

7. This application is for a (check all that apply):

ADMIN. APPEAL (Complete Sect. 1)

SPECIAL EXCEPTION (Complete Sect. 2)

VARIANCE ( Complete Sect. 3)

EQUITABLE WAIVER (Complete Sect. 4)

SPECIAL USE PERMIT (JUNK YARD) (Complete Sect. 5)

**SECTION 1 – APPEAL FROM AN ADMINISTRATIVE DECISION**

(Relating to the interpretation and enforcement of the provisions of the zoning ordinance.)

Decision of the enforcement officer related to zoning ordinance article(s) \_\_\_\_\_ section(s) \_\_\_\_\_ and Applicant's opposing interpretation of this ordinance (incl. applicable correspondence, use additional sheets as necessary):

**SECTION 2 – SPECIAL EXCEPTION APPEAL**

A Special Exception is requested per article(s) III section(s) U-Short Term Rentals of the zoning ordinance to permit the proposed use detailed in paragraphs 5 (PLAN) and 6 (USE) of this application. Complete Section 2 questions related to the Zoning Board's Special Exception checklist on page 3.

**SECTION 3 – VARIANCE APPEAL**

A Variance is requested to deviate from article(s) III section(s) U-SHORT TERM RENTALS of the zoning ordinance to permit the proposed use detailed in paragraphs 5 (PLAN) and 6 (USE) of this application. Complete Section 3 questions related to the Zoning Board's Variance checklist on page 4.

**SECTION 4 – EQUITABLE WAIVER APPEAL**

An Equitable Waiver of Dimensional Requirements is requested to deviate from article(s) \_\_\_\_\_ section(s) \_\_\_\_\_ of the zoning ordinance to permit the proposed use detailed in 5 (PLAN) and 6 (USE) of this application. Complete Section 4 questions related to the requirements of an Equitable Waiver on page 5.

**SECTION 5 – SPECIAL USE PERMIT APPEAL**

A Special Use Permit, as specified in article III, section D.5 of the zoning ordinance is requested to permit the proposed junk yard detailed in paragraphs 5 (PLAN) and 6 (USE) of this application. Complete Section 5 questions related to the requirements for a junk yard on page 6.

Information on page 7 is provided to assist you with understanding the zoning process and completing this application. It is not necessary to submit application pages which do not apply to your case. Sign and date below following completion of the application.

This application is not acceptable unless it is complete, accurate and all information necessary to fully understand and advertise your request has been submitted. Use additional sheets as necessary

The undersigned alleges that the information provided on this application is true and accurate to the best of their knowledge.

APPLICANT: \_\_\_\_\_ DATE: 5/16/23



Note: The Board will address all of these questions and must be satisfied with both written and verbal responses heard at the Public Hearing prior to approving all Special Exceptions.

Section 3 Variance Questions:

1. Granting the variance would not be contrary to the public interest because: GRANTING THE VARIANCE WOULD

BE CONSISTENT WITH THE PUBLIC INTEREST BECAUSE WE WOULD NOT CREATE ADDITIONAL TRAFFIC COMPARED TO THE ONE THAT WE WOULD GENERATE UNDER ANY OTHER CIRCUMSTANCES SINCE, AS HOMEOWNERS, WE WILL ENSURE THE SHORT-TERM RENTAL ABIDES WITH THE TOWN'S TERMS OF LENGTH OF STAY, YEARLY OCCUPANCY, AND MAXIMUM CAPACITY FOLLOWING THE RECENT SHORT-TERM RENTAL ORDINANCE ISSUED IN 2023. IN ADDITION, WE WILL ENSURE TO FOLLOW ANY SCENIC ROAD DESIGNATIONS REGARDING TREE REMOVAL AND STUMP

2. If the variance were granted, the spirit of the ordinance would be observed because: THE SPIRIT OF THE ORDINANCE WOULD BE OBSERVED BECAUSE WE WOULD NOT ALTER OR VARY THE NATURE OF THE GRAVEL ROADS, HONORING THE TOWN OF EPSOM'S HISTORY AND ORIGINAL DESIGN. WALL MAINTENANCE

3. Granting the variance would do substantial justice because: SUBSTANTIAL JUSTICE IS DONE BECAUSE THIS

VARIANCE WOULD ALLOW THE HOMEOWNER TO OPERATE THE PROPERTY AS A SHORT-TERM RENTAL CONSISTENT WITH THE ZONING ORDINANCE WHILE CONTRIBUTING FINANCIALLY TO THE LAKEVIEW ROAD ASSOCIATION, ON A YEARLY BASIS, SECURING THE UNMAINTAINED ROADS PROPER UPKEEP AND ACCESSIBILITY.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

THE VALUES OF SURROUNDING PROPERTIES WOULD NOT BE DIMINISHED DUE TO USING THE HOME AS A SHORT-TERM RENTAL WHICH IS LOCATED ON AN UNMAINTAINED ROAD, SINCE THE HOMEOWNER WOULD ONLY ALLOW SHORT-TERM RENTALS WITHIN THE ZONING'S MAXIMUM CAPACITY AND OCCUPANCY TERMS. IN ADDITION, THE HOMEOWNERS WOULD ENSURE HOME CARE DUTIES AND CAUTIONS ARE EXERCISED TO PREVENT A NEGATIVE IMPACT ON THE HOME VALUE THAT IS WITHIN THE HOMEOWNERS CONTROL.

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:

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

THE DWELLING WOULD CONTINUE TO BE USED AS A HOME, AND THERE ARE NO PLANS TO CHANGE OR MODIFY THE EXISTING STRUCTURES, SURROUND AREAS, ROADS, OR TREES.

-and-

ii. The proposed use is a reasonable one because: THE PROPOSED USE IS REASONABLE BECAUSE THE

PROPOSED USE OF THE HOME WOULD NOT RESULT IN OVERCROWDING AND WOULD NOT ALTER THE AREA'S CHARACTER BECAUSE THE HOMEOWNERS WILL ABIDE BY THE EASEMENTS AND DEED RESTRICTIONS, AND ENSURE THAT STONE WALLS AND LARGE TREES ARE NOT DESTROYED DURING THE TENANTS' SHORT TERM STAY(S).

b. Explain how, if the criteria in subparagraph 5(a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it: