

**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 May 6, 2025, meeting made the following decision regarding a request for a variance to waive terms as stated in Article VI, Section 6.02: Dimensional Requirements: Table of Dimensional Requirements. #25-005

**APPLICANT:** Jeffrey Crum, 233 New Boston Rd., Candia, NH 03034

**PROPERTY OWNER(S):** Jeffrey Crum, 233 New Boston Rd., Candia, NH 03034

**PROJECT LOCATION:** 233 New Boston Rd., Candia, NH 03034

**TAX MAP: Map 406 Lot Number(s):** 96

**TITLE ON PLAN:** N/A

**PLAN PREPARED BY:** Applicant/Owner

**DECISION:** Approved

**CONDITION(S):** None

**FINDINGS OF FACT:**

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

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## **Findings of Fact**

### **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?

Full compliance with the ordinance is not possible, however the new structure will be as compliant as possible. It will be more functionally safe for the residents and more attractive in the neighborhood than the existing structure and as such will enhance the value of the area.

### **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 applicant is physically unable to fully meet the requirements as there is not enough room on their lot, but they are making an effort to comply as much as possible.

### **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 existing home is unsafe for the family and does not meet the needs of the owners. Granting this variance would allow the residents of the home to live safely.

### **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.

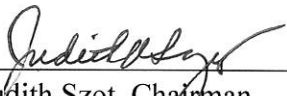
The surrounding properties' values will actually be enhanced; there will be no reduction in the value of the surrounding properties.

**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.

Denying the variance would result in unnecessary hardship for the residents of the home as the applicant cannot fully comply with the dimensional requirements without destroying the existing garage.

**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.

  
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Judith Szot, Chairman  
Candia Zoning Board of Adjustment

  
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Date