



**LEBANON ZONING BOARD OF ADJUSTMENT
APRIL 1, 2024 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. To participate in this meeting, please join live via Microsoft Teams or call 1-929-229-5356 (access code: 733 800 482#). If you have trouble accessing this meeting, please email nathan.reichert@lebanonnh.gov.

2. Approval of Minutes

- A. March 4, 2024

3. Public Hearing Items

- A. **Pinewood Village Condo Association and George Blike & Rebecca Johnson, 6 Oak Ridge Road #9 (Tax Map 4, Lot 23, Plot 906), zoned R-3:** Applicants request a Variance from Section 310.3, pursuant to Section 801.2 of the Zoning Ordinance to construct an addition to the existing condominium unit to be located +/- 11 feet from the front lot line where 20 feet is required. **ZB2024-05-VAR**
- B. **WISE of the Upper Valley, Inc., 38 Bank Street (Tax Map 92, Lot 116), zoned R-O:** Applicant requests a Variance from Section 607.1, pursuant to Section 801.2 of the Zoning Ordinance to allow the elimination of 3 required parking spaces. **ZB2024-06-VAR**
- C. **Sean Lacey & Thomas Lacey, 7 Summer Street (Tax Map 77, Lot 153), zoned R3:** Applicants request a Special Exception from Section 310.3, pursuant to Sections 703.1 & 801.3 of the Zoning Ordinance to allow the expansion of a non-conforming attached garage. **ZB2024-07-SE**
- D. **Dallas & Savannah Hammond, 16 Peabody Street (Tax Map 90, Lot 48), zoned R1:** Applicants request a Variance from Section 308.3, pursuant to Section 801.2 of the Zoning Ordinance to construct an addition to the existing single-family dwelling to be located +/- 9 feet from the left side lot line where 15 feet is required. **ZB2024-08-VAR**
- E. **Eric Agterberg & Sarah Riley, 45 Eldridge Street (Tax Map 77, Lot 5), zoned R3:** Applicants request a Special Exception from Section 310.3, pursuant to Sections 703.1 & 801.3 of the Zoning Ordinance to allow the expansion of the existing non-conforming garage to be located +/- 5.5 feet from the left side lot line where 15 feet is required and the expansion of the non-conforming front porch to be located +/- 9.3 feet from the front lot line where 20 feet is required. **ZB2024-09-SE**
- F. **Lebanon Housing Authority, 31 Romano Circle (Tax Map 101, Lot 20), zoned R2:** Applicant requests a Special Exception from Section

309.2, pursuant to Section 801.3 of the Zoning Ordinance to convert office space connected to an existing 5-unit dwelling into 2 additional dwelling units. **ZB2024-10-SE**

4. **Staff Comments**
5. **Other Business**
 - A. Implicit Bias Training
6. **Adjournment**

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to [LebanonNH.gov/Live](https://lebanonnh.gov/Live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

If you have any questions or would like to view the files for the application identified above, please contact the Planning & Development Department by sending an e-mail to planning@lebanonnh.gov, or by calling 603-448-1457, or by visiting the Planning and Development Office located in City Hall during regular work hours, Monday through Thursday, 7AM to 5PM. The application materials will also be posted to the City's website at [LebanonNH.gov/Agendas](https://lebanonnh.gov/Agendas).

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
MONDAY, March 4, 2024
7:00 PM**

MEMBERS PRESENT: Vice Chair Jeremy Katz, Dave Newlove, Paul McDonough, Michael Morris (alternate)

MEMBERS ABSENT: Chair William Koppenheffer, Jennifer Barkley

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1. CALL TO ORDER

Vice Chair Katz called the meeting to order at 7:00 PM.

Nathan Reichert provided the reading of the 91A public announcement.

2. APPROVAL OF MINUTES

A. February 5, 2024

Mr. Morris is appointed a full voting member for this meeting.

*Mr. Newlove MOVED to approve the February 5, 2024 Minutes.
Seconded by Mr. Morris.*

**The Vote on the Motion was (4-0).*

Mr. Katz announced that for any application this evening, three votes are required to get relief. There are only 4 members present, and if anyone would like, they can have their application considered when there are 5 members present.

The Pinewood Village Condo Association and George Blike & Rebecca Johnson application is postponed until the April hearing because inadequate notice to abutters was made.

3. PUBLIC HEARING ITEMS

- A. Patch Orchards, Inc., 39 Patch Road (Tax Map 138, Lot 14), zoned RL-2:** Applicant appeals the Zoning Official's calculation of qualified gross living area in both the primary dwelling and accessory dwelling unit. **ZB2024-02-AAD - Continued from February 5, 2024 meeting. To be dismissed due to City Council Zoning amendment approval.**

The relief that the applicant is requesting is no longer needed due to a change by the City Council to the amendment of the Zoning Ordinance.

Mr. Katz MOVED to dismiss without prejudice this appeal on the basis that the change in the zoning ordinance from City Council has rendered it moot.

1 *Seconded by Mr. Morris.*

2
3 **The Vote on the Motion was (4-0).*

- 4
5 **B. Lisa M. Green Trust, 31 Guyer Street (Tax Map 91, Lot 100), zoned R-3:** Applicant requests
6 a Special Exception to allow the addition of an accessory dwelling unit to the existing single-
7 family dwelling, to be located +/- 4.5 feet from the right-side lot line where 15 feet is required.
8 **ZB2024-03-SE**
9

10 Lisa Green appeared on behalf of the application. She owns a property in Lebanon on a very
11 narrow and deep lot. She would like to add an addition to the back of the garage. Because the
12 lot is narrow, she would need a special exception. The addition would be about 350 square feet.
13 It would be for one of her aging relatives. She clarified that the house is on City sewer and
14 water. The garage is currently 4 feet from the boundary and the addition would be 5 feet from
15 the boundary. The neighbors submitted a document supporting the application.
16

17 **Vice Chair Katz opened the Public Hearing and hearing no one from the Public, closed the Public**
18 **Hearing.**
19

20 *Mr. Newlove MOVED on March 4th 2024, at a duly-noticed meeting of the Lebanon Zoning Board of*
21 *Adjustment, there appeared Lisa Green regarding 31 Guyer St (Tax Map 91, Lot 100) Zone R3 Class1.*
22 *The Applicant requests a Special Exception per Section 703.1 and Section §801.3 of the Zoning*
23 *Ordinance to attach an Accessory Dwelling Unit to an existing detached garage is 4-feet, +/- 5-feet,*
24 *from the right-side property line where a 15-foot setback is required.*
25

26 **I. FINDINGS OF FACT**
27

28 Based on testimony given, application materials presented, and supporting documents submitted, the
29 Lebanon Zoning Board of Adjustment makes the following findings of fact:
30

- 31 1. The subject property is improved with a one-family dwelling constructed in 1917. The lot
32 contains a primary residence and a dimensionally non-conforming detached garage.
33
- 34 2. As described in the application by the applicant, the applicant proposes to attach an ADU to the
35 rear to the legal non-conforming garage. The addition will be located partially within the 15 ft.
36 right side-yard setback, it will be no closer to the right-side yard lot line than then existing garage
37 and will be approximately **5-feet** from the property line.
38
- 39 3. Class 1 lots (i.e. lots that are served by municipal sewer and water) in the R-3 District must
40 maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15-feet.
41 Pursuant to section §310.3 of the Zoning Ordinance. Section §703.1 of the Zoning Ordinance
42 allows the expansion of “*any increase in the footprint and/or volume of the non-conforming part*
43 *of the building or structure*” by Special Exception from the Zoning Board of Adjustment.
44
- 45 4. In order to grant a Special Exception for the proposed expansion, the Board must determine that
46 the proposal meets the criteria set forth in Section §703.1.A of the Zoning Ordinance. Per Section
47 §703.1.A.3, the Board must also determine that the proposal meets the general Special Exception
48 criteria set forth in Section §801.3.
49

5. The applicant has submitted testimony addressing the Section §703.1.A and Section §801.3 criteria in an application received by the Planning and Development Department on January 18th 2024.
6. There are no known existing zoning violations on the property.
7. Kristi Medill and Alexander Medlicott submitted written testimony in support of 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 §703.1 and §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. (801.3.A.1)
2. The following criteria of Section §703.1 **have been** met: (801.3.A.2)
 - 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 nonconforming in the absence 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.A.3)

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.A.4)
5. **No** hazard or nuisance will be created. (§801.3.A.5)
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted. (§801.3.A.6)
7. The granting of the Special Exception **will not** result in undue municipal expense. (§801.3.A.7)
8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.A.8)
9. The general welfare of the City **will** be protected. (§801.3.A.9)

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 4th day of March, 2024, hereby **GRANTS** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to permit the construction of an Accessory Dwelling Unit attached to an existing detached

garage **5-feet**, from the right-side property line where a 15-foot setback is required at 31 Guyer St (Tax Map 91, Lot 100), 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 shall comply with all applicable local, state, and federal regulations in the construction of the proposed addition.
2. Prior to the issuance of a Building Permit, the Applicant shall provide an updated site plan sketch reflecting the finalized approved setbacks for the existing non-conforming garage and the proposed setback for the Accessory Dwelling Unit.
3. Prior to the issuance of a Building Permit, the Applicant shall obtain applicable City of Lebanon Sewer Use Permit and Water Service Permits from the Lebanon Department of Public Works.

Seconded by Mr. Morris.

****The Vote on the Motion was (4-0).***

C. James & Andrea Broughton, 9 Estabrook Circle (Tax Map 58, Lot 37), zoned R-3: Applicant requests a Special Exception to allow an addition to the existing single-family dwelling, to be located +/- 4.5 feet from the right-side lot line where 15 feet is required. **ZB2024-04-SE**

James and Andrea Broughton appeared on behalf of the application. They have a tiny house with no basement or attic. There is a small carport that is in disrepair. They would like to take the carport down and add two bedrooms and a bathroom for their family. Once the carport is removed the building would be farther from the neighbor's lot.

Vice Chair Katz opened the Public Hearing.

Nessen Miller spoke in support of the application.

Hearing no one else from the Public, the Public Hearing was closed.

Board members are supportive of the application.

Mr. McDonough MOVED on March 4th 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared James and Andrea Broughton, husband and wife, regarding 9 Estabrook Cir (Tax Map 58, Lot 37) Zone R3 Class1. The Applicant requests a Special Exception per Section §703.1 and Section §801.3 of the Zoning Ordinance to allow an addition to the existing single-family dwelling, to be located +/- 4.5 feet from the right-side lot line where a right-yard setback of 15 feet is required.

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 improved with a one-family dwelling constructed in 1950. The lot contains a primary residence and a dimensionally non-conforming attached carport and breezeway.

2. As described in the application by the applicant, the applicant proposes to demolish the existing legal non-conforming carport and breezeway and attach a two-bedroom 1-bath addition in its place. The addition will be located partially within the 15-foot right side-yard setback, it will be no closer to the right-side yard lot line than the existing zero lot line carport and will be +/- 4.5 feet. from the right property line.
3. Class 1 lots (i.e. lots that are served by municipal sewer and water) in the R-3 District must maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15-feet. Pursuant to section §310.3 of the Zoning Ordinance. Section §703.1 of the Zoning Ordinance allows the expansion of “*any increase in the footprint and/or volume of the non-conforming part of the building or structure*” by Special Exception from the Zoning Board of Adjustment.
4. In order to grant a Special Exception for the proposed expansion, the Board must determine that the proposal meets the criteria set forth in Section §703.1.A of the Zoning Ordinance. Per Section §703.1.A.3, the Board must also determine that the proposal meets the general Special Exception criteria set forth in Section §801.3.
5. The applicant has submitted testimony addressing the Section §703.1.A and Section §801.3 criteria in an application received by the Planning and Development Department on February 5th 2024.
6. There are no known existing zoning violations on the property.
7. Nessen Miller spoke, and his wife was present, in support of the application. No one else from the community spoke in favor 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 §703.1 and §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. (801.3.A.1)
2. The following criteria of Section §703.1 **have been** met: (801.3.A.2)
 - 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 nonconforming in the absence 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.A.3)

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.A.4)
5. **No** hazard or nuisance will be created. (§801.3.A.5)
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted. (§801.3.A.6)
7. The granting of the Special Exception **will not** result in undue municipal expense. (§801.3.A.7)
8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.A.8)
9. The general welfare of the City **will** be protected. (§801.3.A.9)

III. **DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 4th day of March, 2024, hereby **GRANTS** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to permit the construction of an addition to the existing single-family dwelling, to be located +/- 4.5 feet from the right-side lot line where a right-yard setback of 15 feet is required, 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 shall comply with all applicable local, state, and federal regulations in the construction of the proposed addition.
2. Prior to the issuance of a Building Permit, the Applicant shall obtain applicable City of Lebanon Sewer Use Permit and Water Service Permits from the Lebanon Department of Public Works.

Seconded by Mr. Morris.

**The Vote on the Motion was (4-0).*

- D. Pinewood Village Condo Association and George Blike & Rebecca Johnson, 6 Oak Ridge Road #9 (Tax map 4, lot 23, Plot 906), zoned R-3:** Applicant requests a Variance to allow an addition to the existing condominium unit, to be located +/- 11 feet from the from lot line where 20 feet is required. **ZB2024-05-VAR**

This Hearing was postponed until the April meeting because adequate notice was not given to abutters.

4. **STUDY ITEMS**

- A. Cicotte Properties, LLC** – Proposal to amend Section 303.2 of the Zoning Ordinance to add “vehicular sales” as a Conditional Use in the Light Industrial (IND-L) District.

The Zoning Board is not to opine on the proposed amendment, or if this is a good idea or good policy or desirable. There was a request by the City Council that asked for comment if the proposed amendment is inconsistent with other sections of the ordinance, if it does not conflict with other sections of the ordinance, and if the meaning and effect is understood.

1 Although this is not a public hearing, members of the Public were present and were asked if
2 they would like to make comment.

3
4 Barry Schuster Ward 3, representing Cicotte Properties, spoke. He said an opinion from the
5 City Attorney is included in the packet and stated they are in support of the City Attorney's
6 opinion. He asked that the Board proceed according to that opinion. No one else from the
7 Public spoke.

8
9 Mr. Katz said he agrees with the opinion of the City Attorney, that a clearly defined use is
10 already in the ordinance, and to not have to interpret that meaning in the future, is a good
11 idea. The proponent, Cicotte Properties, and the City Attorney agree on the same terms and
12 definition.

13
14 There were two amendment proposals. Mr. Nash's earlier proposal refers to adding auto
15 sales and service which is not a defined use and category. Also, at the time his memo was
16 written, on January 2, it covered changes to two districts. The first RO1 District was
17 approved and added by City Council on February 7. The second proposal, by Cicotte
18 Properties, asks to have approval for this use in both Districts, the RO1 and the Industrial
19 Light District. City Council asked that the second proposed amendment be sent to various
20 Boards and the Zoning Board is asked to comment prior to City Council review.

21
22 Mr. Newlove said Cicotte Properties have come before the Board numerous times. He asked
23 if a car wash is part of this definition. The existing use code is related to a specific and
24 narrowly defined term. A car wash would not be included. The Board asked for
25 clarification, does vehicular sales include vehicular service. Mr. Reichert clarified the two
26 different terms. Although not part of this discussion, it is thought that vehicular repair could
27 be interpreted as an accessory use.

28
29 Mr. Katz stated the use is very limited. This is a term and use that would apply to anybody in
30 that district. They are being asked if the term vehicular sales is clear. The Board is being
31 asked to say if they understand the term vehicular sales. In the ordinance, vehicular repair is
32 different from vehicular sales.

33
34 ***Mr. Katz MOVED the proposed amendment is not inconsistent with other applicable***
35 ***sections of the ordinance, the proposed amendment does not conflict with other sections of***
36 ***the ordinance and the meaning and effect of the amendment is understood provided the***
37 ***term recommended by the City Council and endorsed by the proponent is utilized.***

38
39 ***Seconded by Mr. Newlove.***

40
41 ****The Vote on the Motion was (4-0).***

42
43 **5. STAFF COMMENTS**

44
45 None

46
47 **6. ADJOURNMENT**

1
2 ***Mr. Morris MOVED to adjourn the meeting at 7:52 PM.***
3 ***Seconded by Mr. McDonough.***

4
5 ****The Vote on the Motion was (4-0).***

6
7 Respectfully submitted,
8 Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

April 1, 2024 - Regular Meeting

Staff Memorandum – ZB2024-05-VAR

APPLICATION INFORMATION

Agenda Item: 3.A

Application Type:

Variance from §310.3 to construct an attached carport.

Location:

6 Oak Ridge Road, Unit 9
Tax Map 4, Lot 23, Plot 90

Applicant/Property Owner:

Pinewood Village Condo Association
George Blike & Rebecca Johnson

Zoning District:

Residential Three – Class 1 (R-3)

Property Size:

+/-8.16 acres (+/-355,449.6 sq. ft.)
(per the City Assessor's records;
property is not conforming to the
min. required lot size 75' frontage in
the R-3 Class 1 District per §310.3)

Overlay Districts:

None

Previous ZBA Action (since 1995):

None

Other Approvals Required:

Building Permit

Attachments:

Application
GIS and street view photos

HEARING NOTICE

Pinewood Village Condo Association and George Blike & Rebecca Johnson, 6 Oak Ridge Road #9 (Tax Map 4, Lot 23, Plot 906), zoned R-3: Applicants request a Variance from Section 310.3, pursuant to Section 801.2 of the Zoning Ordinance to construct an addition to the existing condominium unit to be located +/- 11 feet from the front lot line where 20 feet is required. ZB2024-05-VAR

BACKGROUND

The property is improved with a condominium constructed in 1977. Per the City Assessor's records, the condominium lot is conforming to the standard R-3 Class 1 District minimum lot size requirement of 10,000 sq. ft. as the lot is 355,449.6 sq. ft. The lot frontage is non-conforming on Oak Ridge Road is 50' and is 30' on Main Street where the R-3 Class 1 standard is for a 75' wide lot frontage within this Zone. It appears the condo unit #9 is not conforming to the current standard zoning requirements that require a minimum front-yard setback of 20 ft.

PROPOSAL

The applicant proposes to construct an attached 13' by 21'-3" hydro-therapy pool addition and a 7' to 4' x 12' deck onto the back of the condo. The deck is proposed to be 11'-3" from the front property line and the lap pool 3-season room is proposed to be 15' from the front property line shared with 14 Oak Ridge Road (Tax Map 4, Lot 21). The front yard variance is required to allow the construction of the lap pool and deck within the minimum required 20' front yard.

ZONING ORDINANCE VARIANCE REQUIREMENTS

To obtain the requested Variance from Section §309.3, the applicant must demonstrate compliance with each of the five Variance Criteria as set forth in Section §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The five criteria are stated below, followed by general staff commentary on the meaning and intent of each.

1. **Will the variance be contrary to the public interest?** According to the Board of Adjustment in NH, 2012 Edition, for a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?
2. **Will the spirit of the ordinance be observed?** According to the Board of Adjustment in NH, 2012 Edition, in deciding whether or not a variance will violate the spirit and intent of the ordinance, the Board must determine the legal purpose the ordinance serves and the reason it was enacted. The effect of the variance should be evaluated in light of the goals of the Ordinance, which might begin or end with a review of the master plan upon which the ordinance is based.
3. **Is substantial justice done?** According to the Board of Adjustment in NH, 2012 Edition, Board members must determine each case individually. They suggest that perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.
4. **Are values of surrounding properties diminished?** According to the Board of Adjustment in NH, 2012 Edition, if there is conflicting evidence (dueling experts) then it is the Board's job to sift through such testimony and other evidence to make a finding as to whether there will be a decrease in property values. Board members may also draw upon their own knowledge of the area in reaching a decision on this standard. It is the applicant's burden to convince the Board that it is more likely than not that the project will not decrease values.
5. **Would literal enforcement of the provisions of the ordinance result in an unnecessary hardship?**
 - a. **Special Conditions:** According to the Board of Adjustment in NH, 2012 Edition, Zoning imposes some hardship on all property owners by setting lot dimensions, allowable uses and other restrictions. Typically, the restrictions on one parcel are balanced by similar restrictions on other parcels in the same zone. When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. Even within the same community, different results may be reached with just slightly different fact patterns.
 - b. **Fair and Substantial Relationship:** Part of this standard includes whether or not a fair and substantial relationship exists between the general public purpose of the ordinance provisions and the specific application of that provision to the property. Is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance? Once the purpose of the provision has been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to their property would not advance the purposes of the ordinance provision in any "fair and substantial" way.
 - c. **Reasonable Use: Is the proposed use a reasonable one?** All applicants believe their proposed use is a reasonable one. The applicant must establish that, in light of the special conditions of the property, as identified above, the proposed use is a reasonable one.

801.4 Other Matters C. Notwithstanding Section 801.2, the Board of Adjustment may grant a variance from the terms of this Ordinance without a finding of hardship arising from the condition of the premises and without meeting the other standards of Section 801.2 when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that: (I) any variance granted under this paragraph shall be in harmony with the general purpose and intent of this Ordinance; and (ii) in granting any variance under this paragraph, the Board of Adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.

APPLICATION AND SUPPORT STATEMENT

The applicant has submitted testimony addressing the Section 801.2 Variance criteria in an application received by the Planning & Development Department on February 5th 2024 (see attached). Additional information was submitted prior to the 1 April meeting date.

STAFF COMMENTS

This is a unique application insofar as it is a variance requested for building onto a Condominium built in 1977. City records of the approvals in 1977 are scarce as a flood in City Hall destroyed much of the records from this era. If standard zoning conditions of R-3 are applied to the property, then it is subject to a 20' Front Yard setback requirement due to the unique configuration of the lot. Setting aside the configuration of individual condos on the lot, the main lot's setback requirements prevail given the lack of a record to the contrary. Thus, the applicant requires a variance to build the proposed structures.

The application as submitted rests on a standard Variance application, which requires that all the necessary variance criteria be met. The Board may seek to work with the applicant to prove a full variance case. Should a full variance be proven then the applicant will then have a perpetual right to use the space within the setback.

Should the case for a full variance fall short then a case for a "recognized physical disability" is permitted under the Zoning Ordinance. Under an ADA exception the board may wish to consider if the right to use the space is granted in perpetuity or is limited only to the time that reasonable accommodation is required by the occupancy of the individual seeking the accommodation. Clearly a reasonable accommodation under the terms of the Americans with Disability Act could easily apply. The Board has broad discretion in terms of seeking evidence of a "recognized physical disability." As this question has not been before the Board before, the Board should be comfortable with evidence be it testimony or otherwise with the finding of a "recognized physical disability."

C. Notwithstanding Section 801.2, the Board of Adjustment may grant a variance from the terms of this Ordinance without a finding of hardship arising from the condition of the premises and without meeting the other standards of Section 801.2 when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that: (I) any variance granted under this paragraph shall be in harmony with the general purpose and intent of this Ordinance; and (ii) in granting any variance under this paragraph, the Board of Adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.

The Board's interpretation of a variance under the ADA standard can rest upon the use of the term "may provide". It appears to be discretion given to the Board to allow for an ADA based variance to occur and

STAFF MEMORANDUM

ZB2024-05-VAR
6 Oak Ridge Road Unit 9
(Tax Map 4, Lot 23, Plot 906)
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it is the discretion of the Board that this variance may or may not expire upon the person with whom whose health was used to justify the variance no longer needs the accommodation. Essentially, if the Board chooses to use the 801.4C exception they may or may not attach what essentially becomes a "*life estate*" rider to the approval or grant the approval in perpetuity.

ATTACHEMENTS

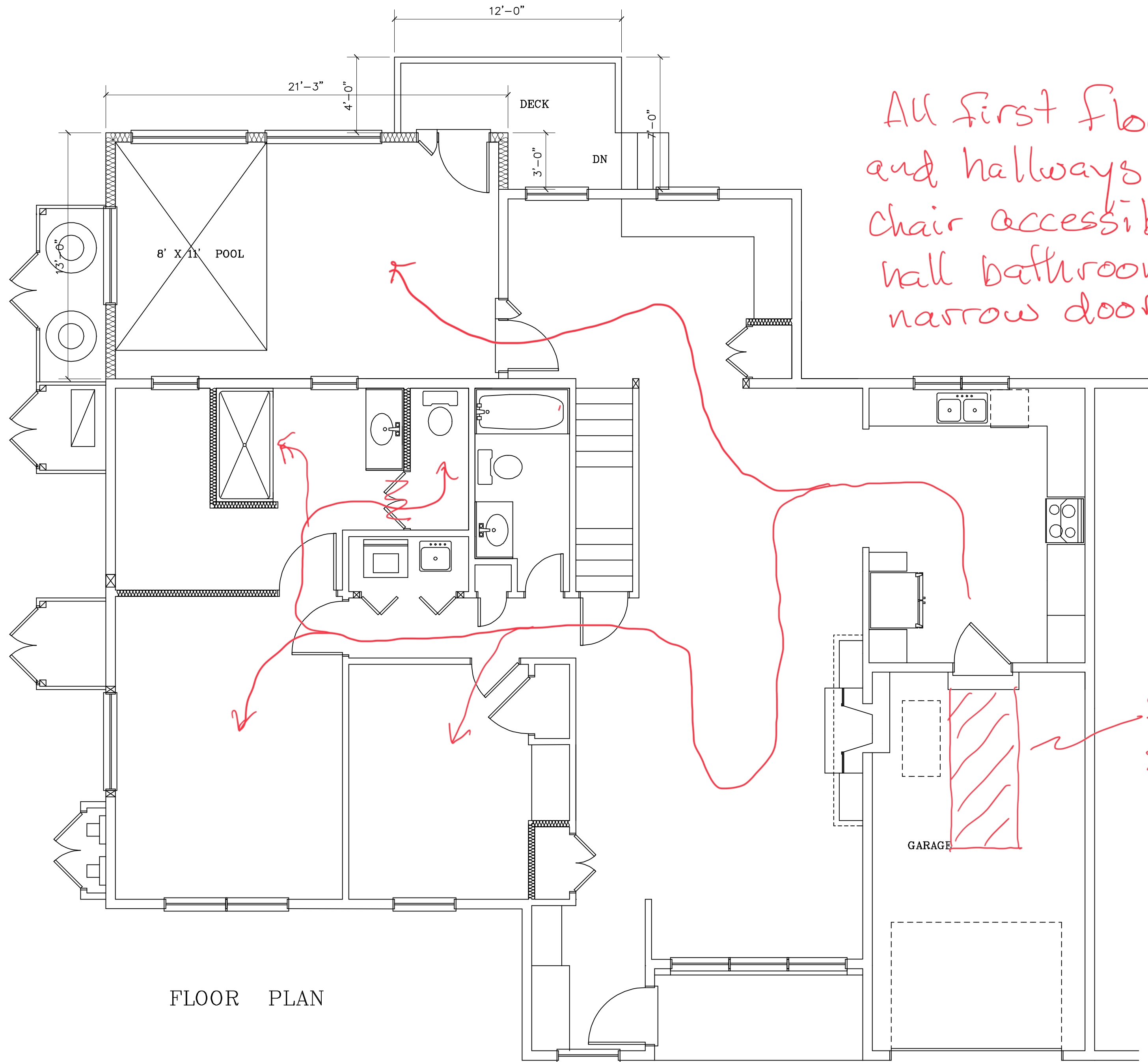
Figure 1. Street View of Subject Property.

Figure 2. GIS View of Subject Property

Respectfully submitted,



Nathan Reichert, Director
Planning and Development Department
Zoning Administrator



FLOOR PLAN

9

JOHNSON / BLIKE RESIDENCE 9 PINEWOOD VILLAGE WEST LEBANON N. H. 1/4"=1'-0" UNLESS NOTED

E. P. DESIGN LLC EUGENE PERRON RESIDENTIAL DESIGNER 802 - 295 - 3336 PO BOX 686 QUECHEE, VERMONT 05059 NOVEMBER 21 2023



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT VARIANCE

Decision Template - ZB2024-05-VAR

April 1st 2024 Regular Meeting

PINEWOOD VILLAGE CONDO ASSOC and GEORGE BLIKE & REBECCA JOHNSON
6 Oak Ridge Road Unit 9 (Tax Map 4, Lot 23, Plot 906)

DRAFT MOTION for:

Agenda Item 3.C

Case ZB2024-05-VAR

Request for Dimensional Variance from Section §310.3

Motion made by: _____

On April 1st 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 6 Oak Ridge Road Unit 9 (Tax Map 4, Lot 23, Plot 906). The Applicant requests an 8' – 9" front yard dimensional variance from section §310.3 to construct a deck and hydrotherapy pool enclosure +/-11' – 3" from the property line with 14 Oak Ridge Road.

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 property is improved with a condominium complex constructed in 1977. At 355,449.6 sq. ft., the lot is conforming to the 10,000 sq. ft. minimum lot size required for Class 1 lots in the R-3 District.
2. The applicants propose to construct a deck and a hydrotherapy pool enclosure. The deck is proposed to be located +/-11' – 3" from the front lot line shared with the abutting property at 14 Oak Ridge Road (Tax Map 4, Lot 21) where a minimum unobstructed front yard of 20' is required.
3. In the R-3 District, Class 1 lots must maintain a minimum front yard unobstructed by buildings and structures of 20' pursuant to Section §310.3 of the Zoning Ordinance. Therefore, an 8' – 9" dimensional variance is required to permit construction of the proposed deck and lap pool enclosure, which will encroach approximately 11' – 3" into the minimum required 20' front yard.
4. To obtain the requested Variance from section §310.3, the applicants must demonstrate compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA 674:33, I(b).
5. The applicants have submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on February 5th 2024 this information was supplemented with additional information submitted on March 15th 2024.

6. _____

7. _____

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 Variance criteria set forth in section §801.2 of the Zoning Ordinance:

1. The variance **will not / will** be contrary to the public interest. (Section 801.2.A.1)

2. The spirit of the ordinance **is / is not** observed. (Section 801.2.A.2)

3. Substantial justice **is / is not** done. (Section 801.2.A.3)

4. The values of surrounding properties **are not / are** diminished. (Section 801.2.A.4)

5. Literal enforcement of the provisions of the ordinance **would / would not** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area (Section 801.2.A.5.a):

6. There **is not / is** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. (Section 801.2.A.5.a.i)

7. The proposed use **is / is not** a reasonable one. (Section 801.2.A.5.a.ii)

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **1st day of April, 2024**, hereby **GRANTS / DENIES** the requested Variances from section §310.3 of the Zoning Ordinance to allow the construction of a deck and hydrotherapy pool enclosure +/- 8' - 3" from the front yard at **6 Oak Ridge Road Unit 9 (Tax Map 4, Lot 23, Plot 906)** where a minimum unobstructed front yard of 20' is required, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit.

2.

3.

Motion seconded by:

Vote:



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

April 1, 2024 Regular Meeting

Staff Memorandum – ZB2024-06-VAR

APPLICATION INFORMATION

Agenda Item: 3.B

Application Type: Variance from §607.1 to eliminate 3 required parking spaces

Location:
38 Bank Street (Tax Map 92, Lot 116)

Applicant/Property Owner:
WISE of The Upper Valley Inc.

Zoning District:
Residential Office (R-O) District,
Class 1

Property Size:
+/-0.36 acres (+/-15,681.6 sq. ft.)

Existing Improvements and Use:
A mixed use office and social services organization.

Proposed Improvements and Use:
Add Office space.

Overlay District:
None

Previous ZBA Action (since 1995):
None

Other Approvals Required:
Building Permit.

Attachments:
Application

HEARING NOTICE

WISE of the Upper Valley, Inc., 38 Bank Street (Tax Map 92, Lot 116), zoned R-O: Applicant requests a Variance from Section §607.1, pursuant to Section §801.2 of the Zoning Ordinance to allow the elimination of 3 required parking spaces. **ZB2024-06-VAR**

BACKGROUND

The subject property is improved with a multi-use building that houses the WISE operation. The property underwent a site plan approval in 2007, thereby establishing the current configuration of the site.

PROPOSAL

As shown on the attached existing conditions plan provided by the applicant, there is a proposal to tear down an existing portion of the structure, rebuild it and in the process add office space. The tear down-rebuild expands the square footage of the office use of the property and necessitates additional parking. The Applicant seeks a variance as to save the need for the three additional parking spaces.

ZONING ORDINANCE REQUIREMENTS

VARIANCE

To obtain the requested Variance the applicant must demonstrate compliance with each of the five variance criteria as set forth in Section 801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The five criteria are set forth in the bold text below, followed by general staff commentary on the meaning and intent of each.

1. Will the variance be contrary to the public interest? According to the Board of Adjustment in NH, 2012 Edition, for a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?

-
2. **Will the variance be contrary to the public interest?** According to the Board of Adjustment in NH, 2012 Edition, for a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?
 3. **Will the spirit of the ordinance be observed?** According to the Board of Adjustment in NH, 2012 Edition, in deciding whether or not a variance will violate the spirit and intent of the ordinance, the Board must determine the legal purpose the ordinance serves and the reason it was enacted. The effect of the variance should be evaluated in light of the goals of the Ordinance, which might begin or end with a review of the master plan upon which the ordinance is based.
 4. **Is substantial justice done?** According to the Board of Adjustment in NH, 2012 Edition, Board members must determine each case individually. They suggest that perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.
 5. **Are values of surrounding properties diminished?** According to the Board of Adjustment in NH, 2012 Edition, if there is conflicting evidence (dueling experts) then it is the Board's job to sift through such testimony and other evidence to make a finding as to whether there will be a decrease in property values. Board members may also draw upon their own knowledge of the area in reaching a decision on this standard. It is the applicant's burden to convince the Board that it is more likely than not that the project will not decrease values.
 6. **Would literal enforcement of the provisions of the ordinance result in an unnecessary hardship?**
 - a. **Special Conditions:** According to the Board of Adjustment in NH, 2012 Edition, Zoning imposes some hardship on all property owners by setting lot dimensions, allowable uses and other restrictions. Typically, the restrictions on one parcel are balanced by similar restrictions on other parcels in the same zone. When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. Even within the same community, different results may be reached with just slightly different fact patterns.
 - b. **Fair and Substantial Relationship:** Part of this standard includes whether or not a fair and substantial relationship exists between the general public purpose of the ordinance provisions and the specific application of that provision to the property. Is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance? Once the purpose of the provision has been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to their property would not advance the purposes of the ordinance provision in any "fair and substantial" way.
 - c. **Reasonable Use: Is the proposed use a reasonable one?** All applicants believe their proposed use is a reasonable one. The applicant must establish that, in light of the special conditions of the property, as identified above, the proposed use is a reasonable one.

APPLICATION AND SUPPORT STATEMENT

The applicant has submitted testimony addressing the §801.3 and §703.1.A criteria in an application received by the Planning and Development Department on March 11th 2024. The Application is attached.

STAFF COMMENTS

Upon review of the applicant's application and narrative there appear to be several possible options to resolve the parking concern. A variance, off-site parking and a possible re-configuration of the existing car park may all need to be explored as options before the Board acts. Financial concern does not typically constitute hardship, rather, the unique characteristics of the land and existing buildings should be looked upon for the justification of hardship.

ATTACHEMENTS

Street View of Subject Property.
Eagleview and GIS views of Subject Property
Assessor's Property Record Card

Respectfully submitted,



Nathan Reichert, Director
Planning and Development Department
Zoning Administrator



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT VARIANCE

Decision Template - ZB2024-06-VAR

WISE of the Upper Valley, Inc.

38 Bank Street (Tax Map 92, Lot 116), zoned R-O

DRAFT MOTION for:

Agenda Item 3.A

Case ZB2023-17-VAR

Request for Dimensional Variance from Section §308.3

Motion made by: _____

On April 1st 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding **38 Bank Street (Tax Map 92, Lot 116)**. The Applicant requests a Variance from Section §607.1, pursuant to Section §801.2 of the Zoning Ordinance to allow the elimination of 3 required parking spaces for the tear down and rebuild of an attached garage with the addition of office space.

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 property is improved with office space and an attached garage. The space has been redeveloped over time and has been converted from a house into office space that houses the WISE operation. The lot is 15,681 sq. ft., the lot is conforming to the 10,000 sq. ft. minimum lot size required for Class 1 lots in the R-O District.
2. The applicants propose demolishing an attached garage and reconstructing it to include a full second-story office.
3. To obtain the requested Variance from section §308.3, the applicants must demonstrate compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA 674:33, I(b).
4. The applicants have submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on March 11th 2024.

5. _____

6. _____

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 Variance criteria set forth in section §801.2 of the Zoning Ordinance:

1. The variance **will not / will** be contrary to the public interest. (Section 801.2.A.1)

2. The spirit of the ordinance **is / is not** observed. (Section 801.2.A.2)

3. Substantial justice **is / is not** done. (Section 801.2.A.3)

4. The values of surrounding properties **are not / are** diminished. (Section 801.2.A.4)

5. Literal enforcement of the provisions of the ordinance **would / would not** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area (Section 801.2.A.5.a):

6. There **is not / is** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. (Section 801.2.A.5.a.i)

7. The proposed use **is / is not** a reasonable one. (Section 801.2.A.5.a.ii)

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 1st **day of April 2024**, hereby **GRANTS / DENIES** the requested Variances from Section §607.1, pursuant to Section §801.2 of the Zoning Ordinance to allow the elimination of 3 required parking spaces for the tear down and rebuild of an attached garage with the addition of office space as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit.

2. _____

3. _____

Motion seconded by: _____

Vote: _____

**CITY OF LEBANON
APPLICATION FOR**

SPECIAL EXCEPTION	☐	☐	SITE PLAN REVIEW
VARIANCE	☒	☐	SUBDIVISION
MOTION FOR REHEARING	☐	☐	LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐	OTHER ()

PROPERTY OWNER (APPLICANT):			
NAME: <u>Wise of the Upper Valley</u> TEL #: <u>(866) 348-9473</u>			
MAILING ADDRESS: <u>38 BANK STREET, LEBANON, NH 03606</u>			
E-MAIL ADDRESS: <u>WISE@WISEUN.ORG</u>			
CO-APPLICANT, AGENT, OR LESSEE:			
NAME: <u>FRANK J. BARKLEY, JR. AIA</u> TEL #: <u>(800) 296-0004</u>			
MAILING ADDRESS: <u>281 THE BEND ROAD, GREENSBORO BEND, VT 05642</u>			
E-MAIL ADDRESS: <u>FRANK.BARKLEY@E-MAIL.COM</u>			
PROJECT LOCATION:			
TAX MAP #:	LOT#:	PLOT #:	ZONE:
<u>92</u>	<u>116</u>		<u>B-C</u>
STREET ADDRESS OF PROJECT: <u>38 BANK STREET, LEBANON, NH 03606</u>			
IS THIS PROPERTY LOCATED IN THE:			
WETLANDS		☐ YES ☒ NO	HISTORIC DISTRICT
FLOOD PLAIN		☐ YES ☒ NO	☐ YES ☒ NO
SCOPE OF PROJECT:			
<u>VARIANCE SEEKING RELIEF OF THREE (3)</u>			
<u>PARKING SPACES</u>			
TYPE OF OCCUPANCY:			
EXISTING	☐ VACANT	☐ ONE FAMILY	☐ TWO FAMILY
PROPOSED	☐ VACANT	☐ ONE FAMILY	☐ TWO FAMILY
	☐ MULTI-FAMILY	☒ COMMERCIAL	☐ INDUSTRIAL
	☐ MULTI-FAMILY	☒ COMMERCIAL	☐ INDUSTRIAL
IF USE IS COMMERCIAL OR INDUSTRIAL , PLEASE NOTE SPECIFIC USE: <u>OFFICE</u>			
SIGNATURE BLOCK:			
<u>FRANK J. BARKLEY, JR. AIA</u>		DATE: <u>3/11/2024</u>	
PROPERTY OWNER			
NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.			
<u>Margaret R. O'Neil</u>		DATE: <u>March 4, 2024</u>	
PROPERTY OWNER			

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #			
3-11-24	92/116	ZB2024-06-			

VAR

(12/07/07)

CITY OF LEBANON APPLICATION FOR

SPECIAL EXCEPTION ☐	☐ SITE PLAN REVIEW
VARIANCE ☒	☐ SUBDIVISION
MOTION FOR REHEARING ☐	☐ LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION ☐	☐ OTHER ()

PROPERTY OWNER (APPLICANT):

NAME: WISE OF THE UPPER VALLEY INC. TEL.#: (866) 348-9473
 MAILING ADDRESS: 38 BANK STREET; LEBANON, NH 03766
 E-MAIL ADDRESS: WISE@WISEUN.ORG

CO-APPLICANT, AGENT, OR LESSEE:

NAME: FRANK J. BARRETT, JR AIA TEL.#: (802) 296-0004
 MAILING ADDRESS: 281 THE BEND ROAD; GREENSBORO BEND, VT 05842
 E-MAIL ADDRESS: FRANK.BARRETTJR@GMAIL.COM

PROJECT LOCATION:

TAX MAP #: 92 LOT#: 116 PLOT #: ZONE: R-C
 STREET ADDRESS OF PROJECT: 38 BANK STREET; LEBANON, NH 03766
 IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
 FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

VARIANCE SEEKING RELIEF OF THREE (3)
PARKING SPACES

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☒ COMMERCIAL ☐ INDUSTRIAL
 PROPOSED ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☒ COMMERCIAL ☐ INDUSTRIAL
 IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC** USE: OFFICE

SIGNATURE BLOCK:

FRANK J. BARRETT, JR AIA DATE: 3/11/2024
ARCHITECT PROPERTY OWNER

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

DATE: _____

PROPERTY OWNER

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #

CERTIFIED NOTIFICATION LIST

Notice shall be sent by certified mail to the Owner; Applicant, if different from Owner; Abutters; Holders of conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property; the holders of easements, rights-of-way, and other restrictions; and every engineer, architect, land surveyor, or soil or wetlands scientist whose seal appears on any plan submitted to the Board; and any other persons required by RSA 676:4, I(d). The names and mailing addresses shall be furnished by the Applicant.

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. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being 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. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being 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 and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Source. 1983, 447:1. 1986, 33:2. 2002, 216:1, eff. July 15, 2002.

PLEASE PROVIDE NAMES & MAILING ADDRESSES FOR ALL PERSONS LISTED ABOVE.

Map & Lot Number: 92-110	Map & Lot Number: N/A
Property Owner: WISE OF THE UPPER VALLEY, INC. 38 BANK STREET LEBANON, NH 03766	Applicant, Co-Applicant, Agent, or Lessee: FRANK J. BARRETT, JR. 281 THE BEND ROAD GREENSBORO BEND, VT 05842
Map & Lot Number: 92-75	Map & Lot Number: 92-76
DEGARE, LISA A. AND ISHILL, ALEX T. 486 CANAAN STREET STREET CANAAN, NH 03741	CARPENTER, ROBIN AND THERESA, TRUSTEES ARC ANGLE TRUST 41 BANK STREET LEBANON, NH 03766
Map & Lot Number: 92-115	Map & Lot Number: 92-142
FILIANO, CATHERINE J. REVOLUBLE TRUST 44 BANK STREET LEBANON, NH 03766	VAR. PROPERTIES 26 BANK STREET LEBANON, NH 03766

Map & Lot Number: 92-117	Map & Lot Number:
WISF	
Map & Lot Number: 92-118	Map & Lot Number:
WISF	
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
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Map & Lot Number:	Map & Lot Number:

(Revised 2/8/2024)

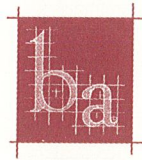
FEE SCHEDULE ZONING BOARD OF ADJUSTMENT

SPECIAL EXCEPTION:		
		TOTALS
FILING FEE	\$300.00	\$300.00
ADVERTISING FEE	\$100.00	\$100.00
CERTIFIED NOTIFICATION FEE*	\$5.04	
	x _____ notices	
TOTAL DUE		\$ _____

VARIANCE:		
		TOTALS
FILING FEE	\$300.00	\$300.00
ADVERTISING FEE	\$100.00	\$100.00
CERTIFIED NOTIFICATION FEE*	\$5.04	
	5.04 x 6 notices = 30.24	
TOTAL DUE		\$ 430.24

APPEAL OF ADMINISTRATIVE DECISION:		
		TOTALS
FILING FEE	\$300.00	\$300.00
ADVERTISING FEE	\$100.00	\$100.00
CERTIFIED NOTIFICATION FEE*	\$5.04	
	x _____ notices	
TOTAL DUE		\$ _____

REHEARING REQUEST:		
*Per section 802.5 of the Zoning Ordinance		TOTALS
FILING FEE	\$100.00	\$100.00
ADVERTISING FEE	\$100.00	\$100.00
CERTIFIED NOTIFICATION FEE*	\$5.04	
	x _____ notices	
TOTAL DUE		\$ _____



barrett architecture

FRANK J. BARRETT, JR., AIA.

March 11, 2024

Lebanon Zoning Board of Adjustment
C/O City of Lebanon Planning and Development Department
51 North Park Street
Lebanon, NH 03766

Attn:

Tim Corwin; Deputy Planning and Development Director

RE:

Women's Information Service / Wise of the Upper Valley, Inc. ("WISE")
38 Bank Street; Tax Map 92 / Lot 116.

Dear Members of the Lebanon Zoning Board of Adjustment,

This **Application for Variance**, concerning the above referenced property, seeks relief to the terms of **Article VI; Section 607 Parking; Table of Minimum Off-Street Parking Requirements** of the adopted **Zoning Ordinance #2 City of Lebanon, New Hampshire; Adopted: January 16, 2013; Last Amended: March 14, 2023** ("The Ordinance"). The Ordinance requires that twenty-one (21) parking spaces be provided on-site, and we are only able to provide eighteen (18). We seek relief of three (3) parking spaces.

Background and Proposed Project Description

WISE ("the property Owner") has owned and occupied the existing property located at 38 Bank Street; Tax Map 92 / Lot 116; in the Residential – Office District (R-O) since about July 2006. Since that time, what had been a single-family residence with a one-bedroom apartment unit, has been office space for WISE. The existing two-story wood framed building was constructed in the mid to late nineteenth century as a residence with an attached horse and carriage stable structure. The building is situated on a 0.43-acre lot. In years past, just as the residential area of the former house has been converted to office space, so too the former stable portion of the building has been converted into a two-bay automotive garage with undeveloped second floor loft space above. This area of the building also includes an enclosed egress stair.

The existing lot, situated on the southerly side of Bank Street, is rectangular in shape, measuring about 85-feet wide (street frontage) by about 220-feet deep. On September 29, 2006, a boundary survey was completed, and recorded, of the property, by Bruno Associates, Inc., P.C. for WISE. About March 2007 the Lebanon Planning Board approved a site plan of the property, prepared by Pathways Consulting, LLC, that included a new driveway into the property, located on the easterly side of the lot, and sixteen (16) new parking spaces. These new spaces, together with the two (2) spaces within the existing attached garage, provided the facility with a total of eighteen (18) on-site vehicular parking spaces.

281 THE BEND ROAD ■ GREENSBORO BEND, VERMONT 05842

TELEPHONE: (802) 296-0004 ■ E-MAIL: FRANKJBARRETTJR@GMAIL.COM

Since acquiring the property located at 38 Bank Street, WISE has had the opportunity to acquire the two (2) adjacent properties that border the westerly side of that property: 34 Bank Street (tax map 92 / lot 117), acquired about September 2020; and 36 Bank Street (tax map 92 / 118), acquired about October 2013. Both of these properties are used by WISE as safe housing for abuse victims and families.

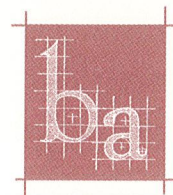
At this time, WISE is proposing to completely remove the rearmost section of the existing building – the former stable and present garage. In its place it is proposed to construct a new two-story wood framed addition, on the exact same footprint of the piece to be removed: 32'-6" X 24'-6" = 796 gross square feet. Also included in this proposed work is a new first floor open covered open entry porch, 11'-0" X 12'-6" = 138 gross square feet. The first floor of the new addition will house two (2) garage bays and a new fire-rated stair serving the second floor. The second floor of the new addition will be four (4) small office cubicles and the new fire rated stair.

The reason for razing the existing rear section of the existing building is twofold. First there are numerous structural limitations that make renovating the existing building difficult and expensive, with a less than ideal outcome. Secondly, the existing building section to be removed is best described as being 1 ½ - stories. This makes for less than efficient use of the second-floor area. Therefore, it has been determined that it is far better to completely remove and replace this rear section of the facility – utilizing the existing footprint area. This makes for far better value for the expenditure of money that is being made, and a far better second floor layout.

This proposal envisions only a small amount of new work within the existing first floor area to remain: the renovation of an existing toilet room. Otherwise, there is no renovation work within the existing building area that will remain. At this time, there are, and will remain, the following spaces and uses on each floor level:

- First Floor:
 - Five (5) offices.
 - Living Room.
 - Break Room (kitchen).
 - Conference Room.
- Second Floor:
 - Nine (9) offices.

Within the existing rear portion of the building to be razed, there is a second-floor egress that will be replaced. Otherwise, within the first floor of the razed area are two (2) garage bays; and on the second-floor undeveloped storage space. There are presently no accessory uses on either floor, and there are not any such spaces or uses planned as part of this proposed project, as per the terms of the Ordinance, other than the two existing and proposed garage bay spaces.



Vehicular Parking

As per the Ordinance, required vehicular parking is based upon gross square foot floor area and use. With the construction of the proposed new replacement addition, the gross square foot areas of the building, less the two (2) first floor garage bays (parking spaces) will be:

- **First Floor: 2,478 gross square feet, including the new covered entry porch and new fire rated egress stair.**
- **Second Floor: 2,916 gross Square feet.**
- **Total first and second floor area: 5,394 gross square feet.**

It should be noted that this is not really an actual expansion of the existing building, but instead a rebuilding and roof reconfiguration of a portion of the existing facility.

Section 607 of the Ordinance requires, for office use, one (1) parking space per 250 gross square feet of floor area. The actual math in this case equals 21.57 parking spaces, however, the Ordinance allows that number to be rounded down to the nearest whole. Therefore, the actual number of on-site spaces that this proposal requires is twenty-one (21).

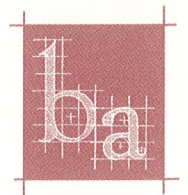
Presently, there are eighteen (18) on-site parking spaces (16 in the parking lot and 2 in the garage area). It is not possible to increase the amount of on-site parking – there is not the land area. We have examined the possibility of off-lot parking, as per Section 607.5 of the Ordinance, on either or both of the adjacent WISE owned properties, however, for various reasons that is not in the organization's best interests. Therefore, the reason for this **Application For Variance** seeks relief of three (3) required on-site parking spaces. This equals 14-percent of the total required number of spaces.

The Variance

For the Lebanon Zoning Board of Adjustment ("the Board") to grant a Variance to the terms of the Ordinance, it is established that the Applicant must satisfactorily address five (5) specific criteria. Towards that end, we offer the following for the Board's consideration.

1. That the Variance, if authorized, will not be contrary to the public interest.

It is indeed important that various uses on private properties provide sufficient on-site vehicular parking so as to not be a nuisance or bother to adjacent private properties or become a safety issue for the public. The Ordinance seeks to do this in a balanced and rational manner by establishing certain standards. However, these are very broad, general, and widely encompassing standards that may not exactly reflect the true specific nature of the exact proposed use.



WISE has very successfully operated their office use and needs on this property for about eighteen (18) years, providing much needed services to the region at large. This is about a generation of time or slightly more. Consistently WISE has shown itself to be a great, albeit quiet, neighbor, and has never been considered to be a nuisance or made problems for the area or the community at large. This includes not only the office use of the property, but parking for both staff and those people being served by the agency, and the comings and goings of same.

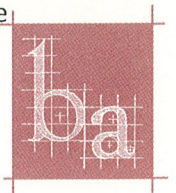
The organizational structure of WISE, and the services that they offer the public, is not necessarily based upon a traditional "8 to 5" office structure, where all staff arrives on site at a certain time in the morning and departs at a certain time at the end of the workday. In fact, staff may work remotely; and between forty (40) to fifty (50) percent of the entire staff do not work full-time. Nor are the times that others might be on-site similarly structured. Furthermore, much of the staff's work is not only very confidential but done off-site and / or during off hours. Therefore, the amount of on-site parking, at the rear of the property, has proven, for the past many years has proven to be more than abundantly adequate to the organization's needs.

