



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

1. Call to Order

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

2. Approval of Minutes

- A. February 3, 2025

3. Public Hearing Items

- A. **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 April 7, 2025 meeting**
- B. **Lebanon Poker Room & Casino, LLC, 369 Miracle Mile (Tax map 103, Lot 11), zoned GC:** The applicant requests a Special Exception from Article VI, Section 608.2.D, pursuant to Sections 206 Sight Distance at Street and Driveway intersections and 801.3 Special Exception, of the Zoning Ordinance to allow a freestanding sign to obstruct vision between 3 ft and 10 ft above the street surface within the triangular area formed by the intersection of a driveway and a street line and a third line joining them at points 25 ft away from their intersection. **ZB2025-05-SE**

4. Staff Comments

5. Adjournment

The order of agenda items is subject to change.

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

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

DRAFT

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

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

MEMBERS ABSENT: Chair William Koppenheffer, Jennifer Barkley

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1. CALL TO ORDER

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

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

Mr. Morris was given voting privileges for this meeting.

2. APPROVAL OF MINUTES

A. January 6, 2025

Mr. McDonough MOVED to approve the January 6, 2025, Minutes as presented in the February 3, 2025.

Seconded by Mr. Newlove.

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

B. January 16, 2025

A vote was not taken because only two members who attended the meeting were present.

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**

Stephen Bickford appeared on behalf of the application. Originally, he had an estimate from a builder for the garage, but the cost was prohibitive. Instead, he is going to use a garage kit and there are only limited sizes of the kit. They are asking for additional footage to use a kit.

1 The Public Hearing was opened. No one from the Public commented and the Public Hearing was
2 closed.

3
4 *Mr. Morris MOVED on February 3, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of*
5 *Adjustment, there appeared Stephen Bickford regarding 22 Wheatley St (Tax Map 77, Lot 15), zoned*
6 *R-3. The Applicant requests a Special Exception per Section §703.1 of the Zoning Ordinance to erect a*
7 *12 ft x 20 ft carport +/- 7 ft from the right-side property line where a 15 ft side-yard setback is required.*
8 *ZB2024-24-SE*
9

10 **I. FINDINGS OF FACT**
11

12 Based on testimony given, application materials presented, and supporting documents submitted, the
13 Lebanon Zoning Board of Adjustment makes the following findings of fact:
14

- 15 1. The subject property is developed with a one-story single-family residence with a detached
16 garage constructed in 1915.
17
- 18 2. In 2023 the applicant received a Special Exception to expand the dimensionally non-conforming
19 garage with the addition of a 12ft x 16 ft attached carport.
20
- 21 3. The applicant was unable to obtain a 12 ft x 16ft carport.
22
- 23 4. The applicant seeks to amend the previously approved Special Exception to permit a carport that
24 is an additional 4 feet in length, per Section §703.1 of the Zoning Ordinance.
25
- 26 5. In order to grant a Special Exception to expand a non-conforming structure, the applicant must
27 demonstrate that the proposal meets the general Special Exception criteria, set forth in Section
28 §801.3. The applicant has submitted testimony addressing the Section 801.3 criteria in an
29 application received by the Planning & Development Department on November 12th, 2024.
30
- 31 6. No one from the public spoke for or against the application
32

33 **II. CONCLUSIONS OF LAW**
34

35 As a result of the above findings of fact and based on testimony given, application materials presented,
36 and supporting documents submitted, the Board concludes the following with respect to the Special
37 Exception criteria set forth in §703.1 and §801.3 of the Zoning Ordinance:
38

- 39 1. The Special Exception is specifically authorized by Section §703.1 and Section §801.3 of the
40 Zoning Ordinance.
41
- 42 2. The following conditions/requirement of Section §703.1 **have been** met:
43
 - 44 a. The reasonable use of abutting properties shall not be adversely affected by the proposed
45 expansion.
46
 - 47 b. The proposed expansion shall not render the lot size proportionately less adequate, i.e.
48 any aspect of the building or structure that is currently nonconforming cannot be made
49 more non-conforming in the absence of a of a variance.
50

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 2nd day of December, 2024 hereby **GRANTS** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to erect a 12 ft x 20 ft carport +/- 7 ft from the right-side property line where a 15 ft side-yard setback is required, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

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

Seconded by Mr. Newlove.

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

- 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**

There was a technical issue with getting a signature on the application for this hearing.

Mr. Newlove moved to continue the CWM All Waste, LLC & Choice Storage, LLC agenda item until March 3.

Seconded by Mr. Newlove.

