' from the roadway, where passing vehicles would see it.

4. The Valve of the Surrounding properties are not diminished.

Most the surrounding properties are house lots, with existing sheds and garage that do not meet the current zoning requirements. This would be in keeping with neighborhood, the proposed location will meet the front setback and will be located 100 feet from any structure.

- 5. Literal enforcement of the provision of the ordinance would result in an unnecessary hardship.
- A i The hardship would be in the location of the wetlands along with the shape of the property that was created prior to 1941.
 - ii The proposed use is a reasonable one because the neighborhood is all single family homes Closer than 100 feet to property lines. The House will be located in a area that there will be no structure within 100 feet.



Town of Warner

Post Office Box 265 ~ 5 East Main Street Warner, New Hampshire 03278 603-456-2298 ~ WarnerNH.gov Select Board:

Michael Smith, Chair Harry Seidel Alfred Hanson Selectboard@WarnerNh.gov Kathrine Frenette, Town Administrator Administrator@WarnerNH.gov

Michael Carroll Post Office Box 118 290 North Village Road Warner, New Hampshire 03278

May 19, 2025

Town of Warner Building Department Post Office Box 265 Warner, New Hampshire 03278 603-456-2298 Ext 3

Dear Mr. Carroll,

Please note that you cannot be issued a building permit for your building project because it falls within the setbacks required for the zoning district which it is in – OR-1 Open Recreation. These setback requirement from the abutter's property line is a 100-foot minimum, per your designs you do not meet this requirement. The requirement can be found under Article IX C. 1. B. – "Yard requirements: No building shall be located nearer than one hundred (100) feet from an abutter's property line and fifty (50) from the edge of a public right of way."

Please let me know if you have any questions or if there is anything I can help with.

Thank you,

Elizabeth Labbe

Assessing and Building Clerk Assessing@WarnerNH.gov

603-456-2298 Ext. 3



The State of New Hampshire

Department of Environmental Services



Robert R. Scott, Commissioner

APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEM APPROVAL **OWNER CERTIFICATION**

Application Work # 202201033

Document Prepared: 3/14/2022

Property Owner:

MICHAEL CARROLL

P.O. BOX 118

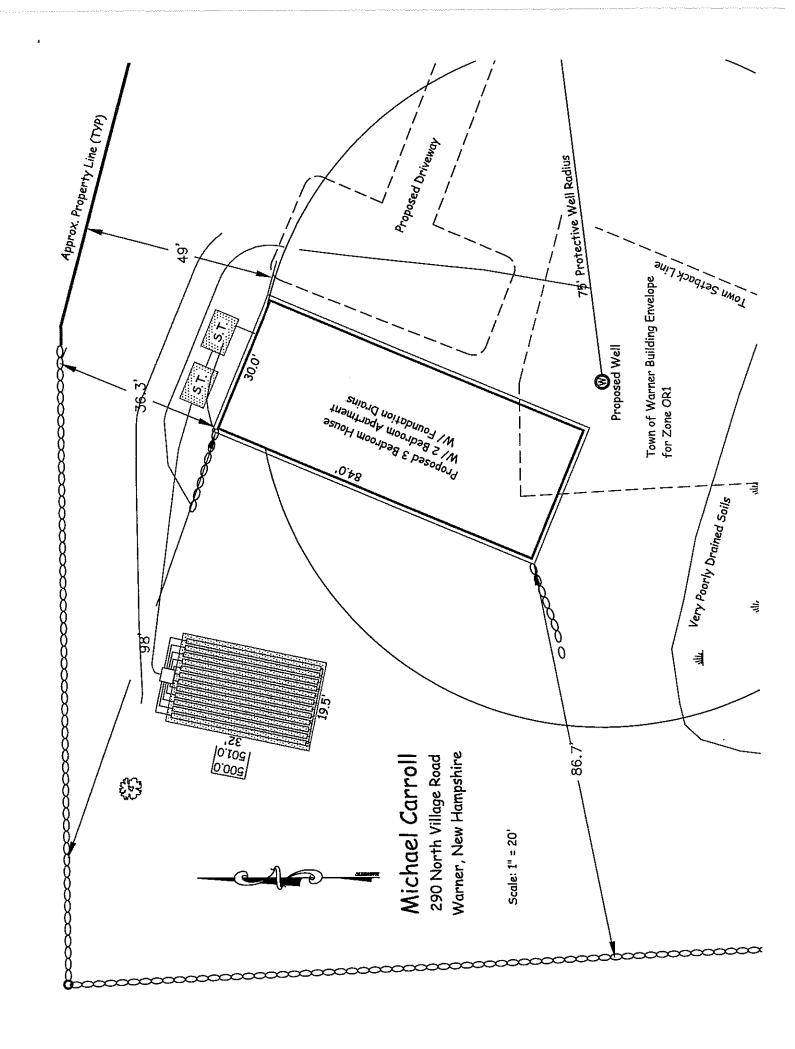
WARNER NH 03278

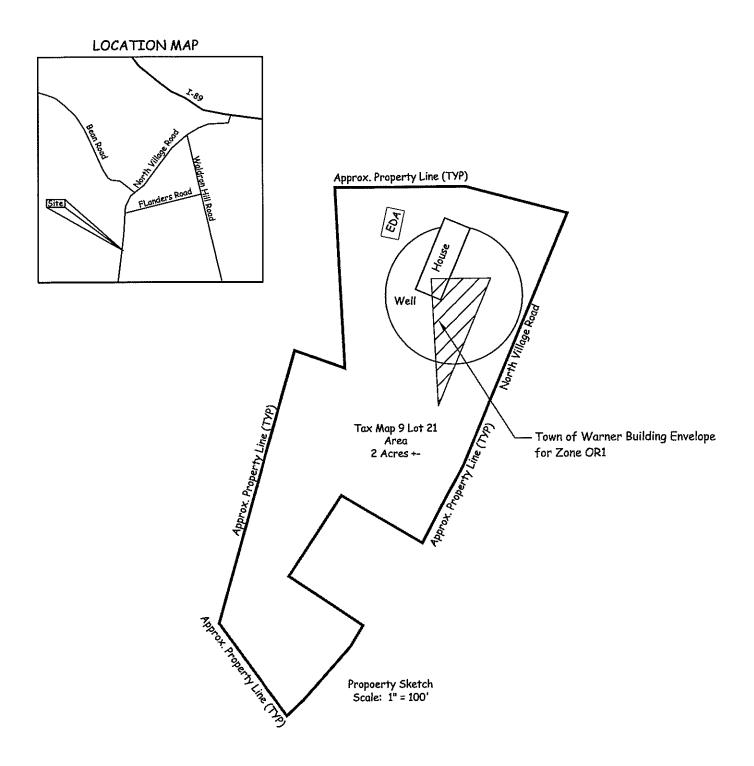
Property Address: NORTH VILLAGE ROAD

WARNER, NH

THE STATEMENT BELOW MUST BE SIGNED AND DATED BY THE OWNER

Pursuant to Env-Wq 1003.08, I certify that I am the present owner of the property referenced in this application and that I have seen the plans, and I hereby confirm that the plans are in accordance with my needs and desires. I fully understand that should this plan be approved, no waivers to the construction approval will be allowed and that any change(s) will require a new submission, review, and approval.





Michael Carroll 290 North Village Road Warner, New Hampshire

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ADMINISTRATIVE INFORMATION

Carroll, Michael

North Village Road 290

Printed 05/20/2025 card No. 1

of 1

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Tax ID 000029 TRANSFER (

S.	
OWNERSHIP	
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Parent Parcel	PARCEL NUMBER 09-021
Number	

OWNERSHIP
Carroll, Michael
Po Box 118
Warner, NH 03278

Date

07/17/2006 12/21/2015 05/04/2021 09/11/2003 ANDERSON II, HARRY F.
Bk/Pg: 3737, 157
BAKER, LOVE QUEENA
Bk/Pg: 3501, 1646
ANDERSON III, HARRY F
Bk/Pg: 2910, 1863
ANDERSON, HARRY & HARRY JR.
Bk/Pg: 2567, 189

