



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

268B Mammoth Road, Londonderry, New Hampshire 03053
Phone: 432-1100, ext.134 Fax: 432-1142

July 20, 2020

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, July 15, 2020:

Case No.: 07/15/2020-1

Applicant: Harry & Julie Smith
Two Essex Court
Londonderry, NH 03053

Location of Property: Two Essex Court, Map 12 Lot 80-17, Zoned AR-1

Request: Request for three variances from LZO 4.6.1.3 to encroach 1374 feet into the Conservation Overlay District for a pool installation; LZO 4.2.1.3.C.2 to encroach into 8 feet into the 15 feet side setback for a pool installation; LZO Planned Residential Development ("PRD") setback to encroach into the PDR setback by 222 SF for a pool installation, Two Essex Court, Map 12 Loy 80-17, Zoned AR-1, Harry & Julie Smith (Owners & Applicants)

Result: The applicants withdrew their application.

Jim Tirabassi

Jim Tirabassi, Clerk

NOTE: Actions of the ZBA, granted or denied, are subject to the right of interested parties to request a rehearing within thirty calendar days following a hearing and to the Superior Court in accordance with RSA 677:1-14. Variance shall be valid if exercised within two years from the date of final approval. See RSA 674:33, I-a (a) for further explanation and conditions.



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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, July 15, 2020:

Case No.: 07/15/2020-2

Applicant: Erica Laue
18 Lancaster Drive
Londonderry, NH 03053

Location of Property: 18 Lancaster Drive, Map 7 Lot 51-29, Zoned AR-1

Request: Request for a variance from LZO 4.2.1.4.A to allow 10 chickens on a lot less than two acres

Result: Member B. O'Brien made a motion to **GRANT** the applicant's request for a variance in **CASE NO. 07/15/2020-2** from LZO 4.2.1.4.A to allow 10 chickens on a lot less than two acres, 18 Lancaster Drive, Map 7 Lot 51-29, Zoned AR-1, Erica Laue & Nicholas Thrasher (Owners & Applicants) with the following conditions: (1) no more than 10 chickens are permitted; and (2) no roosters.

Member M. Feig seconded the motion.

The motion passed, 3-1-0. The applicant's request for a variance was **GRANTED with conditions.**

Jim Tirabassi

Jim Tirabassi, Clerk

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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, July 15, 2020:

Case No.: 07/15/2020-3

Applicant: Douglas & Robin Perry
Two Grist Mill Hollow
Londonderry, NH 03053

Location of Property: Two Grist Mill Hollow, Map 18 Lot 13-10, Zoned AR-1

Request: Request for a variance from LZO 5.14 to allow a six-foot fence to encroach 38.7 feet into the front 40 foot setback where only fences four feet in height are allowed

Result: Member J. Tirabassi made a motion to **DENY** the applicant's request in **CASE NO. 07/15/2020-3**: Request for a variance from LZO 5.14 to allow a six-foot fence to encroach 38.7 feet into the front 40 foot setback where only fences four feet in height are allowed, Two Grist Mill Hollow, Map 18 Lot 13-10, Zoned AR-1, Douglas & Robin Perry (Owners & Applicants)

Member B. O'Brien seconded the motion.

The motion passed, 4-0-0. The applicant's request for a variance was **DENIED**.

The applicant's request was denied for the following reasons: (1) granting of the variance would be contrary to the public interest and the spirit of the ordinance would not be observed because a six foot fence in the front setback would alter the essential character of the neighborhood. The fence is 38.7 feet into the front setback and materially changes the look and feel of the neighborhood; (2) substantial justice would not be done as the loss to the public is greater than any gain to the property owner as the loss to the public of having the essential character change is greater than any loss to the property owner as the property owner could have a fence in compliance with the ordinance; and (3) there was nothing presented that demonstrated the property was unique or that the property could not be used in conformity with the ordinance resulting in a fair and substantial relationship between the general public purpose of the ordinance and its application on the property.



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