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

- 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**

Eric Stacy appeared on behalf of the application. He presented a drawing showing what he intends to do. It is a 4900 square foot house. It has an unfinished dirt walk out basement, with four windows, and the basement is adequate height. He would like to turn the basement into a two-bedroom apartment with an entrance to an expanded parking lot. The apartment would be about 850 square feet. It does not take up the entire basement. He showed a picture of the proposed changes to the first floor, which is configured like a duplex. It will be a 1200 square foot two-bedroom apartment. The Fire Marshall has already reviewed the remodel without issues. The next floor above would have the same floor plan for another 2-bedroom apartment. The top floor would have another 2-bedroom apartment of around 1000 square feet. He believes all the new areas are satisfactory with the fire department.

The applicant has met with his neighbors, but no one is attending the hearing. Some neighbors are concerned that the lighting would be an infringement and on the site plan he will use down lit lighting. Another neighbor was concerned that the existing asphalt needed to be widened to have more parking. The applicant would have 8 parking spaces. One neighbor was concerned that cars coming in and out would flood light in his bedroom. The applicant would use plants and a new fence to keep the light out of the neighbor's house. He believes he meets the density requirements because he has additional acreage. He believes this neighborhood has other buildings that are not single-family. His building is under utilized in the neighborhood and it needs to be updated.

If left as a two plex it is not economically viable to bring it up to code. If he goes up to four units, it would allow him to do a high-quality redevelopment. He believes this would attract residents to the area. The R2 area is only 300 feet away from the property and there are many other similar buildings in the area.

Vice Chair Katz clarified the hardship standard. It is due to the special attributes of the property. The applicant was asked for additional information to justify the hardship.

This is the last remaining building of this size in the area. It is underutilized. The lot is large but shaped like a dog leg, so it restricts most of the lot as unusable. This is one of two of the tallest and largest buildings in the area. It has a larger lot. This is basically larger by a factor of 2. Based upon the age of the building and the nonconforming property shape it bears discussion. The requirements for egress are met and sprinkling is not required.

Vice Chair Katz opened the Public Hearing.

No one from the public spoke.

The Public Hearing was closed.

Vice Chair Katz MOVED on February 3, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Eric Stacy 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.

1
2 **I. FINDINGS OF FACT**
3

4 Based on testimony given, application materials presented, and supporting documents submitted, the
5 Lebanon Zoning Board of Adjustment makes the following findings of fact:
6

- 7 1. The property is improved with a two-family home constructed in 1860. At +/- 18,295 sq. ft., the
8 lot is conforming to the 10,000 sq. ft. minimum lot size required for Class 1 lots in the R-3
9 District.
10
11 2. The applicant proposes to convert the existing two-family dwelling to a four-family dwelling.
12
13 3. The applicant has submitted testimony addressing section 801.3 Variance criteria in an
14 application received by the Planning and Development Department on January 13th, 2025.
15
16 4. To obtain the requested Variance from section §310.2, the applicant must demonstrate
17 compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA
18 674:33, I(b).
19
20 5. The Board finds that the subject property is, by a factor of nearly 2 times, larger than similarly
21 situated one- and two-family dwellings within the vicinity.
22
23 6. No member of the public appeared to speak either for or against the application. _
24

25 **II. CONCLUSIONS OF LAW**

26 As a result of the above findings of fact and based on testimony given, application materials presented,
27 and supporting documents submitted, the Board concludes the following with respect to the Variance
28 criteria set forth in section §801.2 of the Zoning Ordinance
29

- 30 1. The variance **will not** be contrary to the public interest.
31
32 2. The spirit of the ordinance **is** observed.
33
34 3. Substantial justice **is** done.
35
36 4. The values of surrounding properties **are not** diminished.
37
38 5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.
39 Owing to **[the following]** special conditions of the property that distinguish it from other
40 properties in the area.
41

42 The substantial difference in size of the structure as compared to one- and two-family dwellings
43 in the area, as stated in finding effect #5 as well as the fact that the 2000 square feet of unfinished
44 area has gone unutilized for decades. No economically viable plan for utilization exist without
45 relief.
46

- 47 6. There **is not** a fair and substantial relationship between the general public purposes of the
48 ordinance provision and the specific application of that provision to the property.
49
50 7. The proposed use **is** a reasonable one.
51

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **3rd day of February, 2025**, hereby **GRANTS** 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. The applicant shall complete the project substantially in the manner that it had been presented to the Zoning Board in receiving this approval.
8. Appropriate barriers will be installed at the property line as proposed by the applicant in its presentation.

Seconded by Mr. Newlove.

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

4. OTHER BUSINESS

A. Zoning By-Laws Review

The impetus for this is because more members of the public have been attending City meetings. As a consequence, one of the suggestions is that the Boards are provided with the rules and procedures to make sure they align with how the Board wants to operate. Boards are asked if they are able to follow the rules. These are the same rules that were in place last year. The members will read the rules before the next meeting and the discussion will take place when the Chair is present.

One rule that has changed for other Boards is the 3-minute limit for each speaker. It is the discretion of the Board if that type of rule would be followed at this board. There have been some timing rules when it was necessary, and discussions go through the Chair person. This is a Board that is meant to hear from individuals with standing. The discussion was postponed.

B. Central Business District Zoning Amendment Request Review and Comment

In the court proceeding with the River Park building permit, the proposed use of the building they are intending to build, a research laboratory, does not fit within the Central Business Zoning District. The City Council is being asked for consideration of this amendment. Staff ask if this is an appropriate use and what the proposed use means. Research is already a core competency of use within the community. It is important to be clear and to be able to understand what pure research is, what does research and development mean, and what does manufacture related to research mean in the overall definition. There are detailed nuances of uses that are available and to be used in different districts. The Zoning Board needs to determine if they can fully understand, and rule based on what uses are permissible in what locations. It would impact the main downtown area of West Lebanon, and there is a proposal that the Central Business District would impact Centerra and other areas within the community. Staff will be looking at the definitions in the Planners dictionary, what is used in other communities, and how these questions are answered.

This definition is proposed to be placed in three different districts. The Zoning Administrator has the discretion to determine if it fits. The only time the Board would see this is if there was an appeal of the Zoning Administrator's decision.

5. STAFF COMMENTS

There has been discussion of a new member joining the Zoning Board. There will likely be a recommendation in February.

6. ADJOURNMENT

Mr. McDonough MOVED to adjourn the meeting at 8:14 PM.

Seconded by Mr. Morris.

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

Respectfully submitted,
Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT SPECIAL EXCEPTION Lebanon Poker Room & Casino, LLC 369 Miracle Mile

To: Zoning Board of Adjustment

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

Date: March 3, 2025 – Regular Meeting

Application Number: ZB2025-05-SE

HEARING NOTICE:

Lebanon Poker Room & Casino, LLC, 369 Miracle Mile (Tax map 103, Lot 11), zoned GC: The applicant requests a Special Exception from Article VI, Section 608.2.D, pursuant to Sections 206 Sight Distance at Street and Driveway intersections and 801.3 Special Exception, of the Zoning Ordinance to allow a freestanding sign to obstruct vision between 3 ft and 10 ft above the street surface within the triangular area formed by the intersection of a driveway and a street line and a third line joining them at points 25 ft away from their intersection. ZB2025-05-SE

SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally conforming commercial building constructed in 1989, per the City Assessor's records, extensively renovated in 2024, and is conforming to the GC zoning district, Class 1 lot minimum size requirement of 50,000 sq ft with +/- 147,232 sq ft and is not within any overlay district. Previous ZBA action since 1995 includes a 2007 Conditional Use Permit for wetland impact and a 2008 Special Exception for additional sign area.

PROPOSAL:

The applicant proposes to place a 9 ft wide X 13.5 ft tall freestanding sign parallel to the driveway, on a pre-existing foundation within the triangular sight distance area.

ZONING ORDINANCE REQUIREMENTS – SIGHT DISTANCE AT STREET AND DRIVEWAY INTERSECTIONS:

There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the street surface within any triangular area formed by the intersection of two street lines and a third line joining them at points 25 feet away from their intersection, or by the intersection of a driveway and a street line and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a special exception to this requirement, pursuant to Section 801.3, in the commercial and industrial districts only.

ZONING ORDINANCE REQUIREMENTS – SPECIAL EXCEPTION:

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

1. That the special exception is specifically authorized by a provision of this Ordinance.
2. That all special conditions required of the special exception have been met.

3. That there are no existing violations of this Ordinance on the property that the granting of this special exception would not remedy.
4. That the character of the area shall not be adversely affected.
5. That no hazard or nuisance will be created.
6. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.
7. That granting the special exception will not result in undue municipal expense.
8. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the Ordinance.
9. That the general welfare of the City will be protected.

STAFF COMMENTS:

As the applicant's plans indicate, the sign is proposed to be located in the same position as the previous Honda dealership sign. City records indicate several iterations of signage for the Honda dealership through history, the most recent sign was installed +/- 2009, prior to the current zoning triangular sight distance area requirement. The dealership closed sometime between 2018 and 2021 and the sign was removed. In 2024 a sidewalk was installed across the front of this property as a part of the Miricle Mile Road project. The sidewalk connects the Casino to the nearby Bus Stop. The sidewalk termination point and tip-down is in close proximity to the proposed sign and required landscaping around the base of the sign.

The Special Exception in this case is necessitated by the Zoning Ordinance to ensure that both traffic and foot traffic remain safe given the sign's presence and view obstruction for vehicle drivers and pedestrian traffic. Clearly criteria #5 requiring: "That no hazard or nuisance will be created" should be the focus of the Board's consideration of this application.

**CITY OF LEBANON
ZONING BOARD OF APPEALS
APPLICATION**

SPECIAL EXCEPTION	☐	☐	BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	☐	☐	APPEAL OF AN ADMIN DECISION
VARIANCE	☒	☐	REHEARING REQUEST
EQUITABLE WAIVER	☐	☐	

PROPERTY OWNER (APPLICANT):

NAME: Lebanon Poker Room & Casino LLC TEL.#:

MAILING ADDRESS: 887B Central Ave. Dover, NH 03820

E-MAIL ADDRESS:

CO-APPLICANT, AGENT, OR LESSEE:

NAME: The Sign Gallery, LLC TEL.#:

MAILING ADDRESS: 266 Clay St. Manchester, NH 03103

E-MAIL ADDRESS:

PROJECT LOCATION:

TAX MAP #: 103 LOT#: 11 PLOT #: ZONE:

STREET ADDRESS: 369 Miracle Mile

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

REQUEST DESCRIPTION:

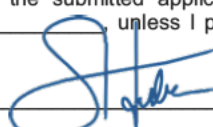
Seeking relief from section 608.2.D of the zoning ordinance.

USE TYPE:

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:

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

Owner Signature:  DATE: 02/04/2025

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.

Owner Signature: _____ DATE: _____

DATE RECEIVED:

APPLICATION #:

Request For Special Exception
City of Lebanon Zoning Ordinance Section 608.2.D
Sight Distance and Signage Visibility



Applicant: Lebanon Poker Room & Casino, LLC
d.b.a. Revo Casino and Social House

Property Address: 369 Miracle Mile, Lebanon New Hampshire
Tax Map 103, Lot 11

Prepared By: Stefan T. Huba, Chief Development Officer
Peninsula Pacific Entertainment, LLC

Request for Special Exception

Pursuant to Section 801.3 of the City of Lebanon Zoning Ordinance, this request for a Special Exception from Section 608.2.D, which requires unobstructed visibility within the triangular sight distance area at driveway intersections. The applicant contends that the proposed sign location meets these requirements based on analysis herein. The analysis demonstrates that while the sign placement results in the obstruction within the Sight Distance Triangle, public safety remains fully preserved. The forward placement of the Stop Bar, the elevated driveway configuration, and the unobstructed functional sightlines collectively ensure compliance with the intent of the ordinance.

Project Description

The subject property, Revo Casino & Social House, is situated in the General Commercial district where signs are permissible under Section 608. The sign in question is proposed to be installed at the driveway entrance, replacing a previously approved sign at the same location, Exhibit "A". The placement is essential for identifying the property and supporting safe navigation for patrons entering and exiting the site.

The current configuration ensures compliance with the intent of the ordinance by preserving sightlines, preventing hazards, and maintaining the area's functional and aesthetic character.

Basis for Special Exception Request

1. Previously Approved Signage and Comparable Location

The sign is proposed to be installed in the same location as a previously approved sign as illustrated in Exhibit "B", ensuring that the property remains consistent with prior usage and visibility standards already in place for the area. The intention is to utilize the existing footing for the proposed sign.

2. Stop Bar Placement

The Stop Bar, which controls vehicle stopping location at the intersection, is placed forward of the sign's location. This ensures that drivers and pedestrians are not impeded by the sign's presence when stopped, allowing for full and unobstructed visibility of oncoming traffic and pedestrians. See Exhibit "C" from Vanasse & Associates. & Exhibit "D" from Fuss & O'Neill. These exhibits illustrate that the driveway has well over 200', or even over 305' of sight distance.

3. Elevated Driveway Configuration

The property's driveway is elevated relative to the adjoining roadway. This elevation provides a clear line of sight for vehicles and pedestrians approaching the driveway and also for vehicles within the public street to see vehicles within the driveway. The elevation, combined with the forward placement of the Stop Bar, ensures that the sign does not obstruct visibility or create a hazard.

4. Compliance with Intent of the Ordinance

The purpose of Sections 608.2.D and 206 is to ensure safety by preserving clear sight lines at intersections. The current configuration fulfills this purpose by positioning the sign in a manner that, along with the previously mentioned factors, does not impede visibility or movement, thereby preventing any hazards to individuals or property.

5. Minimal Impact

Based on the analysis from Fuss & O'Neal, Exhibit "D" and Vanasse & Associates Exhibit "C", the identified sign placement obstructions within the Sight Distance Triangle are mitigated by other contributing factors. The forward positioning of the stop bar and the elevated driveway configuration ensure clear visibility within the required sight distance, allowing for safe vehicle navigation. These elements confirm that traffic safety remains uncompromised, despite the sign's encroachment into the Sight Distance Triangle.

Responses to Special Exception Criteria

1. *The Special Exception, if authorized, will not be contrary to the public interest.*

Based on the analyses from Fuss & O'Neal and Vanasse & Associates, the proposed sign does encroach upon the sight distance triangle. However, this encroachment is mitigated by other factors. The strategic positioning of the stop bar and the elevated driveway configuration ensure unobstructed visibility for both drivers and pedestrians, effectively preventing any hazards. Moreover, the proposed sign maintains the area's functional and aesthetic character, as it is being installed in the same location as the previous sign.

2. *The Special Exception will observe the spirit of the ordinance.*

The spirit of the ordinance is to ensure safety and proper visibility at intersections and driveways. By situating the sign behind the Stop Bar and utilizing the elevated driveway's inherent visibility, the Special Exception satisfies the ordinance's purpose without creating hazards.

3. *By granting the Special Exception, substantial justice will be done.*

The Special Exception allows the property owner to maintain necessary signage for business operations while preserving public safety. Denying the Special Exception would impose an unnecessary burden on the applicant without providing any corresponding benefit to the public. By moving the sign to an alternate area, it would adversely impact the parking lot, and visibility of the sign, potentially causing confusion around the driveway location for patrons frequenting the facility.

4. *The Special Exception, if authorized, will not diminish the values of surrounding properties.*

The sign placement is consistent with the prior sign location, poses no obstruction to sight lines, and maintains the property's current use. This ensures that the Special Exception will not adversely affect the value or usability of surrounding properties.

5. *Denial of the Special Exception would result in unnecessary hardship.*

(a) *Special conditions of the property distinguish it from others in the area:*

The driveway is elevated, providing a clear line of sight to oncoming traffic and pedestrians.

The stop bar is positioned ahead of the sign, ensuring that its placement does not impede drivers' or pedestrians' visibility. Relocating the sign further from the driveway could reduce its visibility, potentially impacting conditions for patrons.

(i) *No fair and substantial relationship exists between the general public purpose of the ordinance and its specific application to this property.*

The purpose of the ordinance is to ensure visibility and safety at intersections, which is achieved by the sign's placement and the property's unique conditions.

(ii) *The proposed use is a reasonable one:*

The purposed use is reasonable because the sign placement aligns with prior signage, poses no safety hazard, and supports the property's operational needs. The proposed sign is in a location suited for the facility and its patrons to experience an intuitive access experience.

- (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 Special Exception is therefore necessary to enable a reasonable use of it.

Denial of the Special Exception would prevent reasonable use of the property for its intended commercial purpose and negatively impact business operations and/or cause unnecessary financial hardship.

Summary

The applicant has demonstrated that granting this Special Exception fulfills all criteria required under Section 801.3 of the City of Lebanon Zoning Ordinance. The Special Exception will ensure public safety, align with the ordinance's purpose, and accommodate the unique conditions of the property without negatively impacting the surrounding area. The proposed sign will be more nearly conforming than the historic sign and will provide the most logical location for the sign, with absolutely no impact to sight distance or public safety.

The applicant respectfully requests the Board to grant this Special Exception.

Respectfully submitted,



Stefan Huba

Chief Development Officer

Lebanon Poker Room and Casino

d.b.a. Revo Casino and Social House

Attachments

EXHIBIT "A" - Location of Proposed Sign

EXHIBIT "B" - Location of Previous Approved Sign

EXHIBIT "C" - Sightline analysis Vanasse & Associate

EXHIBIT "D" – Site Plan Proposed Locations

EXHIBIT "E" – Landscaping Plan

EXHIBIT “A”

Location of Proposed Sign



EXHIBIT “B”

Location of Previous Approved Sign



EXHIBIT "C"

Sightline analysis Vanasse & Associates

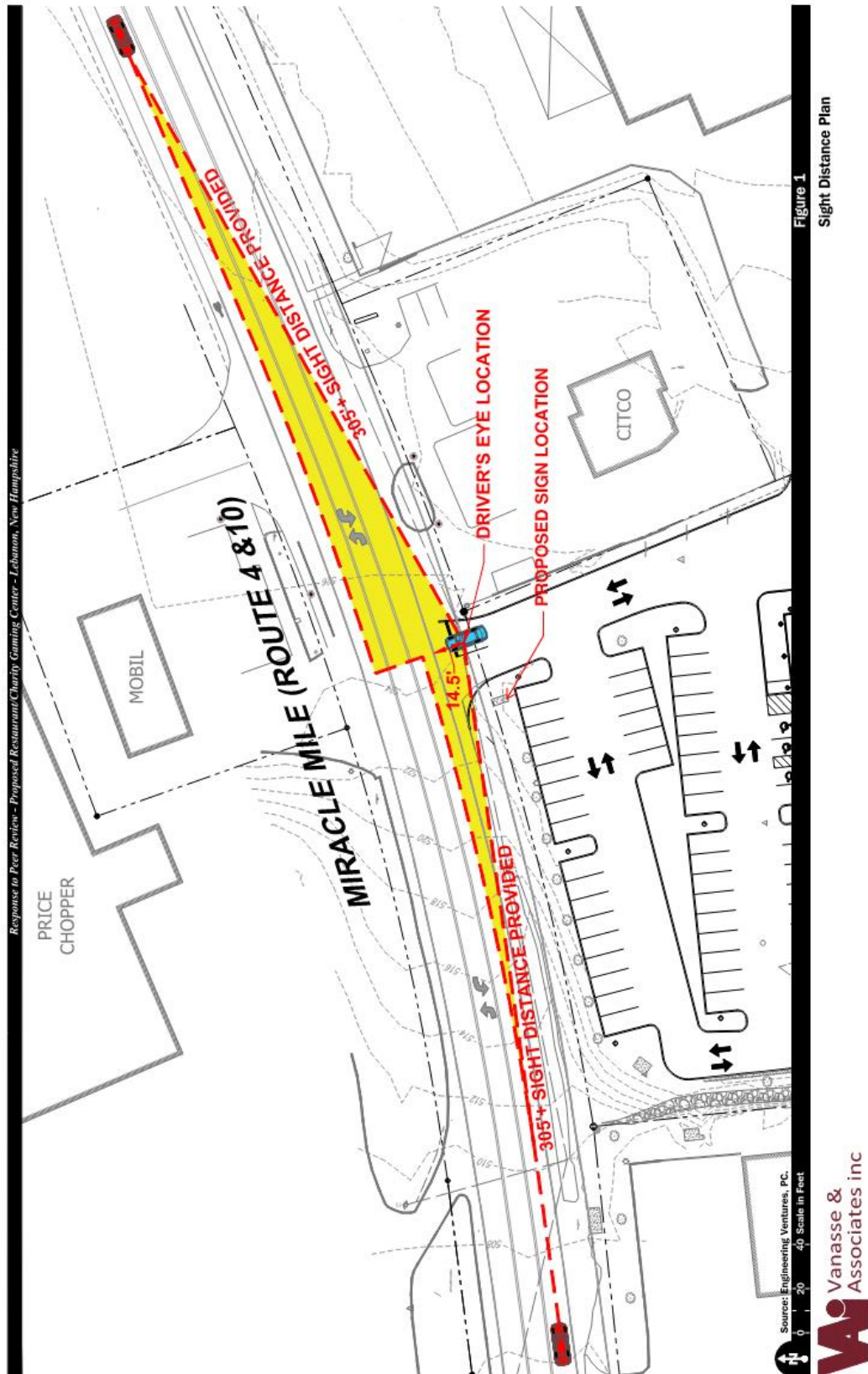
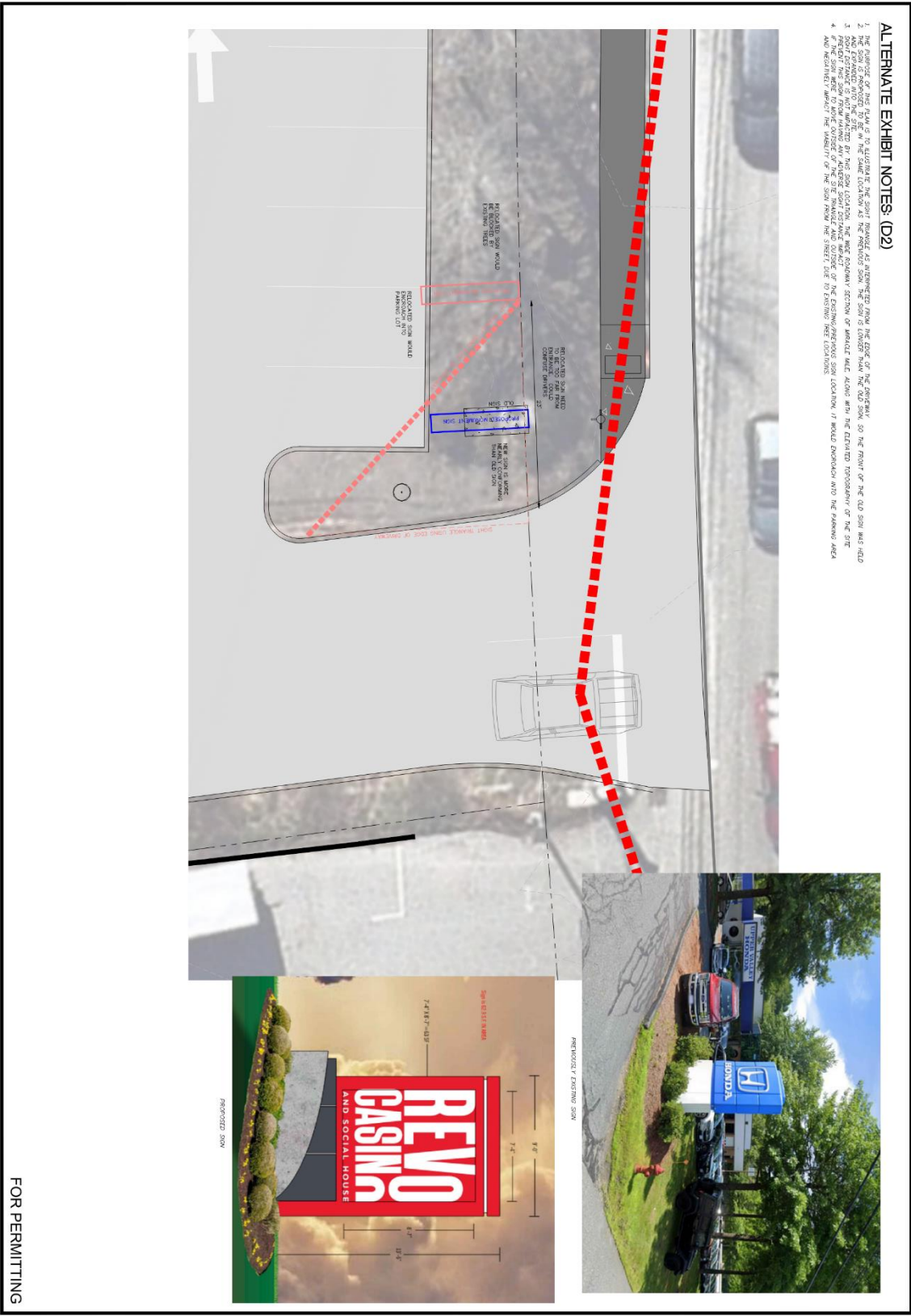


