



# TOWN OF WARNER

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

Zoning Board of Adjustment

## 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	\$7.00
Commercial	\$100.00	Applicant Notification	\$7.00

- \* 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: <b>PETER SMITH</b>		Date: <b>02/14/19</b>	
Applicant Mailing Address: <b>89 Mink Hill Lane</b>			
Town: <b>WARNER</b>	State: <b>N.H.</b>	Zip: <b>03278</b>	
Telephone Primary: <b>603-456-2337</b>	Alternate: <b>603-680-1103</b>		
Owner of Property Information			
Name of Owner: <b>Peter and Denise Smith</b>		Date:	
Owner Mailing Address: <b>89 Mink Hill Lane</b>			
Town: <b>WARNER</b>	State: <b>NH</b>	Zip: <b>03278</b>	
Telephone Primary: <b>603 456-2337</b>	Alternate: <b>603-680-1103</b>		
Location and Description of Property			
Map #: <b>09</b>	Lot #: <b>011</b>	Zoning District: <b>OC-1</b>	
Address: <b>89 Mink Hill Lane WARNER, NH 03278</b>			
Will a Site Plan Review approval be required by the Planning Board?		Yes	No
Proposed Use:			
<b># 20 AND # 2 UNADULTABLE 1 (NOTE # 20 SUGGESTED AT FEB 13 ZONING BD MEETING) SEE DETAILS OF REQUEST FOR #2</b>			
<small>Details of Request: 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.)</small>			
<b>SEE ATTACHED SHEET</b>			

Peter Smith

February 14, 2019

Details of Request:

The proposed use of property is to rent the facility as an event and function venue along with reestablishing our tent rental services at our location and also providing those services at other locations. I will describe a brief history of the property usage. Between 1999 and 2009 we ran a tent rental/auction company from the 89 Mink Hill Lane location. As the tent business grew we added on to the existing barn for storage. We had the opportunity to remove a local historic barn that needed extensive repair and move the portion that was useable to our place which housed our tent inventory. The tent rental portion was sold in 2009 and we just conducted auctions from then until 2012. After the the rental equipment was removed we transformed the storage space into a function type area. The Warner Zoning Board of Adjustment unanimously approved our request to conduct auctions on the property on May 11, 2011. ( Notice of decision attached).

Auctions were conducted without any issues during that time. During this period some the sales there were conducted had in excess of 200 people in attendance. There were no issues in parking or accessibility. No auctions have been held since 2012. Since then there have been a few functions for the benefit family and friends. If the barn was too small for the number of guests then a tent was needed similar to what we did when we conducted auctions.

. We do live at the property and are not looking to do weekly type events. With that being said the outdoor functions are seasonal late May through October. We would look to allow no more than 14 outdoor events in that time period. These events may require the use of a tent, tables and chairs which we intend to purchase, which goes to reestablishing the tent rental services. If we have these on hand why not rent them off site. In addition another 12 events to be considered limited in size relative to the barn capacity. Our approval for auctions in 2011 was based on 26 in the calander year. Mink Hill Lodge LLC has been formed with these functions in mind.

After meeting with the zoning board on February 13, 2019 it was determined that # 19 did not include indoor events and to satisfy that requirement this application for Variance for # 20 is submitted. After review of Use chart for OC-1. a request for variance # 2 will also be submitted ( Retail establishment selling or renting general merchandise, including but not limited to: dry goods, apparel, and accessories, furniture and home furnishings, home equipment, smallwares) this should cover the rental of tents, tables, chairs, linens and also any sale of promotional items such hats, shirts, glassware etc. Please note as stated above the Warner zoning board of adjustment previously unanimously approved # 2 on May 11, 2011, a copy of that decision was submitted with the previous special exception package. By including this variance this should cover any future rental or possible sales.

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

The undersigned hereby requests a VARIANCE to the terms of \_\_\_\_\_  
Article: \_\_\_\_\_, Section: \_\_\_\_\_ of the Warner Zoning Ordinance.

**For a Variance to be granted, the following five conditions must be met:**

Explain in writing how your project meets each of the following conditions (on separate paper if needed). The applicant seeking a variance must be prepared to prove these conditions at the Public Hearing. (For more information reference the Warner Zoning Ordinance Article XVII and RSA 674:33.)

1. Granting the variance will not be contrary to the public interest because:  <p style="text-align: center;">See Attached sheet</p>
2. By granting the variance, the spirit of the ordinance is observed because:  <p style="text-align: center;">see attached sheet</p>
3. By granting the variance substantial justice is done because:  <p style="text-align: center;">See Attached Sheet</p>
4. Granting the variance will not diminish the values of surrounding properties because:  <p style="text-align: center;">See Attached Sheet</p>
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:  A. Meaning that owing to <u>special conditions</u> of the property that <u>distinguish it from other properties in the area</u> : 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; <u>and</u> 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]  <p style="text-align: center;">See Attached Sheet</p> B. Or, if the criteria in A are not established, then owing to <u>special conditions</u> of the property that <u>distinguish it from other properties in the area</u> , 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]

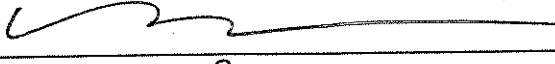
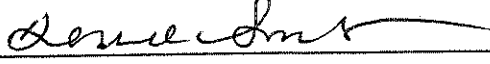
## Variance Conditions

1. Granting the variance will not be contrary to the public interest because: The use of property as an event venue is a benefit to public interest. There are not too many places in town that can accommodate guests for such events as weddings etc. Our past history of conducting auctions is proof there was no ill effects. It is just another service offered to the town.
2. By granting the variance, the spirit of the ordinance is observed because: The events will be incidental to the dwelling use. The use for events on a yearly basis is just 26. There is no day to day increase in traffic with the exception of event day. Events are basically held in a confined area either in the existing barn or in a combination of the barn and a outside tent. There is ample parking on the property and the event is not visible from the street. The event is effectively screened from any residential abutters. There have been a few events for family and friends over the last few years without incident.
3. By granting the variance substantial justice is done because: The past history of the use of this property speaks for itself. The property was used for our lively hood and also offered services to the town. The request falls in line with our previous granted requests. My past experience in the event rental industry allows me to utilize the property in a professional and efficient manner.
4. Granting the variance will not diminish the values of surrounding properties because: The values of the surrounding properties will be unchanged as the events are contained on the property itself. The property itself will revert to the same condition it was prior to the event. The use of the property is not a permanent one where as the use falls back to guidelines within the ordinance, which is the majority of the year.
5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship: The property is unique in its setting and local history. The granted variances in the past allowed the use of the property for our purposes without any ill effects. Without the variance then or now we would not be able allow the general public to utilize our property. The requested use is consistent with our past uses. The variances will allow us to hold an occasional event.

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

**Authorization from Owner(s):**

1. I (We) hereby designate Peter Smith 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):  Date: 2/14/19  
 Date: 2/14/19

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

Printed name of person(s) who signed above:  
PETER SMITH  
Denise Smith

For Zoning Board of Adjustment Use Only		
<b>Assigned Case #:</b>		
Date Received at Land Use Office:		
Received by:		
Fees Submitted:		
Amount:	Cash:	Check #: Other:
Abutters' List Received:	Yes	No
Date of Review:	Date of Hearing:	Date Approved:

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

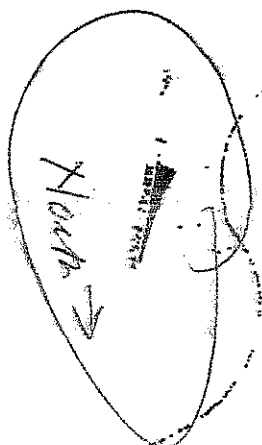
ALL COSTS OF MAILING BY CERTIFIED MAIL, FEES, AND LEGAL ADVERTISEMENT IN A NEWSPAPER MUST BE PAID BY APPLICANT BEFORE THE HEARING MAY BEGIN.

