



TOWN OF WARNER

P.O. Box 269, 5 East Main Street
Warner, New Hampshire 03278-0059
Land Use Office: (603)456-2298 ex. 7
Email: landuse@warnernh.gov

**Zoning Board of Adjustment
NOTICE OF DECISION**

Date of Decision: February 14, 2024

Application for a Special Exception

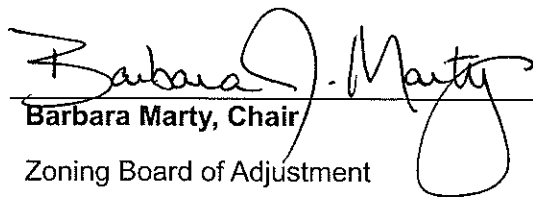
Case: 2024-01
Applicant: Paul Fasoli
Agent: Paul Fasoli
Owner/s: Paul and Cassandra Fusoli
Address: 130 Couchtown Road
Map/Lot: Map 11, Lot 40
District: R3
Description: Truck upfitter and tow truck assembly. Seeking a Special Exception to TABLE 1 Retail and Services, Section 15, Miscellaneous Business Repair Services of the Warner Zoning Ordinance. As recommended by the Planning Board.

You are hereby notified that on February 14, 2024 the Zoning Board of Adjustment voted to **DENY** a Special Exception to the terms of TABLE 1 Retail and Services, Section 15, Miscellaneous Business Repair Services of the Warner Zoning Ordinance. By a vote of 5 to 0.

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

The board found the proposed truck upfitter and tow truck assembly business was not applicable to the retail services and miscellaneous repair category of TABLE 1 Use Regulations. The board referenced sources which specifically distinguish 'automotive repair, automobile service stations or garage' as a separate category of use from 'miscellaneous business repair services', including in the Warner Use Table.

Summary: Following a public hearing on February 14, 2024 the board denied the Special Exception by a vote of 5 to 0.


Barbara Marty, Chair

2.22.24
Date

Zoning Board of Adjustment

Warner Zoning Board of Adjustment Note: The New Hampshire RSA 677:2: 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 the decision. This notice has been placed on file and made available for public inspection in the records of the ZBA.



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Zoning Board of Adjustment NOTICE OF DECISION

Date of Decision: February 14, 2024

Application for a Variance

Case: 2024-02

Applicant: Paul Fasoli

Agent: Paul Fasoli

Owner/s: Paul and Cassandra Fusoli

Address: 130 Couchtown Road

Map/Lot: Map 11, Lot 40

District: R3

Description: Truck upfitter and tow truck assembly. Seeking a Variance to the terms of TABLE 1 Retail and Services, Section 14 Auto Repair, Auto Service Station or Garage of the Warner Zoning Ordinance.

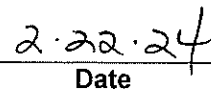
You are hereby notified that on February 14, 2024 the Zoning Board of Adjustment voted to **DENY** a Variance to the terms of TABLE 1 Retail and Services, Section 14, Auto Repair, Auto Service Station or Garage of the Warner Zoning Ordinance. By a vote of 5 to 0.

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

1. The variance will be contrary to the public interest because of the wear and tear of trucks traveling on a road that has weight restrictions at certain times of the year and concerns over the storage of a large quantity of hydraulic oil and possible environmental impacts.
2. The noise created from grinding, drilling and welding when the garage doors are open would be disruptive to the quiet nature of a rural community.
3. The business does not qualify as a home business because the proposed garage is larger than 25% of the total floor area of the dwelling. In addition, the home occupation ordinance section, 2.T., states, "the sales, rental, maintenance or repair of automobiles, motor vehicles or small engines shall not be permitted as a Home Occupation."
4. The ordinance for the R-3 residential zone allows for some exceptions in regard to home occupations and agricultural businesses. A truck/automotive repair business does not fit within the rural character of the neighborhood.
5. There was no evidence that this property is unique or has special conditions that distinguish it from other properties in the area to qualify as a hardship.

Summary: Following a public hearing on February 14, 2024 the board denied the Variance by a vote of 5 to 0.


Barbara Marty, Chair
Zoning Board of Adjustment


Date

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