

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

**Zoning Appeal:** Case 2021-01 (M. Brown-Var.)

**Applicant:** Matthew Brown

**Owner:** Hunter Brown

**Tax Map:** U-4 **Lot:** 50

**Zoning District:** Residential/Light Commercial

Notice is hereby given that the appeal submitted by Matthew Brown for a **Variance** to Article II, Section C-10 (Automotive and Heavy Equipment Repair) to change condition #4 of a prior variance approval in Case 2012-12, which requires the business to be owner operated, was **denied** by unanimous vote of the Zoning Board of Adjustment at the Public Hearing held on Wednesday, March 17, 2021. The property is located on Dover Road within the Residential/Light Commercial Zone and is identified by Epsom Tax Map U-4 as Lot 50.

The variance was denied for the following reasons:

1. The original variance approval in Case 2012-12 creating an auto repair business in a zone where it is not permitted was intended to allow the land owner to establish a small business in his garage in order to earn a living on his property utilizing his skill set. The requirement that the business be owner operated contained in that case was the overriding condition which ensured that the variance served its purpose while limiting the zoning violation in the Residential/Light Commercial zone.
2. Allowing for leasing of the business to someone other than the owner of the property would remove the ability of the property owner to fully control and monitor the auto repair business as originally intended. Such an arrangement would be contrary to the public interest and inconsistent with the spirit of the ordinance.
3. The removal of the condition as proposed would not provide substantial justice. The benefit gained by the previous owner to continue his business as is without regard to ownership would establish a precedent for other owners of property in the residential/light commercial zoning district to establish non-compliant businesses in their garages and then lease them out.
4. The variance condition requiring the business to be owner operated is not considered an unnecessary hardship to the applicant who

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successfully operated his auto repair business for 8 years and then voluntarily sold the property.

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Glenn A. Horner, Chairman  
Zoning Board of Adjustment  
Date: March 18, 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: Matthew & Hunter Brown, 1628 Dover Road, Epsom, NH 03234  
Epsom Board of Selectmen  
Epsom Planning Board Chair  
Epsom Zoning Compliance Officer  
Epsom Town Clerk  
File Case 2021-01 (M. Brown-Var.)