The proposed addition of the four (4) new second floor office cubicles, that is the reason for this proposed work on the existing property, cannot be simply viewed through the lens that therefore there will be four new full-time staff hires who will be present on-site, all day, five days a week. Again, given the exact nature of the organization, and the types of services offered, and how those services are rendered, requires that there be improved staff privacy when on site, and ease of staff coming and going from the facility.

Therefore, we believe that, given the specific nature of this longtime owner and user of the property, and the important objectives of the Ordinance, to protect the relevant public interests, this specific request will not be contrary to the public interest. Furthermore, maintaining and improving the health and well-being of this important regional public agency, and the critical services that WISE provides, is strongly in the public's best interest. We believe that, given the exact circumstances concerning this matter, that a literal enforcement of the provisions of the Ordinance will ultimately result in unnecessary hardship for the property owner, who is the user of the premises in question. And we believe that this proposal does nothing to alter the essential character of the neighborhood, or threaten the health, safety, or general welfare of the public.

2. That the Variance will observe the spirit of the Ordinance.

With this Variance, we are seeking only modest relief to certain specific terms of the Ordinance – an 18-percent reduction in required parking. Presently, there is existing on-site parking that has proven to be more than adequate for the agency's ongoing operations. This parking area is conveniently located at the rear of the property and is well screened from Bank Street. This will not change with this new replacement addition to the facility. Therefore, we believe that the spirit of the Ordinance will be maintained and observed, were the Board to grant this Variance. The use is a permitted use as per the Ordinance and an attractive replacement addition at the rear of the existing building that meets all applicable codes and regulations should be welcomed by the public at large. It is the intent of the Ordinance that adequate



vehicular parking be provided on-site, and we believe that, given the specifics of the building occupant and their specific use of the property, we are indeed providing adequate on-site parking.

3. That by the granting of the Variance, substantial justice will be done.

This is a very modest request, that reflects the specific and unique nature of WISE, the longtime owner and occupant of the property. As pointed out above, the existing old, former stable, now garage and storage section of the existing building, is not worthy of being kept and renovated into more usable space. Multiple structural, functional, and related code issues dictate otherwise. The objectives of this proposal include:

1. Creating a better and safer primary means of second floor egress.
2. Maintaining the two garage parking spaces.
3. Creating four (4) new office cubicles that, although of very modest size, are efficient and convenient for WISE's specific use.

Therefore, this Variance allows for the replacement of the deficient portion of the existing building with an almost exact replica of what presently exists. This is a very reasonable proposal that is not attempting to take advantage of any circumstances. By granting this specific Variance request, for this specific property owner and their specific use of the property, is providing substantial justice. The loss to the property owner by not granting the requested Variance is not outweighed by any gain to the public. Therefore, we believe that not granting the requested Variance would in fact be an injustice for the property owner.

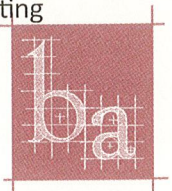
4. That the Variance, if authorized, will not diminish the values of surrounding properties.

The proposed new replacement addition, while almost a replica of the old building to be razed, will maintain the historic massing and organization of the former original attached stable, but with better overall proportions, features, and characteristics. In every way it will be an improvement to what currently exists. Not only will it enhance the value and utility of this property, but it will do nothing to adversely affect the value of surrounding properties.

To provide additional onsite parking, to meet the requirements of the Ordinance, we are choosing not to look at creating parking within the existing front lawn area of the property, which could yield at least two additional new spaces, if not three. Nor are we choosing to reconfigure the existing parking area to yield an additional parking space or two, at the probable expense of losing existing landscaping and screening.

Either of these alternatives, potentially, would be adverse to the established character of the area, and therefore be potentially detrimental to surrounding property values.

We have looked at the possibility of creating new parking on the two adjacent properties owned by WISE; however, for several important reasons we have chosen not to do so. First, we believe that it is in the best long-term interests of those two properties not to encumber them with the legalities that such parking would require. Secondly, these two properties are intended to be quiet and safe residential areas for persons experiencing domestic crisis in their lives. We believe that adding unnecessary parking at these locations would be detrimental to the character and utility of the properties, as well as negatively affecting their value.



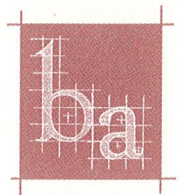
5. That denial of the Variance would result in unnecessary hardship.

It is our belief that these three (3) additional parking spaces are not necessary for WISE's continued successful operation of their many important programs. The property has, for a generation, had a strong positive record. The denial of this Variance would require that WISE find three (3) new parking spaces by either encumbering their two adjacent properties, and spending money to make those site improvements; or, at considerable expense, create new spaces on their existing lot at 38 Bank Street, that would substantially alter the character of the front yard area of the lot in question. This second alternative would be adverse to the character of both this property and to Bank Street in general. A third alternative would be to abandon plans to make the building improvements as per this proposal. We believe this all to be totally unnecessary; and would amount to an unnecessary hardship.

Thank you for your consideration of this Application for Variance. We look forward to discussing the merits of this proposal further with the Board at the upcoming public hearing concerning the matter.

Sincerely,

FRANK J. BARRETT, JR. A.T.A.
Architect
No. 1581



Google Maps

38 Bank St

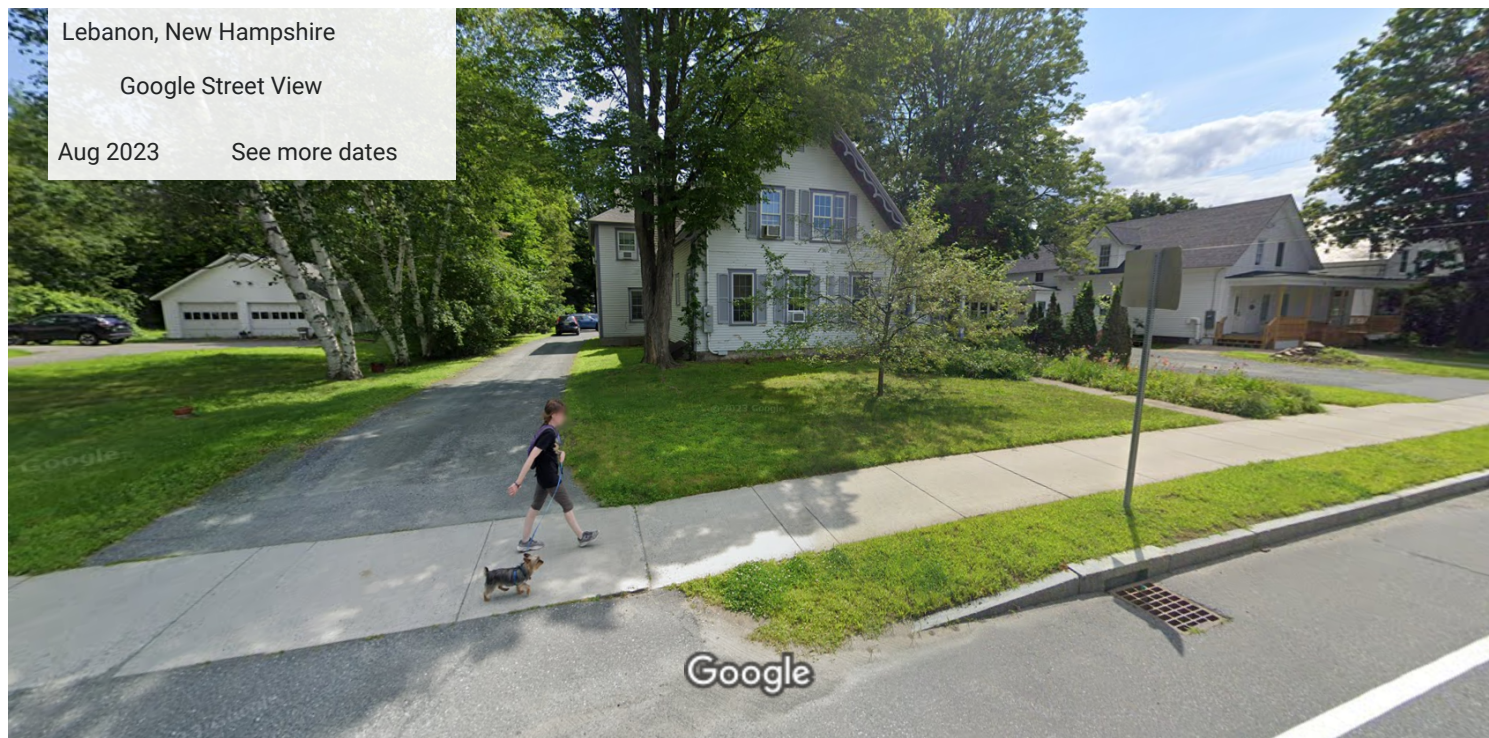
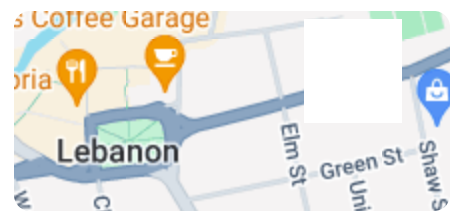
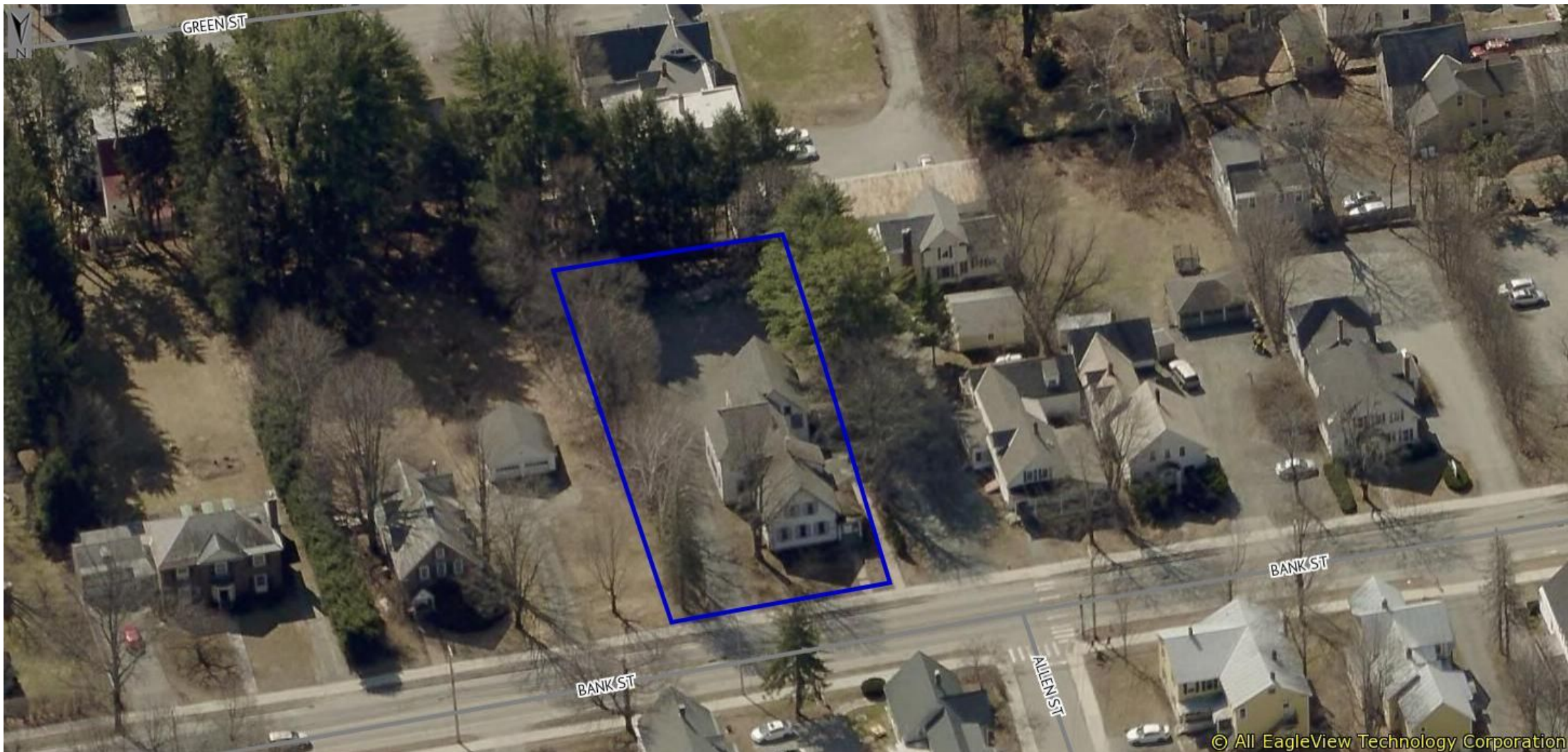


Image capture: Aug 2023 © 2024 Google



38 Bank Front



38 Bank Side



38 BANK ST

Location

38 BANK ST

Mblu

92/ 116/ / /

Acct#

2914

Owner

WOMENS INFORMATION SERVICE

PBN

Assessment

\$546,200

Appraisal

\$546,200

PID

2079

Building Count

1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$297,400	\$248,800	\$546,200
Assessment			
Valuation Year	Improvements	Land	Total
2022	\$297,400	\$248,800	\$546,200

Owner of Record

Owner

WOMENS INFORMATION SERVICE

Sale Price

\$335,000

Co-Owner

(WISE) OF THE UPPER VALLEY INC

Certificate

Address

38 BANK ST

Book & Page

3303/0504

LEBANON, NH 03766

Sale Date

07/12/2006

Instrument

99

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
WOMENS INFORMATION SERVICE	\$335,000		3303/0504	99	07/12/2006
WOMENS INFORMATION SERVICE	\$135,050		2032/0282	99	06/18/1993
ROCKE, REGINA	\$135,050		02032/0282	99	06/18/1993

Building Information

Building 1 : Section 1

Year Built: 1860

Living Area: 2,820
Replacement Cost: \$495,611
Building Percent Good: 60
Replacement Cost
Less Depreciation: \$297,400

Building Attributes	
Field	Description
CNS_USRFLD_301	
CNS_USRFLD_302	
Model	COMMERCIAL
Style	OFFICE
Grade	Average
Stories	1T
Units	
Residential Units	0
Comm Units	1.00
Wall Height	
Exterior Wall 1	CLAPBOARD
Exterior Wall 2	
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior Wall 1	PLASTER
Interior Wall 2	
Interior Floor 1	HARDWOOD
Interior Floor 2	CARPET
Heat Fuel	OIL
Heat Type	FORCED H/W
2nd Heat Type	
AC Percent	0.00
Bedrooms	
Full Bath(s)	0
Bath Rating	AVERAGE
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	0
Kitchen Rating	AVERAGE
Total Rooms	
Frame	WOOD
Rec Room	
Fin Attic	
Parking	TYPICAL

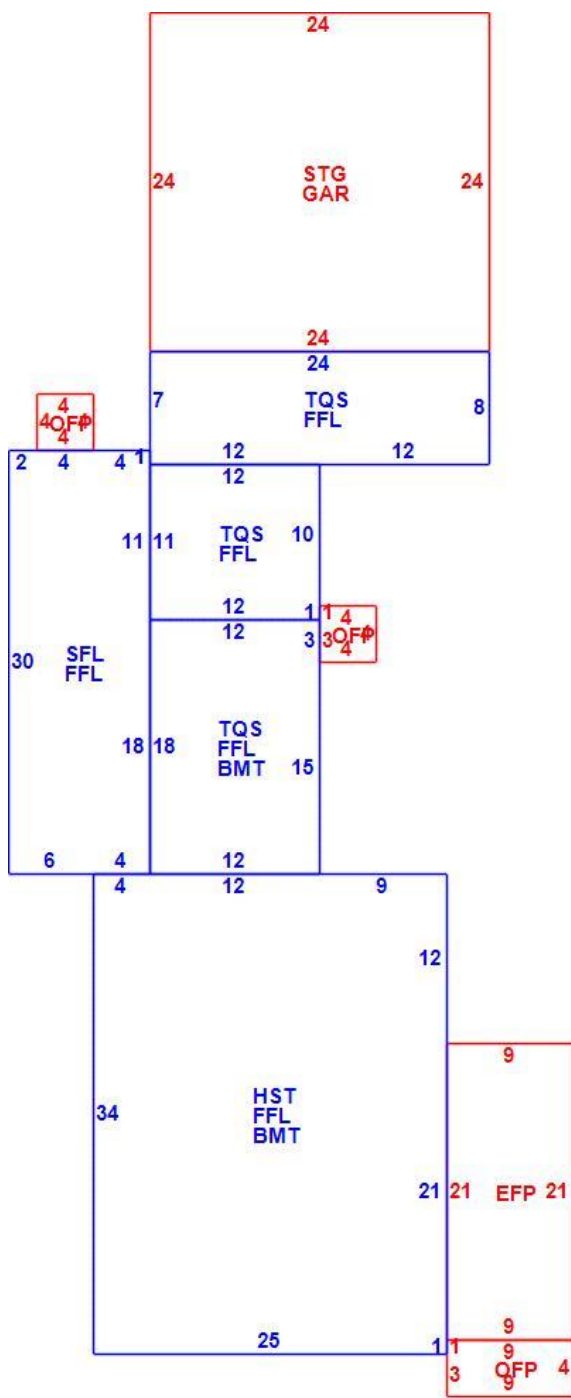
Building Photo



(<https://images.vgsi.com/photos/lebanonnhPhotos//5171.JPG>)

Fireplace(s)	0
Fireplace Rating	
WS Flues	0
WS Flue Rating	
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	TYPICAL
Solar Hot Water	No
Central Vac	No
% Sprinkled	0
Sketch Area Adj	
Nbhd Modifier	

Building Layout



[\(ParcelSketch.ashx?pid=2079&bid=2079\)](#)

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	1,690	1,690
HST	HALFSTORY	850	425
TQS	3/4 STORY	540	405
SFL	2ND FLOOR	300	300
BMT	BASEMENT	1,066	0
EFP	ENCL PORCH	189	0
GAR	GARAGE	576	0

OFP	OPEN PORCH	68	0
STG	STORAGE	576	0
		5,855	2,820

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use		Land Line Valuation	
Use Code	9050	Size (Acres)	0.37
Description	CHARITABLE	Frontage	
Zone	RO	Depth	
Neighborhood	C3	Assessed Value	\$248,800
Alt Land Appr	No	Appraised Value	\$248,800
Category			

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$297,400	\$248,900	\$546,300
2022	\$297,400	\$248,900	\$546,300
2021	\$284,800	\$195,100	\$479,900

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$297,400	\$248,900	\$546,300
2022	\$297,400	\$248,900	\$546,300
2021	\$284,800	\$195,100	\$479,900



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

April 1, 2024 - Regular Meeting
Staff Memorandum – ZB2024-07-SE

APPLICATION INFORMATION

Agenda Item: 3.C

Application Type:

Special Exception
pursuant to §703.1 and §801.3

Location:

7 Summer Street
Tax Map 77, Lot 153

Applicant/Property Owner:

Sean Lacey & Thomas Lacey

Zoning District:

Residential Three (R-3) – Class 1

Property Size:

+/-0.58 acres (+/-25,264.8 sq. ft.)
(per the City Assessor's records;
property is conforming to the min.
required 10,000 sq. ft. lot size in the
R-3 Class 1 District per §310.3)

Overlay Districts:

None

Previous ZBA Action (since 1995):

None

Other Approvals Required:

Building Permit

Attachments:

Application
GIS and street view photos

HEARING NOTICE

Sean Lacey & Thomas Lacey, 7 Summer Street (Tax Map 77, Lot 153), zoned R3: Applicants request a Special Exception from Section 310.3, pursuant to Sections 703.1 & 801.3 of the Zoning Ordinance to allow the expansion of a non-conforming attached garage. **ZB2024-07-SE**

BACKGROUND

The property is improved with a one-family dwelling constructed in 1860 per the City Assessor's records and is conforming to the R-3 Class 1 District minimum lot size requirement of 10,000 sq. ft. as the lot is +/- 25,264.8 sq. ft., the lot is oddly L shaped with frontage on Summer Street and Ela Street. Summer Street provides the main entrance to the house. The R-3 Class 1 standard is for a 75' wide lot frontage.

PROPOSAL

The applicant proposes to construct an accessory dwelling unit above an existing garage that will attach to the left side of the dwelling. Adding 1 ADU within the R-3 zone is permissible by right pursuant to sections §310.2 and §610. The existing dwelling and garage are both dimensionally non-conforming and are +/- 8 ft and +/- 1 ft, respectively, setback from the property line shared with 9 Ela Street (Tax map 77, Lot 150). Section §703.1 permits the expansion of an existing dimensional non-conformity by Special Exception pursuant to §801.3.

ZONING ORDINANCE REQUIREMENTS

SPECIAL EXCEPTION

Class 1 lots (lots that are served by municipal sewer and water) in the R-3 District must maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15 ft. See the Dimensional Requirements specified in §310.3 of the Zoning Ordinance. §703.1 of the Zoning Ordinance allows the expansion of "any increase in the footprint and/or volume of the non-conforming part of the building or structure," by Special Exception from the Zoning Board of Adjustment. The applicable Special Exception Criteria are as follows:

703.1 Expansion.

In order to grant a Special Exception for the proposed expansion, the Board must make each of the following findings per §703.1.A:

- 1. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.*
- 2. 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 variance.*
- 3. These special exception standards shall apply in addition to the standards in Section 801.3 of the Zoning Ordinance.*

Note: §703.1.A.2 allows an expansion that is equally non-conforming or less non-conforming, but prohibits an expansion that would be more non-conforming. Here, the proposed addition will be located no closer to the lot line than the existing garage and, therefore, will not “render the lot size proportionately less adequate”.

By contrast, if the addition was proposed to be located closer to the lot line than the existing garage, the applicant would be unable to demonstrate compliance with §703.1.A.2 and, instead, would require a Variance from §309.3 to permit the carport to encroach further into the minimum required side yard.

801.3 Special Exceptions.

Per §703.1.A.3 of the Zoning Ordinance, in order to grant a Special Exception for an expansion of a non-conforming structure, the Board must also determine that the proposal meets the general Special Exception criteria, set forth in §801.3 as follows:

- A. The Special Exception is specifically authorized by a provision of this Ordinance.
Note: The Special Exception is authorized by §703.1.A of the Zoning Ordinance.*
- B. All special conditions required of the special exception have been met.
Note: The special conditions for an expansion of a non-conforming buildings are those set forth above in §703.1.A of the Zoning Ordinance.*
- C. There are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.
Note: Staff is unaware of any Zoning Ordinance violations on the property.*
- D. The character of the area shall not be adversely affected. In examining the GIS view of the neighborhood nearly every abutting property has zero-lot-line or near zero-lot-line buildings.*
- E. No hazard or nuisance will be created.*
- F. The capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.*
- G. Granting the special exception will not result in undue municipal expense.*
- H. The proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.*
- I. The general welfare of the City will be protected.*

SECTION 610 ACCESSORY DWELLING UNIT (ADU).

Accessory dwelling units are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small dwelling units as rentals to offset the expense of maintaining the dwelling.

An accessory dwelling unit shall comply with the following criteria:

- A. An ADU is allowed on any lot in any zoning district with a one-family dwelling. For lots in any zoning district with a two-family dwelling, a detached or attached ADU is allowed. Only one such ADU is permitted per lot. The dwelling unit density requirements of the underlying zoning district shall not apply to ADUs.*

B. If attached, the appearance and character of the existing or proposed ADU shall remain single family in nature if converting a one-family dwelling to a one-family dwelling with an ADU, and shall remain two-family in nature if converting a two-family dwelling to a two-family dwelling with an ADU. If detached, the ADU shall maintain the primary building's architectural style, proportional mass, size, and height to ensure it is not taller than the principal building on the lot. A detached ADU may be permitted to be taller than the principal building by special exception.

C. The property owner must occupy one of the dwelling units as their permanent residence. A temporary leave of absence of no more than one (1) year by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence. Prior to the issuance of a zoning permit, the owner shall record in the Grafton County Registry of Deeds an Accessory Dwelling Unit Owner Occupancy Restriction, in a form satisfactory to the Zoning Administrator, in order to put prospective buyers on notice of the prohibition against renting out both units. All recording fees shall be the responsibility of the applicant.

D. The ADU must be located in the same building as the principal dwelling unit(s) unless the lot meets or exceeds the minimum required lot size for the respective zoning district. If the lot meets or exceeds the required minimum lot size, the ADU may be located in a separate detached accessory structure such as a garage or barn, provided the existing accessory structure conforms with the minimum required yard requirements for the respective zoning district. An ADU may also be in a new structure. By special exception, the Zoning Board of Adjustment may allow an ADU to be located in a detached structure on a lot that is non-conforming to the minimum lot size and/or to be allowed in an existing accessory structure that is legally non-conforming to the applicable minimum yard requirements.

E. If the ADU is located within or by an addition to the existing principal building, an interior door shall be provided between the ADU and the principal dwelling unit or between the ADU and one of the principal dwelling units if the principal building is a two-family dwelling.

F. If applicable, the owner must seek a permit from the State of NH Dept. of Environmental Services Subsurface Systems Bureau, in accordance with NH RSA 485-A:38, for any increased load on an existing sewage disposal system as a result of the addition of an ADU to the lot.

G. Size of ADU.

1. One-family dwellings. If the gross living area of the principal dwelling unit is 1,500 square feet or less, the gross living area of the ADU may be no greater than 65% of the gross living area of the principal dwelling unit. If the gross living area of the principal dwelling unit is greater than 1,500 square feet, but less than 3,000 square feet, the gross living area of the ADU shall not exceed 960 square feet. If the principal dwelling unit is greater than 3,000 square feet, the gross living area of the ADU can exceed 960 square feet provided the ADU is no greater than 33% of the gross living area of the principal dwelling unit. If the ADU is located on a parcel of land greater than 4 acres a detached ADU can exceed 960 square feet provided that the detached ADU is no greater than 50% of the gross living area of the principal dwelling unit.

2. Two-family dwellings. If the gross living area of the smaller of the two principal dwelling units is 1,500 square feet or less, the gross living area of the ADU may be no greater than 65% of the gross living area of the smaller of the two principal dwelling units. If the gross living area of the smaller of the two principal dwelling units is greater than 1,500 square feet, but less than 3,000 square feet, the gross living area of the ADU shall not exceed 960 square feet. If the smaller of the two principal dwelling units is greater than 3,000 square feet, the gross living area of the ADU can exceed 960 square feet provided the ADU is no greater than 33% of the gross living area of the smaller of the two principal dwelling units.

