

EPSOM BOARD OF ADJUSTMENT
PO BOX 10, EPSOM, NEW HAMPSHIRE 03234
RECORD OF DECISION

Zoning Appeal: Case 2021-05 (Keeler-Var.)

Applicant: Jeff Keeler

Owner: Berube Revocable Trust

Tax Map: R-15 **Lot:** 12

Zoning District: Residential/Agricultural

Notice is hereby given that the appeal submitted by Jeff Keeler for a **Variance** to Article III, Section G.2 (Two Family Residences) to permit the inclusion of a guest quarters and summer kitchen in a 1200 ft² carriage barn structure on a 56 acre lot with no public road frontage (200' required) was **denied** by unanimous vote of the Zoning Board of Adjustment at the Public Hearing held on Wednesday, June 2, 2021. The property is located on Sunset Drive (Private Road) within the Residential/Agricultural Zone and is identified by Epsom Tax Map R-15 as Lot 12.

The variance was denied for the following reasons:

1. Creating an additional single family residence on property which is located hundreds of feet from a Class V public road and is accessed by a single lane unimproved private road/gated driveway is contrary to the public interest. Specifically, there is no assurance that this dwelling would be accessible to emergency services currently during inclement weather conditions or indefinitely in the future.
2. The proposal is inconsistent with the spirit of the ordinance requiring 200 feet of Class V road frontage to ensure adequate access for current and future residents. Not only does the lot not have any Class V road frontage but it is hundreds of feet from a Class V road. To somehow claim that this proposal meets the spirit of the ordinance criteria, one would have to assume that this ordinance has no spirit at all.
3. The proposal does not provide substantial justice for the town. Although it is understood that the decision on each variance is to be based on its own merits, the Board has experienced the use of precedent in establishing the character of a neighborhood and fairness to like proposals. Allowing for the creation of an additional single family residence on this remote lot would likely set a precedent for permitting new residences without Class V road frontage on numerous lots in town with no public road frontage including some adjacent to this property. The result would discourage investment in the development of new roads meeting town specifications and result in premature and scattered growth throughout the community.

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4. "Special" conditions of this lot with regard to no access to a public road are common rather than unique to lots in this area and throughout this rural community. These common conditions work against the establishment of a variance in this case. Also the property currently contains an existing single family residence which has provided the owner residential use of the property for decades negating any perceived unnecessary hardship created by the zoning ordinances for adding an additional dwelling.

Glenn A. Horner, Chairman
Zoning Board of Adjustment
Date: June 3, 2021

Note: Any person affected has the right to appeal this decision and/or conditions of the approval. If you wish to appeal the decision, or any conditions contained herein, you must act within a thirty (30) day period beginning with the next working day after the Zoning Board of Adjustment meeting when the decision was made. The first step in the appeal process is to apply to the board of adjustment for a rehearing. The motion for a rehearing must set forth all the grounds on which you will base your appeal.

cc: Suzanne Berube, 149 Sunset Drive, Northwood, NH 03261
Jeffrey Keeler, 30 Nash Lane, Epsom, NH 03234
Epsom Board of Selectmen
Epsom Planning Board Chair
Epsom Zoning Compliance Officer
Epsom Town Clerk
File Case 2021-05 (Keeler-Var.)