

Warner

Garage might not be a goner after all

Town board could allow it to be moved

By Margot Sanger-Katz
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September 08, 2006 8:00AM

A Warner man who got in trouble with selectmen for building a garage too close to the Warner River may be able to save the structure if he can persuade the zoning board to let him move it.

The garage, which was built without a building permit about 20 feet from the river, violated town and state watershed setback rules, the selectmen said. It also violated town ordinances because it had been built without a permit. The selectmen asked Rick St. Lawrence to remove the garage by Sept. 2 or face daily fines.

But according to his lawyer, St. Lawrence, who built the garage near his Laing Bridge Road home, simply misunderstood town ordinances. He and St. Lawrence have asked the board for permission to speak to the zoning board about other places on the property where the building could be relocated.

A detailed plan is not yet available, but according to Rob Miller, St. Lawrence's attorney, and David Hartman, the chairman of the board of selectmen, it's possible that a new location would require one or more variances from the zoning board before it could be moved. Hartman said the proposed location might violate setback requirements from the property line and might still fall within 75 feet of the river, the town's watershed protection limit. Miller said that it's also possible that there might be a spot for the building that would not require any variances, but he wants to consult with the zoning board to be sure.

Hartman said if the zoning board approves the variances, then the selectmen would be inclined to give St. Lawrence a building permit, as long as the plan doesn't violate any other rules. If the zoning board rejects St. Lawrence's plan, then the selectmen's order to remove the building would stand. At a meeting in late August, the board agreed to lift any fines until the zoning board has a chance to rule on the proposal.

St. Lawrence will go before the zoning board in October.

Miller said St. Lawrence thought he was allowed to build the garage because it was replacing

an old building that once sat on the same footprint. If he had built the garage within a year of the old garage's removal, he would have been right. But more than a decade passed since he tore down the old building. Miller said that St. Lawrence didn't know that there was a time limit.

"Land use regulation is becoming increasingly complicated in New Hampshire, and when people proceed without guidance from either the town or from an attorney, they often run into problems they don't anticipate," Miller said. "This is a good example of one of those cases. So we're working with the town to make it right."

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