H. Any necessary additional entrances or exits to the principal building, to serve the ADU, shall be located to the side or rear of the building. All new or altered structures, intended to be used as an

ADU, must be located behind the front building line of the existing principal building except by special exception if the Zoning Board finds that the placement of the ADU on the lot will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.

I. In addition to the two (2) parking spaces required for each principal dwelling unit, one (1) additional parking space for the ADU must be provided.

J. An ADU located within the principal building shall have interconnected smoke and carbon monoxide alarms.

K. An ADU Permit application submission shall include a minimum of the following materials and exhibits demonstrating compliance with the applicable Zoning Ordinance requirements:

- 1. Existing and proposed site conditions and parking plan.*
- 2. Existing and proposed floor plans for all dwelling units and structures.*
 - a. If applicable this floor plan shall show compliance with ADU entrance, interconnection and smoke and carbon monoxide alarm plan requirements.*
- 3. A gross living area square footage calculation which includes existing and proposed floor plans, and a square footage calculation for both the primary dwelling and ADU demonstrating adherence with 610.G ADU Size pursuant to the definition of gross living area within Appendix A Definitions.*
- 4. A signed, recordable "Accessory Dwelling Unit Owner Occupancy Restriction".*
- 5. A bank or business check or money order for all recording fees made payable to the Grafton County Registry of Deeds.*
- 6. If applicable a copy of the State of NH Dept. of Environmental Services Subsurface Systems Bureau Approval and plans.*
- 7. If applicable a Water Connection Permit Application.*
- 8. If applicable a Sewer Connection Permit Application.*
- 9. Impact Fee Invoice Acknowledgment.*

APPLICATION AND SUPPORT STATEMENT

The applicant has submitted testimony addressing the §703.1 and §801.3 criteria in an application received by the Planning and Development Department on March 5th 2024 (see attached).

STAFF COMMENTS

Absent abutter testimony to the contrary, the proposed expansion does not appear to be inconsistent with any of the applicable criteria set forth in §703.1.A and §801.3. The ADU Use is permissible by right pursuant to section §610.

ATTACHEMENTS

Figure 1-3. Eagle View of Subject Property.

Figure 4. GIS View of Subject Property

Respectfully submitted,



**Nathan Reichert, Director
Planning and Development Department
Zoning Administrator**



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT DRAFT DECISION – ZB2024-07-SE April 1st 2024 Regular Meeting Sean Lacey & Thomas Lacey 7 Summer Street (Tax Map 77, Lot 153), zoned R3

DRAFT MOTION for:

Agenda Item: 3.C

Case: ZB2024-07-SE

Request for Special Exception per Section §703.1 and Section §801.3

Motion made by: _____

On April 1st 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 7 Summer Street (Tax Map 77, Lot 153). The Applicant requests a Special Exception per Section §703.1 and Section §801.3 of the Zoning Ordinance to allow the vertical expansion of a non-conforming attached garage by adding second story Accessory Dwelling Unit **+/- 1-foot.** from the rear property line where a 20-foot setback is required.

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 improved with a one-family dwelling constructed in 1860. The lot contains a primary residence and a dimensionally non-conforming attached garage.
2. As described in the application by the applicant, the applicant proposes to add a second story to the garage and construct an ADU. The addition will be located partially within the 20 ft. rear yard setback, it will be no closer to the rear yard lot line than then existing garage and will be approximately **+/- 1-foot.** from the property line.
3. Class 1 lots (i.e. lots that are served by municipal sewer and water) in the R-3 District must maintain a minimum rear yard (i.e. a space unobstructed by buildings and structures) of 20-feet. Pursuant to section §310.3 of the Zoning Ordinance. Section §703.1 of the Zoning Ordinance allows the expansion of *“any increase in the footprint and/or volume of the non-conforming part of the building or structure”* by Special Exception from the Zoning Board of Adjustment.
4. In order to grant a Special Exception for the proposed expansion, the Board must determine that the proposal meets the criteria set forth in Section §703.1.A of the Zoning Ordinance. Per Section §703.1.A.3, the Board must also determine that the proposal meets the general Special Exception criteria set forth in Section §801.3.

5. The applicant has submitted testimony addressing the Section §703.1.A and Section §801.3 criteria in an application received by the Planning and Development Department on March 5th 2024.
6. There are no known existing zoning violations on the property.
7. _____

8. _____

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 §703.1 and §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 criteria of Section §703.1 **have been / have not 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 nonconforming in the absence of a variance.

3. There **are no / are** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy.

4. The character of the area **will not / will** be adversely affected.

5. **No / A** hazard or nuisance will be created.

6. The capacity of existing or planned community facilities and services (including streets and highways) will not / will be adversely impacted.

7. The granting of the Special Exception will not / will result in undue municipal expense.

8. The proposed Special Exception will / will not be developed in a manner compatible with the spirit and intent of the ordinance.

9. The general welfare of the City will / will not be protected.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 1st day of April, 2024, hereby GRANTS / DENIES the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to permit vertical expansion of a non-conforming attached garage by adding second story Accessory Dwelling Unit +/- 1-foott. from the rear property line where a 20-foot setback is required at 7 Summer Street, 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 shall comply with all applicable local, state, and federal regulations in the construction of the proposed addition.
2. Prior to the issuance of a Building Permit, the Applicant shall provide an updated site plan sketch reflecting the finalized approved setbacks for the existing non-conforming garage and the proposed setback for the Accessory Dwelling Unit.
3. Prior to the issuance of a Building Permit, the Applicant shall obtain applicable City of Lebanon Sewer Use Permit and Water Service Permits from the Lebanon Department of Public Works.

4.

5. _____

Motion seconded by: _____

Vote: _____

**CITY OF LEBANON
APPLICATION FOR**

SPECIAL EXCEPTION	☒	☐ SITE PLAN REVIEW
VARIANCE	☐	☐ SUBDIVISION
MOTION FOR REHEARING	☐	☐ LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐ CONDITIONAL USE PERMIT

☐ OTHER _____

PROPERTY OWNER (APPLICANT):

NAME: Sean Lacey TEL.#: (603) 520-2283

MAILING ADDRESS: 7 Summer St

E-MAIL ADDRESS: uppervalleybuilding@gmail.com

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Thomas Lacey TEL.#: (603) 520-5206

MAILING ADDRESS: 5194 Windless Rd Southport, NC 28461

E-MAIL ADDRESS: tljlacey@yahoo.com

PROJECT LOCATION:

TAX MAP #: 77 LOT#: 153 PLOT #: _____ ZONE: R3

STREET ADDRESS OF PROJECT: _____

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

A.D.U above existing garage

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
PROPOSED ☐ VACANT ☐ ONE FAMILY ☒ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL

IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC**

USE: _____

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on _____, 20____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY

OWNER: _____ DATE: _____

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY

OWNER: _____ DATE: _____

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #			
<u>3/5/24</u>	<u>77/153</u>	<u>ZB2024-07-</u>			

**CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION**

One cover application, one abutters list, a filing fee and ten copies of the site plan must accompany this support statement.

I (we) hereby request a Special Exception as provided for in Article(s) _____, Section(s) _____, of the Lebanon Zoning Ordinance.

PROJECT DESCRIPTION *(Please provide your plans for the property with as much detail as possible with respect to your proposed. You can respond in the space provided, or attach a separate statement.)*

This project is the addition of an A.D.U. above an existing garage. The roof line will be below the main house roof line by approximately 3 feet. It also is located in the back of the abutting neighbors house. It does not create any restrictions of view and in the neighborhood

In order to grant a Special Exception, the Zoning Board of Adjustment must make affirmative findings of certain conditions. Those conditions are listed below:

(You can respond in the space provided, or attach a separate statement. Please be prepared to address the conditions with the Board during your public hearing. You must show that you have met all the conditions.)

SECTION 801.3 Special Exceptions - To hear and decide special exceptions to the terms of this ordinance upon matters which the Board is required to pass under this ordinance. In passing upon any application for a special exception, the Board shall make each of the following findings:

A. That the special exception is specifically authorized by a provision of this ordinance:

_____.

B. That all special conditions required of the special exception have been met:

The modest increase in height will be lower than the main house it will not adversely effect any of the neighbors, the proposed A.D.U expansion is not increasing the foot print

C. That there are no existing violations of this ordinance on the property that the granting of this special exception would not remedy:

There are no existing violations

CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION
Page 2

- D. That the character of the area shall not be adversely affected:
The proposed ADU will match the style of the house and
help shed water away from the structure. the current roof
dumps snow over the side door creating safety concerns to my children
- E. That no hazard or nuisance will be created:
This A.D.U. poses no hazards or nuisance

- F. That the capacity of existing or planned community facilities and services
(including streets and highways) will not be adversely impacted:
will not effect or impact in a negative way

- G. That granting the special exception will not result in undue municipal
expense:
NO

- H. That the proposed special exception will be developed in a manner
compatible with the spirit and intent of the ordinance:
I am maintaining the current structures foot print, this
modest expansion will allow a place for my aging parent

- I. That the general welfare of the City will be protected:
yes

Please Note:

Pursuant to Section 802.4B, "Special Conditions", the Board may attach whatever conditions it deems necessary in order to assure compliance with the purposes of this ordinance.

A special exception shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a special exception or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a special exception must be completed.

CERTIFIED NOTIFICATION LIST

Notice shall be sent by certified mail to the Owner; Applicant, if different from Owner; Abutters; Holders of conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property; the holders of easements, rights-of-way, and other restrictions; and every engineer, architect, land surveyor, or soil or wetlands scientist whose seal appears on any plan submitted to the Board; and any other persons required by RSA 676:4, I(d). The names and mailing addresses shall be furnished by the Applicant.

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. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being 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. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being 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 and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Source. 1983, 447:1. 1986, 33:2. 2002, 216:1, eff. July 15, 2002.

PLEASE PROVIDE NAMES & MAILING ADDRESSES FOR ALL PERSONS LISTED ABOVE.

Map & Lot Number:	Map & Lot Number:
Property Owner: see attached sheet	Applicant, Co-Applicant, Agent, or Lessee:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:

Map & Lot Number:	Map & Lot Number:
See attached Sheet	
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:

(Revised 2/8/2024)

ID	Site Address	Owner Name	Owner Address	Owner City	State	Owner Zip
77-138	106 HANOVER ST	BAR HARBOR BANK & TRUST	PO BOX 1089	ELLSWORTH	ME	04605
77-151	17 SUMMER	SEGUIN, DANA E	17 SUMMER ST	LEBANON	NH	03766
77-152	9 SUMMER ST	PCF SUMMER LLC	32 MAIN ST	WEST LEBANON	NH	03784
77-154	4 ELA ST	GRACE, ALITA M TRUSTEE	82 HIGH ST	PLAINFIELD	NH	03781
77-150	9 ELA ST	MOREY, GERALD A & ROXANNE	9 ELA ST	LEBANON	NH	03766
77-155	6 ELA ST	MOREY, ROXANNE	6 ELA ST	LEBANON	NH	03766
77-171	3 LAREAU CT	NOLAN, LORCAN & CHELSEA	10 ABBOTT ST	LEBANON	NH	03766
77-172	10 SUMMER ST	VLAHAKIS, C G TRUSTEE	54 WESTVIEW LN	LEBANON	NH	03766
77-151-101	17 SUMMER ST #1	ROJAS-SOTO, DIANA MARCELA +	261 BEAVER MEADOW RD	NORWICH	VT	05055
77-151-201	17 SUMMER ST #2	ROJAS-SOTO, DIANA MARCELA +	261 BEAVER MEADOW RD	NORWICH	VT	05055
77-151-301	17 SUMMER ST 3	ROJAS-SOTO, DIANA MARCELA	261 BEAVER MEADOW RD	NORWICH	VT	05055
77-153	7 SUMMER ST	LACEY, SEAN T +	7 SUMMER ST	LEBANON	NH	03766
	5194 Windless Rd	Lacey Thomas	5194 Windless Rd	Southport	NC	28461

**Property Information**

Property ID 77-153
 Location 7 SUMMER ST
 Owner LACEY, SEAN T +



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

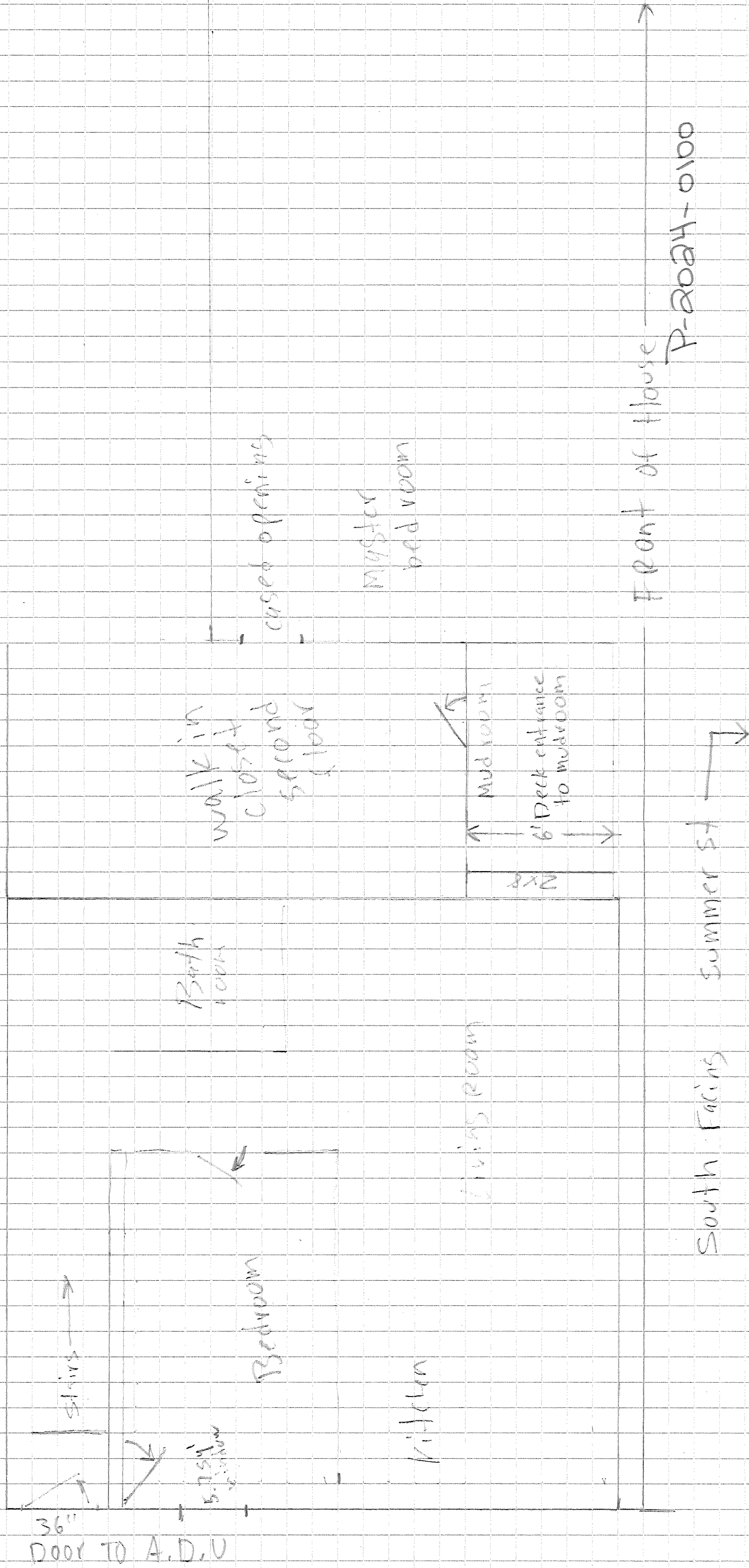
City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/20/2023
 Data updated 11/18/2018

Print map scale is approximate.
 Critical layout or measurement activities should not be done using this resource.

Sean Lacey
7 Summer St
603-570-2783

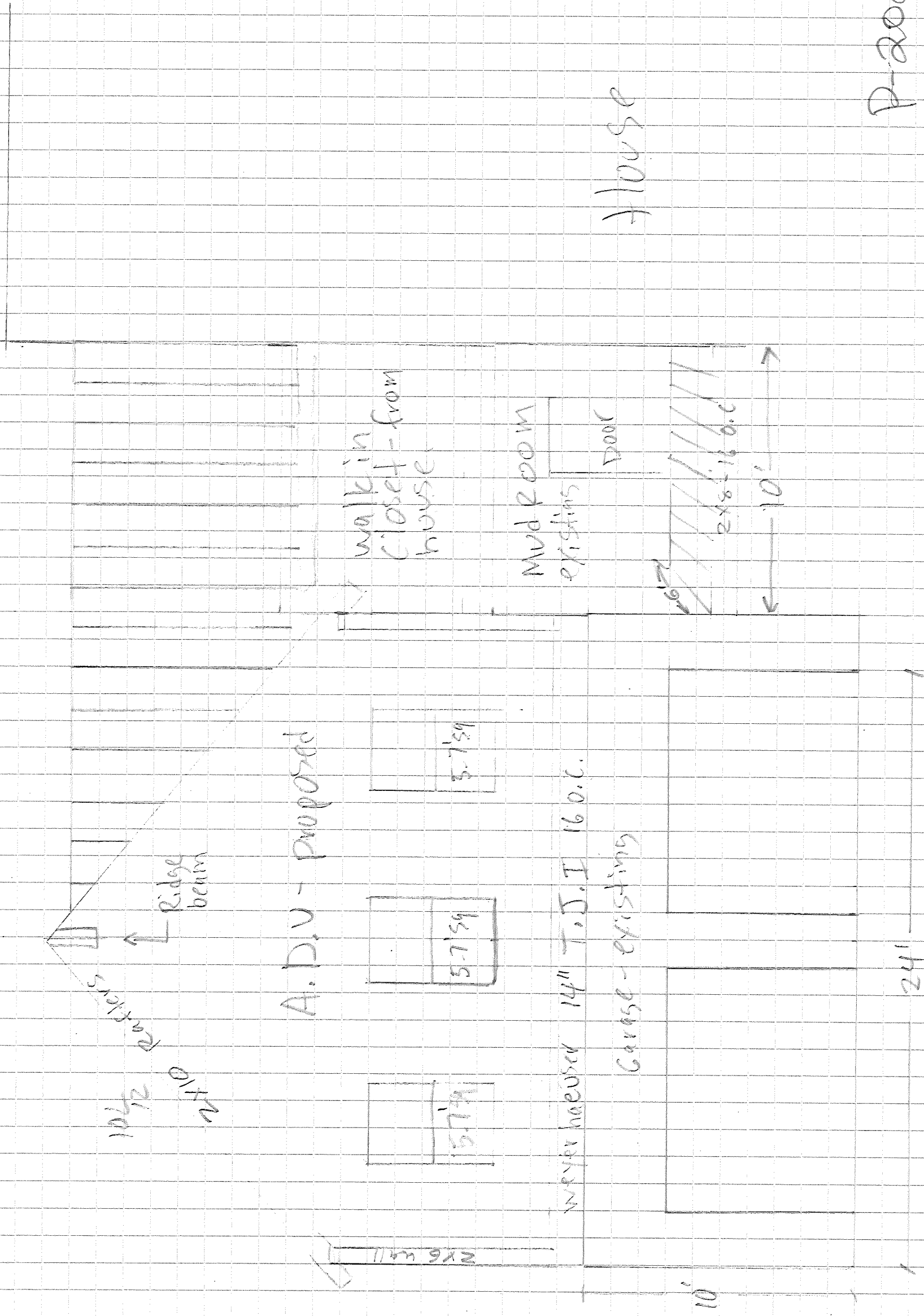
Floor plan of A.D.U.



Sean Lacey
7 Summer St

603-570-7783

South - Front of house



P-2024-0100

requirements of the underlying zoning district shall not apply to ADUs.

- B. If attached, the appearance and character of the existing or proposed **ADU** shall remain single family in nature if converting a one-family dwelling to a one-family dwelling with an ADU, and shall remain two-family in nature if converting a two-family dwelling to a two-family dwelling with an ADU. If detached, the ADU shall maintain the primary building's architectural style, proportional mass, size, and height to ensure it is not taller than the principal building on the lot. A detached ADU may be permitted to be taller than the principal building by **special exception**. *yes*

- C. The property owner must occupy one of the **dwelling units** as their permanent residence. A temporary leave of absence of no more than one (1) year by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence. *yes*

Prior to the issuance of a zoning permit, the owner shall record in the Grafton County Registry of Deeds an Accessory Dwelling Unit Owner Occupancy Restriction, in a form satisfactory to the Zoning Administrator, in order to put prospective buyers on notice of the prohibition against renting out both units. All recording fees shall be the responsibility of the applicant.

- D. The **ADU** must be located in the same **building** as the principal **dwelling unit(s)** unless the **lot** meets or exceeds the minimum required lot size for the respective zoning district. If the **lot** meets or exceeds the required minimum lot size, the **ADU** may be located in a separate detached accessory **structure** such as a garage or barn, provided the existing accessory **structure** conforms with the minimum required **yard** requirements for the respective zoning district. An **ADU** may also be in a new **structure**. By **special exception**, the Zoning Board of Adjustment may allow an **ADU** to be located in a detached **structure** on a **lot** that is non-conforming to the minimum lot size and/or to be allowed in an existing accessory **structure** that is legally non-conforming to the applicable minimum yard requirements.

**Lot meets Exceeds min. size*

- E. If the **ADU** is located within or by an addition to the existing **principal building**, an interior door shall be provided between the **ADU** and the principal **dwelling unit** or between the ADU and one of the principal **dwelling units** if the principal building is a **two-family dwelling**.

- F. If applicable, the owner must seek a permit from the State of NH Dept. of Environmental Services Subsurface Systems Bureau, in accordance with NH RSA 485-A:38, for any increased load on an existing sewage disposal system as a result of the addition of an **ADU** to the **lot**.

- G. Size of ADU.

1. One-family dwellings. If the **gross living area** of the principal **dwelling unit** is 1,500 square feet or less, the **gross living area** of the **ADU** may be no greater than 65% of the **gross living area** of the principal **dwelling unit**. If the **gross living area** of the principal **dwelling unit** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the

principal dwelling
unit = 1,754'sq

ADU = 432'sq

ADU shall not exceed 960 square feet. If the principal **dwelling unit** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed 960 square feet provided the **ADU** is no greater than 33% of the **gross living area** of the principal **dwelling unit**. If the **ADU** is located on a parcel of land greater than 4 acres a detached **ADU** can exceed 960 square feet provided that the detached **ADU** is no greater than 50% of the gross living area of the principal dwelling unit.

2. Two-family dwellings. If the **gross living area** of the smaller of the two principal **dwelling units** is 1,500 square feet or less, the **gross living area** of the **ADU** may be no greater than 65% of the **gross living area** of the smaller of the two principal **dwelling units**. If the **gross living area** of the smaller of the two principal **dwelling units** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the **ADU** shall not exceed 960 square feet. If the smaller of the two principal **dwelling units** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed 960 square feet provided the **ADU** is no greater than 33% of the **gross living area** of the smaller of the two principal **dwelling units**.

entrance to
A.D.U will be
located on
west side of
garage

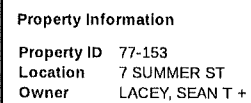
- H. Any necessary additional entrances or exits to the **principal building**, to serve the **ADU**, shall be located to the side or rear of the **building**. All new or altered **structures**, intended to be used as an **ADU**, must be located behind the **front building line** of the existing **principal building** except by **special exception** if the Zoning Board finds that the placement of the **ADU** on the **lot** will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.

- I. In addition to the two (2) parking spaces required for each principal **dwelling unit**, one (1) additional parking space for the **ADU** must be provided. *yes*

- J. An **ADU** located within the **principal building** shall have interconnected smoke and carbon monoxide alarms. *yes*

- K. An **ADU** Permit application submission shall include a minimum of the following materials and exhibits demonstrating compliance with the applicable Zoning Ordinance requirements:

1. Existing and proposed site conditions and parking plan.
2. Existing and proposed floor plans for all dwelling units and structures.
 - a. If applicable this floor plan shall show compliance with **ADU** entrance, interconnection and smoke and carbon monoxide alarm plan requirements.
3. A gross living area square footage calculation which includes existing and proposed floor plans, and a square footage calculation for both the primary dwelling and **ADU** demonstrating adherence with 610.G **ADU** Size pursuant to the definition of gross living area within Appendix A Definitions.
4. A signed, recordable "Accessory Dwelling Unit Owner Occupancy Restriction".



