

**CANDIA ZONING BOARD OF ADJUSTMENT**

**MEETING MINUTES OF**

**November 22nd, 2022**

**APPROVED**

ZBA Members Present: Judith Szot, Chair; Boyd Chivers, Vice-Chair; Mark Raumikaitis; Anthony Steinmetz, Ron Howe

Chair Szot called the meeting to order at 7:00PM, followed immediately by the Pledge of Allegiance

**Case #22-012: Applicant:** William & Marian Sheehan, 223 Chester Road, Candia, NH 03034; Owner(s): William & Marian Sheehan, 223 Chester Road, Candia, NH 03034; Property Location: 223 Chester Road, Candia, NH 03034; Map 414 Lot 074; For a variance under Article VI Section 6.02: Dimensional Requirements – Residential.

**Intent:** *to request a variance from the required setbacks to allow the placement of a prebuilt shed/structure*

M. Sheehan: “We wanted to put in a shed. We have the road frontage, and we did measurements and tried to put it on another piece of the property but there are telephone and electrical lines. This is the only location.

J. Szot: Why can’t you turn that 90 degrees? Where exactly is it in that location? J. Szot explained how to properly use the graph paper to create the drawing. Like I explained to you every square is 10 feet. We need to see your frontage. Where your house is on the lot. Put the house on; put all of the buildings on.

R. Howe: It is not at a right angle to the garage?

M. R.: This drawing is showing a 20-foot setback. He asked for clarification as to which drawing was correct.

B. Chivers: Is that drawn to scale?

J. Szot: Is this drawing from the former building inspector? She inquired about the location of the chicken coop.

R. Howe: This chicken coop is not on a foundation. It would not be impossible to move it. If the chicken coop wasn’t there, it wouldn’t be an issue.

Applicant answered that wire is down three feet and buried.

R. Raumikaitis: The hand drawing was a preliminary. The applicants are asking us to ignore that drawing.

J. Szot: I think this drawing that was done by the former building inspector shows that if the structure is put in at an angle, it can meet the required setbacks.

T. Steinmetz: The most accurate drawing is the one on the graph paper? Are you thinking it is a problem getting the building in there. You are talking about moving it/pivoting it five feet.

R. Howe: The last thing on here is the location of the septic system.

M. Raumikaitis: Clearance issue for ease of access, etc. So, you might be able to put it in there, but it would change the way that you live on this property.

T. Steinmetz: You won't be living there forever. This carries on.

The applicants were asked about the size of the shed. They answered 12x12.

The size of this building speaks to how much space there it. When I look at this picture, it looks to be 8 or 10 feet wide. I guess I just don't understand. There is no other way you can get around? You don't cut the grass on your septic system?

R. Howe: Would we be more concerned if this was road frontage instead of side setbacks?

T. Steinmetz: Variance with a condition.

M. Sheehan: We made great efforts and expense, as far as pleasing to the eye, it matches to the best of our ability.

J. Szot: Once we close this hearing, we will deliberate on the five criteria. Is there anything else that you need to tell us or that we need to know.

W. Sheehan: This is the best utilization for us to utilize this structure.

J. Szot: Closed the public hearing at 7:30 PM

The board voted on the five variance criteria:

#### 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?

All were in favor.

### **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.

All were in favor.

**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.

All were in favor.

**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.

All were in favor.

**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 ant "fair and substantial" way.

All were in favor.

B. Chivers: **Move** to grant the variance to allow them to place their shed no closer than 15' from the side lot line. R. Howe: **Seconded**. All were in favor. **Motion passed**.

Review of the minutes from 10.25: B. Chivers: **Move** to approve those minutes as presented. R. Howe: **Seconded**. All were in favor. **Motion passed**.

**Motion** to Adjourn: M. Raumikaitis. B. Chivers: **Seconded**. All were in favor. Meeting adjourned at 7:44PM