

FINAL

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

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

MEMBERS ABSENT: Chair William Koppenheffer,

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 motion.

2. APPROVAL OF MINUTES

A. February 3, 2025

Mr. McDonough MOVED to approve the February 3, 2025, Minutes as presented in the March 3, 2025 packet.

Seconded by Mr. Morris.

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

Two abstentions due to members not being present.

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**

This hearing needs to be continued because a signature from the owner of the property has not been received. They will preserve notice by this continuation. It will need to be perfected by the April meeting, or it will be dismissed.

Mr. Burtan was given voting privileges for this motion.

**Mr. McDonough MOVED to continue the CWM All Waste, LLC & Choice Storage, LLC hearing until April 7, 2025.
Seconded by Mr. Newlove.**

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

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**

Mr. Morris was given voting privileges for this hearing.

Stefan Huba appeared on behalf of the application. The applicant clarified that this is an application for a special exception. The application said it was checked off as a variance. A special exception is correct relief and was noticed as such.

They are requesting relief for the placement of their sign, from the sight distance triangle. Otherwise, the sign meets the code and they believe it does not create a nuisance to the public. There previously was a sign in that location and the stop bar is located there. Exhibit C shows the proposed sign location, exhibiting there is ample vision and clear site lines. Moving that sign would require removing some substantial mature trees.

Mr. Newlove asked for clarification of the official definition of the triangle. The applicants had to determine where the sight line should be because the stop bar is already in the right-of-way. If they use where the property line exists, that would also not be correct. They believe it is not relevant in this situation. The important point is if the sign would interfere with the sight lines for the flow of traffic and safety and not impair foot traffic or vehicles.

The sign would be in the same location where the previous sign was located. The place where a vehicle naturally stops, a vehicle would go into the right-of-way, which actually makes it easier to see around the sign. The applicant showed a picture that showed where the sign would be and shows the line of sight that would be available. He does not believe it is a safety hazard.

The sign meets the criteria of the size of the sign. They are not able to determine how the new sign compares to the Honda dealership sign. There is no documentation or permits for the old dealership sign. There is no noted history of indications that people could not see around the sign in the past several years.

The triangle rule is a new zoning requirement. Sidewalks have been finished in that area in the last years. And a new stop bar has been painted. The only consideration is the sight line requirement. Engineers and traffic study experts believe this is not going to be a hazard.

Vice Chair Katz opened the Public Hearing, and no one appeared. The Public Hearing was closed.

The board discussed the advantages of adding a streetlight to illuminate the intersection. This would be something addressed by the City Engineer's office. It would be advisory instead of a condition of approval.

Mr. Newlove MOVED On March 3rd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Stefan Huba 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.
6. No one from the public spoke.

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 be met.
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 3rd day of March 2025 hereby **GRANTS** 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. They must follow the landscape plan presented in Exhibit E.

Seconded by Ms. Barkley.

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

4. **STAFF COMMENTS**

There are a lot of zoning changes coming forward in the near future. Next month additional information will be available. Rupert Barton was welcomed to the Board.

5. **ADJOURNMENT**

Mr. Newlove MOVED to adjourn the meeting at 7:32 PM.

Seconded by Mr. Morris.

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

Respectfully submitted,
Linda Billings, Recording Secretary