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

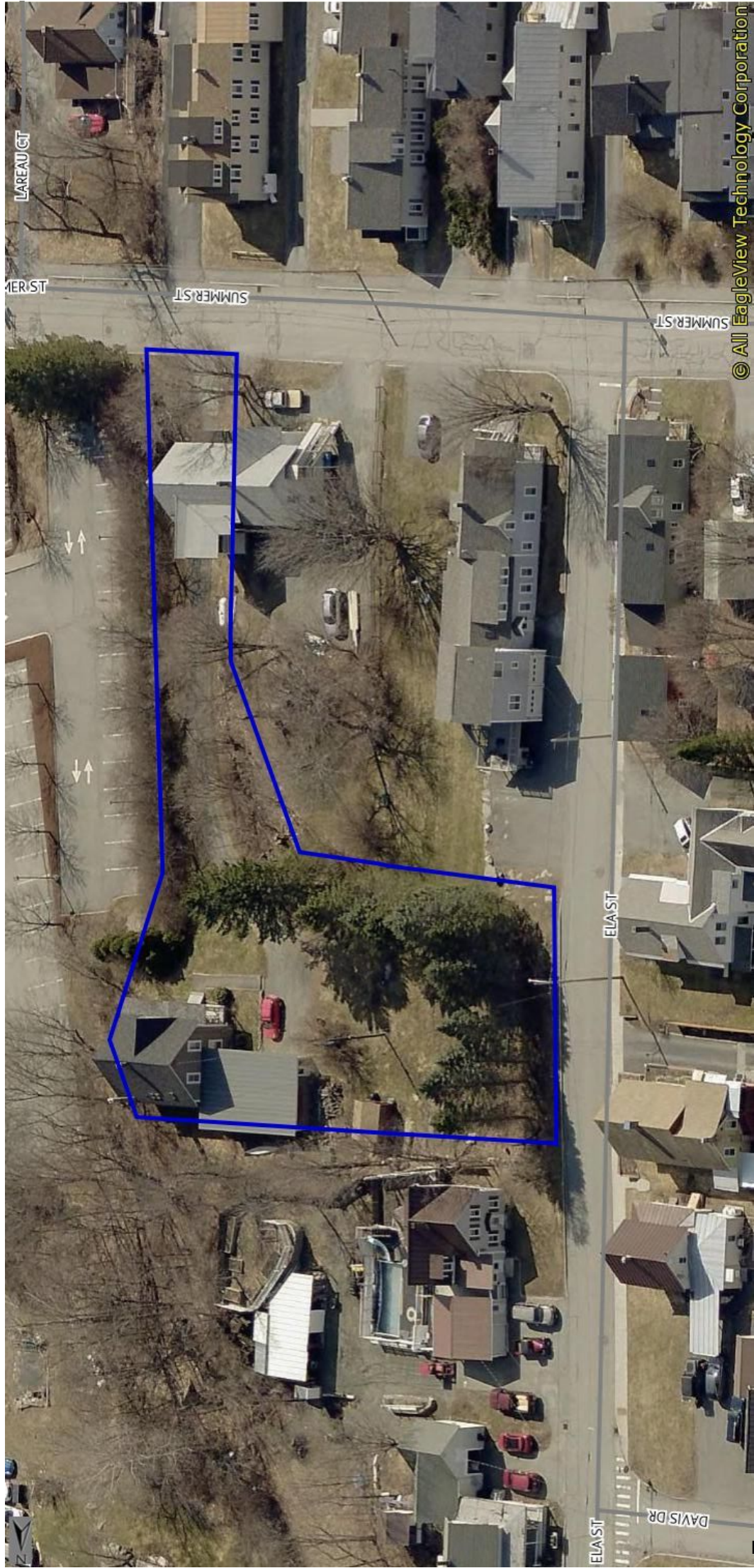
City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/20/2023
Data updated 11/18/2018

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

P-2024-0100

7 Summer 2



7 Summer





CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

April 1, 2024 - Regular Meeting

Staff Memorandum – ZB2024-08-VAR

APPLICATION INFORMATION

Agenda Item: 3.D

Application Type:

Variance from §308.3 Residential One District (R-1) 15' left side-yard setback requirement.

Location:

16 Peabody Street
Tax Map 90, Lot 48

Applicant/Property Owner:

Dallas & Savannah Hammond

Zoning District:

Residential One (R-1) – Class 1

Property Size:

+/-0.29 acres (+/-12,632.4 sq. ft.)
(per the City Assessor's records;
property is conforming to the min.
required 10,000 sq. ft. lot size in the
R-1 Class 1 District per §308.3)

Overlay Districts:

None

Previous ZBA Action (since 1995):

None

Other Approvals Required:

Building Permit

Attachments:

Application
GIS and street view photos

HEARING NOTICE

Dallas & Savannah Hammond, 16 Peabody Street (Tax Map 90, Lot 48), zoned R1: Applicants request a Variance from Section 308.3, pursuant to Section 801.2 of the Zoning Ordinance to construct an addition to the existing single-family dwelling to be located +/- 9 feet from the left side lot line where 15-feet is required. **ZB2024-08-VAR**

BACKGROUND

The property is improved with a one-family dwelling constructed in 1931. Per the City Assessor's records and is non-conforming to the R-1 Class 1 District minimum lot size requirement of 10,000 sq. ft. as the lot is 6098 sq. ft. additionally the lot is 50' wide and the R-1 Class 1 standard is for a 75' wide lot frontage. It appears the home itself is conforming to the required minimum front-yard setback of 20 ft., and to the minimum 15 ft. left side-yard. Currently, there is a garage and carport located on the property.

PROPOSAL

The applicant proposes to construct an 18 ft. by 20 ft. addition to the existing single-family dwelling, +/- 9 ft from the left side lot line shared with 12 Peabody Street (Tax Map 90, Lot 47). The left-side yard variance is required to allow the construction of the addition within the minimum required 15 ft. side yard setback.

ZONING ORDINANCE VARIANCE REQUIREMENTS

To obtain the requested Variance from Section §309.3, the applicant must demonstrate compliance with each of the five Variance Criteria as set forth in Section §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The five criteria are stated in the bold text below, followed by general staff commentary on the meaning and intent of each.

1. **Will the variance be contrary to the public interest?** According to the Board of Adjustment in NH, 2012 Edition, for a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?
2. **Will the spirit of the ordinance be observed?** According to the Board of Adjustment in NH, 2012 Edition, in deciding whether or not a variance will violate the spirit and intent of the ordinance, the Board must determine the legal purpose the ordinance serves and the reason it was enacted. The effect of the variance should be evaluated in light of the goals of the Ordinance, which might begin or end with a review of the master plan upon which the ordinance is based.
3. **Is substantial justice done?** According to the Board of Adjustment in NH, 2012 Edition, Board members must determine each case individually. They suggest that perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.
4. **Are values of surrounding properties diminished?** According to the Board of Adjustment in NH, 2012 Edition, if there is conflicting evidence (dueling experts) then it is the Board's job to sift through such testimony and other evidence to make a finding as to whether there will be a decrease in property values. Board members may also draw upon their own knowledge of the area in reaching a decision on this standard. It is the applicant's burden to convince the Board that it is more likely than not that the project will not decrease values.
5. **Would literal enforcement of the provisions of the ordinance result in an unnecessary hardship?**
 - a. **Special Conditions:** According to the Board of Adjustment in NH, 2012 Edition, Zoning imposes some hardship on all property owners by setting lot dimensions, allowable uses and other restrictions. Typically, the restrictions on one parcel are balanced by similar restrictions on other parcels in the same zone. When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. Even within the same community, different results may be reached with just slightly different fact patterns.
 - b. **Fair and Substantial Relationship:** Part of this standard includes whether or not a fair and substantial relationship exists between the general public purpose of the ordinance provisions and the specific application of that provision to the property. Is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance? Once the purpose of the provision has been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to their property would not advance the purposes of the ordinance provision in any "fair and substantial" way.
 - c. **Reasonable Use: Is the proposed use a reasonable one?** All applicants believe their proposed use is a reasonable one. The applicant must establish that, in light of the special conditions of the property, as identified above, the proposed use is a reasonable one.

STAFF MEMORANDUM

ZB2023-08-VAR
16 Peabody Street
(Tax Map 90, Lot 48)
April 1, 2024 ZBA Meeting
Agenda Item 3.D
Page 3 of 3

APPLICATION AND SUPPORT STATEMENT

The applicant has submitted testimony addressing the Section 801.2 Variance criteria in an application received by the Planning & Development Department on March 11th 2024. The application is attached.

STAFF COMMENTS

The application seeks to add a bedroom addition to an approximately 595 square foot house. The orientation of the home's interior layout makes it difficult to nearly impossible to create an addition without massive impacts to the home's mechanicals, interior lay-out and living space flow. The home's pre-existing unique floorplan layout causes a hardship for adding onto the home in a conforming manner.

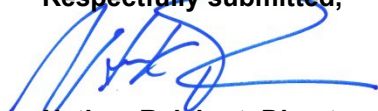
The Board may seek to question the applicants further about the 5 criteria being proven.

ATTACHEMENTS

Figure 1. Street View of Subject Property.

Figure 2. GIS View of Subject Property

Respectfully submitted,



Nathan Reichert, Director
Planning and Development Department
Zoning Administrator



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT VARIANCE

Decision Template - ZB2024-08-VAR
Dallas & Savannah Hammond
16 Peabody Street (Tax Map 90, Lot 48)

DRAFT MOTION for:

Agenda Item 3.D

Case ZB2024-08-VAR

Request for Dimensional Variance from Section §308.3

Motion made by: _____

On April 1st 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 16 Peabody Street (Tax Map 90, Lot 48). The Applicants request a Variance from Section 308.3, pursuant to Section 801.2 of the Zoning Ordinance to construct an addition to the existing single-family dwelling to be located +/- 9 feet from the left side lot line where 15-feet is required.

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 property is improved with a single-family home constructed in 1931. At 6,098 sq. ft., the lot is non-conforming to the 10,000 sq. ft. minimum lot size required for Class 1 lots in the R-1 District.
2. The applicants propose constructing an addition to the existing single-family dwelling to be located +/- 9 feet from the left side lot line where 15-feet is required.
3. The applicants have submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on February 5th 2024 this information was supplemented with additional information submitted on March 15th 2024.
4. To obtain the requested Variance from section §308.3, the applicants must demonstrate compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA 674:33, I(b).

5.

6.

7.

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 Variance criteria set forth in section §801.2 of the Zoning Ordinance:

1. The variance **will not / will** be contrary to the public interest.

2. The spirit of the ordinance **is / is not** observed.

3. Substantial justice **is / is not** done.

4. The values of surrounding properties **are not / are** diminished.

5. Literal enforcement of the provisions of the ordinance **would / would not** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area.

6. There **is not / is** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.

7. The proposed use **is / is not** a reasonable one.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **1st day of April, 2024**, hereby **GRANTS / DENIES** the Variance from Section 308.3, pursuant to Section 801.2 of the Zoning Ordinance to construct an addition to the existing single-family dwelling to be located +/- 9 feet from the left side lot line where 15-feet is required, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit.
2. _____

3. _____

Motion seconded by: _____

Vote: _____

**CITY OF LEBANON
APPLICATION FOR**

SPECIAL EXCEPTION	☐	☐	SITE PLAN REVIEW
VARIANCE	☒	☐	SUBDIVISION
MOTION FOR REHEARING	☐	☐	LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐	CONDITIONAL USE PERMIT

☐ OTHER _____

PROPERTY OWNER (APPLICANT):

NAME: Dallas + savanna Hammond TEL.#: 603-381-0390

MAILING ADDRESS: 16 Peabody St. Lebanon NH 03766

E-MAIL ADDRESS: Sjoster17@gmail.com

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: 90 LOT#: 48 PLOT #: _____ ZONE: R1

STREET ADDRESS OF PROJECT: 16 Peabody St. Lebanon, NH 03766

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

master bedroom addition - looking for permission to build 9ft off property line vs. 15ft off property line

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
PROPOSED ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
IF USE IS COMMERCIAL OR INDUSTRIAL, PLEASE NOTE SPECIFIC USE: _____

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on _____, 20____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

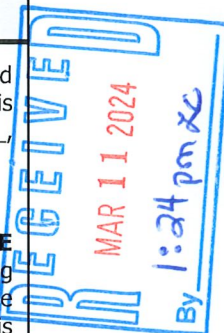
PROPERTY OWNER: _____

DATE: _____

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY OWNER: _____

DATE: _____



DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #			
3-11-24	90/48	ZB2024-08-			

VAR

SUPPORT STATEMENT FOR A VARIANCE

Amended as to comply with amended State statute and intent statement*

CITY OF LEBANON, NEW HAMPSHIRE

Variance Standards: RSA 674:33 Effective Jan. 1, 2010

One cover application with an abutters list, required filing fee and ten copies of the site plan (if larger than 8 ½ in. x 11in.) must accompany this support statement.

I (we) hereby request a variance from the terms of Article(s) _____
Section(s) _____ of the Lebanon Zoning Ordinance.

In order to grant a Variance, the Zoning Board of Adjustment must make affirmative findings of certain conditions. Those conditions are listed below:

801.2 Variances.

A. To authorize, upon appeal in specific case, variances from the terms of this ordinance, no variance shall be granted unless each of the following conditions are met:

1. That the variance, if authorized, will not be contrary to the public interest;

because we will still have an existing side yard for space between our neighbors and us.

2. That the variance will observe the spirit of the Ordinance.

The variance will flow nicely with the spirit of the ordinance.

3. That by the granting of the variance, substantial justice will be done;

This variance will allow us to keep the history of the home we purchased will creating space to grow our family.

4. That the variance, if authorized, will not diminish the values of surrounding properties

7 out of 11 houses on peabody st are built closer than 15ft to the property line. and;

5. That denial of the variance would result in unnecessary hardship.

(a) In this section "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(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

Adding an addition to any other side of our home will drive the cost up significantly due to ; and the scope of the project load

(ii) The proposed use is a reasonable one.

to allow space to accommodate our growing family and remain in the city of Lebanon.

(b) If the criteria in subparagraph (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 conformity with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

this would force us out of Lebanon, NH, we would have to find a cheaper property outside of this area.

A variance shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a variance; or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a variance must be completed.

***This form was amended as to comply with an amended statute and intent statement (below) contained in Senate Bill #147.**

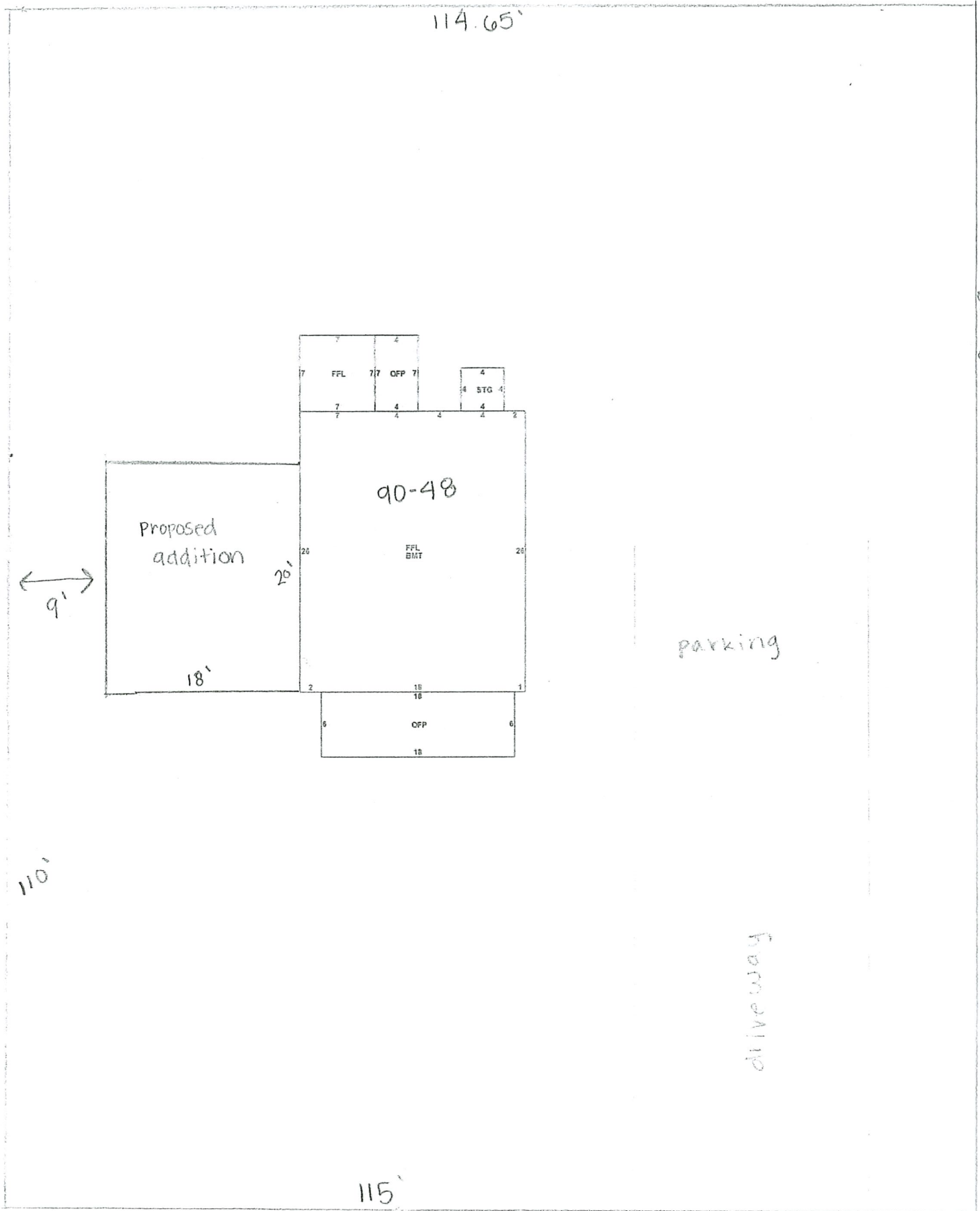
Statement of Intent:

"The intent of [this statutory change] is to eliminate the separate 'unnecessary hardship' standard for 'area' variances, as established by the New Hampshire supreme court in the case of *Boccia v. City of Portsmouth*, 155 N.H. 84 (2004), and to provide that the unnecessary hardship standard shall be deemed satisfied, in both use and area variance cases, if the applicant meets the standards established in *Simplex Technologies v. Town of Newington*, 145 N.H. 727 (2001), as those standards have been interpreted by subsequent decisions of the supreme court. If the applicant fails to meet those standards, an unnecessary hardship shall be deemed to exist only if the applicant meets the standards prevailing prior to the *Simplex* decision, as exemplified by cases such as *Governor's Island Club, v. Town of Gilford*, 124 N.H. 126 (1983)."

90-47

Property line

90-49



CERTIFIED NOTIFICATION LIST

Notice shall be sent by certified mail to the Owner; Applicant, if different from Owner; Abutters; Holders of conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property; the holders of easements, rights-of-way, and other restrictions; and every engineer, architect, land surveyor, or soil or wetlands scientist whose seal appears on any plan submitted to the Board; and any other persons required by RSA 676:4, I(d). The names and mailing addresses shall be furnished by the Applicant.

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. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being 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. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being 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 and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Source. 1983, 447:1. 1986, 33:2. 2002, 216:1, eff. July 15, 2002.

PLEASE PROVIDE NAMES & MAILING ADDRESSES FOR ALL PERSONS LISTED ABOVE.

Map & Lot Number:	Map & Lot Number:
Property Owner: 90-48 Dallas + Savanna Hammond 16 Peabody St. Lebanon, NH	Applicant, Co-Applicant, Agent, or Lessee:
Map & Lot Number:	Map & Lot Number:
Christopher Chinn 90-47 12 Peabody St. Lebanon, NH	Mary Davis 90-44 2 Bomhower St. Lebanon, NH
Map & Lot Number:	Map & Lot Number:
Mary Davis 90-44 4 Bomhower St. Lebanon, NH	Christopher + Erin Audino 18 Peabody St. Lebanon, NH 90-49

Map & Lot Number:	Map & Lot Number:
Karent Rodney Miller 90-55 19 Peabody St. Lebanon, NH	Katie Karkowski 90-56 15 Peabody St. Lebanon, NH
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:

(Revised 2/8/2024)

From: [Savanna Josler](#)
To: [Nathan Reichert](#)
Subject: [EXTERNAL] Dallas & Savanna Hammond Proposed Addition 16 Peabody
Date: Tuesday, March 12, 2024 5:55:44 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

16 Peabody Proposed addition:

Hi, My name is Savanna Hammond and this is my husband, Dallas Hammond. Thank you for listening as we explain the importance of our proposal for an addition to our house on 16 Peabody St.

Dallas and I found ourselves pondering a huge decision over the last year or so. With the real estate market experiencing a surge and inflation driving costs higher and higher we were faced with a crucial choice; to build an addition onto our cherished home or try to compete with the rest of the world to purchase a larger property. Our contractor, well versed in home construction, shared his wealth of knowledge and explained the economic and financial benefits of expanding our current space. We would not only meet the needs of our growing family, but it would make sense financially in the long run. Considering the architectural layout of our home, the contractor suggested expanding on the left side. This would require building 6 feet closer to the property line than the current regulations allow. This strategic approach will be the least intrusive to the history and character of our existing home.

As natives to the area, Lebanon holds a special place in our hearts and we are committed to raising our family here. With a thriving 2 year old son, Sterling, We are absolutely ecstatic to welcome another baby boy in September. Our current home, of 595 square feet, is feeling increasingly cramped as the days go on. An extra bedroom, closet and bathroom would not only provide the necessary space for everybody to feel comfortable but will provide a sanctuary for us to rest between the joys and chaos of parenthood. This may even allow for us to buy an average size couch which will be a fraction of the cost of a custom modular couch to fit our small space!

As we envision the future, filled with laughter, milestones and cherished memories, the decision to build an addition became abundantly clear. It is a testament to our commitment to our family, our roots in the community, and our dreams. Thank you for considering our heartfelt endeavor to build a brighter future for our family on 16 Peabody St.

16 PEABODY ST

Location 16 PEABODY ST

Mblu 90/ 48/ / /

Acct# 2501

Owner HAMMOND, SAVANNAH L & DALLAS L

PBN

Assessment \$195,300

Appraisal \$195,300

PID 1682

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$119,800	\$75,500	\$195,300
Assessment			
Valuation Year	Improvements	Land	Total
2022	\$119,800	\$75,500	\$195,300

Owner of Record

Owner HAMMOND, SAVANNAH L & DALLAS L
Co-Owner
Address 16 PEABODY ST
LEBANON, NH 03766

Sale Price \$150,100
Certificate
Book & Page 4760/200
Sale Date 09/21/2022
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HAMMOND, SAVANNAH L & DALLAS L	\$150,100		4760/200	00	09/21/2022
ROCKE, SUSAN TTEE	\$0		0/0	99	05/07/2021
DUNHAM, FRED R (LIFE ESTATE)	\$0		0/0	99	05/04/1992
DUNHAM, FRED R (LIFE ESTATE)	\$0		0/0	99	05/03/1992
CLARK, NORMA K, ESTATE OF	\$0		0/0	99	01/01/1901

Building Information

Year Built:	1931
Living Area:	595
Replacement Cost:	\$165,500
Building Percent Good:	71
Replacement Cost	
Less Depreciation:	\$117,500

Building Attributes	
Field	Description
CNS_USRFLD_108	
Model	RESIDENTIAL
Style	BUNGALOW
Grade	AVERAGE
Stories	1
Comm Units	0
Exterior Wall 1	VINYL
Exterior Wall 2	
Roof Structure	GABLE
Roof Cover	STD SEAM
Interior Wall 1	DRYWALL
Interior Wall 2	
Interior Floor 1	HARDWOOD
Interior Floor 2	
Basement Floor	EARTH
% Heated	100.00
Heat Fuel	OIL
Heat Type	FORCED H/A
# Heat Systems	1.00
AC Percent	0.00
Bedrooms	1
Full Bath(s)	1
Bath Rating	AVERAGE
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	1
Kitchen Rating	AVERAGE
Total Rooms	4
Frame	WOOD
Foundation	CONC BLOCK
Bsmt Garage	0

 Building Photo
(https://images.vgsi.com/photos/lebanonnhPhotos///0010/129_0118_10229)

The diagram shows a 2D hexagonal lattice with blue and red nodes and edges. The nodes are labeled with blue or red numbers, and the edges are colored blue or red. The lattice is divided into three main regions:

- Top-Left Region:** Contains blue nodes labeled 7, 7, 26, and 2. It also contains red nodes labeled 4, 7, and 4. The edges connecting these nodes are blue.
- Top-Right Region:** Contains red nodes labeled 4, 4, 4, and 2. The edges connecting these nodes are red.
- Bottom Region:** Contains blue nodes labeled FFL, BMT, 2, and 6. It also contains red nodes labeled 18, 6, and 18. The edges connecting these nodes are blue.

(ParcelSketch.ashx?pid=1682&bid=1682)

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	595	595
BMT	BASEMENT	546	0
OFP	OPEN PORCH	136	0
STG	STORAGE	16	0
		1,293	595

Parking	
Fireplace(s)	0
Fireplace Rating	
WS Flues	0
WS Flue Rating	
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	TYPICAL
Partition	TYPICAL
Solar Hot Water	No
Central Vac	No
Nbhd Modifier	
MH Make	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use	Land Line Valuation
Use Code 1010 Description ONE FAM Zone R1 Neighborhood R6 Alt Land Appr No Category	Size (Acres) 0.29 Frontage Depth Assessed Value \$75,500 Appraised Value \$75,500

Outbuildings

Outbuildings							Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #	
19	PATIO			169.00 SF	\$300	1	
06	CARPORT			360.00 SF	\$2,000	1	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$119,800	\$75,400	\$195,200
2022	\$94,500	\$75,400	\$169,900

2021	\$69,300	\$54,800	\$124,100
------	----------	----------	-----------

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$119,800	\$75,400	\$195,200
2022	\$94,500	\$75,400	\$169,900
2021	\$69,300	\$54,800	\$124,100



Image capture: Jul 2013 © 2024 Google



16 Peabody - Front



16 Peabody - Rear



© All EagleView Technology Corporation



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

April 1, 2024 - Regular Meeting

Staff Memorandum – ZB2024-09-SE

APPLICATION INFORMATION

Agenda Item: 3.E

Application Type:

Special Exception
pursuant to §703.1 and §801.3

Location:

45 Eldridge Street
Tax Map 77, Lot 5

Applicant/Property Owner:

Sarah Riley & Eric Agterberg

Zoning District:

Residential Three (R-3) – Class 1

Property Size:

+/-0.17 acres (+/-7,405.2 sq. ft.) (*per the City Assessor's records; property is non-conforming to the min. required 10,000 sq. ft. lot size in the R-3 Class 1 District per §310.3*)

Overlay Districts:

None

Previous ZBA Action (since 1995):

None

Other Approvals Required:

Building Permit

Attachments:

Application
Eagleview and street view photos

HEARING NOTICE

Eric Agterberg & Sarah Riley, 45 Eldridge Street (Tax Map 77, Lot 5), zoned R3: Applicants request a Special Exception from Section 310.3, pursuant to Sections 703.1 & 801.3 of the Zoning Ordinance to allow the expansion of the existing non-conforming garage to be located +/- 5.5 feet from the left side lot line where 15-feet is required and the expansion of the non-conforming front porch to be located +/- 9.3 feet from the front lot line where 20 feet is required. **ZB2024-09-SE**

BACKGROUND

The property is improved with a one-family dwelling constructed in 1920 per the City Assessor's records and is non-conforming to the R-3 Class 1 District minimum lot size requirement of 10,000 sq. ft. as the lot is +/- 7,405.2 sq. ft., approx. 75 ft wide and 100 ft deep. The R-3 Class 1 standard is for a 75' wide lot frontage.

PROPOSAL

The applicant proposes to demolish an existing non-conforming 12 ft 4 in x 26 ft 5 in garage that is +/- 5.5 ft from the left side lot line shared with 47 Eldridge Street (Tax map 77, Lot 4) and construct a new non-conforming 14 ft 6 in x 26 ft 8 in garage 5.5 ft from the same left side lot line, further forward on the lot toward the front lot line. Additionally, the applicant proposes to demolish the existing non-conforming front porch and rebuild a new front porch that maintains its original width of 10 ft 3 in but is wider along the front of the home. The front porch will maintain the same distance of 9 ft 4 in from the front lot line, where 20 ft is required. Section §703.1 permits the expansion of an existing dimensional non-conformity by Special Exception.

ZONING ORDINANCE REQUIREMENTS

SPECIAL EXCEPTION

Class 1 lots (lots that are served by municipal sewer and water) in the R-3 District must maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15 ft and a minimum front yard of 20 ft. See the Dimensional Requirements specified in §310.3 of the Zoning Ordinance. §703.1 of the Zoning Ordinance allows the expansion of "*any increase in the footprint and/or volume of the non-conforming part of the building or structure,*" by Special Exception from the Zoning Board of Adjustment. The applicable Special Exception Criteria are as follows:

703.1 Expansion.

In order to grant a Special Exception for the proposed expansion, the Board must make each of the following findings per §703.1.A:

- 1. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.*
- 2. 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 variance.*
- 3. These special exception standards shall apply in addition to the standards in Section 801.3 of the Zoning Ordinance.*

Note: §703.1.A.2 allows an expansion that is equally non-conforming or less non-conforming, but prohibits an expansion that would be more non-conforming. Here, the proposed addition will be located no closer to the lot line than the existing garage and, therefore, will not “render the lot size proportionately less adequate”.

By contrast, if the addition was proposed to be located closer to the lot line than the existing garage, the applicant would be unable to demonstrate compliance with §703.1.A.2 and, instead, would require a Variance from §309.3 to permit the carport to encroach further into the minimum required side yard.

801.3 Special Exceptions.

Per §703.1.A.3 of the Zoning Ordinance, in order to grant a Special Exception for an expansion of a non-conforming structure, the Board must also determine that the proposal meets the general Special Exception criteria, set forth in §801.3 as follows:

- A. The Special Exception is specifically authorized by a provision of this Ordinance.
Note: The Special Exception is authorized by §703.1.A of the Zoning Ordinance.*
- B. All special conditions required of the special exception have been met.
Note: The special conditions for an expansion of a non-conforming buildings are those set forth above in §703.1.A of the Zoning Ordinance.*
- C. There are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.
Note: Staff is unaware of any Zoning Ordinance violations on the property.*
- D. The character of the area shall not be adversely affected. In examining the GIS view of the neighborhood nearly every abutting property has zero-lot-line or near zero-lot-line buildings.*
- E. No hazard or nuisance will be created.*
- F. The capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.*
- G. Granting the special exception will not result in undue municipal expense.*
- H. The proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.*
- I. The general welfare of the City will be protected.*

APPLICATION AND SUPPORT STATEMENT

The applicant has submitted testimony addressing the §703.1 and §801.3 criteria in an application received by the Planning and Development Department on 2024 (see attached).

STAFF COMMENTS

Absent abutter testimony to the contrary, the proposed expansion does not appear to be inconsistent with any of the applicable criteria set forth in §703.1.A and §801.3.

ATTACHEMENTS

Figure 1. Street View of Subject Property.

Figure 2. Eagle Views of Subject Property

Respectfully submitted,



Nathan Reichert, Director
Planning and Development Department
Zoning Administrator



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT DRAFT DECISION – ZB2024-09-SE April 1st 2024 Regular Meeting Eric Agterberg & Sarah Riley 45 Eldridge Street (Tax Map 77, Lot 5), zoned R3

DRAFT MOTION for:

Agenda Item: 3.E

Case: ZB2024-09-SE

Request for Special Exception per Section Section §703.1 and Section §801.3

Motion made by: _____

On April 1st 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 45 Eldridge Street (Tax Map 77, Lot 5). The Applicant requests a Special Exception from Section 310.3, pursuant to Sections 703.1 & 801.3 of the Zoning Ordinance to allow the expansion of the existing non-conforming garage to be located +/- 5.5 feet from the left side lot line where 15 feet is required and the expansion of the non-conforming front porch to be located +/- 9.3 feet from the front lot line where 20 feet is required

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 improved with a one-family dwelling constructed in 1920. The lot contains a primary residence and a dimensionally non-conforming detached garage.
2. As described in the application by the applicant, the applicant proposes to tear down and rebuild a garage and widen the front porch. The new garage will be located partially within the 15-foot left-side yard setback, it will be no closer to the rear yard lot line than then existing garage and will be approximately +/- 5.5-feet from the left side property line. The expanded front porch will be located partially within the 20-foot front yard setback, it will be no closer to the front yard lot line than then existing porch and will be approximately +/- 9 ft. 4 in. from the front property line.
3. Class 1 lots (i.e. lots that are served by municipal sewer and water) in the R-3 District must maintain a minimum front yard (i.e. a space unobstructed by buildings and structures) of 20-feet and side yards of 15-feet. Pursuant to section §310.3 of the Zoning Ordinance. Section §703.1 of the Zoning Ordinance allows the expansion of *“any increase in the footprint and/or volume of the non-conforming part of the building or structure”* by Special Exception from the Zoning Board of Adjustment.
4. In order to grant a Special Exception for the proposed expansion, the Board must determine that the proposal meets the criteria set forth in Section §703.1.A of the Zoning

Ordinance. Per Section §703.1.A.3, the Board must also determine that the proposal meets the general Special Exception criteria set forth in Section §801.3.

5. The applicant has submitted testimony addressing the Section §703.1.A and Section §801.3 criteria in an application received by the Planning and Development Department on March 11th 2024.
6. There are no known existing zoning violations on the property.
7. _____

8. _____

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 §703.1 and §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 criteria of Section §703.1 **have been / have not 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 nonconforming in the absence of a variance.

3. There **are no / are** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy.

4. The character of the area **will not / will** be adversely affected.

5. **No / A** hazard or nuisance will be created.

6. The capacity of existing or planned community facilities and services (including streets and highways) **will not / will** be adversely impacted.

7. The granting of the Special Exception **will not / will** result in undue municipal expense.

8. The proposed Special Exception **will / will not** be developed in a manner compatible with the spirit and intent of the ordinance.

9. The general welfare of the City **will / will not** be protected.

III. **DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 1st day of April, 2024, hereby **GRANTS / DENIES** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to permit the expansion of the existing non-conforming garage to be located +/- 5.5 feet from the left side lot line where 15 feet is required and the expansion of the non-conforming front porch to be located +/- 9.3 feet from the front lot line where 20 feet is required at 45 Eldridge Street, 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 shall comply with all applicable local, state, and federal regulations in the construction of the proposed addition.

2. _____

3. _____

DRAFT MOTION

ZB2024-09-SE
45 Eldridge St
(Tax Map 77, Lot 5)
April 1, 2024 ZBA Meeting
Agenda Item 3.E
Page 4 of 4

Motion seconded by: _____

Vote: _____

**CITY OF LEBANON
APPLICATION FOR**

SPECIAL EXCEPTION	☒	☐ SITE PLAN REVIEW
VARIANCE	☐	☐ SUBDIVISION
MOTION FOR REHEARING	☐	☐ LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐ CONDITIONAL USE PERMIT
☐ OTHER _____		

PROPERTY OWNER (APPLICANT):

NAME: Eric Agterberg TEL.#: 802 277 0860 (home phone)
MAILING ADDRESS: 45 Eldridge St, Lebanon NH 03766
E-MAIL ADDRESS: eric.agterberg@gmail.com

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Sarah Riley TEL.#: 802 277 0860
MAILING ADDRESS: 45 Eldridge St, Lebanon NH 03766
E-MAIL ADDRESS: rileysarah@yahoo.com

PROJECT LOCATION:

TAX MAP #: 77 LOT#: 5 PLOT #: ZONE: R3
STREET ADDRESS OF PROJECT: 45 Eldridge St
IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

In combination with other home renovations/improvements, we would like to tear down and replace our existing non-conforming garage and existing non-conforming front porch.

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
PROPOSED ☐ VACANT ☒ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC** USE: _____

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on _____, 20____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY

OWNER: _____

DATE: _____

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY

OWNER: _____

DATE: _____



DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #			
3-11-24	77/5	282024-09-SE			

(Last Revised 4/04/18)

**CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION**

One cover application, one abutters list, a filing fee and ten copies of the site plan must accompany this support statement.

I (we) hereby request a Special Exception as provided for in Article(s) VII,
Section(s) 701.3, of the Lebanon Zoning Ordinance.

PROJECT DESCRIPTION *(Please provide your plans for the property with as much detail as possible with respect to your proposed. You can respond in the space provided, or attach a separate statement.)*

Please see the attached project description.

In order to grant a Special Exception, the Zoning Board of Adjustment must make affirmative findings of certain conditions. Those conditions are listed below:

(You can respond in the space provided, or attach a separate statement. Please be prepared to address the conditions with the Board during your public hearing. You must show that you have met all the conditions.)

SECTION 801.3 Special Exceptions - To hear and decide special exceptions to the terms of this ordinance upon matters which the Board is required to pass under this ordinance. In passing upon any application for a special exception, the Board shall make each of the following findings:

- A. That the special exception is specifically authorized by a provision of this ordinance:

Please see attached.

- B. That all special conditions required of the special exception have been met:

Please see attached.

- C. That there are no existing violations of this ordinance on the property that the granting of this special exception would not remedy:

Please see attached.

CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION
Page 2

D. That the character of the area shall not be adversely affected:

Please see attached.
_____.

E. That no hazard or nuisance will be created:

Please see attached.
_____.

F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:

Please see attached.
_____.

G. That granting the special exception will not result in undue municipal expense:

Please see attached.
_____.

H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance:

Please see attached.
_____.

I. That the general welfare of the City will be protected:

Please see attached.
_____.

Please Note:

Pursuant to Section 802.4B, "Special Conditions", the Board may attach whatever conditions it deems necessary in order to assure compliance with the purposes of this ordinance.

A special exception shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a special exception or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a special exception must be completed.

City of Lebanon, New Hampshire

Support Statement for a Special Exception

Submitted by:

Eric Agterberg & Sarah Riley, 45 Eldridge St, Lebanon NH; 802 277 0860;

eric.agterberg@gmail.com & rileysarah@yahoo.com

Project Description:

We, the owner-applicants, live at 45 Eldridge St, on a 7500sqft lot, with a legally non-conforming house and a legally non-conforming garage. The house was built in/or around 1920 or 1927, and the garage might date to then but there are no records for when it was constructed. As part of a few planned renovations, we would like to make the following changes that require a Special Exception.

The garage is rotten beyond repair, and we would like to rebuild it. Rather than building on the same footprint, we would like to build the replacement structure closer to the street. This would give us more space in our backyard; less snow to shovel (shorter driveway); less impervious surface on the lot (again, less driveway); and it would remove one of the non-conforming dimensions of the building (the rear setback). We would widen the garage slightly, so that more modern car styles (something along the lines of a Subaru Outback) could be more easily parked in the structure with a bit less risk to structure and vehicle. The proposed future garage would be built parallel to the property line and not be closer than the current closest point (5 feet 5 inches).

The front porch is currently enclosed with an entrance from the Eldridge St sidewalk. It is uninsulated, unconditioned, and built mainly of beautiful old windows that don't fit the framing so rain and snow make their way inside the space. We would like to rebuild the porch retaining as much of the existing character, but as an insulated and conditioned space, with a more welcoming, wider, less steep entrance, by moving the door and steps to the driveway-side. This will create a safer, (less distance to travel, less grade differential) and more welcoming (wide landing, fewer stairs, less grade change) entrance.

While we are working on the porch, we would like to widen it slightly, to improve the function of the space, which serves double duty as an extension of our living room and a mudroom/entryway. This small footprint expansion would give us much better functionality, and make room for innovative landscaping on the front and downhill sides of the porch.

801.3 Special Exceptions. A. To hear and decide special exceptions to the terms of this Ordinance upon matters which the Board is required to pass under this Ordinance. In passing upon any application for a special exception, the Board shall make each of the following findings:

A. That the special exception is specifically authorized by a provision of this Ordinance.

Section 701.3 of the Zoning Ordinance allows for expansions of non-conforming structures by special exception.

B. That all special conditions required of the special exception have been met.

The proposed porch and garage rebuilds will not be any more non-conforming than the existing structures. Rather, the garage will be completely removed from the rear setback and no closer to the side property line than the current closest point.

The porch rebuild will be no closer to the front lot line than the existing porch.

C. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.

The property predates the ordinance, and while it contains many non-conforming structures, we don't think those count as violations.

D. That the character of the area shall not be adversely affected.

The character of the area shall be preserved and enhanced. We are taking great care to respect the character of our old home and small lot, but keeping style and proportion in mind. We will also be adding to the streetscape with landscaping improvements in our front and side yards.

E. That no hazard or nuisance will be created.

The changes will remove hazards, in that the existing garage is near collapse and the existing porch entrance is steep and narrow.

F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.

There will be no negative impact to existing or planned community facilities or services. The uses of the property will not be changing. The driveway and the garage will be more functional, and hopefully more stormwater will be retained on site via landscaping improvements.

G. That granting the special exception will not result in undue municipal expense.

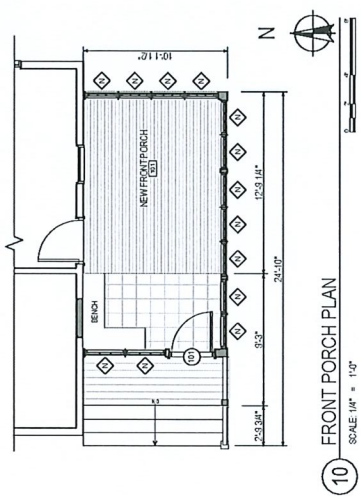
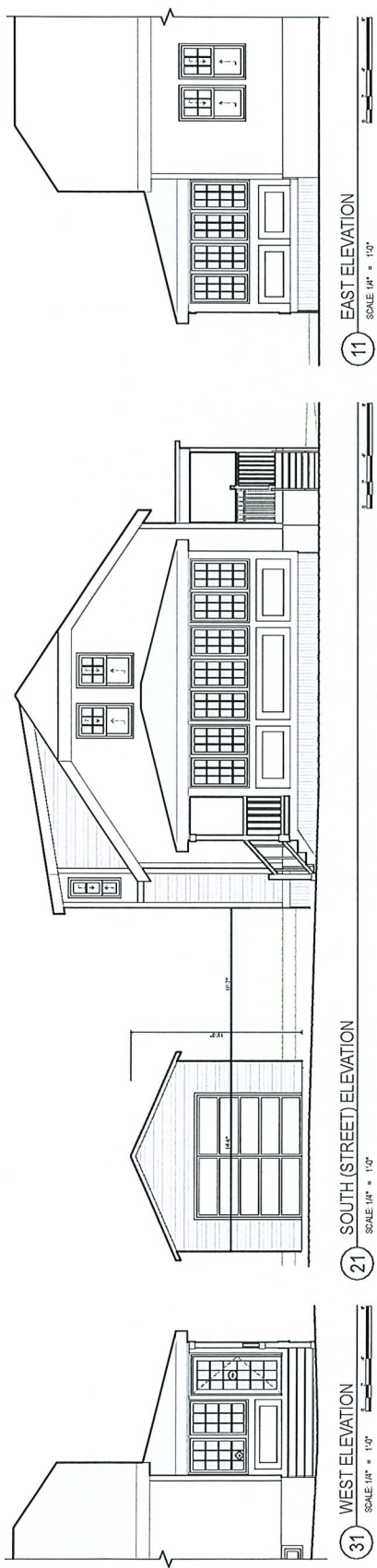
The special exception should result in no undue municipal expense, beyond the administration of the application and ensuing building permits.

H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.

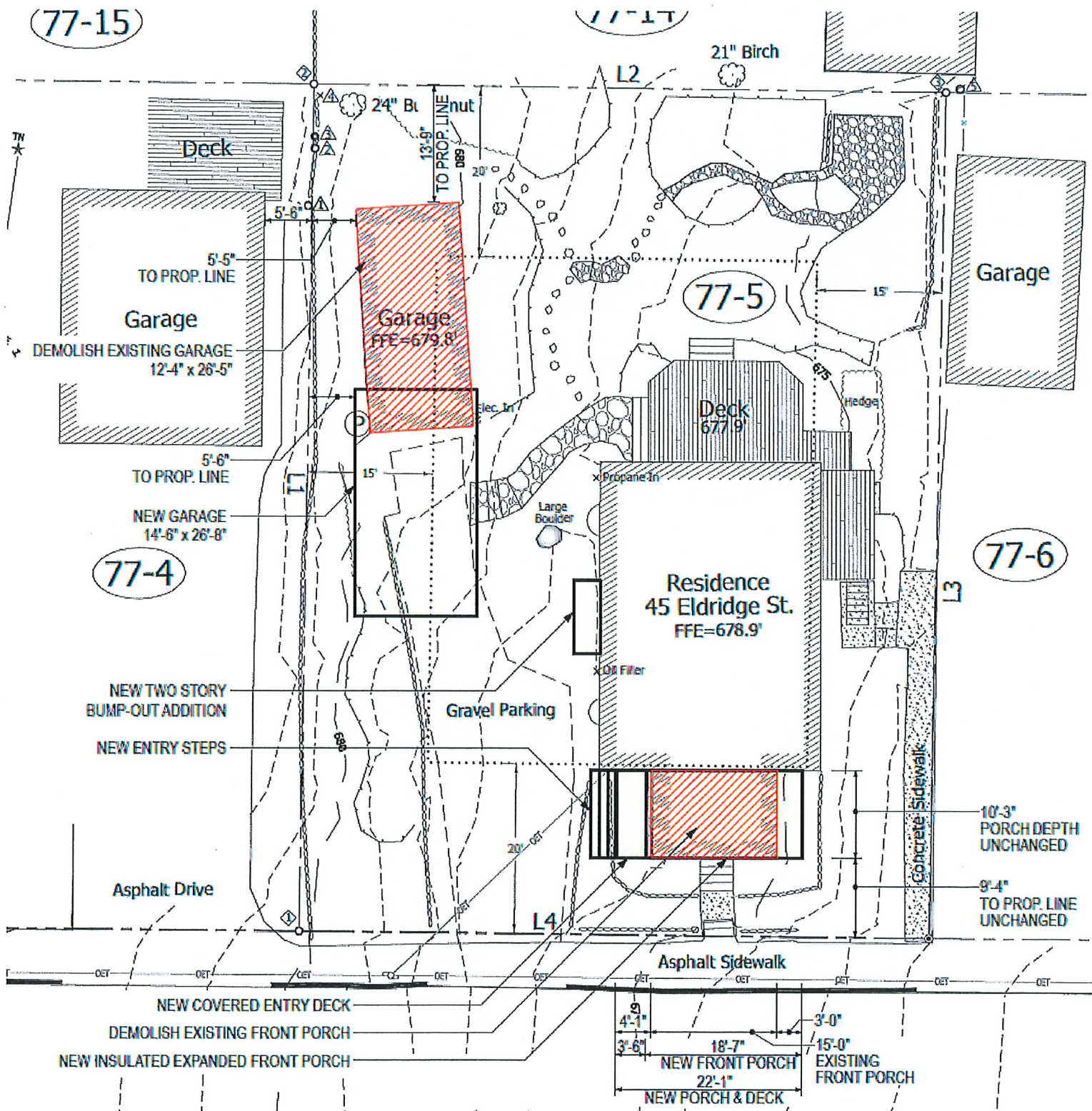
The proposed garage and porch renovations will be compatible with the spirit and intent of the ordinance. The R-3 district is designed to provide areas for single family residential neighborhoods. These improvements will add to the functionality and aesthetics of this small residential lot. The porch will be more welcoming, rather than a neglected space. The garage will be able to house a car, and therefore serve its primary purpose rather than just storing stuff. The backyard will be improved by the added square footage, which we plan to use for landscaping.

I. That the general welfare of the City will be protected.

We hope that the proposed changes will enhance our home, our lot, our street, and our neighborhood.



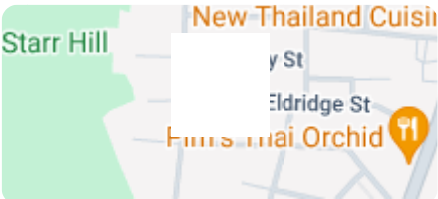
Close-up of the project area – from the Site Plan



	ID	Site Address	Owner Name	Owner Address	Owner City	Owner State	Owner Zip
Abutter	77-6	43 ELDRIDGE ST	COUTERMARSH, DEANNA & OFFICE OF PUBLIC GUARDIAN	2 PILLSBURY ST, SUITE 400	CONCORD	NH	03301
Abutter	91-35	54 ELDRIDGE ST	WU, SHERRY L & BIN	54 ELDRIDGE ST	LEBANON	NH	03766
Abutter	77-14	18 WHEATLEY ST	CHAPIN, MELISSA ANNE	18 WHEATLEY ST	LEBANON	NH	03766
Abutter	77-15	22 WHEATLEY ST	BICKFORD, STEVEN	22 WHEATLEY ST	LEBANON	NH	03766
Abutter	91-34	50 ELDRIDGE ST	BELL J D & J K CO-TTEES & J D & J K BELL REV TRUST	50 ELDRIDGE ST	LEBANON	NH	03766
Abutter	77-4	47 ELDRIDGE ST	SCHMELING, ANNA & PARSON, TAELOH	47 ELDRIDGE ST	LEBANON	NH	03766
Owners	77-5	45 ELDRIDGE ST	RILEY, SARAH & AGTERBERG, ERIC	45 ELDRIDGE ST	LEBANON	NH	3766
Architects			Mayor Kennedy Architects	53 South Main St, Suite 204 (PO BOX 231)	HANOVER	NH	3755



Image capture: Aug 2023 © 2024 Google



45 Eldridge - Rear



© All EagleView Technology Corporation

45 Eldridge - Front



45 ELDRIDGE ST

Location 45 ELDRIDGE ST

Mblu 77/ 5/ / /

Acct# 1498

Owner RILEY, SARAH A &

PBN

Assessment \$261,100

Appraisal \$261,100

PID 934

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$173,000	\$88,100	\$261,100
Assessment			
Valuation Year	Improvements	Land	Total
2022	\$173,000	\$88,100	\$261,100

Owner of Record

Owner	RILEY, SARAH A &	Sale Price	\$213,000
Co-Owner	AGTERBERG, ERIC	Certificate	
Address	45 ELDRIDGE ST	Book & Page	3440/0457
	LEBANON, NH 03766	Sale Date	08/14/2007
		Instrument	99

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
RILEY, SARAH A &	\$213,000		3440/0457	99	08/14/2007
FORDK GREGORY & ANDREA	\$245,000		3290/0806	99	06/13/2006
FORD, GREGORY	\$179,000		2840/0456	99	06/24/2003
FARSAD, KHASHAYAR	\$95,000		2386/0895	99	04/21/1999
SCHWARTZ, JONATHAN C +	\$0		0/0	99	10/24/1960

Building Information

Building 1 : Section 1

Year Built: 1920
Living Area: 1,264
Replacement Cost: \$256,352
Building Percent Good: 67
Replacement Cost Less Depreciation: \$171,800

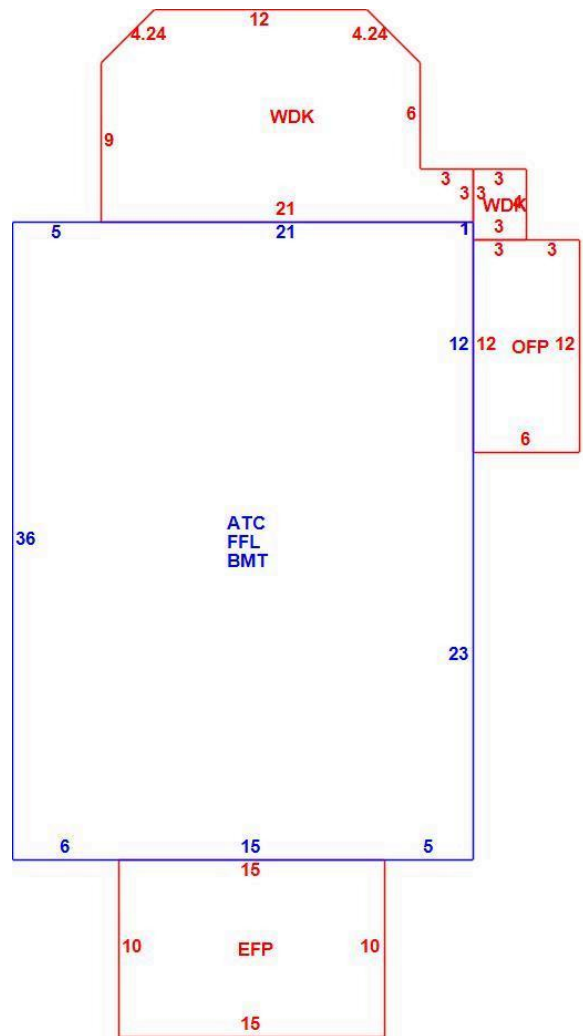
Building Attributes	
Field	Description
CNS_USRFLD_108	
Model	RESIDENTIAL
Style	BUNGALOW
Grade	AVERAGE
Stories	1A
Comm Units	0
Exterior Wall 1	CLAPBOARD
Exterior Wall 2	
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior Wall 1	PLASTER
Interior Wall 2	
Interior Floor 1	HARDWOOD
Interior Floor 2	CERAM.TILE
Basement Floor	CONCRETE
% Heated	100.00
Heat Fuel	OIL
Heat Type	FORCED H/A
# Heat Systems	1.00
AC Percent	0.00
Bedrooms	4
Full Bath(s)	1
Bath Rating	FAIR
Half Bath(s)	1
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	1
Kitchen Rating	AVERAGE
Total Rooms	7
Frame	WOOD
Foundation	CONCRETE
Bsmt Garage	0

Building Photo



(<https://images.vgsi.com/photos/lebanonnhPhotos//933.JPG>)

Building Layout



([ParcelSketch.ashx?pid=934&bid=934](#))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area

Parking	
Fireplace(s)	0
Fireplace Rating	
WS Flues	0
WS Flue Rating	
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	TYPICAL
Partition	TYPICAL
Solar Hot Water	No
Central Vac	No
Nbhd Modifier	
MH Make	

FFL	1ST FLOOR	936	936
ATC	ATTIC	936	328
BMT	BASEMENT	936	0
EFP	ENCL PORCH	150	0
OFPP	OPEN PORCH	72	0
WDK	WOOD DECK	228	0
		3,258	1,264

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code	1010
Description	ONE FAM
Zone	R3
Neighborhood	R4
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	0.17
Frontage	
Depth	
Assessed Value	\$88,100
Appraised Value	\$88,100

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
02	SHED/FR			312.00 SF	\$1,200	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$173,000	\$88,100	\$261,100
2022	\$173,000	\$88,100	\$261,100
2021	\$155,200	\$71,700	\$226,900

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$173,000	\$88,100	\$261,100
2022	\$173,000	\$88,100	\$261,100
2021	\$155,200	\$71,700	\$226,900

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CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

April 1st 2024 - Regular Meeting

Staff Memorandum – ZB2024-10-SE

APPLICATION INFORMATION

Agenda Item: 3.F

Application Type:

Special Exception pursuant to Sections §309.2, §601 and §801.3.

