



**LEBANON ZONING BOARD OF ADJUSTMENT
JUNE 3, 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: 114 125 262#). If you have trouble accessing this meeting, please [email nathan.reichert@lebanonnh.gov](mailto:nathan.reichert@lebanonnh.gov).

2. Approval of Minutes

- A. May 6, 2024

3. Public Hearing Items

- A. **Kelly Brandis, 2 Lewis Court (Tax map 107, lot 43), zoned R-2:** The applicant requests a Special Exception from Section 309.3, pursuant to Section 703.1 and 801.3 of the Zoning Ordinance, to allow the expansion of an existing non-conforming deck structure +/- 9 ft from the left side lot line where 15 ft is required. **ZB2024-12-SE**
- B. **D.G. Schweizer Rev. Trust, 14 Green Street (Tax map 92, lot 132), zoned R2:** The applicant requests 2 Variances from Section 309.3, pursuant to Section 801.2 of the Zoning Ordinance, to allow a carport to be built +/- 10 ft from the left-side lot line where 15 ft is required, and to allow 35% building coverage on the lot where 25% is allowed. **ZB2024-13-VAR**
- C. **Oakes Storage LLC & Oakes Real Estate SPE LLC, 92 Riverside Drive (Tax map 111, lot 16), zoned RL-1:** The applicant requests 3 Variances from Sections 608.4.B.2, 608.4.B.1.b, and 608.4.B, pursuant to Section 801.2 of the Zoning Ordinance, to allow the installation of a single-sided sign that is 32 sq ft sign where 4 sq ft is allowed, 6 ft tall where 4 ft is allowed, and to be internally illuminated where illumination is not allowed. **ZB2024-14-VAR**
- D. **Lebanon Housing Authority, 31 Romano Circle (Tax map 101, lot 20), zoned R2:** The applicant requests a Special Exception from Section 309.2, pursuant to Section 702.5 of the Zoning Ordinance, and a Variance from section 702.5.D to allow the expansion of the existing non-conforming use via construction of a new 2-story, 3,882 sq ft office building for use in connection with the existing multi-family development. **ZB2024-15-SEVAR**

4. Staff Comments

5. 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.

Lebanon Zoning Board of Adjustment Agenda
June 3, 2024

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.

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
MONDAY, May 6, 2024
7:00 PM**

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

MEMBERS ABSENT: None

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1. CALL TO ORDER

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

Mr. Reichert gave the Right to Know, RS 91A public announcement.

2. APPROVAL OF MINUTES

A. April 1, 2024

Mr. Katz MOVED to approve the April 1, 2024, Minutes as presented in the May 6, 2024, packet.

Seconded by Mr. Newlove.

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

3. PUBLIC HEARING ITEMS

- A. 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 Continued from 4/1/2024 Meeting***

The applicant has asked to withdraw the application.

Vice Chair Katz MOVED to approve the withdrawal of the application.

Seconded by Ms. Barkley.

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

- B. Patrick Kennelly & Jeanne Roningen, 60 Spencer Street (Tax Map 78, Lot 31), zoned R-3:** The applicants request a Special Exception from Sections 310.2 and Section 310.3, pursuant to Section 801.3 and 703.1 of the Zoning Ordinance, to allow a two-family dwelling by conversion of a one-family dwelling and the expansion of a non-conforming garage structure. ***ZB2024-11-SE***

Patrick Kennelly appeared on behalf of the application. He owns the property, a single-family dwelling with an existing garage that is on the lot line. The garage is too damaged to save. He would like to move

the garage as far off the property line as possible and still build a second unit of reasonable size. He is in the flood zone, and he has lifted the house due to the flood plain. There are two driveways, and he proposes using one driveway for each dwelling.

Chari Koppenheffer opened the Public Hearing and hearing no one, closed the Public Hearing.

Vice Chair Katz MOVED on May 6th 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Patrick Kennelley regarding 60 Spencer Street (Tax Map 78, Lot 31). The applicants request a Special Exception from Sections 310.2 and Section 310.3, pursuant to Section 801.3 and 703.1 of the Zoning Ordinance, to allow a two-family dwelling by conversion of a one-family dwelling and the expansion of a non-conforming garage structure.

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 1880. 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 demolish the existing dimensionally non-conforming garage and construct in its place a slightly dimensionally non-conforming addition to the existing house. The addition will be located partially within the 20 ft. rear yard setback and the 15' left side-yard setback. The addition will convert the existing single-family home into a two-family home. The addition will be no closer to the rear yard lot line than the existing garage and will be approximately **5-feet** from the rear property line and approximately **1.5-feet** from the left side property line. The existing height of the garage / barn is approximately **19-feet** tall, where the proposed addition to the structure will be **29-feet**.
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. Nobody from the public spoke either for or against the application.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Special Exception criteria set forth in §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** 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** 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** be adversely affected.
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. The granting of 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.

III. **DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 6th day of May, 2024, hereby **GRANTS** the requested Special Exception from Sections 310.2 and Section 310.3, pursuant to Section 801.3 and 703.1 of the Zoning Ordinance, to allow a two-family dwelling by conversion of a one-family dwelling and the expansion of a non-conforming garage structure 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.
3. The proposed addition must comply with all necessary FEMA flood zone regulations. A Floodplain Development Permit is required.

Seconded by Mr. Newlove.

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

4. STAFF COMMENTS

1 There was a late item added to the agenda relative to City Council seeking advice about a proposed
2 Zoning amendment. Mr. Reichert gave examples of two situations where the City incurred additional
3 expense because the City is required to follow all Zoning Regulations. This amendment allows the
4 City to be exempt from Zoning Ordinance for traditional City functions. Things are not automatically
5 exempt. There is a distinction for traditional use compared to housing on a City property and a new
6 bridge that would still require approval of the Zoning Board because they are not traditional
7 governmental use. The City Council seeks the input of the Zoning Board. Is the code as proposed
8 simple, usable, and interpretable by the Board. Is the amendment understandable and is there
9 anything that is inconsistent. A response is requested this evening.

10
11 The Zoning Board of Adjustment was unanimous in recommending the change.

12
13 **5. ADJOURNMENT**

14
15 ***Mr. Katz MOVED to adjourn the meeting at 7:21 PM.***

16 ***Seconded by Mr. Newlove***

17
18 ****The Vote on the Motion was (5-0).***

19
20 Respectfully submitted,
21 Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

June 3, 2024 - Regular Meeting

Staff Memorandum – ZB2024-12-SE

APPLICATION INFORMATION

Agenda Item: 3.A

Application Type:

Special Exception

Pursuant to §703.1 and §801.3

Location:

2 Lewis Court

Tax Map 107, Lot 43

Applicant/Property Owner:

Kelly Brandis

Zoning District:

Residential Two (R-2) – Class 1

Property Size:

+/-0.09 acres (+/-3,920 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-2 Class 1 District per §309.3)*

Overlay Districts:

None

Previous ZBA Action (since 1995):

None

Other Approvals Required:

Building permit

Attachments:

Application

GIS and street view photos

HEARING NOTICE

Kelly Brandis, 2 Lewis Court (Tax map 107, lot 43), zoned R-2: The applicant requests a Special Exception from Section 309.3, pursuant to Section 703.1 and 801.3 of the Zoning Ordinance, to allow the expansion of an existing non-conforming deck structure +/- 9 ft from the left side lot line where 15 ft is required. **ZB2024-12-SE**

BACKGROUND

The property is improved with a one-family dwelling constructed in 1911 per the City Assessor's records and is non-conforming to the R-2 Class 1 District minimum lot size requirement of 10,000 sq. ft. as the lot is +/- 3,920 sq. ft., with +/- 46 ft wide frontage on Lewis Court. The R-2 Class 1 standard is for a 75 ft wide lot frontage.

PROPOSAL

The applicant posthumously proposes to construct an unheated mudroom in the same location as a pre-existing deck; +/- 9 ft from the left lot line. The existing dwelling, with attached deck, is dimensionally non-conforming and is +/- 9 ft setback from the property line shared with 3 Lewis Court (Tax map 107, Lot 42). 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-2 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 §309.3 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 May 2, 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. After meeting with the applicant and reviewing the circumstances of this application staff finds the applicant credible when they explained that

that construction was commenced without the applicable relief in hand based upon exceptionally bad advice from a contractor who, in addition to dispensing poor advice, performed substandard work. The applicant seeks to appropriately permit the work and make corrective measures as needed. The matter was voluntarily brought to the attention of the City. No enforcement action has been taken by the city to date as this is considered to be a voluntary compliance application. There is no existing violation that the issuance of this zoning permit will not cure.

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 – ZB2024-12-SE

June 3, 2024 Regular Meeting

Kelly Brandis

2 Lewis Court (Tax Map 107, Lot 43), zoned R2

DRAFT MOTION for:

Agenda Item: 3.A

Case: ZB2024-12-SE

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

Motion made by: _____

On June 3rd 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 2 Lewis Court (Tax Map 107, Lot 43). 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 deck by adding an enclosed mudroom **+/- 9-feet** from the left property line where a 15-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 1911. The lot contains a primary residence and a dimensionally non-conforming attached garage and porch.
2. Class 1 lots (i.e. lots that are served by municipal sewer and water) in the R-2 District must maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15-feet. Pursuant to section §309.3 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.
3. 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.
4. 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 May 2nd 2024.
5. There are no known existing zoning violations on the property that this permit will not cure.

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 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 3rd day of June, 2024, hereby **GRANTS / DENIES** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to permit the vertical expansion of a non-conforming attached deck by adding an enclosed mudroom +/- 9-feet from the left property line where a 15-foot setback is required at 2 Lewis Court, 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.

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: KELLY BRANDIS TEL.#: 603-729-6102

MAILING ADDRESS: 2 LEWIS COURT LEBANON NH 03766

E-MAIL ADDRESS: Kwodwod@yahoo.com

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: 107 LOT#: 43 PLOT #: _____ ZONE: R2

STREET ADDRESS OF PROJECT: 2 LEWIS COURT

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

SCOPE OF PROJECT:

TO TAKE EXISTING DECK (NON-CONFORMING) AND BUILD UNHEATED, UN-LIVEABLE MUDROOM (NON-CONFORMING)

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 #			
5-2-24	107-43	262024-12-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) 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 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 an “after the fact” Special Exception

Submitted by:

Kelly Brandis

2 Lewis Court

Lebanon, NH 03766

kwodwod@yahoo.com; 603-729-6102

Project Description:

Purchased 2 Lewis Court with a non-conforming deck along the side of the house that had 2 entrance doors to the house. The one entrance door that entered the house (with the preexisting extension- see example #1) , entered into a mudroom and closet. The deck was 9ft from the property line as was the original entrance to the house via the mudroom. The deck was replaced as part of the negotiations for the sale of the property as the previous one was falling apart and unsafe. A non-confirming mudroom was built over the preexisting non-conforming deck, not extending the length or width of the deck that was present at the time of the purchase of the property (see Example #2), all that was added were two walls and a roof. The door that had been previously there was changed to a window but still leaving two doors to access the house. There was no heat or electricity changed or added to the mudroom. It is strictly used as storage and an entrance but also helps with heat as the side door is not sealed correctly. After the construction, it was reviewed by the City of Lebanon and a freeze barrier and proper drainage were added.

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 the expansion of non-conforming structures by special exception

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

The “after the fact” mudroom will not be any more non-conforming then the previous deck that was present during the purchase of the house in 2021. The setbacks will not be altered and the mudroom will not extend in width or length. IT will not be any closer to the side property line than the current closest point.

- C. That there are no existing violations of the Ordinance on the property that the granting of this special exception

The property predates the ordinance, and while it contains non-conforming structures, I do not think that these would count as violations due to the age of the house.

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

The character of the house is enhanced by the addition of the mudroom. The materials used match with the current house and are proportional to the house and the lot.

- E. That no hazard or nuisance will be created.

There was/is no hazard or nuisance created due to the mudroom. It provides more shelter in inclement weather to enter the house. A new drainage system was added to help with drainage as well.

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

There will be no negative impact to existing or planned community facilities or services. The usage of the property has not and will not change due to the structure. The driveway will not be affected (it is a right of way). The drainage system added allows for adequate if not improved drainage from when the house was purchased as no system was present at that time for roof water.

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

The special exception should not result in any undue municipal expense, beyond the administration of the application and ensuing the 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 “after the fact” mudroom addition/build will be compatible with the spirit and intent of the ordinance. The R-2 district is designed to provide single family residential neighborhoods. The improvements have added functionality and aesthetics to my small home. The mudroom provides a place to enter the home and be out of the elements as well as store jackets, sporting equipment and helps with heating costs by providing a wind barrier. It aligns with the overall look of the house and those in the neighborhood.

- I. That the general welfare of the city will be protected

My hope is that the mudroom will not only enhance my home but add to my street as well as the neighborhood.

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.

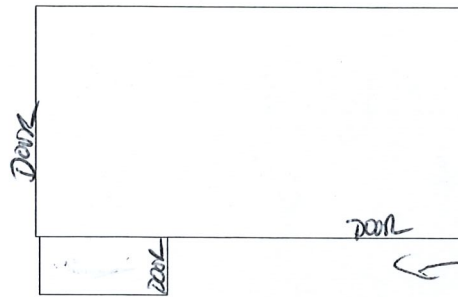
Please see attached list

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

Kelly Brandis - 2 Lewis Ct, Lebanon, NH

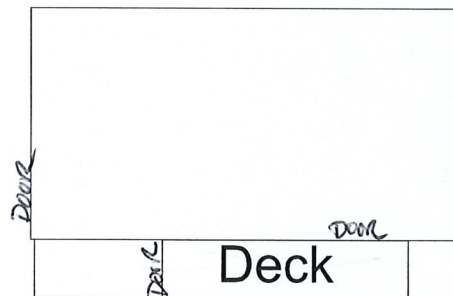
Property as currently recorded

Example 1



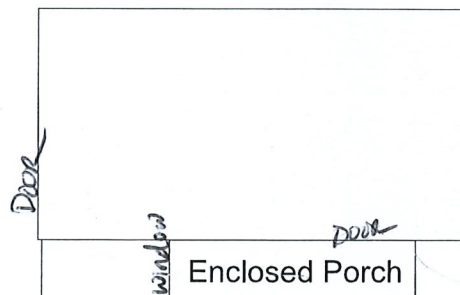
9 ft set back

Property as purchased July 2021



9 ft set back

Proposed enclosing existing deck



9 ft set back



Example #2
-closing on house

closing
date

Example #3



Building 1 : Section 1

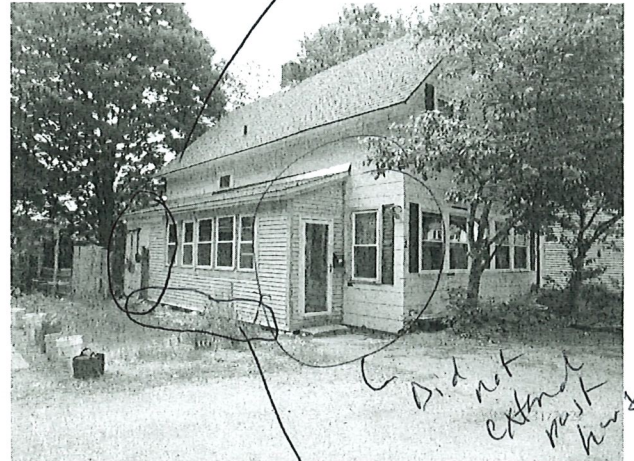
EXAMPLE #4

Year Built: 1911
Living Area: 1,140
Replacement Cost: \$235,110
Building Percent Good: 76
Replacement Cost
Less Depreciation: \$178,700

Building Attributes

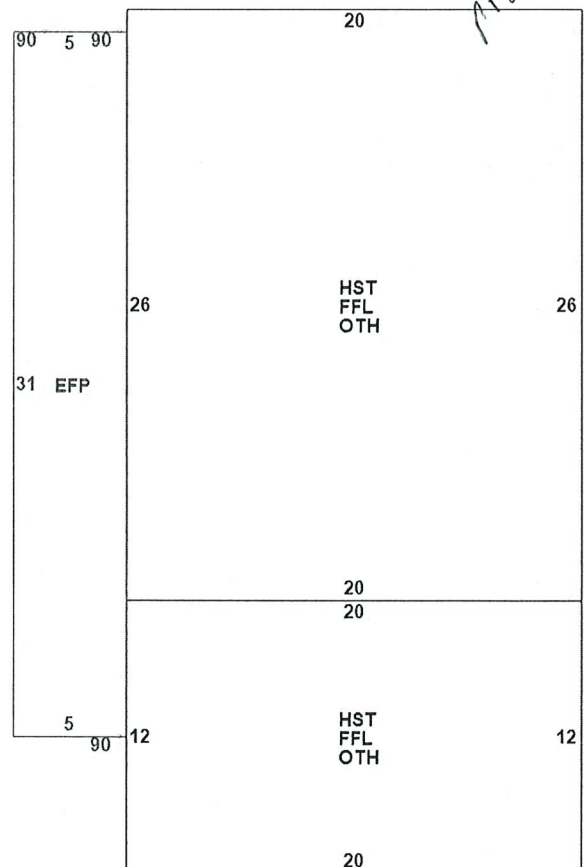
Field	Description
CNS_USRFLD_108	
Model	RESIDENTIAL
Style	CONVENT'NL
Grade	AVERAGE
Stories	1T
Comm Units	0
Exterior Wall 1	ASBESTOS
Exterior Wall 2	CLAPBOARD
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior Wall 1	PLASTER
Interior Wall 2	
Interior Floor 1	HARDWOOD
Interior Floor 2	
Basement Floor	CONCRETE
% Heated	100.00
Heat Fuel	OIL
Heat Type	FORCED H/W
# Heat Systems	1.00
AC Percent	0.00
Bedrooms	4
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	8
Frame	WOOD
Foundation	CONCRETE
Bsmt Garage	0

Building Photo



(https://images.vgsi.com/photos/lebanonnhPhotos///0009/P1050614_9762)

Building Layout



([ParcelSketch.ashx?pid=2742&bid=2742](#))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	760	760
HST	HALFSTORY	760	380
EFP	ENCL PORCH	155	0
OTH	CRAWL SPACE	760	0

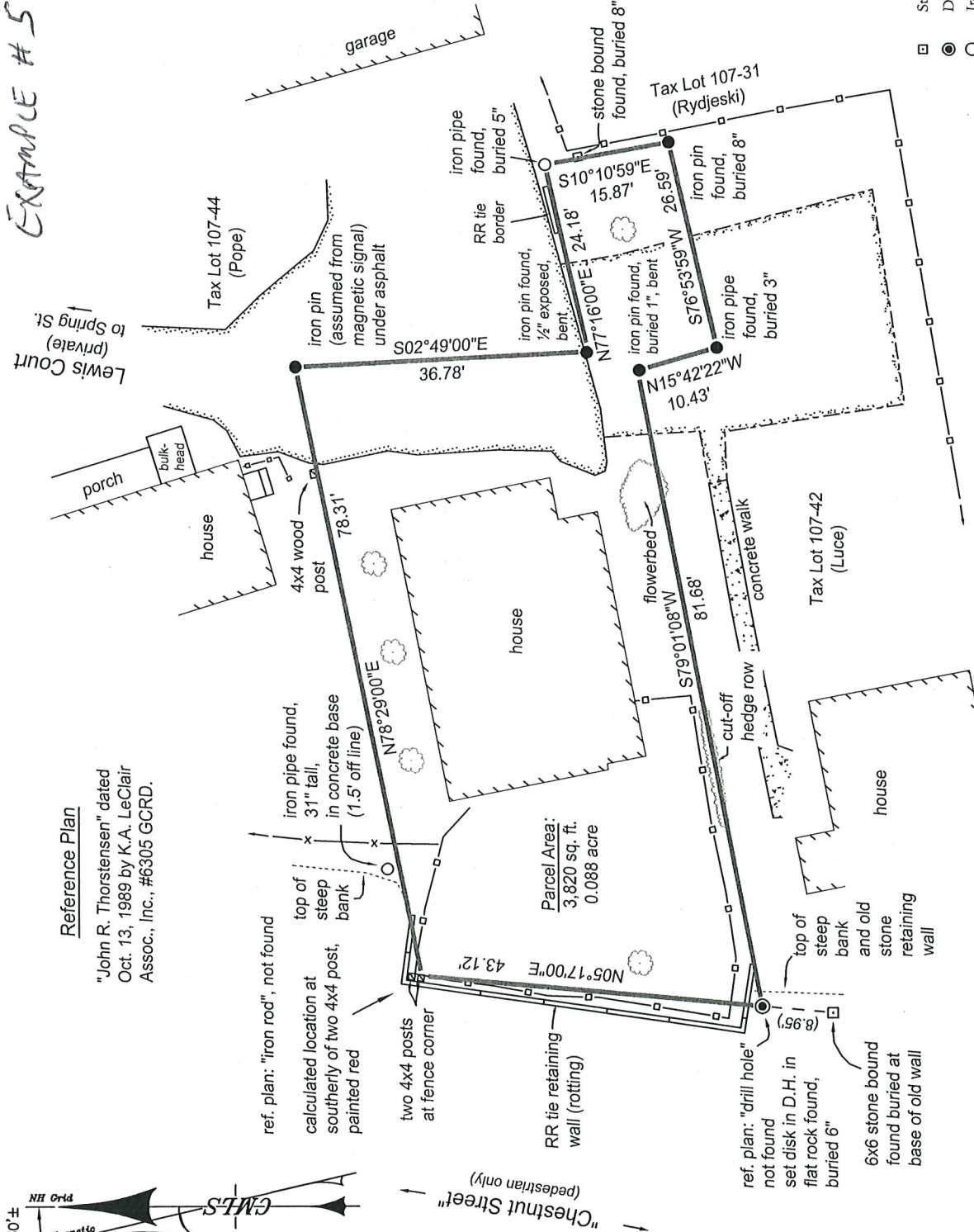
EXAMPLE # 5

Notes

1. This drawing is to serve as a report and record of a field survey made by Cardigan Mountain Land Surveys on 6/1 and 6/7/2022 for the purpose of recovering property corner markers and marking boundary lines as shown on the noted reference plan. It is not intended to be suitable for recording at the Grafton County Registry of Deeds.
2. The found monuments that appeared undisturbed were all in close agreement with record measurements. The tops of the pins that appeared bent were a few inches out of position, but the apparent (buried) base positions were in agreement. For the purposes of the survey, the base position(s) were held.
3. The premises include "an unobstructed common right of way ... 10 feet in width over land now or formerly of [Lewiss] extending northerly from the northerly line of the [subject property] to the southerly line of Spring Street, said right of way to be over Lewis Court, so called, as it now runs ..."
4. The premises are "subject to a right of way ... being over Lewis Court, so called, as it runs ..." (this right-of-way is to benefit the Luce property).
5. No written easements for utilities or parking were noted in the review of land records conducted for this survey.

LEGEND

- | | | | |
|---|------------------------|-------|------------------------|
| □ | Stone Bound (S.B.) | ○ | Deciduous Tree |
| ● | Drill Hole (D.H.) | — | Asphalt Surface |
| ○ | Iron Pipe (I.P.) | — | Gravel Surface |
| ● | Iron Rod or Pin (I.R.) | — | Wood Fence |
| ⊠ | Wood Post | — x — | Wire Fence |
| | | | Exterior Building Wall |



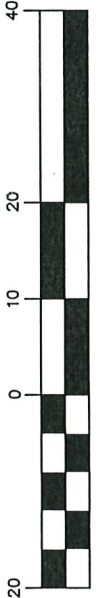
© Copyright, 2022

Cardigan Mountain

LAND SURVEYS, LLC
32 Peaslee Road
Orange, NH 03741
(603) 523-7535
Scott C. Sanborn
LLS #848

Prepared 8 June 2022

SCALE: 1"= 20'



(IN FEET)

Record of Survey
For:

Kelly Brandis

Property Location:
2 Lewis Court

City of Lebanon, New Hampshire

Tax Lot: 107-43

Record Title: Book 4648, Page 91

ID	Site Address	Owner Name	Owner Address	Owner City	Owner State	Owner Zip
107-31	15 SOUTH ST	RYDJESKI II, STANLEY A	15 SOUTH ST	LEBANON	NH	03766
107-45	34 SPRING ST	Lajoie, Jason D & Cheryl A	34 SPRING ST	LEBANON	NH	03766
107-44	30 SPRING ST	Carter, Nadine BURGEMEISTER	30 SPRING ST	LEBANON	NH	03766
107-42	3 LEWIS CT	CARDEW THOMAS	14 WILLIAMS ST	LEBANON	NH	03766
107-29	19 SOUTH ST	EDUCATED RENTAL GROUP LLC	8 BROCKWAY RD	HANOVER	NH	03755
107-43	2 LEWIS CT	BRANDIS, KELLY B	2 LEWIS CT	LEBANON	NH	03766

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:	

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 <u>6</u> notices	30.24
TOTAL DUE		\$ <u>430.24</u>

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

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		\$ _____

2 Lewis





CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

Staff Memorandum – ZB2023-13-VAR

June 3, 2024, Regular Meeting

D.G. Schweizer Rev. Trust

14 Green Street (Tax Map 92, Lot 132)

APPLICATION INFORMATION

Agenda Item: 3.B

Application Type:

Variance from §309.3 to construct an attached carport.

Location:

14 Green Street
Tax Map 92, Lot 132

Applicant/Property Owner:

D.G. Schweizer Rev. Trust

Zoning District:

Residential Two – Class 1 (R-2)

Property Size:

+/-0.23 acres (+/-10,018 sq. ft.)
(per the City Assessor's records;
property is conforming to the min.
required 10,000 sq. ft. lot size in the
R-2 Class 1 District per §309.3)

Overlay Districts:

None

Previous ZBA Action (since 1995):

None

Other Approvals Required:

Building Permit

Attachments:

Application
GIS and street view photos

HEARING NOTICE

D.G. Schweizer Rev. Trust, 14 Green Street (Tax map 92, lot 132), zoned R2: The applicant requests 2 Variances from Section 309.3, pursuant to Section 801.2 of the Zoning Ordinance, to allow a carport to be built +/- 10 ft from the left-side lot line where 15 ft is required, and to allow 35% building coverage on the lot where 25% is allowed. **ZB2024-13-VAR**

BACKGROUND

The property is improved with a three-family dwelling constructed in 1860 per the City Assessor's records and is conforming to the R-2 Class 1 District minimum lot size requirement of 10,000 sq. ft. with 10,018 sq. ft. And is non-conforming to the 75 ft wide lot frontage requirement with only 60 ft of lot frontage. It appears the home itself is non-conforming to the required minimum left side-yard setback of 15ft.

PROPOSAL

The applicant proposes to construct an attached 31 ft. by 24.66 ft. Carport between the existing dwelling and barn, +/-10 ft. from the left-side lot line shared with 12 Green Street (Tax Map 92, Lot 131). The left-side yard variance is required to allow the construction of the carport within the minimum required 15 ft. side yard. Further, the carport addition requires a Maximum Building Coverage variance. The carport addition increases the Building Coverage to 35% of the lot, thereby exceeding the 25% maximum by 10%.

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 state 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.

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 May 6, 2024 (see attached).

STAFF COMMENTS

The application is a simple request to provide additional protected off-street parking. The neighborhood in which this house resides is an established, tightly packed streetscape with minimal on-street parking. The property currently has three parking spaces that are uncovered. The applicant seeks to cover the parking area to minimize the need for snow removal and to provide safer winter parking and movement conditions for the home. The entire neighborhood surrounding this property is packed with non-conforming properties built in the late 1800's prior to Zoning.

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 **D.G. Schweizer Rev. Trust** **14 Green Street (Tax Map 92, Lot 132)**

DRAFT MOTION for:

Agenda Item 3.B

Case ZB2024-13-VAR

Request for Dimensional Variance from Section §309.3

Motion made by: _____

On June 3rd 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 14 Green Street (Tax Map 92, Lot 132), zoned R-2. The Applicant requests a +/- 5 ft left side yard dimensional variance and a 10% maximum building coverage variance from section §309.3 to construct an attached 31' by 24'-8" carport to an existing dimensionally non-conforming structure +/-10 ft. from the left-side property line.

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 one-family dwelling constructed in 1860 per the City Assessor's records. At 10,018 sq. ft., the lot is conforming to the 10,000 sq. ft. minimum lot size required for Class 1 lots in the R-2 District.
2. The applicants propose to construct an attached 31' by 24'-8" carport to an existing dimensionally non-conforming structure. The carport is proposed to be located 10 ft. from the left-side lot line shared with the abutting property at 12 Green Street (Tax Map 92, Lot 131) whereas a minimum unobstructed side yard of 15' is required.
3. In the R-2 District, Class 1 lots must maintain a minimum side yard unobstructed by buildings and structures of 15' pursuant to Section §309.3 of the Zoning Ordinance. Therefore, a 5' dimensional variance is required to permit construction of the proposed carport, which will encroach approximately 5' into the minimum required 15' side yard.
4. In the R-2 District, Class 1 lots must maintain a maximum building coverage of 25% pursuant to section §309.3 of the Zoning Ordinance. Therefore, a 10% maximum building coverage variance is required to permit construction of the proposed carport, which will exceed the 25% maximum by 10%.
5. To obtain the requested Variance from section §309.3, 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).
6. The applicants have submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on May 6th 2024.

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 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 **3rd day of June, 2024**, hereby **GRANTS / DENIES** the requested Variances from section §309.3 of the Zoning Ordinance to allow a +/- 5 ft left side yard dimensional variance and a 10% maximum building coverage variance from section §309.3 to construct an attached 31' by 24'-8" carport to an existing dimensionally non-conforming structure +/-10 ft. from the left-side property line where 15 ft is required at 14 Green 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.

2. _____

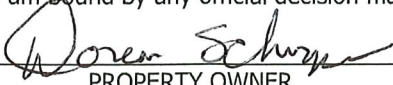
3. _____

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>DOREEN G. SCHWEIZER, TRUSTEE</u> <u>SCHWEIZER, D.G. REV. TRUST</u>		TEL.#: <u>802-649-1908</u>	
MAILING ADDRESS: <u>14 GREEN STREET, LEBANON</u>			
E-MAIL ADDRESS: <u>DOREEN.SCHWEIZER@ICLOUD.COM</u>			
CO-APPLICANT (AGENT) OR LESSEE:			
NAME: <u>PETER SCOPPETTONE</u>		TEL.#: <u>603-381-4545</u>	
MAILING ADDRESS: <u>7 UNION ST, LEBANON</u>			
E-MAIL ADDRESS: <u>PS COPPETTONE@GMAIL.COM</u>			
PROJECT LOCATION:			
TAX MAP #: <u>92</u>	LOT#: <u>132</u>	PLOT #:	ZONE: <u>R2</u>
STREET ADDRESS OF PROJECT: <u>14 GREEN ST, LEBANON</u>			
IS THIS PROPERTY LOCATED IN THE: WETLANDS ☐ YES ☒ NO HISTORIC DISTRICT ☐ YES ☒ NO			
FLOOD PLAIN ☐ YES ☒ NO			
SCOPE OF PROJECT:			
<u>INSTALL COVERED YET OPEN CARPORT BETWEEN EXISTING</u>			
<u>HOUSE & EXISTING BARN</u>			
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:			
 _____ PROPERTY OWNER		DATE: <u>May 3, 2024</u>	
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: <u>May 3, 2024</u>	

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #			
5-6-24	92-132	2B-2024-13-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) 309
Section(s) 309.3 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;

SEE EXPLANATION ON FOLLOWING PAGE

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

SEE EXPLANATION ON FOLLOWING PAGE

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

SEE EXPLANATION ON FOLLOWING PAGE

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

SEE EXPLANATION ON FOLLOWING PAGE 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

SEE EXPLANATION ON FOLLOWING PAGE

; and

SCHWEIZER VARIANCE REQUEST

A.1 “That the variance, if authorized, will not be contrary to the public interest.”

The installation of this open carport in the proposed location will not threaten the health or safety or general welfare of the public.

A.2 “That the variance will observe the spirit of the ordinance.”

Increasing the building coverage on the lot with this carport roof, will not alter the character of the neighborhood, particularly considering the non-conforming existing building coverage of the two adjacent properties.

A.3 “That by the granting of the variance, substantial justice will be done:”

Since the proposed carport is appropriate for the area and does not harm the abutters, the general public will realize no appreciable gain from denying this variance.

A.4 “That the variance, if authorized, will not diminish the values of surrounding properties,” due to no increase in building setback beyond the existing setback and no blockage of light and air to the adjacent property.

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

“(a)(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.”

This variance request is not a request for a change of use. The use has been parking for 3 vehicles and that will not change. This variance request deals with an increase of building ground coverage and does not change the existing building setback. The existing building coverage of the house and barn is approximately 27.2%. Adding the carport cover would increase the site building coverage to approximately 35%. This proposed additional building coverage would not distinguish this property from the two adjacent properties. Lot 92-131 to the west, by scaling building coverage off the city property map, has a coverage of approximately 30%. Lot 92-133 to the east scales to approximately 47% building coverage. (See enclosed city map).

“(a)(ii) The proposed use is a reasonable one.”

Covering the existing parking area establishes weather protection for the occupants of the house. This is a reasonable addition for occupant safety, especially for older occupants.

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: 92-132	Map & Lot Number: 92-132
Property Owner: DOREEN G. SCHWEIZER TRUSTEE SCHWEIZER, D.G. REV. TRUST 14 GREEN ST.	Applicant, Co-Applicant, Agent, or Lessee: SAME
Map & Lot Number: 92-131	Map & Lot Number: 92-133
VISIONS FOR CREATIVE 12 GREEN ST	NOLAN, LORCAN F & CHELSEA 16 GREEN ST
Map & Lot Number: 92-213	Map & Lot Number: 92-124
YEHLE, JASON 13 GREEN ST	SALAZAR KISH, JOLIN 14 BANK ST.



Property Information
Property ID 92-132
Location 14 GREEN ST
Owner SCHWEIZER, D G TRUSTEE

**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.



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



PETER SCOPPETTONE INC
ARCHITECTURAL DESIGN AND CONSTRUCTION MANAGEMENT

LETTER OF TRANSMITTAL

DATE: May 6, 2024

TO: Zoning Board of Adjustment
City of Lebanon

FROM: Peter

PROJECT: Doreen Schweizer, 14 Green Street, Potential Carport

ENCLOSED:

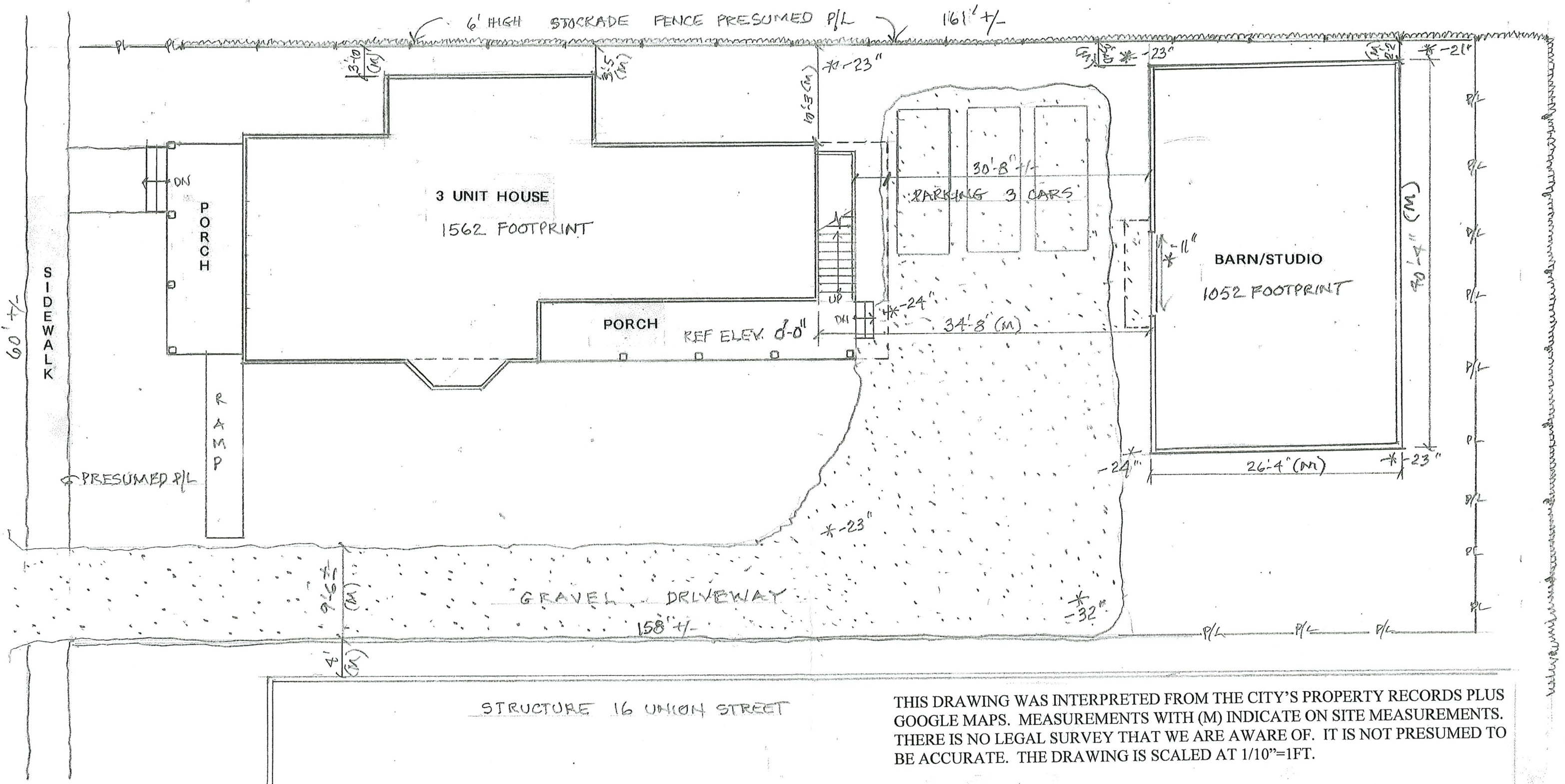
- Application for Variance page, signed by Owner
- Support Statement for a Variance
- Support Statement Additional Explanation page
- Certified Notification List
- Aerial photo of property by Google App Geo
- GIS map of subject area
- 4 photo page of existing conditions
- "Apparent Existing Site Conditions" drawing 11 x 17"
- "Schweizer Carport Plan" drawing 11 x 17"
- "Schweizer Carport Plan", Proposed Section drawing 11 x 17"

MESSAGE:

Please let me know if you need additional information

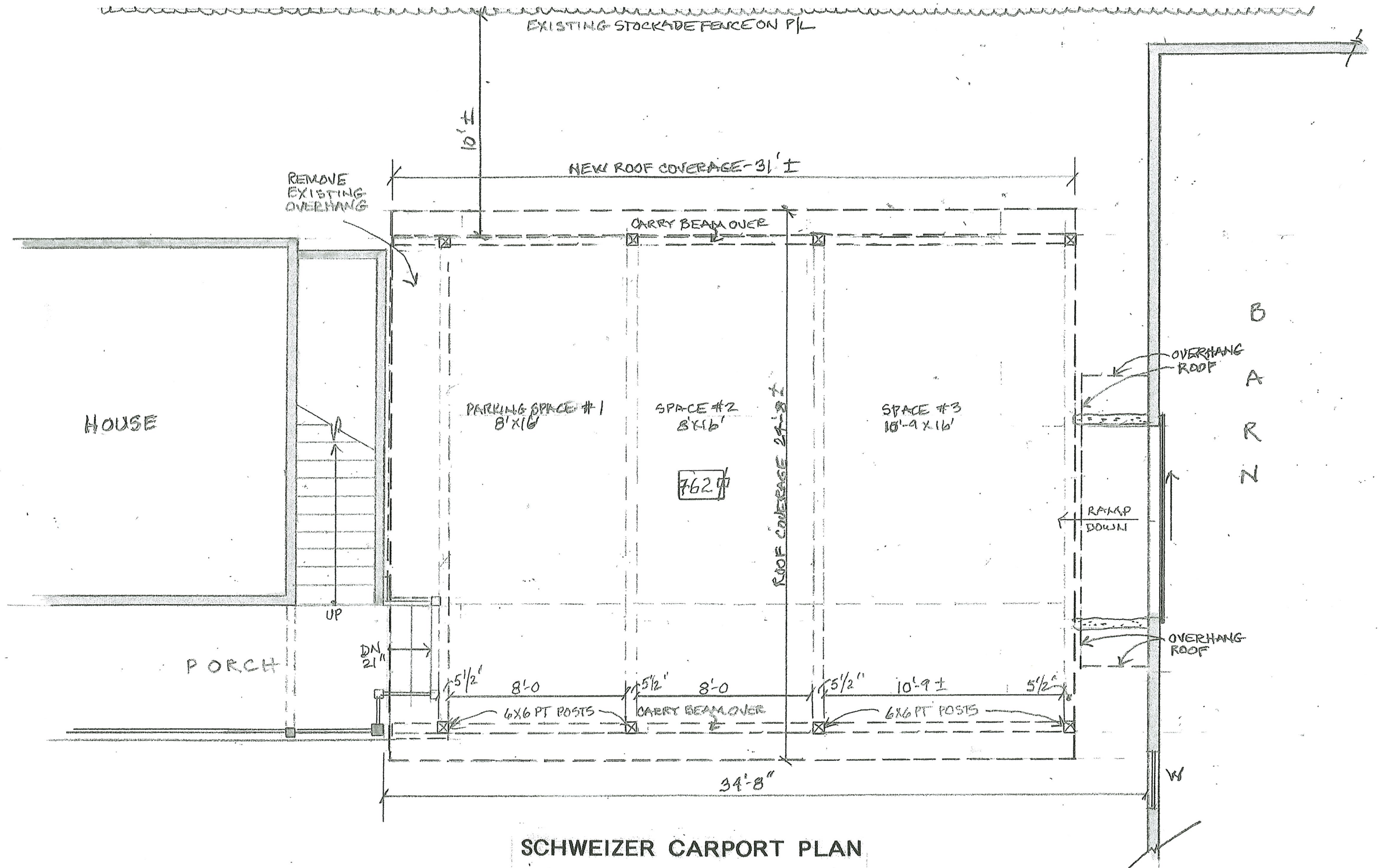
DOREEN SCHWEIZER 14 GREEN STREET, LEBANON, NH 03766

APPARENT EXISTING SITE CONDITIONS

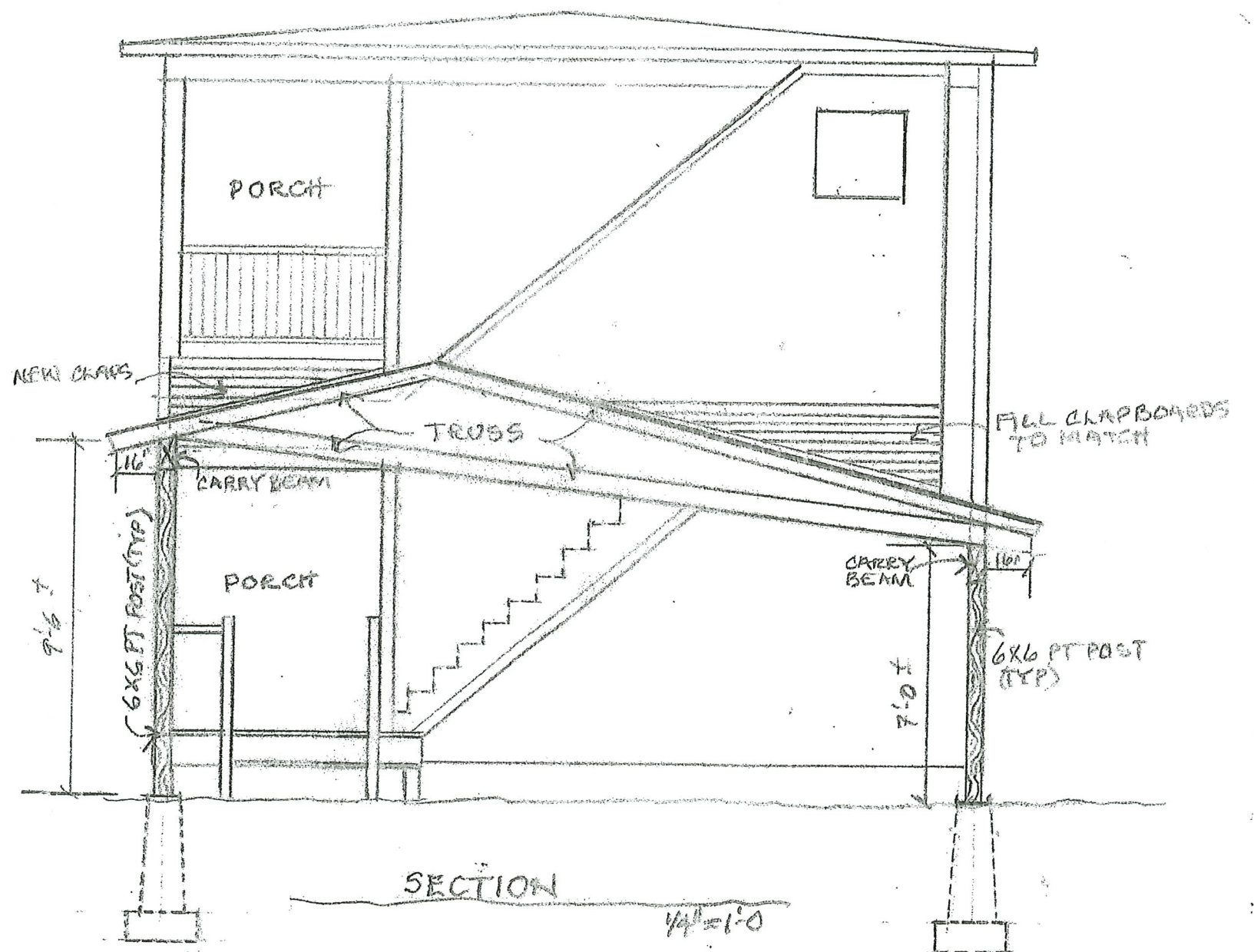
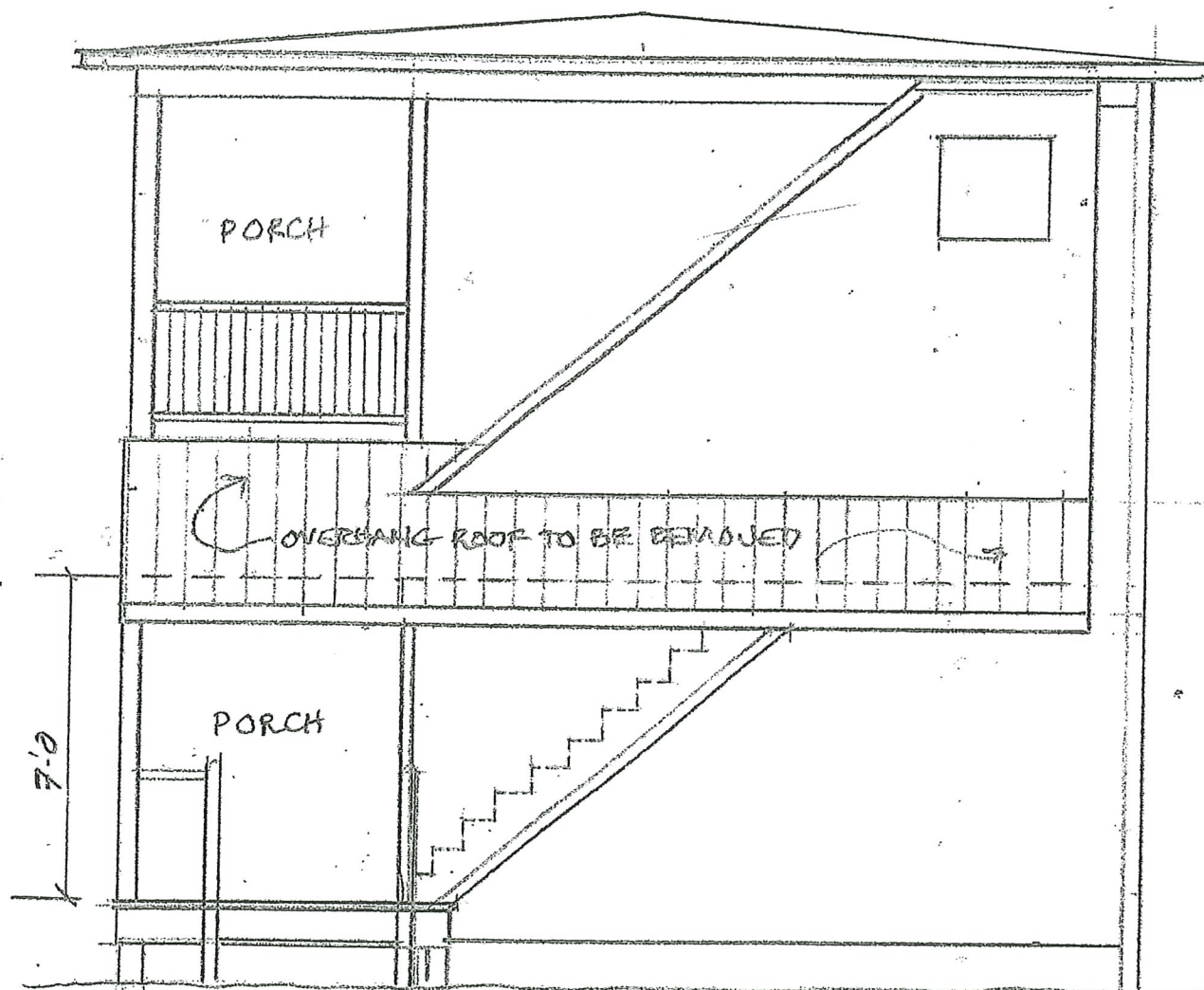


THIS DRAWING WAS INTERPRETED FROM THE CITY'S PROPERTY RECORDS PLUS GOOGLE MAPS. MEASUREMENTS WITH (M) INDICATE ON SITE MEASUREMENTS. THERE IS NO LEGAL SURVEY THAT WE ARE AWARE OF. IT IS NOT PRESUMED TO BE ACCURATE. THE DRAWING IS SCALED AT 1/10"=1FT.

PETER SCOPPETTONE INC. 7 UNION STREET, LEBANON, NH 03766
Pscoppettone@gmail.com 603-381-4545 1/19/2024



SCHWEIZER CARPORT PLAN
 4/15/24 PWS. 1/4" = 1'-0"



SCHWEIZER CARPORT PLAN

4/15/24 PWS

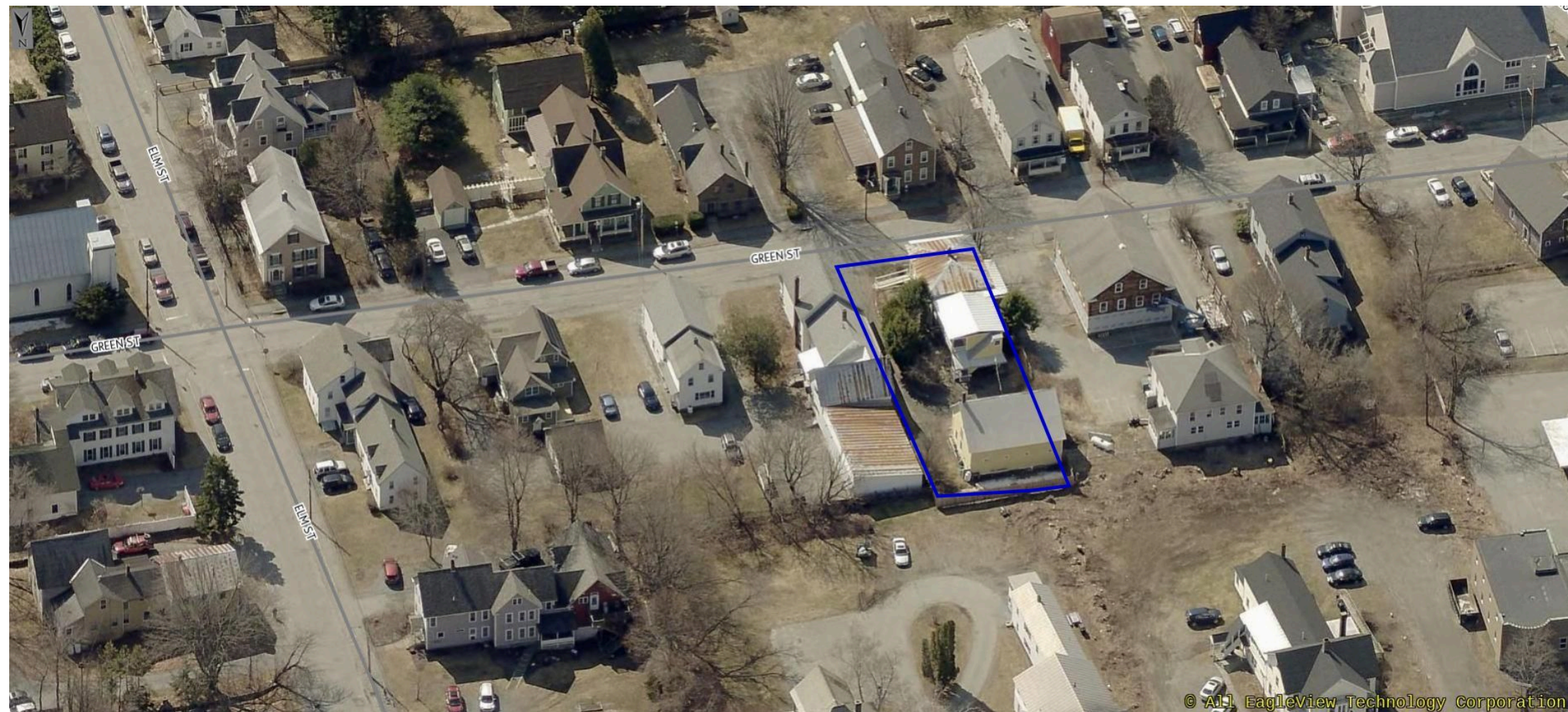
$\frac{1}{4}" = 1'-0"$

14 Green Street 2



04/04/2021

14 Green Street





CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

June 3, 2024 - Regular Meeting

Staff Memorandum – ZB2024-14-VAR

APPLICATION INFORMATION

Agenda Item: 3.C

Application Type:

3 Variances from §608.4.B.2, 608.4.B.1b, and 608.4.B

Location:

92 Riverside Drive
Tax Map 111, Lot 16

Applicant/Property Owner:

Oakes Storage LLC & Oakes Real Estate SPE LLC

Zoning District:

Rural Lands One District (RL-1) –
Class 3

Property Size:

+/-2.94 acres (+/128,066 sq. ft.)
(per the City Assessor's records;
property is non-conforming to the
min. required 3 acres lot size in the
RL-1 Class 3 District per §312.3)

Overlay Districts:

None

Previous ZBA Action (since 1995):

ZB2020-08-VAR
ZB2020-27-VAR
ZB2020-36-VAR

Other Approvals Required:

Building Permit

Attachments:

Application
GIS and street view photos

HEARING NOTICE

Oakes Storage LLC & Oakes Real Estate SPE LLC, 92 Riverside Drive (Tax map 111, lot 16), zoned RL-1: The applicant requests 3 Variances from Sections 608.4.B.2, 608.4.B.1.b, and 608.4.B, pursuant to Section 801.2 of the Zoning Ordinance, to allow the installation of a single-sided sign that is 32 sq ft sign where 4 sq ft is allowed, 6 ft tall where 4 ft is allowed, and to be internally illuminated where illumination is not allowed. **ZB2024-14-VAR**

BACKGROUND

The property is currently vacant with a partially built self-storage facility per prior Zoning Board approval. Per the City Assessor's records, the property is non-conforming to the RL-1 Class 3 District minimum lot size requirement of 3 acres as the lot is +/- 2.94 acres. The lot has frontage on Riverside Dr, Fellowes Hill Rd and Route 4 and is conforming to the 150 ft lot frontage minimum requirement with +150 ft of lot frontage.

PROPOSAL

The applicant proposes to construct a 32 sq ft, 6ft tall, single-sided, internally illuminated sign on a knoll facing Route 4. The Zoning Ordinance allows for a 4 sq ft, 4 ft tall, non-illuminated sign.

ZONING ORDINANCE VARIANCE REQUIREMENTS

To obtain the requested Variance from Sections §608.4.B.2, 608.4.B.1.b, and 608.4.B 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.

APPLICABLE ORDINANCE

B. Non-Residential Uses in Residential and Mixed Use Districts. For legally existing non-residential uses and for home businesses in the residential and mixed use districts, one sign is permitted per lot which may be either a freestanding sign, projecting sign, or wall sign. If located in a mixed use district, the sign may have external illumination in accordance with Section 608.4.A.6.b ("External Illumination").

1. Freestanding Signs. Freestanding signs shall:

a. Comply with the landscaping requirements set forth in Section 608.4.A.4.b.i ("Landscaping").

b. Have a height of no greater than eight (8) feet for signs located in the mixed use districts, and no greater than four (4) feet for signs located in the residential districts.

2. Sign Area. Sign area is limited to four (4) square feet if a single non-residential use is located on the lot. For each additional non-residential use on the lot, an additional two (2) square feet of sign area may be added to the single sign permitted on the lot. The total sign area for each lot shall not exceed sixteen (16) square feet.

b.i. Landscaping. A landscaped area located around the base of a freestanding sign equal to two and one-half square feet for each square foot of sign area, is required for all freestanding signs. The landscaped area shall contain living landscape material consisting of native shrubs and/or annual or native perennial ground cover plants placed throughout the required landscape area and having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen trees installed in a manner which frames or accents the freestanding signs structure is encouraged.

6. Illumination. Signs may have either external illumination or internal illumination, subject to the following:

a. Lighting Plan. An applicant for a permit to illuminate a sign must submit a plan to the Planning Department showing the illumination plan including the effect of the illumination on any other property that might be affected by the light.

b. External Illumination. The use of floodlights or spotlights used for the external illumination of signs shall be mounted above the sign targeted for lighting, and illumination shall be properly focused upon and confined to the area of the sign.

c. Internal Illumination. Internal illumination of signs shall be designed with an opaque background so that only the lettering, symbols (i.e. logos), or design shall appear to be lighted.

d. Maximum Luminance. Luminance shall measure no more than 0.3 fc above ambient light conditions.

e. Glare. Fixtures used to illuminate signs shall be located, aimed, and shielded so as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Glare shall not be perceptible to drivers, pedestrians, bicyclists, and other passers-by within adjacent streets or rights-of-way.

f. Shielding. Any lighting fixture on a sign that is located within ten (10) feet of a residential district or an existing residential use shall be (i) aimed away from the residential district or existing residential use; and (ii) shielded on the side closest to the residential district or existing residential use.

g. Hours of illumination. Signs may be illuminated any time between 6:00 a.m. and 9:00 p.m. Between 9:00 p.m. and 6:00 a.m. a sign may only be illuminated if and when the business is open to the public.

APPLICATION AND SUPPORT STATEMENT

The applicant has submitted evidence and testimony addressing the Section 801.2 Variance criteria in a revised application received by the Planning & Development Department on May 13, 2024. The revised application is attached.

STAFF COMMENTS

Completeness:

The applicant did not supply a landscape plan that meets the standards of b.1 Landscaping. (See Above) Within the narrative they state:

“A Landscaping Plan was previously submitted in connection with the site plan for the project. A copy is attached. If approved the owner will revise the plan to be in full compliance with Section 608.4.A.4.b.i”

Given that the provided sign landscaping drawing is not compliant to the regulations, this fact is recognized by the applicant in their narrative, and they still do not provide a compliant landscape plan for the application, the Board may wish to consider deeming the application incomplete and postpone its consideration until a complete landscaping plan is filed. Further the landscaping plan that was approved under the original variance request is being amended. An updated landscape plan for the site may also need to be granted.

If the Board seeks to Condition the further development of the Sign Landscaping plan and the Site Landscaping Plan the Board must clearly delegate administrative Authority to the Zoning Official to approve the plans as submitted. Further a time certain period must be included for the submission of the plans.

Proposed Condition: A Landscaping Plan for the sign area pursuant to 608.4.A.4.b.i and Chapter 6.2 of the Site Plan Regulations shall be provided to the Zoning Official within 45 days of this approval. The Zoning Official is hereby granted administrative authority to approve the sign landscaping plan and the site plan landscaping amendment. If the plan is not submitted to and approved by the Zoning Official within 45 days of this approval the authority to administratively approve the plan shall be revoked and approval by the Zoning Board shall be required.

STAFF MEMORANDUM

ZB2024-14-VAR
92 Riverside Drive
Tax map 111, lot 16
June 3rd 2024 ZBA Meeting
Agenda Item 3.C
Page 5 of 5

Hours of Sign Illumination

The hours of operation of the facility are limited to 6:00 AM to 8:00 PM as limited by the 2020 variance approval. As such the Hours of Illumination of the sign shall be limited to the same hours as the sign may only be illuminated during permissible hours of operation.

Proposed Condition: The Sign may only be illuminated between the hours of 6:00 AM and 8:00 PM or when the business is open to the public. Illumination between the hours of 8:00 PM and 6:00 AM is not permitted.

ATTACHEMENTS

Street View of Subject Property.

GIS View of Subject Property

Mock-up sign photos – by applicant

Respectfully submitted,



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



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT VARIANCE

Decision Template - ZB2024-14-VAR
Oakes Storage LLC & Oakes Real Estate SPE LLC
92 Riverside Drive (Tax map 111, lot 16)

DRAFT MOTION for:

Agenda Item 3.C

Case ZB2024-14-VAR

Request for Dimensional Variance from Section §608.4.B.2, §608.4.B.1.b, and §608.4.B

Motion made by: _____

On June 3rd 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 92 Riverside Drive (Tax map 111, lot 16). The Applicants request a Variance from Sections §608.4.B.2, §608.4.B.1.b, and §608.4.B, pursuant to Section 801.2 of the Zoning Ordinance to allow the installation of a single-sided sign that is 32 sq ft sign where 4 sq ft is allowed, 6 ft tall where 4 ft is allowed, and to be internally illuminated where illumination is not allowed.

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 partially improved with an ongoing storage unit development.
2. The applicants propose constructing an internally illuminated 32 sq. ft. sign that is 6 feet tall on a knoll overlooking the development.
3. The applicants have submitted testimony addressing the section §801.2 Variance criteria in a revised application received by the Planning and Development Department on May 13th 2024 this information was supplemented with additional information submitted on May 28th 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 **3rd day of June, 2024**, hereby **GRANTS / DENIES** the variances from Sections §608.4.B.2, §608.4.B.1.b, and §608.4.B, pursuant to Section 801.2 of the Zoning Ordinance to allow the installation of a single-sided sign that is 32 sq ft sign where 4 sq ft is allowed, 6 ft tall where 4 ft is allowed, and to be internally illuminated where illumination is not allowed.

1. The applicant shall obtain a building permit.
2. A Landscaping Plan for the sign area pursuant to 608.4.A.4.b.i and Chapter 6.2 of the Site Plan Regulations shall be provided to the Zoning Official within 45 days of this approval. The Zoning Official is hereby granted administrative authority to approve the sign landscaping plan and the site plan landscaping amendment. If the plan is not submitted to and approved by the Zoning Official within 45 days of this approval the authority to administratively approve the plan shall be revoked and approval by the Zoning Board shall be required.
3. The Sign may only be illuminated between the hours of 6:00 AM and 8:00 PM or when the business is open to the public. Illumination between the hours of 8:00 PM and 6:00 AM is not permitted.
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: Oakes Storage LLC AND Oakes Real Estate SPE, LLC TEL.#: 603 448 2586
MAILING ADDRESS: 84 Hanover Street Lebanon NH 03766
E-MAIL ADDRESS: bobby @ oakes and son construction . com

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Dan Nash TEL.#: 603 448 6295
MAILING ADDRESS: 105 Bank Street, Lebanon, NH 03766
E-MAIL ADDRESS: advancedgeomatics @ comcast . net

PROJECT LOCATION:

TAX MAP #: 111 LOT#: 16 PLOT #: _____ ZONE: RL-1
STREET ADDRESS OF PROJECT: 92 Riverside Drive
IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

4' x 8' sign, 6' in height, LED lighting on
6" x 6" x 3/16" steel posts, painted black on sonotubes
w/ conduit

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 June 3, 2024 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 #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #
<u>5-13-24</u>	<u>111-16</u>	<u>282024-14-VAR</u>			

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	
	x _____ notices	
TOTAL DUE		\$ _____

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		\$ _____

REHEARING:

*Application fee waived if Board made a prejudicial technical or legal error in its original decision

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

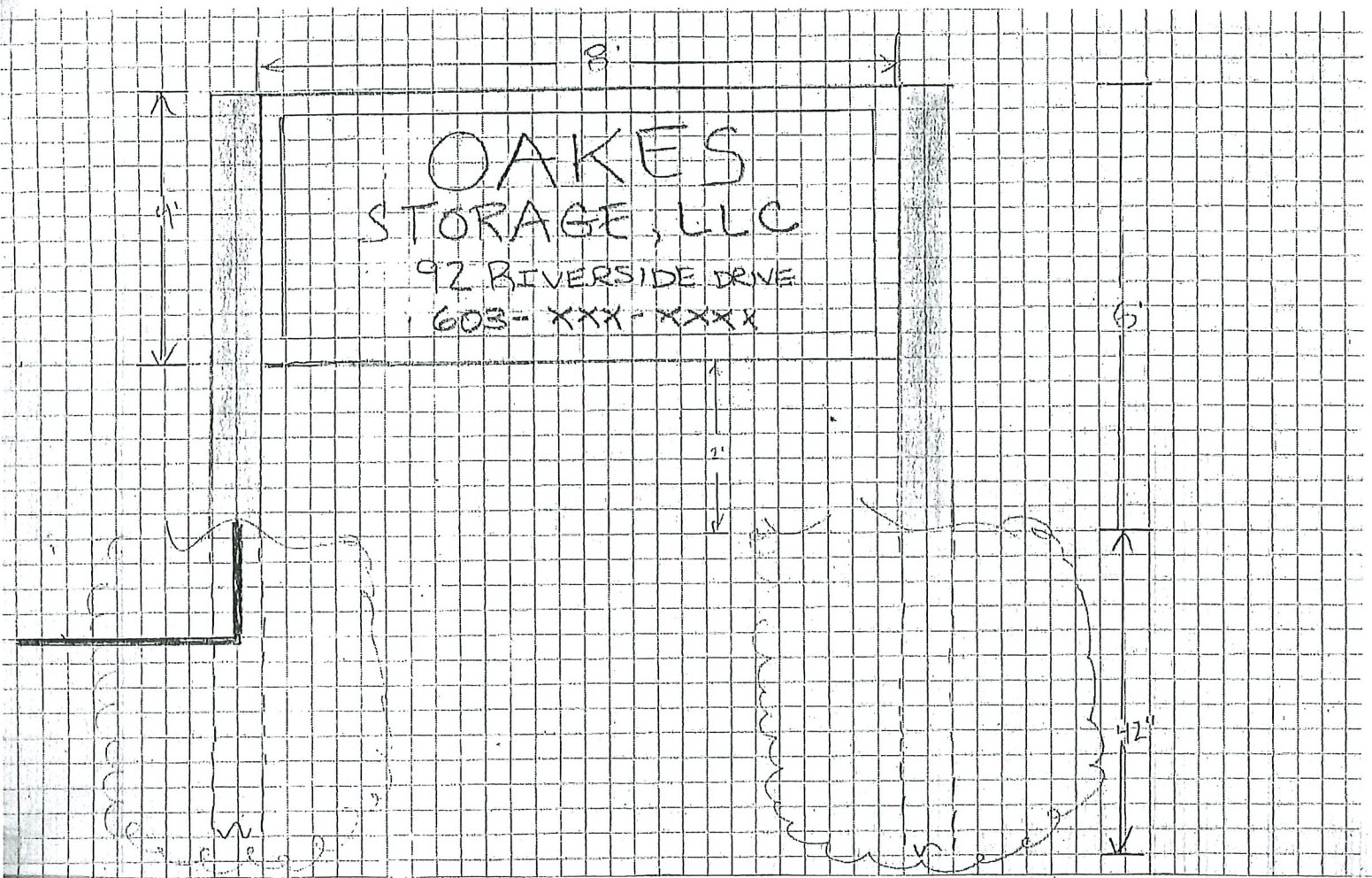
EQUITABLE WAIVER OF DIMENSIONAL REGULATIONS:

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

BUILDING CODE BOARD OF APPEALS:

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

* See Certified Notification List for notification requirements and definitions.



48" x 96" x 11 3/4" sign comp Medium Body – One Sided – internal LED lighting – painted black – with full flood black HP vinyl + knock out copy
 6" x 6" x 3/16" steel posts painted black direct bury in existing sono tubes with conduit sweep set by owner.

**ATTACHMENT TO THE APPLICATION OF OAKES STORAGE, LLC
and OAKES REAL ESTATE SPE, LLC
FOR VARIANCES PERMITTING AN OVERSIZED AND ILLUMINATED
SIGN IN THE RL-1 ZONE --- PROPERTY AT 92 RIVERSIDE DRIVE**

The subject property is located at 92 Riverside Drive, Tax Map 111, Lot 16, which is in the RL-1 zone. The owner is proposing a one sided sign, 4 feet x 8 feet, and 6 feet in height, with internal LED lighting. The proposed sign will be secured to 6" x 6" x 3/16" steel posts painted black, on sono tubes.

The lot has frontage on Route 4, Riverside Drive, and Fellows Hill Road. The lot has existing legal approval for non-residential use, specifically, a storage unit facility. The proposed sign will face Route 4.

The proposed sign is 32 square feet in area. Per Section 608.4.B.2 a sign in the RL-1 zone is supposed to be no more than 4 square feet. Therefore, a variance is requested as to Section 608.4.B.2.

The proposed sign is 6 feet in height. Per Section 608.4.B.1.b a sign in the RL-1 zone is supposed to be no more than 4 feet in height. Therefore, a variance is requested as to Section 608.4.B.1.b.

There is no provision for an internally illuminated sign in the RL-1 zone. Therefore, a variance is requested as to Section 608.4.B to permit the proposed internally illuminated sign.

A Landscaping Plan was previously submitted in connection with the site plan for the project. A copy is attached. If approved the owner will revise the plan to be in full compliance with Section 608.4.A.4.b.i. Specifically, there will be a landscaped area around the sign with an area of at least 80 square feet. (2.5 x the square footage of the sign --- $32 \text{ feet} \times 2.5 = 80 \text{ square feet}$.) The landscaped area will contain living native shrubs and/or annual or native perennial ground cover plants placed throughout the landscaped area and having spacing of not greater than three (3) feet on center.

Summary:

The lot already has city approval for use as a storage unit facility. The lot has frontage on Route 4, Riverside Drive, and Fellows Hill Road. The one-sided sign will face toward Route 4 and away from Fellows Hill Road. Behind the sign the land is thickly wooded, and the land behind the sign has a sharp downward incline. Therefore, there is no impact from that direction as those homes are at or towards the bottom of the hill. The same is true as to other nearby homes. The sign would not face them and there are thick woods blocking the sign. The back of the sign will be painted black, so no light will emanate from the back. The front will be painted black so only the lettering and symbols facing Route 4 will appear to be lighted. The sign's luminance will measure no more than 0.3 fc above ambient light conditions. The sign will be illuminated only at times as permitted by the ordinance.

Across Riverside Drive is the Calvary Baptist Church. Very little of the sign, if any at all, would be seen from the church building. Across Route 4, the direction the sign will face, is the GC zone where the Carroll Tire property is located. Also, a short distance down Riverside Drive, are the veterinary clinic, the pellet stove store, another storage unit facility, and an automobile repair business, all with signage promoting the businesses. Hence, the proposed sign is compatible with the general surroundings. Attached are a preliminary sketch showing the design for the sign, a photograph of the area with a sign drawn in depicting the general location of the proposed sign, a site plan showing the location of buildings relative to the proposed location of the sign, and a landscaping area sketch. We believe the sign is strategically placed on the property to maximize visibility from Route 4 while minimizing or eliminating any visual impact on neighboring properties. We further believe the proposed sign is necessary to ensure safety and convenience of customers accessing the storage unit facility, is consistent with the use as a storage unit rental facility and will not detract from the residential designation of the area as it now exists. In fact, with frontage on busy Route 4 and across the road from the GC zone and the Carroll Tire facility, one might argue the subject property might more appropriately be characterized as part of the GC zone.

The variances will not be contrary to the public interest.

By improving the visibility of the storage unit facility, the proposed sign will contribute to enhanced safety for customers and passersby as it would facilitate easier navigation to the facility, reducing likelihood of accidents. The proposed size of the sign (4' x 8'), the height of the proposed sign (6'), and the internal lighting, are sensible and necessary so that drivers and the public will be able to easily see the sign without hesitation or confusion as to the location of the business. Careful consideration has been given to the design and placement of the sign to ensure that it will blend in harmoniously and will have little or no affect upon residential owners in the area. The sign will be designed to complement the surrounding environment and will not emit excessive light or noise.

The spirit of the ordinance is observed.

Section 608.1 of the ordinance sets for the purposes and intent to create a legal framework for a comprehensive and balanced system of signs. The proposed sign does not conflict with the purposes stated. It will not create clutter or distraction, harm property values, or business opportunities. It will create and not impair the free flow of traffic as it will direct motorists to the business location most easily. The sign will be designed so that it is aesthetically pleasing and will be integrated with the surroundings. The property is already permitted for the commercial enterprise of a storage unit facility. The proposed sign is entirely compatible with the business and appropriate to the activity displaying the sign. It will assist drivers and the public in easily locating the business, thus contributing to driver safety.

Substantial justice is done.

When assessing whether substantial justice would be served in granting zoning variances it is important to consider the balance of interests between the owner and the broader community. The owner seeks to enhance the visibility and accessibility of his business. In this case it seems there would be no significant negative impact upon the broader community if these variances were granted. The proposed size, height and lighting of the sign are essential for business vitality, particularly given its location on the busy Route 4. Denying the variances would unduly burden the owner and hinder its ability to operate effectively. The proposed sign will serve the public benefit by improving safety and convenience for those using the storage unit site, and it will reduce the likelihood of drivers having to search for the

facility, thereby slowing traffic. As discussed in the opening, granting of the variances is unlikely to result in any adverse effect on the neighboring properties. Careful consideration has been given to the design and placement of the sign. It will not negatively impact the property it faces, across Route 4 to the GC zone. Behind the sign (the back of the sign will be plain, painted black, and without lettering) is a wooded area and a sharp hill downward, which would largely shield the sign from Fellows Hill Road. As pointed out above, the proposed oversized sign is not contrary to the stated purposes set forth in Section 608.1. Denying the variances would leave the property owner with limited alternatives for effectively promoting its business. Hence, granting the variances represents a reasonable and equitable solution to address the property owner's needs, while maintaining the integrity of the zoning ordinance.

The values of surrounding properties are not diminished.

As noted above, the proposed sign is one sided and will be designed and placed in a manner that minimizes any negative visual effect on surrounding properties. Careful consideration has been given to factors such as height, materials, and aesthetics, so as to be consistent with the environment along Route 4. Also as noted, the sign will face Route 4 and the general commercial zone across the street, and behind the proposed sign is a wooded area and steep hill which would shield it from Fellows Hill Road. A relatively short distance down Riverside Drive are the veterinary clinic, the pellet stove store, another storage unit facility, and an auto repair garage – all with signage promoting the businesses. Hence, the owner's storage unit rental site exists in a mixed environment that already includes both residential and commercial properties. Accordingly, the proposed sign will not have a significant impact on the character of the neighborhood. Therefore, the values of surrounding properties are not likely to be or expected to be negatively impacted by the presence of the proposed sign.

Literal enforcement of the provision of the ordinance would result in unnecessary hardship.

Denial of the variances would create an unnecessary hardship for the owner because of the special condition of this property. Looking at the zoning map, the property is within a small pocket of an RL-1 zone. Within that pocket, only the subject and Calvary Baptist Church have frontage on busy Route 4. The subject, unlike other lots in the pocket, is already approved for commercial use. There is no fair and substantial relationship between the public purpose of the ordinance's provisions as to size and lighting limitations when applied to the proposed sign

being placed on this specific property. The purposes of Section 608.1 have been outlined above, and they are not defeated by the proposed sign. The proposed sign will face Route 4 and the GC zone on one side and will be shielded by woods and steep terrain on the other. Furthermore, the property is in an already mixed environment, and has an existing legal commercial use. All of these factors support the assertion that the proposed sign is reasonable given the totality of the circumstances.



PROPOSED
SIGN PLACEMENT

15. Landscape Requirement	6,420
Total number of trees required=	11
Total number of trees provided=	29 (+ 270 Seedlings)
Total number of shrubs required=	43
Total number of shrubs provided=	62

- 1) Please use a site plan to show plant C-1-C-2 for all UT locations.
- 2) All new plant material shall be grown to nursery stock.
- 3) All new plant material shall be grown to nursery stock.
- 4) Any substitutions made to this plan must be approved by the client and are subject to review by the city of Lebanon Planning Board.
- 5) All Plantings shall be planted in loam containing 5% of organic material.
- 6) All shrubs shall be kept away from the trunk of the tree.
- 7) Per the plan nos. 6-B.3.3 All new plant material shall be nursery grown stock.
- 8) Per the plan nos. 6-B.3.4, 6.3.5, the time of planting shall be decided trees shall have a minimum of 5.5" in caliper, measured 6' above final grade level; all evergreen trees shall be a minimum of 6" in height. All shrubs per the plan nos. 6-B.4.1, 6.4.2, 6.4.3, 6.4.4, 6.4.5, 6.4.6, 6.4.7, 6.4.8, 6.4.9, 6.4.10, 6.4.11, 6.4.12, 6.4.13, 6.4.14, 6.4.15, 6.4.16, 6.4.17, 6.4.18, 6.4.19, 6.4.20, 6.4.21, 6.4.22, 6.4.23, 6.4.24, 6.4.25, 6.4.26, 6.4.27, 6.4.28, 6.4.29, 6.4.30, 6.4.31, 6.4.32, 6.4.33, 6.4.34, 6.4.35, 6.4.36, 6.4.37, 6.4.38, 6.4.39, 6.4.40, 6.4.41, 6.4.42, 6.4.43, 6.4.44, 6.4.45, 6.4.46, 6.4.47, 6.4.48, 6.4.49, 6.4.50, 6.4.51, 6.4.52, 6.4.53, 6.4.54, 6.4.55, 6.4.56, 6.4.57, 6.4.58, 6.4.59, 6.4.60, 6.4.61, 6.4.62, 6.4.63, 6.4.64, 6.4.65, 6.4.66, 6.4.67, 6.4.68, 6.4.69, 6.4.70, 6.4.71, 6.4.72, 6.4.73, 6.4.74, 6.4.75, 6.4.76, 6.4.77, 6.4.78, 6.4.79, 6.4.80, 6.4.81, 6.4.82, 6.4.83, 6.4.84, 6.4.85, 6.4.86, 6.4.87, 6.4.88, 6.4.89, 6.4.90, 6.4.91, 6.4.92, 6.4.93, 6.4.94, 6.4.95, 6.4.96, 6.4.97, 6.4.98, 6.4.99, 6.4.100, 6.4.101, 6.4.102, 6.4.103, 6.4.104, 6.4.105, 6.4.106, 6.4.107, 6.4.108, 6.4.109, 6.4.110, 6.4.111, 6.4.112, 6.4.113, 6.4.114, 6.4.115, 6.4.116, 6.4.117, 6.4.118, 6.4.119, 6.4.120, 6.4.121, 6.4.122, 6.4.123, 6.4.124, 6.4.125, 6.4.126, 6.4.127, 6.4.128, 6.4.129, 6.4.130, 6.4.131, 6.4.132, 6.4.133, 6.4.134, 6.4.135, 6.4.136, 6.4.137, 6.4.138, 6.4.139, 6.4.140, 6.4.141, 6.4.142, 6.4.143, 6.4.144, 6.4.145, 6.4.146, 6.4.147, 6.4.148, 6.4.149, 6.4.150, 6.4.151, 6.4.152, 6.4.153, 6.4.154, 6.4.155, 6.4.156, 6.4.157, 6.4.158, 6.4.159, 6.4.160, 6.4.161, 6.4.162, 6.4.163, 6.4.164, 6.4.165, 6.4.166, 6.4.167, 6.4.168, 6.4.169, 6.4.170, 6.4.171, 6.4.172, 6.4.173, 6.4.174, 6.4.175, 6.4.176, 6.4.177, 6.4.178, 6.4.179, 6.4.180, 6.4.181, 6.4.182, 6.4.183, 6.4.184, 6.4.185, 6.4.186, 6.4.187, 6.4.188, 6.4.189, 6.4.190, 6.4.191, 6.4.192, 6.4.193, 6.4.194, 6.4.195, 6.4.196, 6.4.197, 6.4.198, 6.4.199, 6.4.200, 6.4.201, 6.4.202, 6.4.203, 6.4.204, 6.4.205, 6.4.206, 6.4.207, 6.4.208, 6.4.209, 6.4.210, 6.4.211, 6.4.212, 6.4.213, 6.4.214, 6.4.215, 6.4.216, 6.4.217, 6.4.218, 6.4.219, 6.4.220, 6.4.221, 6.4.222, 6.4.223, 6.4.224, 6.4.225, 6.4.226, 6.4.227, 6.4.228, 6.4.229, 6.4.230, 6.4.231, 6.4.232, 6.4.233, 6.4.234, 6.4.235, 6.4.236, 6.4.237, 6.4.238, 6.4.239, 6.4.240, 6.4.241, 6.4.242, 6.4.243, 6.4.244, 6.4.245, 6.4.246, 6.4.247, 6.4.248, 6.4.249, 6.4.250, 6.4.251, 6.4.252, 6.4.253, 6.4.254, 6.4.255, 6.4.256, 6.4.257, 6.4.258, 6.4.259, 6.4.260, 6.4.261, 6.4.262, 6.4.263, 6.4.264, 6.4.265, 6.4.266, 6.4.267, 6.4.268, 6.4.269, 6.4.270, 6.4.271, 6.4.272, 6.4.273, 6.4.274, 6.4.275, 6.4.276, 6.4.277, 6.4.278, 6.4.279, 6.4.280, 6.4.281, 6.4.282, 6.4.283, 6.4.284, 6.4.285, 6.4.286, 6.4.287, 6.4.288, 6.4.289, 6.4.290, 6.4.291, 6.4.292, 6.4.293, 6.4.294, 6.4.295, 6.4.296, 6.4.297, 6.4.298, 6.4.299, 6.4.300, 6.4.301, 6.4.302, 6.4.303, 6.4.304, 6.4.305, 6.4.306, 6.4.307, 6.4.308, 6.4.309, 6.4.310, 6.4.311, 6.4.312, 6.4.313, 6.4.314, 6.4.315, 6.4.316, 6.4.317, 6.4.318, 6.4.319, 6.4.320, 6.4.321, 6.4.322, 6.4.323, 6.4.324, 6.4.325, 6.4.326, 6.4.327, 6.4.328, 6.4.329, 6.4.330, 6.4.331, 6.4.332, 6.4.333, 6.4.334, 6.4.335, 6.4.336, 6.4.337, 6.4.338, 6.4.339, 6.4.340, 6.4.341, 6.4.342, 6.4.343, 6.4.344, 6.4.345, 6.4.346, 6.4.347, 6.4.348, 6.4.349, 6.4.350, 6.4.351, 6.4.352, 6.4.353, 6.4.354, 6.4.355, 6.4.356, 6.4.357, 6.4.358, 6.4.359, 6.4.360, 6.4.361, 6.4.362, 6.4.363, 6.4.364, 6.4.365, 6.4.366, 6.4.367, 6.4.368, 6.4.369, 6.4.370, 6.4.371, 6.4.372, 6.4.373, 6.4.374, 6.4.375, 6.4.376, 6.4.377, 6.4.378, 6.4.379, 6.4.380, 6.4.381, 6.4.382, 6.4.383, 6.4.384, 6.4.385, 6.4.386, 6.4.387, 6.4.388, 6.4.389, 6.4.390, 6.4.391, 6.4.392, 6.4.393, 6.4.394, 6.4.395, 6.4.396, 6.4.397, 6.4.398, 6.4.399, 6.4.400, 6.4.401, 6.4.402, 6.4.403, 6.4.404, 6.4.405, 6.4.406, 6.4.407, 6.4.408, 6.4.409, 6.4.410, 6.4.411, 6.4.412, 6.4.413, 6.4.414, 6.4.415, 6.4.416, 6.4.417, 6.4.418, 6.4.419, 6.4.420, 6.4.421, 6.4.422, 6.4.423, 6.4.424, 6.4.425, 6.4.426, 6.4.427, 6.4.428, 6.4.429, 6.4.430, 6.4.431, 6.4.432, 6.4.433, 6.4.434, 6.4.435, 6.4.436, 6.4.437, 6.4.438, 6.4.439, 6.

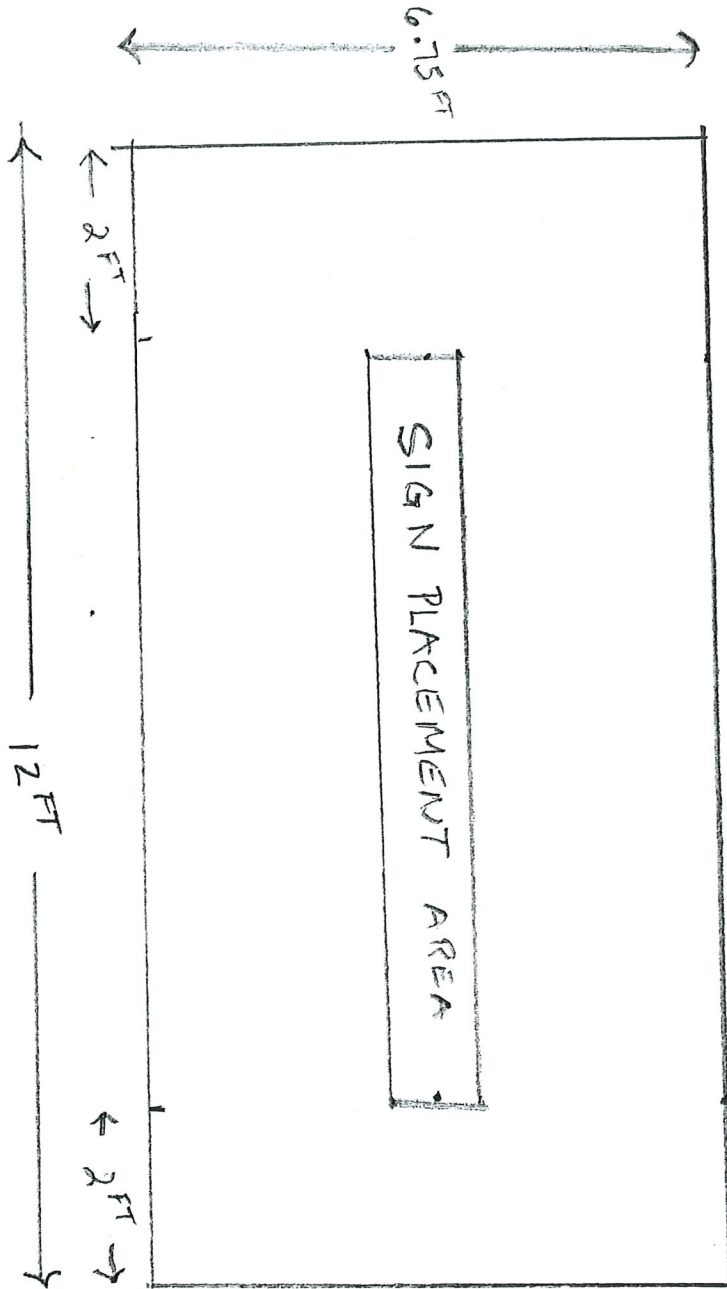


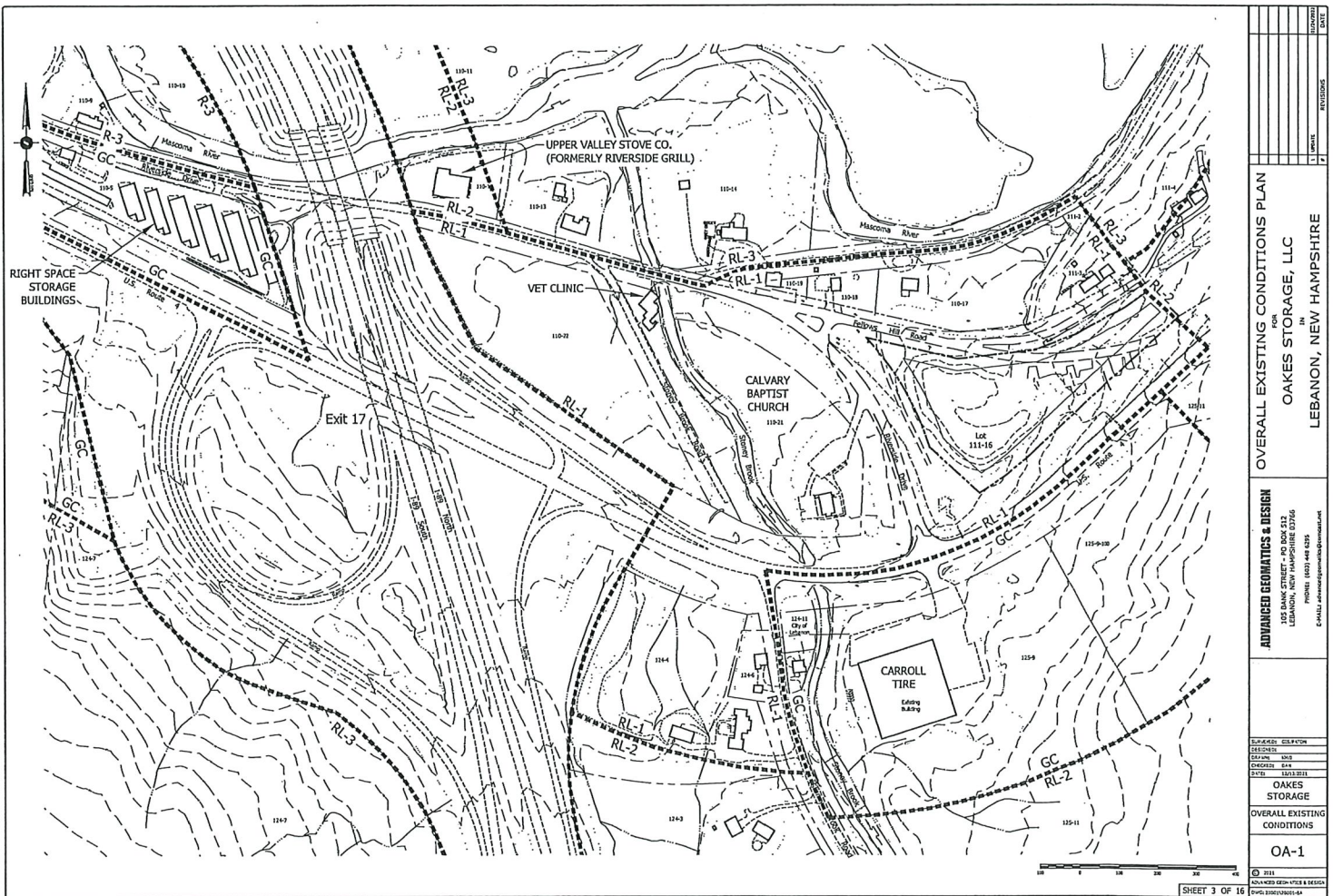
Landscape Plan
created for:
Oakes Storage, LLC
Located in:
Lebanon, NH

Date: 1/24/22

L-1

LANDSCAPING AREA
w/ COVER PLANTS EXCEPT
IN SIGN PLACEMENT AREA





NO.	DATE	REVISIONS
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		

CHEN, JOHN
PO BOX 33
CANAAN, NH 03741

TANG, TANDY & HUE
10 MILL RD
LEBANON, NH 03766

MORRILL, ERIC K & SUSAN M
3 FELLOWS HILL RD
LEBANON, NH 03766

JORDAN CHAUSSE LLC
PO BOX 893
LEBANON, NH 03766

CALVARY INDEPENDENT BAPTIST
PO BOX 28
ENFIELD, NH 03748

CITY OF LEBANON
51 NORTH PARK ST
LEBANON, NH 03766

MOFFITT, THOMAS J TTEE
83 RIVERSIDE DR
LEBANON, NH 03766

ALMSTROM, S D & K L CO-TTEES
23 FELLOWS HILL RD
LEBANON, NH 03766

CARROLLS LLC/TBC CORP
PO BOX 52427
ATLANTA, GA 30355

CARROLLS LLC/TBC CORP
PO BOX 52427
ATLANTA, GA 30355

CARROLLS LLC/TBC CORP
PO BOX 52427
ATLANTA, GA 30355

Abutters List

CERTIFIED NOTIFICATION LIST

THE CITY OF LEBANON IS REQUIRED UNDER NH RSA 672:3 TO NOTIFY THE FOLLOWING PERSONS OF PUBLIC HEARINGS BEFORE THE PLANNING BOARD: ALL ABUTTERS; THE APPLICANT; PROPERTY OWNER; HOLDER OF CONSERVATION, PRESERVATION, OR AGRICULTURAL PRESERVATION RESTRICTION(S); AND EVERY ENGINEER, ARCHITECT, LAND SURVEYOR, OR SOIL SCIENTIST WHOSE PROFESSIONAL SEAL APPEARS ON ANY PLAT SUBMITTED TO THE BOARD.

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

MAP & LOT NUMBER: 111-16 PROPERTY OWNER: <i>Oakes Storage LLC</i> Robert&John Oakes 209 Dartmouth College Hwy Lebanon, NH 03766	MAP & LOT NUMBER: 111-16 APPLICANT: <i>Oakes Storage LLC</i> Robert&John Oakes 209 Dartmouth College Hwy Lebanon, NH 03766
MAP & LOT NUMBER: 110-17 ABUTTER/OTHER: ✓ Tandy & Hue Tang 10 Mill Road Lebanon, NH 03766	MAP & LOT NUMBER: 110-18 ABUTTER/OTHER: ✓ Erik&Susan Morrill 3 Fellows Hill Road Lebanon, NH 03766
MAP & LOT NUMBER: 110-21 ABUTTER/OTHER: ✓ Calvary Independent Baptist 90 Riverside Drive Lebanon, NH 03766	MAP & LOT NUMBER: 111-03 ABUTTER/OTHER: ✓ Thomas J. Moffitt 83 Riverside Drive Lebanon, NH 03766
MAP & LOT NUMBER: 111-04 ABUTTER/OTHER: ✓ SD&LK Alstrom 23 Fellows Hill Road Lebanon, NH 03766	MAP & LOT NUMBER: 125-9 ABUTTER/OTHER: ✓ Carrols LLC/TBC Corp PO Box 52427 Atlanta, GA 30355
MAP & LOT NUMBER: 125-9-100 ABUTTER/OTHER: ✓ Carrols LLC/TBC Corp PO Box 52427 Atlanta, GA 30355	MAP & LOT NUMBER: 125-11 ABUTTER/OTHER: ✓ Carrols LLC/TBC Corp PO Box 52427 Atlanta, GA 30355
MAP & LOT NUMBER: _____ ABUTTER/OTHER: Engineer Advanced Geomatics PO Box 512 Lebanon, NH 03766	MAP & LOT NUMBER: _____ ABUTTER/OTHER:



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

NOTICE OF DECISION LEBANON ZONING BOARD OF ADJUSTMENT

The Lebanon Zoning Board of Adjustment, at a regular meeting held on **March 1, 2021**, approved the following motion made by Paul McDonough, seconded by Al Patterson, by a vote of **3-2**:

"On **February 1, 2021**, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Robert Oakes and his counsel, Attorney Dick Hughes on behalf of **Robert G. Oakes & John T. Oakes** regarding **92 Riverside Drive** (Tax Map 111, Lot 16), zoned RL-1. Applicants obtained a Variance from Article III, Section 312.2 of the Zoning Ordinance to construct commercial self-storage units, which is not a permitted use in the RL-1 District (ZB2020-08-VAR). Applicants now request an amendment to the Variance approval in order to allow larger buildings and changes to the proposed site layout, as well as a Variance from Section 312.2 to allow building coverage of +/-23.33% where a maximum of 15% is allowed for Class 3 lots in the RL-1 District. **ZB2020-36-VAR**

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 lot is a triangular-shaped property located to the east of the I-89 interchange at Exit 17 and is bounded by Dartmouth College Highway to the southeast, and Riverside Drive to the west.
2. Prior to August 2020, the property was bounded by Fellows Hill Road to the north. However, in August 2020, the City Council approved a discontinuance of the portion of Fellows Hill Road located between the subject property and the City's property at 0 Riverside Drive (identified as Tax Map 111, Lot 3, Plot 100). Ownership of the discontinued right-of-way is now held by the abutters on either side to the center of the former right-of-way.
3. The property is currently improved with a one-family dwelling.
4. The applicants obtained a Variance from the Zoning Board on March 2, 2020 (ZB2020-08-VAR) to remove the existing one-family dwelling and to construct commercial self-storage units. Per condition of approval #5 as set forth in the March 2, 2020 Zoning Board of Adjustment Notice of Decision, the Variance was approved with several conditions including a condition that "[t]he site plan will be substantially similar to what was presented to the Board."
5. The applicants now request an "amendment" to the Variance approval in order to allow larger buildings (+/- 9,600 sq. ft. was approved as part of ZB2020-08-VAR; a total of +/-26,176 sq. ft. is now proposed) and changes to the proposed site layout. In the view of the Zoning Administrator, the revised layout is substantially different than the layout approved by the Zoning Board, and therefore does not comply with condition of approval #5 of the Board's March 2, 2020 Notice of Decision.
6. There is no procedure under state statute or the Zoning Ordinance to "amend" a Variance approval. Consequently, the applicants must reapply for the Variance from Section 312.2 of the Zoning Ordinance and demonstrate compliance with the Variance criteria.
7. Moreover, the applicants now propose building coverage in an amount that exceeds the maximum permitted in the RL-1 District and, therefore, require a Variance from the maximum building coverage limitation set forth in Section 312.3 of the Zoning Ordinance.
8. A self-storage facility is considered a "warehouse" pursuant to the definition of "warehouse" set forth in Appendix A of the Zoning Ordinance. A warehouse is not a permitted use in the RL-1 District per Section 312.2 of the Zoning Ordinance. Consequently, in order to allow a self-storage facility on the property, the applicants must obtain a Variance from the RL-1 District table of uses set forth in Section 312.2.

NOTICE OF DECISION

92 Riverside Drive (Tax Map 111, Lot 16)

ZB2020-36-VAR

March 1, 2021

Page 2 of 3

9. The subject property is not served by municipal sewer and, therefore, is considered a Class 3 lot (per Appendix A, definition of "Classification (Classes) of Lots"). In the RL-1 District, maximum building coverage of 15% is allowed for Class 3 lots, whereas the applicant proposes total building coverage of the existing lot of +/- 23.33%. Consequently, a Variance is required from Section 312.3.
10. To obtain the requested Variances, the applicants 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 applicants have submitted testimony addressing the Section 801.2 Variance criteria in an application received by the Planning & Development Department on November 16, 2020.
11. The applicant testified that, after receiving the March 2020 relief, they learned that the plan upon which they had based their application was not feasible to construct.
12. Abutter Eric and Susan Morrill of Fellows Hill Road testified about their concerns regarding drainage and hydraulic issues on the road.
13. Abutter Tandy Tang of Mill Road testified that she was not completely opposed to having self-storage at the applicant's property, but she expressed concerns about the business hours, access in the residential neighborhood, light pollution in a dark residential area, and the increased size of the proposal.
14. Abutter Scott Almstrom of Fellows Hill Road testified that if the variance was approved, he would like the use conditioned on being limited to only self-storage.

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** be contrary to the public interest. (Section 801.2.A.1)
2. The spirit of the ordinance **is** observed. (Section 801.2.A.2)
The Board recognizes that the purpose of the RL-1 District is to provide areas of transition between denser urban areas and RL-2 and RL-3 areas, but agrees that this application does not violate that goal.
3. Substantial justice **is** done. (Section 801.2.A.3)
Construction of a storage facility, previously approved by the Board, which now proposes a larger footprint, does not violate the spirit or intent of the ordinance.
4. The values of surrounding properties **are not** diminished. (Section 801.2.A.4)
The applicant asserts, and there was no evidence presented, that the surrounding property values would be diminished in light of the improvements proposed to the current state of the property.
5. Literal enforcement of the provisions of the ordinance **would** 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):

Testimony provided by the applicant included the unchallenged assertion that a smaller structure would not be feasible.

- i. There **is not** 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)

The size restrictions unfairly limit the development proposed by the applicant.

- ii. The proposed use **is** a reasonable one. (Section 801.2.A.5.a.ii)
A storage facility, unopposed by any abutters, conditioned upon the successful addition of adjoining property and thereby reducing the percentage footprint, is reasonable. Approval is contingent upon the applicant acquiring the adjacent property described in the application.

III. DECISION

NOTICE OF DECISION

92 Riverside Drive (Tax Map 111, Lot 16)

ZB2020-36-VAR

March 1, 2021

Page 3 of 3

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **1st day of March, 2021**, hereby **GRANTS** the requested Variances, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicants shall obtain site plan approval from the Planning Board, a building permit, and a certificate of occupancy; shall pay an impact fee pursuant to §213 of the Zoning Ordinance; and shall comply with all applicable local, state, and federal regulations in the construction and use of the proposed self-storage facility.
2. The applicants are advised that any changes to the site layout and/or building footprint as depicted on the applicant's exhibit, and/or any changes to the applicant's operations as described in the application materials and at the hearing shall require a new Variance from the Zoning Board of Adjustment pursuant to Section 801.2 of the Zoning Ordinance.
3. All available efforts to avoid drainage and hydraulic issues shall be required.
4. The site shall be used for interior self-storage only.
5. Business hours shall be limited to 6AM to 8PM.
6. Artificial lighting shall be designed to limit light pollution."

Notice of Decision prepared by: Crystal Adams, Administrative Assistant, March 10, 2021

NOTE: (NH RSA 677:2) Within 30 days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed.

s:\pln\development_review\zoning board applications\2020 zba_applications\zb2020-36-var_92 riverside dr_111-016\111-016_2021-03-01_zb2020-36-var_nod.docx

92 Riverside Drive



04/04/2021



Image capture: Sep 2023 © 2024 Google





Enfield, New Hampshire

Google Street View

Sep 2023 [See more dates](#)

Image capture: Sep 2023 © 2024 Google







LAKE STORAGE




OAKES STORAGE



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

June 3rd 2024 - Regular Meeting

Staff Memorandum – ZB2024-15-SEVAR

APPLICATION INFORMATION

Agenda Item: 3.D

Application Type:

Special Exception pursuant to
Sections §309.2, §601 and §801.3.
Variance Pursuant to
Section 702.5.D

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: The applicant requests a Special Exception from Section §309.2, pursuant to Section §702.5 of the Zoning Ordinance, and a Variance from section §702.5.D to allow the expansion of the existing non-conforming use via construction of a new 2-story, 3,882 sq ft office building for use in connection with the existing multi-family development. **ZB2024-15-SEVAR**

BACKGROUND

The property is improved with 8 multi-family buildings with 30 dwelling units constructed between 1973 and 1978 per the City Assessor's records. 16 units 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 would like to build a new detached 2-story, 3,882 sq ft office building that would more effectively achieve their purposes.

The existing attached office is an accessory use to the existing non-conforming multi-family use. The proposed new detached office will constitute an expansion of an existing non-conforming use and requires a Special Exception pursuant to Section 702.5 and a Variance pursuant to Section 702.5.D of the Zoning Ordinance which prohibits the expansion of a legal non-conforming use into a new building or to any portion that was not occupied by the non-conforming use at the time such use became non-conforming.

ZONING ORDINANCE REQUIREMENTS

SPECIAL EXCEPTION

Section 702.5 allows for the expansion of a non-conforming use by special exception. 703.5.D requires that the expansion must be of an existing building, for the proposed detached building to be permitted a variance from the 703.5.D restriction is required. Thus, a variance is needed for a new detached structure and a special exception is needed for building the new office building.

§702.5 Expansion of Use.

A. The Zoning Board of Adjustment may, by special exception, permit a legal non-conforming use pursuant to Section 700 to be expanded, provided that the following tests are met in lieu of Section 801.3:

1. The proposed expansion must reflect the nature and purpose of the existing non-conforming use, and must be closely related to the manner in which the property was used at the time the restriction was enacted.
2. The proposed expansion must be merely a different manner of utilizing the same use, and shall not constitute a use which is different in character, nature, or kind.
3. The proposed expansion shall not have a substantially different effect on the neighborhood in which the property is located.

B. As part of a proposed expansion under subsection A, the Board of Adjustment may allow a legal non-conforming use to expand into an addition to an existing building occupied by the non-conforming use provided that the gross floor area of the addition is no greater than ten percent (10%) of the size of the gross floor area of the existing building measured as of January 22, 2020.

C. The Board of Adjustment may attach conditions and parameters to its decision, as set forth in Section 802.4.B, to assure that the scope of the expansion continues to meet the standards set forth in subsection A.

D. In no case shall a legal non-conforming use in whole or in part be allowed to expand into a new building, or (except as allowed under subsection B) to any portion of the lot that was not occupied by the non-conforming.

§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.

703.1 Expansion.

Expansion of non-conforming parts of buildings or structures, may be allowed only by special exception as set forth herein. For purposes of this section, the term “expansion” shall include any increase in the footprint and/or volume of the non-conforming part of the building or structure.

A. The Board shall make each of the following findings:

- 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 non-conforming 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.*

B. Those parts of any non-conforming building or structure which are conforming may be expanded provided the expansion is conforming and the use is not changed.

APPLICATION AND SUPPORT STATEMENT

The applicant has submitted testimony addressing the §801.3 and §703.1.A criteria and the in an application received by the Planning and Development Department on May 13th 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 §703.1A.

