



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

268B Mammoth Road, Londonderry, New Hampshire 03053 • Phone: 432-1100, ext.129

Prior to completing this application, you will need to obtain and provide as part of your application a completed ZONING BOARD OF ADJUSTMENT REASON FOR APPEAL form. This form requires a determination from the Zoning Administrator.

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENT
PURSUANT TO NHRSA 674:33-a
APPLICATION FOR APPEAL

Location of property: Street address _____

Tax map _____ Parcel _____ Zone _____

Owner's name (s) _____ Tel. No. _____

Owner's address _____

Owner's Email address _____

Applicant's name (s) _____ Tel. No. _____

Applicant's address _____

Applicant's Email address _____

Previous Zoning Board action on this property: _____

Does the request involve a dimensional requirement, not a use restriction? () yes () no

Please explain the situation that causes you to seek an Equitable Waiver:

PLEASE ANSWER THE FOLLOWING QUESTIONS:

- 1)** Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value:

- 2)** Explain how the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority:

- 3)** Explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property:

- 4)** Explain how that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected:

In lieu of the findings required by the Board under nos. (1) and (2), please explain and/or demonstrate that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected (if applicable):

I understand that I must appear in person at the public hearing scheduled by
the Zoning Board of Adjustment.

If I cannot appear in person,
I will designate a representative or agent in writing below to act on my behalf.

I hereby designate _____

to represent me as a representative/agent in the pursuance of this appeal.

Owner's Signature

Owner's Signature

Dated

Total fee due (to be calculated by ZBA secretary): \$ _____

LIST OF ABUTTERS

The following is a list of all abutting property owners concerned in this appeal. The Planning Department can assist you in determining your abutters, but **YOU ARE RESPONSIBLE FOR OBTAINING THE CORRECT LIST OF ABUTTERS. YOU ARE ALSO RESPONSIBLE FOR VERIFYING THE OWNERS' NAMES AND MAILING ADDRESSES FOR THIS LIST WITH THE ASSESSOR'S OFFICE.** This information is necessary to properly notify all interested parties with certified notices. Failure to provide complete and accurate information on abutters will result in the application being returned and may delay the scheduling of your hearing or result in a rehearing.

[illegible]

PREPARING YOUR ABUTTER'S LIST



1. Go to: <https://londonderrynh.mapgeo.io/datasets/properties?abuttersDistance=300> and click the "Search" box. Enter the property address in the address box and press enter. The parcel information should then appear as results. Click on the parcel information. Once the parcel is highlighted, click on the abutter box on the top right of the screen. A distance box containing the number 300 will appear and right below that box is a blue "Find" box. Click on the blue "Find" box.
2. A white box will appear asking "Clear search results?" Click on the "No" box.
3. A new screen will appear with the subject property outlined in blue and all other properties within 300 feet in red.
4. At this point, you will make the determination of who are the abutters.
5. Per NHRSA **672:3 Abutter**. – "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board.

** If an abutting property is under a condominium or other collective form of ownership, the term abutter ***means the officers of the collective or association***, as defined in RSA 356-B:3, XXIII.

** If an abutting property is under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes ***the manufactured housing park owner (i.e. mobile home park) and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the subject parcel.***

6. By clicking on the subject property, you are able to zoom in to assist in determining the abutter list. If there are properties outlined in red that do not meet the statutory definition of an abutter, you should click on the parcel and that parcel will then be

removed from the list. Once you are satisfied with the list, click downloaded results. A white "Download Abutters" box will appear. Click on the "Abutters Report" box for the creation of the report. This report is your abutter's list.

****** Please note the additional notification requirements, if an abutting parcel is under a condominium or other collective form of ownership or a manufactured housing park form of ownership.

7. You will need to have the accuracy of the owners' names and addresses verified by the Assessing Department. You can either print out the list and bring it in to the Assessing Department or e-mail the list to Adumont@londonderrynh.org.
8. Please attach the updated and verified list to your application or transfer the information to the "List of Abutters" page in the application.
9. If you have any questions about creating the list, please see the Planning Department. If you have any questions about verifying the owners' names and addresses, please see the Assessing Department.