



# 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 SPECIAL EXCEPTION

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: Tyler McIver d/b/a Tyler Lawn Care			Date:
Applicant Mailing Address: P.O. Box 90			
Town:	Warner	State:	NH
Zip:	03278		
Telephone	Primary: 456-2063	Alternate:	
Owner of Property Information			
Name of Owner: Tyler McIver			Date:
Owner Mailing Address: 35 Ring Hill Road			
Town:	Bradford	State:	NH
Zip:	03221		
Telephone	Primary: 608-5912	Alternate:	
Location and Description of Property			
Map #:	16	Lot #:	61
Zoning District:		R-2	
Address: Bagley Hill Road & NH Route 103			
Proposed Use:			
The Applicant is proposing to construct a new commercial building on this property to be used for his landscaping business.			
<b>Details of Request:</b> <i>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)</i>			
The Applicant is proposing to construct a commercial building on the property which shall be used as the professional offices for his landscaping business. The Applicant is also proposing to store landscaping materials, such as rocks, bark mulch and loam, on the property. The business shall not be a retail operation, but instead, the work will be performed off site. The anticipated hours are Monday through Friday, 7:30am to 5pm and some Saturdays.			

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

The undersigned hereby requests a **SPECIAL EXCEPTION** to the terms of:

Article: VI.B Table I, Use Regulations, Section: Retail & Services, Section 13, Professional and business offices of the Warner Zoning Ordinance

**For a Special Exception to be granted, the following 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 special exception 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.)

**A. The use requested is identified in the Zoning Ordinance as one which may be approved by the Zoning Board in the district for which the application is made:**

The use is expressly permitted in the R-2 District by Special Exception under Table I, Use Regulations, Retail and Services, Section 13. In fact, this type of use is permitted by Special Exception in all 3 residential districts.

**B. The requested use is essential or desirable to the public convenience or welfare:**

Pursuant to the express language in the Zoning Ordinance, the Medium Density Residential District R-2 permits uses which are normally associated with residential neighborhoods such as churches, schools and parks, as well as certain businesses by special exception. The business being proposed by the Applicant is one such business. It is not only permitted by Special Exception, but specifically anticipated for this area in the Zoning Ordinance. As such, it is deemed to be essential to the public and is consistent with the intent of the Zoning Ordinance to encourage commercial uses within the Town. The establishment of a professional office building for use as a landscaping business is desirable for this area and consistent with the adjoining zone in the Town of Bradford.

**C. The requested use will not impair the integrity or character of the district or adjoining district, nor be detrimental to the health, morals, or welfare:**

The proposed use of the property is for a landscaping business. The business is not being established as a retail use which would have customers routinely visiting the property. Instead, it shall be used to house the business offices for the company and the equipment that will be used in connection with the business. The zoning district that adjoins the property in Bradford is the Residential/Business District which permits businesses. The property is also located along NH Route 103, a state highway, which houses several businesses along its corridor, including a veterinary clinic and a feed store about 1/4 mile away. This use shall not have any adverse impact on the area or on the health, morals or welfare of the district.

**D. OC-1 and OR-1 districts only: Use of structure must conform to road access and availability of all services to that parcel at the time the Special Exception is requested:**

Not applicable. The property is located in the R-2 district.

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

**Authorization from Owner(s):**

1. I (We) hereby designate Maria T. Dolder, Esquire 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): *Tyler*

Date: 4-22-21  
Date: \_\_\_\_\_

Signature of Applicant(s), if different from Owner: *Tyler*

Date: 4-22-21  
Date: \_\_\_\_\_

Printed name of person(s) who signed above:

Tyler McIver, Owner

Tyler McIver d/b/a Tyler Lawn Care, Applicant

**For Zoning Board of Adjustment Use Only**

**Assigned Case #:**

Date Received at Land Use Office: 4/27/2021

Received by: *Denise*

Fees Submitted:

Amount: 240.00 Cash:

Check #: 2110

Other:

Abutters' List Received:

Yes

No

Date of Review:

Date of Hearing: 5/12/2021

Date Approved: