

**AMB's Notes on Michael Carroll's Application for Variance Case 2025-3,
Map 9, Lot 21, District OR1
June 10, 2025**

The applicant is requesting a variance to the setback requirements in the OR District to build 36 feet from the northern boundary and 86 feet from the western boundary where 100 feet is required.

According to Article IX, Open Recreation District - OR1, the Open Recreation District OR-1 is designated to preserve large open land areas in essentially their natural state for their recreation and scenic value to the community. This District encompasses the mountainous areas of Warner, including Kearsarge and the Mink Hills which are an essential part of the Town's identity.

Article IX C Frontage and yard requirements 1.b. Yard requirements: No building shall be located nearer than one hundred (100) feet from an abutter's property line and fifty (50) feet from the edge of a public right of way.

1. The proposed location of the house will be more than fifty (50) feet from the edge of the public right of way
2. The drawings submitted with this application indicate that proposed a three bedroom house with a 2 bedroom apartment will be constructed within the 84 foot by 30 foot building foot print and that the house will also include a 1 foot overhang.
3. According to Table 1 Use Regulations, Residential, Item 5. Accessory Apartment, accessory apartments are permitted by right in the OR district.

According to the plans filed with the application Map 9, Lot 21 is a 2 acre lot.

According to Article IX Open Recreation District OR-1, C. Frontage, lot and yard requirements 1.a. Frontage and minimum Buildable Area: Every lot shall have a frontage of not less than five hundred (500) feet and a minimum buildable area of not less than five (5) acres. Any such lot bordering the shoreline of any public lake or pond shall have not less than 200 feet of shoreline.

According to Article III, Definitions,

"Buildable Area" means the total acreage of the parcel or lot *minus* the following:

1. Slopes in excess of 25%;
2. Waterways, including streams, rivers, lakes and other water course or water bodies;
3. Wetlands;
4. Poorly drained soils as defined by New Hampshire Department of Environmental Services Water Division;
5. Land within existing highway or utility rights of way;
6. Land within the a 100 year floodplain or floodway as determined by the Federal Emergency Management Agency;
7. Areas which are subject to an easement or right of way that limits building or development, in favor of the Town, County, State, or Federal Government, or any third party.