



**LEBANON ZONING BOARD OF ADJUSTMENT  
FEBRUARY 3, 2025 - 7:00 PM  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

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**1. Call to Order**

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 1-929-229-5356 (access code: 408 807 268#). If you have trouble accessing this meeting, please [email nathan.reichert@lebanonnh.gov](mailto:nathan.reichert@lebanonnh.gov).

**2. Approval of Minutes**

- A. January 6, 2025  
B. January 16, 2025

**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 - Continued from 1/6/2025 meeting**
- B. **CWM All Waste, LLC & Choice Storage, LLC, 40 N. Labombard Rd (Tax map 51, Lot 10), zoned IND-L:** The applicants request a Variance from Article III, Section 303.3, pursuant to Section 801.3, of the Zoning Ordinance to allow a roadway right-of-way and scale to be located +/- 16.5 ft away from the front property line of a newly created lot where 40 ft is required. **ZB2025-03-VAR - Continued to the March 3, 2025 meeting**
- C. **Eric & Irina Stacy, 108 School St (Tax map 107, Lot 6), zoned R-3:** The applicants request a Variance from Article III, Section 310.2, pursuant to Section 801.3, of the Zoning Ordinance to allow the conversion of a two-family dwelling into a four-family dwelling where a maximum of a one-family dwelling is allowed. **ZB2025-04-VAR**

**4. Other Business**

- A. Zoning By-Laws review  
B. Central Business District Zoning amendment request review and comment

**5. Staff Comments**

**6. Adjournment**

**Lebanon Zoning Board of Adjustment Agenda**  
**February 3, 2025**

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**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](mailto: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, January 6, 2025  
7:00 PM**

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

**MEMBERS ABSENT:** Chair William Koppenheffer

**STAFF PRESENT:** Nathan Reichert – Zoning Administrator

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

**1. CALL TO ORDER**

Vice Chair Jeremy Katz called the meeting to order at 7:12 PM.

**Mr. Morris was given voting privileges for this meeting.**

**2. APPROVAL OF MINUTES**

**A. December 2, 2024**

*Mr. Morris MOVED to approve the December 2, 2024, Minutes as presented in the January 6, 2025, packet with amendments.*

Page 2, Line 10; Remove ‘(6-0)’ and Add ‘(5-0)’. Page 3, Line 11; Remove ‘(6-0)’ and Add ‘(5-0)’.

*Seconded by Mr. Newlove.*

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

**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 – Continued from 12/2/2024 meeting**

*Mr. McDonough MOVED to continue this hearing until the February meeting.*

*Seconded by Mr. Morris.*

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

- 1  
2 **B. Mary Hitchcock Memorial Hospital & Families Flourish Northeast, 424 Mount Support Rd**  
3 **(Tax map 24, Lot 6), zoned R-1:** The applicant requests a Special Exception pursuant to Article  
4 IV, Section 401.5 (“Wetlands Conservation District”) of the Zoning Ordinance to allow wetland  
5 impacts associated with construction of a group residence and associated infrastructure. **ZB2025-**  
6 **01-SE**

7  
8 *Mr. Newlove recused himself from this hearing.*

9 *Mr. Katz recused himself from this hearing.*

10  
11 Engineer Nick Fiore appeared on behalf of the application.

12  
13 *Mr. Morris MOVED to continue this hearing until January 16, 2025 at 7:00 PM.*

14  
15 *Seconded by Ms. Barkley.*

16  
17 *\*The Vote on the Motion was (3-0).*

- 18  
19 **C. Mary Hitchcock Memorial Hospital & Families Flourish Northeast, 424 Mount Support Rd**  
20 **(Tax map 24, Lot 6), zoned R-1:** The applicant requests a Special Exception from Section 308.2,  
21 pursuant to Section 801.3, of the Zoning Ordinance, to allow the construction of a group  
22 residence with associated infrastructure. **ZB2025-02-SE**

23  
24 *Mr. Newlove recused himself from this hearing.*

25 *Mr. Katz recused himself from this hearing.*

26  
27 *Mr. Morris MOVED to continue this hearing until January 16, 2025 at 7:00 PM.*

28  
29 *Seconded by Ms. Barkley.*

30  
31 *\*The Vote on the Motion was (3-0).*

32  
33 **4. OTHER BUSINESS**

34  
35 **A. 2025 Election of Officers**

36  
37 **Election of Chair.**

38  
39 *Chair William Koppenheffer was nominated for Chair by Vice Chair Jeremy Katz.*

40 *Seconded by Mr. Newlove.*

41  
42 *\*The Vote on the Motion was (5-0).*

43  
44 **Election of Vice Chair.**

45  
46 *Vice Chair Jeremy Katz was nominated for Vice Chair by Mr. Newlove.*

47 *Seconded by Ms. Barkley.*

48  
49 *\*The Vote on the Motion was (4-0).*

1 *Vice Chair Katz did not vote.*

2  
3 **5. STAFF COMMENTS**

4  
5 **None.**

6  
7 **6. ADJOURNMENT**

8  
9 *Mr. Newlove MOVED to adjourn the meeting at 7:30 PM.*

10 *Seconded by Mr. Morris.*

11  
12 *\*The Vote on the Motion was (5-0).*

13  
14 Respectfully submitted,  
15 Linda Billings, Recording Secretary

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE  
THURSDAY, January 16, 2025  
7:00 PM**

**MEMBERS PRESENT:** Paul McDonough, Jennifer Barkley, Michael Morris (alternate)

**MEMBERS ABSENT:** Chair William Koppenheffer, Vice Chair Jeremy Katz, Dave Newlove,

**STAFF PRESENT:** Nathan Reichert – Zoning Administrator

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**Mr. Morris was given voting privileges for this meeting.**

***Mr. Morris MOVED that Mr. McDonough chair this meeting.  
Seconded by Ms. Barkley.***

***\*The Vote on the Motion was (2-0-1).  
Mr. McDonough abstained.***

**1. CALL TO ORDER**

Paul McDonough called the meeting to order at 7:24 PM.

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

**2. APPROVAL OF MINUTES**

**None.**

**3. PUBLIC HEARING ITEMS**

The applicants were given the opportunity to postpone this hearing until there is a full Board. They declined. The Board decided to present both of the applications at the same time, in succession. The vote will be done after that.

- A. Mary Hitchcock Memorial Hospital & Families Flourish Northeast, 424 Mount Support Rd (Tax map 24, Lot 6), zoned R-1:** The applicant requests a Special Exception pursuant to Article IV, Section 401.5 (“Wetlands Conservation District”) of the Zoning Ordinance to allow wetland impacts associated with construction of a group residence and associated infrastructure. **ZB2025-01-SE Continued from the 1/6/2025 meeting**

Engineer Nick Fiore and Sue Cobb appeared on behalf of the application. He showed the delineated wetlands within the property. The Conservation Commission asked if it could be a 4-story building instead of a 3-story building. This seemed to minimize the functionality of the building. They tried rotating the building but that did not improve the wetland impact. They drafted many renditions of the building affecting the usefulness of the building, parking, and useful outdoor space. Each iteration impacted the amount of square footage of wetlands impacted. The final design has a bend in the building,

1 with the front of the building facing the road more. This resulted in 5638 square feet permanently  
2 impacting to the wetlands with over 7000 sq. ft temporary impact. It would result in a retaining wall and  
3 sloping ground with native materials growing back to maintain the slope. There would be retention  
4 chambers to control the storm runoff so the flow rate would be equivalent to what flows off the land now.  
5 These chambers would need ongoing maintenance. There would not be contaminants coming off during  
6 construction.

7  
8 Mr. Fiore reviewed the criteria for the special conditions. Nothing can be built upon the site without  
9 impacting the wetlands to some degree. Currently there is water from the City but there is no sewer.  
10 There is no place on the property where a septic system can be built. This building would have an  
11 injector system that would push down to the City sewer system on Mount Support Road. It appears that  
12 there is no other reasonable use for any residence that would work on this property. It would take a much  
13 larger facility to make it financially reasonable to develop the property with the City sewer. There is no  
14 place on the property where a septic system can be built within the wetland guidelines. They believe this  
15 facility is the most reasonable structure for the use of this property.

16  
17 The Board discussed the need for state, federal and local permits. The Conservation Commission asked  
18 the applicants to be conscious of the amount of impermeable surface that would become the parking area.  
19 They would try to make the minimal number of parking spaces that meet approval requirements.

20  
21 Rachel Townsend spoke in opposition to the special exception. She said the character of the area would  
22 be affected by bringing individuals and families with drug addictions into the neighborhood. The  
23 capacity of existing and planned facilities would be adversely impacted, and it would affect the human  
24 services. The City is already a tax burden. Granting would result in undue expenses and the municipal  
25 expense would not result in any tax benefit.

26  
27 Nicholaos Mouzourakis said pertaining to attitudes toward wetlands he has seen the community change  
28 considerably. Hundreds of housing units have been added in the neighborhood and hundreds of  
29 additional units are planned to be added. Previous projects have impacted the wetlands, and it is a bad  
30 precedent to approve the impact on wetlands. Over time it would change the land and wetlands. This  
31 would destroy the natural area that is part of the neighborhood. It would also encroach on endangered  
32 species.

33  
34 Joan Townsend was concerned about the maintenance of the parking lots and the care of the retaining  
35 walls. All of the salt gets pushed away from the lots onto the ground and into the wetlands. The amount  
36 of impermeable grounds and the maintenance of those areas, such as winter salt, would have an impact on  
37 the wetlands.

38  
39 Courtney Tanner spoke saying she has the privilege of serving on the Board for Family Flourish. They  
40 are excited that they have gotten this project to this point. At this point the Board is only evaluating the  
41 impact on the wetlands. She said they have worked very hard to mitigate the impact on the wetlands and  
42 have worked hard to find the best property. This parcel makes the most sense for the project.

43  
44 **Hearing no further comments, the Public Hearing was closed.**

45  
46 The Board did not have any additional questions.

47  
48 **B. Mary Hitchcock Memorial Hospital & Families Flourish Northeast, 424 Mount Support Rd**  
49 **(Tax map 24, Lot 6), zoned R-1: The applicant requests a Special Exception from Section 308.2,**

1           pursuant to Section 801.3, of the Zoning Ordinance, to allow the construction of a group  
2           residence with associated infrastructure. **ZB2025-02-SE Continued from the 1/6/2025 meeting**  
3

4           The second application was discussed. The applicants stated that the Planning Board believes this does  
5           meet the criteria of group residence and meets the criteria for a special exception. They believe this  
6           housing would be smaller than many buildings next to it. The housing would be staffed, and they believe  
7           this would limit the negative impacts of the types of residents that would be living in the building. It is  
8           dedicated to people improving their lives. It would be twelve residential units. The ordinance does allow  
9           for a group residence in this zoning district.  
10

11          Daisy Goodman spoke of the population that would inhabit the residence. Over time they have seen an  
12          increase in the number of people who have significant addiction and have children and are having a new  
13          child. They often come into the hospital close to delivery time instead of coming in earlier and having  
14          time to detox. All of these things would be mitigated by being housed in this type of residence. This is a  
15          model that has been used across the country with good outcomes. Keeping the children and newborn  
16          children together results in a greater outcome for all of this group. Residential treatment settings  
17          eliminate many of the hazards of living on the street, resulting in incredible outcomes. Ideally these would  
18          be 3 to 9 month living arrangements. The residents are simultaneously under treatment for addictions.  
19

20          Courtney Tanner spoke. This residence would have 24/7 staff and be a full-time treatment center.  
21          Living in the home would include the requirement to participate in the community. Family Flourish is a  
22          part of the solution for these women and the community. It would lessen the burden on society.  
23

24          Joan Townsend spoke. It seems that 13.4% of babies who come to MHMH are under substance abuse.  
25          The cost of building in this area would become a City burden in the future. The Board asked how much  
26          the City would have to fund this building and what happens when funding runs out. As it is, there is no  
27          financial burden. Ms. Townsend said this would create costs for road maintenance, ambulances, police  
28          protection, and all the City facilities would be a future cost. It is not apparent how this would benefit the  
29          residents of the City.  
30

31          Andrew Winters from Twin Pines, the adjacent property, spoke in full support of this project, its purpose,  
32          and its location. It is away from significant residential areas and close to the hospital. He believes the  
33          applicants have done a lot to address the concerns of residents of the City. There already is a significant  
34          cost of people who need treatment in the City.  
35

36          Nicholaos Mouzourakis said the Lebanon GIS system shows that all of the land around this area is owned  
37          by Dartmouth. He wondered why this tiny bit of land near the wetlands is chosen instead of the other  
38          land. Also, he wonders how the people who would be living adjacent to the group home who are part of  
39          Twin Pines would feel about living next to that type of facility.  
40

41          Miss Goodman spoke. They are concerned about the safety and benefit of the families of the future  
42          residents of the home. The goal is to provide a sheltered space that is somewhat sequestered. People and  
43          children would not be wandering unsupervised. Most people who come to this place are not allowed to  
44          bring a vehicle. Most of the vehicles would belong to staff. One of the reasons this location was chosen  
45          is its proximity to the bus service.  
46

47          Rachel Townsend said she heard people say that this facility needs to be in Lebanon. She feels it does not  
48          need to be in a location that requires a special exception to be in Lebanon and asked why it needs to be in  
49          a location that it is not already acceptable.  
50

1 **Hearing no further comments, the Public Hearing was closed.**

2  
3 The Board deliberated and determined that the wetlands application had no further need for discussion.

4  
5 **A motion was made by Mr. Morris regarding agenda item 3B2025-01-SE and the request for a**  
6 **special exception.**

7  
8 *On January 6th, 2025, and January 16, 2025 at duly-noticed meetings of the Lebanon Zoning Board of*  
9 *Adjustment, there appeared Nicholas Fiore regarding 424 Mount Support Rd (Tax Map 24, Lot 6). The*  
10 *applicant requests a Special Exception pursuant to Article IV, Section 401.5 (“Wetlands Conservation*  
11 *District”) of the Zoning Ordinance to allow wetland impacts associated with construction of a group*  
12 *residence and associated infrastructure.*

13  
14 **I. FINDINGS OF FACT**

15  
16 Based on testimony given, application materials presented, and supporting documents submitted, the  
17 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 18  
19 1. The applicant seeks to construct a group residence and associated infrastructure.  
20  
21 2. The construction of the safety improvements will impact a total of 5638 sq. ft. of wetlands.  
22  
23 3. The applicant has applied for a wetlands permit from the NH Department of Environmental  
24 Services. The wetlands permit was reviewed by the Conservation Commission at its December  
25 12, 2024, meeting. The applicant now seeks a Special Exception pursuant to Section 401.5 of the  
26 Zoning Ordinance to allow the proposed wetland impacts.  
27  
28 4. There are no known existing zoning violations on the property.  
29  
30 5. People spoke in favor and against. Courtney Tanner and Daisy Goodman spoke in favor. Rachel  
31 and Jan Townsend and Nicholaos Mouzourakis who all spoke against it and presented clear and  
32 cogent reasons not in favor of the wetlands application.  
33

34 **II. CONCLUSIONS OF LAW**

35  
36 As a result of the above findings of fact and based on testimony given, application materials presented,  
37 and supporting documents submitted, the Board concludes the following with respect to the Special  
38 Exception criteria set forth in §401.5 of the Zoning Ordinance:  
39

- 40 1. The use for which the exception is sought **cannot** feasibly, after consideration of all alternatives,  
41 be carried out on a portion or portions of the lot which are outside the Wetlands Conservation  
42 District. (§401.5.A)  
43  
44 2. Due to the provisions of the Wetlands Conservation District, as applied to the particular  
45 characteristics, setting and environment of the property, the lot **cannot** reasonably be used for any  
46 of the uses permitted or allowed by special exception, without some form of special exception  
47 under this section. (§401.5.B)  
48  
49 3. The design and construction of the proposed use **is** consistent with the purpose and intent of  
50 §401.1 (A), (B) and (C) of the Zoning Ordinance, and adequate conservation measures **will** be

taken to mitigate the detrimental effects of the proposed use on the natural function of the wetlands (§401.5.C)

4. The criteria set forth in Section 401.5.D relates to pipelines, powerlines, and other transmission of lines and, therefore, is not applicable.
5. The proposed use **will not** create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of ground water, or any other reason. (§401.5.E)
6. The project **is** capable of complying with all State and Federal wetlands and wetlands permitting requirements. (§401.5.F)
7. The project **is** capable of conforming to all existing best management practices, as referenced in Appendix A of the Zoning Ordinance, and **will** be implemented in a way which conforms to those practices (§401.5.G)

### III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 16<sup>th</sup> day of January 2025 hereby **GRANTS** the requested Special Exception pursuant to Section §401.5 of the Zoning Ordinance to allow wetland impacts associated with construction of a group residence and associated infrastructure at 424 Mount Support Road, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. All local, state and federal permits be applied for and achieved as necessary in order to proceed with the project.
2. Coordinate with the local Planning Board.

*Seconded by Ms. Barkley.*

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

The Board discussed that the application for the group home is a valuable need of the community, and they recognize the apprehensions of residents in the community. However, the Board realizes this is a population that is already in the community.

**A motion was made by Mr. Morris regarding agenda item 3B2025-02-SE and the request for a special exception.**

***On January 6, 2025 and January 16th, 2025, at duly-noticed meetings of the Lebanon Zoning Board of Adjustment, there appeared Nick Fiore regarding 424 Mount Support Rd (Tax Map 24, Lot 6). The applicant requests a Special Exception from Section 308.2, pursuant to Section 801.3, of the Zoning Ordinance, to allow the construction of a group residence with associated infrastructure.***

### 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 a dimensionally conforming vacant lot.

2. At this time, the applicant is seeking a Special Exception pursuant to Article III, Section 308.2 of the Zoning Ordinance to create a group residence within the R-1 zoning district.
3. As described in the application by the applicant, the applicant proposes to construct a 3-story group residence facility that will include 12 residential units and supportive programmatic space. The facility will be used as a substance use treatment and recovery center for pregnant and parenting women and their children.
4. In order to grant a Special Exception, the applicant must demonstrate that their 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 and Development Department on December 9, 2024.
5. There are no known existing zoning violations on the property.
6. A number of people spoke in favor and against. The people who spoke against include the Townsends, both Joan and Rachel and Nicholaos Mouzourakis. Speaking in favor was Andrew Winter, Daisy Goodman and Courtney Tanner. Mr. Winter runs an organization that is on the boarder of 424 Mount Support Road.

## 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 §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 6<sup>th</sup> day of January 2025 hereby **GRANTS** the requested Special Exception pursuant to Section §801.3 of the Zoning Ordinance to allow the construction of a group residence with associated infrastructure at 424 Mount Support Road, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

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

*Seconded by Ms. Barkley.*

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

### **4. STAFF COMMENTS**

Staff thanked the Board for holding this Special Meeting.

