

**CANDIA ZONING BOARD OF ADJUSTMENT
MEETING MINUTES OF
February 25th, 2025
UNAPPROVED MINUTES**

PB Members Present: Judith Szot, Chair; Boyd Chivers, Vice-Chair; Tony Steinmetz; Ron Howe

PB Members Absent:
Bill Keena
Gale Pellegrino, Alt.

*Judith Szot, Chair called the ZBA meeting to order at approximately 6:30PM, followed immediately by the Pledge of Allegiance

New Business:Case #25-001:

Applicant: The Village at Candia Crossing Association, 15 Pineview Dr., Candia, NH 03034;
Owner(s): The Village at Candia Crossing Association, 15 Pineview Dr., Candia, NH 03034;
Property Location: 15 Pineview Drive, Candia, NH 03034; Map 406 Lot 16. **Intent: Intent:**
Seeking a variance under Article VIII, Section 8.05: Sign Regulations: Size Restrictions – Residential District. Installation of a sign at the entrance with community name.

The Chair explains a disagreement regarding sign regulations. The Chair and the Building Inspector disagree with the interpretation of a previous building inspector concerning sign size limits for senior housing, a permitted use. The relevant regulation allows 20 square feet for public/institutional uses. The Chair believes the applicant has a right to a sign and that the Board has the authority to overrule the building inspector's decision. The Chair opens the floor for comments from board members, the Building Inspector, or the audience, but none are offered. The Chair reiterates the board's authority to overrule the building inspector, citing this as one of four such authorities (variances, special exceptions, equitable waivers, and appeals). The Chair concludes that the board will discuss the matter and make a motion; a favorable outcome would allow the applicant to obtain a building permit the following day. The Chair again asks if anyone has further comments.

Judith Szot closed the public hearing at 6:50

B. Chivers: I **Move** that the Board nullify the decision made by the former building inspector in a letter dated, December 16, 2024, denying the applicant permission to build their sign for Candia Crossing. **Second:** T. Steinmetz. All were in favor. **Motion passed.**
Following the vote, there were expressions of thanks and positive comments regarding the outcome.

Case #25-002:

Applicant: Franklin-Verra Associates, Inc., 143 Raymond Rd., Candia, NH 03034; Owner(s): Michele M. Vincent Revocable Trust, 69 South Rd., Candia, NH 03034; Property Location: 69 South Road, Candia, NH 03034; Map 410 Lot 108. **Intent:** *Seeking a variance under Article VI, Section 6.02: Dimensional Requirements. The creation of a residential house lot that has 199.7' of frontage instead of 200'.*

Five Variance Criteria

1. The variance will not be contrary to the public interest

For a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?

The discrepancy in meeting the frontage requirements was 3 to 4 inches. The Board decided that the intent was to have a 400-foot frontage. Said discrepancy was discovered because new technology is more accurate. The board voted 4 in favor and zero opposed that this would not be contrary to the public interest.

2. The spirit of the ordinance is observed

To be contrary to the public interest, the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives.

The Board determined that the small discrepancy was unintended and in no way harms the public safety or general welfare of the community. The vote was 4 in favor and 0 opposed.

3. Substantial justice is done.

Perhaps the only guiding rule is that any loss to an individual that is not outweighed by a gain to the general public is an injustice. A board of adjustment cannot alleviate an injustice by granting an illegal variance.

The board determined that substantial justice was done. There is no gain to the public by denying the subdivision of this property because of a few inch discrepancy in the frontage. The board also determined that denying this variance would create an injustice to the applicant. The vote was four in favor zero opposed.

4. The values of surrounding properties are not diminished.

The ZBA members may draw upon their own knowledge of the area involved in reaching a decision on this and other issues. Because of this, the ZBA does not have to accept the conclusions of experts on the question of value, or on any other point, since the function of the board is to decide how much weight, or credibility, to give testimony or opinions of witnesses, including expert witnesses.

The Board determined that there would be no devaluation of property by granting a variance of a few inches in the frontage. The vote was 4 in favor and zero opposed

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.

When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. The property owner needs to establish that, because of special conditions of the property, the application of the ordinance provision to his property would not advance the purposes of the ordinance provision in any "fair and substantial" way.

The discrepancy appears to be unintended and was discovered because of better technology and surveying. Literal interpretation of this ordinance would impose a hardship on the owner. The proposed use is reasonable. This is a residential area, and owners are proposing this subdivision / creation of a single-family home lot to construct a home for a family member. The vote was four in favor zero opposed.

R. Howe: **Motion** to grant the variance. B. Chivers: **Second**. All were in favor. **Motion passed.**

Other Business:

- Review of Minutes – September 24th, 2024

R. Howe: **Motion** to approve the minutes of September as presented. T. Steinmetz: **Second**. B. Chivers abstains. Remaining Board Members were all in favor. **Motion passed.**

- Any other matter to come before the Board.

Public Comments:

B. Chivers: **Motion** to adjourn. **Second:** R. Howe. All were in favor. **Motion passed.**

Meeting adjourned at 6:56 pm.

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file