

For ZBA use:

Fees paid: _____

Case #: _____

Date: _____

**ZONING BOARD OF ADJUSTMENT
CANTERBURY, NH**

APPLICATION FOR VARIANCE

The undersigned hereby makes application for a Variance under the terms of Canterbury Zoning Ordinances.

Applicant: _____

Owner: 114 West Road, LLC

Address: _____

Address: 709 Keith Ave.

Pembroke, NH 03275

Phone # _____ (H) _____ (W)

Phone (H) (W)

Zoning District (AC, C, CH, I, N, RE or RU): Commercial (C)

Map and Lot #: Tax Map 248, Lot 8-1

Article and Section of the Zoning Ordinance involved: Section 2.6, Signs

Brief description of the proposed variance: _____

To allow a sign greater than 20 total square feet for the Hildreth's Farm development.

The undersigned alleges that the following circumstances exist to support this variance request.

1. An unnecessary hardship would be imposed by a literal application of this ordinance.

a) For a use variance, the following must be determined to support a finding of unnecessary hardship:

1. The zoning restriction as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment; _____

See attached Addendum

2. No fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific restriction on the property; _____

See attached Addendum

3. Granting the variance will not injure the public or private rights of others; _____

See attached Addendum

b) For an area variance, the following must be determined to support a finding of unnecessary hardship;

1. An area variance is needed to enable the applicant's proposed use of the property given the special conditions: _____

N/A

2. The benefit sought cannot be achieved by some other method reasonably feasible for the applicant to pursue other than an area variance. _____

N/A

2. Authorization of a variance will not be contrary to the public interest; _____

See attached Addendum

3. The spirit of this Ordinance shall be observed and substantial justice done in the use or structures resulting from the authorization of a variance. _____

See attached Addendum

4. No diminution in the value of surrounding properties would be suffered as a result of the authorization of the variance. _____

See attached Addendum

Plot Plan to Accompany Application. This application must be accompanied by a plot plan which is drawn to scale and is of sufficient detail to support the statements made in this application, and to illustrate compliance with the special conditions required in the ordinance. At a minimum, the plot plan must show the location and dimension of existing and proposed building footprints, setback distances to the property lines and road right of way; the location of well and septic systems; significant physical or topographic limitations to development of the lot; and parking and loading areas as applicable. Setback distances from roads must be based on the distance from the edge of the right of way, not the pavement edge. If you are

[REDACTED]

uncertain of the road right of way location, contact the Town Road Agent for more information.

By signing this application I/we understand that the information provided herein is accurate and is in accordance with the Canterbury Zoning Ordinance and other land use regulations of the Town and other applicable state and federal regulations which may apply.

If the applicant is not the same as the owner, a letter of authorization must be submitted along with the application.

I/we consent to allow the Canterbury Zoning Board of Adjustment or its designee to make onsite inspection(s) of my/our property as deemed necessary for the evaluation of my/our application.

DocuSigned by:

Keith Anastasy

40077F02307A7103

Owner/Applicant Signature

9/22/2026

Date

Owner/Applicant Signature

Date

CANTERBURY ZONING BOARD OF ADJUSTMENT
CANTERBURY, NEW HAMPSHIRE
APPLICATION FOR VARIANCE

ADDENDUM

Introduction: Zoning Ordinance Section 2.6 provides that signs shall be limited to on-site locations only and to one per business enterprise. Furthermore, signs shall be limited to 10 square feet per side. In support of the residential community and commercial pad sites at 114 West Road, the Applicant is proposing to erect a single sign of up to 60 square feet. As reflected on the rendering submitted herewith, the proposed sign will be a wooden design supported by two architectural columns. The additional size will allow room to list users/tenants of the community's commercial pad sites, while also directing drivers to the entrance of the property.

1. The variance would not be contrary to the public interest because: For a variance to be contrary to the public interest, the proposal has to conflict with the Ordinance so much that it violates the Ordinance's basic zoning objectives. The relevant tests, as set forth by the New Hampshire Supreme Court, are (1) whether the proposal will alter the essential character of the neighborhood; and (2) whether it threatens public health, safety or welfare. The Property is situated in the C – Commercial zone and abuts Interstate 93 along its western boundary. The proposed sign will not alter the character of the neighborhood. The sign will be located near Exit 18 and the gas station across West Road and will not alter the essential character of the area. Furthermore, the proposal does not threaten public health, safety, or welfare. The attractive sign provides clear public benefits, including promoting navigation to the residential and commercial portions of the site. This static sign will not threaten public safety, as it will not cause excessive glare nor block drivers' sight lines. Given these factors, the project benefits, rather than harms, the public interest.

2. The spirit of the ordinance is observed because: Because it is in the public's interest to uphold the spirit of the ordinance, the Supreme Court has held that this and the first criterion are related. If an application meets one test, it almost certainly meets the other. *See Farrar v. City of Keene*, 158 N.H. 684 (2009). In addition to the reasons stated above, which are incorporated herein by reference, granting the variance will be consistent with the spirit of the ordinance. The intent of the ordinance is to promote on-site businesses and enhance navigation to the site, while maintaining and enhancing the character of the commercial district. This proposal supports the ordinance's intent by improving aesthetics, safety, and community value.

3. Substantial justice would be done because: The Supreme Court has held that measuring substantial justice requires balancing public and private rights. "Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." *Harborside Assocs., L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508, 515 (2011). Granting the variance results in a fair balance between public benefit and private rights. There is no injury to the public if the variance is granted because, as discussed above, the sign will

be consistent with, and complement, the character of the area. The proposal represents a net positive outcome for both the Town and the property owner, meaning substantial justice would be done.

4. The values of surrounding properties would not be diminished because: The Applicant's sign will positively affect the character of this area and will not negatively impact surrounding property values. Signage is prevalent along highways and will not be out of place at this location near the exit; however, this sign will be an architectural feature welcoming guests and residents to the community.

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

(A) Owing to the following special conditions of the property that distinguish it from other properties in the area:

The ±33-acre parcel was recently approved as a mixed-use community featuring 26 residential condominium units and three commercial pad sites. Its location along the highway and highway exit are also features that distinguish it from more rural locations in Canterbury.

i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and

Without the requested variance, the Applicant is deprived of the ability to reasonably broadcast the various uses present at the property, thus making it harder to find the residences and placing the commercial units at a competitive and functional disadvantage. The hardship arises from the size and mixed-use of the property. Allowing the variance supports the property being put to its best reasonable use.

ii. The proposed use is a reasonable one.

A hardship exists when special conditions of the land render the use for which the variance is sought "reasonable." See *Rancourt v. City of Manchester*, 149 N.H. 51, 54 (2003). A confluence of factors makes this unique lot a suitable location for the Applicant's proposed sign, and therefore reasonable.

TOWN OF CANTERBURY, NH
ABUTTERS FORM

Instructions: Please indicate the name and mailing address of all abutters to the property which shall be reviewed by the Zoning Board. "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. Please also include the names of all Attorneys, Engineers, Surveyors, Planners, or Architects whose stamp appears on the plat to be submitted to the Board for review and the owner of the property on the plat. **PLEASE MAKE ADDITIONAL COPIES OF THIS FORM AS NECESSARY.**

Name: Dennis Keifer & Barbara Lundberg
Map / Lot: 248-12
Street: 134 West Road
City: Canterbury
State/Zip: NH/03224

Name: Dale & Judith Patterson
Map / Lot: 248-11
Street: 130 West Road
City: Canterbury
State/Zip: NH/03224

Name: Harold F. French
Map / Lot: 248-9-01
Street: 118 West Road
City: Canterbury
State/Zip: NH/03224

Name: Richard Larkin Jr.
Map / Lot: 248-7
Street: PO BOX 43
City: Canterbury
State/Zip: NH/03224

Name: Ruth E. Mann Revocable Trust 5/13/1993
Map / Lot: 251-3
Street: 35 Fife Road
City: Canterbury
State/Zip: NH/03224

Name: NH Department of Transportation
Map / Lot: _____
Street: 7 Hazen Drive
City: Concord
State/Zip: NH/03302

Name: William L. Helm, III and GRJH, Inc.
Map / Lot: 248-16
Street: PO Box 522
City: Millerton
State/Zip: NY/12546

Name: A. Eli Leino, Esquire
Map / Lot: _____
Street: PO Box 1120
City: Manchester
State/Zip: NH/03105-1120

Name: Meridian Land Services, Inc.
Map / Lot: _____
Street: 31 Old Nashua Road
City: Amherst
State/Zip: NH/03031

Name: _____
Map / Lot: _____
Street: _____
City: _____
State/Zip: _____

