

FINAL

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
TUESDAY, September 5, 2023
7:00 PM**

MEMBERS PRESENT: Chair William Koppenheffer, Vice Chair Jeremy Katz, Paul McDonough, Dan Nash, Dave Newlove, Catherine Hembree (Alt)

MEMBERS ABSENT: Jennifer Barkley (Alt)

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1. CALL TO ORDER

Chair Koppenheffer called the meeting to order at 7:01 PM.

2. APPROVAL OF MINUTES

A. August 7, 2023

Mr. Katz MOVED to approve the August 7, 2023, Minutes as presented in the September 5, 2023 packet.

Seconded by Mr. McDonough.

**The Vote on the Motion was (3-0-2).*

Mr. Newlove and Mr. Nash abstained.

3. PUBLIC HEARING ITEMS

A. Steven Bickford, 22 Wheatley St (Tax Map 77, Lot 15), zoned R3:

Applicant requests a Special Exception pursuant to Sections §703.1 and §801.3 of the Zoning Ordinance to erect a 12 ft. x 16 ft. carport +/-8 ft. from the right-side property line where a 15 ft. side yard setback is required by section §310.3 of the Zoning Ordinance. **ZB2023-14-SE**

Steven Bickford appeared on behalf of the application. He said he would like a carport because he has a long driveway and needs a place to park a second car. Getting out of his driveway has been treacherous during the snow season. He said the garage that is built on the property is only 4 feet away from the property line. The carport would be further away from the property line. He believes it would not block the view for any neighbors because there is a fence and a hedge between him and his neighbors. He is located in a dense neighborhood and most of the other properties in the area encroach on the setback. The lots in the neighborhood are tightly packed and do not fit well into the zoning code due to the size of the lots and the current placement of the buildings on the property. Attaching the carport to the garage would make it sturdier. There has been a delay with his contractor, but the permit would be good for two years.

Chair Koppenheffer opened the Public Hearing and hearing no one closed the Public Hearing.

Mr. Nash MOVED on September 5, 2023, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Steven Bickford regarding 22 Wheatley St (Tax Map 77, Lot 15), zoned R-3. The Applicant requests a Special Exception per Section §703.1 of the Zoning Ordinance to erect a

**12 ft x 16 ft carport +/- 8 ft from the right-side property line where a 15 ft side-yard setback is required.
ZB2023-14-SE**

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Lebanon Zoning Board of Adjustment makes the following findings of fact:

1. The subject property is developed with a one-story single-family residence with a detached garage constructed in 1915.
2. At this time, the applicant is seeking a Special Exception pursuant to Section §703.1 of the Zoning Ordinance to expand the dimensionally non-conforming garage with the addition of a attached carport.
3. In order to grant a Special Exception to change one non-conforming use to a different non-conforming structure, the applicant must demonstrate that the proposal meets the general Special Exception criteria, set forth in Section §801.3. The applicant has submitted testimony addressing the Section 801.3 criteria in an application received by the Planning & Development Department on August 8th 2023.
4. No one spoke for or against the application.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Special Exception criteria set forth in §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by Section §703.1 and Section §801.3 of the Zoning Ordinance.
2. The following conditions/requirement of Section §703.1 **have been** met:
 - a. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.
 - b. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently nonconforming cannot be made more non-conforming in the absence of a of a variance.
3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy. (§801.3.C) *Staff is not aware of any Zoning Ordinance violations on the property.*
4. The character of the area **will not** be adversely affected. (§801.3.D)
5. **No** hazard or nuisance will be created. (§801.3.E)
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted. (§801.3.F)

7. The granting of the Special Exception **will not** result in undue municipal expense. (§801.3.G)
8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.H)
9. The general welfare of the City **will** be protected. (§801.3.I)

III. **DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 5th day of September, 2023, hereby **GRANTS** the requested Special Exception as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit and a Certificate of Completion.

Seconded by Mr. Newlove.

