



**LEBANON ZONING BOARD OF ADJUSTMENT
DECEMBER 2, 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: 187 309 131#). If you have trouble accessing this meeting, please [email nathan.reichert@lebanonnh.gov](mailto:nathan.reichert@lebanonnh.gov).

2. Approval of Minutes

- A. November 18, 2024

3. Public Hearing Items

- A. **Steven Bickford, 22 Wheatley St (Tax map 77, Lot 15), zoned R-3:**
The applicant previously received a Special Exception to expand an existing dimensionally non-conforming garage with the addition of a 12 ft x 16 ft carport +/- 8 ft from the right-side property line (ZB2023-14-SE) and is now requesting further relief from Section 310.3, pursuant to Sections 703.1 and 801.3 of the Zoning Ordinance to increase the size of the carport to 12 ft x 20 ft, +/- 7 ft from the right-side property line.
ZB2024-24-SE

4. Other Business

- A. 2025 meeting schedule review & approval
B. 2025 election of officers reminder

5. Staff Comments

6. Adjournment

The order of agenda items is subject to change.

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

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

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
MONDAY, November 18, 2024
7:00 PM**

MEMBERS PRESENT: Chair William Koppenheffer, Vice Chair Jeremy Katz, Dave Newlove, Paul McDonough

MEMBERS ABSENT: Jennifer Barkley, Michael Morris (alternate)

STAFF PRESENT: Tim Corwin – Deputy Planning and Development Director
Nathan Reichert – Zoning Administrator

1. CALL TO ORDER

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

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

2. APPROVAL OF MINUTES

A. October 7, 2024

Vice Chair Katz MOVED to approve the October 7, 2024, Minutes as presented in the November 18, 2024, packet.

Seconded by Mr. McDonough.

**The Vote on the Motion was (4-0-1).
Mr. Newlove abstained.*

3. PUBLIC HEARING ITEMS

- A. Casey & Catharine Boardman, 0 Farnum Hill Rd (Tax map 134, Lot 4), zoned RL-2:** The applicants request a Variance from Section 313.3, pursuant to Section 801.2 of the Zoning Ordinance, to allow the demolition of an existing barn and construction of a 1-family dwelling with attached 4-car garage +/- 28 ft from the rear property line where 30 ft is required. The proposed new building will be built utilizing the existing front setback of the barn. **ZB2024-21-VAR**

Casey Boardman appeared on behalf of the application. They hope to build a garage with a 400 square foot ADU in the back and a small rec room on top. In order to fit the unusual size of the parcel, they are asking for relief regarding the two feet in the back. Before zoning existed, it was not clear where Farnum Hill Road existed. There is no easement or deed for the front property line. For this application, they are treating this construction as an ADU. They will continue to work with the City on the property line.

1 Kings Highway is an easement by prescription, the public can use it, but the Town does not own
2 it. The piece of property south of Farnam Hill Road cannot be separated or sold without further
3 work on establishing the property line.

4
5 Mr. Newlove reminded the applicants that the applicant can have this case heard by a full Board,
6 instead of the four members present tonight. The applicant chose to move forward at this time.

7
8 **Chair Koppenheffer Opened the Public Hearing and hearing no one, the Public Hearing**
9 **was closed.**

10
11 The Board did not have any further questions or objections.

12
13 ***Mr. Katz MOVED On November 18th 2024, at a duly-noticed meeting of the Lebanon Zoning Board***
14 ***of Adjustment, there appeared Casey Boardman regarding 0 Farnum Hill Road (Tax Map 134, Lot 4).***
15 ***The Applicants request a Variance from Section 313.3, pursuant to Section 801.2 of the Zoning***
16 ***Ordinance to allow the demolition of an existing barn and construction of a 1-family dwelling with***
17 ***attached 4-car garage +/- 28 ft from the rear property line where 30 ft is required. The proposed new***
18 ***building will be built utilizing the existing front setback of the barn.***

19
20 **I. FINDINGS OF FACT**

21
22 Based on testimony given, application materials presented, and supporting documents submitted, the
23 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 24
25 1. The property is improved with a 2,520 sq ft timber frame barn with attached 168 sq ft cinderblock
26 milk shed and a 1,316 sq ft horse barn, per the City Assessor's records, and is non-conforming to
27 the RL—2 zoning district, class 3 lot minimum size requirement of 3 acres with 0.7 acres.
28
29 2. The applicants propose to dismantle the 1,316 sq ft horse barn and relocate it to 20 Farnum Hill
30 Rd, which they also own, and demolish the cinderblock milk shed. The timber frame barn will
31 remain on the lot. They propose to build a new 928 sq ft 1-family dwelling with attached 1,376 sq
32 ft 4-car garage where the horse barn is currently located. The new structure will be located +/- 28
33 ft from the rear property line shared with 0 Slayton Hill Road (map/lot 134-3) and +/- 20 ft from
34 the edge of the roadway at the front, the same distance as the current barn.
35
36 3. The applicants have submitted testimony addressing the section §801.2 Variance criteria in an
37 application received by the Planning and Development Department on September 18th, 2024.
38
39 4. To obtain the requested Variance from section §313.3, the applicants must demonstrate
40 compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA
41 674:33, I(b).
42
43 5. Mr. Boardman, in testimony, acknowledged that should he seek to sell the lots separately, a
44 subdivision approval from the City Planning Board will be required.
45
46 6. No member of the public either spoke for or against the application.
47

48 **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.
2. The spirit of the ordinance **is** observed.
3. Substantial justice **is** done.
4. The values of surrounding properties **are not** diminished.
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.
6. 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.
7. The proposed use **is** a reasonable one.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **18th day of November, 2024**, hereby **GRANTS** the Variance from Section 313.3, pursuant to Section 801.2 of the Zoning Ordinance to demolish an existing barn and construction of a 1-family dwelling with attached 4-car garage +/- 28 ft from the rear property line where 30 ft is required. The proposed new building will be built utilizing the existing front setback of the barn 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. Prior to the application for a building permit the applicant will obtain an E911 address from Mark Goodwin, the City's E911 Coordinator.

Seconded by Mr. McDonough.

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

- B. William & Deborah Rafter, 12 Union St, (Tax map 92, Lot 194), zoned R-2:** The applicants request 4 Variances from Section 309.3, pursuant to Section 801.2 of the Zoning Ordinance, to allow the construction of 1) a 160 sq ft shed +/- 5 ft from the right-side property line where 15 ft is required, 2) a 180 sq ft shed +/- 6 ft from the left-side property line where 15 ft is required, 3) both sheds will be located +/- 5 ft from the rear property line where 20 ft is required, 4) to allow 25.2% building coverage on the lot where 25% is the maximum. **ZB2024-22-VAR**

Deborah and William Rafter and Peter Scoppettone appeared on behalf of the application. Mr. Scoppettone stated that they have existing sheds, and they would like to continue to have these sheds, but they need to be reconstructed to replace what is in bad condition. They

1 purchased the property in 2009, and they have a lot of things to store. The house has a low
2 basement, and it is not useful for storage. Because the sheds are already existing, the new
3 structures would be more attractive and be further from the property line than the existing sheds.
4 They intend to build the new sheds with electricity, but no heat and plumbing.

5
6 Mr. Koppenheffer offered the applicants that they can have this case heard by a full Board,
7 instead of the four members present tonight. The applicant chose to move forward at this time.
8 It was asked if the sheds could be moved further onto the property and why the setbacks cannot
9 be met. The yard is small, and that would take up the whole yard and all the structures would be
10 in the center of the yard.

11
12 Accessory units are allowed within the 5-foot setback if they are less than 130 square feet. They
13 cannot be larger unless there is a hardship. They could reduce the size to 130 square feet. But
14 two buildings of 130 square feet would exceed the allowable coverage. Reducing the size could
15 allow them to move forward.

16
17 City Council of Lebanon is recommending amendments to the zoning ordinance and if those
18 amendments pass in March, no requirement for approval would be required. It means waiting
19 until next March to move forward with the construction of sheds. It is highly likely that the
20 amendment will be approved. This hearing could be continued to April, 2025, and if the
21 amendment does not pass, the applicants could come back to this hearing. The applicants would
22 like to continue the hearing to the April meeting.

23
24 ***Vice Chair Katz MOVED that application CB2024-22- VAR, William and Deborah Rafter, 12***
25 ***Union St. tax map 92 lot 9194 be continued until the April 2025 meeting of the Zoning Board***
26 ***of Adjustment.***

27 ***Seconded by Mr. McDonough***

28
29 ****The Vote on the Motion was (4-0).***

30
31 **C. Lisa Dupont, 53 Cottage Cir (Tax Map 87, Lot 121), zoned R-3:** The applicant requests a Special
32 Exception from Section 610.H, pursuant to Section 801.3 of the Zoning Ordinance, to locate an
33 additional entrance door that will serve an ADU at the front of the building where only side or rear
34 entrance doors are allowed. **ZB2024-23-SE**

35
36 Lisa Dupont appeared on behalf of the application. She would like to add an ADU to her home.
37 The door placement would be with the garage and open to the road. It does not provide a hazard
38 to the community. It does not adversely affect the character of the neighborhood, or traffic,
39 roads, or safety of pedestrians. It does not create a hazard or nuisance or create a problem to
40 abutting property owners. She would like to add the ADU for her family, to allow herself to
41 continue to live in her home through old age.

42
43 **Chair Koppenheffer Opened the Public Hearing and hearing no one, the Public Hearing**
44 **was closed.**

45
46 There were no further questions or deliberation.

Vice Chair Katz MOVED on November 18th 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Lis Dupont regarding 53 Cottage Circle (Tax Map 87, Lot 121). The Applicant requests a Special Exception per Section §801.3 of the Zoning Ordinance to locate an additional entrance door that will serve an ADU at the front of the building where only side or rear entrance doors are 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 subject property is improved with a one-family dwelling constructed in 1997. The lot contains a dimensionally conforming primary residence.
2. As described in the application by the applicant, the applicant proposes to add a garage and construct an ADU. The addition will be oriented in such a way that the proposed principal entrance to the ADU must be located at the front of the building.
3. Any necessary additional entrances or exits to the principal building, to serve the ADU, shall be located to the side or rear of the building Pursuant to section §610.H of the Zoning Ordinance.
4. In order to grant a Special Exception for the proposed additional front-side entrance, the Board must determine that the placement of the ADU on the lot will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners, as set forth in Section §610.H of the Zoning Ordinance.
5. The applicant has submitted testimony addressing Section §801.3 criteria in an application received by the Planning and Development Department on October 11, 2024.
6. There are no known existing zoning violations on the property.
7. Nobody from the public, appeared to speak 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 §610.H and §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by Section §610.H and Section §801.3 of the Zoning Ordinance.
2. The following criteria of Section §803.1 **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 18th day of November, 2024, hereby **GRANTS** the requested Special Exception pursuant to Section §610.H and §801.3 of the Zoning Ordinance to permit to an additional entrance door that will serve an ADU at the front of the building where only side or rear entrance doors are allowed at 53 Cottage Circle, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and federal regulations in the construction of the proposed addition.
2. Prior to the issuance of a Building Permit, the Applicant shall obtain applicable City of Lebanon Sewer Use Permit and Water Service Permits from the Lebanon Department of Public Works.

Seconded by Mr. Newlove.

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

The Board discussed the need to move into Executive Session to consult with the City's attorney.

Mr. McDonough MOVED to go into executive session at 7:43 PM.

Seconded by Mr. Newlove.

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

Mr. Katz MOVED to wave Executive Session at 8:05 PM.

Seconded by Mr. McDonough.

1
2 **The Vote on the Motion was (4-0).*

3
4 **D. Cicotte Holdings, LLC, 51 Evans Dr (Tax Map 78, Lot 40), zoned RO-1:** An appeal of the
5 Zoning Official's Notice of Violation and Administrative Decision pursuant to section §801.1
6 Administrative Appeals, that the property is not in the flood zone, that the parking area is
7 grandfathered, and deadlines demanded by the City are unreasonable. **ZB2023-11-AAD -**
8 **Continued from the October 7, 2024 meeting per applicant request.**
9

10 Johanna Ciotte and Attorney Barry Schuster appeared on behalf of the application. Chair
11 Koppenheffer said the state of the case as left almost a year ago, was that the applicants were not
12 sure of the grandfathered status of the unpaved parking lot and that the City had no evidence that
13 it was not grandfathered. The applicants were asked if they had acquired any evidence to
14 contradict what the Chair just stated.
15

16 Attorney Schuster stated there were three claimed violations that are being appealed: 1) was a
17 violation of a zoning ordinance, 2) was a violation of site plan regulations, and 3) had to do with
18 the Flood Plane Hazard. The Flood hazard area was determined, with the Boards agreement, to
19 not be relevant. One of the issues that was addressed was for Ms. Cicotte to apply to the
20 Planning Board for site plan review. They feel there is no zoning violation because the zoning
21 regulations were changed, and a conditional use permit and site plan application have been
22 applied for with the Planning Board.
23

24 The applicants and the Board continued to discuss the grandfathered status of the parking lot
25 pavement. The Zoning violation occurred on the date the parking lot was paved and continues.
26 Mr. McDonough asked for clarification, is the issue being the paving or the use of the land for
27 parking. The notice of violation is that work was done without requesting permits prior to
28 repaving the property and 4000 square feet of additional paving was done. To move forward
29 lawfully, there would have needed to be a flood zone determination, there would have needed to
30 be a zoning permit because the use was non-conforming, and lastly because it exceeded the area,
31 that required a planning permit. Those three permits are the issue.
32

33 Mr. McDonough asked if it would be wiser to wait until their application to the Planning Board
34 is resolved. The applicants stated there is a use application and a site plan application in process
35 at this time.
36

37 Ms. Ciotte spoke up saying she is merely a business owner who purchased the property, and the
38 building and parking lot were in disrepair. She merely engaged the pavers to repave the parking
39 lot to improve the area. Before the closing on the property, she hired the paving company. They
40 arrived within the first week of ownership, and the pavers merely paved where they saw cars had
41 been parked without the owner's awareness. Ms. Ciotte spoke with the City Manager, asking
42 how she should proceed because it was a year after it was paved, that the issue arose with the
43 City. She was not directed to tear out the paving. She is uncomfortable that this has become an
44 adversarial situation, and she would like to resolve this.
45

1 The problem is that an area that was not paved is now paved. The zoning violation is what is
2 being addressed at this time.

3
4 This may be a moot point if the Planning Board application is approved. The applicants were
5 asked if they would like to consider withdrawing their appeal.

6
7 **Chair Koppenheffer Opened the Public Hearing and hearing no one, the Public Hearing**
8 **was closed.**

9
10 The Board discussed whether the appeal should be granted or denied. They asked if this is a
11 lawful nonconforming use and did the City get it wrong. They determined the only question
12 before the Board is if the paved parking lot this grandfathered, and the applicants did not offer
13 any proof of lawful conformity and therefore the appeal should be denied.

14
15 *Mr. KATZ MOVED the appeal is denied. The burden of proof to show that a property is*
16 *lawfully non-conforming to an obligation of the ordinance rests with the landowner and this*
17 *board has determined that the burden has not been met. And therefore, the decision of the*
18 *Zoning Administrator is upheld.*

19
20 *Seconded by Mr. Newlove.*

21
22 **The Vote on the Motion was (4-0).*

23
24 **4. OTHER BUSINESS**

25
26 **A. Proposed Zoning Amendments Review**

27
28 The question is, can the Board clearly interpret and enforce the amendments. The members
29 were asked to review each specific amendment. They will not discuss them in detail unless
30 there are some amendments that are problematic.

31
32 But the core of the zoning package this year is really identified by the pattern zoning package
33 that comes out of a fairly major study that has been conducted for the last 18 months.
34 And the second piece is a 120-corridor study. Then there's a series of technical cleanup
35 amendments that they have found through experience with this document. There are points
36 in the document that are not very clear that need to be cleaned up.

37
38 It also includes the definition of a recovery house. There's been a move to try to bring a
39 recovery house to Lebanon. It's an extended service for alcohol and drug rehabilitation. But
40 it gives a very specific definition for allowing that recovery house to avail itself of what
41 effectively will become a fire code variance in order to allow for more density for this
42 specific type of living arrangement for people that are involved.

43
44 Chair Koppenheffer asked about the appeal language. It seems that people who can take an
45 appeal are severely circumscribed. That the appeal language in the zoning ordinance was
46 pointing to the wrong area of the RSA. The intention is to align with the RSA. It is thought

1 that any person aggrieved, rather than the applicant or the abutter, should be able to appeal as
2 long as it is aligned with the new RSA.

3
4 **5. STAFF COMMENTS**

5
6 There will be pizza for the recognition of the Board at the December meeting.

7
8 **6. ADJOURNMENT**

9
10 *Mr. Newlove MOVED to adjourn the meeting at 8:15 PM.*

11 *Seconded by Vice Chair Katz.*

12
13 **The Vote on the Motion was (4-0).*

14
15 Respectfully submitted,
16 Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

SPECIAL EXCEPTION

STAFF NARRATIVE

Steven Bickford– 22 Wheatley Street

To: Zoning Board of Adjustment

Prepared By: Nathan Reichert, *Director of Planning & Development and Zoning Administrator*

Date: December 2, 2024 – Regular Meeting

Application Number: ZB2024-24-SE

HEARING NOTICE:

Steven Bickford, 22 Wheatley St (Tax map 77, Lot 15), zoned R-3: The applicant previously received a Special Exception to expand an existing dimensionally non-conforming garage with the addition of a 12 ft x 16 ft carport +/- 8 ft from the right-side property line (ZB2023-14-SE) and is now requesting further relief from Section 310.3, pursuant to Sections 703.1 and 801.3 of the Zoning Ordinance to increase the size of the carport to 12 ft x 20 ft, +/- 7 ft from the right-side property line. ZB2024-24-SE

SITE DESCRIPTION / BACKGROUND:

The property is improved with a one-family dwelling constructed in 1915 per the City Assessor's records and is non-conforming to the R-3 Class 1 District minimum lot size requirement of 10,000 sq. ft. as the lot is 8,712 sq. ft. It appears the home and garage are non-conforming to the minimum required front yard of 20 ft. and minimum required side yard of 15 ft. In 2023 the applicant received a Special Exception to place a 12 ft x 16 ft carport in front of the garage; +/- 8 ft from the right-side property line.

PROPOSAL:

The applicant proposes to construct a 12 ft x 20 ft carport +/- 7 ft from the right-side property line. The carport will be attached to the front of his existing garage.

ZONING ORDINANCE REQUIREMENTS – 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.

ZONING ORDINANCE REQUIREMENTS – SPECIAL EXCEPTION:

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:

1. The special exception is specifically authorized by a provision of this Ordinance.
2. All special conditions required of the special exception have been met.
3. There are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.
4. The character of the area shall 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. 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.

STAFF COMMENTS:

The applicant was unable to obtain a 12 ft x 16 ft carport as was previously approved; relief is now needed for a larger sized carport. Per the understanding of the Applicant the carport manufacturers do not make a 16' deep carport. Given a typical car parking space is 9' x 18' (for site-plan approvals) it makes logical sense that a 16' cover is not available. Given that the car would potentially not fit under a 16' cover. Thus, the applicant seeks to amend the previously issued Special Exception to permit 4' additional feet to be added to the carport cover. The previous notice of action is attached along with images of the proposed site.

§703.1.A.2 allows an expansion that is equally non-conforming or less nonconforming, 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 carport 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.

22 Wheatly - Front



22 Wheatly



22 Wheatly - GIS

+

-

Young St

Wheatley St

Wheatley St

Wheatley St

Wheatley St

Wheatley St

Young St

Young St

Young St

Eldridge St

Eldridge St

Eldridge St

Eldridge St

Eldridge St

Google

1" = 54.49451485676771 ft

Property Information Property ID 77-15 Location 22 WHEATLEY ST Owner BICKFORD, STEVEN

 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 07/15/2024 Data updated 11/18/2018 | Print map scale is approximate. Critical layout or measurement activities should not be done using this resource. |

22 WHEATLEY ST

Location 22 WHEATLEY ST

Mblu 77/ 15/ / /

Acct# 5541

Owner BICKFORD, STEVEN

PBN

Assessment \$201,700

Appraisal \$201,700

PID 4261

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$111,600	\$90,100	\$201,700
Assessment			
Valuation Year	Improvements	Land	Total
2022	\$111,600	\$90,100	\$201,700

Owner of Record

Owner BICKFORD, STEVEN

Sale Price \$0

Co-Owner

Address 22 WHEATLEY ST
LEBANON, NH 03766

Certificate

Book & Page 1354/0747

Sale Date 10/30/1978

Instrument 99

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BICKFORD, STEVEN	\$0		1354/0747	99	10/30/1978
O'SHEA, JOHN P & VIVIAN	\$0		0/0	99	01/01/1900

Building Information**Building 1 : Section 1**

Year Built: 1915
Living Area: 918
Replacement Cost: \$222,656
Building Percent Good: 52
Replacement Cost
Less Depreciation: \$100,700

Building Attributes	
Field	Description
CNS_USRFLD_108	
Model	RESIDENTIAL
Style	CONVENT`NL
Grade	AVERAGE

Stories	1A
Comm Units	0
Exterior Wall 1	ALUMINUM
Exterior Wall 2	
Roof Structure	GABLE
Roof Cover	STD SEAM
Interior Wall 1	PLASTER
Interior Wall 2	
Interior Floor 1	LINOLEUM
Interior Floor 2	SOFTWOOD
Basement Floor	EARTH
% Heated	100.00
Heat Fuel	OIL
Heat Type	FORCED H/A
# Heat Systems	1.00
AC Percent	0.00
Bedrooms	3
Full Bath(s)	1
Bath Rating	AVERAGE
3/4 Bath(s)	
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	1
Kitchen Rating	FAIR

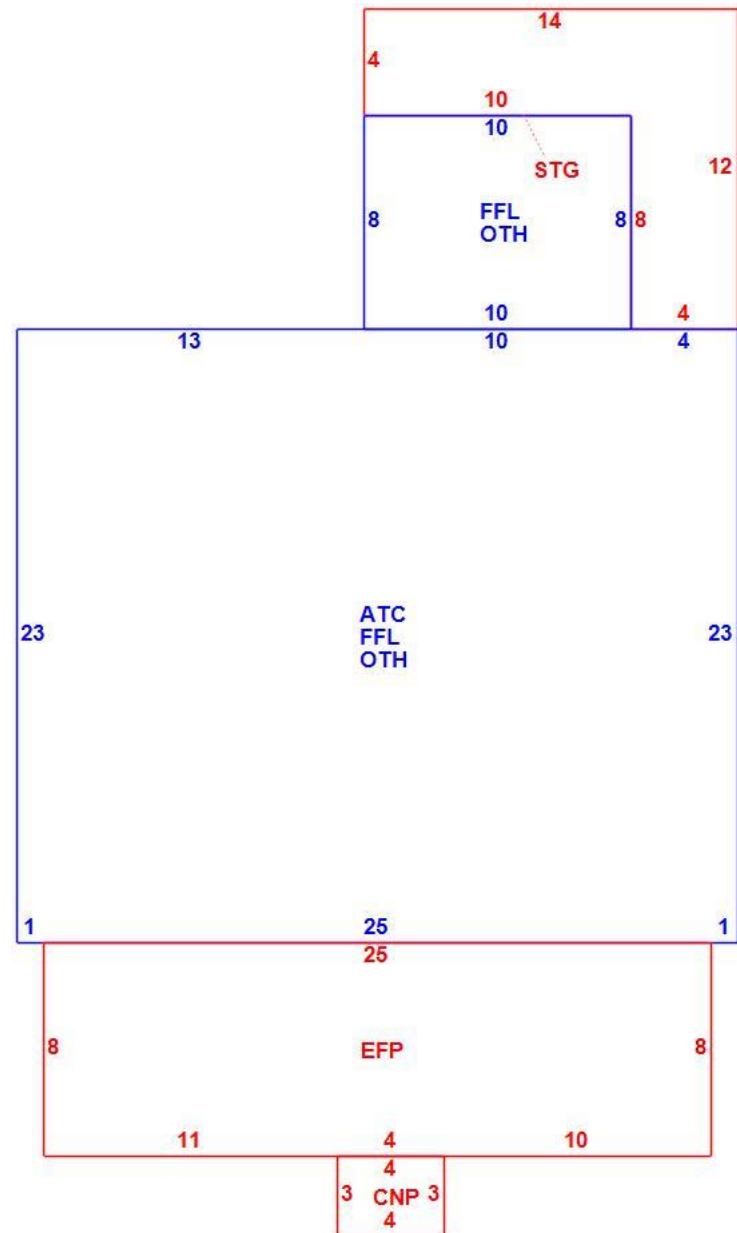
Building Photo



(<https://images.vgsi.com/photos/lebanonnhPhotos//6547.JPG>)

Total Rooms	5
Frame	WOOD
Foundation	CONCRETE
Bsmt Garage	0
Parking	
Fireplace(s)	0
Fireplace Rating	
WS Flues	0
WS Flue Rating	
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	TYPICAL
Partition	TYPICAL
Solar Hot Water	No
Central Vac	No
Nbhd Modifier	
MH Make	

Building Layout



([ParcelSketch.ashx?pid=4261&bid=4261](#))

Building Sub-Areas (sq ft)

Legend

Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	701	701
ATC	ATTIC	621	217
CNP	CANOPY	12	0
EFP	ENCL PORCH	200	0
OTH	CRAWL SPACE	701	0
STG	STORAGE	88	0
		2,323	918

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use		Land Line Valuation	
Use Code	1010	Size (Acres)	0.2
Description	ONE FAM	Frontage	
Zone	R3	Depth	
Neighborhood	R4	Assessed Value	\$90,100
Alt Land Appr	No	Appraised Value	\$90,100
Category			

Outbuildings

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
04	GARAGE/L			432.00 SF	\$10,600	1
02	SHED/FR			80.00 SF	\$300	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$111,600	\$90,200	\$201,800
2022	\$111,600	\$90,200	\$201,800
2021	\$64,700	\$72,700	\$137,400

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$111,600	\$90,200	\$201,800
2022	\$111,600	\$90,200	\$201,800
2021	\$64,700	\$72,700	\$137,400





CITY OF LEBANON ~ PLANNING & DEVELOPMENT

NOTICE OF DECISION LEBANON ZONING BOARD OF ADJUSTMENT ZB2023-14-SE

The Lebanon Zoning Board of Adjustment, at a regular meeting held on **September 5, 2023**, approved the following motion made by Dave Newlove, seconded by Dan Nash, by a vote of **3-0-2**:

“On September 5, 2023, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Steven Bickford regarding 22 Wheatley St (Tax Map 77, Lot 15), zoned R-3. The Applicant requests a Special Exception per Section §703.1 of the Zoning Ordinance to erect a 12 ft x 16 ft carport +/- 8 ft from the right-side property line where a 15 ft side-yard setback is required. ZB2023-14-SE.”