Property Class 100 Res Vacant Lot Neighborhood 15 NEIGHBORHOOD #15 Property Address North Village Road 290 TAXING DISTRICT INFORMATION Jurisdiction

219 WARNER, NH

RESIDENTIAL

VALUATION RECORD

Zoning: OR1-Open Recreation	Street or Road: Unpaved Neighborhood:	Public Utilities:	Topography: Rolling	Site Description				Routing Number 2015	Area 219
1 Homesite Vacant	Land Type								
	Rating Measured Soil ID Acreage -or or- Actual Effective Frontage Frontage		noodooda/ cod	VALUATION L	1	VALUATION I	Reason for Change	Assessment Year	
1.0000	Measured Table Acreage -or- Effective Effective Frontage Depth		37500	37500	37500	37500 0	2005 Update	04/01/2005	
1.00	Prod. Factor -or- Depth Factor Ve -or- Square Feet	LAI	37500	37500	37500	37500 0	2010 Reval	04/01/2010	
	Rate	ND DATA AN	45750	45750 0	45750	45750 0	2015 PRELIM	04/01/2015	ABTORITON VECOM
45000.05 45000.05	Adjusted Exto	LAND DATA AND CALCULATIONS	45750	45750 0	45750	45750 0	2015 Reval	04/01/2015	VECOVE.
45000 1 -25%	Extended I Value	SS	33750	33750 0	33750	33750 0	2020 Prelim	04/01/2020	
.25%	Influence Factor		33750	33750 0	33750	33750 0	2020 Reval	04/01/2020	
33750	Value		33750	33750 0	33750	33750 0		Worksheet	

Zoning: OR1-Open

Legal Acres: 1.0000

L: LAND
SOME TOPOGRAPHY (STEEP & WET)
WOODED, MTN IN BACKGROUND, VACANT CARS AND
FILES OF WOOD ON LOT
R: 2003 INFORMAL REVIEW
RO5: 2005 INFORMAL REVIEW
ADJ'D LAND.
S021: 2021 SALE

Supplemental Cards MEASURED ACREAGE

1,0000

TRUE TAX VALUE Supplemental Cards

33750

Supplemental Cards

This is not homestead property.

Executed under seal this 31th day of April, 2021.

HARRY F. ANDERSON II

WANDA JANDERSON

STATE OF NEW HAMPSHIRE

County of Cheshire

. 2021

Then personally appeared before me on this 341 day of April, 2021, the said Harry F. Anderson II and Wanda J. Anderson and acknowledged the foregoing to be their voluntary act and deed.

Notary Public:

My commission expires:

DEBRA A. DONOVAN
Notary Public-New Hampshire
My Commission Expires
May 05, 2025

Return to: Michael Northcott Carroll PO Box 118 Warner, NH 03278

WARRANTY DEED

Transfer Tax: \$300.000

Harry F. Anderson II and Wanda J. Anderson, husband and wife, of 29 Pumpkin Hill Road, Warner, NH 03278, for consideration paid, do hereby grant to

Michael Northcott Carroll, single, with a mailing address of PO Box 118, Warner, NH 03278,

with WARRANTY COVENANTS

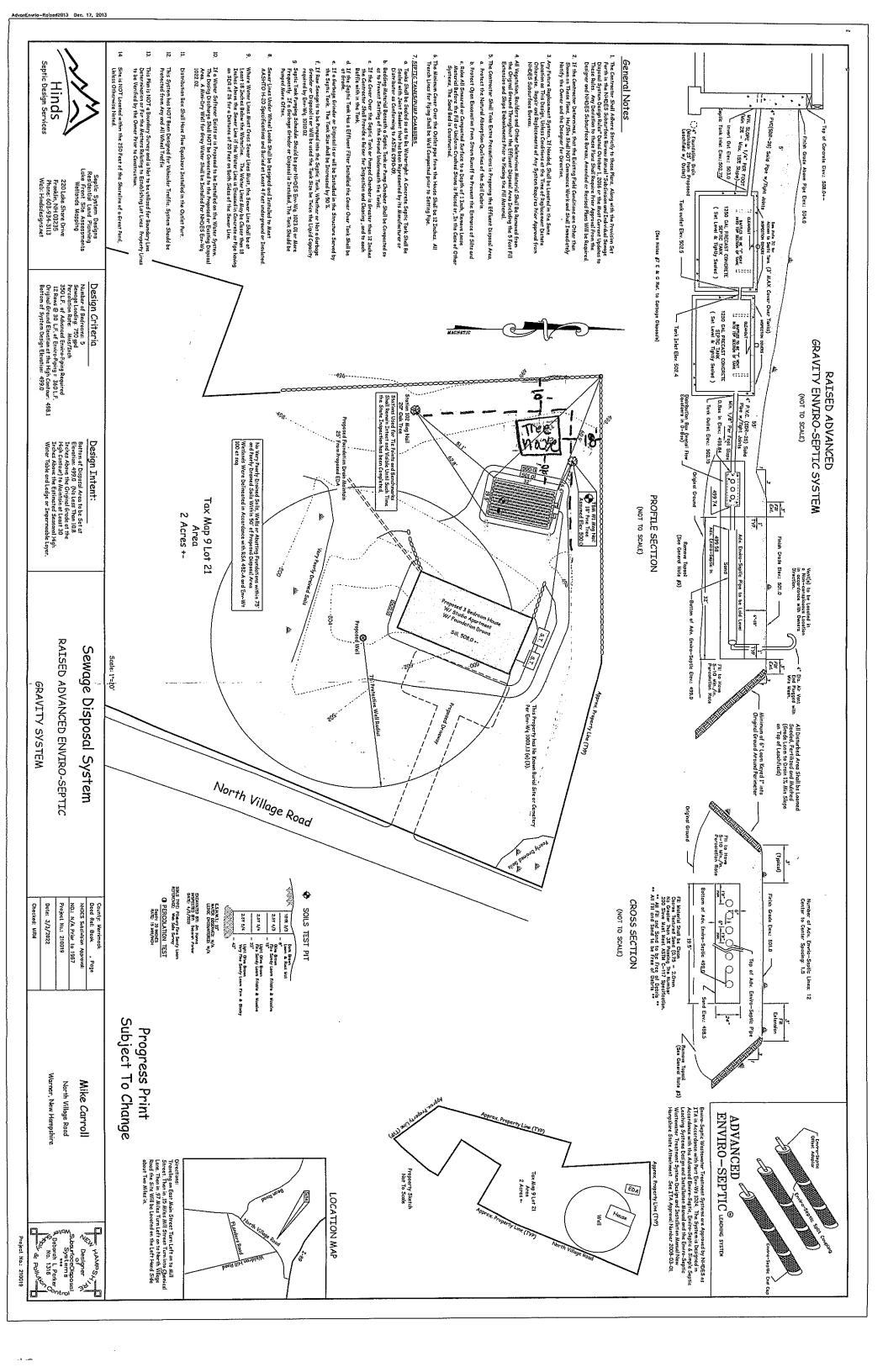
A certain tract of land, with any buildings and improvements thereon, situated in the Town of Warner, County of Merrimack, and State of New Hampshire, bounded and described as follows:

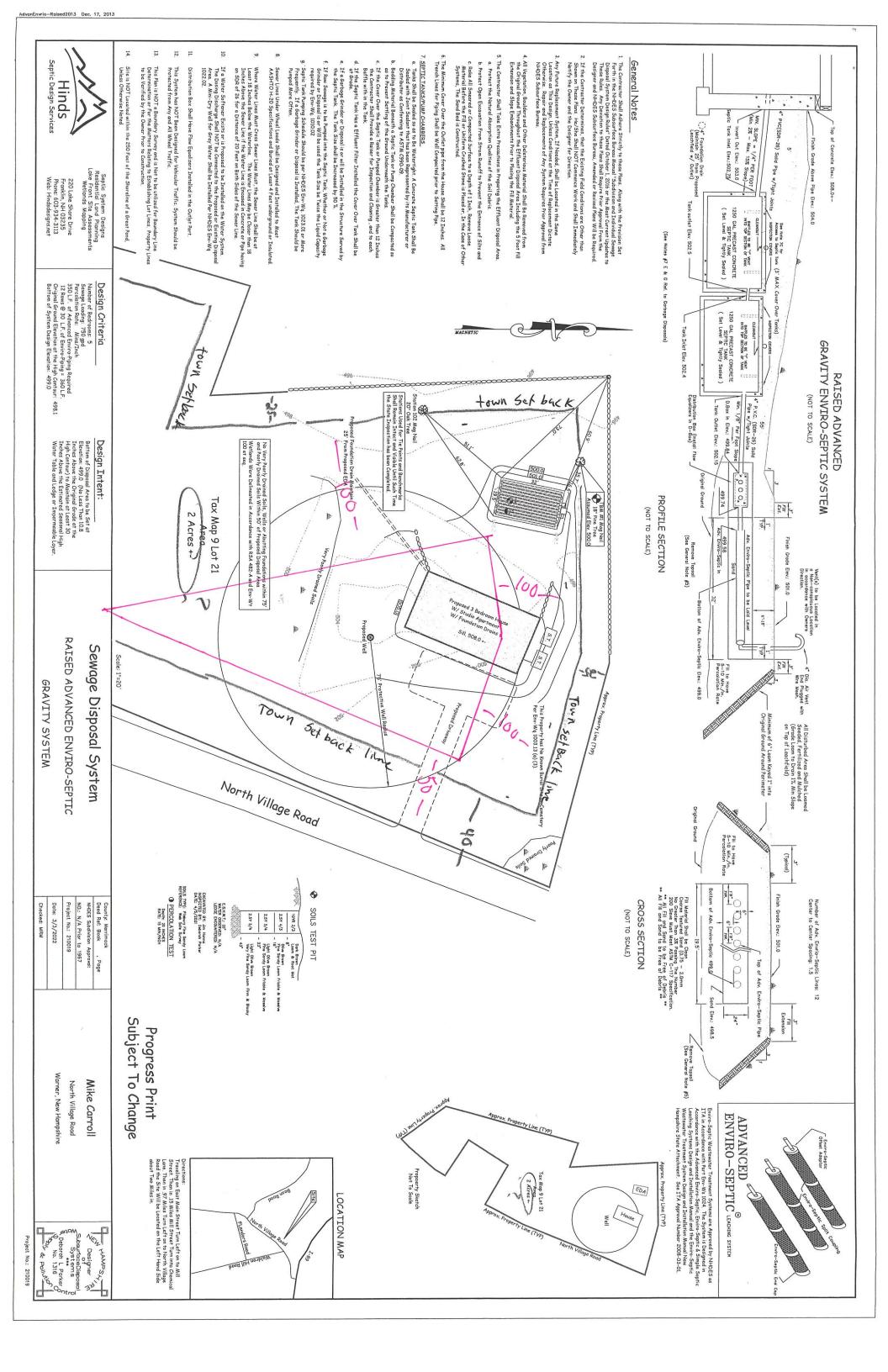
Containing one (1) acre, more or less, and commonly known as the "Chocolate Swamp". Bounded Northerly by land formerly of E.H. Carroll & Son; Westerly by land formerly of E.H. Carroll & Son; and Easterly by the highway leading from Warner Village over the Mink Hills to Henniker.

