

**EPSOM BOARD OF ADJUSTMENT**  
**1598 Dover Road, Epsom, NH**  
**RECORD OF DECISION**

**Zoning Appeal:** Case 2023-13 (Zabloudil – Var.)

**Applicant:** Scott & Samantha Zabloudil

**Owner:** Creighton Drive Revocable Trust, James & Susan Creighton

**Tax Map:** R10    **Lots:** 13 & 14

**Zoning District:** Residential/Agricultural

Notice is hereby given that the appeal submitted by Scott & Samantha Zabloudil for a Variance to Article III, Section G.1.b to construct a single family residence on a lot (Tax Map R10, Lot 13) with 50.3 ft. of public road frontage (200 ft. required) merged with Tax Map R10, Lot 14 for a combined total area of over 28 acres was **approved** by unanimous vote of the Zoning Board of Adjustment at the Public Hearing held on Wednesday, October 18, 2023. The combined properties are located on North Road within the Residential/Agricultural Zoning District and are identified on Epsom Tax Map R10 as Lots 13 & 14.

**Findings of Fact:**

1. Both lots were denied an appeal for establishing a single family residence. Lot 13 by variance in 1996 and Lot 14 which, has no frontage, by administrative appeal in 2001.
2. The Board found that by combining the two lots and recognizing the 50.3 ft. of public road frontage on North Road (NH Rte. 107), the new variance appeal was materially different than prior appeals and could be heard.
3. The public access to the buildable portion of the combined lots is adequate and currently serving other residents.
4. It is agreeable to the owner to merge the two lots and restrict the combined lot from further subdivision.
5. It is not contrary to the public interest and consistent with the spirit of the ordinance to allow for a single family home on a lot with some public road access as well as an adequate private road serving other residents.
6. Combining the lots and preventing future subdivision preserves open space and in turn the rural atmosphere of the town providing substantial justice to the town.
7. An additional single family home in this location is not expected to diminish the property values of existing adjacent homes and properties.
8. Special conditions of the property with respect to hardship include significant acreage well beyond the 2 acre minimum while still having some public road frontage for access. It would be an unnecessary hardship to the owner if use of their property was restricted to only a wood lot.

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The variance was approved with the following conditions:

1. Tax Map R10, Lots 13 & 14 shall be merged into a single lot and the newly created lot shall remain intact and not subdivided at any time in the future.
2. The owner of Tax Map R10, Lots 13 & 14 shall work with the owners of Tax Map R10, Lots 12 & 19 to update the current shared maintenance directive for the private drive (i.e. Berry Lane) contained in Merrimack County Registry of Deeds (MCRD) Book 3691, Page 2852. The mutually agreed upon shared maintenance directive shall be included in the new deed created for the merged Tax Map R10, Lots 13 & 14. Owners of Tax Map R10, Lots 12 & 19 (identified on MCRD Plan # 12494 as lots 3 and 1 respectively) shall be responsible for updating their deeds with the mutually agreed upon shared maintenance directive as necessary.
3. The approval is for construction of a single family residence only on the newly created merged lot.
4. The ZCO shall verify Tax Map R10, Lots 13 & 14 have been combined in a new deed recorded at the MCRD prior to issuing a zoning compliance (building) permit.



Glenn A. Horner, Chairman  
Zoning Board of Adjustment  
Date: October 19, 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: James & Susan Creighton, 30 Creighton Drive, Northwood, NH 03261  
Scott & Samantha Zabloudil, 7 Lincoln Drive, Raymond, NH 03077  
Epsom Board of Selectmen  
Epsom Planning Board Chair  
Epsom Zoning Compliance Officer  
Epsom Town Clerk  
File Case 2023-13 (Zabloudil – Var.)