**Town of Warner Zoning Board of Adjustment Abutter(s) List**

Please list all abutters within 200 feet of the boundaries of the property. Applicant must reference and follow stipulations in the Abutter(s) List Instructions on Page 3, item numbers 10.a. through 10.d. of the Application Instructions.

Map 09	Name: GREGORY + ELIZABETH HEATH
Lot 010	Address: 97 Mink Hill Road, WARNER, NH 03078
Map 09	Name: TOWN OF WARNER
Lot 009	Address: PO Box 59 WARNER, NH 03078
Map 09	Name: Peter Sabin (Note P.O. Box Listed 172)
Lot 008	Address: 78 Mink Hill Lane, WARNER NH 03078
Map 09	Name: HOWARD SMITH
Lot 007	Address: 66 Mink Hill Lane WARNER, NH 03078
Map 09	Name: TOWN OF WARNER
Lot 012	Address: P.O. Box 59 WARNER NH. 03078
Map 09	Name: KULA Joint Res. Trust DAVID & MARYBETH KULA TRUSTEE
Lot 007-1	Address: 291 Robert Dodge Rd DUNBARTON, NH 03045
Map	Name:
Lot	Address:
Map	Name:
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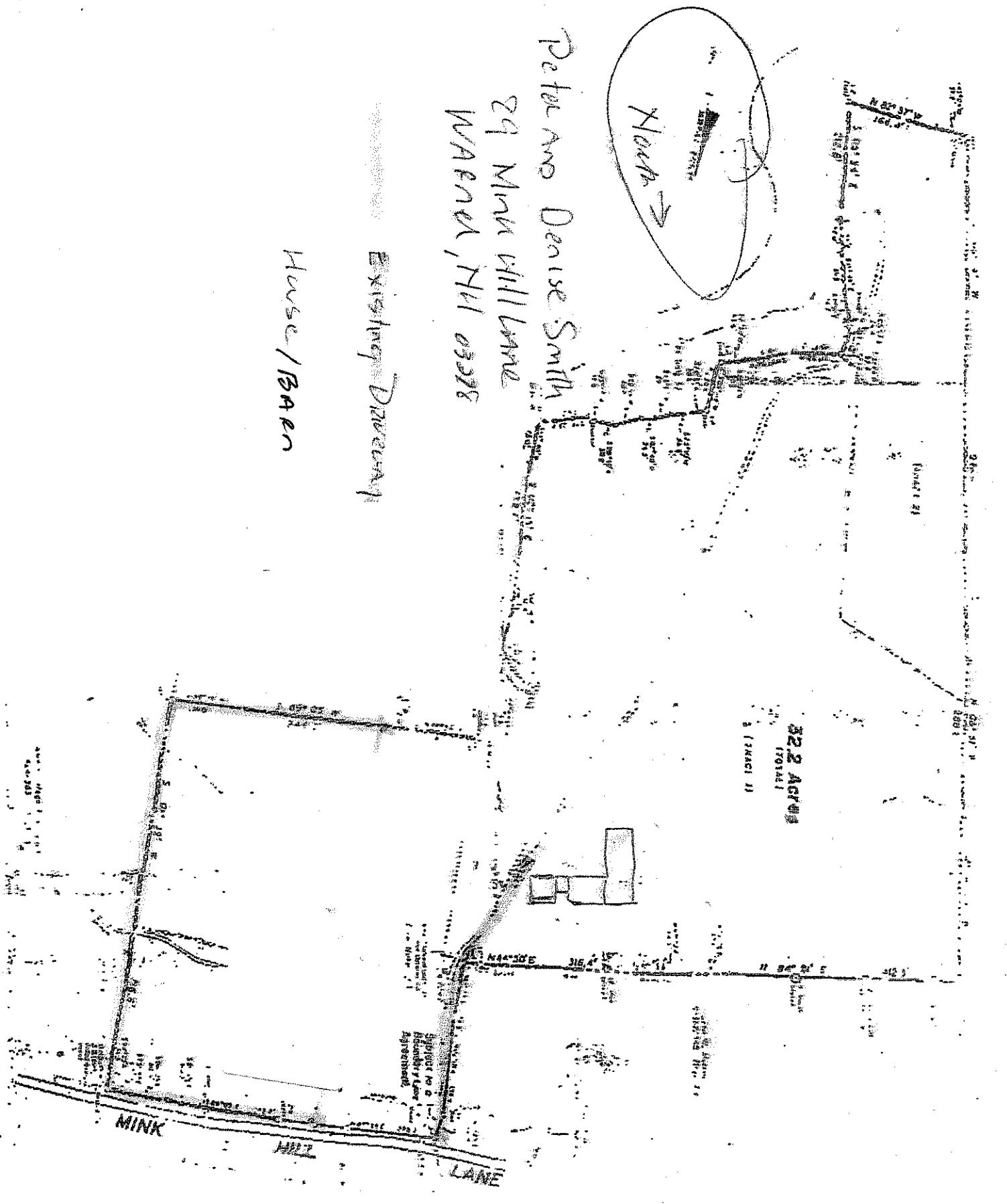
May not be within 200'