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
Zoning Board of Adjustment
June 3, 2024 Meeting

DRAFT MOTION for:

Agenda Item 3.D

Case ZB2024-15-SEVAR

Request for Special Exception from Section 309.2 & Variance from Section 702.5.D

Motion made by: _____

June 3, 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____,

regarding 31 Romano Circle (Tax Map 101, Lot 20), zoned R2: The applicant requests a Special Exception from Section 309.2, pursuant to Section 702.5 of the Zoning Ordinance, and a Variance from section 702.5.D to allow the expansion of the existing non-conforming use via construction of a new 2-story, 3,882 sq ft office building for use in connection with the existing multi-family development. ZB2024-15-SEVAR

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 multi-building 46-unit apartment complex including an accessory use office space.
2. To expand the current nonconforming use a special exception pursuant to §702.5 is required and the applicant must demonstrate compliance with the criteria as required in §801.3 and §703.1.
3. To obtain the requested Variance from §702.5.D and allow for the expansion of the use into a new building, the applicant must demonstrate compliance with each of the five variance criteria as set forth in §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b).

4. _____

5. _____

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 and the special exception criteria set forth in 801.3 and 703.1.A of the Zoning Ordinance:

Variance Criteria per 801.2:

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 (Section 801.2.A.5.a):

- i. 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.

- ii. The proposed use **is / is not** a reasonable one.

Special Exception Criteria pursuant to Section §801.3:

1. The Special Exception is specifically authorized by Section §703.1 and Section §801.3 of the Zoning Ordinance.
2. Further pursuant to the criteria of Expansion of a Nonconforming use in section 703.1.A
 - a. The reasonable use of abutting properties **is not / is** adversely affected by the proposed expansion.

 - b. The proposed expansion **does not / does** render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently non-conforming cannot be made more non-conforming 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. (§801.3.C) *Staff is not aware of any Zoning Ordinance violations on the property.*

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 **3rd day of June, 2024**, hereby **GRANTS / DENIES** the requested special exception and variance as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain site plan approval per the Lebanon Site Plan Review Regulations, a building permit, and a certificate of occupancy, and shall pay impact fees pursuant to §213 of the Zoning Ordinance.

2. _____

3. _____

Motion seconded by: _____

Vote: _____

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

VIA EMAIL (Nathan.Reichert@lebanonnh.gov)

May 13, 2024

City of Lebanon
Zoning Board of Adjustment
c/o Nathan Reichert
City Hall
51 North Park Street
Lebanon, NH 03766

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

Dear Nathan:

As you know, this firm represents Lebanon Housing Authority. Pursuant to our discussions, enclosed please find the following:

1. A modified Special Exception Application and Support Statement, which are intended to replace the Special Exception Application and Support Statement which were filed on March 11, 2024. I understand that the abutters list, plans, and application fee submitted on March 11, 2024 in connection with the original application may be utilized in connection with this modification; however, please let me know if I am mistaken. A check covering the advertising fee and notification fee will be forthcoming via mail.
2. The following materials in relation to a separate but related Variance Application:
 - a. Variance Application
 - b. Support Statement
 - c. Certified Notification List
 - d. Plan (pdf)
 - e. A check for the application and abutters fees, which will be forthcoming via mail.

Please let me know if you require anything further with regard to these Applications.

Sincerely,

/s/ Megan C. Carrier

Megan C. Carrier

Enc.

05/13/24

15023

Lebanon Zoning Board of Appeals

REMITTANCE ADVICE

SHEEHAN PHINNEY BASS & GREEN PA

CHECK NO.:

10858

DATE	INVOICE NUMBER	DESCRIPTION	MATTER #	AMOUNT
05-13-24	43776-4956 MCC		43776-4956	165.52
			TOTAL:	165.52

ORIGINAL CHECK HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE - HOLD AT AN ANGLE TO VIEW

SHEEHAN PHINNEY

1000 Elm Street | PO Box 3701
Manchester, NH 03105-3701

BAR HARBOR BANK & TRUST

10858

52-175

112

PAY ONE HUNDRED SIXTY-FIVE AND 52/100

DATE

05/13/24

NET AMOUNT

\$165.52

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

(Last Revised 4/04/18)

Special Exception Support Statement
31 Romano Circle
Lebanon Housing Authority

The applicant, Lebanon Housing Authority (the “Applicant”), hereby respectfully requests a Special Exception as provided for in Article VII, Section 702.5 of the Lebanon Zoning Ordinance (the “Ordinance”) with respect to its property at 31 Romano Circle, Tax Map 101, Lot 20 (the “Property”) in order to permit expansion of the existing non-conforming multi-family use via construction of a new 2-story, 3,882 square foot accessory use office building for use in connection with the existing multi-family development.

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 30-units along Romano Circle existed prior to the R-2 zoning designation in 1978. In 2007, the Zoning Board granted the Applicant a variance from Article III, Section 309.2 in order to allow construction of the additional 16 units along Doc Place. The two projects together 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 and in connection with the existing multi-family use, the office has become too small to effectively achieve the Applicant’s purposes. Accordingly, the Applicant proposes 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. The New Office will be situated near an existing 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 New Office will include 7 office spaces, 2 interview rooms, a dedicated fingerprinting room, 1 conference room, a document storage room, a kitchenette, a small audio/visual equipment room, and a waiting area. The Applicant does not propose any additional housing units.

Pursuant to the Ordinance’s definition of the term “accessory use,” the New Office will be an accessory use to the existing multi-family use which, absent the impact of Section 702.5, would otherwise be permitted as a matter of right pursuant to Section 215 of the Ordinance. However, pursuant to discussions with the Town’s Planning and Development Director, the Applicant understands that it is the Town’s position that construction of the New Office will also constitute an expansion of the existing non-conforming use pursuant to Section 702.5 of the Ordinance,

thereby triggering additional approval. Accordingly, the Applicant files this special exception application in order to permit that expansion of the non-conforming use.¹

II. Application of Criteria

While special exceptions are typically governed by the criteria set forth in Section 801.3 of the Ordinance, the criteria for special exceptions permitting expansion of a legal non-conforming use are governed by the criteria set forth in Section 702.5(A) of the Ordinance in lieu of the criteria set forth in Section 801.3 of the Ordinance. The Applicant's proposal satisfies the criteria set forth in Section 702.5(A) of the Ordinance as follows:

- a. The proposed expansion must reflect the nature and purpose of the existing nonconforming use, and must be closely related to the manner in which the property was used at the time the restriction was enacted.**

The New Office reflects the nature and purpose of the existing non-conforming use, and is closely related to the manner in which the Property was used at the time the restriction was enacted, because it will be used in connection with the existing non-conforming use. Notably, the Applicant already has and utilizes the Existing Office, such that the existing nonconforming use presently incorporates an accessory office use in addition to the existing multi-family use. The Applicant proposes only to continue that existing use in a larger space that is more appropriate for its needs.

- b. The proposed expansion must be merely a different manner of utilizing the same use, and shall not constitute a use which is different in character, nature, or kind.**

The New Office does not contemplate any change in the current use. Rather, the New Office will be accessory to the existing multi-family use, and will mirror the existing office use presently carried out in the Existing Office.

- c. The proposed expansion shall not have a substantially different effect on the neighborhood in which the property is located.**

The New Office, while larger than the Existing Office, is modest in size and – particularly given the large size of the Property as a whole – there is ample space for its construction. There will be no addition of existing housing units. The New Office will be aesthetically appealing and will

¹ Simultaneously with this special exception application, the Applicant has requested a variance from Section 702.5(D) of the Ordinance, which provides that a legal non-conforming use may not be expanded into a new building or to any portion of the lot that was not occupied by the non-conforming use at the time such use became non-conforming pursuant to Section 700. Notably, pursuant to Section 702.5(B) of the Ordinance, a non-conforming use may be expanded into an addition of an existing building provided that the gross floor area of the addition is no greater than 10% of the size of the gross floor area of the existing building.

blend appropriately with the existing development. An existing natural tree buffer will shield view of the New Office from neighboring lots.

III. Conclusion

For the foregoing reasons, the Applicant respectfully requests that the Board grant it a special exception pursuant to Section 702.5 of the Zoning Ordinance in order to permit expansion of the existing non-conforming use via construction of the New Office.

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: Lebanon Housing Authority TEL.#: (603) 298-5753
MAILING ADDRESS: 31 Romano Circle, West Lebanon, NH 03874
E-MAIL ADDRESS: ditha@lebanonhousing.org

CO-APPLICANT, AGENT, OR LESSEE:

NAME: Megan C. 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:

Construct a 2-story, 3,882 sf office building on the property for use in connection with the existing multi-family development.

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: accessory use office building

SIGNATURE BLOCK:

Ditha Alonso

PROPERTY OWNER

DATE: 5/13/24

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.

Ditha Alonso

PROPERTY OWNER

DATE: 5/13/24

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

(12/07/07)

Variance Support Statement
31 Romano Circle
Lebanon Housing Authority

The applicant, Lebanon Housing Authority (the “Applicant”), hereby respectfully requests a variance from Article VII, Section 702.5(D) of the Lebanon Zoning Ordinance (the “Ordinance”) with respect to its property at 31 Romano Circle, Tax Map 101, Lot 20 (the “Property”) in order to permit expansion of the existing non-conforming multi-family use via construction of a new 2-story, 3,882 square foot accessory use office building for use in connection with the existing multi-family development.

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 30-units along Romano Circle existed prior to the R-2 zoning designation in 1978. In 2007, the Zoning Board granted the Applicant a variance from Article III, Section 309.2 in order to allow construction of the additional 16 units along Doc Place. The two projects together 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 and in connection with the existing multi-family use, the office has become too small to effectively achieve the Applicant’s purposes. Accordingly, the Applicant proposes 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. The New Office will be situated near an existing 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 New Office will include 7 office spaces, 2 interview rooms, a dedicated fingerprinting room, 1 conference room, a document storage room, a kitchenette, a small audio/visual equipment room, and a waiting area.

Pursuant to the Ordinance’s definition of the term “accessory use,” the New Office will be an accessory use to the existing multi-family use which, absent the impact of Section 702.5, would otherwise be permitted as a matter of right pursuant to Section 215 of the Ordinance. However, pursuant to discussions with the Town’s Planning and Development Director, the Applicant understands that it is the Town’s position that construction of the New Office will also constitute an expansion of the existing non-conforming use pursuant to Section 702.5 of the Ordinance. Section 702.5(D) prohibits the expansion of a legal non-conforming use into a new building or to any portion of the lot that was not occupied by the non-conforming use at the time such use

became non-conforming. Accordingly, the Applicant respectfully requests this variance in order to permit construction of the New Office.¹

II. Application of Criteria

The Applicant's variance request satisfies the variance criteria set forth in RSA 674:33, I(a)(2) and Article VIII, Section 801.2 of the Ordinance as follows:

a. The variance, if authorized, will not be contrary to the public interest.

The New Hampshire Supreme Court has held that “to be contrary to the public interest . . . the variance must ‘unduly, and in a marked degree’ conflict with the ordinance such that it violates the ordinance’s ‘basic zoning objectives.’” Chester Rod & Gun Club v. Town of Chester, 152 N.H. 577, 581 (2005) (quotation omitted). The Court has also noted that “[m]ere conflict with the terms of the ordinance is insufficient.” Harborside Assocs. v. Parade Residence Hotel, 162 N.H. 508, 514 (2011). Applying these principles, the Court has established that a variance may be deemed to violate an ordinance’s basic zoning objectives and thus be contrary to the public interest under two circumstances: (1) where “granting the variance would ‘alter the essential character of the neighborhood’”; or (2) where “granting the variance would threaten the public health, safety, or welfare.” Id. (quotation omitted).

The New Office will not alter the essential character of the neighborhood. Rather, because the New Office will be utilized in connection with the existing development on the Property—including the existing accessory office use—its construction does not reflect any change from the current use which could impact the character of the neighborhood. It will be aesthetically pleasing and will blend appropriately with the development currently in existence on the Property and other nearby uses. Moreover, the New Office will be shielded from view from neighboring lots due to an existing natural tree buffer, further limiting any potential impact of its construction on the character of the neighborhood.

Likewise, construction of the New Office will not threaten the public health, safety, or welfare, particularly where no change from the existing use is contemplated and the Applicant does not propose the construction of additional housing units which could theoretically have an impact on municipal services or the surrounding neighborhood. To the extent the New Office will allow the Applicant sufficient space to continue its work towards providing affordable, quality housing to the community, its construction will in fact support the public health, safety, and welfare.

¹ Simultaneously with this variance application, the Applicant has requested a special exception to permit expansion of the existing non-conforming use, via construction of the New Office, in accordance with Article VII, Section 702.5.

b. The variance will observe the spirit of the ordinance.

The New Hampshire Supreme Court has stated, “With respect to the first and second criteria, we have recognized that ‘[t]he requirement that the variance not be contrary to the public interest is related to the requirement that the variance be consistent with the spirit of the ordinance.’” Perreault v. Town of New Hampton, 171 N.H. 183, 186 (2018) (quoting Malachy Glen Assocs. v. Town of Chichester, 155 N.H. 102, 105 (2007)). As set forth above, granting the variance will not be contrary to the public interest because it will not alter the essential character of the neighborhood or threaten the public health, safety, or welfare. For the same reasons, the requested variance would be consistent with the spirit and intent of the Ordinance.

In addition, on information and belief, the spirit of Section 702.5(D) is to prevent expansion of an existing non-conforming use into new structures which might overcrowd the property, place an additional burden on municipal resources, or otherwise increase the perceived negative impacts of the use which formed the basis of its prohibition from the zone. The New Office will not result in overcrowding of the Property given the Property’s size. Moreover, while the New Office may represent a technical expansion of the existing non-conforming use into a new building, the Applicant is not proposing the construction of new housing units which could theoretically impact municipal services or otherwise increase the impacts that the Town sought to avoid when it prohibited multi-family use in the R-2 zone. The relocation of the Applicant’s existing office operations from the Existing Office to the New Office will have no such impact. In light of the foregoing, construction of the New Office is not inconsistent with the spirit of the Ordinance.

c. By the granting of the variance, substantial justice will be done.

The standard for determining whether substantial justice will be done requires weighing the benefit to an individual against a gain to the general public: any loss to the individual that is not outweighed by a gain to the general public is an injustice. Harborside, 162 N.H. at 515. With regard to this factor, it is also appropriate to consider whether the proposed use is consistent with present use. Id.

A denial of the requested variance will result in a loss to the Applicant because the Applicant will be unable to construct an office space that is more suitable for its needs. Conversely, denial of the requested variance will not result in any gain to the general public. As noted above, the relocation of the Applicant’s office operations from the Existing Office to the New Office will have no adverse impact on neighboring properties because the New Office will be aesthetically appealing, will blend appropriately with the existing development, and will be shielded from view from neighboring lots due to the existing natural tree buffer. Moreover, the construction of the New Office will have no impact on municipal resources. Accordingly, denial of the variance would result into a loss to the Applicant which would not be outweighed by a gain to the general public. Under these circumstances, denial of the variance would create an injustice.

- d. **The variance, if authorized, will not diminish the values of surrounding properties.**

There is no evidence to support that construction of the New Office will diminish the value of any surrounding property. The New Office will be aesthetically appealing, and will blend appropriately with the development currently in existence on the Property. Given the large size of the Property, there is ample space for construction of the New Office. The New Office will be shielded from view from neighboring lots due to an existing natural tree buffer.

- e. **Denial of the variance would result in an unnecessary hardship.**

To satisfy this requirement, the Applicant need only show that, “owing to special conditions on the property that distinguish it from other properties in the area: [n]o fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.” RSA 674:33, I(b)(1) (internal numbering omitted). In the alternative, unnecessary hardship may be found “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 conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.” RSA 674:33(b)(2).

1. **Special conditions on the property distinguish it from other properties in the area.**

A number of special conditions distinguish the Property from other lots in its immediate neighborhood. Most notably, for purposes of this variance request, the Property can be distinguished from other properties in the area given its size (significantly larger than other nearby lots), the fact that it is already in use as a multi-family housing development, and the fact that it already features an office use which is accessory to that existing development.

- a. **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.**

As noted above, on information and belief, the purpose of Section 702.5(D) is to prevent expansion of an existing non-conforming use into new structures which might overcrowd the property, place an additional burden on municipal resources, or otherwise increase the perceived negative impacts of the use which formed the basis of its prohibition from the zone.

No fair and substantial relationship between those purposes of Section 702.5(D) and their application to the Property exists because (1) due to the size of the Property, it is possible to construct the New Office in a manner that will not result in overcrowding; (2) the principal non-conforming use on the Property is the multi-family housing, and the Applicant does not propose additional housing units; and (3) relocation of the Applicant’s business operations from the

Existing Office to the New Office will have no impact on municipal resources. In short, even if Section 702.5(D) of the Ordinance is not enforced in this instance, its purposes will nonetheless be achieved given the size of the Property and the nature of its current use. Under these circumstances, there is no fair and substantial relationship between the purposes of Section 702.5(D) and its application to the Property.

b. The proposed use is a reasonable one.

The proposed use—construction of the New Office—is a reasonable one because (1) there is already an accessory office use in existence on the Property; (2) given growth in its operations, the Applicant reasonably requires additional space to carry out its work and the service it provides to the community; (3) given the size of the Property and the nature of the proposed New Office, it is possible to construct the New Office in a manner that will be inobtrusive and will have no impact on adjacent lots or the neighborhood as a whole; and (4) construction of the New Office will have no impact on municipal resources.