Figure 1
Sight Distance Plan

Copyright © 2022 by V&A. All Rights Reserved.

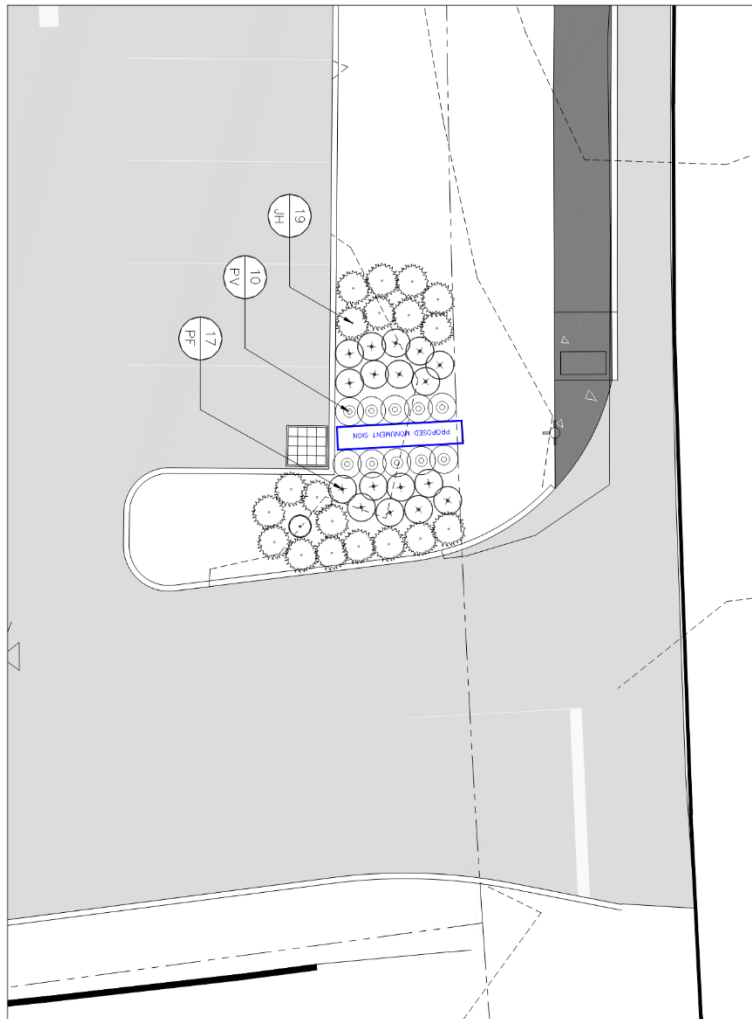
EXHIBIT "D"

