

Town of Candia
LAND USE OFFICE
74 High Street
Candia, New Hampshire 03034
(603) 483-8588

**ZONING BOARD OF ADJUSTMENT
OFFICIAL NOTICE OF DECISION**

The **ZONING BOARD OF ADJUSTMENT** at its February 25, 2025, meeting made the following decision regarding a request for a variance, as provided in Article VI, Section 6.02, Dimensional Requirements #25-002.

APPLICANT: Franklin-Verra Associates, Inc., 143 Raymond Rd., Unit 4, Candia, NH 03034

PROPERTY OWNER(S): Michele M. Vincent Revocable Trust, 69 South Rd., Candia, NH 03034

PROJECT LOCATION: 69 South Road, Candia, NH 03034; Map 410 Lot 108.

TAX MAP: Map 410 LOT NUMBER 108

TITLE ON PLAN: Variance Plan

PLAN PREPARED BY: FVA

DECISION: Approved.

FINDINGS OF FACT:

The Board discussed the five criteria for the granting of a variance.

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

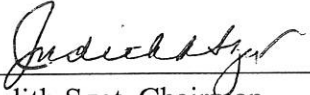
5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.

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.

NOTE: Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty (30) days of the date of this hearing. The motion for rehearing shall be in writing and must set forth all the grounds on which you will base your appeal, as per RSA 677.

For further information regarding this decision, contact Town of Candia Land Use Office (603) 483- 8588.



Judith Szot, Chairman
Candia Planning Board

Date February 27, 2025