2. In the event that the Board were to find that the criteria in subparagraph (1) above are not established, an unnecessary hardship nonetheless exists because, owing to special conditions of the Property that distinguish it from other properties in the area, the Property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The Applicant relies upon the arguments set forth above that, owing to special conditions of the Property, the proposed use is reasonable, and no fair and substantial relationship exists between the purpose of the Ordinance provision in question and the specific application of that provision to the Property. In the alternative, although the Property could potentially be reasonably used in strict conformance with the Ordinance, strict enforcement of the Ordinance provision in question in this context would unreasonably and unjustly prevent the Applicant from constructing the New Office given all of the information set forth herein and the limited impact the New Office will have on the neighborhood and the community. Denying the requested variance would, therefore, result in an unnecessary hardship.

III. Conclusion

For the foregoing reasons, the Applicant respectfully requests that the Board grant it a variance Section 702.5(D) of the Zoning Ordinance in order to permit expansion of the existing non-conforming use via construction of the New Office.

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.

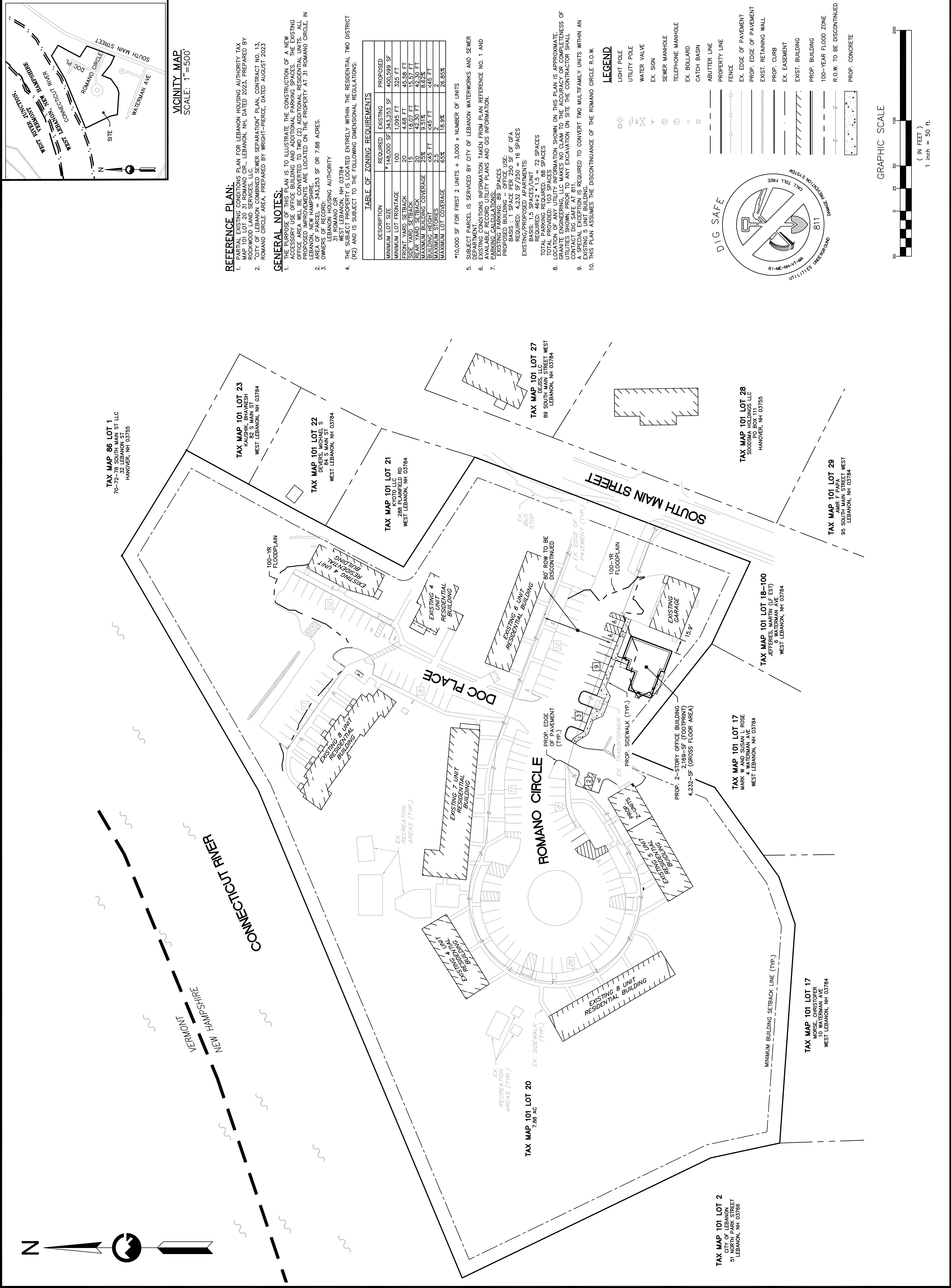
Source. 1983, 447:1. 1986, 33:2. 2002, 216:1, eff. July 15, 2002.

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, NH 03784

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)

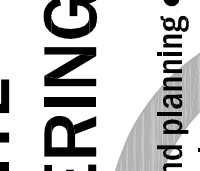


GRANITE
ENGINEERING

civil engineering
land planning
municipal services

[illegible]

OWNER/APPLICANT:
LEBANON HOUSING AUTHORITY
31 ROMANO CIR
WEST LEBANON, NH 03784



**GRANITE
ENGINEERING**

**civil engineering • land planning •
municipal services**

130 Dow Street, Tower 2, Suite 42H
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		

31 Romano - Rear



© All EagleView Technology Corporation

Romano Cir Top



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

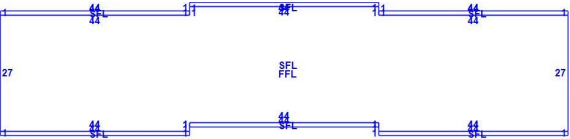
Building Attributes	
Field	Description
CNS_USRFLD_301	
CNS_USRFLD_302	
Model	COMMERCIAL
Style	APARTMENT
Grade	Average
Stories	2
Units	
Residential Units	6
Comm Units	0.00
Wall Height	
Exterior Wall 1	FIBER CMT
Exterior Wall 2	BRICK VENR
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior Wall 1	DRYWALL
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

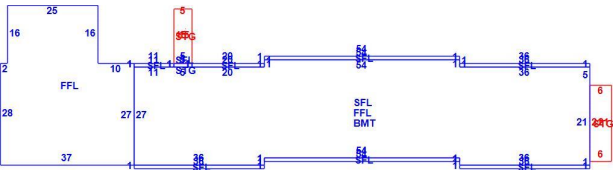
Building Attributes : Bldg 2 of 5	
Field	Description
CNS_USRFLD_301	
CNS_USRFLD_302	
Model	COMMERCIAL
Style	APARTMENT
Grade	Average
Stories	2
Units	
Residential Units	7
Comm Units	1.00
Wall Height	
Exterior Wall 1	FIBER CMT
Exterior Wall 2	BRICK VENR
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior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

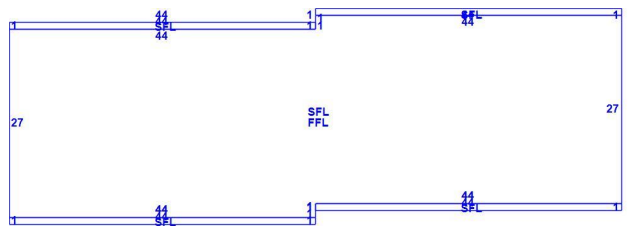
Grade	Average
Stories	2
Units	
Residential Units	4
Comm Units	0.00
Wall Height	
Exterior Wall 1	FIBER CMT
Exterior Wall 2	BRICK VENR
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior Wall 1	DRYWALL
Interior Wall 2	
Interior Floor 1	LINOLEUM
Interior Floor 2	
Heat Fuel	ELECTRIC
Heat Type	ELECTRC BB
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)			Legend
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

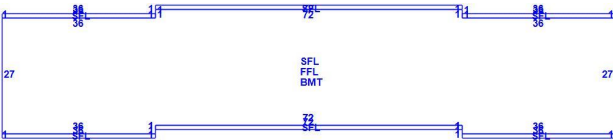
Building Attributes : Bldg 4 of 5	
Field	Description
CNS_USRFLD_301	
CNS_USRFLD_302	
Model	COMMERCIAL
Style	APARTMENT
Grade	Average
Stories	2
Units	
Residential Units	8
Comm Units	0.00
Wall Height	
Exterior Wall 1	FIBER CMT
Exterior Wall 2	BRICK VENR
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior 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

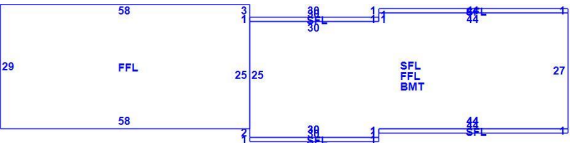
Building Attributes : Bldg 5 of 5	
Field	Description
CNS_USRFLD_301	
CNS_USRFLD_302	
Model	COMMERCIAL
Style	APARTMENT
Grade	Average
Stories	2
Units	
Residential Units	4
Comm Units	0.00
Wall Height	
Exterior Wall 1	FIBER CMT
Exterior Wall 2	BRICK VENR
Roof Structure	GABLE

Building Photo



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

Building Layout



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

Building Sub-Areas (sq ft)	Legend
-----------------------------------	---------------

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



Codes

Department

Building and Zoning

51 North Park Street
Lebanon, NH 03766

Telephone: 603-448-1524
Facsimile: 603-448-0684

Zoning Board of Adjustment Notice of Decision

On March 19, 2007, at a duly noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared John Chaffee, Executive Director, Lebanon Housing Authority (LHA) and Bill Bittinger, developer from Hanover, NH, seeking a use variance from the terms of Article III, Section 309.2 to permit the construction of 16 additional dwelling units in three buildings, 31 Romano Circle, West Lebanon, in the R-2 zone. (Tax Map 101, Lots 20 and 24). #ZB2007-11

Based on testimony given, plans presented, and inspection of the site, the Lebanon Zoning Board of Adjustment makes the following findings of fact:

1. The LHA is a public body, and members of its board are appointed by the Lebanon City Council. The LHA is regulated by State RSA Title XVII, Housing and Redevelopment and is a non-profit.
2. The existing 30-unit residential complex (Romano Circle) existed prior to the R-2 zoning designation in 1978. New construction of multi-family housing is limited to conversion only.
3. The R-2 zone allows, as a permitted use, the new construction of an elderly housing complex and a planned unit residential development consisting of attached dwelling units, among other uses.
4. The applicant is proposing to purchase a 1.4-acre lot next door. The combined lot will be 9.5 acres. The combined lot will support 137 dwelling units. However, the applicant is requesting only 16 additional units, totaling 46.
5. There is sufficient parking for the additional units. Also, there is municipal water and sewer service.
6. Because there will be multiple building sites on a lot in single ownership, the project needs Planning Board subdivision and site-plan approvals per Section 205 (One Principal Structure Per Lot).
7. Three people spoke in support of the project, including Pam Bean,

the chairwoman of the LHA; Anson Smith, property owner in the neighborhood; and a letter from the Lang McLaughry Spera Real Estate office across the street.

8. No one spoke against the project.

As a result of the above findings of fact, documentation, testimony, and inspection of the site, the Board concludes:

- A. Denial of the variance would result in unnecessary hardship for the property owner seeking it because:
 1. The zoning restriction as applied interferes with the landowner's reasonable use of the property, considering the unique setting of the property in its environment. Romano Circle is an existing 30-unit multi-family development. Two new buildings consisting of six units each will be located on the current lot, and one building of four units on the added lot. All three new buildings will blend in with the existing environment. This area is close to employment and will provide affordable housing within walking distance. The topography of the current Romano Circle development, including the additional 1.4-acre expansion, is a unique "bowl"-shaped piece of flat land with all adjoining properties on the north, east and west at a significantly higher elevation. The westerly boundary of this "bowl" is the Connecticut River.
 2. No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on this property. The R-2 zone allows multi-family housing by conversion only. However, the new construction of elderly housing units and a PURD consisting of attached dwelling units are both permitted in this zone.
- B. The granting of the variance will not be contrary to the spirit and intent of this chapter.
- C. The variance is in the public interest. The additional 16 units will help low- and moderate-income families. There is a waiting list and high demand in the city for such facilities.

- D. Denial of the variance would result in injustice.
- E. The variance will not diminish the values of surrounding properties. A letter dated March 19, 2007 from Gerry Stark, Managing Broker with Lang McLaughry Spera Real Estate, was submitted, in which he states that in his opinion, there will be no diminution of value of surrounding properties if this project is approved.

Now therefore, be it resolved that the Lebanon Zoning Board of Adjustment hereby **GRANTS** the request of Lebanon Housing Authority for a variance as referenced above, and attaches the following conditions:

- 1. If required by the Fire Department, provide for an emergency second exit.
- 2. Obtain subdivision and site-plan approval from the Lebanon Planning Board.

NOTE: Within 30 days after any order or decision of the zoning board of adjustment, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application.

The Zoning Board voted to approve this application on April 2, 2007.

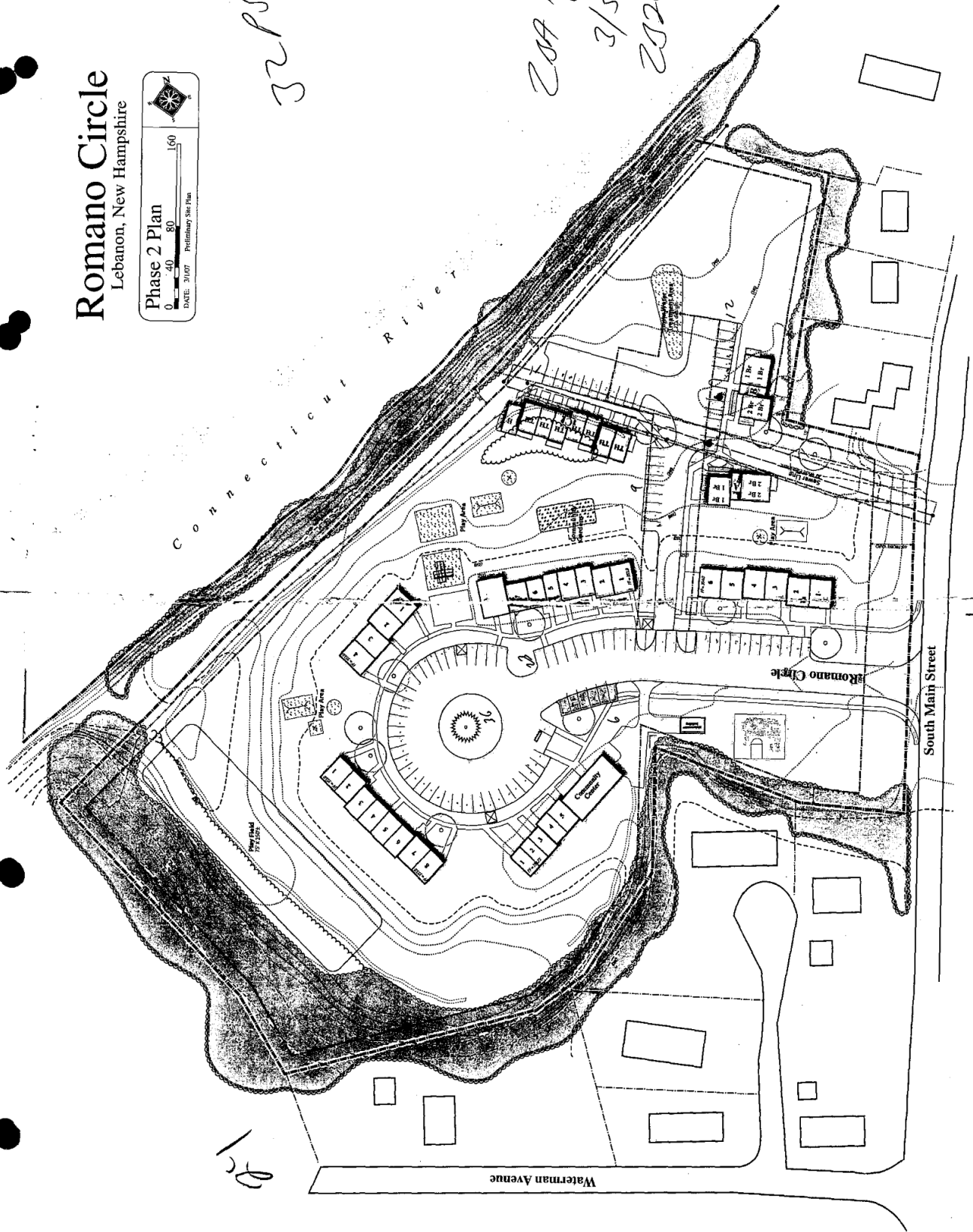
Romano Circle

Lebanon, New Hampshire

Phase 2 Plan
 0 40 80 160
 DATE: 3/1/07 Preliminary Site Plan

32 ps - new

204 R/c
 copy
 3/5/07
 202007-11



**CITY OF LEBANON
APPLICATION FOR**

SPECIAL EXCEPTION	☐	☐	SITE PLAN REVIEW
VARIANCE	☒	☐	SUBDIVISION
MOTION FOR REHEARING	☐	☐	P.U.D. & CLUSTER
APPEAL OF AN ADMIN. DECISION	☐	☐	OTHER

PROPERTY OWNER (APPLICANT): Jim Long 298-6880-5111

NAME: Lebanon Housing Authority & C TEL.#: 298-5753

MAILING ADDRESS: 31 Romano Circle, West Lebanon, NH 03784

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

PROJECT LOCATION: 101-24

TAX MAP #: 101 LOT#: 20 PLOT #: _____ ZONE: R-2

STREET ADDRESS OF PROJECT: 31 Romano Circle, West Lebanon, NH 03784

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

HISTORIC DISTRICT ☐ YES ☐ NO **WETLANDS** ☐ YES ☐ NO

SCOPE OF PROJECT: Add 16 apartment units (3 buildings) to present Romano Circle and adjacent Tax Map 101 Lot 24, on Plan # 3578

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:

Jonathan Chappie see Attached DATE: March 1, 2007
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