



TOWN OF WARNER

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Zoning Board of Adjustment

Date of Decision: March 13, 2019

NOTICE OF DECISION

VARIANCE APPLICATION – Case: ZBA 2019-03

APPLICANT: Peter E. Smith

PROPERTY OWNER: Peter and Denise Smith

MAP 9, LOT 11 ZONING DISTRICT: OC-1.

PROPERTY LOCATION: 89 Mink Hill Lane

DESCRIPTION: Request for Variance to the terms of: Warner Zoning Ordinance, Table I USE REGULATIONS, Retail and Services #2 for a tent rental business.

You are hereby notified that on March 13, 2019, the Warner Zoning Board of Adjustment voted to Grant your request for a Variance as is required in accordance with Article VIII A., TABLE 1, USE REGULATIONS, Retail and Services number 2, retail establishment selling or renting general merchandise in an OC-1 district by a 5 to 0 to 0 vote following a Public Hearing. The approval has been granted with the following conditions:

- Restricted to only event accessories and furnishings, for sale or rent.
• *Note: Reference Event Venue conditions outlined in Special Exception (outdoor) Case ZBA 2019-02 and Variance (indoor) ZBA 2019-04.*

The Board's decision is based on the following findings/criteria:

1. The board found that granting the variance will not be contrary to the public interest. The board found that the requested use of an event accessories and furnishing for sale or rent at 89 Mink Hill Lane was an acceptable use.
2. The board found that by granting the variance, the spirit of the ordinance is observed. The requested use as an event accessories and furnishing for sale or rent at 89 Mink Hill Lane was in keeping with the spirit of the ordinance. There is ample event parking on the property and it is not visible to abutters or the road. The property previously held a variance to host auctions and was utilized in a professional and efficient manner.
3. The board found that by granting the variance substantial justice is done. The board granted a Special Exception (ZBA 2019-02) for outdoor events and a Variance (ZBA 2019-04) for indoor events at 89 Mink Hill Lane. The purposed use to offer event accessories and furnishings for sale or rent is a use that mutually aligns with the event venue business.
4. The board found no evidence that by granting the variance the values of surrounding properties would be diminished.
5. The board found that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The property owners were granted the ability to operate an indoor and outdoor event venue at 89 Mink Hill Lane. An unnecessary hardship would exist if they were not able to sell or rent accessories that mutually align with the event venue business.

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 Loz, Chairperson
Warner Zoning Board of Adjustment

Date: 3/25/19