Location:

31 Romano Circle
Tax Map 101, Lot 20

Applicant/Property Owner:

Lebanon Housing Authority

Zoning District:

Residential Two (R-2) – Class 1

Property Size:

+/-7.88 acres (+/-343,252 sq. ft.)

Overlay Districts:

FEMA Flood Zone

Previous ZBA Action (since 1995):

None

Other Approvals Required:

Building Permit

Attachments:

Application
GIS and street view photos

HEARING NOTICE

Lebanon Housing Authority, 31 Romano Circle (Tax Map 101, Lot 20), zoned R2: Applicant requests a Special Exception from Section §309.2, pursuant to Sections §601 and §801.3 of the Zoning Ordinance to convert office space connected to an existing 5-unit dwelling into 2 additional dwelling units. **ZB2024-10-SE**

BACKGROUND

The property is improved with 8 multi-family buildings with 46 dwelling units constructed between 1973 and 1975 per the City Assessor's records. Later additions were permitted in 2007 and 2018. The lot conforms to the R-2 Class 1 District minimum lot size requirement of 10,000 sq. ft. and 3,000 additional square feet per unit thereafter. The cumulative unit density requires 148,000 square feet of lot. The lot is currently 343,253 sq. ft. The R-2 Class 1 standard is for a 100' wide lot frontage which is greatly exceeded with 1,095 feet provided.

PROPOSAL

The applicant proposes:

1. Convert the current accessory use office into 2 dwelling units.

Additional projects included in the site plan will seek permitting at a later time include:

1. Build a new detached 4,232 square foot office building.
2. Apply to have the city right of way on the site abandoned, thereby increasing the lot size to 400,599 and the lot frontage to 325 ft.
3. Reconfiguring parking lot elements and add 14 parking spaces.

ZONING ORDINANCE REQUIREMENTS

SPECIAL EXCEPTION

Section §309.2 R-2 Table of Uses requires that a Special Exception pursuant to §601 and §801.3 is necessary for "Multi-family dwelling conversion per Section §601 (5 dwelling units or more)" and "Office Conversion per Section §601."

§601 Special Design Standards

The remodeling of a residential structure and other buildings existent as of the 2013 amendment to this section for certain uses identified in the R-2, R-O, and R-O-1 District Tables of Uses, and the construction of new buildings for certain uses identified in the R-O-1 District Table of Uses, shall comply with the following provisions:

601.1 Architecture.

Remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing building; of abutting properties; or of the neighborhood. New construction shall be compatible with the architectural character or the abutting properties and neighborhoods.

For the purpose of this subsection only, the term "compatible" shall mean having architectural style or design; scale; exterior finish and treatment; site work; and landscaping consistent with that which exists in the neighborhood, on abutting properties and on the structure being remodeled, as applicable.

601.2 Parking & Access.

Adequate off-street parking shall be provided on the lot, unless off-premise parking is approved pursuant to Section 607.4. Such parking shall not occupy the front yard except within parking areas existent as of the 2013 amendment to this section.

601.3 Coverage.

Impermeable coverage plus unpaved parking and driveway areas shall not exceed 65 percent of the lot area.

601.4 Density.

The conversion or new construction of multi-family shall comply with the zoning district requirement for "Additional Area Per Dwelling Unit After Two."

601.5 Additions To Existing Buildings.

Such remodeling may include expansion of the building by special exception provided that:

- A. The architectural compatibility requirements of Section 601.1 are complied with.*
- B. Such addition shall not materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.*

601.6 Accessory Buildings.

In zoning districts where such conversions are allowed, an accessory building existent as of the 2013 amendment to this section, may be converted to multi-family dwelling unit(s) or an office use by special exception.

601.7 (Reserved).**601.8 Replacements of Destroyed Structures.**

In the R-2, R-O and R-O-1 Districts, a building erected as a replacement of a dwelling which existed as of the 2013 amendment to this section, may be converted to an office use by special exception, provided all requirements of Section 601 and Section 801.3 are met. This includes the requirement of Section 601.1--i.e., that the new building be architecturally compatible with the abutting properties and neighborhood.

§801.3 Special Exceptions.

Per §703.1.A.3 of the Zoning Ordinance, in order to grant a Special Exception for an expansion of a non-conforming structure, the Board must also determine that the proposal meets the general Special Exception criteria, set forth in §801.3.A as follows:

1. *The Special Exception is specifically authorized by a provision of this Ordinance.*
 - i. Note: The Special Exception is authorized by §703.1.A of the Zoning Ordinance.
2. *All special conditions required of the special exception have been met.*
 - i. Note: The special conditions for an expansion of a non-conforming buildings are those set forth above in §703.1.A of the Zoning Ordinance.
3. *There are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.*
 - i. Note: Staff is unaware of any Zoning Ordinance violations on the property.
4. *The character of the area shall not be adversely affected. In examining the GIS view of the neighborhood nearly every abutting property has zero-lot-line or near zero-lot-line buildings.*
5. *No hazard or nuisance will be created.*
6. *The capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.*
7. *Granting the special exception will not result in undue municipal expense.*
8. *The proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.*
9. *The general welfare of the City will be protected.*

APPLICATION AND SUPPORT STATEMENT

The applicant has submitted testimony addressing the §801.3 and §703.1.A criteria in an application received by the Planning and Development Department on March 11th 2024. The Application is attached.

STAFF COMMENTS

Absent abutter testimony to the contrary, the proposed expansion does not appear to be inconsistent with any of the applicable criteria set forth in §801.3 and §601.

ATTACHEMENTS

Street View of Subject Property.
Eagleview and GIS views of Subject Property
Assessor's Property Record Card

Respectfully submitted,



Nathan Reichert, Director
Planning and Development Department
Zoning Administrator



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT DRAFT DECISION – ZB2024-04-SE April 1st 2024 Regular Meeting Lebanon Housing Authority 31 Romano Circle (Tax Map 101, Lot 20), zoned R2

DRAFT MOTION for:

Agenda Item: 3.F

Case: ZB2024-04-SE

Request for Special Exception per Section §309.2, §601 and Section §801.3

Motion made by: _____

On April 1st 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 31 Romano Circle (Tax Map 101, Lot 20). The Applicant requests a Special Exception pursuant to Section 309.2, §601 and Section §801.3 of the Zoning Ordinance to convert office space connected to an existing 5-unit dwelling into 2 additional dwelling units.

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 improved with 46 dwelling units in 8 buildings constructed over multiple years in phases beginning in 1973 with phases being completed in 1975, 2007 and 2018.
2. As described in the application by the applicant, the applicant proposes to convert the current accessory use office into 2 dwelling units.
3. Section §309.2 R-2 Table of Uses requires that a Special Exception pursuant to §601 and §801.3 is required for "Multi-family dwelling conversion per Section §601 (5 dwelling units or more)."
4. In order to grant a Special Exception for the proposed expansion, the Board must determine that the proposal meets the criteria set forth in Section §801.3 Special Exceptions and Section §601 Special Design Standards of the Zoning Ordinance.
5. The applicant has submitted testimony addressing the Section §801.3 and §601 criteria in an application received by the Planning and Development Department on March 11th 2024.
6. There are no known existing zoning violations on the property.

7. _____

8. _____

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 sections §801.3 and §601 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by Section §309.2 pursuant to sections §801.3 and §601 of the Zoning Ordinance.
2. The following criteria of Section §601 **have been / have not been** met:
 - a. **Architecture:** The Remodeling for conversions **does not / does** alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing building; of abutting properties; or of the neighborhood. The proposed new construction **is / is not** compatible with the architectural character or the abutting properties and neighborhoods.

 - b. **Parking & Access:** Adequate off-street parking **is / is not** provided on the lot, and parking **does not / does** occupy the front yard.

 - c. **The Coverage:** Impermeable coverage plus unpaved parking and driveway areas does not exceed / exceeds 65 percent of the lot area.

 - d. **Density:** The conversion and new construction of multi-family **complies with / does not comply with** the zoning district requirement for "Additional Area Per Dwelling Unit After Two."

- e. **Additions To Existing Buildings:** The remodeling and expansion **is / is not** architectural compatibility requirements of Section §601.1 and the addition **does not / does** materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.
- _____
- _____
- f. **Accessory Buildings:** §601.6 Accessory Buildings which states that “In zoning districts where such conversions are allowed, an accessory building existent as of the 2013 amendment to this section, may be converted to multi-family dwelling unit(s) or an office use by special exception.” Does not apply to this application.
- _____
- _____
- g. **Replacement of Destroyed Structures:** §601.8 Replacements of Destroyed Structures does not apply to this application as there is no destroyed or structure being replaced.
- _____
- _____
3. There **are no / are** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy.
- _____
4. The character of the area **will not / will** be adversely affected.
- _____
5. **No / A** hazard or nuisance will be created.
- _____
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not / will** be adversely impacted.
- _____
7. The granting of the Special Exception **will not / will** result in undue municipal expense.
- _____

8. The proposed Special Exception will / will not be developed in a manner compatible with the spirit and intent of the ordinance.

9. The general welfare of the City will / will not be protected.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 1st day of April, 2024, hereby **GRANTS / DENIES** the requested Special Exception pursuant to sections §309.2, §601 and §801.3 of the Zoning Ordinance to convert office space connected to an existing 5-unit dwelling into 2 additional dwelling units at 31 Romano Circle (Tax Map 101, Lot 20), 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 shall comply with all applicable local, state, and federal regulations in the construction of the proposed addition.
2. The applicant shall obtain Planning approval for this project and must include compliance with applicable site plan regulations including but not limited to parking configuration, and EV regulations as necessary.

3. _____

4. _____

Motion seconded by: _____

Vote: _____

**CITY OF LEBANON
APPLICATION FOR**

SPECIAL EXCEPTION	☒	☐ SITE PLAN REVIEW
VARIANCE	☐	☐ SUBDIVISION
MOTION FOR REHEARING	☐	☐ LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐ CONDITIONAL USE PERMIT

☐ OTHER _____

PROPERTY OWNER (APPLICANT):

NAME: Lebanon Housing Authority TEL.#: (603) 298-5753
MAILING ADDRESS: 31 Romano Circle, West Lebanon, NH 03784
E-MAIL ADDRESS: ditha@lebanonhousing.org

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Megan Carrier, Esq.; Sheehan Phinney Bass & Green, PA TEL.#: (603) 627-8103
MAILING ADDRESS: 1000 Elm Street, 17th Floor, Manchester, NH 03101
E-MAIL ADDRESS: mcarrier@sheehan.com

PROJECT LOCATION:

TAX MAP #: 101 LOT#: 20 PLOT #: ZONE: Residential Two (R-2)

STREET ADDRESS OF PROJECT: 31 Romano Circle

IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☒ YES ☐ NO

SCOPE OF PROJECT:

Convert existing office connected to existing 5 unit residential building into 2 additional residential units, resulting in a 7 unit residential building.

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☒ MULTI-FAMILY ☒ COMMERCIAL ☐ INDUSTRIAL
PROPOSED ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☒ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
IF USE IS **COMMERCIAL** OR **INDUSTRIAL**, PLEASE NOTE **SPECIFIC** USE: existing use includes both an office building and 5 residential units; office building to be converted to 2 additional residential units

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on _____, 20____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: _____

DATE: _____

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY OWNER: *Ditha Alonso*

DATE: *3/8/24*

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
3-11-24	101/20	282074-10-			

(Last Revised 4/04/18)

SE

**CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION**

One cover application, one abutters list, a filing fee and ten copies of the site plan must accompany this support statement.

I (we) hereby request a Special Exception as provided for in Article(s) III, Section(s) 309.2 (Table of Uses), of the Lebanon Zoning Ordinance.

PROJECT DESCRIPTION *(Please provide your plans for the property with as much detail as possible with respect to your proposed. You can respond in the space provided, or attach a separate statement.)*

See attached.

In order to grant a Special Exception, the Zoning Board of Adjustment must make affirmative findings of certain conditions. Those conditions are listed below:

(You can respond in the space provided, or attach a separate statement. Please be prepared to address the conditions with the Board during your public hearing. You must show that you have met all the conditions.)

SECTION 801.3 Special Exceptions - To hear and decide special exceptions to the terms of this ordinance upon matters which the Board is required to pass under this ordinance. In passing upon any application for a special exception, the Board shall make each of the following findings:

- A. That the special exception is specifically authorized by a provision of this ordinance:

See attached.

- B. That all special conditions required of the special exception have been met:

See attached.

- C. That there are no existing violations of this ordinance on the property that the granting of this special exception would not remedy:

See attached.

D. That the character of the area shall not be adversely affected:

See attached.

E. That no hazard or nuisance will be created:

See attached.

F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:

See attached.

G. That granting the special exception will not result in undue municipal expense:

See attached.

H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance:

See attached.

I. That the general welfare of the City will be protected:

See attached.

Please Note:

Pursuant to Section 802.4B, "Special Conditions", the Board may attach whatever conditions it deems necessary in order to assure compliance with the purposes of this ordinance.

A special exception shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a special exception or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a special exception must be completed.

Attachment to Special Exception Application

31 Romano Circle

Lebanon Housing Authority

The applicant, Lebanon Housing Authority (the “Applicant”), respectfully submits this statement in support of its application for a special exception pursuant to Article III, Section 309.2 (Table of Uses) of the Lebanon, New Hampshire Zoning Ordinance (the “Zoning Ordinance”) with respect to its property at 31 Romano Circle, Tax Map 101, Lot 20 (the “Property”) in order to convert an office attached to a five-unit residential structure into two additional residential units, resulting in a 7-unit residential structure.

I. Background and Overview

Prior to delving into the analysis of the applicable variance criteria, the Applicant wishes to provide Board with some background concerning the Property and the Applicant’s proposal—information which the Applicant respectfully suggests may assist the Board in its analysis.

The Property currently features two housing projects, including public housing along Romano Circle and a low-income housing tax credit project along Doc Place. The two projects together currently feature a total of 46 residential housing units. Five of those units are currently located inside a structure that features an attached office (the “Existing Office”). While the Applicant currently utilizes the Existing Office for purposes of its operations, it intends to construct a new, larger office on the Property (the “New Office”), which is depicted on the plan submitted in connection with this application to the east of the Existing Office.¹ Naturally, the Applicant’s relocation of its operations to the New Office will leave the Existing Office vacant.

Accordingly, the Applicant proposes to convert the Existing Office into two additional housing units. Because the structure containing the Existing Office already features five units of housing, the result will be a structure containing seven total housing units.

The Property is located in the Residential Two (R-2) District, where “the conversion of . . . buildings to *multi-family dwellings* . . . is allowed, subject to appropriate controls in Section 601.” Zoning Ordinance § 309.1. More specifically, pursuant to Section 309.2 (Table of Uses), multi family dwelling conversion per Section 601 of the Zoning Ordinance to create 5 dwelling units or more is permitted by special exception in the R-2 District. Accordingly, the Applicant respectfully submits this special exception application in order to convert the Existing Office into two residential units, resulting in a structure containing a total of seven units.

¹ The New Office will be situated near the maintenance garage at the entrance of Romano Circle. The building is a two-story wood structure with a flat roof and a small one-story entryway and lobby with opposing metal shed roofs. The office will include 7 office spaces, 2 interview rooms, a dedicated fingerprinting room, 1 conference room, and a waiting area.

II. Application of Criteria

For the reasons set forth below, the Applicant's proposal satisfies all of the special exception criteria set forth in Section 801.3 of the Zoning Ordinance.

a. That the special exception is specifically authorized by a provision of this Ordinance.

The Applicant's requested special exception is authorized by Article III, Section 309.2 of the Zoning Ordinance.

b. That all special conditions required of the special exception have been met.

The special conditions required of the Applicant's requested special exception, which are set forth in Section 601 of the Zoning Ordinance, are satisfied as follows:

i. Architecture

Pursuant to Section 601.1 of the Ordinance, "remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing building; of abutting properties; or of the neighborhood." It goes on to define "compatible" to mean "having architectural style or design; scale; exterior finish and treatment; site work; and landscaping consistent with that which exists in the neighborhood, on abutting properties and on the structure being remodeled, as applicable."

The Applicant's only proposed alterations to the exterior of the structure include possibly a cover over the rear door, which will become an apartment entrance. The architectural style, design, exterior finish and treatment will remain consistent. Proposed site work and landscaping will be limited to additional paving for parking and the provision of ADA access to the side entrance of the building. These elements are likewise consistent with what is presently at the site near the subject structure and along Romano Circle as a whole.

ii. Parking & Access

Section 601.2 of the Ordinance requires that "[a]dequate off-street parking shall be provided" and "shall not occupy the front yard except within parking areas existent as of the 2013 amendment to this section." The Applicant proposes a total of 103 off-street parking spaces, as depicted on the site plan submitted in connection with this application. Sixteen spaces are required for the New Office (the New Office will be 4,232 square feet, and the Ordinance requires one space per 250 square feet of gross floor area). See Zoning Ordinance § 607.1 (Table of Minimum Off-Street Parking Requirements). The residential units—including the two proposed additional units—require a total of 72 spaces (there will be 48 units, and the Ordinance

requires 1.5 spaces per unit). Accordingly, 88 parking spaces are required in total. The Applicant's proposed 103 spaces exceeds this requirement.

iii. Coverage

Pursuant to Section 601.3 of the Zoning Ordinance, "[i]mpermeable coverage plus unpaved parking shall not exceed 65 percent of the lot area." The Applicant's proposal will result in a total of 26.85% impermeable coverage. Accordingly, this requirement is satisfied.

iv. Density

Section 601.4 of the Zoning Ordinance requires that "[t]he conversion . . . of multi-family shall comply with the zoning district requirement for "Additional Area Per Dwelling Unit After Two." In the R-2 District, the minimum lot size is 10,000 square feet, plus an additional 3,000 square feet per dwelling unit after two. See Zoning Ordinance § 309.3 (Table of Area, Dimension, and Coverage). Under this standard, a minimum of 148,000 square feet of lot area is required for the Applicant's proposed 48 dwelling units. The Property features 343,253 square feet of lot area. Accordingly, this criterion is satisfied.

v. Additions to Existing Buildings

Because the Applicant does not propose an addition to any existing building, this section is not applicable.

vi. Accessory Buildings

On information and belief, the office does not constitute an accessory building as that term is defined in Appendix A to the Zoning Ordinance. Accordingly, this section is not applicable.

vii. Replacements of Destroyed Structures

Because the Applicant does not propose to replace a destroyed structure, this section is not applicable.

- c. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.**

There are no existing violations of the Zoning Ordinance on the Property.

- d. That the character of the area shall not be adversely affected.**

As noted above, the Applicant proposes very minimal changes to the exterior of the subject structure, and the limited proposed changes will not have any adverse effect on the area. In

addition, the Applicant's proposal to add two additional one-bedroom units is modest, such that the impact that the additional residents will have on the area and on public facilities is limited.

e. That no hazard or nuisance will be created.

The conversion of the Existing Office into two additional housing units will not create any hazard or nuisance. As noted above, there will be minimal impact to the exterior of the structure, and given that the Applicant proposes only two additional units, the impact that the additional residents will have on the area and public facilities will be minimal.

f. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.

The addition of two additional housing units to a development that already contains 46 units is not anticipated to have any significant impact on planned community facilities and services.

g. That granting the special exception will not result in undue municipal expense.

Again, the Applicant proposes only two additional units of housing, each of which will feature one bedroom. While the Applicant cannot say for certain, based on its experience with this and other housing projects it anticipates that one to two individuals will occupy each of the two additional units. A maximum of four additional individuals—assuming these individuals are not current Lebanon residents—will not result in any meaningful municipal expense. In addition, the Applicant does not propose any work associated with the project which will result in undue municipal expense.

h. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.

The proposed special exception is consistent with a number of purposes set forth in Section 102 of the Zoning Ordinance, including but not limited to (1) promotion of the health, safety, and general welfare of the community by providing additional housing during a time when Lebanon and the state as a whole are experiencing a problematic shortage of housing; and (2) "Provide a range of housing choices and affordability." Section 102 of the Zoning Ordinance also provides that the Zoning Ordinance is enacted for the purposes stated in the City of Lebanon Master Plan, which notably reflects a need for affordable housing. See Master Plan at § 7.

i. That the general welfare of the City will be protected.

A decision to grant the Applicant's requested special exception will protect the general welfare by providing for two additional, much needed, units of housing. No aspect of the Applicant's proposal will have a detrimental affect on the general welfare.

III. Conclusion

For the foregoing reasons, the Applicant respectfully requests that the Board grant it a special exception pursuant to Section 309.2 of the Zoning Ordinance in order to convert the Existing Office into two units of housing, resulting in a structure featuring a total of seven housing units.

SHEEHAN PHINNEY

Boston • Concord • Manchester • Portsmouth • Upper Valley

Megan C. Carrier, Esq.
Direct Dial: 603-627-8103
mcarrier@sheehan.com

Reply to: Manchester Office
1000 Elm Street, 17th Floor
Manchester, NH 03101

HAND DELIVERED

March 11, 2024

City of Lebanon
Zoning Board of Adjustment
City Hall
51 North Park Street
Lebanon, NH 03766

**RE: 31 Romano Circle, Lebanon, NH
Special Exception Variance Application**

Dear Sir/Madam:

This firm represents Lebanon Housing Authority. Enclosed please find:

1. A Special Exception Variance Application;
2. Special Exception Support Statement;
3. Certified Notification List;
4. 10 copies of the site plan and 1 CD; and
5. A check for the application fee.

Please let me know if you require anything further with regard to this Application. Thank you.

Sincerely,

/s/ Megan C. Carrier

Megan C. Carrier

Enc.

CERTIFIED NOTIFICATION LIST

Notice shall be sent by certified mail to the Owner; Applicant, if different from Owner; Abutters; Holders of conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property; the holders of easements, rights-of-way, and other restrictions; and every engineer, architect, land surveyor, or soil or wetlands scientist whose seal appears on any plan submitted to the Board; and any other persons required by RSA 676:4, I(d). The names and mailing addresses shall be furnished by the Applicant.

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. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being 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. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being 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 and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

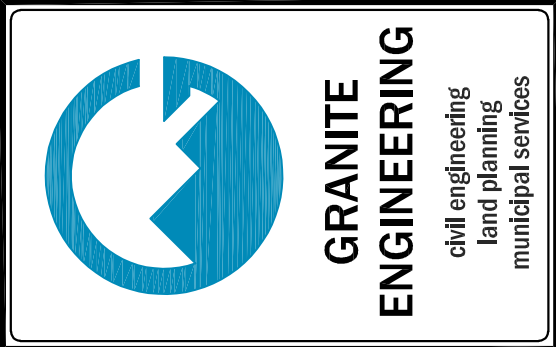
Source. 1983, 447:1. 1986, 33:2. 2002, 216:1, eff. July 15, 2002.

PLEASE PROVIDE NAMES & MAILING ADDRESSES FOR ALL PERSONS LISTED ABOVE.

