

**CANDIA ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES OF  
September 24th, 2024  
APPROVED MINUTES**

PB Members Present: Judith Szot, Chair; Tony Steinmetz; Bill Keena; Ron Howe

PB Members Absent:

Boyd Chivers, Vice-Chair (excused)

Gale Pellegrino, Alt. (excused)

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

**Case #24-007:**

**Applicant:** Bradford G. Warriner, 282 North Road, Candia, NH 03034; Owner(s): Bradford Warriner, 282 North Road, Candia, NH 03034; Property Location: 282 North Road, Candia, NH 03034; Map 405 Lot 129-3.

***Intent:*** Seeking a variance under Article VI, Section 6.02: Dimensional Requirements, to construct / attach a two-car garage w/ a room above to match existing log home. 24x28 foot size is needed to allow room for two cars, two walkthrough doors, and two staircases. Existing home was originally built to have a garage attached.

The applicant is invited to come forward and sit at the table or remain where they are comfortable. Chairperson Szot informs the applicant that the Board consists of five members, but one member and one alternate are absent. The applicant can choose to have their case heard by the four present members or wait for a full board next month. The applicant decides to proceed with the hearing. The applicant explains the reason for the variance request, stating that there is an existing door in the mudroom that leads to nowhere. They plan to construct a garage that the door will connect to, including a staircase leading down into the garage. The garage will have a second floor for storage or a workout room, which will also require a staircase. The applicants plan to install two walk-through doors, one on the driveway side and one at the rear of the property, aligning with a chain link fence in the backyard. The applicant is asked to indicate on the plan where the doors will be located. The applicant points out the entrance to the garage and the proposed locations for the doors. The applicant confirms that the existing connector is already built, and the applicant clarifies that the mudroom was designed to have a garage attached, which was never constructed. The issue is that the proposed addition crosses the setback. The applicant explains the dimensions of the garage and the need for space to accommodate two cars and the necessary doors. The Board inquires about the layout of the

property and the neighboring houses. The applicant describes the neighboring property, mentioning a stone wall that marks the boundary. They confirm that the neighbor is supportive of their project and had intended to attend the meeting.

The applicant discusses the chain link fence that connects to the house and the layout of the property. A Board member suggests considering a one-car garage to reduce the footprint and asks how that would affect the second floor. The applicant is unsure about the impact on the second floor but acknowledges that reducing the garage size could be a possibility. The discussion continues about the dimensions of the garage and the necessary space for vehicles. The Chairperson Szot emphasizes the importance of accommodating modern vehicles, particularly SUVs, which are larger than standard cars. The applicant confirms that the garage is designed to fit two vehicles comfortably. A member of the Board inquires about the purpose of the room above the garage, asking if it will include a bathroom or be used as a bedroom. The applicant clarifies that it will be used for storage and recreation, with no plans for a bathroom.

A member of the Board asks about the original intent for the garage size when the house was built. The applicant recalls that the garage was always intended to be attached but did not specify a size at that time. The applicant mentions the presence of wetlands on their property, which influenced the placement of the house and the garage. They indicate where the wetlands are located on the property. A member of the Board asks about the septic system's location, which the applicant describes as being situated between the barn and the existing house. The applicant explains that the septic system's placement limits where the garage can be constructed.

The Board discusses the layout of the property, noting that there is enough space to navigate around the house even with the proposed garage addition, raising concerns about the practicality of accessing the backyard and the potential need for a longer driveway. The applicant acknowledges that the current layout may require adjustments for better access and confirms that there will be a pathway around the building.

Chairperson Szot asks if there are any further questions or input from the Board regarding the case. The Board confirms that no input has been received from the neighboring property owner.

Chairperson Szot summarizes the purpose of the variance request, the process is explained, highlighting the importance of the public hearing and the subsequent meeting where no new evidence can be presented.

B. Keena: **Motion** to close the hearing and begin the meeting. R. Howe: **Second**. All were in favor. **Motion passed**.

The Board considers and votes on each one of the five variance criteria:

#### *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?*

B. Keena: **Motion** that the variance will not be contrary to public interest. **Second:** T. Steinmetz. All were in favor. **Motion passed.**

## ***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.*

R. Howe: **Motion** that the spirit of the ordinance is observed. B. Keena: **Second.** All were in favor. **Motion passed.**

## ***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.*

R. Howe: **Motion** that substantial justice is done. B. Keena: **Second.** All were in favor. **Motion passed.**

## ***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.*

B. Keena: **Motion** that the values of surrounding properties are not diminished. R. Howe: **Second.** All were in favor. **Motion passed.**

## ***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.*

B. Keena: **Motion** that enforcement of the provisions of the ordinance would result in unnecessary hardship due to special land conditions / characteristics. T. Steinmetz: **Second.** All were in favor. **Motion passed.**

R. Howe: **Motion** that there are special conditions on the property, the use is reasonable, making it fit the 5 variance criteria. B. Keena. **Second**. All were in favor. **Motion passed**.

**Other Business:**

- Review of Minutes

Minutes of August 19<sup>th</sup>, 2024 – Gale Pellegrino’s additions/amendments were added to the minutes and read into the record:

*Count 6:*

*G. Pellegrino - I am not a realtor, however, as a home buyer, if I was looking at a property abutting this storage facility and a similar property elsewhere in Candia. This would definitely have an impact on my selection, and I would rather have woods behind my property instead of oil storage.*

*Count 8:*

*G. Pellegrino – Attorney Swiniarski states that Mr. Panit is not qualified as an Emergency Management Director because he is a volunteer. The ZBA are all volunteers and take our responsibilities seriously. Mr. Panit provided a detailed count of his qualifications and how in his opinion this variance poses an increased risk to the town.*

*Count 15:*

*G. Pellegrino - This variance covers increasing the capacity at the current storage facility. It does not in any way change the original approved variance as the business is running today and can continue to run in the future.*

*Count 17:*

*G. Pellegrino – We are not considering a new use for the facility, the board is evaluating the increased risk for expanding this facility with the proximity to the school, courthouse, fire station and town offices.*

B. Keena: **Motion** to approve the minutes of August 19<sup>th</sup> as amended. T. Steinmetz: **Second**. R. Howe abstains. The rest were in favor. **Motion passed**.

R. Howe: **Motion** to approve the minutes of June 25<sup>th</sup>. **Second**: B. Keena. All were in favor. **Motion passed**.

T. Steinmetz: **Motion** to approve the minutes of April 23<sup>rd</sup> as amended. **Second**: R. Howe. All were in favor. **Motion passed**.

B. Keena: **Motion** to approve the minutes of February 27<sup>th</sup> as amended. T. Steinmetz: **Second**. All were in favor. **Motion passed**.

- Discussion – December Meeting

Discussion about moving the December Meeting of the ZBA to December 16<sup>th</sup>, due to the conflict with the holiday.

- Any other matter to come before the Board.

**Public Comments:**

B. Keena: **Motion** to adjourn. **Second:** T. Steinmetz. All were in favor. **Motion passed.**

Meeting adjourned at 7:28 pm.

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file