Peter and Denise Smith  
29 Minn Will Lane  
WARREN, MI 48098

Existing Driveway

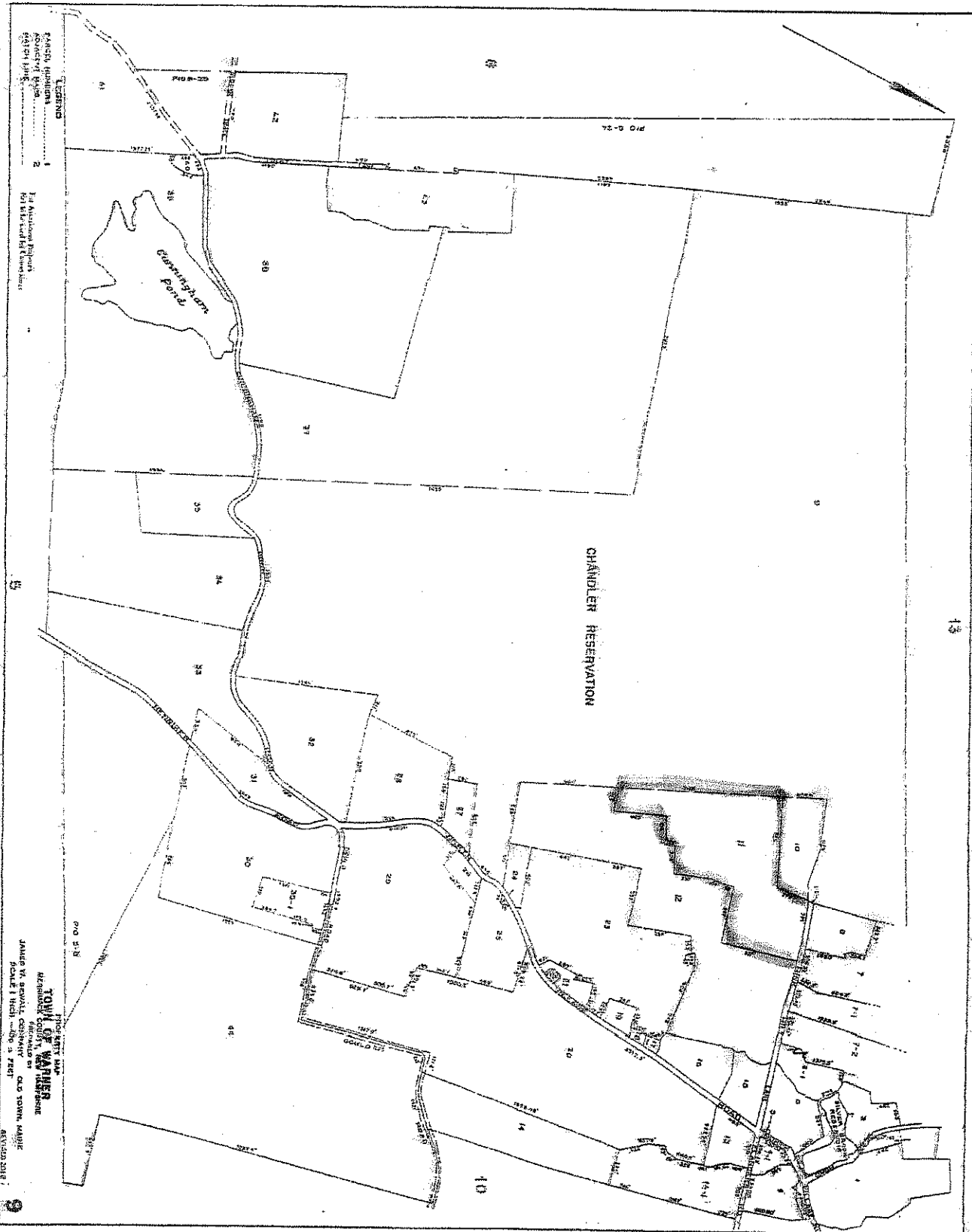
House/BARN



89 Min

Will Lane  
Property

~~PROPERTY~~  
PROPERTY





T-564.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that we, Marion Rau Johnson, of 298 Boston Road, Route #67, Palmer, Massachusetts 01069 and Susan Johnson Rau, of RR 3, Box 397, Massena, New York 13662, for consideration paid, grant to Peter E. Smith and Denise R. Smith, as joint tenants with rights of survivorship, both of East Sutton Road, Warner, New Hampshire 03278, with WARRANTY covenants,

Three certain parcels of land, with the improvements thereon, in the Town of WARNER, County of MERRIMACK and State of New Hampshire, bounded and described as follows:

Beginning at a point on the southerly line of the North Village Road, so-called;

Thence southerly by land now or formerly of Walter M. Flanders and land now or formerly of A.J. Hook, to the Old Colby Pasture bound;

Thence westerly on land of Flanders Brothers, now or formerly, to a corner bound on the stone wall near a large oil nut tree;

Thence southerly on said Flanders Brothers land to a corner bound;

Thence westerly on said Flanders land to a corner bound;

Thence southerly to a corner bound, said course being on said Flanders land;

Thence westerly to a stone bound in the wall;

Thence northerly on said Flanders land to a turn in the stone wall;

Thence westerly on said Flanders Brothers land to land now or formerly of William E. Chandler;

Thence northerly on said Chandler land to land formerly of William J. Cheney;

Thence easterly on said Cheney land to the said North Village Road;

Thence northerly and easterly, on the easterly and southerly side of said road to the point of beginning.

Containing 30 acres of land, be the same more or less, reserving a right-of-way to the Flanders Brothers to their land also a right-of-way to Fred H. Savory to his pasture.

Also another tract of land situated in said WARNER, in the so-called North Village District bounded and described as follows, viz:

Beginning at the southeasterly bound of land now or formerly of Mary R. Henley next beyond the site of an old barn;

Thence southwesterly in a straight line on land of Frank G. and Edward H. Flanders, now or formerly, to the southeasterly corner of the wall on said Flanders land, said wall being the southern boundary of the lot formerly called the South Field included in this conveyance;

BK 1380 PG 382

Thence westerly on said wall to land now or formerly of E. H. and E. L. Carroll;

Thence northerly on said Carroll land by an old stone wall to land formerly known as the "Smart Lot" now owned by said Town of Warner to a corner bound between said Town lot and land now or formerly of Mary R. Henley;

Thence easterly on said Henley's land to a corner of a wall;

Thence southerly on said Henley's land to a corner of a wall;

Thence easterly by the boundary line of Henley's and Flander's land to the point of beginning.