Map & Lot Number: Tax Map 101, Lot 20	Map & Lot Number: N/A
Property Owner: Lebanon Housing Authority 31 Romano Circle West Lebanon, NH 03874	Applicant, Co-Applicant, Agent, or Lessee: Sheehan Phinney Bass & Green, PA (Agent) Megan C. Carrier, Esq. 1000 Elm Street, 17th Floor Manchester, NH 03101
Map & Lot Number: N/A	Map & Lot Number: Tax Map 101, Lot 20-200
Granite Engineering, LLC (Agent) Jeffrey Merritt Justin Daigneault 150 Dow Street, Tower 2, Suite 421 Manchester, NH 03101	Romano Place, LLC 31 Romano Cir. West Lebanon, NH 03784
Map & Lot Number: Tax Map 86, Lot 1	Map & Lot Number: Tax Map 101, Lot 23
70-72-78 South Main Street LLC 32 Lebanon Street, Suite A Hanover, NH 03755	Kaushik, Bhavnesh 82 South Main Street West Lebanon, NH03784

Map & Lot Number: Tax Map 101, Lot 22	Map & Lot Number: Tax Map 101, Lot 21
Devers, Michael S. 84 South Main Street West Lebanon, NH 03784	Kyoto LLC 288 Plainfield Road West Lebanon, NH 03784
Map & Lot Number: Tax Map 101, Lot 27	Map & Lot Number: Tax Map 101, Lot 28
DEJSS, LLC 89 South Main Street West Lebanon, NH 03784	Soodsma Holdings LLC Ninety Three South Main LLC PO Box 111 Hanover, NH 03755
Map & Lot Number: Tax Map 101, Lot 29	Map & Lot Number: Tax Map 101, Lot 18-100
Papa, Amir F. 95 South Main Street West Lebanon, NH 03784	Jeffries, Martin (LF EST) Morris, Kim 6 Waterman Avenue West Lebanon, NH 03784
Map & Lot Number: Tax Map 101, Lot 17	Map & Lot Number: Tax Map 101, Lot 14
Rose, Mark W. and Susan L. 4 Waterman Avenue West Lebanon, NH 03784	Morse, Christopher 10 Waterman Avenue West Lebanon, NH 03766
Map & Lot Number: Tax Map 101, Lot 2	Map & Lot Number:
City of Lebanon, New Hampshire 51 North Park Street Lebanon, NH 03766	
Map & Lot Number:	Map & Lot Number:
Map & Lot Number:	Map & Lot Number:

(Revised 2/8/2024)

[illegible]

OWNER/APPLICANT:
LEBANON HOUSING AUTHORITY
1000 W. 10TH ST.
LEBANON, NH 03784

**GRANITE
ENGINEERING**

civil engineering • land planning •
municipal services

150 Dow Street, Tower 2, Suite 421
Manchester,
New Hampshire 03101

603.518.8030

www.GraniteEng.com

STAMP:

LOCATION:

**TAX MAP 101 LOT 20
31 ROMANO CIRCLE
WEST LEBANON, NEW HAMPSHIRE
03784
GRAFTON COUNTY**

PROJECT: **LEBANON
HOUSING AUTHORITY**

TITLE:

**ZBA
OVERVIEW PLAN**

PROJECT No. 23-05081-1	DATE: MARCH 11, 2024	SCALE: HORIZ. 1"=50'
SHEET: 1 OF 2		

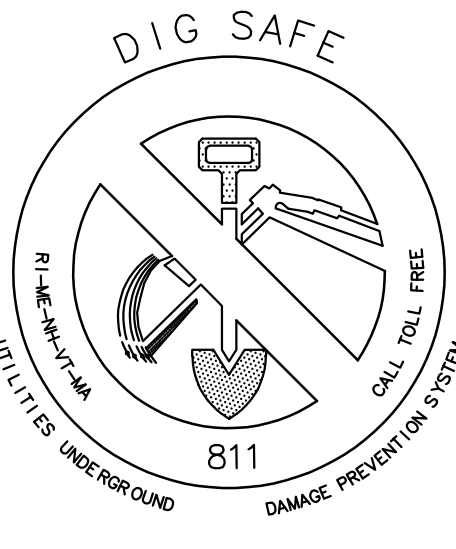
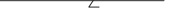
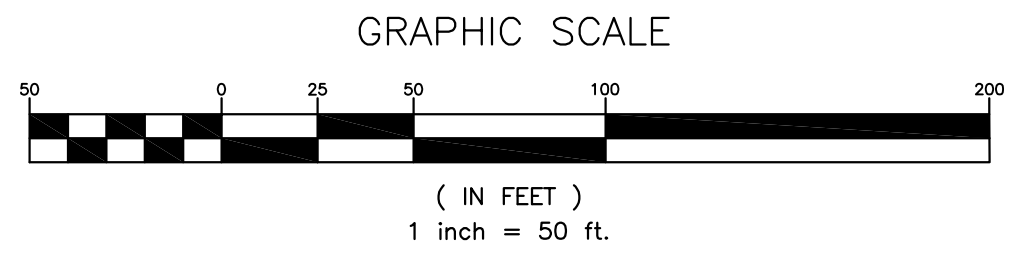
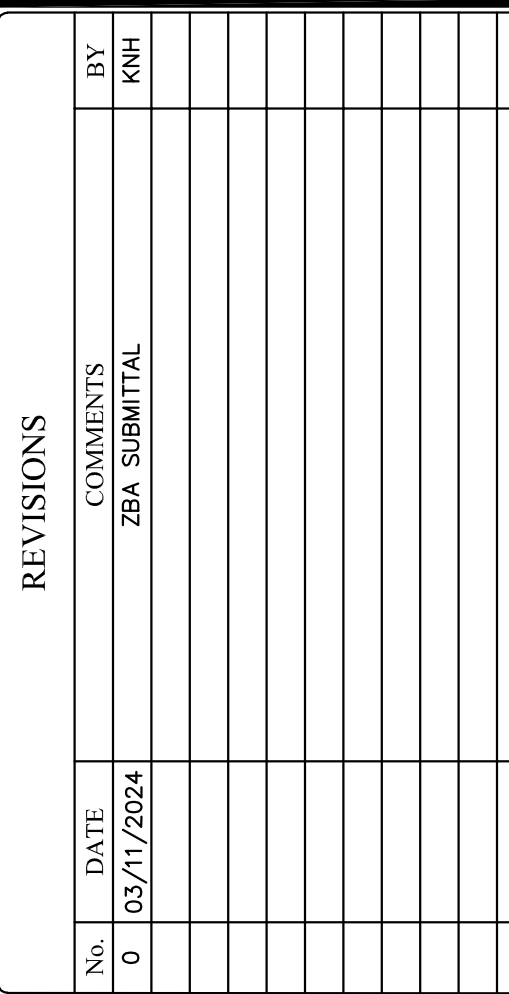


TABLE OF ZONING REQUIREMENTS			
DESCRIPTION	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE	*148,000 SF	343,253 SF	400,599 SF
MINIMUM LOT FRONTAGE	100	1,095 FT	325 FT
FRONT YARD SETBACK	20	4.68 FT	48.5 FT
MID- YARD SETBACK	15	18.07 FT	15.57 FT
REAR YARD SETBACK	20	42.30 FT	42.30 FT
MAXIMUM BUILDING COVERAGE	25%	9.51%	8.62%
BUILDING HEIGHT	<45 FT	<45 FT	<45 FT
MAXIMUM STORIES	2	2	2
MAXIMUM LOT COVERAGE	65%	18.9%	26.85%

- *10,000 SF FOR FIRST 2 UNITS + 3,000 x NUMBER OF UNITS
- 5. SUBJECT PARCEL IS SERVICED BY CITY OF LEBANON WATERWORKS AND SEWER DEPARTMENT.
- 6. EXISTING CONDITIONS INFORMATION TAKEN FROM PLAN REFERENCE NO. 1 AND AVAILABLE RECORD UTILITY PLANS AND GIS INFORMATION.
- 7. PARKING CALCULATIONS.
 - EXISTING PARKING: 89 SPACES
 - PROPOSED BUILDING = OFFICE USE:
 - BASIS : 1 SPACE PER 250 SF OF GFA
 - REQUIRED: 4,232 SF/250 = 16 SPACES
 - EXISTING/PROPOSED APARTMENTS:
 - BASIS: 1.5 SPACES/UNIT
 - REQUIRED: 46+2 * 1.5 = 72 SPACES
 - TOTAL PARKING REQUIRED: 88 SPACES
 - TOTAL PROVIDED: 103 SPACES
- 8. LOCATION OF ANY UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. GRANITE ENGINEERING, LLC MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE AT 811.
- 9. A SPECIAL EXCEPTION IS REQUIRED TO CONVERT TWO MULTIFAMILY UNITS WITHIN AN EXISTING 5 UNIT BUILDING.
- 10. THIS PLAN ASSUMES THE DISCONTINUANCE OF THE ROMANO CIRCLE R.O.W.

	LIGHT POLE
	UTILITY POLE
	WATER VALVE
	EX. SIGN
	SEWER MANHOLE
	TELEPHONE MANHOLE
	EX. BOLLARD
	CATCH BASIN
	ABUTTER LINE
	PROPERTY LINE
	FENCE
	EX. EDGE OF PAVEMENT
	PROP. EDGE OF PAVEMENT
	EXIST. RETAINING WALL
	PROP. CURB
	EX. EASEMENT
	EXIST. BUILDING
	PROP. BUILDING
	100-YEAR FLOOD ZONE
	R.O.W. TO BE DISCONTINUED
	PROP. CONCRETE





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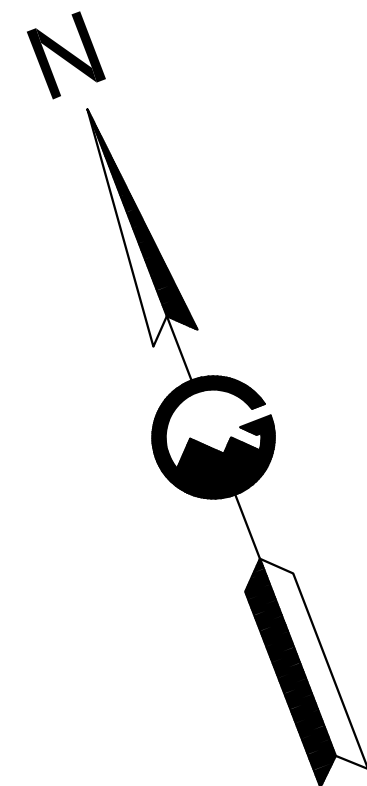
LOCATION:

TAX MAP 101 LOT 20
31 ROMANO CIRCLE
WEST LEBANON, NEW HAMPSHIRE
03784
GRAFTON COUNTY

TITLE:

ZBA SITE PLAN

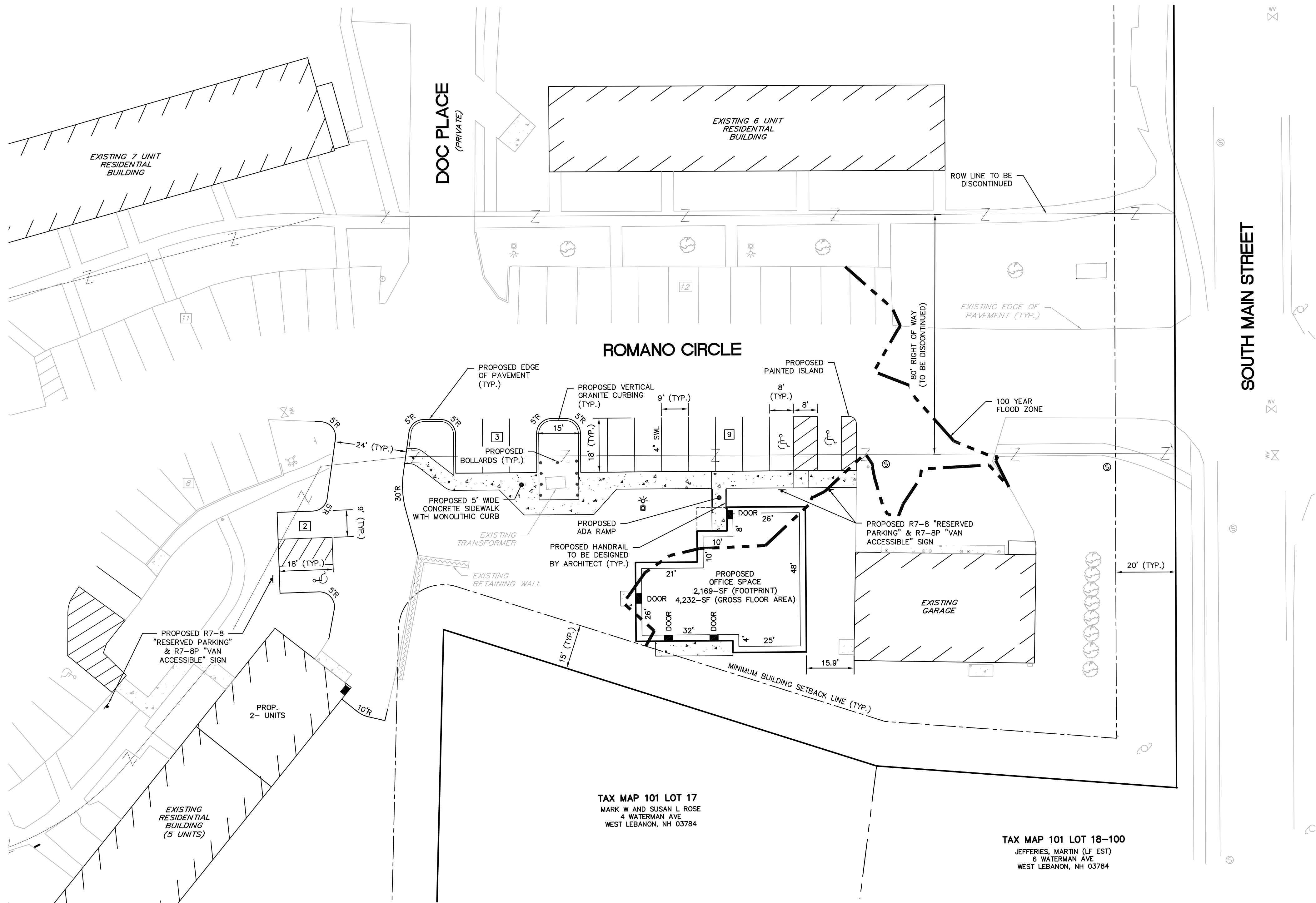
SEE SHEET 1 FOR REFERENCE
PLANS AND NOTES



	EX. LANDSCAPING
	LIGHT POLE
	UTILITY POLE
	WATER VALVE
	SIGN
	SEWER MANHOLE
	TELEPHONE MANHOLE
	EX. BOLLARD
	CATCH BASIN
	ABUTTER LINE
	PROPERTY LINE
	FENCE
	EX. EDGE OF PAVEMENT
	PROP. EDGE OF PAVEMENT
	EXIST. RETAINING WALL
	PROP. CURB
	EX. EASEMENT
	EXIST. BUILDING
	PROP. BUILDING
	100-YEAR FLOOD ZONE
	R.O.W. TO BE DISCONTINUED
	PROP. CONCRETE



(IN FEET)
1 inch = 20 ft.



TAX MAP 101 LOT 17
MARK W AND SUSAN L ROSE
4 WATERMAN AVE
WEST LEBANON, NH 03784

TAX MAP 101 LOT 18-100
JEFFERIES, MARTIN (LF EST)
6 WATERMAN AVE
WEST LEBANON, NH 03784

31 Romano - Rear



Romano Cir Top





Zone AE
Town of
Hartford
500148

Zone AE

Zone AE

City of
Lebanon

33009C0889E 330061
eff. 2/20/2008

33009C0893E
eff.
2/20/2008

31 ROMANO CIR

Location 31 ROMANO CIR

Mblu 101/ 20/ / /

Acct# 3315

Owner LEBANON HOUSING
AUTHORITY

PBN

Assessment \$5,596,100

Appraisal \$5,596,100

PID 2392

Building Count 5

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$2,220,000	\$3,376,100	\$5,596,100
Assessment			
Valuation Year	Improvements	Land	Total
2022	\$2,220,000	\$3,376,100	\$5,596,100

Owner of Record

Owner LEBANON HOUSING AUTHORITY
Co-Owner
Address 31 ROMANO CIR
WEST LEBANON, NH 03784

Sale Price \$0
Certificate
Book & Page 1208/0145
Sale Date 11/13/1973
Instrument 99

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
LEBANON HOUSING AUTHORITY	\$0		1208/0145	99	11/13/1973
LEGERE CONSTRUCTION CO	\$0		1208/0145	99	11/13/1973

Building Information

Building 1 : Section 1

Year Built: 1975
Living Area: 7,392

Replacement Cost: \$642,530

Building Percent Good: 66

Replacement Cost

Less Depreciation: \$424,100

Building Attributes

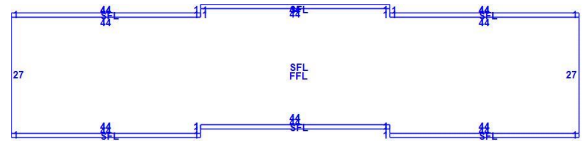
Field	Description
CNS_USRFLD_301	
CNS_USRFLD_302	
Model	COMMERCIAL
Style	APARTMENT
Grade	Average
Stories	2
Units	
Residential Units	6
Comm Units	0.00
Wall Height	
Exterior Wall 1	FIBER CMT
Exterior Wall 2	BRICK VENR
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior Wall 1	DRYWALL
Interior Wall 2	
Interior Floor 1	LINOLEUM
Interior Floor 2	
Heat Fuel	ELECTRIC
Heat Type	ELECTRC BB
2nd Heat Type	
AC Percent	0.00
Bedrooms	
Full Bath(s)	6
Bath Rating	AVERAGE
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	6
Kitchen Rating	AVERAGE
Total Rooms	
Frame	WOOD
Rec Room	
Fin Attic	
Parking	TYPICAL
Fireplace(s)	0

Building Photo



(<https://images.vgsi.com/photos/lebanonnhPhotos//2328.JPG>)

Building Layout



([ParcelSketch.ashx?pid=2392&bid=2392](#))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
SFL	2ND FLOOR	3,828	3,828
FFL	1ST FLOOR	3,564	3,564
		7,392	7,392

Fireplace Rating	
WS Flues	0
WS Flue Rating	
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	TYPICAL
Solar Hot Water	No
Central Vac	No
% Sprinkled	0
Sketch Area Adj	
Nbhd Modifier	FLOOD 100

Building 2 : Section 1

Year Built:	1973
Living Area:	8,492
Replacement Cost:	\$795,460
Building Percent Good:	66
Replacement Cost Less Depreciation:	\$525,000

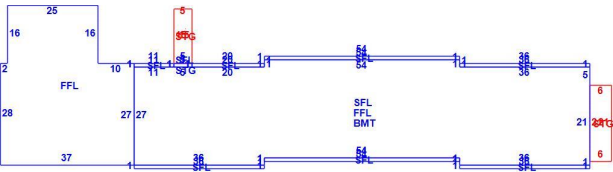
Building Attributes : Bldg 2 of 5	
Field	Description
CNS_USRFLD_301	
CNS_USRFLD_302	
Model	COMMERCIAL
Style	APARTMENT
Grade	Average
Stories	2
Units	
Residential Units	7
Comm Units	1.00
Wall Height	
Exterior Wall 1	FIBER CMT
Exterior Wall 2	BRICK VENR
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior Wall 1	DRYWALL
Interior Wall 2	
Interior Floor 1	LINOLEUM
Interior Floor 2	
Heat Fuel	ELECTRIC
Heat Type	ELECTRC BB

Building Photo



(<https://images.vgsi.com/photos/lebanonnhPhotos//2329.JPG>)

Building Layout



([ParcelSketch.ashx?pid=2392&bid=105995](#))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	4,838	4,838
SFL	2ND FLOOR	3,654	3,654
BMT	BASEMENT	3,402	0
STG	STORAGE	206	0
		12,100	8,492

2nd Heat Type	
AC Percent	0.00
Bedrooms	
Full Bath(s)	7
Bath Rating	AVERAGE
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	7
Kitchen Rating	AVERAGE
Total Rooms	
Frame	WOOD
Rec Room	
Fin Attic	
Parking	TYPICAL
Fireplace(s)	0
Fireplace Rating	
WS Flues	0
WS Flue Rating	
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	TYPICAL
Solar Hot Water	No
Central Vac	No
% Sprinkled	0
Sketch Area Adj	
Nbhd Modifier	

Building 3 : Section 1

Year Built:	1973
Living Area:	4,928
Replacement Cost:	\$452,451
Building Percent Good:	66
Replacement Cost	
Less Depreciation:	\$298,600
Building Attributes : Bldg 3 of 5	
Field	Description
CNS_USRFLD_301	
CNS_USRFLD_302	
Model	COMMERCIAL
Style	APARTMENT

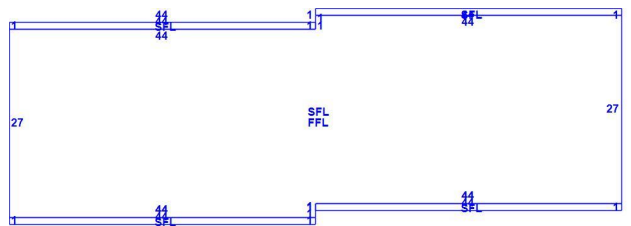
Grade	Average
Stories	2
Units	
Residential Units	4
Comm Units	0.00
Wall Height	
Exterior Wall 1	FIBER CMT
Exterior Wall 2	BRICK VENR
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior Wall 1	DRYWALL
Interior Wall 2	
Interior Floor 1	LINOLEUM
Interior Floor 2	
Heat Fuel	ELECTRIC
Heat Type	ELECTRC BB
2nd Heat Type	
AC Percent	0.00
Bedrooms	
Full Bath(s)	4
Bath Rating	AVERAGE
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	4
Kitchen Rating	AVERAGE
Total Rooms	
Frame	WOOD
Rec Room	
Fin Attic	
Parking	TYPICAL
Fireplace(s)	0
Fireplace Rating	
WS Flues	0
WS Flue Rating	
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	TYPICAL
Solar Hot Water	No
Central Vac	No

Building Photo



(<https://images.vgsi.com/photos/lebanonnhPhotos//2330.JPG>)

Building Layout



([ParcelSketch.ashx?pid=2392&bid=105996](#))

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
SFL	2ND FLOOR	2,552	2,552
FFL	1ST FLOOR	2,376	2,376
		4,928	4,928

% Sprinkled	0
Sketch Area Adj	
Nbhd Modifier	

Building 4 : Section 1

Year Built:	1973
Living Area:	8,064
Replacement Cost:	\$777,517
Building Percent Good:	66
Replacement Cost Less Depreciation:	\$513,200

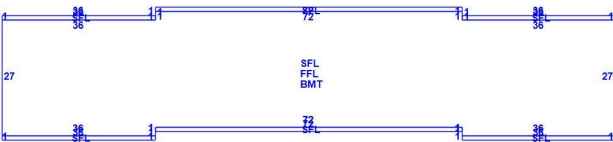
Building Attributes : Bldg 4 of 5	
Field	Description
CNS_USRFLD_301	
CNS_USRFLD_302	
Model	COMMERCIAL
Style	APARTMENT
Grade	Average
Stories	2
Units	
Residential Units	8
Comm Units	0.00
Wall Height	
Exterior Wall 1	FIBER CMT
Exterior Wall 2	BRICK VENR
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior Wall 1	DRYWALL
Interior Wall 2	
Interior Floor 1	LINOLEUM
Interior Floor 2	
Heat Fuel	ELECTRIC
Heat Type	ELECTRC BB
2nd Heat Type	
AC Percent	100.00
Bedrooms	
Full Bath(s)	8
Bath Rating	AVERAGE
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	8

Building Photo



(<https://images.vgsi.com/photos/lebanonnhPhotos//2331.JPG>)

Building Layout



([ParcelSketch.ashx?pid=2392&bid=105997](#))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
SFL	2ND FLOOR	4,176	4,176
FFL	1ST FLOOR	3,888	3,888
BMT	BASEMENT	3,888	0
		11,952	8,064

Kitchen Rating	AVERAGE
Total Rooms	
Frame	WOOD
Rec Room	
Fin Attic	
Parking	TYPICAL
Fireplace(s)	0
Fireplace Rating	
WS Flues	0
WS Flue Rating	
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	TYPICAL
Solar Hot Water	No
Central Vac	No
% Sprinkled	0
Sketch Area Adj	
Nbhd Modifier	

Building 5 : Section 1

Year Built:	1973
Living Area:	5,826
Replacement Cost:	\$551,534
Building Percent Good:	66
Replacement Cost	
Less Depreciation:	\$364,000

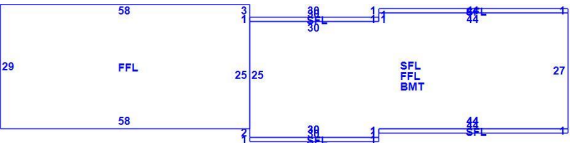
Building Attributes : Bldg 5 of 5	
Field	Description
CNS_USRFLD_301	
CNS_USRFLD_302	
Model	COMMERCIAL
Style	APARTMENT
Grade	Average
Stories	2
Units	
Residential Units	4
Comm Units	0.00
Wall Height	
Exterior Wall 1	FIBER CMT
Exterior Wall 2	BRICK VENR
Roof Structure	GABLE

Building Photo



(<https://images.vgsi.com/photos/lebanonnhPhotos//2332.JPG>)

Building Layout



([ParcelSketch.ashx?pid=2392&bid=105998](#))

Building Sub-Areas (sq ft)	Legend
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Roof Cover	ASPHALT SH
Interior Wall 1	DRYWALL
Interior Wall 2	
Interior Floor 1	LINOLEUM
Interior Floor 2	
Heat Fuel	ELECTRIC
Heat Type	ELECTRC BB
2nd Heat Type	
AC Percent	0.00
Bedrooms	
Full Bath(s)	4
Bath Rating	AVERAGE
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	4
Kitchen Rating	AVERAGE
Total Rooms	
Frame	WOOD
Rec Room	
Fin Attic	
Parking	TYPICAL
Fireplace(s)	0
Fireplace Rating	
WS Flues	0
WS Flue Rating	
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	TYPICAL
Solar Hot Water	No
Central Vac	No
% Sprinkled	0
Sketch Area Adj	
Nbhd Modifier	

Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	3,680	3,680
SFL	2ND FLOOR	2,146	2,146
BMT	BASEMENT	1,998	0
		7,824	5,826

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use		Land Line Valuation	
Use Code	9080	Size (Acres)	7.88
Description	HOUSING	Frontage	
Zone	R2	Depth	
Neighborhood	R5	Assessed Value	\$3,376,100
Alt Land Appr Category	No	Appraised Value	\$3,376,100

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
03	GARAGE			2160.00 SF	\$44,000	1
85	PAVING			24000.00 SF	\$42,000	1
77	LITE-SGL			12.00 LEN	\$3,000	1
03	GARAGE			308.00 SF	\$5,700	1
66	CANOPY			40.00 SF	\$400	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$2,220,000	\$3,376,100	\$5,596,100
2022	\$2,220,000	\$3,376,100	\$5,596,100
2021	\$2,038,400	\$1,730,500	\$3,768,900

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$2,220,000	\$3,376,100	\$5,596,100
2022	\$2,220,000	\$3,376,100	\$5,596,100
2021	\$2,038,400	\$1,730,500	\$3,768,900



CITY of LEBANON, NH

51 North Park Street

Lebanon, NH 03766

www.LebanonNH.gov

March 14, 2024

Members of City Boards/Committees/Commissions

RE: Implicit Bias Training

The City will be conducting Implicit Bias Training on the following dates and times;

April 15th 1 PM

April 16th 8 AM

April 16th 6:30 PM

The training will be approximately 1.5 hours. At the request of the City Council we would like members of all boards/committees/commissions to participate in one of the three training sessions. The City continues to make progress to ensure diversity, equity and inclusion in the activities of City government and the community as a whole.

We feel that it is important for our volunteers who serve on the various boards of the City understand how implicit bias impacts how we make decisions and how we can better understand how we can address implicit bias in the decisions we make.

The training sessions will be held in the Council Chambers of City Hall.

Sincerely,

Timothy J. McNamara

Timothy J. McNamara (Mar 15, 2024 08:18 EDT)

Timothy J. McNamara

Mayor