



TOWN OF WARNER

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Zoning Board of Adjustment

Date of Decision: May 30, 2018

NOTICE OF DECISION

VARIANCE APPLICATION - Case: ZBA 2018-02

APPLICANT: Joseph Mendola

PROPERTY OWNER: Alan C. Wagner

MAP # 11, LOT 14-1 ZONING DISTRICT: R-3

PROPERTY LOCATION: Schoodac Road

DESCRIPTION: Variance to the terms of: Article XIII, Section E of the Zoning Ordinance of Warner for the purposed use of a 13-unit tiny house open space development under the Manufacture Housing Park regulations.

You are hereby notified that on May 30, 2018, the Warner Zoning Board of Adjustment voted to deny your request for a Variance in accordance with Article XIII. E. Site Size of the Zoning Ordinance of Warner for the purposed use of a 13-unit tiny house open space development under the Manufacture Housing Park regulations. The board found the request for a variance from the manufactured housing park requirements of site size of 15,000 square feet in order to develop a clustered plan to be incompatible with the intent of the ordinance.

The Board's deliberations resulted in the following Motion:

A motion to deny a variance for Joseph Mendola for construction of a 13-unit tiny house open space development under the manufactured housing park regulations. The subject property is located on Schoodac Road, Map 11, Lot 14-1 in the R3 district.

Granting the variance will be contrary to the public interest. Article XIII. E. of the Manufactured Housing ordinance requires 15,000 square feet lots [sic].

By denying the variance the spirit of the ordinance is observed. A Manufactured Housing Park site size requires 15,000 square feet per unit. Clustering the homes creates crowded areas that is not in keeping with an R3 district which is rural in nature. This would not be in harmony with the general purpose and intent of the zoning ordinance.

The board has not found substantial evidence that by granting the variance surrounding house values will be either negatively or positively affected.

The applicant communicated his desire to develop the cluster plan in order to alleviate the wetlands. Although, the applicant stated that if they do not garner approval for the cluster plan he will proceed with developing the proposed yield plan. Therefore, the board finds that literal enforcement of the provisions of the ordinance would not result in an unnecessary hardship or deterrent for the applicant.

Request for Variance is denied by a vote of 4-1.

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, Chair
Warner Zoning Board of Adjustment

Date: 5/31/18