



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

268B Mammoth Road, Londonderry, New Hampshire 03053
Phone: 432-1100, ext.129 Fax: 432-1142

October 19, 2023

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, October 18, 2023:

- Case No.:** 07/19/2023-4
- Applicant:** Brilor Corporation
25 Orchard View Drive
Londonderry, NH 03053
- Location of Property:** 25 Orchard View Drive, Map 7, Lot 38-1
- Request:** Re-hearing for a variance from 4.1.2 (Table of Uses) to allow a child care facility in the Commercial III zoning district, 25 Orchard View Drive, Map 7, Lot 38-1, Brilor Corporation, owner and applicant.
- Result:** B. O'Brien made a motion in CASE NO. 07/19/2023-4 to grant the request for a variance from 4.1.2 (Table of Uses) to allow a child care facility in the Commercial III zoning district, 25 Orchard View Drive, Map 7, Lot 38-1, Brilor Corporation, owner and applicant.
- B. Robicsek seconded the motion.
- The motion was granted 4-0-0. The applicant's request for a variance was GRANTED for the following reasons:
- 1) The granting of the variance is not contrary to the public interest as the area has had a business focused on children operating in it for over a year. The tenants agree that it is not altering the character of the neighborhood.
 - 2) The spirit of the ordinance would be observed as there are no health, safety or general welfare concerns.
 - 3) Granting the variance would do substantial justice, the applicant's loss would be greater than any gain to the public.
 - 4) The values of surrounding properties would not be diminished, having a business in the back building would not diminish surrounding properties.
 - 5) a.1. The access road is not from Route 102 and the property has two structures.
a.2. Given the submission and testimony, the use is reasonable.

NOTE: Actions of the ZBA, granted or denied, are subject to the rights of any party to the proceedings or person directly affected thereby 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, October 18, 2023:

Case No.: 10/18/2023-1

Applicant: Christopher and Stephanie Kania
29 West Road
Londonderry, NH 03053

Location of Property: 29 West Road in the AR-1 zoning district. Tax Map 2, Lot 38-1

Request: Request for a variance from 4.2.1.3.C.4 to permit encroachment into the forty (40) foot front setback for the construction of an above ground pool. The parcel is located at 29 West Road in the Agricultural-Residential (AR-1) zoning district. Tax Map 2, Lot 38-1.

Result: B. O'Brien made a motion in CASE NO. 10/18/2023-1 to grant the request for a variance from 4.2.1.3.C.4 to permit the encroachment into forty (40) foot front setback for the construction of an above ground pool. The parcel is located at 29 West Road in the Agricultural-Residential (AR-1) zoning district. Tax Map 2, Lot 38-1.

C. Moore seconded the motion.

The motion was granted 4-0-0. The applicant's request for a variance was GRANTED for the following reasons:

- 1) Granting the variance would not be contrary to the public interest, the pool does not change the essential character of the neighborhood.
- 2) The spirit of the ordinance would be observed, the pool poses no threat to health, safety or general welfare problems.
- 3) Granting the variance would do substantial justice, it is a greater loss to the applicant to deny the variance.
- 4) For the following reasons the values of the surrounding properties would not be diminished, pools do not diminish property values.
- 5) a.1 This is a corner lot with two 40' setbacks and a leach field in the middle of the yard.
a.2 Pools are reasonable.

NOTE: Actions of the ZBA, granted or denied, are subject to the rights of any party to the proceedings or person directly affected thereby 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.