### **5. ADJOURNMENT**

*Ms. Barkley MOVED to adjourn the meeting at 8:47 PM.*

*Seconded by Mr. Morris.*

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

Respectfully submitted,  
Linda Billings, Recording Secretary



## STAFF MEMORANDUM

**To:** Zoning Board of Adjustment

**Prepared By:** Nathan Reichert, *Director of Planning & Development* and Zoning Administrator  
& Tiffany Adams, Zoning Executive Assistant

**Date:** February 3, 2025 – Regular Meeting

**Agenda Item:** 3.C ZB2025-04-VAR

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### HEARING NOTICE:

Eric & Irina Stacy, 108 School St (Tax map 107, Lot 6), zoned R-3: The applicants request a Variance from Article III, Section 310.2, pursuant to Section 801.2, of the Zoning Ordinance to allow the conversion of a two-family dwelling into a four-family dwelling where a maximum of a one-family dwelling is allowed. ZB2025-04-VAR

### SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally non-conforming two-family dwelling constructed in 1860, per the City Assessor's records, and is conforming to the R3 zoning district, Class 1 lot minimum size requirement of 10,000 sq ft with +/- 18,295 sq ft and is not within any overlay district. There has been no previous ZBA action since 1995.

### PROPOSAL:

The applicant proposes to convert the existing 2,796 sq ft two-family dwelling into a 4,983 sq ft 4-family dwelling with required additional parking. There will be no increase in the footprint of the existing building.

### ZONING ORDINANCE REQUIREMENTS - VARIANCE:

To obtain the requested Variance from Section §310.2, 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.

#### **STAFF COMMENTS:**

The Applicant has applied for a Use Variance to allow a 2-family home to be converted into a 4-family home. Under New Hampshire Statute a Use Variance requires that the applicant demonstrate adherence to the same criteria as a dimensional Variance.

**Section 607** of the Zoning Ordinance requires 1.5 parking spaces per each apartment with 1 or more bedrooms. The proposed four, two-bedroom, dwelling units will require a minimum of 6 parking spots. 6 parking spots appear to be provided with several clarifications required.

**Section 201.7** of the Zoning Ordinance states *"Driveways may occupy required yard areas. Parking areas may occupy required yard areas provided they maintain at least a 5 ft. setback from all lot lines, except that (i) parking areas in the front yard are prohibited in the LD District per Section 307.9.B, and (ii) for all uses other than one- and two-family dwellings for which a portion of the driveway occupies the required front yard, parking areas in the front yard in the residential districts, the R-O District, and the R-O-1 District, shall be set back no less than the lesser of the minimum front yard requirement or the front building line, but in no case less than five (5) feet."*

It appears that at least one of the proposed parking spaces does not meet the 5-foot minimum lot line setback requirement. A condition requiring:

"The Applicant shall demonstrate adherence to section §201.7 by amending the site plan to demonstrate that the parking area's 5-foot minimum lot line setback is met. The clarified site plan shall be submitted to the Zoning Official for administrative approval prior to site plan application."

**Section 607.8, Electric Vehicles**, of the Zoning Ordinance requires *"Multi-Family Dwellings. Parking for multi-family dwellings shall include:*

- a. EVSE-installed spaces for a minimum of 5% of proposed off-street parking spaces.*
- b. EV-ready spaces for a minimum of 20% of proposed off-street parking spaces.*
- c. EV-capable spaces for a minimum of 65% of proposed off-street parking spaces.”*

The applicants' provided plans do not detail the quantity or location of the required EV infrastructure. A condition of approval is recommended stating:

“The Applicant shall demonstrate adherence to section §607.8 Electric Vehicles by amending the site plan to designate 1 parking space as EVSE-installed, 1 parking space as EV-ready and 2 parking spaces as EV-Capable. The clarified site plan shall be submitted to the Zoning Official for administrative approval prior to site plan application.”

Additional site plan requirements may apply as required but the site plan regulations. A minor site plan approval will be required.

**OTHER APPROVALS:**

1. Planning Board approval
2. Building permit
3. Water & sewer allocation permit

**ATTACHMENTS:**

Application and Site Photos.



**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.

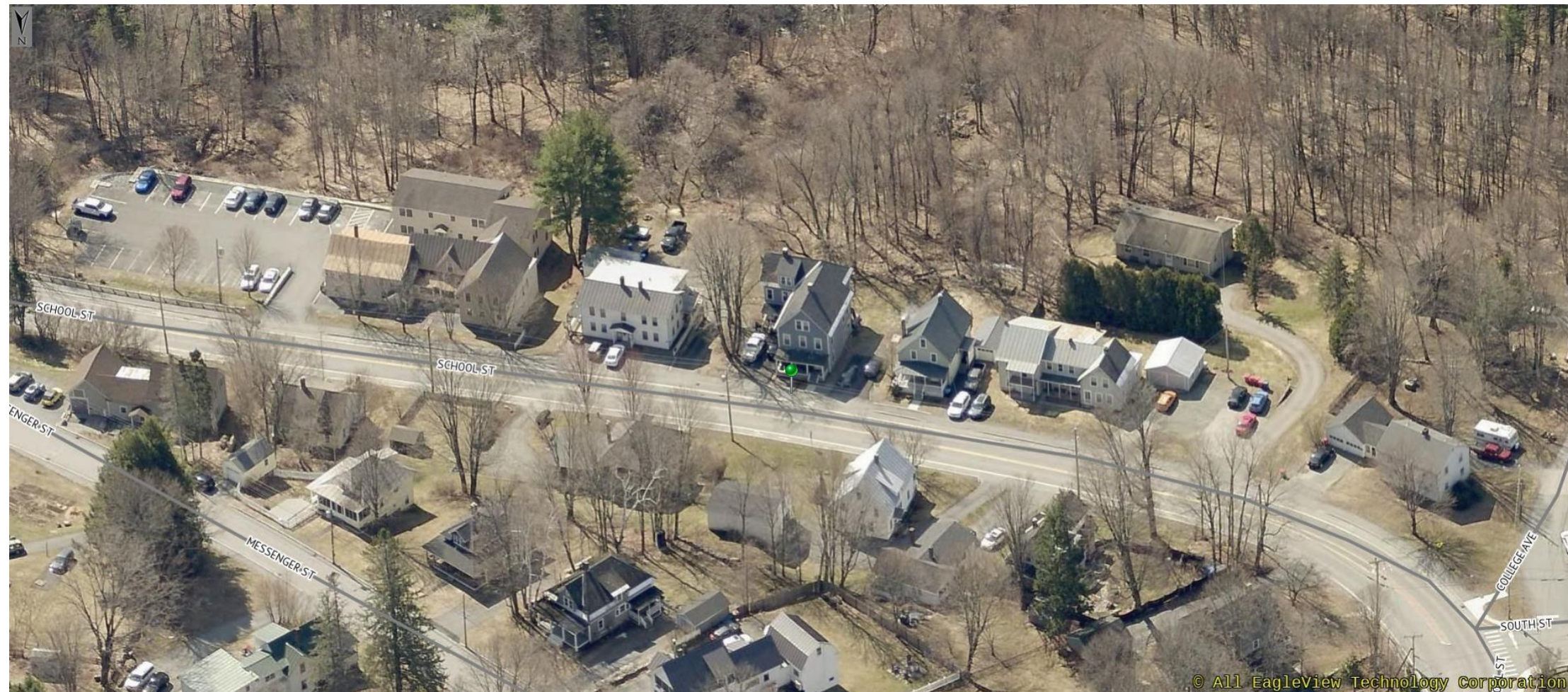
Geometry updated 07/15/2024  
Data updated 11/18/2018

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





# 108 School St





## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### ZONING BOARD OF ADJUSTMENT VARIANCE

#### Draft Decision

Eric & Irina Stacy - 108 School Street

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#### **DRAFT MOTION for:**

**Agenda Item 3.C**

**Case ZB2025-04-VAR**

**Request for Variance from Section §310.2**

Motion made by: \_\_\_\_\_

On February 3, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 108 School St (Tax map 107, Lot 6), zoned R-3: The applicants request a Variance from Article III, Section 310.2, pursuant to Section 801.2, of the Zoning Ordinance to allow the conversion of a two-family dwelling into a four-family dwelling where a maximum of a one-family dwelling is 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 improved with a two-family home constructed in 1860. At +/- 18,295 sq. ft., the lot is conforming to the 10,000 sq. ft. minimum lot size required for Class 1 lots in the R-3 District.
2. The applicant proposes to convert the existing two-family dwelling to a four-family dwelling.
3. The applicant has submitted testimony addressing the section §801.3 Variance criteria in an application received by the Planning and Development Department on January 13th, 2025.
4. To obtain the requested Variance from section §310.2, the applicant 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. \_\_\_\_\_

---

## 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.

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

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3. Substantial justice is / is not done.

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

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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.

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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.

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

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### III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **6th day of February, 2025**, hereby **GRANTS / DENIES** the Variance from Section 310.2, pursuant to Section 801.2 of the Zoning Ordinance to allow the conversion of a two-family dwelling into a four-family dwelling where a maximum of a one-family dwelling is allowed, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The Applicant shall demonstrate adherence to section §201.7 by amending the site plan to demonstrate that the parking area's 5-foot minimum lot line setback is met. The clarified site plan shall be submitted to the Zoning Official for administrative approval prior to site plan application.
2. The Applicant shall demonstrate adherence to section §607.8 Electric Vehicles by amending the site plan to designate 1 parking space as EVSE-installed, 1 parking space as EV-ready and 2 parking spaces as EV-Capable. The clarified site plan shall be submitted to the Zoning Official for administrative approval prior to site plan application.
3. The Applicant shall obtain Site Plan approval from the Minor Site Plan Committee.
4. The Applicant shall obtain a Building Permit.
5. The Applicant shall pay all applicable Impact Fees as required by the Planning Board.
6. The Applicant shall obtain a Water & Sewer Allocation Permit from the Department of Public Works.
7. \_\_\_\_\_  
\_\_\_\_\_
8. \_\_\_\_\_  
\_\_\_\_\_

Motion seconded by: \_\_\_\_\_

Vote: \_\_\_\_\_

**CITY OF LEBANON  
APPLICATION FOR**

|                                     |                                     |                          |                                       |
|-------------------------------------|-------------------------------------|--------------------------|---------------------------------------|
| <b>SPECIAL EXCEPTION</b>            | <input type="checkbox"/>            | <input type="checkbox"/> | <b>SITE PLAN REVIEW</b>               |
| <b>VARIANCE</b>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>SUBDIVISION</b>                    |
| <b>MOTION FOR REHEARING</b>         | <input type="checkbox"/>            | <input type="checkbox"/> | <b>LOT LINE ADJUSTMENT</b>            |
| <b>APPEAL OF AN ADMIN. DECISION</b> | <input type="checkbox"/>            | <input type="checkbox"/> | <b>OTHER (                      )</b> |

**PROPERTY OWNER (APPLICANT):**

NAME: Eric Stacy TEL.#: [REDACTED]  
 MAILING ADDRESS: 108 School St., Lebanon, NH 03766  
 E-MAIL ADDRESS: [REDACTED]

**CO-APPLICANT, AGENT, OR LESSEE:**

NAME: Irina Stacy TEL.#: [REDACTED]  
 MAILING ADDRESS: 108 School St., Lebanon, NH 03766  
 E-MAIL ADDRESS: [REDACTED]

**PROJECT LOCATION:**

TAX MAP #: 107 LOT#: 6 PLOT #:  ZONE: R3  
 STREET ADDRESS OF PROJECT: 108 School St. Lebanon, NH 03766  
 IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO  
**FLOOD PLAIN** ☐ YES ☒ NO

**SCOPE OF PROJECT:**

Convert existing duplex into four 2 bedroom  
apartments with additional parking as needed.

**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:**

 DATE: 1/8/25  
 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.

\_\_\_\_\_  
 PROPERTY OWNER DATE: \_\_\_\_\_

| DATE RECEIVED | FILE # (MAP/LOT) | APPLICATION # |  |  |  |
|---------------|------------------|---------------|--|--|--|
| 1/13/25       | 107-6            | ZB2025-04-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) III  
Section(s) 302.1, 310.1-4 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 attached Support Statement
  2. That the variance will observe the spirit of the Ordinance.  
see attached Support Statement
  3. That by the granting of the variance, substantial justice will be done;  
See attached Support Statement
  4. That the variance, if authorized, will not diminish the values of surrounding properties  
See Attached Support Statement 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 Attached Support Statement

; and

(ii) The proposed use is a reasonable one.

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(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformity with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

---

---

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

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

Statement of Intent:

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

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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;

A. The variance does not alter the essential character of the neighborhood, please refer to Applicant's response to Condition 3 below for more detail, and

B. The variance will not materially alter the demands of the structure or its inhabitants on public resources because the additional dwelling units requested are negligible in relation to the infrastructure capacity currenting in place. In fact, since the building's envelope, HVAC, and all major appliances will be modernized, the per-capital demand on infrastructure will be reduced.

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

Per the goals of the Ordinance stated in Article I, Section 102 Purpose, granting the variance will observe the spirit of the ordinance as restated here:

• **Lessen congestion in the streets and promote safe and efficient movement of people, vehicles, and goods;** Granting the variance will reduce congestion by placing more people within walking distance of essential services and potentially reducing commuter miles from rural areas to jobs based in the city. The subject property is located on NH 120 so any additional vehicle traffic will be sourced directly onto a main thruway and not side street.

• **Secure safety from fire, panic and other dangers;** The existing structure does not have adequate smoke alarm wiring and a complicated interior design

- **Promote health and the general welfare;** Health and general welfare will be promoted by updating the structure with modern plumbing and electrical wiring throughout.
- **Promote adequate natural light and clean air;** No change in the footprint or height of the building is contemplated therefore there will be no impact on available natural light except that more people can enjoy the existing light. Air quality will be improved by switching from fuel oil to electricity to heat the building.
- **Prevent the overcrowding of land by people and structures by avoiding undue concentration of population and preserving open space;** The subject property is located on a ½ acre lot, and granting the variance will not exceed existing density codes. The project scope does not alter the existing footprint of said housing thereby accommodating more people without additional urban sprawl.
- **Promote adequate facilities and infrastructure for transportation, solid waste, water, sewerage, energy schools, recreation, parks, and child day care;** The boundaries of the City of Lebanon are fixed so the infrastructure must be supported by the tax base of properties within those existing boundaries. Granting this variance will approximately double the amount of revenue received from this parcel and does not require any additional infrastructure thereby increasing the revenues available for the public commons.
- **Protect and assure proper stewardship of natural resources;** The subject property has a low-quality insulating envelope, with no insulation in the basement or attic. Reinsulating the building and electrifying all appliances and HVAC will reduce energy consumption assisting proper stewardship of the environment.
- **Provide a range of housing choices and affordability;** The subject property is a poorly designed duplex with small, cut up rooms making the number of bedrooms dependent on the inconvenience someone is willing to endure. Granting the variance will increase the range and affordability of housing choices in the critical 2 BR / 2 BA range that can be occupied by either roommates or starting families.
- **Provide a range of economic opportunities and services;** Other than additional units, the subject property is residential and does not have an impact on economic opportunities or services.
- **Encourage the preservation of agricultural lands and buildings;** Other than additional units, the subject property is residential and does not have an impact on economic opportunities or services.
- **Encourage energy-efficient land uses and installation of renewable energy systems.** The project will require updating the electrical service, converting all appliances to electric, installing heat pump HVAC and domestic hot water, and the addition of at least two (2) Level 2 EV charging stations.

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

In regards to Condition 3, any loss to the individual that is not outweighed by a gain to the general public is an injustice. The injustice must be capable of relief by granting a variance that meets the other four qualifications.

The large size of the subject property, its location from NH 120, and its poor interior condition, encumber the maintenance of the property in its existing form. Like the two buildings on each side of it, the subject property is only 20' from the heavy traffic of NH 120. The third floor is fully developed for habitation but was abandoned around the 1940's, is no longer heated or insulated, and the wallpaper and plaster are falling off. The basement is an uninsulated, dirt floor, walkout-basement with two, ground-level entrances and multiple windows. The total potential living area is 4983 SF.

Referring to Map 1, Dwelling Types within 300' and 550' Radius of the Subject Property and Table 1, Itemization and Characteristics of Properties within 550' of Subject Property, of the two buildings on either side of the subject property on the southern, downhill side of School Street, three have been converted to multi-unit buildings and one is too small for such a conversion. The dwelling units on the opposite, uphill side of School Street are set back further from the street, are located considerably higher, and have been able to retained their well-maintained character because they are more insulated from the road's activity and are not multifamily properties.

Some form of significant renovation is necessary to make the property livable again, but due to the location and neighborhood, duplex properties or even duplexes with ADUs are not well valued by the market because of the lower quality of the pre-zoning ordinance multifamily conversions.

With the granting of a variance, all of the upgrades required to obtain a building permit for a 4-plex become both economically practical and necessary resulting in an increase in the number of modern, safe, and efficient housing units in Lebanon. Since any loss to the applicants which is not outweighed by a gain to the public is an injustice, what follows is an examination of the effects on both interests.

The loss to the applicant is their ability to enjoy a reasonable use of the property where similar uses are enjoyed already by their neighbors either by conversion prior to the adoption of the zoning ordinance or by special exceptions granted by prior zoning boards. Without the variance, the applicants will be financially compelled to perform a quick, low-budget, renovation to the duplex similar to other properties nearby continuing the mediocre tenor of the area, whereas with the variance, the applicants will renovate to modernized, future-proofed, building consisting of four 2-bedroom, 1-bath, units of contemporary size.

The gain to the general public by not granting the variance is the perceived stability in the character of the neighborhood in line with the normal restrictions of an R-3 zone which is primarily intended for single family residences, duplexes, and ADUs. However, let's look at the existing character of the neighborhood.

Referring to Map 1 and Table 1, Itemization and Characteristics of Properties within 550' feet of Subject Property and Map 2 and Table 2, Count and Percentages of Buildings and Units Conforming to R-3 Zoning within 300' and 550' of the Subject Property Before and After Granting of the Variance, the percentage of conforming buildings within 300' and 550' of the subject property is 84% and 86%, respectively. If the variance is granted, the conforming percentage of buildings in the same two zones will be 79% and 83%, respectively, for a slight decrease of 3% to 5%.

In summary, if maintaining the character of the neighborhood is the primary metric, granting the variance will have little effect. Neither the footprint or the exterior elevations of the subject property change, and any additional parking required will be placed behind the building, including two spots with EV chargers. If there is a concern that granting this variance will trigger additional requests and again referring to Map 2 and Table 2, there are no buildings remaining in the area large enough to undergo conversion to multi-unit buildings that have not already been converted.

The applicants maintain the small increase in the percentage of multifamily presence in the neighborhood is offset by the benefits to the public welfare that include a) increasing the property tax base, b) the benefit to the neighborhood of have a fully rejuvenated building, c) expansion of the quantity and quality of housing choice, and d) benefits to the natural environment by eliminating fossil fuel use, including EVs.

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

Referring to Map 1, of the nine properties on the southwest side of School Street, only 4 are conforming uses in the R3 district, three single family residences and the subject property, and the remaining five are nonconforming, being three-unit properties and up. Of the five nonconforming properties, only one is in reasonable condition, defined as appearing well maintained and not an eye sore. The well-maintained building, 114 School Street, is a 15-unit apartment complex created by special exception to a nonconforming use in 2001. The other properties were converted prior to the zoning ordinance.

If granted, the subject property will have the most updated interior and exterior appearance in the area, and is likely to have at minimum no effect and at best a significant positive effect on property values in the area considering the onus of current regulations. Residents of the building will be screened to ensure the superior condition of the property is maintained; therefore, they will make both good neighbors and valuable additions to the community.

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:

Special conditions of the property that distinguish it from other properties in the area:

Note: High-definition, interior and exterior, virtual tours and 3D dollhouse views of the property are available at <https://my.matterport.com/show/?m=nyoS6wz9sZd>.

Referring to Map 3, showing the boundary between the R2 and R3 zoning from the NH Zoning Atlas and the resulting ability to build 1- or 2-unit buildings versus 1- to 4- unit buildings, the map illustrates the effect and probably intent of the zoning boundaries. The boundaries appear to be a 100' setback from the center of Prospect Street to the north, following Prospect to its intersection with School Street and then continuing along the southwest side from the center of School Street to the edge of the developed area. This appears to be an attempt to maintain the character of the neighborhood of mostly single-family residences south of Prospect and east or north of School, centered around Messenger Street and Perley Avenue.

While the original intent can only be inferred, Applicant asserts that the 100' strip of R3 zoning southwest of School Street does not represent the nature of the neighborhood as it has evolved. Within this strip, there is a funeral home, a 15-plex, a 9-plex, an 8-plex, two 7-plexes, a 6-plex, a 4-plex, a 3-plex, two duplexes, and 5 single-family residences, with 9 nonconforming properties out of a total of 15, comprising 60% of the housing stock and 59 out of 69 dwelling units. Were the subject property located in the nearby R2 district, conversion to a 4-plex would be a permitted use.

(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;

As shown in applicant's response to **Condition 2 That the variance will observe the spirit of the Ordinance** above, granting the variance will advance the public's interest and not be contrary to ordinance's purpose. Since the R2 area is only about 300' feet away from the property, continued application of R3 provisions to the property have no substantial relationship between the public purpose of the ordinance and its application.

(ii) The proposed use is a reasonable one.

- The proposed use does not alter the essential character of the neighborhood
- The proposed use observes the spirit of the governing ordinance
- The proposed use already exists in adjoining properties
- The proposed use will not diminish the property values of adjacent properties
- The proposed use helps to solve the pressing need for more housing

(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformity with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

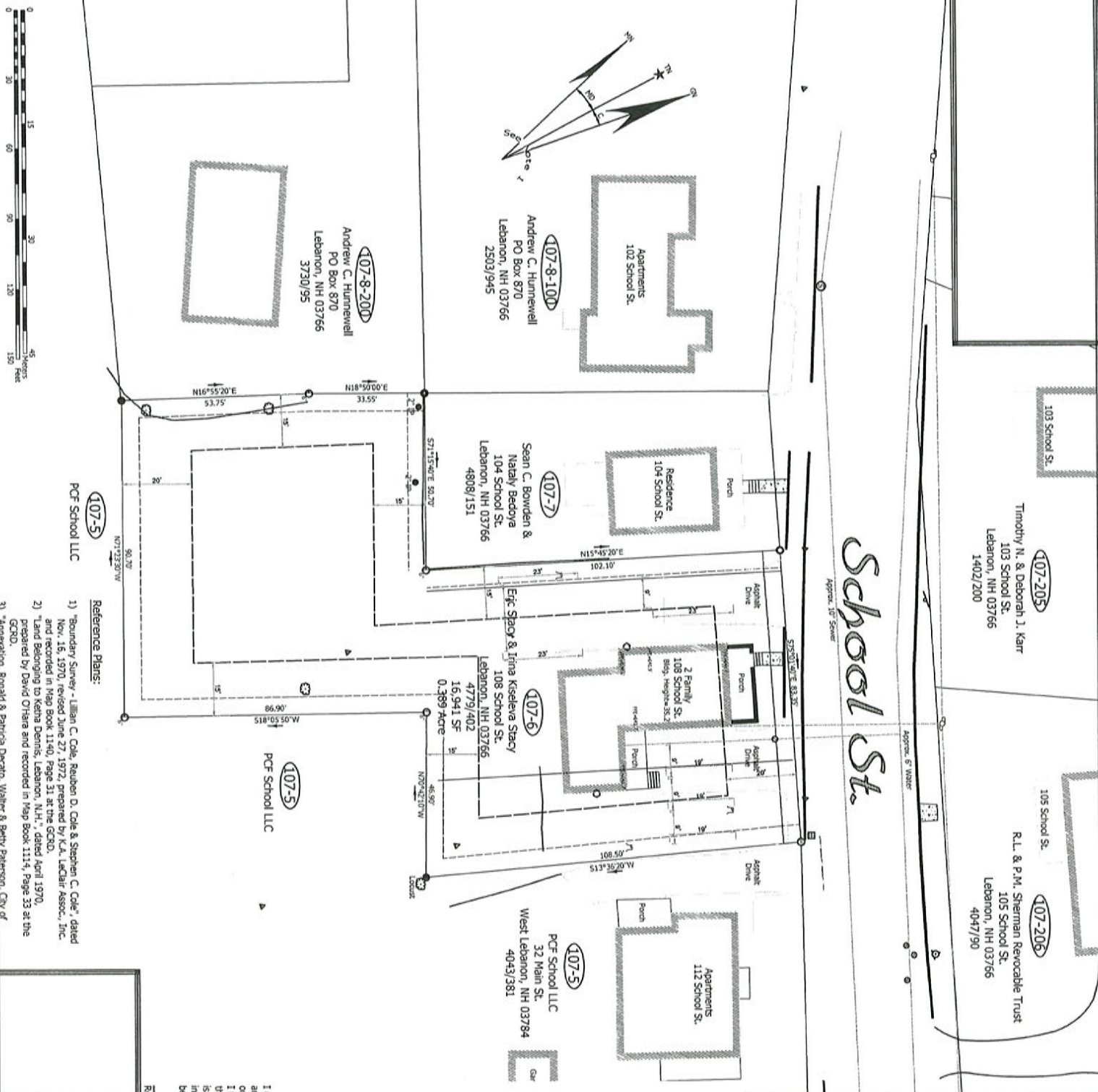
The applicants do not request a variance under the terms of this criteria.

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

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

Statement of Intent:

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



**Lebanon, NH**  
Scale: n.t.s.

**As Is**

**Boundary Survey**  
prepared for  
**Eric Stacy & Irina Kiseleva Stacy**  
Lebanon, Grafton County, New Hampshire

**Owner of Record:** Eric Stacy & Irina Kiseleva Stacy

**Task Map #:** 107-6

**Scale:** 1" = 20'

**Drawing:** 24036-00

**Date:** 12/27/24

**Revised:**

**Drawn by:** Eric Stacy

**Checked by:** Eric Stacy

**107-5**  
PCF School LLC  
32 Main St.  
West Lebanon, NH 03784  
4043/381

**107-6**  
Eric Stacy & Irina Kiseleva Stacy  
108 School St.  
Lebanon, NH 03766  
4779/402  
16,941 SF  
0.389 Acre

**107-7**  
Sean C. Bowden & Nataly Bedoya  
104 School St.  
Lebanon, NH 03766  
4808/151

**107-8-100**  
Andrew C. Hunnewell  
PO Box 870  
Lebanon, NH 03766  
2503/945

**107-8-200**  
Andrew C. Hunnewell  
PO Box 870  
Lebanon, NH 03766  
3730/95

**107-205**  
Timothy N. & Deborah J. Kair  
103 School St.  
Lebanon, NH 03766  
1402/200

**107-206**  
R.L. & P.M. Sherman Revocable Trust  
105 School St.  
Lebanon, NH 03766  
4047/90

**107-5**  
PCF School LLC

**107-6**  
Eric Stacy & Irina Kiseleva Stacy

**107-7**  
Sean C. Bowden & Nataly Bedoya

**107-8-100**  
Andrew C. Hunnewell

**107-8-200**  
Andrew C. Hunnewell

**107-205**  
Timothy N. & Deborah J. Kair

**107-206**  
R.L. & P.M. Sherman Revocable Trust

**107-5**  
PCF School LLC

**107-6**  
Eric Stacy & Irina Kiseleva Stacy

**107-7**  
Sean C. Bowden & Nataly Bedoya

**107-8-100**  
Andrew C. Hunnewell

**107-8-200**  
Andrew C. Hunnewell

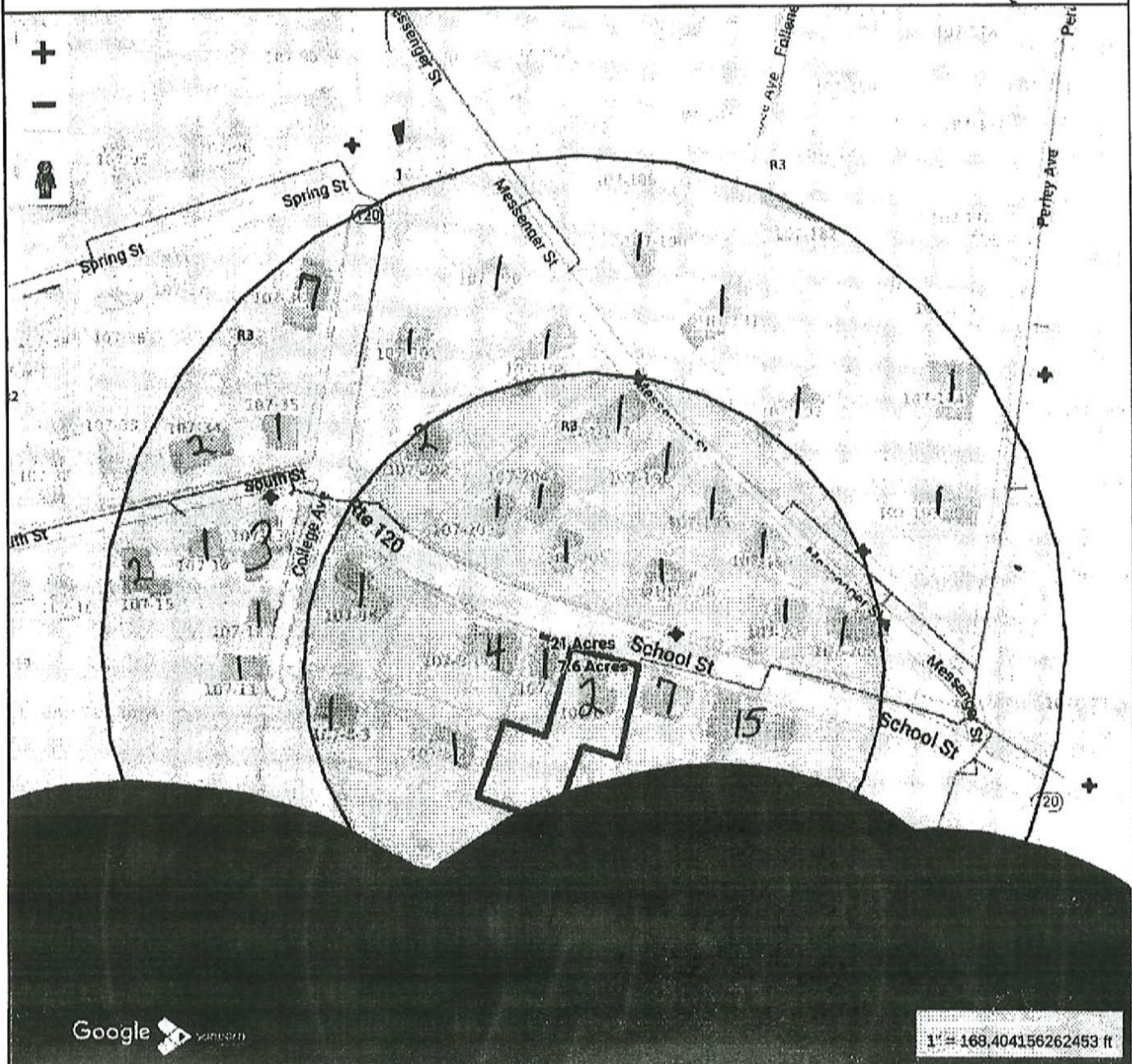
**107-205**  
Timothy N. & Deborah J. Kair

**107-206**  
R.L. & P.M. Sherman Revocable Trust





## Dwelling Types with 300' and 550' Radius of Subject Property



## Property Information

Property ID 107-6  
 Location 108 SCHOOL ST  
 Owner STACY, ERIC

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 05/18/2024  
 Data updated 11/18/2018

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

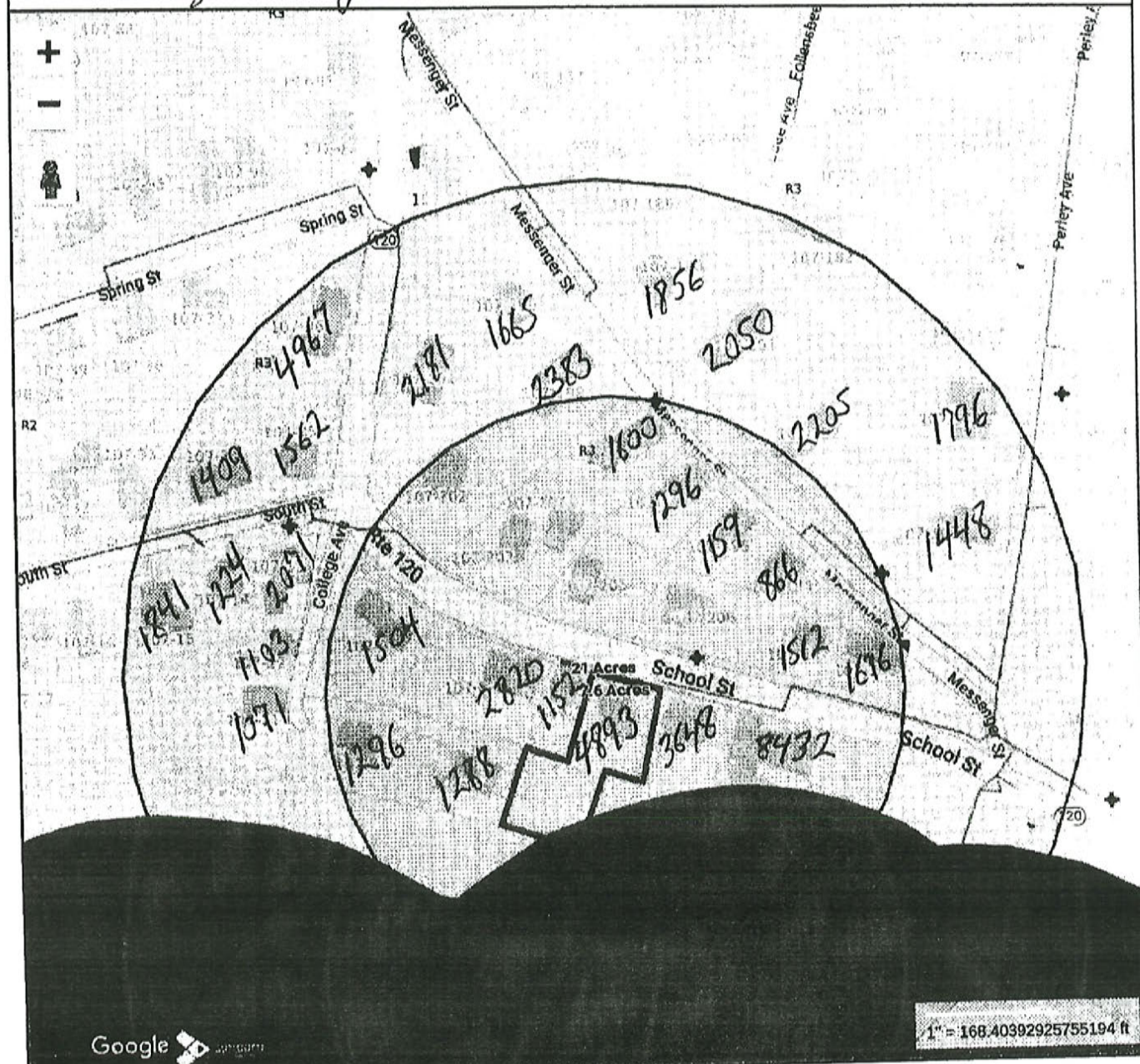
Table 1. Itemization and Characteristics of Properties with 550' of Subject Property

| Address      | Map / Lot       | Type     | Unadj. Living Area | Adjusted Living Area | Orientation to Street | Elevation Relative to Street | Distance from Subject |
|--------------|-----------------|----------|--------------------|----------------------|-----------------------|------------------------------|-----------------------|
| 114 School   | 107-4           | 15 Units | 8432               | 8432                 | South                 | Downhill                     | 300'                  |
| 112 School   | 107-5           | 7 Units  | 51084              | *3648                | South                 | Downhill                     | 300'                  |
| 108 School   | 107-6 (Subject) | Duplex   | 2761               | ^4893                | South                 | Downhill                     | 300'                  |
| 104 School   | 107-7           | SFR      | 1152               | 1152                 | South                 | Downhill                     | 300'                  |
| 102 School   | 107-8-1         | 4 Units  | 2820               | 2820                 | South                 | Downhill                     | 300'                  |
| 5 College    | 107-8-2         | SFR      | 1288               | 1288                 | East                  | Uphill                       | 300'                  |
| 7 College    | 107-8-3         | SFR      | 1296               | 1296                 | East                  | Uphill                       | 300'                  |
| 92 School    | 107-9           | SFR      | 1504               | 1504                 | Southwest             | Downhill                     | 300'                  |
| 84 School    | 107-35          | SFR      | 1562               | 1562                 | West                  | Downhill                     | 550'                  |
| 80 School    | 107-36          | 7 Units  | 4967               | 4967                 | West                  | Downhill                     | 550'                  |
| 91 School    | 107-201         | SFR      | 2181               | 2181                 | East                  | Uphill                       | 550'                  |
| 93 school    | 107-202         | Duplex   | 2160               | 2160                 | East                  | Uphill                       | 300'                  |
| 99 School    | 107-203         | SFR      | 1524               | 1524                 | North                 | Uphill                       | 300'                  |
| 101 School   | 107-204         | SFR      | 1026               | 1026                 | North                 | Uphill                       | 300'                  |
| 103 School   | 107-205         | SFR      | 1444               | 1444                 | North                 | Uphill                       | 300'                  |
| 105 School   | 107-206         | SFR      | 2080               | 2080                 | North                 | Uphill                       | 300'                  |
| 115 School   | 107-207         | SFR      | 1512               | 1512                 | North                 | Uphill                       | 300'                  |
| 119 School   | 107-208         | SFR      | 1696               | 1696                 | North                 | Uphill                       | 300'                  |
| 28 Messenger | 107-194         | SFR      | 1665               | 1665                 | Southwest             | Downhill                     | 550'                  |
| 26 Messenger | 107-195         | SFR      | 2383               | 2383                 | Southwest             | Downhill                     | 550'                  |
| 24 Messenger | 107-196         | SFR      | 1600               | 1600                 | Southwest             | Downhill                     | 300'                  |
| 24 Messenger | 107-196         | SFR      | 1296               | 1296                 | Southwest             | Downhill                     | 300'                  |
| 20 Messenger | 107-197         | SFR      | 1159               | 1159                 | Southwest             | Downhill                     | 300'                  |
| 16 Messenger | 107-198         | SFR      | 866                | 866                  | Southwest             | Downhill                     | 300'                  |
| 6 Messenger  | 107-199         | SFR      | 1512               | 1512                 | Southwest             | Downhill                     | 300'                  |
| 18 Perley    | 107-174         | SFR      | 1796               | 1796                 | West                  | Uphill                       | 550'                  |
| 15 Messenger | 107-190         | SFR      | 1448               | 1448                 | Northeast             | Uphill                       | 550'                  |
| 19 Messenger | 107-191         | SFR      | 2205               | 2205                 | Northeast             | Uphill                       | 550'                  |
| 25 Messenger | 107-192         | SFR      | 2050               | 2050                 | Northeast             | Uphill                       | 550'                  |
| 29 Messenger | 107-193         | SFR      | 1856               | 1856                 | Northeast             | Uphill                       | 550'                  |
| 6 College    | 107-11          | SFR      | 1103               | 1103                 | West                  | Downhill                     | 550'                  |
| 2 College    | 107-12          | SFR      | 1071               | 1071                 | West                  | Downhill                     | 550'                  |
| 2 South      | 107-13          | Triplex  | 2071               | 2071                 | South                 | Uphill                       | 550'                  |
| 6 South      | 107-14          | SFR      | 1224               | 1224                 | South                 | Uphill                       | 550'                  |
| 8 South      | 107-15          | Duplex   | 1847               | 1847                 | South                 | Uphill                       | 550'                  |
| 7 South      | 107-34          | Duplex   | 1409               | 1409                 | North                 | Downhill                     | 550'                  |

