



TOWN OF WARNER

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Zoning Board of Adjustment

Date of Decision: May 8, 2019

NOTICE OF DECISION

VARIANCE APPLICATION – Case: ZBA 2019-01

APPLICANT: Chris McMahon

PROPERTY OWNER: Eaton W. Tarbel

MAP 7 LOT 6 ZONING DISTRICT: R-2

PROPERTY LOCATION: 201 Route 103 East

DESCRIPTION: Request for Variance to the terms of: Article XII, Section B of the Zoning Ordinance of Warner for the size of the new sign (recently installed), at Braeside Apartments, which is larger than the previously sign.

You are hereby notified that on May 8, 2019, the Warner Zoning Board of Adjustment voted to Grant your request for a Variance as is required in accordance with Article XII, Section B for two signs each 4 feet by 8 feet with an area of 32 square feet, to be mounted in two locations on the building dba Braeside apartments located on the property at 201 Route 103 East, Map 7, Lot 6 in an R-2 district by a 4 to 1 to 0 vote following a Public Hearing.

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 previous sign was 5 x 5 and the new sign is 4 x 8. The barn is 10 feet high by 70 feet long, the sign is 32 sq.ft. which seems proportionally sized to the building without being oversized.
2. The board found that by granting the variance, the spirit of the ordinance is observed. Article XII.B.14. prohibits signs which flash, have motion, are animated, or are internally illuminated. The Braeside Apartment signs are externally lit. The external illumination does not interfere with official street signs or signals.
3. The board found that by granting the variance substantial justice is done. There is no ordinance addressing commercial lighting in a R-2 district. Braeside Apartment is not defined as a home occupation. The board found that in the business district a 50 sq.ft. sign is allowable, in commercial district a 60 sq.ft. sign is allowable. This sign is 32 sq.ft. which is half of what is allowed in the commercial district, and 18 sq.ft. less than the business district. This is a R-2 district, a 32 sq.ft. sign seems proportionally allowable for this business entity.
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. Article XII.B.8. reads in all districts, one (1) sign shall be allowed on a premise for each residence...Each sign shall have a maximum area of four (4) sq.ft. Braeside Apartments has 11 residences. Literal enforcement of this provision would allow for the potential of up to eleven, 4 sq.ft. signs. This could be visually chaotic. The board found two 4 x 8 signs, each totally 32 sq.ft. mounted on the barn to be acceptable in the R-2 district.

*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: 5/15/2019