



TOWN OF WARNER

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Zoning Board of Adjustment

Date of Decision: March 14, 2018

NOTICE OF DECISION

VARIANCE APPLICATION - Case: ZBA 2018-01

APPLICANT: NeoKraft Signs

PROPERTY OWNER: Cobalt Properties NH Corp

MAP #14, LOT 008 ZONING DISTRICT: Intervale Overlay Dist.

PROPERTY LOCATION: 32 ROUTE 103 WEST

DESCRIPTION: Variance to the terms of: Article XII, Section B, 14 of the Zoning Ordinance of Warner for the installation of a new internally lit sign at the Irving Station.

You are hereby notified that on March 14, 2018, the Warner Zoning Board of Adjustment voted to deny your request for a Variance in accordance with Article XII, Section B, 14 of the Zoning Ordinance of Warner for the installation of a new internally lit sign at the Irving Station. The board found the request for a LED price changing component of the application to be incompatible with the ordinance.

The Board based its decision on the following five conditions:

1. Granting the variance is contrary to the public interest as LED price changing element would not fit the quaint New England town atmosphere of Warner.
2. Granting the variance would be contrary to the spirit of the ordinance. The current manually changed pricing component is easily visible and has aptly served the town of Warner.
3. The board found that granting the variance, is contrary to substantial justice. The two fuel stations in the interval area have previously applied for LED price changing elements and were denied a variance. The board referenced those decisions in its proceedings and sought to support the prior findings.
4. The board found that granting the variance will not diminish the values of surrounding properties.
5. Literal enforcement of the provisions of the ordinance would not result in an unnecessary hardship. The board found that the current manually changed pricing is legible and that Irving would not lose business due to the lack of a LED price changing component.

Request for Variance is denied by a vote of 3-2.

The Zoning Board further amended the decision as follows: the sign as it stands can be refurbished to the same dimensions. The existing lighting, as-is, can be up-graded to LED but the digital LED changers are not allowed. **Amendment approved by a vote of 5-0.**

Warner Zoning Board of Adjustment Note: The New Hampshire RSA 677 provides that the Board of Selectmen, any party to the action, or any person directly affected has a right to appeal this decision within 30 days after the date of decision. This notice has been placed on file and made available for the public inspection in the records of the ZBA. cc: Applicant, Planning Board, Board of Selectmen, Building Department, Town Clerk, and Assessing Clerk.

Janice L. Loz, Chairperson

Warner Zoning Board of Adjustment

Date: 3/21/18