\* The property record card for 112 School has an obvious error in the listing for livable area. It shows the Raised Finished Basement having a gross area of 804 SF and a livable area of 48,240 SF, which is more than an acre. The total living areas has been adjusted to the living area of the other floors plus the 804 gross SF of the RFB. Livable Area = 804+1422+1422

^ The property record card for the subject property 108 School does not include the 1398 SF gross area of the unfinished attic in the livable area. The attic areal is currently abandoned but was clearly occupied in the past. There is an additional 1398 SF of gross area in the basement of which more than half can be placed in service with a normal 8' ceiling height. Liveable SF = 699+1398+1398+1398

# Building Living Area Within 300' and 550' of Subject



## Property Information

Property ID 107-6  
 Location 108 SCHOOL ST  
 Owner STACY, ERIC

## MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

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Geometry updated 05/18/2024  
 Data updated 11/18/2018

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

**Table 2. Count and Percentages of Buildings and Units Conforming to R-3 Zoning within 300' and 550' of the Subject Property Before and After Granting of the Variance**

| Building Type            | Buildings in 300' | % of Buildings in Area | Dwelling Units in 300' | % of Units in Area | Buildings in 550' | % of Buildings in Area | Dwelling Units in 550' | % of Units in Area |
|--------------------------|-------------------|------------------------|------------------------|--------------------|-------------------|------------------------|------------------------|--------------------|
| <b>Before Variance</b>   |                   |                        |                        |                    |                   |                        |                        |                    |
| Single Family Residences | 14                | 74%                    | 14                     | 32%                | 26                | 74%                    | 26                     | 37%                |
| Duplex                   | 2                 | 11%                    | 4                      | 9%                 | 4                 | 11%                    | 8                      | 11%                |
| Triplex                  | 0                 | 0%                     | 0                      | 0%                 | 1                 | 3%                     | 3                      | 4%                 |
| Fourplex                 | 1                 | 5%                     | 4                      | 9%                 | 1                 | 3%                     | 4                      | 6%                 |
| 7-Unit Multifamily       | 1                 | 5%                     | 7                      | 16%                | 2                 | 6%                     | 14                     | 20%                |
| 15-Unit Multifamily      | 1                 | 5%                     | 15                     | 34%                | 1                 | 3%                     | 15                     | 21%                |
| Total                    | 19                |                        | 44                     |                    | 35                |                        | 70                     |                    |
| <b>After Variance</b>    |                   |                        |                        |                    |                   |                        |                        |                    |
| Single Family Residences | 14                | 74%                    | 14                     | 32%                | 26                | 74%                    | 26                     | 37%                |
| Duplex                   | 1                 | 5%                     | 2                      | 5%                 | 3                 | 9%                     | 6                      | 9%                 |
| Triplex                  | 0                 | 0%                     | 0                      | 0%                 | 1                 | 3%                     | 3                      | 4%                 |
| Fourplex                 | 4                 | 21%                    | 16                     | 36%                | 2                 | 6%                     | 8                      | 11%                |
| 7-Unit Multifamily       | 1                 | 5%                     | 7                      | 16%                | 2                 | 6%                     | 14                     | 20%                |
| 15-Unit Multifamily      | 1                 | 5%                     | 15                     | 34%                | 1                 | 3%                     | 15                     | 21%                |
| Total                    | 21                |                        | 54                     |                    | 35                |                        | 72                     |                    |
| <b>Before Variance</b>   |                   |                        |                        |                    |                   |                        |                        |                    |
| Conforming               | 16                | 84%                    | 18                     | 41%                | 30                | 86%                    | 34                     | 49%                |
| Non-Conforming           | 3                 | 16%                    | 26                     | 59%                | 5                 | 14%                    | 36                     | 51%                |
| Totals                   | 19                |                        | 44                     |                    | 35                |                        | 70                     |                    |
| <b>After Variance</b>    |                   |                        |                        |                    |                   |                        |                        |                    |
| Conforming Units         | 15                | 79%                    | 16                     | 36%                | 29                | 83%                    | 32                     | 46%                |
| Non-Conforming           | 4                 | 21%                    | 33                     | 75%                | 6                 | 17%                    | 43                     | 61%                |
| Totals                   | 19                |                        | 49                     |                    | 35                |                        | 75                     |                    |
| Conforming Properties    | -1                | -5%                    | -2                     | -5%                | -1                | -3%                    | -2                     | -3%                |
| Non-Conforming           | 1                 | 5%                     | 7                      | 16%                | 1                 | 3%                     | 7                      | 10%                |

Map 3. R-2 vs. R-3 Boundary Lines In Subject Property's Area



CONTRACT DOCUMENTS FOR INTERIOR  
RENOVATION

Eric Stacy & Irina Kiseleva Stacy  
108 School St.  
Lebanon, NH 03766

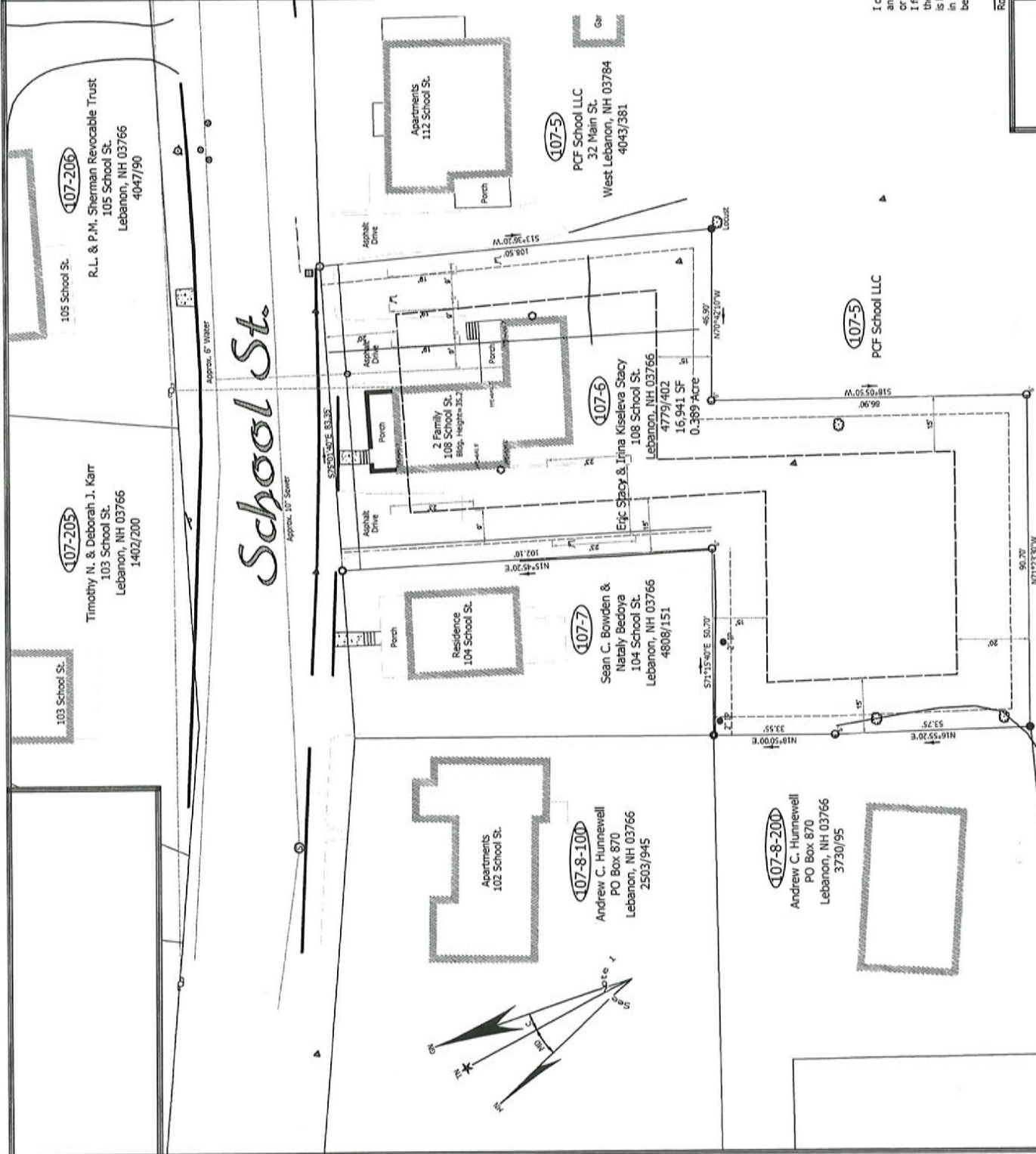
| DRAWING INDEX |                                        |
|---------------|----------------------------------------|
| N             | Sheet Name                             |
| CS            | COVER SHEET                            |
| G-1           | EXISTING PLAT PLAN                     |
| G-2           | PROPOSED PLAT PLAN                     |
| A-1           | EXISTING BASEMENT PLAN / DEMO PLAN     |
| A-2           | PROPOSED BASEMENT                      |
| A-3           | EXISTING FIRST FLOOR PLAN / DEMO PLAN  |
| A-4           | PROPOSED FIRST FLOOR PLAN              |
| A-5           | EXISTING SECOND FLOOR PLAN / DEMO PLAN |
| A-6           | PROPOSED SECOND FLOOR PLAN             |
| A-7           | EXISTING THIRD FLOOR PLAN / DEMO PLAN  |
| A-8           | PROPOSED THIRD FLOOR PLAN              |
| B-1           | NORTH ELEVATION                        |
| B-2           | EAST ELEVATION                         |
| B-3           | SOUTH ELEVATION                        |
| B-4           | WEST ELEVATION                         |

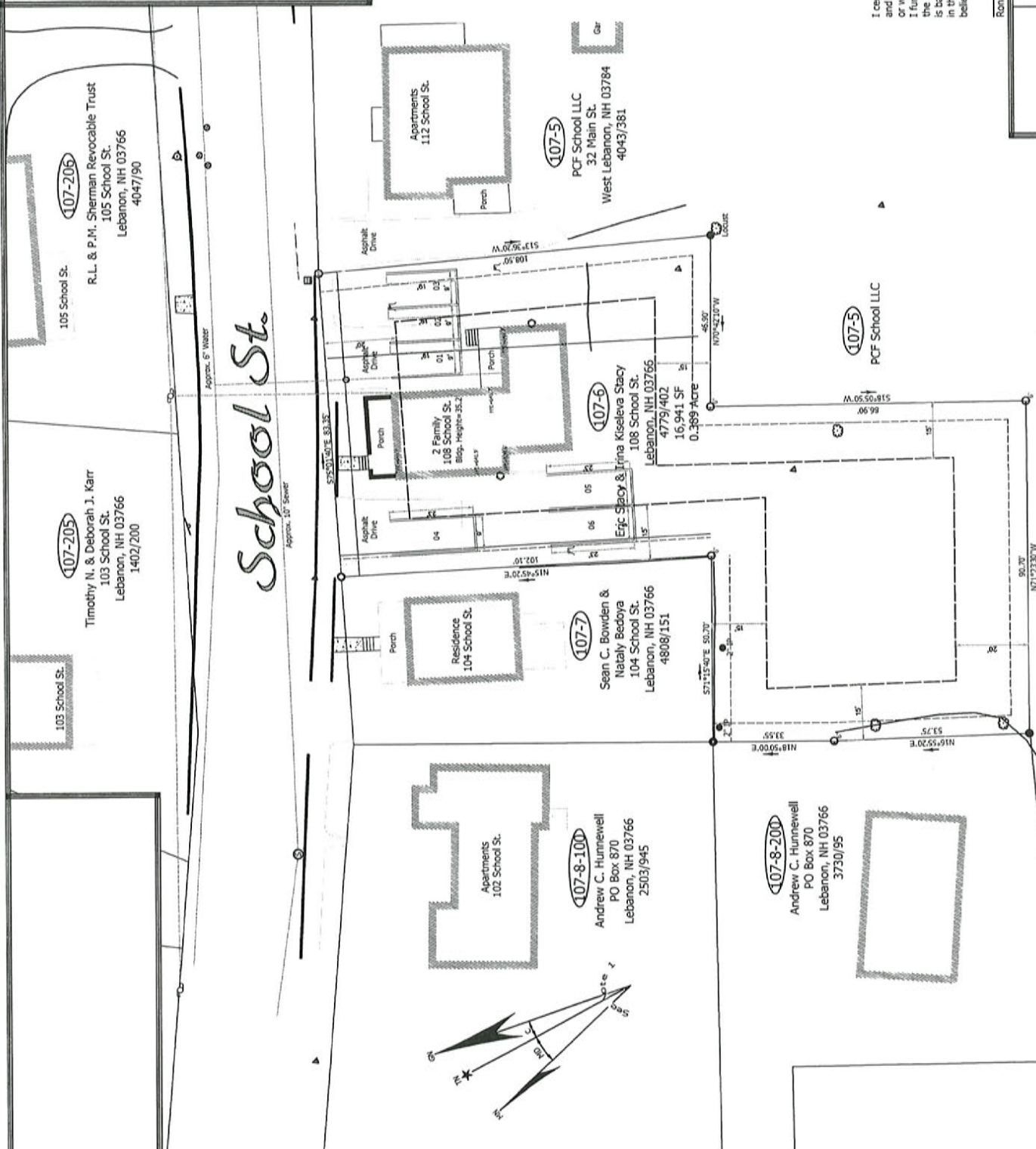
CODE INFORMATION

2021 INTERNATIONAL RESIDENTIAL CODE  
2021 INTERNATIONAL ENERGY CONSERVATION CODE  
2021 INTERNATIONAL FUEL GAS CODE  
2021 INTERNATIONAL MECHANICAL CODE  
2021 NATIONAL ELECTRICAL CODE  
ALL CODE REFERENCES INCLUDE THE LATEST ADOPTED  
AMENDMENTS AND  
MUNICIPAL CODE AND ORDINANCES

SCOPE OF WORK

INTERIOR RENOVATION OF A 4-PLEX HOUSE





Lebanon, NH  
Scale: n.t.s.

**Legend**

- 2" Ø Iron Pipe (Fnd 12" B.G.)
- 1" Ø Iron Rebar (Fnd 12" A.G.)
- 3/4" Ø Rebar (Fnd 6" A.G.)
- 1/2" Ø Pinched Pipe (Fnd 1" A.G.)
- 3/4" Ø Live Lime Geomatics Capped Rebar (Set 6" A.G.)
- Live Lime Geomatics Brass Tag & Map Nail (Set In Pavement)
- Survey Control Point
- Hardwood Tree
- Oil Filler & Vent Pipe
- Tree Stump
- Sewer Manhole
- Utility Pole
- Fire Hydrant
- Water Gate Valve
- Water Shut-off Valve
- Catch Basin
- Sign
- Stump
- Stone Wall
- 6" High Code Board Fence
- Wire Fence
- Overhead Electric & Telephone Line
- Setback Line
- 5 Driveway Setback Line

I certify that this survey plat is not a subdivision pursuant to N.H.R.S.A., Title LXXV and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown. RSA 676:18.III  
I further certify to the record owners that a field survey was performed that meets the accuracy requirements for a New Hampshire Class U (Urban) survey. This plat is based on deed descriptions, map references listed, and physical evidence found in the field. It is consistent with this information to the best of my knowledge and belief unless otherwise noted.

