

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

**Notice of Decision
Case No. 2023-01**

At its duly notified meeting on Thursday, March 9, 2023, 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: That the applicant has met the first four criteria; the applicant failed to satisfy the Board that the hardship criterion was met due to special conditions of the property had not been established.

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

Testimony that it provides housing that may be beneficial to the public. All agreed.

2. The spirit of the ordinance is observed:

Looking at the zoning ordinance in its entirety as the intent of the voters in Town, there is a focus on maintaining low density, open space, and natural features. The house is pre-zoning and still meets this intent. All agreed.

3. Substantial justice is done:

The benefit to the applicant does not outweigh the public interest. All agreed.

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

As in previous testimony, the house would look basically the same in a much-improved condition and has no negative impact to its surroundings.

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.”

Findings of fact that the Board heard that there would be great expense in the renovation into a single-family home and that the applicant conceded that the property was previously used as a single-family and could still be used again as such with the cost being prohibitive. The only issue presented by the applicant was that a hardship was the cost to use as a single-family residence would be a significant financial hardship and that is not sufficient under the law for granting a variance.

Mary Cove

Chair, Zoning Board of Adjustment

March 9, 2023

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.