I. FINDINGS OF FACT

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

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

II. CONCLUSIONS OF LAW

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

1. The Special Exception is specifically authorized by Section §703.1 and Section §801.3 of the Zoning Ordinance.
2. The following conditions/requirement of Section §703.1 **have been** met:
 - a. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.

NOTICE OF DECISION

22 Wheatley St (77-15)

ZB2023-14-SE

September 18, 2023

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- b. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently nonconforming cannot be made more non-conforming in the absence of a variance.
3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy. (§801.3.C) *Staff is not aware of any Zoning Ordinance violations on the property.*
4. The character of the area **will not** be adversely affected. (§801.3.D)
5. **No** hazard or nuisance will be created. (§801.3.E)
6. The capacity of existing or planned community facilities and services (including streets and highways) **will not** be adversely impacted. (§801.3.F)
7. The granting of the Special Exception **will not** result in undue municipal expense. (§801.3.G)
8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent of the ordinance. (§801.3.H)
9. The general welfare of the City **will** be protected. (§801.3.I)

III. DECISION

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

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

Notice of Decision prepared by: Tiffany Adams, Admin. Secretary, September 18, 2023

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.

Zoning Ordinance:

901.6 Time Limit of Permit.

A zoning permit shall become void if construction is not begun thereunder within 2 years from the date of issuance of the permit or grant of a special exception or variance.

NOTICE OF DECISION

22 Wheatley St (77-15)

ZB2023-14-SE

September 18, 2023

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901.7 Date of Issuance of Zoning Permit.

On approval by the Board of Adjustment of an administrative appeal, variance or special exception, the Zoning Administrator shall issue a zoning permit as of the date of approval of the Board of Adjustment. Zoning permits shall be conditioned upon receipt of Site Plan Review approval from the Planning Board, when such approval is required. When Site Plan Review is required, the date of the zoning permit for the purposes of SECTION 901.6 shall be the date of receipt of Site Plan Review approval.

**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: STEVEN BICKFORD TEL.#: 603-448-3252

MAILING ADDRESS: 22 WHEATLEY ST LEBANON NH 03766

E-MAIL ADDRESS: BICKFORDSTEVEN@YAHOO.COM

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: 77 LOT#: 15 PLOT #: _____ ZONE: R3

STREET ADDRESS OF PROJECT: 22 WHEATLEY ST LEBANON NH 03766

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

FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

12' X 20' CARPORT

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: Steven Bickford

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.

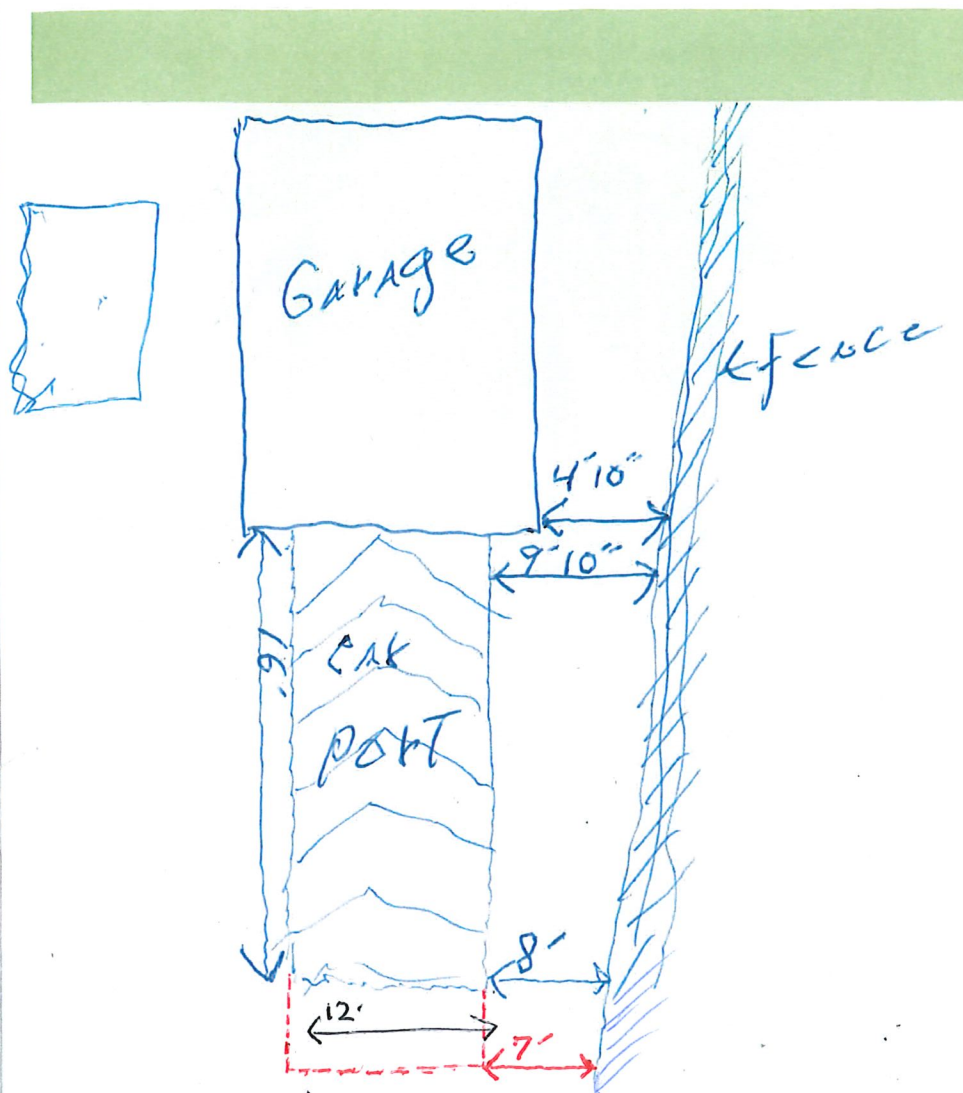
PROPERTY OWNER: STEVEN BICKFORD DATE: 11-11-2015