Triangular Site Distance Area



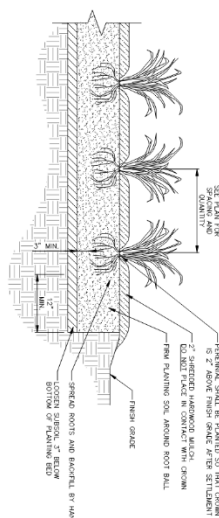
EX. D	PENINSULA PACIFIC ENTERTAINMENT SIGHT DISTANCE EXHIBIT REVO CASINO 369 MIRACLE MILE LEBANON NEW HAMPSHIRE	FUSS & O'NEILL 50 COMMERCIAL STREET MANCHESTER, NH 03101 603.668.8223 www.fuss-o-neill.com	SCALE:	SEAL			
			HORIZ: 1" = 5'				
			VERT: 1" = 5'				
			DATE:				
			HORIZ: 1" = 5'				
			VERT: 1" = 5'				
							
			GRAPHIC SCALE				
			No.	DATE	DESCRIPTION	DESIGNER	REVIEWER

Landscaping Plan

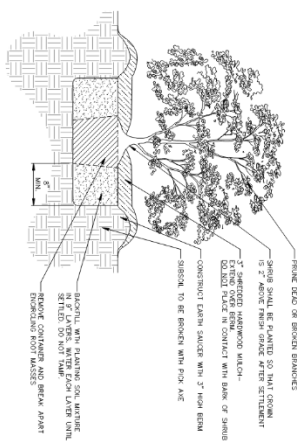


- [illegible]

PLANT LIST				
KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE
SERIES				
A4	ADONIS HYDRANGEA 'NOLDF'	GEOFF'S ADONIS	19	18"-24"
PF	POTENTIAL PINKISH "WATER" GARDEN	"WATER'S GARDEN" SHIMMER CHOCOLATE	17	14"-24"
PERENNIALS/GRASSES				
PV	PANICUM VERTICILLATUM "STRENGHOLM"	RED WHISKERS	10	1 GAL.

[illegible]

- PERENNIAL PLANTING**
- NOT TO SCALE



- NOTES:
- SPRAY ANTI-DESICCANT IN ACCORDANCE WITH MFG.'S RECOMMENDATIONS IF FOLIAGE IS PRESENT
 - USE PRUNING OR SMALL HAND TOOLS TO PULL THE ROOTS OUT OF THE OUTER LAYER OF POTTING SOIL. THEN CUT OR PULL AWAY ANY ROOTS BEHIND THE PRUNER OR THE CONTAINER
 - INCUBATE/COMMERCIALLY PREPARED MYCORRHIZA SPORES IN THE SOIL IMMEDIATELY AROUND THE ROOT BALL AT RATES SPECIFIED BY THE MANUFACTURER

SHRUB PLANTING
NOT TO SCALE

FOR PERMITTING

SCALE:

HORZ.: 1" = 5'

VERT.:

DATUM:

HORZ.:

VERT.:

0 2.5' 5' 10'

GRAPHIC SCALE

SEAL[illegible]



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT SPECIAL EXCEPTION

Draft Motion
Lebanon Poker Room & Casino, LLC
369 Miracle Mile

DRAFT MOTION for:

Agenda Item: 3.B

Case: ZB2025-05-SE

Request for Special Exception per Sections §206 & §801.3

Motion made by: _____

On March 3rd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 369 Miracle Mile (Tax map 103, Lot 11), zoned GC: The applicant requests a Special Exception from Article VI, Section 608.2.D, pursuant to Sections 206 Sight Distance at Street and Driveway intersections and 801.3 Special Exception, of the Zoning Ordinance to allow a freestanding sign to obstruct vision between 3 ft and 10 ft above the street surface within the triangular area formed by the intersection of a driveway and a street line and a third line joining them at points 25 ft away from their intersection.

I. FINDINGS OF FACT

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

1. The subject property is improved with a dimensionally conforming commercial building.
2. The applicant proposes to install a 9 ft wide x 13.5 ft tall freestanding sign parallel to the driveway, on a pre-existing foundation.
3. The applicant is seeking a Special Exception pursuant to Article II, Section 206 of the Zoning Ordinance to allow a freestanding sign to obstruct vision between 3 ft and 10 ft above the street surface within the triangular area formed by the intersection of their driveway, Miracle Mile, and a third line joining them at points 25 ft away from their intersection.
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 February 10, 2025.
5. There are no known existing zoning violations on the property.

1. _____

2. _____

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 by section 206 Sight Distance at Street and Driveway intersections.
2. There are **NO** special conditions of the special exception required by **section 206** that must been met.
3. There **are no / are** existing violations of the Zoning Ordinance on the property that the granting of the Special Exception would not remedy.

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

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

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

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

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

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

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 3rd day of March 2025 hereby **GRANTS / DENIES** the requested Special Exception pursuant to Sections §206 and §801.3 of the Zoning Ordinance to allow a freestanding sign to obstruct vision between 3 ft and

10 ft above the street surface within the triangular area formed by the intersection of a driveway and a street line and a third line joining them at points 25 ft away from their intersection.

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

3. _____

Motion seconded by: _____

Vote: _____