Ronald D. Taber NH L.S. 943 Date

**Boundary Survey**

prepared for

Eric Stacy & Irina Kiseleva Stacy

Lebanon, Grafton County, New Hampshire

Owner of Record: Eric Stacy & Irina Kiseleva Stacy

Tax Map #: 107-6

Scale: 1" = 20'

Drawing: 3-035-00

Revised:

Date: 12/27/24

Revised:

- Reference Plans:**
- 1) "Boundary Survey - Lillian C. Cole, Reuben D. Cole & Stephen C. Cole", dated Nov. 16, 1970, revised June 27, 1972, prepared by K.A. LeClair Assoc., Inc. and recorded in Map Book 1140, Page 31 at the GCRD.
  - 2) "Land Belonging to Keitha Dennis, Lebanon, N.H.", dated April 1970, prepared by David O'Hara and recorded in Map Book 1114, Page 33 at the GCRD.
  - 3) "Amendment, Ronald & Patricia DeGato, Waller & Betty Paterson, City of

Reference Plans:

107-5

PCF School LLC

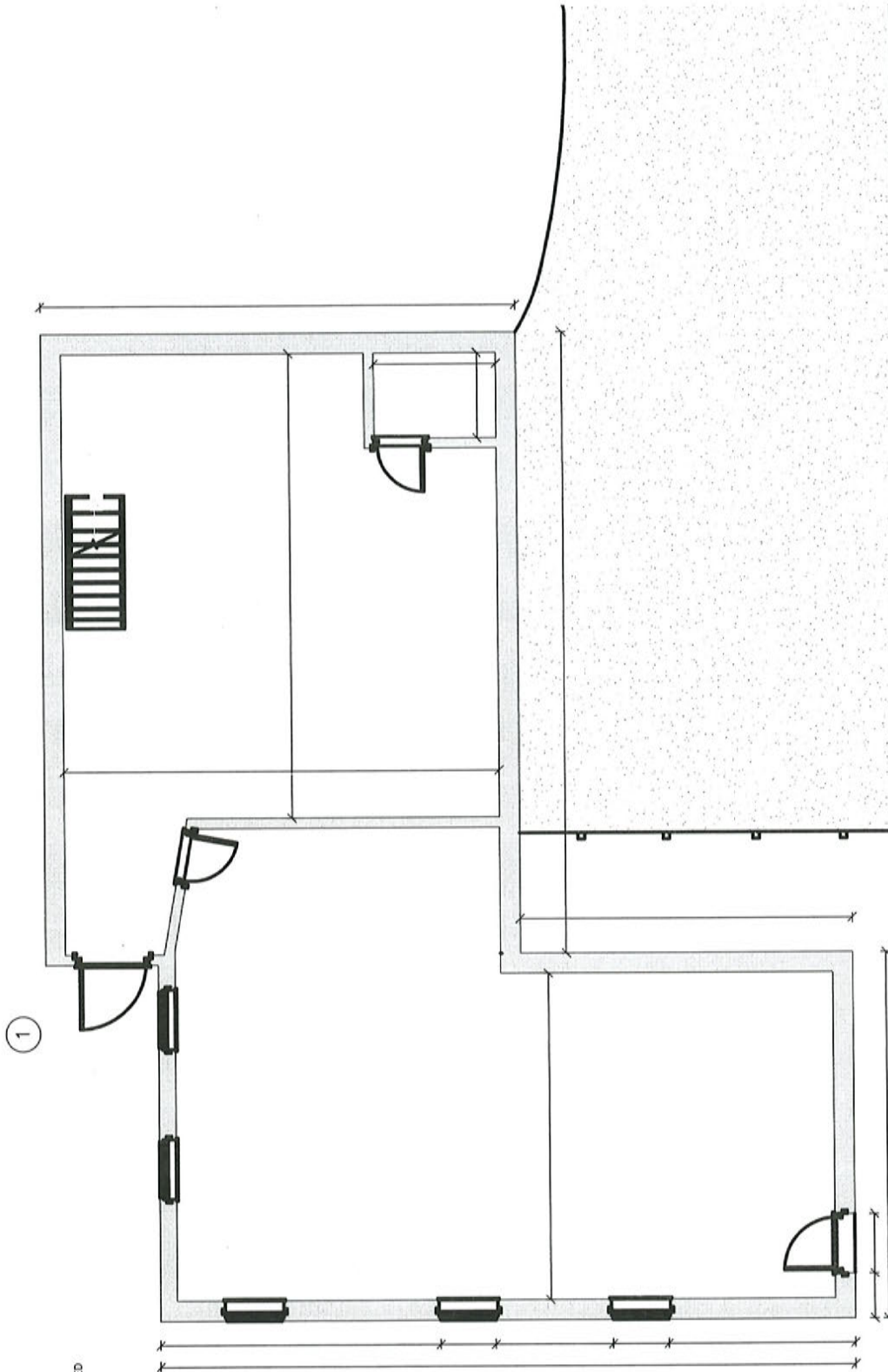


**DEMOLITION DEBRIS  
DISPOSAL AND RECYCLING:**

1. ALL DEBRIS, DEMOLITION MATERIAL SHALL BE LOCATED IN ACCORDANCE WITH MUNICIPAL CODE REGARDING TO WASTE DISPOSAL AND RECYCLING PLAN. REFER TO DWG BMP-1
2. THE CONTRACTOR SHALL LEAVE CLEAN AREA AFTER DEMOLITION

**DEMO LEGEND:**

1. WALLS AND DOORS TO BE REMOVED / DEMOLISHED



Design Services:



the **Eric Stacy & Irina Kiseleva Stacy**  
108 School St.  
Lebanon, NH 03766

Notes  
1.  
2.  
3.

Project No.  
2025.01

EXISTING  
BASEMENT  
PLAN

Scale  
1/8"=1'-0"

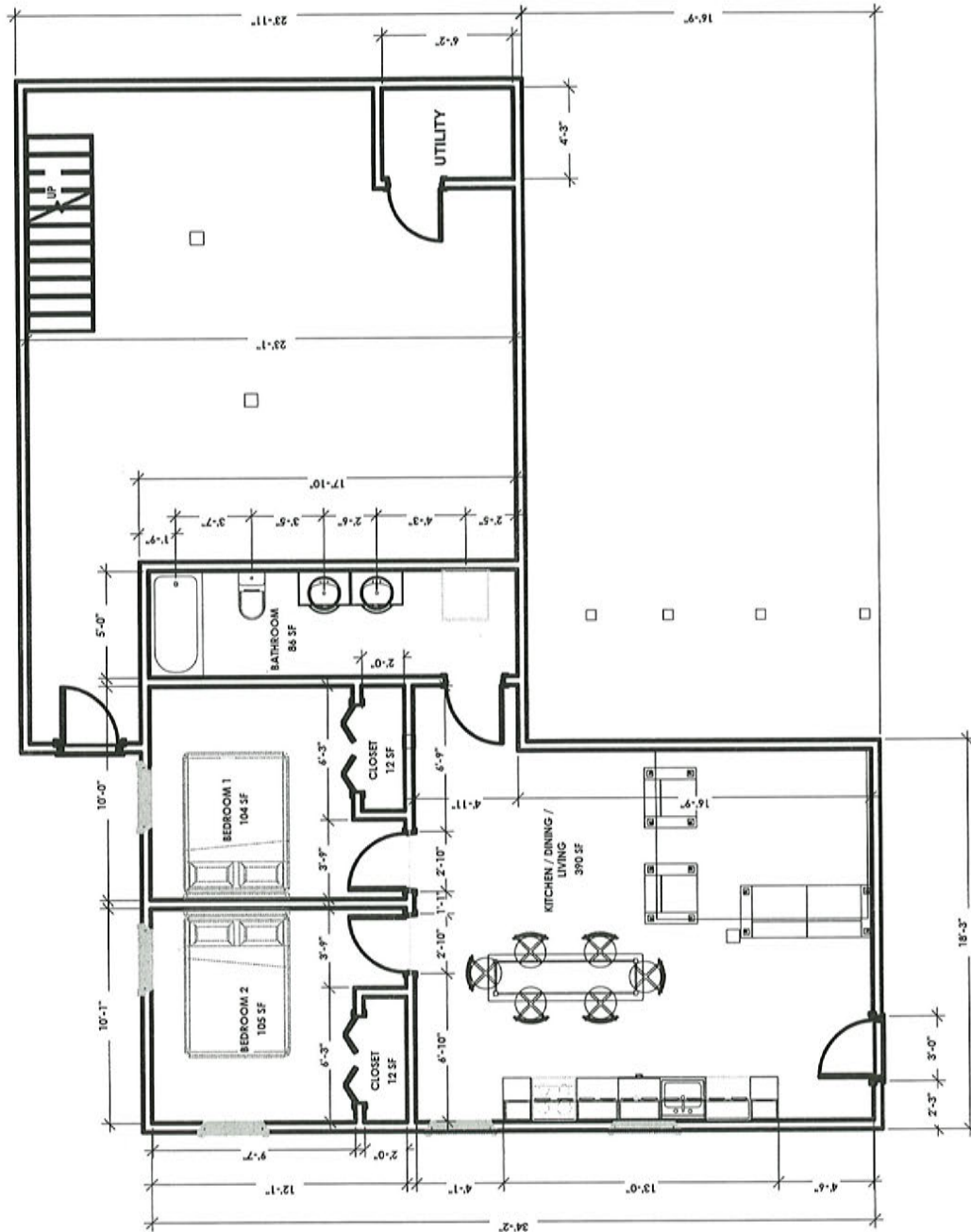
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**A-1**

Sheet Number:

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DWG Number: **A-2**  
 Sheet Number:  

PROPOSED  
 BASEMENT  
 PLAN

Scale: 1/8"=1'-0"

- Notes
- 1.
  - 2.
  - 3.

Project No. 2025.01

the **Eric Stacy & Irina Kiseleva Stacy**  
**108 School St.**  
**Lebanon, NH 03766**



Design Services:  
**MB PROJETOS**  
 ES&C ARCHITECTURE & DESIGN

# DEMOLITION DEBRIS DISPOSAL AND RECYCLING:

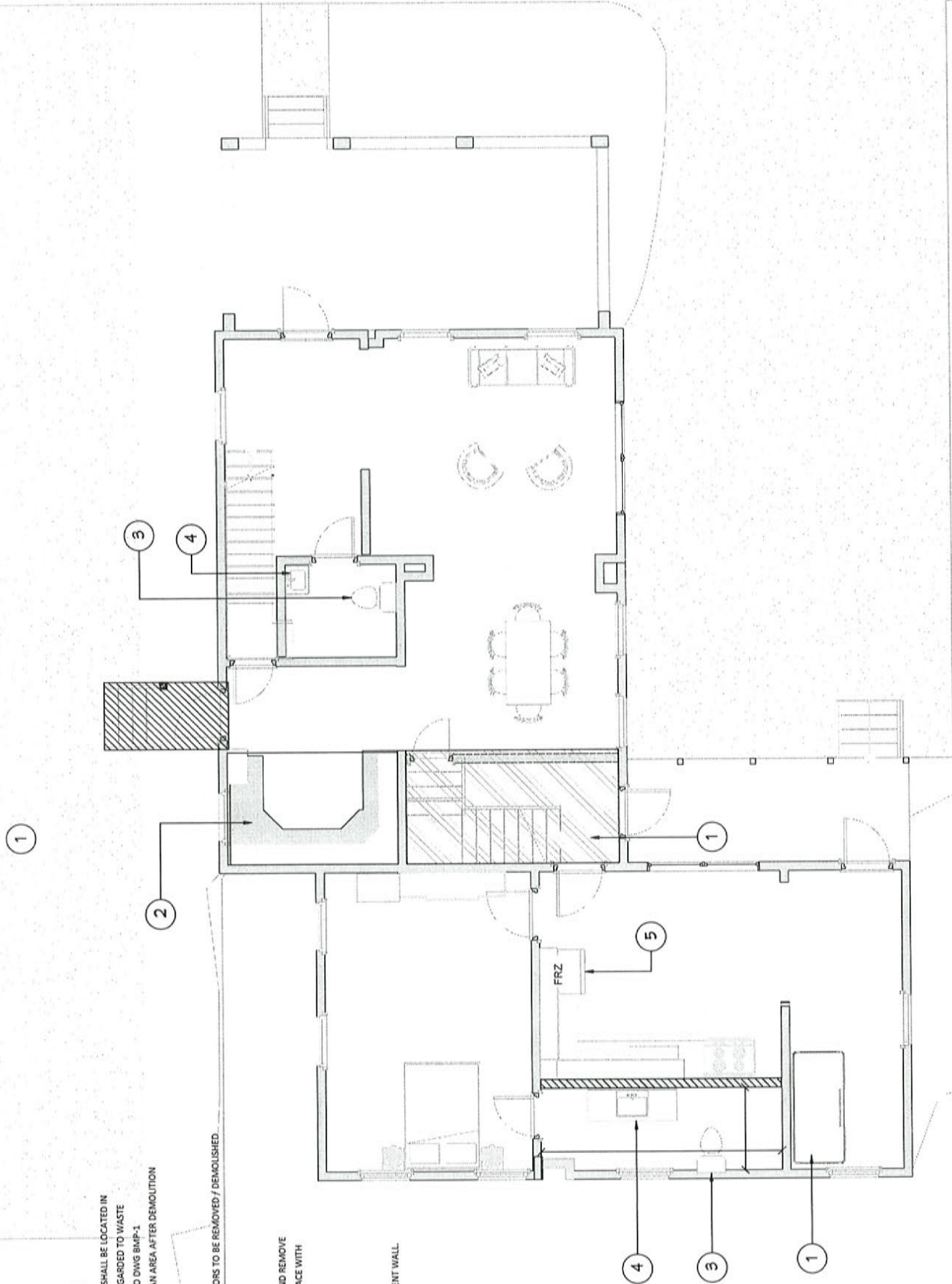
1. ALL DEBRIS, DEMOLITION MATERIAL SHALL BE LOCATED IN ACCORDANCE WITH MUNICIPAL CODE REGARDING TO WASTE DISPOSAL AND RECYCLING PLAN, REFER TO DWG BMP-1
2. THE CONTRACTOR SHALL LEAVE CLEAN AREA AFTER DEMOLITION

## DEMO LEGEND:

1. WALLS AND DOORS TO BE REMOVED / DEMOLISHED.

## DEMOLITION SCOPE

1. REMOVE EXISTING EXTERIOR STAIR, AND REMOVE THE EXISTING ENTRANCE DOOR, REPLACE WITH WINDOW
2. REMOVE EXISTING FURNITURE
3. REMOVE TOILET, CAP PLUMBING
4. REMOVE SINK, CAP PLUMBING
5. REMOVE THE EXISTING KITCHEN
6. REMOVE CENTRAL STAIR, AND ADJACENT WALL. INSERT NEW FLOORING.



Design Services:



the Eric Stacy & Irina Kiseleva Stacy  
108 School St.  
Lebanon, NH 03766

Notes  
1.  
2.  
3.

Project No.

2025.01

EXISTING  
FIRST FLOOR  
PLAN

Scale

1/8"=1'-0"

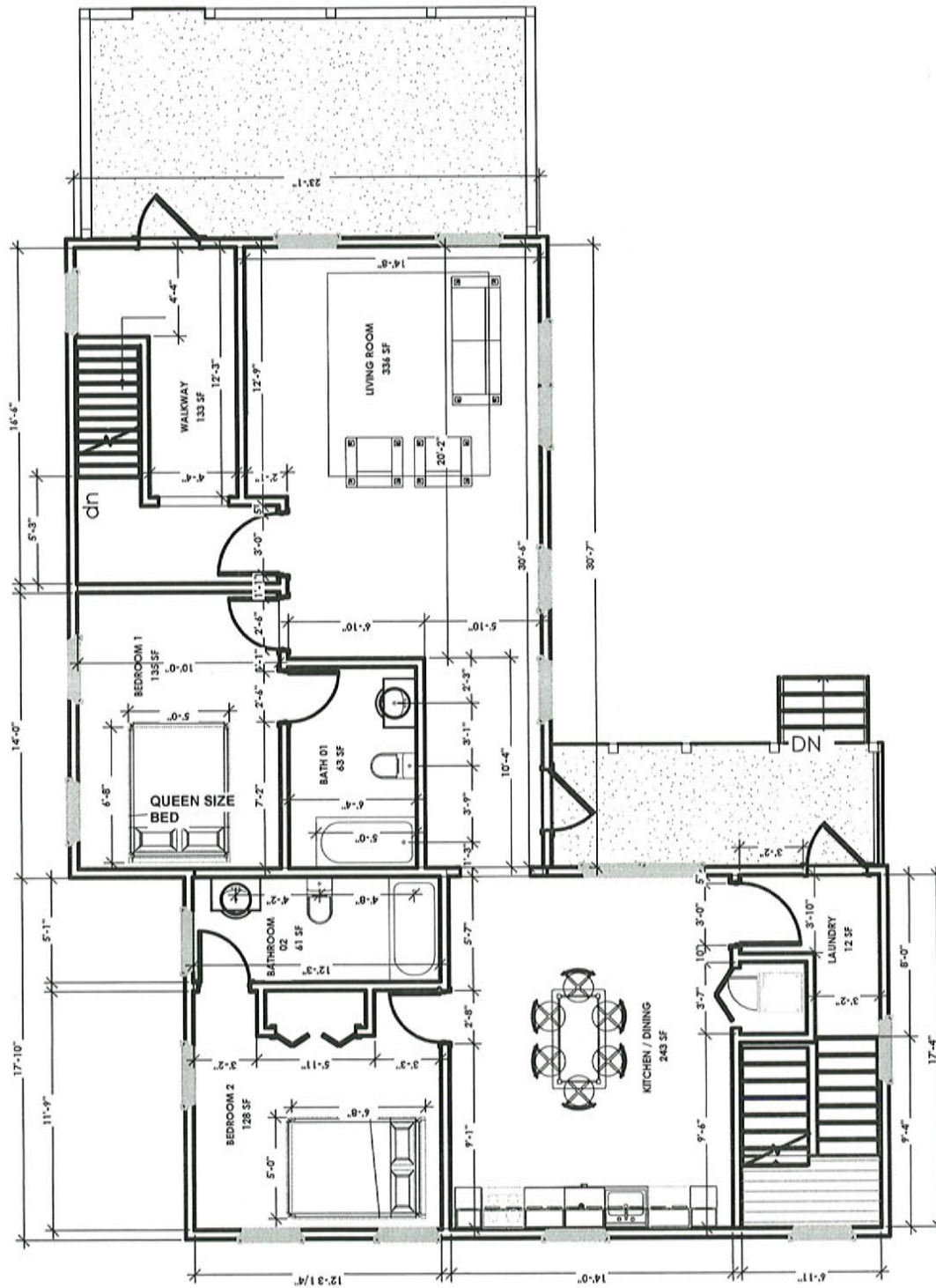
DWG Number:

A-3

Sheet Number:

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Revisions

A

DWG Number:

A-4

Sheet Number:

PROPOSED  
FIRST FLOOR  
PLAN

Scale

1/8"=1'-0"

Notes

- 1.
- 2.
- 3.

Project No.