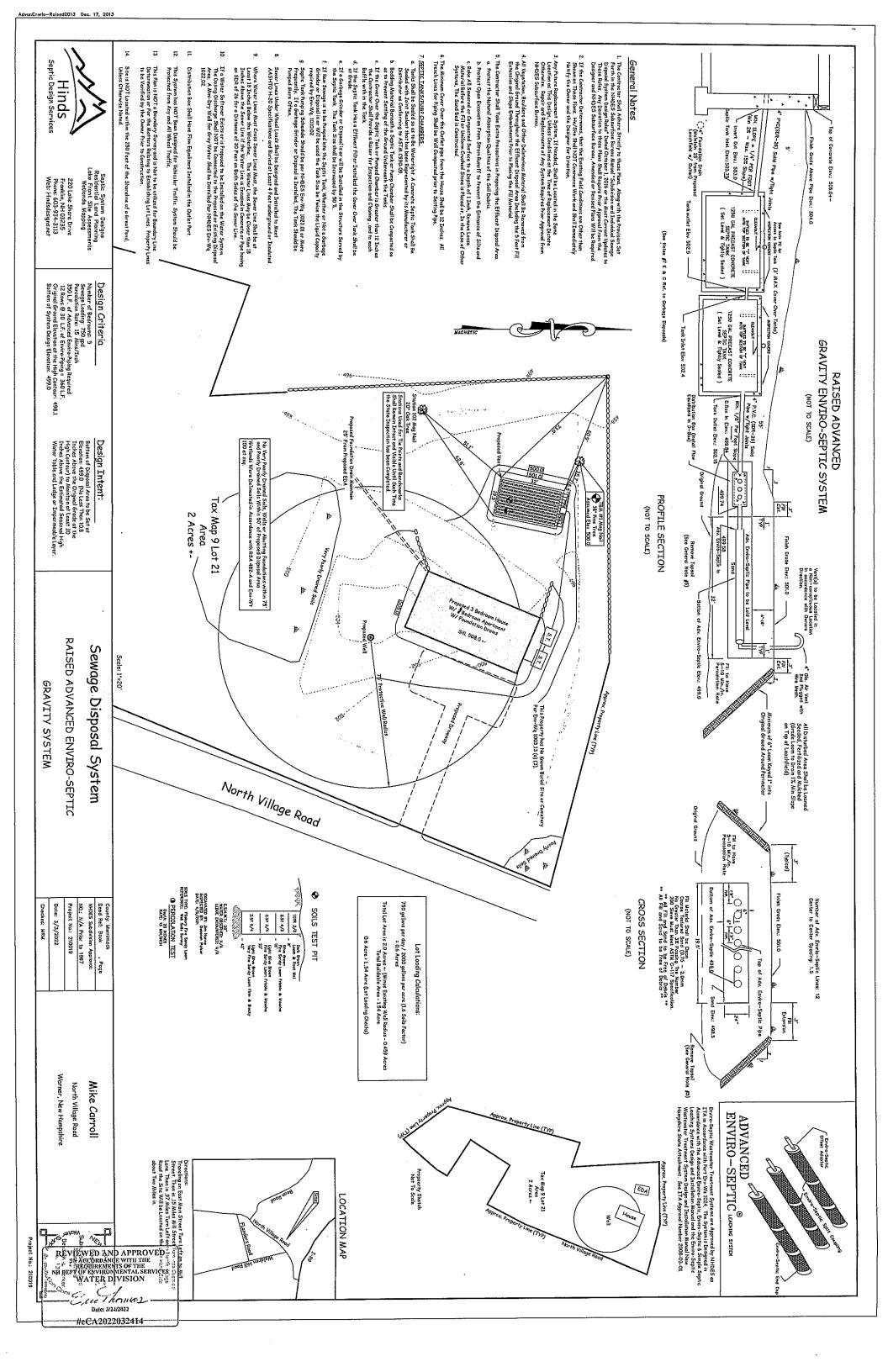
This tract of land is known as Tract No. 6 in the deed of Edward H. Flanders to Josephine E. Hobbs dated August 26, 1941 and recorded in Vol. 588, Page 456.

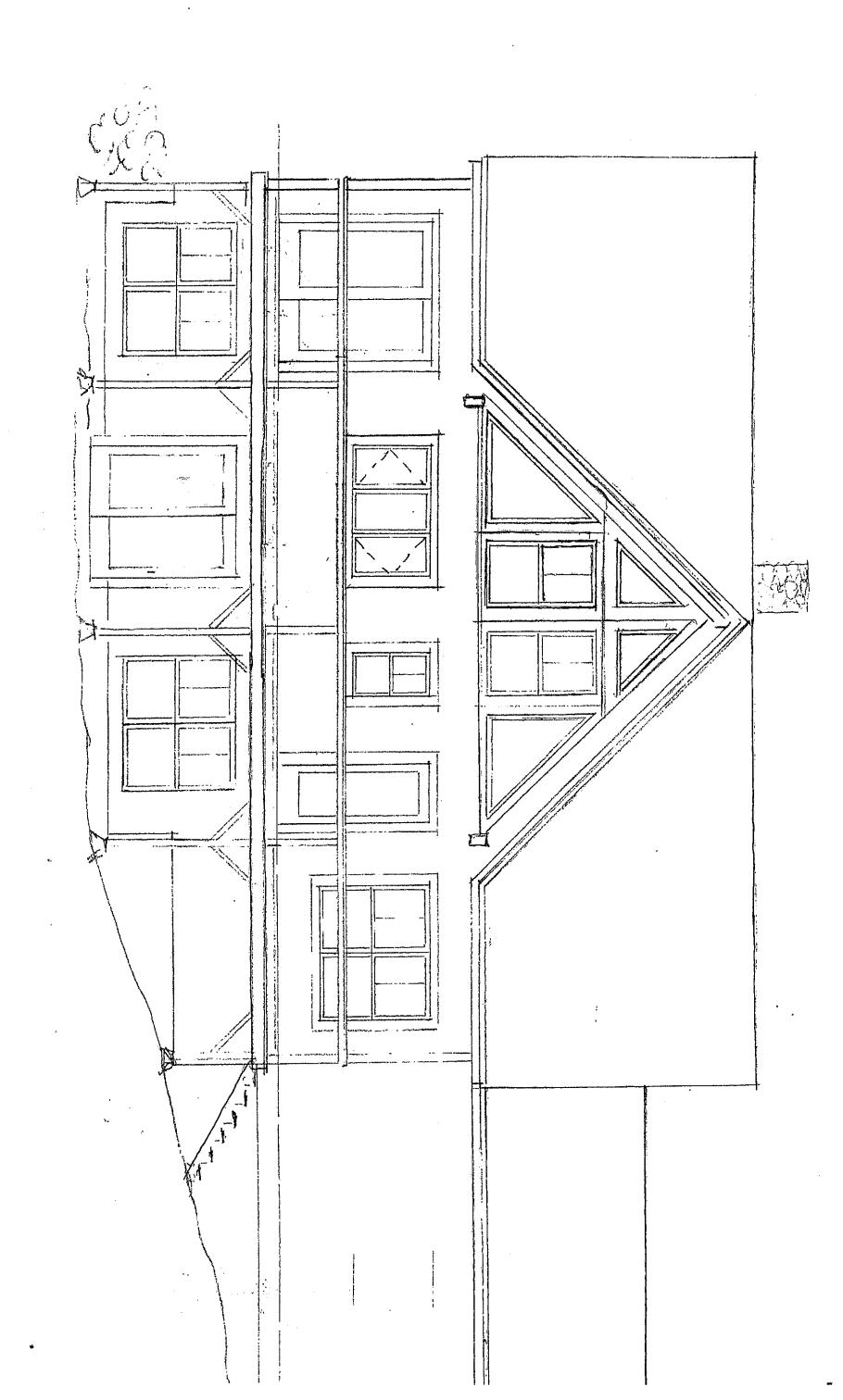
EXCEPTING AND RESERVING therefrom, a tract of land conveyed to Benita Ruff by deed of Harry Anderson dated November 30, 1965 and recorded in the Merrimack County Registry of Deeds at Book 974, Page 421.