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

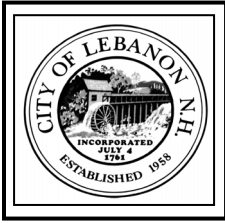
PROPERTY OWNER: _____ DATE: _____

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #			
<u>11-12-24</u>	<u>77-15</u>	<u>ZB2024-24 SE</u>			

(Last Revised 4/04/18)



ADDITION TO CAT PORT



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT SPECIAL EXCEPTION Draft Motion Steven Bickford - 22 Wheatley Street

DRAFT MOTION for:

Agenda Item: 3.A

Case: ZB2024-24-SE

Request for Special Exception per Section §703.1

Motion made by: _____

On December 2, 2024, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 22 Wheatley St (Tax Map 77, Lot 15), zoned R-3. The Applicant requests a Special Exception per Section §703.1 of the Zoning Ordinance to erect a 12 ft x 20 ft carport +/- 7 ft from the right-side property line where a 15 ft side-yard setback is required. ZB2024-24-SE

I. FINDINGS OF FACT

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

1. The subject property is developed with a one-story single-family residence with a detached garage constructed in 1915.
2. In 2023 the applicant received a Special Exception to expand the dimensionally non-conforming garage with the addition of a 12ft x 16 ft attached carport.
3. The applicant was unable to obtain a 12 ft x 16ft carport.
4. The applicant seeks to amend the previously approved Special Exception to permit a carport that is an additional 4 feet in length, per Section §703.1 of the Zoning Ordinance.
5. In order to grant a Special Exception to expand a non-conforming structure, the applicant must demonstrate that the proposal meets the general Special Exception criteria, set forth in Section §801.3. The applicant has submitted testimony addressing the Section 801.3 criteria in an application received by the Planning & Development Department on November 12th, 2024.

6. _____

7. _____

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the 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 conditions/requirement 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 non-conforming in the absence of a 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 2nd day of December, 2024 hereby **GRANTS / DENIES** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to erect a 12 ft x 20 ft carport +/- 7 ft from the right-side property line where a 15 ft side-yard setback is required, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

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

- 3. _____

Motion seconded by: _____

Vote: _____

**Meeting Schedule
Lebanon Zoning Board of Adjustment
2025**

Meeting Date	Application Due Date
January 6, 2025	December 9, 2024
February 3, 2025	January 13, 2025
March 3, 2025	February 10, 2025
April 7, 2025	March 10, 2025
May 5, 2025	April 14, 2025
June 2, 2025	May 12, 2025
July 7, 2025	June 9, 2025
August 4, 2025	July 14, 2025
*September 2, 2025	August 11, 2025
October 6, 2025	September 8, 2025
November 3, 2025	October 13, 2025
December 1, 2025	November 10, 2025

The Zoning Board meets on the 1st Monday of every month at 7:00 pm unless otherwise * noted. Special meetings maybe required and will be scheduled accordingly.

* Meeting day changed due to a Monday holiday.