



TOWN OF WARNER

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Zoning Board of Adjustment

Date of Decision: March 13, 2019

NOTICE OF DECISION

VARIANCE APPLICATION – Case: ZBA 2019-04

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 #20 event and function venue indoors

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 20, other amusement and recreation service, event venue and function services indoor 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:

- Ample parking must be provided on the property, with no on-road parking.
- No more than 12 exclusively indoor events per calendar year, in addition to the 14 outdoor/indoor events (Reference: Special Exception (outdoor events) ZBA 2019-02).
- Town noise ordinance will be observed.

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 the requested use of an indoor event venue at 89 Mink Hill Lane was an acceptable use. Indoor events have happened on this property without conflict to the public welfare.
2. The board found that by granting the variance for an indoor event venue 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.
3. The board found that by granting the variance substantial justice is done at 89 Mink Hill Lane. The board recommended not more than 12 exclusively indoor events. Additional indoor events can be combined with outdoor events (Special Exception ZBA 2019-02) for a combination of 14 indoor/outdoor events, granting a total of not more than 26 events in a calendar year.
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. An indoor event venue in the barn located at 89 Mink Hill Lane is found to be well suited for this use. Literal enforcement of the ordinance would deny the property owners the ability to operate an 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