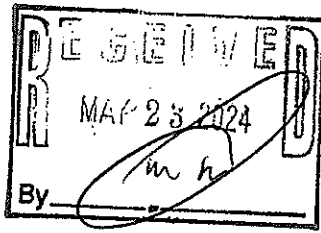




Zoning Board of Adjustment



# TOWN OF WARNER

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

## 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 5 x \$8.00	\$40.00
Commercial	\$100.00	Applicant Notification	\$60.00

50.00  
40.00  
60.00  
\$150.00

\* 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:	DANIEL CHALOUX		Date: 5/12/24
Applicant Mailing Address:	138 IRON KETTLE RD.		
Town:	WARNER	State:	N.H. Zip: 03278
Telephone Primary:	Alternate:		
Owner of Property Information			
Name of Owner:	DANIEL CHALOUX		Date: 5/12/24
Owner Mailing Address:	138 IRON KETTLE RD.		
Town:	WARNER	State:	N.H. Zip: 03278
Telephone Primary:	603-848-1402	Alternate:	
Location and Description of Property			
Map #:	07	Lot #:	040-1 Zoning District: R3
Address:	138 IRON KETTLE RD. WARNER N.H. 03278		
Will a Site Plan Review approval be required by the Planning Board?	Yes	<input checked="" type="radio"/> No	
Proposed Use:			
<p><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 _____)</p> <p>proposing to build a garage 40 feet from the edge of the right of way. Need a 10' foot</p>			

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

The undersigned hereby requests a VARIANCE to the terms of:

Article: VII, Section: C.2. 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:

It will not be in the roadway, it will not be blocking anything and the public will not be affected in any way.

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

It will be easier to drive in and out of safely and will be better for plowing

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

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

It will not affect the surrounding properties in any way. It is on a side street with no visible houses

**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]*

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

**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): Daniel Chaloux  
Debbie Carter

Date: 5/12/24  
 Date: 05/16/24

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

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

\_\_\_\_\_

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

Printed name of person(s) who signed above:

DANIEL CHALOUX

For Zoning Board of Adjustment Use Only		
<b>Assigned Case #:</b> <u>2024-</u> 04		
Date Received at Land Use Office: <u>May 23, 2024</u>		
Received by: <u>Selectboards office</u>		
Fees Submitted:		
Amount:	Cash:	Check #: Other:
Abutters' List Received: <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span>		
Date of Review:	Date of Hearing: <u>June 12, 2024</u>	Date Approved:

6

MERRIMACK COUNTY RECORDS *Kathi L. Guay* CPO, Register

Return To:

Daniel Chaloux  
Desiree Kalloch  
138 Iron Kettle Road  
Warner, NH 03278

1449  
2 -  
25 -

3675.00

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, That, **William E. Carruth and Karen R. Carruth, Trustees of the William E. Carruth and Karen R. Carruth Revocable Trust**, u/t/d June 3, 2009, with a mailing address of 1424 Route 103, Newbury, NH 03255, for consideration paid, grants to **Daniel Chaloux and Desiree Kalloch**, both single individuals, with a mailing address of PO Box 199, North Sutton, NH 03260, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

A certain parcel of land, with the buildings thereon, in the Town of Warner, County of Merrimack and State of New Hampshire, being shown as Lot #1 on Plan entitled "Property of Richard A. Cook and Rebecca L. Courser" dated September 19, 1993, and prepared by Pierre J. Bedard, L.L.S., which is recorded in the Merrimack County Registry of Deeds as Plan #12883 said tract of land being bound and described as follows:

Beginning at a 1" iron rod in a stone wall on the northern side of Iron Kettle Road which point is the southwest corner of the described premises; thence running

N 13° 24' 55" W a distance of 378.56 feet to a 1" iron rod; thence turning and running

N 86° 47' 37" E a distance of 354.41 feet to a 1" iron rod; thence turning and running

S 12° 40' 39" E a distance of 378.02 feet to a 1" iron rod in a stone Wall at said Iron Kettle Road; thence turning and running along a stone wall and Iron Kettle Road

S 87° 56' 55" W a distance of 135.07 feet to an endpoint of the stone wall; thence continuing along said stone wall and Iron Kettle Road

Warranty Deed  
William E. Carruth and Karen R. Carruth Revocable Trust to  
Daniel Chaloux and Desiree Kalloch

*WEC KRC*

S 86° 8' 48" W a distance of 214.50 feet to the point of beginning.

Said parcel of land contains approximately three acres, more or less.


Meaning and intending to describe and convey the same premises as conveyed to William E. Carruth and Karen R. Carruth, Trustees of the William E. Carruth and Karen R. Carruth Revocable Trust by virtue of Deed dated June 23, 2009 and recorded at Book 3140, Page 203 of the Merrimack County Registry of Deeds.

This is not homestead property of William E. Carruth and Karen R. Carruth.

Pursuant to New Hampshire RSA 564-A:7 II: (1) The undersigned Trustees, William E. Carruth and Karen R., as trustees of the William E. Carruth and Karen R. Carruth Revocable Trust, and as grantors, under trust dated June 3, 2009 have full and absolute power in said trust agreement to execute, sign and deliver any deed or instrument necessary to sell and convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the Trustees have said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustees for a conveyance thereof. (2) The Trustees have received all necessary or desirable direction from the beneficiaries of the trust agreement. (3) The trust agreement is a trust as defined by New Hampshire RSA 564-A:1 I. The trust has not been revoked and is still in full force and effect.

Executed this 13 day of February, 2015.

William E. Carruth and Karen R. Carruth  
Revocable Trust

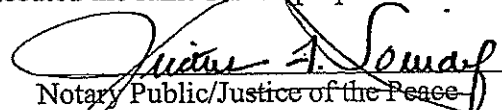
  
William E. Carruth, Trustee

  
Karen R. Carruth, Trustee

State of New Hampshire  
County of Merrimack

Before me, this 13 day of February, 2015, personally appeared, William E. Carruth and Karen R. Carruth, Trustees of the William E. Carruth and Karen R. Carruth Revocable Trust, known to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.



  
Notary Public/Justice of the Peace

My Commission Expires

JUDITH F. SOURDIF  
Notary Public - New Hampshire  
My Commission Expires July 2, 2019

Warranty Deed

William E. Carruth and Karen R. Carruth Revocable Trust to  
Daniel Chaloux and Desiree Kalloch

my wood fence

I OWN ALL This

Field

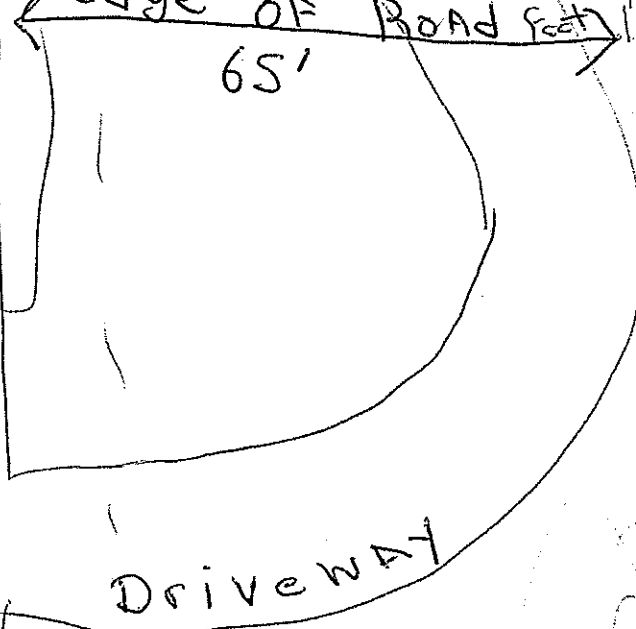
Road

67' Fact middle to GARAGE

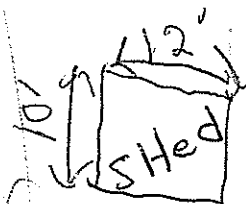
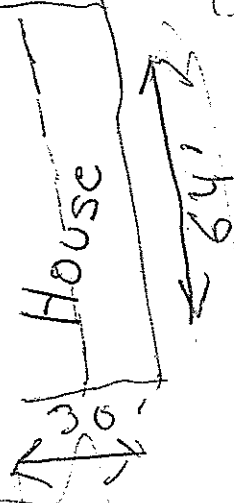


Field

AS Rd. goes UP it MOVES AWAY FROM Home Road



Driveway



Field



Permit #: 2018-52

BOARD OF SELECTMEN  
OF THE  
TOWN OF WARNER, NH  
PERMIT TO BUILD



Date: October 2, 2018

This certifies that Chaloux has permission to build.

Purpose of Building Garage

Physical Address: 138 Iron Kettle Rd

Map 7 Lot 40-1

Provided that the person accepting this permit shall in every respect conform to the terms of the application on file in this office, and the provisions of Building Code of the Town of Warner.

[Signature]  
Building Inspector

TO BE POSTED IN FULL VIEW AT BUILDING SITE