Containing about 10 acres.

Also another tract of land with the westerly half of the main dwelling house thereon situated in said WARNER bounded and described as follows, namely:

Beginning at the southeasterly corner of tract to be conveyed, next to the highway;

Thence southwesterly in a straight line through the center of said house 100 feet to an iron pin in the ground;

Thence northwesterly 100 feet to an iron pin in the ground;

Thence northeasterly 100 feet to said highway; and

Thence southeasterly 100 feet to the point of beginning...

Being the same premises conveyed to Grantors by deed of Harry Herbert Johnson, et ux dated September 20, 1980, recorded at the MERRIMACK Registry of Deeds at Book 1380, Page 382

There are no rights of Homestead pertaining to the premises.

DEPARTMENT OF REVENUE ADMINISTRATION		REALTY TRANSFER TAX	
SEVEN THOUSAND	5	HUNDRED AND 64	DOLLARS
07/09/1993	102524	\$	444454.00

Signed July 1, 1993:

*Marion Rau Johnson*  
Marion Rau Johnson

*Susan Johnson Rau*  
Susan Johnson Rau

1923 PG0074

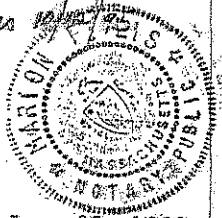
*Commonwealth of Massachusetts*  
STATE OF NEW HAMPSHIRE  
MERRIMACK SS. *Hampden County ss.*

The foregoing instrument was acknowledged before me July 1, 1993, by Marion Rau Johnson and Susan Johnson Rau.

*Marion F. Livi*  
Notary Public/Justice of the Peace

7862

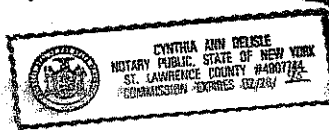
*My Commission expires 10/1/95*



STATE OF NEW YORK  
COUNTY OF ST. LAWRENCE

The foregoing instrument was acknowledged before me June 25, 1993, by Susan Johnson Rau.

*Cynthia Ann Deise*  
Notary Public



MERRIMACK COUNTY RECORDS

*Kathi L. Auay, Register*

**RECEIVED**  
 FEB 14 2019  
 By \_\_\_\_\_

**Applicant's Checklist**

Have you included		Item	Land Use Office finds	
Yes	No		Yes	No
✓		Complete and sign, the proper application for the type of appeal (request).		
	✓	If a <b>variance</b> is requested, it must be based on a <b>referral</b> from the Board of Selectmen or the Planning Board and included with the application.		
✓		A list of all abutters within 200 feet of the boundaries of the property on the supplied form. Accuracy is the applicant's responsibility. The abutters list must be obtained from the Town of Warner's Assessor's records.		
	✓	An attached copy of any order, notice of violations or other communications received from either the Board of Selectmen or the Planning Board that pertains to the property. (If applicable)		
✓		<b>Plans shall include:</b>		
	✓	• Clearly indicate where the site is located (locus map) and what is proposed drawn to scale.		
✓		• Show for the "lot of record" the boundary lines with footage on all sides.		
✓		• A copy of the lot's deed (to verify Owner).		
✓		• Name of the road the lot fronts on.		
✓		• Include all existing structures on the lot, clearly indicating their dimensions, distance from other structures and distance from abutting property line, drawn to scale.		
	✓	• For a proposed structure, include all of the above a floor plan with dimensions (length, width, and height).		
✓		The applicant has <b>paid fees</b> (see application for specific fees). <b>Check</b> made out to the <b>Town of Warner</b> .		
✓		Application must be received 15 days prior to the next ZBA meeting.		
✓		All property owners must sign the application.		
✓		Authorization from Owner must be signed to designate someone to speak on behalf of the property owner(s). (If applicable)		

\* **Zoning Board of Adjustment**  
**Referred VARIANCE**  
**AT ~~MEETING~~ 2/13/19 meeting**