2025.01

the Eric Stacy & Irina Kiseleva Stacy  
108 School St.  
Lebanon, NH 03766

Design Services:



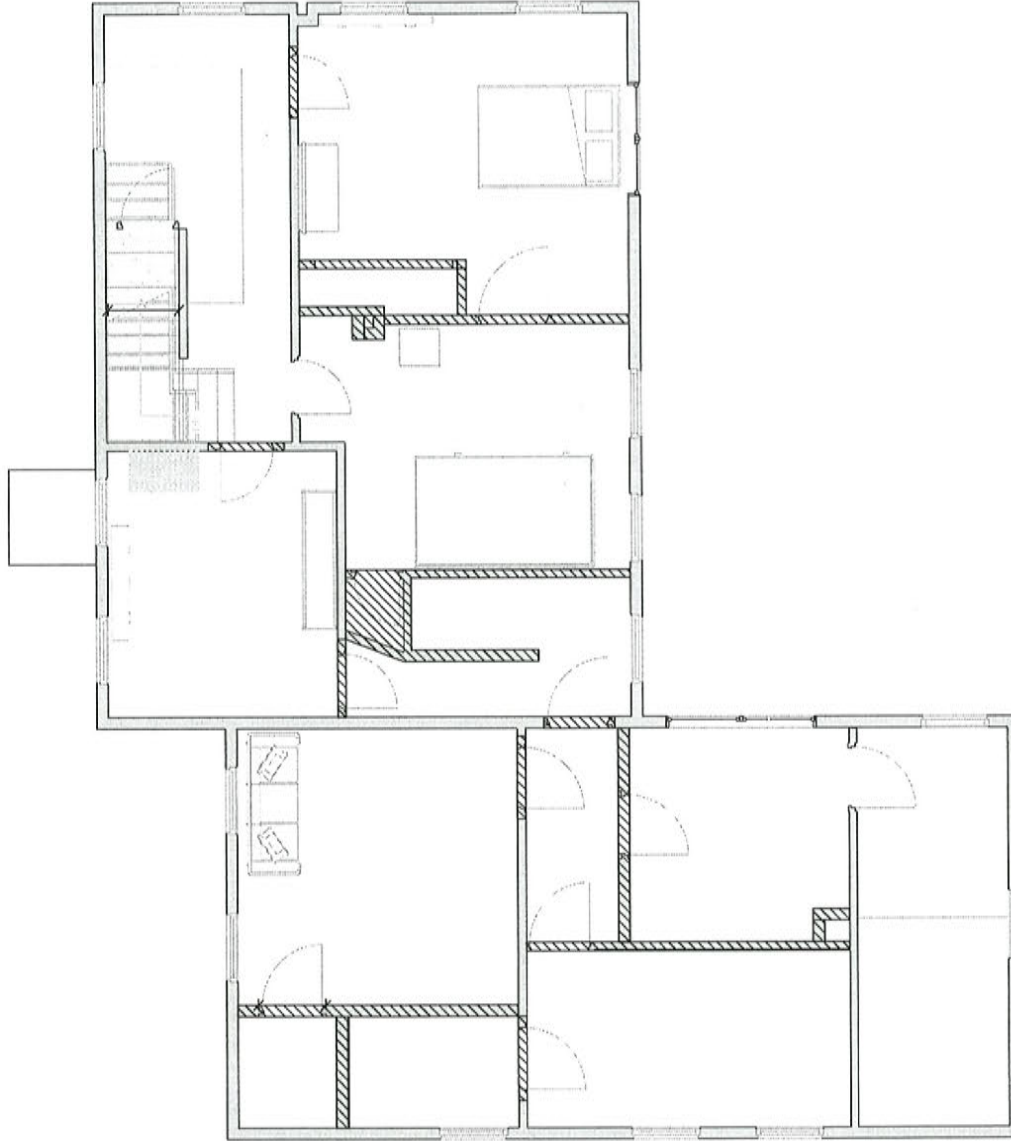
MB PROJOTOS  
ARCHITECT & DESIGN

**DEMOLITION DEBRIS  
DISPOSAL AND RECYCLING:**

1. ALL DEBRIS, DEMOLITION MATERIAL SHALL BE LOCATED IN ACCORDANCE WITH MUNICIPAL CODE REGARDING TO WASTE DISPOSAL AND RECYCLING PLAN, REFER TO DWG BMP-1
2. THE CONTRACTOR SHALL LEAVE CLEAN AREA AFTER DEMOLITION

**DEMO LEGEND:**

-  1. WALLS AND DOORS TO BE REMOVED / DEMOLISHED



Design Services:



**MB PROJETOES**  
ENGINEERING & DESIGN

the **Eric Stacy & Irina Kiseleva Stacy**  
**108 School St.**  
**Lebanon, NH 03766**

Notes  
1.  
2.  
3.

Project No.

2025.01

EXISTING  
SECOND FLOOR  
PLAN

Scale

1/8"=1'-0"

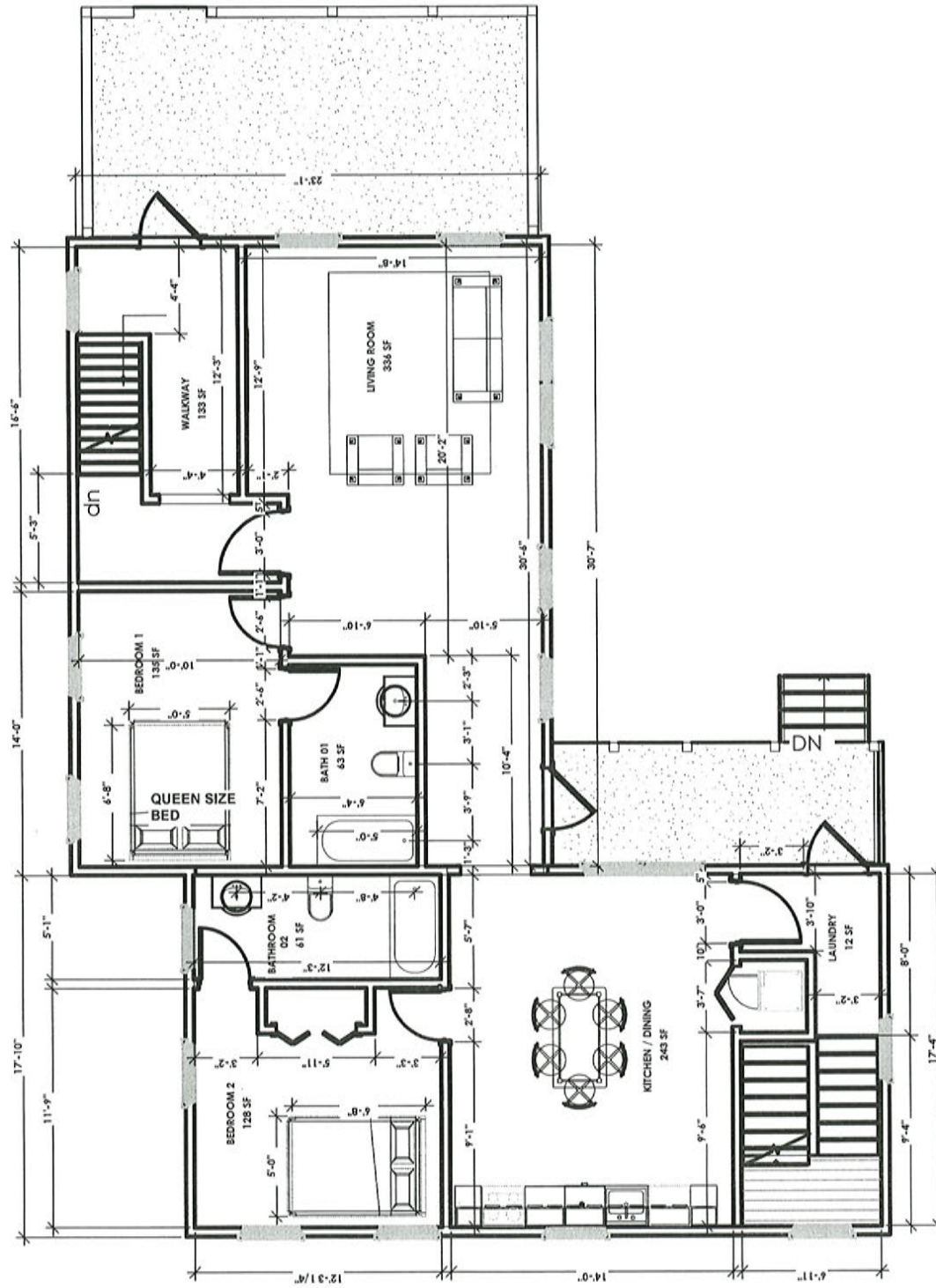
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**A-5**

Sheet Number:

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Design Services:



**MB PROJOTOS**  
5047-66 & 0000N

the **Eric Stacy & Irina Kiseleva Stacy**  
**108 School St.**  
**Lebanon, NH 03766**

Notes

- 1.
- 2.
- 3.

Project No.

2025.03

**PROPOSED  
SECOND FLOOR  
PLAN**

Scale  
1/8"=1'-0"

DWG Number:

**A-6**

Sheet Number:

Revisions

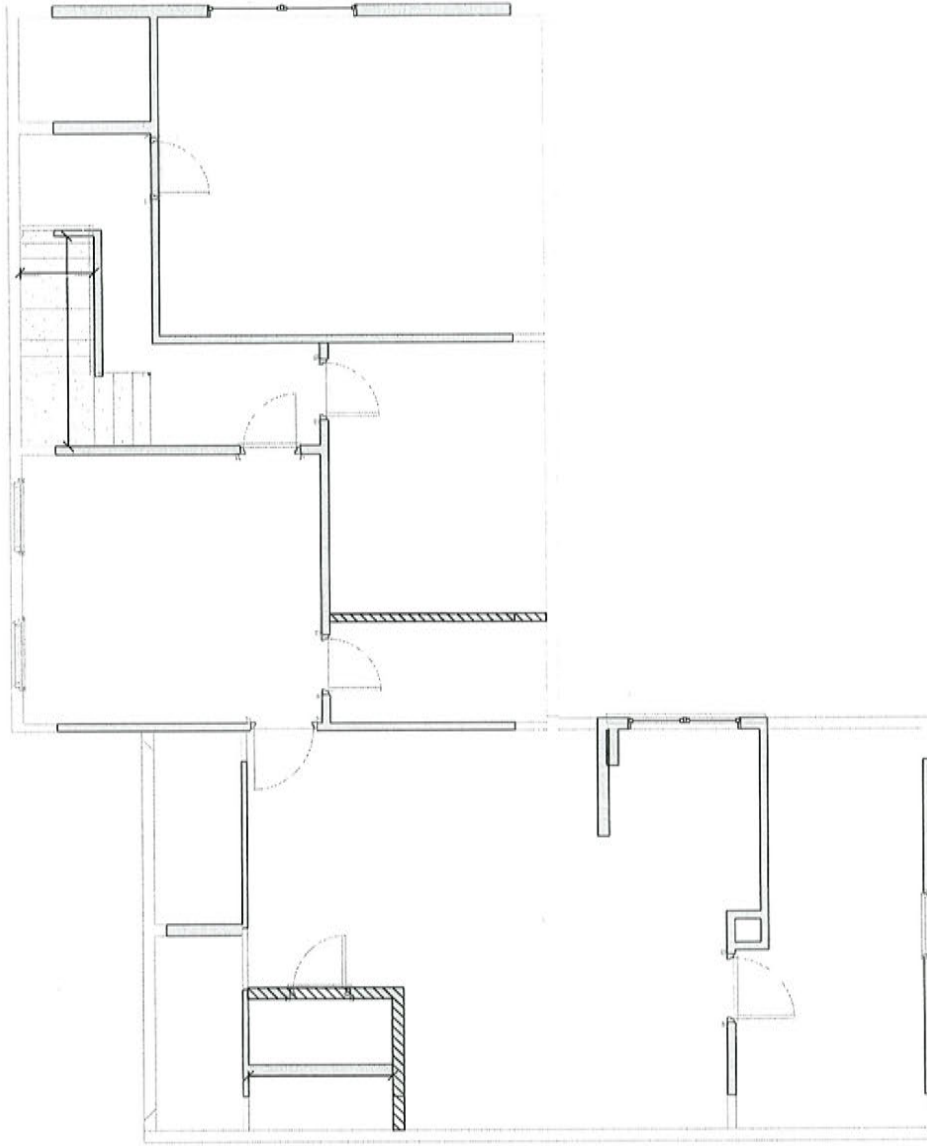
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**DEMOLITION DEBRIS  
DISPOSAL AND RECYCLING:**

1. ALL DEBRIS, DEMOLITION MATERIAL SHALL BE LOCATED IN ACCORDANCE WITH MUNICIPAL CODE REGARDING TO WASTE DISPOSAL AND RECYCLING PLAN, REFER TO DWG BMP-1
2. THE CONTRACTOR SHALL LEAVE CLEAN AREA AFTER DEMOLITION

**DEMO LEGEND:**

1. WALLS AND DOORS TO BE REMOVED / DEMOLISHED



Design Services:



**the** Eric Stacy & Irina Kiseleva Stacy  
108 School St.  
Lebanon, NH 03766

Notes

- 1.
- 2.
- 3.

Project No.

2025.01

EXISTING  
THIRD FLOOR  
PLAN

Scale:

1/8"=1'-0"

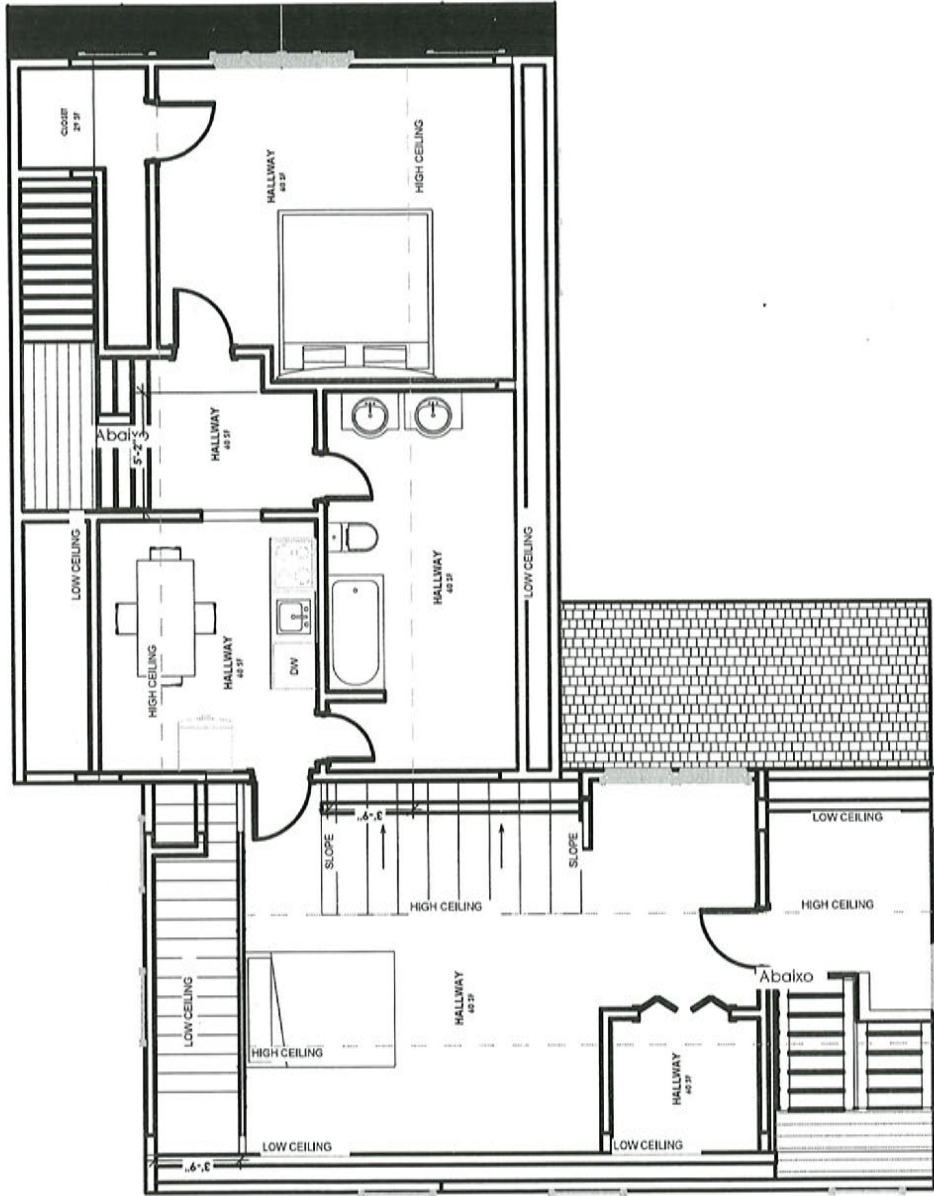
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**A-7**

Sheet Number:

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Design Services:



the **Eric Stacy & Irina Kiseleva Stacy**  
**108 School St.**  
**Lebanon, NH 03766**

Notes  
 1.  
 2.  
 3.

Project No.

2025.01

PROPOSED  
 THIRD FLOOR  
 PLAN

Scale

1/8"=1'-0"

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**A-8**

Sheet Number:

Revisions

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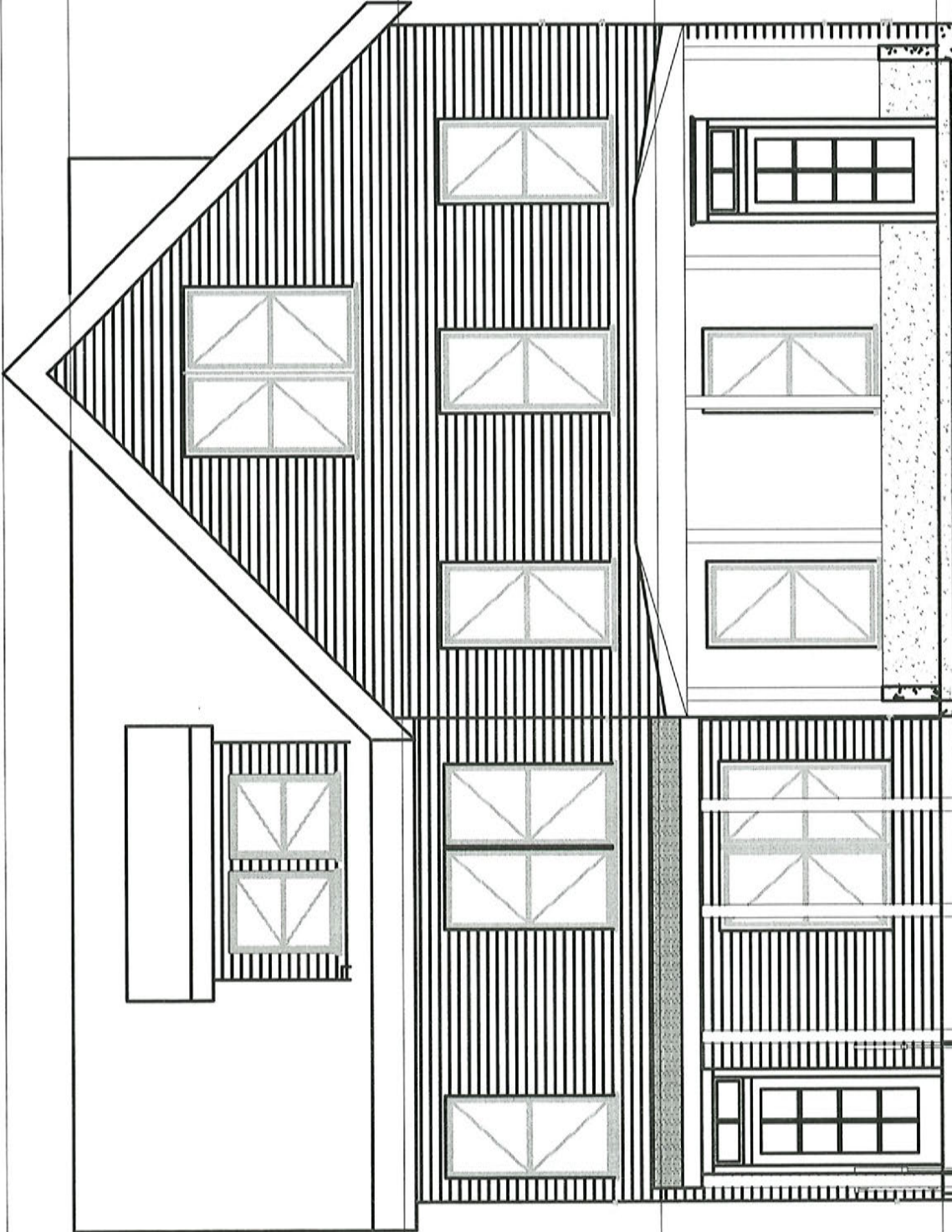
32' - 7" - 5.0 Top Roof

