



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 II Section 2.02: Non-Conforming Uses and Structures. Case #25-009.

APPLICANT: Andrew Boddie, 196 Brown Road, Candia, NH 03034

PROPERTY OWNER(S): Andrew Boddie, 196 Brown Road, Candia, NH 03034

PROJECT LOCATION: 196 Brown Road, Candia, NH 03034

TAX MAP: Map 413 Lot Number(s): 122

TITLE ON PLAN: N/A

PLAN PREPARED BY: N/A

DECISION: Denied

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?

The variance will be contrary to the public interest because there is no knowing what type of business may work out of the property. It has the potential to negatively impact the quiet residential neighborhood and the traffic surrounding the area. Abutter testimony spoke of an increase in traffic and large trucks through this residential neighborhood due to the previous owner's business.

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 variance will not observe the spirit of the ordinance. The previous owner far expanded upon the nonconforming use, and resuming this use will alter the essential character of the neighborhood. There is risk the variance will result in further violations of the ordinance's basic zoning objectives because of the uncertainty of the type of business that will operate on property.

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.

There is no loss to the individual if this variance is not granted. The current owner has not used the building commercially throughout the past two years and is asking for this variance to market to potential buyers of the property. There is potential for injustice to the general public by granting this variance because this use is specifically prohibited in this area.

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.

Granting this variance may result in the depreciation of the values of surrounding properties depending on the type of business that may operate out of the building, and the risk is outweighed by the reward. It has the potential to change the character of the neighborhood, which is a quiet residential area.

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 not result in unnecessary hardship for the homeowner. The current owner has used it residentially for the entirety of his ownership and can continue to do so. The property is in a residential zone. Establishing and maintaining unique characteristics in the different zones throughout the Town is clearly defined in the ordinance, which is voted upon by the residents.

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