****The Vote on the Motion was (5-0).***

- B. City of Lebanon, 5 Airpark Rd (Tax Map 131, Lot 1), zoned IND-L and 0 Hall Rd (Tax Map 159, Lot 7) zoned RL-3:** Applicant requests a Special Exception pursuant to Wetlands Conservation District Section §401.5 of the Zoning Ordinance to allow wetland impacts associated with the extension taxiway “A”, safety improvements, and the relocation of a localizer antenna, shed and access road at the Lebanon Municipal Airport. **ZB2023-13-SE - To be opened and continued to the October Zoning Board meeting, pending Conservation Commission review.**

The City has asked to open this hearing to start the timeline. Because it is located in a Conservation Zone, a recommendation from the Conservation Commission to the Board is required. The Board would like to continue this hearing until the Conservation Commission has had time to review the proposal.

***Mr. Newlove MOVED to continue until the October 2, 2023 Meeting,
Seconded by Mr. Nash.***

****The Vote on the Motion was approved (5-0).***

- C. Catherine Patch, 5 Mack Ave (Tax Map 73, Lot 43), zone R3 Class1:** A request for a Special Exception pursuant to section §801.3 to permit the conversion of a One-family dwelling into a Two-family dwelling pursuant to section §310 Residential Three District (R-3) requirements. **ZB2023-12-SE - Continued from August 8, 2023 Meeting**

Mr. Nash recused himself from voting on this hearing because he was not present at the last meeting and has not reviewed the information from the previous meeting.

Ms. Hembree was given voting privileges for this hearing.

Aaron Simpson appeared with Catherine Patch and Laurie Pauli, member of the Public and Architect for Ms. Patch.

This hearing was continued in August due to lack of documentation that was previously requested and was requested again the hearing; specifically, a site plan showing current conditions, a plan showing what conditions were like before any construction was done on the property, and a proposed site plan. In addition, a parking plan was requested. No new materials have been received; therefore it is not possible to review this application. Ms. Patch said she has materials to hand out at the meeting. It is felt that in a disputed case, it is not fair to the applicant or the neighbors to move forward. The Board would like an opportunity to review the documents that were requested, and the Public need an opportunity to review the materials.

Mr. Katz said he believes the application is for approval of use and the issue is if the use would meet the criteria of a special exception. Mr. Reichert said the architect can introduce the materials into the record, but some of the Board members felt it would be more beneficial to hear the testimony at the next hearing. The applicant was under the impression that she could just hand deliver the documents at the hearing. The Public need to be provided time to review the materials. The majority of the members would like more time to review the materials and determine any questions.

Mr. Newlove MOVED to continue this hearing to the October 2, 2023 meeting.

Mr. McDonough seconded the motion.

****The Vote on the Motion was (4-1).***

Mr. Katz voted nay.

Mr. Nash returned to the meeting. He asked that the applicants be given a timeline for submission of any materials they want included in the packet for the next meeting and to be published on the City website. The deadline to submit materials would be Thursday 9/21.

4. STAFF COMMENTS

Mr. Reichert said the department will be working on changes to the Zoning Ordinance over the next few weeks. He asked members to offer any suggestions within the next week if they have any suggestions they would like to see in the ordinance. Chair Koppenheffer made comments about parking requirements in residential areas. Now that 4 unrelated people can live in a space, it would require additional parking. Mr. Reichert explained the process to change Zoning Ordinances. Another section they would like addressed is lighted signs. There are many types of electronic signs, and the price changes that are required for gas stations are problematic. How often the electronic signs change is one consideration. Changes to the ordinance will be submitted to the City Council at the first Council meeting in October and there will be several public hearings throughout the community before any changes are passed.

5. ADJOURNMENT

Mr. Nash MOVED to adjourn the meeting at 7:41 PM.

Seconded by Mr. Newlove.

****The Vote on the Motion was approved (5-0).***

Respectfully submitted,
Linda Billings, Recording Secretary