30' - 3" - 4.0 - Low Roof

18' - 9" - 3. THIRD FLOOR

9' - 10" - 2. SECOND FLOOR

0' - 0" - 1. GROUND FLOOR



| Revisions |
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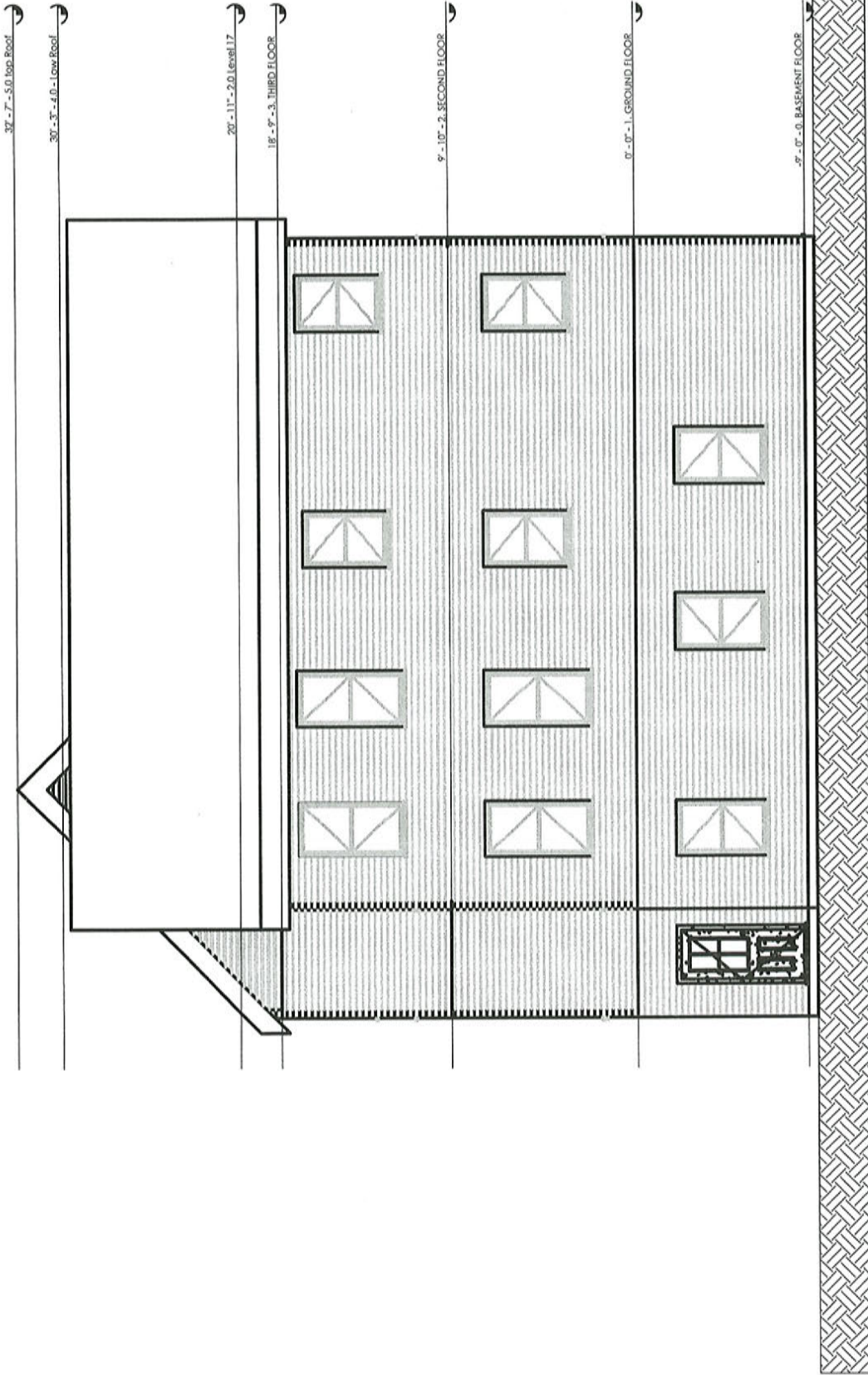
DWG Number: **B-1**  
Sheet Number:  

NORTH  
ELEVATION  
Scale 3/16"=1'-0"

Notes  
1.    
2.    
3.    
Project No. 2025.01

the **Eric Stacy & Irina Kiseleva Stacy**  
**108 School St.**  
**Lebanon, NH 03766**

Design Services:  
  
**MB PROJETO**  
DESIGN & ARCHITECTURE



| Revisions |
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DWG Number: **B-2**

Sheet Number: **B-2**

**SOUTH ELEVATION**

Scale: **1/8"=1'-0"**

Notes

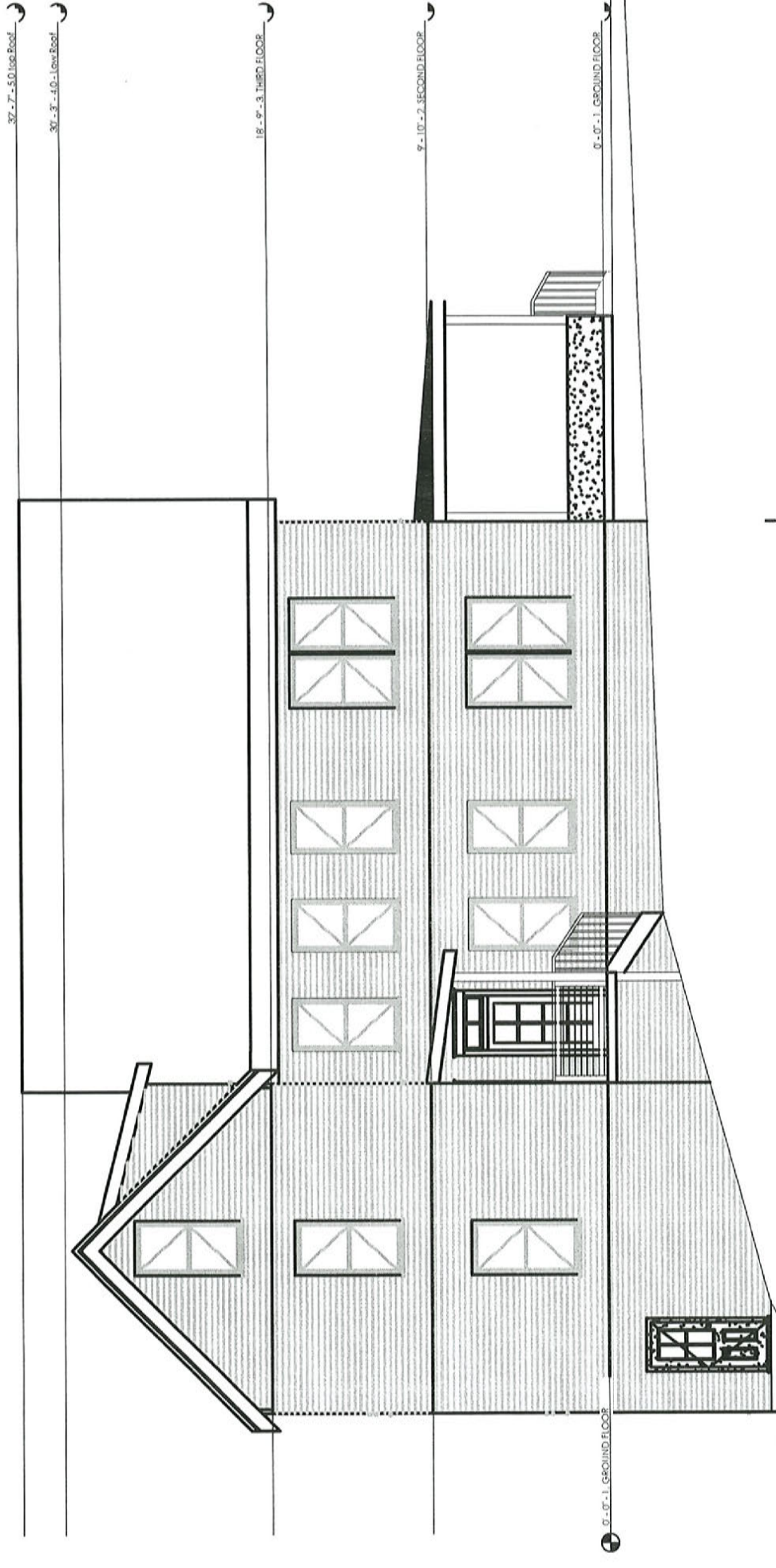
- 1.
- 2.
- 3.

Project No. **2025.01**

**the Eric Stacy & Irina Kiseleva Stacy**  
**108 School St.**  
**Lebanon, NH 03766**

Design Services:

**MB PROJOTOS**  
 CONSULTING & DESIGN



| Revisions |
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Sheet Number: \_\_\_\_\_

**EAST  
ELEVATION**

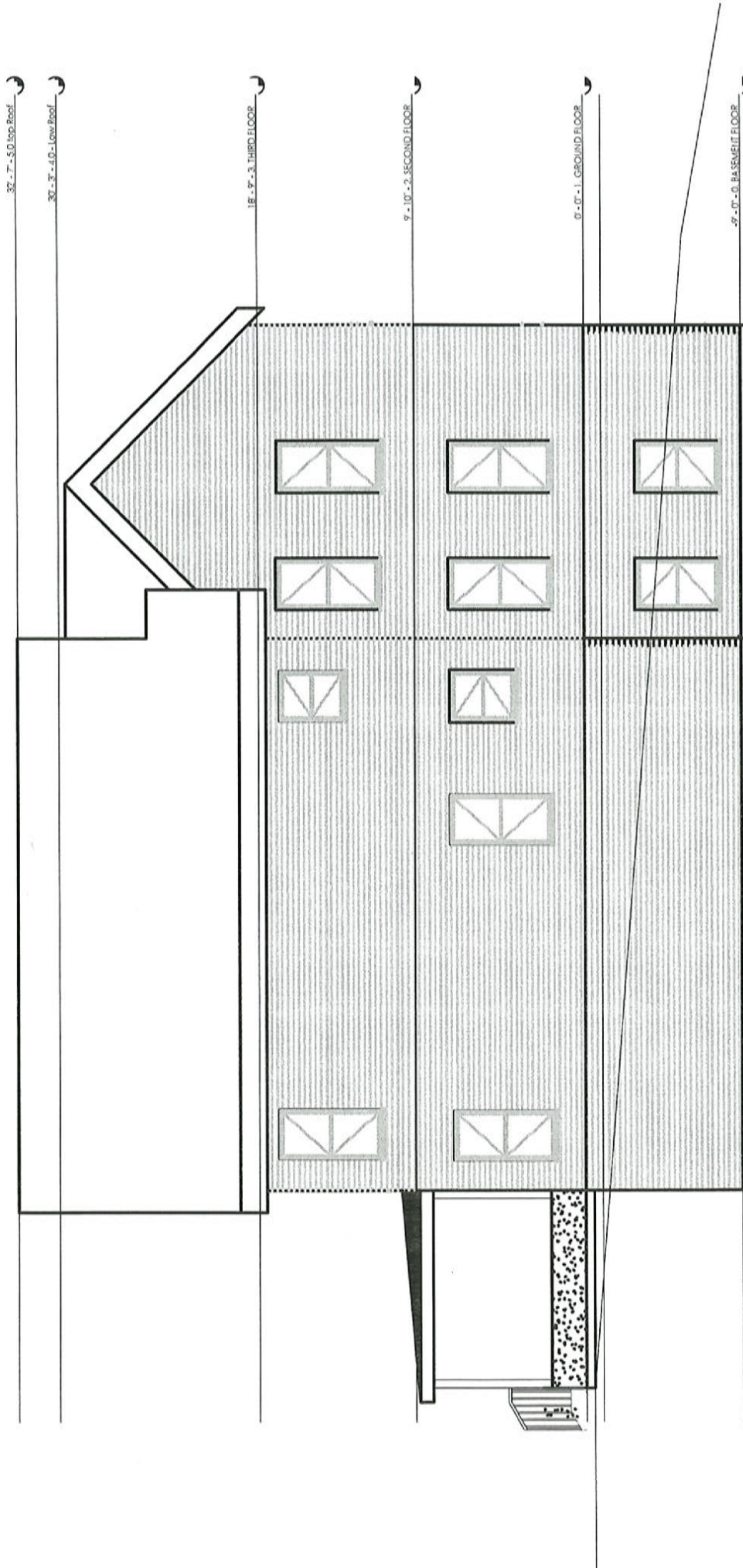
Scale: **1/8"=1'-0"**

Notes

- 1.
- 2.
- 3.

**the Eric Stacy & Irina Kiseleva Stacy**  
**108 School St.**  
**Lebanon, NH 03766**

Design Services:  
**MB PROJETOS**  
 ARCHITECTS & DESIGN



32'-7" - 5.0 Top Roof

30'-3" - 4.0 - Low Roof

18'-9" - 3. Third Floor

9'-10" - 2. Second Floor

0'-0" - 1. Ground Floor

-9'-0" - 0. Basement Floor

| Revisions |
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DWG Number:

**B-4**

Sheet Number:

WEST  
ELEVATION

Scale

1/8"=1'-0"

Notes

- 1.
- 2.
- 3.

Project No.

2025.01

the **Eric Stacy & Irina Kiseleva Stacy**  
**108 School St.**  
**Lebanon, NH 03766**

Design Services:





**CITY OF LEBANON  
ZONING BOARD OF ADJUSTMENT  
BY-LAWS**

**1. AUTHORITY:**

- A. These by-laws are adopted under the authority of New Hampshire Revised Statutes Annotated, Chapter 673:1, and the Zoning Ordinance of the City of Lebanon.

**2. OFFICERS:**

- A. A Chairperson shall be elected annually, no later than in the month of January by a majority of the Board, unless the deadline for electing a Chairperson is waived by a majority of the Board. The Chairperson shall serve for a term beginning on the day of election and ending the following January 31<sup>st</sup>. This term may be extended only as necessary to elect a new Chairperson. A Chairperson elected mid-year shall serve only the unexpired term of the Chairperson he/she replaces. The Chairperson shall preside over the meetings and hearings, appoint such committees as directed by the Board, and shall affix his/her signature in the name of the Board. *(amended 10/01/07) (amended 01/07/08) (amended 03/16/15)*
- B. A Vice-Chairperson shall be elected annually, no later than in the month of January by a majority of the Board, unless the deadline for electing a Vice-Chairperson is waived by a majority of the Board. The Vice-Chairperson shall serve for a term beginning on the day of election and ending the following January 31<sup>st</sup>. This term may be extended only as necessary to elect a new Vice-Chairperson. A Vice-Chairperson elected mid-year shall serve only the unexpired term of the Vice-Chairperson he/she replaces. Said Vice-Chairperson shall preside in the absence of the Chairperson and shall have the full powers of the Chairperson on matters which come before the Board during the absence of the Chairperson. *(amended 10/01/07) (amended 01/07/08) (amended 03/16/15)*

**3. MEETINGS:**

- A. Regular meetings shall be held at City Hall, normally on the first Monday of each month. When a regular meeting falls on a holiday observed by the City of Lebanon, the regular meeting shall normally be held on the following

business day. Other meetings may be held at the call of the Chairperson provided notice is given to each member at least 48 hours prior to the time of such meeting. In case of emergency, the Chairperson may call a meeting without prior notice. *(amended 4/3/17)*

- B. Meetings shall normally end at 10:00PM unless extended by motion, which must be seconded, and receive a majority vote of the board. At any meeting, where, in the Chairperson's opinion, the agenda appears too cumbersome to complete within the time allotted, the Chairperson may set a specific time limit for each agenda item and shall make an announcement to that effect at the beginning of the meeting. *(amended 3/6/06)*

#### **4. QUORUM:**

A quorum for regular business shall consist of three members. Such a quorum may hear and decide cases; but three positive votes shall be necessary to grant an exception or a variance.

Whenever it becomes impossible for a regular member to be present, or whenever it comes to the attention of the Chairperson that a regular member for any good reason believes he should not sit on the hearing for any particular case, (refer to disqualification of member) it shall be the duty of the Chairperson to request one of the alternate members to sit in place of such member either for the evening or for the one case. In so sitting, the alternate member shall have all the powers and duties of a regular member in regard to the appeal or appeals, or other business of the ZBA on which the regular member is unable to sit. *(amended 1/22/19)*

#### **5. DISQUALIFICATION OF MEMBER:**

A. No member shall participate in deciding or sit upon the hearing of any application or appeal with regard to an administrative appeal, special exception or variance if:

1. That member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizenry; or
2. That member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law, namely;
  - a. Is related to any applicant or abutter;
  - b. Has assisted or advised the applicant or any abutter;
  - c. Has directly or indirectly given his opinion or has formed an opinion;
  - d. Is prejudiced to any degree regarding the case;
  - e. Employs any attorney appearing before the Board;
  - f. If it appears to a reasonable person that the member is not indifferent or impartial with regard to the case.

(Based on RSA 500-A:12 Examination of Jurors)

B. A member who is disqualified shall remove himself from the board and shall sit with the public until such time as the board has completed its consideration of the case at that meeting. The member may then return to the board.

C. When an uncertainty arises as to whether a member is disqualified under RSA 673:14, The board shall vote on the question but such vote shall be advisory and non-binding. Any person may request such a vote at any time.

D. If as a result of disqualification the board loses its quorum, then there shall be an adjournment or recess of consideration of the matter until there is a quorum either at the same meeting or the next available meeting.

**6. ORDER OF BUSINESS:**

A. Minutes of previous meetings shall be read (previously), corrected if necessary and approved.

B. Hearing(s) on continued application(s). Deliberation shall be held immediately after the close of each hearing, unless otherwise agreed to by a majority of the Board. *(amended 2/6/17)*

C. Hearing(s) on new application(s). Deliberation shall be held immediately after the close of each hearing, unless otherwise agreed to by a majority of the Board. *(amended 2/6/17)*

D. Consideration of rehearing request(s). *(amended 2/6/17)*

E. Non-public session(s) (if necessary) pursuant to RSA 91-A:3. *(amended 2/6/17)*

F. Adjournment.

**7. PUBLIC HEARING:**

The conduct of the public hearings shall be governed by the following rules:

A. The Chairperson shall call the meeting to order.

B. The Chairperson shall read to the Board and the public the pending application.

C. The applicant shall be called to present his appeal and all those appearing in favor of the appeal shall be allowed to speak.

