



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 October 28, 2025, meeting made the following decision regarding a request for a variance to waive terms as stated in Article II Section 2.02E (1): Non-Conforming Uses and Structures. Case #25-012.

APPLICANT: Ranch Roller Coaster, LLC, 670 N. Commercial St. Manchester, NH 03101

PROPERTY OWNER(S): Same as above.

PROJECT LOCATION: Chester Turnpike, Candia, NH 03034

TAX MAP: Map 410 Lot Number(s): 1

TITLE ON PLAN: N/A

PLAN PREPARED BY: N/A

DECISION: Approved

CONDITION(S): None

FINDINGS OF FACT:

The Board discussed the five criteria for the granting of a variance. (Next pages)

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, Chairman

Candia Zoning Board of Adjustment


Date

Variance from Article II Section 2.02E (1): Non-Conforming Uses and Structures

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?

The request for a private driveway for a single-family home will not be contrary to the public interest. It will enhance the value of the property and increase tax revenue. It retains the rural character of the town and neighborhood as the house will be set far back from the road, and the remaining land will be maintained as open space.

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 through granting this variance. By granting a variance for a private driveway to access a single-family home, the board is upholding the ordinance's basic zoning objectives. The property will be used to construct a single-family home. The applicant included a signed letter of intent with his application stating there will be no commercial use on the property. Mr. Brady also verbally confirmed his intent is to build a single-family home and not to subdivide the 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.

Substantial justice is done by granting this variance because without it the applicant will not be able to use this land. Provided the wetlands and water runoff issues are addressed properly, there is no harm to the general public.

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.

Denying the variance will diminish the value of the property itself by depriving the applicant of his right to use the land. Historically, the land has been used for logging. Using the land for a

single-family home upholds the nature of the neighborhood and protects the remaining acreage. The value of the surrounding properties will not be diminished based on the evidence provided.

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 to the owner because he would not be able to use his property. By allowing the construction of a single-family home with a private driveway, the board will preserve the rural nature of the town and allow the applicant to execute his right to use his land in a way that upholds the purpose of the ordinance.