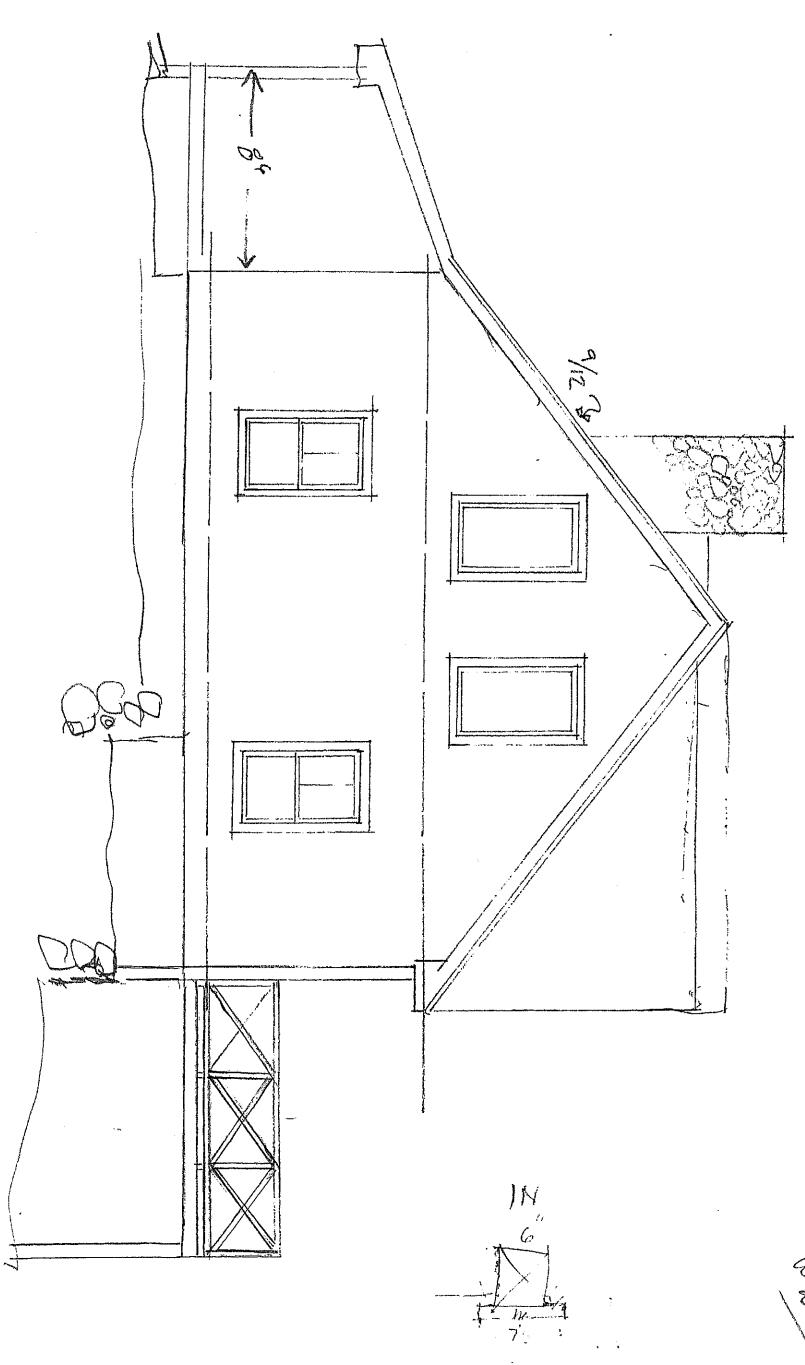
Meaning and intending to describe and convey the same premises conveyed to Harry F. Anderson II and Wanda J. Anderson by virtue of a deed of Love Queena (Baker) Anderson and Mark Leslie Baker dated June 12, 2015 and recorded in the Merrimack County Registry of Deeds at Book 3501, Page 1646.











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