D. All those in opposition to the appeal shall be allowed to speak.

E. The applicant and those in favor shall be allowed to speak in rebuttal. Those in opposition to the appeal may, with the permission of the Chair, be allowed

to speak in rebuttal. *(amended 3/6/06)*

- F. Any speaker who desires to ask a question of an applicant or another speaker shall do so through the Chair. *(amended 3/6/06)*
- G. When the Board is satisfied that all relevant information has been presented, the hearing on the appeal shall be declared closed pending a decision, and the next case called up.
- H. Members of the Board may ask questions at any point during testimony.
- I. Any board member who desires the reappearance of any party to the case and/or additional documentation and information from an applicant, shall make a motion to that effect which must be seconded, and receive a majority vote of the board in attendance. *(amended 3/6/06)*
- J. Each person who appears shall be required by the Chairperson to state his name and address and indicate whether he is a party to the case or any agent or counsel of a party to the case.
- K. Any party to the case who desires to ask a question of another party to the case must do so through the Chairperson.
- L. Any person who desires the Board to compel the attendance of a witness shall present his request in writing to the Chairperson not later than 3 days prior to the public hearing.

**8. APPEALS/APPLICATIONS:**

- A. Each appeal to the ZBA shall be made on a form approved by the Board and shall come through the Zoning Administrator or the City Manager. The person filing the appeal shall present to the Zoning Administrator a list of all property owners directly abutting this property in accordance with State law. A filing fee, as set by the Lebanon City Council shall be collected at the time of filing. The Zoning Administrator together with the Chairperson of the board, shall determine the date of all appeal hearings as near as possible in accordance with Lebanon Zoning Regulations and New Hampshire State law. *(amended 1/22/19)*
- B. The Zoning Administrator shall notify the appellant or appellants and all abutters by Certified Mail, stating the time and place of the hearing, and such notice shall be given not less than five days before the date fixed for the hearing of the appeal. In addition, the board shall also send such a notice to the Planning Board and the City Council, and either board shall be a proper party to appear and to be heard upon any such appeal. The cost of all such mailing shall be payable by the appellant or appellants prior to the required public hearing. At each duly advertised meeting of the ZBA, the Zoning Administrator shall present to the Chairperson all applications scheduled for

that meeting.

- C. An appeal to the board on any administrative decision or requirement shall be taken within 30 days of the date of such decision or requirement because the person making the appeal believes himself aggrieved by an officer, department, board or bureau of the municipality. Also, if the appeal is on a certain piece of property, the person filing the appeal shall present to the Zoning Administrator a list of all property owners directly abutting this property in accordance with State law. *(amended 03/16/15)*
- D. The board shall attempt to decide all cases within 30 days of the closing of the public hearing. Notification of the decision shall be made on a form provided by the board and shall be sent to the applicant, the City Clerk and then filed in the records of the board as kept by the Zoning Administrator.
- E.
  - 1. If there are fewer than 5 members present or able to sit on an appeal, the applicant, if requesting a Special Exception or Variance, may choose to continue the hearing or rehearing until a full board is present, except as set forth in subsection b.
  - 2. An application that has been submitted to the Board to appeal an administrative decision and/or in order to resolve an existing violation of the Zoning Ordinance shall be heard or reheard so long as a quorum is present *(amended 1/22/19)*
  - 3. The failure of the Board to reach any result by 3 concurring votes constitutes a *de facto* denial unless a subsequent motion is made at the same meeting that garners the required 3 votes. If less than 5 members are present and the Board fails to reach any result by 3 concurring votes, the Chair may continue deliberation to the next regularly scheduled meeting, if the Chair determines using his or her reasonable discretion that there is a likelihood that a full 5 member Board will be present. *(added 1/22/19)*
  - 4. In all cases where the applicant is heard by less than a full 5 member Board, the failure of any motion to receive at least 3 votes will automatically constitute grounds for a rehearing. The failure of any motion to receive at least 3 votes at the rehearing shall not automatically constitute grounds for any additional rehearsings. *(amended 2/6/17) (amended 1/22/19)*

## **9. FORMS:**

All forms and revisions thereof shall be adopted by resolution and shall become a part of the by-laws.

## **10. PUBLIC NOTICE:**

- A. Public notice of public hearings on each appeal shall be published in the local newspaper not less than five days prior to said hearing. Such notice shall

include the name of the applicant, action desired by the applicant, provision of the Zoning Ordinance concerned, the type of appeal being made, and the time and place of the hearing in accordance with RSA 676:7 Public Hearing; Notice.

- B. Notice shall be given not less than five days prior to the hearing to the Chairperson of the Planning Board, the City Clerk and any other parties deemed by the board to have a special interest in the appeal in addition to the abutting property owners.

## **11. AMENDMENT:**

The by-laws may be adopted by majority vote if read at two successive meetings of the board, and may be amended in like manner.

Adopted: October 18, 1976  
Amended: February 19, 1980  
Amended: February 21, 1990  
Amended: March 6, 2006  
Amended: October 1, 2007 (Section 1 Officers)  
Amended: January 7, 2008 (Section 1 Officers)  
Amended: March 16, 2015 (Section 1 Officers; Appeals)  
Amended: January 5, 2016 (Appeals)  
Amended: February 6, 2017 (Order of Business & Appeals)  
Amended: April 3, 2017 (Meetings)  
Amended: January 22, 2019, effective February 5, 2019

# **Agenda**

## **Lebanon City Council**

### **January 08, 2025**

#### **10. New Business:**

##### **10.H – Discussion of Potential Zoning Amendment to Add “Research Laboratory” as a Permitted Use in the Central Business District (CBD)**

#### **Background**

The Mayor has requested that the City Council consider amending Section 306.2 of the Zoning Ordinance to add “Research Laboratory” as a permitted use within the Central Business District (CBD). This request has been made pursuant to Section 1000.2.A of the Zoning Ordinance, which provides that amendments to the Zoning Ordinance may be proposed “[f]rom the City Council at any time.”

“Research Laboratory” is currently a permitted use in the Light Industrial (IND-L) and Industrial-Rail Access (IND-RA) districts and is also allowed in the General Commercial One (GC-1) district by Conditional Use Permit from the Planning Board. Currently, the Zoning Ordinance does not include a definition for research laboratory.

The Planning and Development Department has prepared a memorandum of recommendations, which also summarizes the amendment process outlined in Section 1000 of the Zoning Ordinance. As noted in the attached memorandum, if the Council wishes to consider adding “Research Laboratory” as a permitted use in the CBD, staff recommends that the Council also consider adding the same use to the Lebanon Downtown (LD) District. Staff further recommends that the Council adopt a definition for “Research Laboratory” to avoid future miscommunication and misinterpretation concerning the use.

#### **Action**

If the Council decides to move the proposed zoning amendment forward for review, the following motion is offered for consideration:

***MOVED, that the Lebanon City Council, in accordance with the City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, hereby submits the proposed zoning amendment to add “Research Laboratory” as a Permitted Use in the Central Business District (CBD), to the Planning Board, Zoning Board of Adjustment, and Conservation Commission for their review and comment. The City Council hereby sets the following tentative review schedule:***

***Legal Review – by January 24, 2025***

***Zoning Board of Adjustment – February 3, 2025***

***Conservation Commission – February 13, 2025***

***Planning Board – February 24, 2025***

***City Council Work Session Review – March 5, 2025***

***City Council Public Hearing – March 19, 2025***

Included In This Section:

1. Memorandum from Planning and Development Department, dated December 30, 2024, regarding the request to amend Section 306.2 of the Zoning Ordinance to add "Research Laboratory" as a Permitted Use in the Central Business (CB) District



## CITY OF LEBANON ~ PLANNING & DEVELOPMENT

### MEMORANDUM

**TO:** Lebanon City Council

**CC:** Shaun Mulholland, City Manager  
David Brooks, Deputy City Manager

**FROM:** Planning and Development Department Staff

**RE:** Request to Amend Section 306.2 of the Zoning Ordinance to Add “Research Laboratory” as a Permitted Use in the Central Business (CB) District

**DATE:** December 30, 2024

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The Mayor has requested that the City Council take action to amend Section 306.2 of the Zoning Ordinance to add “research laboratory” as a Permitted Use in the Central Business (CB) District. The request has been made pursuant to Section 1000.2.A of the Zoning Ordinance which provides that amendments to the Zoning Ordinance may be proposed “[f]rom the City Council at any time.”

“Research laboratory” is currently a permitted use in the Light Industrial (IND-L) and Industrial – Rail Access (IND-RA) Districts and is also allowed in the General Commercial One (GC-1) District by Conditional Use Permit from the Planning Board. Currently, the Zoning Ordinance does not include a definition for research laboratory.

### **RECOMMENDATIONS**

1. If “research laboratory” is to be added to the Central Business (CB) District as a permitted use, staff recommends that the Council also consider adding “research laboratory” as a permitted use in the Lebanon Downtown (LD) District. The West Lebanon Revitalization Committee’s (WLRAC’s) original recommendations included making the CB and LD Districts more consistent, and the City Council has moved in this direction with dimensional requirements and most allowed uses (except those that WLRAC preferred to retain in West Lebanon, such as drive-throughs). Adding “research laboratory” to the CB District but not to the LD District would be inconsistent with WLRAC’s stated goal.

In addition, zoning regulations may only be adopted in furtherance of the purposes enumerated in NH RSA 674:17. The most applicable purpose identified in RSA 674:17 that could be used to support the inclusion of “research laboratory” in the CB District would be to “promote health and the general welfare”. As such, a zoning regulation cannot be adopted in support of or for the exclusive benefit of any individual property. Rather, zoning regulations must be designed to support every similarly situated property impacted by the regulation.

In the context of the proposed amendment, high-tech companies that may operate as research laboratories already exist in the LD District with the benefit of zoning relief granted over the years. However, these existing uses still need additional zoning relief to expand or make changes in their operations since they are non-conforming with the underlying zoning requirements. There are no known research laboratories or high-tech companies currently operating within the CB District. Consequently, if the Council decides that adding “research laboratory” is appropriate in the CB District, it would also seem to be appropriate in the LD District.

2. Staff also recommends that the Council adopt a definition of “research laboratory” as is good drafting practice and to help avoid future misinterpretation and miscommunication. A definition will also help distinguish “research laboratory” from other similar uses such as “medical research facility” (allowed in the MC District) and “light industry” (allowed in the IND-L, IND-RA, and GC-1 Districts), which are defined in Appendix A of the Zoning Ordinance as follows:

**LIGHT INDUSTRY**: The assembly, manufacture, processing, packaging or other industrial operations conducted in such manner that all resulting cinders, dust, fumes, gas, odors, smoke and vapor are effectively confined to the premises or disposed of so as to avoid any air pollution and conducted in such a manner that noise, flashing lights and vibrations will not be a nuisance or otherwise detrimental to abutting properties. Light industry includes the development and production of computer software and hardware and its associated equipment.

**MEDICAL RESEARCH FACILITY**: A medically related research laboratory, which may as a subsidiary function, engage in the manufacture of products within the following Standard Industrial Classifications: biological products; medicinal chemicals; pharmaceutical preparations; optical instruments and lenses; and surgical and medical instruments.

In reviewing the various examples found in *A Planners Dictionary*, published by the American Planning Association (APA), staff offers the following potential definition of “research laboratory” for the Council’s consideration:

**RESEARCH LABORATORY**: A facility for scientific research, development, analysis, and testing in various technology-intensive fields of science including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and electronics.

## **SCHEDULE**

Should the City Council elect to proceed with consideration of the proposed zoning amendment, the Planning and Development Department recommends that the Council establish a tentative schedule for review, as is required pursuant to Section 1000.3.A of the Zoning Ordinance. Staff offers the following tentative schedule for review and comment:

|                                      |                            |
|--------------------------------------|----------------------------|
| City Council decision to proceed:    | <b>January 8, 2025</b>     |
| Legal review:                        | <b>by January 24, 2025</b> |
| Zoning Board of Adjustment:          | <b>February 3, 2025</b>    |
| Conservation Commission:             | <b>February 13, 2025</b>   |
| Planning Board:                      | <b>February 24, 2025</b>   |
| City Council setting public hearing: | <b>March 5, 2025</b>       |
| City Council public hearing:         | <b>March 19, 2025</b>      |

# **TITLE LXIV PLANNING AND ZONING**

## **CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS**

### **Zoning**

#### **Section 674:17**

##### **674:17 Purposes of Zoning Ordinances. –**

I. Every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18. Zoning ordinances shall be designed:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fires, panic and other dangers;
- (c) To promote health and the general welfare;
- (d) To provide adequate light and air;
- (e) To prevent the overcrowding of land;
- (f) To avoid undue concentration of population;
- (g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
- (h) To assure proper use of natural resources and other public requirements;
- (i) To encourage the preservation of agricultural lands and buildings and the agricultural operations described in RSA 21:34-a supporting the agricultural lands and buildings; and
- (j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA 477. Zoning ordinances may establish buffer zones or additional districts which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.

II. Every zoning ordinance shall be made with reasonable consideration to, among other things, the character of the area involved and its peculiar suitability for particular uses, as well as with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

III. Except as provided in RSA 424:5 or RSA 422-B or in any other provision of Title XXXIX, no city, town, or county in which there are located unincorporated towns or unorganized places shall adopt a zoning ordinance or regulation with respect to antennas used exclusively in the amateur radio service that fails to conform to the limited federal preemption entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985) issued by the Federal Communications Commission.

IV. If a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive under this section for the development of housing for older persons, as defined and regulated pursuant to RSA 354-A:15, VIII, it may allow the same incentive for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2023, incentives established for housing for older persons shall be deemed applicable to workforce housing development.

**Source.** 1983, 447:1. 1989, 42:2. 1995, 176:2. 2000, 279:2. 2002, 73:2. 2011, 85:2, eff. July 15, 2011. 2022, 272:72, eff. Aug. 23, 2022.

## SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

### 305.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u><b>Special Exception Uses</b></u><br>(see Section 801.3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li><b>Dwelling unit(s)</b> above first floor</li> <li><b>Multi-family dwelling</b> (see Section 305.5)</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Alternative treatment center</b> per Section 613</li> <li><b>Bus terminal</b></li> <li><b>Educational facility, college/university</b></li> <li><b>Essential service</b></li> <li><b>Truck terminal</b></li> </ol>                                                                                                                                                                                                                                                                                                       |
| <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Amusements (indoor)</b></li> <li>Car wash</li> <li><b>Community center</b></li> <li><b>Drive-in restaurant, refreshment stand</b></li> <li><b>Drive-through facility</b></li> <li>Drycleaning pick-up station</li> <li><b>Financial institution</b></li> <li>Funeral home</li> <li><b>Group day care facility</b> per Section 604</li> <li><b>Health club</b></li> <li><b>Hotel</b></li> <li>House of worship</li> <li>Laundromat</li> <li><b>Local government use</b></li> <li><b>Membership club</b></li> <li><b>Motel</b></li> <li>Movie theater</li> <li><b>Office</b></li> <li><b>Personal service</b></li> <li>Publishing/printing</li> <li>Radio or TV studio</li> <li><b>Recreational facility, indoor</b></li> <li><b>Renewable energy system</b> per Section 612</li> <li><b>Restaurant</b>, sandwich shop</li> <li><b>Retail product pickup</b></li> <li><b>Retail store</b></li> <li><b>Service station</b></li> <li><b>Vehicular repair</b></li> <li><b>Vehicular sales</b></li> <li><b>Research Laboratory</b></li> </ol> | <div> <u>Uses by <b>Conditional Use</b> Permit</u><br/>(see Section 302.4) </div> <div> <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li><b>Care and treatment of animals</b></li> <li><b>Contractor's yard</b></li> <li><b>Craftsman's shop</b></li> <li>Plumbing, electrical or carpentry shop</li> <li><b>Produce stand</b></li> <li><b>Recreational facility, outdoor</b></li> <li><b>Warehouse</b></li> <li>Wholesale sales</li> </ol> </div> <div> <u>Planned Developments</u> <ol style="list-style-type: none"> <li>Commercial PUD per Section 501</li> </ol> </div> |

## SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1).

### 305A.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                          | <u>Uses by <b>Conditional Use</b> Permit</u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u><br>1. <b>Multi-family dwelling</b> (see Section 305A.4)<br><u>Commercial/Non-Residential</u><br>2. <b>Dwelling unit(s)</b> above first floor<br>3. <b>Essential service</b><br>4. <b>Financial institution</b><br>5. <b>Group day care facility</b> per Section 604<br>6. <b>Office</b><br>7. <b>Personal service</b><br>8. <b>Renewable energy system</b> per Section 612<br>9. <b>Research Laboratory</b> | <u>Commercial/Non-Residential</u><br>1. <b>Alternative treatment center</b> per Section 613<br>2. Drycleaning pick-up station<br>3. <b>Educational facility, college/university</b><br>4. <b>Inpatient rehabilitation facility</b><br>5. <b>Light industry</b><br>6. Research laboratory<br>7. <b>Restaurant</b> , sandwich shop<br>8. <b>Retail store</b><br><u>Planned Developments</u><br>1. Commercial PUD per Section 501<br>2. <b>Manufactured Housing PURD</b> per Section 504 |

## SECTION 306 CENTRAL BUSINESS DISTRICT (CB).

### 306.2 Table of Uses.

| <u>Permitted Uses</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u><b>Special Exception Uses</b></u><br>(see Section 801.3)                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Residential</u> <ol style="list-style-type: none"> <li>1. <b>Dwelling unit(s)</b> above first floor</li> <li>2. <b>Multi-family dwelling</b> (see Section 306.5)</li> <li>3. <b>Senior housing complex</b></li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>1. <b>Craftsman's shop</b></li> <li>2. <b>Drive-through facility</b></li> <li>3. <b>Educational facility, college/university</b></li> </ol>                                                                                                                                                                                                                            |
| <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>4. <b>Amusements (indoor)</b></li> <li>5. <b>Community center</b></li> <li>6. Drycleaning pick-up station</li> <li>7. <b>Financial institution</b></li> <li>8. <b>Group day care facility</b> per Section 604</li> <li>9. Funeral home</li> <li>10. <b>Health club</b></li> <li>11. <b>Hotel</b></li> <li>12. House of worship</li> <li>13. Laundromat</li> <li>14. Library</li> <li>15. <b>Local government use</b></li> <li>16. <b>Membership club</b></li> <li>17. <b>Motel</b></li> <li>18. Museum</li> <li>19. <b>Office</b></li> <li>20. <b>Personal service</b></li> <li>21. Radio or TV studio</li> <li>22. <b>Renewable energy system</b> per Section 612</li> <li>23. <b>Restaurant</b>, sandwich shop</li> <li>24. <b>Retail store</b></li> <li>25. <b>Social service center</b></li> <li>26. Theater, concert hall, movie theater</li> <li>27. <b>Research Laboratory</b></li> </ol> | <u>Uses by <b>Conditional Use Permit</b></u><br>(see Section 302.4)                                                                                                                                                                                                                                                                                                                                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Commercial/Non-Residential</u> <ol style="list-style-type: none"> <li>1. <b>Essential service</b></li> <li>2. Other uses per Section 306.4</li> <li>3. <b>Parking facility</b></li> <li>4. Publishing/printing</li> <li>5. <b>Recreational facility, indoor</b></li> <li>6. <b>Recreational facility, outdoor</b></li> </ol> <u>Planned Developments</u> <ol style="list-style-type: none"> <li>7. Commercial PUD per Section 501</li> </ol> |