

**Zoning Board of Adjustment  
Town of Sandwich  
PO Box 194  
Center Sandwich, NH 03227**

**Notice of Decision  
Case No. 2022-03**

At its duly notified meeting on Thursday, December 8, 2022, the Sandwich Zoning Board of Adjustment voted 4-1 to Deny the Variance concerning Article III Section 150-10 A (minimum lot size for Multiple-Unit Structures) of the Zoning Ordinance for property owned by Frederick Surette located at 827 Whittier Highway, Center Sandwich, NH, Tax Map R2 Lot 34 in the Rural/Residential Zoning District proposing to renovate an existing dwelling structure into two dwelling units.

The findings of fact for the decision: The first four criteria were satisfied; the Hardship criterion failed -- Only hardship presented was financial; the property could be reasonably used in conformance to the zoning ordinance without a variance.

1. The variance will not be contrary to public interest:

Not contrary to the public interest as it is to provide housing supported in the ordinance. Well addressed by the applicant.

2. The spirit of the ordinance is observed:

Ordinance is observed as proposed use is allowable. The location has no surrounding houses and commercial zone is adjacent on the highway, so use is not in conflict with neighborhood. Abutters support this proposed use.

3. Substantial justice is done:

No injustice to public is created by allowing this use of this property.

4. The values of the surrounding properties are not diminished:

There are no surrounding homes in sight nearby to be impacted. The house would look basically the same in a much-improved condition.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship:

“A. Owing to the special conditions of the property that distinguish it from other properties in the area, no fair or substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; B. and the proposed use is a reasonable one.”

The property could be reasonably used in conformance to the zoning ordinance without a variance. No hardship of the land was presented, and only financial hardship was submitted for consideration.

Chris Grant

Vice-Chair, Zoning Board of Adjustment

December 8, 2022

Note: Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty days of the date of the decision, the day following the decision being day one. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Revised Statutes Annotated, Chapter 677 for details.

Pursuant to RSA 674:33 I-a and 674:33 IV, Variances and Special Exceptions approved by the Board shall be valid if exercised within two (2) years of the date of final approval.