

EPSOM BOARD OF ADJUSTMENT

1598 DOVER ROAD, EPSOM, NEW HAMPSHIRE 03234

RECORD OF DECISION

Zoning Appeal: Case 2023-07 (Harrison – Var.)

Applicant & Owner: Ricky Harrison

Tax Map: U5 **Lot:** 83

Zoning District: Residential/Light Commercial

Notice is hereby given that the appeal submitted by Ricky Harrison for a **Variance** to Article II, Section C (Table of Uses) #27 (Construction industry and suppliers) to establish a paving business in the Residential/Light Commercial Zone was **denied** by unanimous vote of the Zoning Board of Adjustment at the Public Hearing held on Wednesday, July 5th, 2023. The property is located on Dover Road within the Residential/Light Commercial Zoning District and is identified on Epsom Tax Map U5 as Lot 83.

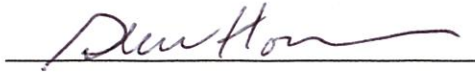
The variance was denied for the following reasons:

1. Establishing a paving business in the Residential/Light Commercial Zone is contrary to the public interest and inconsistent with the spirit of the ordinance that specifically intends to create a “business center” with permitted businesses such as retail shops and restaurants.
2. Approval of the variance does not provide any justice for the town. Where the applicant gains a business location on the same lot as a new residential dwelling, the town faces the consequence of setting a precedent for others to follow which would be detriment to the express purpose and intent of the Residential/Light Commercial zone.
3. Based on the testimony of a long term abutter, the property values in the area will be diminished.
4. No special conditions of the property were found which distinguish it from other properties in the neighborhood making the ordinance an unnecessary hardship. On the contrary, the most noteworthy special condition of this property is that it is located in the vicinity of a town water supply which would be threatened by accidental or other unintentional release of paving materials nearby.

Further relief from hardship considerations is that this property has rights to $\frac{3}{4}$ of the existing business uses currently allowed for by the ordinances either by being permitted outright or by special exception.

Finally it should be noted that the property owner recently received Special Exception approval for an ADU being built in conjunction with a new home on this property. This new residential development should help to mitigate any perceived hardship associated with the inability to also establish a paving business on the same lot.

Zoning Appeal Case 2023-07 (Harrison – Var.)
RECORD OF DECISION (Cont.)



Glenn A. Horner, Chairman
Zoning Board of Adjustment
Date: July 6, 2023

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: Ricky Harrison, 228 South Main Street, Concord, NH 03301
Epsom Board of Selectmen
Epsom Planning Board Chair
Epsom Zoning Compliance Officer
Epsom Town Clerk
File Case 2023-07 (Harrison – Var.)