

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 September 23, 2025, meeting made the following decision regarding a request for a variance to waive terms as stated in Article VI, Section 6.02: Table of Dimensional Requirements. Case #25-008.

APPLICANT: Andrew Mun, 80 Old Deerfield Road, Candia, NH 03034

PROPERTY OWNER(S): Andrew Mun, 80 Old Deerfield Road, Candia, NH 03034

PROJECT LOCATION: 80 Old Deerfield Road, Candia, NH 03034

TAX MAP: Map 406 Lot Number(s): 115

TITLE ON PLAN: Foundation Certification Plan

PLAN PREPARED BY: James M. Lavelle, LLS

DECISION: Approved

CONDITION(S): None

FINDINGS OF FACT:

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

(Next pages)

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?

The variance will not be contrary to the public interest. The new structure will be more compliant to the dimensional requirements than the previous one, as it will be further back from the front property line.

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 spirit of the ordinance is observed because the property owner attempted to make the new structure more compliant and more conforming to the zoning ordinance by moving it further back from the front property line.

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.

Substantial justice is done because denying this variance would result in a significant financial loss to the property owner. This loss would outweigh the gain to the general public due to the fact that the new structure will be more compliant than the previous one.

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.

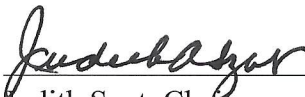
The value of the surrounding properties will not be diminished. By replacing the previous structure, the owner is improving the appearance of the home and property, therefore increasing property values.

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.

Literal enforcement would result in unnecessary hardship for the homeowner. It would result in a significant financial burden to move the structure further back. Hardship will not be imposed onto other property owners due to the new structure being more compliant than the previous one.

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, Chair

Candia Zoning Board of Adjustment


Date