



**LEBANON ZONING BOARD OF ADJUSTMENT
JUNE 2, 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: 431 130 488#). If you have trouble accessing this meeting, please [email Nathan Reichert](#).

2. Approval of Minutes

- A. January 16, 2025
B. May 5, 2025

3. Public Hearing Items

- A. **Michael Davidson, 3 Campbell St (Tax Map 92, Lot 65), zoned LD:** An appeal of the Zoning Official's Notice of Violation and Administrative Decision, pursuant to Section §801.1 of the Zoning Ordinance, that the conversion of office space to dwelling units violates Sections 103, 307.2, 307.5, 408, and 607.8. **ZB2025-10-AAD - Continued from May 5, 2025 meeting**
- B. **Thomas Cardew , 14 Williams St (Tax map 77, Lot 59), zoned R3:** The applicant requests a Variance from Article III, Section 310.3, pursuant to Section 801.2 of the Zoning Ordinance, to allow a garage and family-room addition to be located +/- 8.5 ft from the right-side property line where 15 ft is required. **ZB2025-12-VAR**

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 who 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 disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.

Any person with a disability who wishes to attend this public meeting and needs additional accommodation, please contact the ADA coordinator at City Hall by calling 603-448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.

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
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

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 16th 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 6th 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

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
MONDAY, May 5, 2025
7:00 PM**

MEMBERS PRESENT: Chair William Koppenheffer, Vice Chair Jeremy Katz, Paul McDonough, Michael Morris, Rupert Burtan (alternate)

MEMBERS ABSENT: Jennifer Barkley, Dave Newlove

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1. CALL TO ORDER

Chair Koppenheffer called the meeting to order at 7:00 PM.

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

Mr. Burtan was given voting privileges for the meeting.

2. APPROVAL OF MINUTES

A. April 7, 2025

Mr. Katz MOVED to approve the April 7, 2025, minutes as presented in the May 5, 2025 packet.

Seconded by Mr. McDonough.

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

Mr. Morris abstained due to not being present at the meeting.

The order of the agenda was changed.

3. PUBLIC HEARING ITEMS

- A. Perry T. Moorman & Meredith Steinfels , 12 Kendrick St (Tax map 78, Lot 10), zoned R3:** The applicant requests a Special Exception from Article IV, Section 410.5, pursuant to Section 703.1 and 801.3 of the Zoning Ordinance to allow the expansion of a non-conforming structure within the Riverbank Protection District. **ZB2025-09-SE**

Philip Webster, the builder from High Meadow Builders, appeared on behalf of the application. They would like to expand the existing mud room and that would need a special exception. The addition is on the front side of the house, comes toward the driveway, does not impact the neighbors, and does not impact the river. Excess water would be shed onto the driveway and would not impact the river. The Conservation has waived the right to review due to the location. It was determined that their review was not necessary. They believe it is a minimum impact.

1 Chair Koppenheffer opened the Public Hearing. No one spoke and the Public Hearing was closed.

2
3 *Mr. Katz, MOVED on May 5th, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of*
4 *Adjustment, there appeared Philip Webster regarding 12 Kendrick St (Tax map 78, Lot 10), zoned R3:*
5 *The applicant requests a Special Exception from Article IV, Section §410.5, Section §703.1 pursuant to*
6 *§801.3 of the Zoning Ordinance to allow the expansion of a non-conforming structure within the*
7 *Riverbank Protection District.*

8
9 **I. FINDINGS OF FACT**

10
11 Based on testimony given, application materials presented, and supporting documents submitted, the
12 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 13
14 1. The subject property is improved with a dimensionally non-conforming 1-family dwelling
15 constructed in 1880, per the City Assessor's records and is conforming to the R3 zoning district,
16 Class 1, minimum lot size requirement of 10,000 sq ft with +/- 15,246 sq ft and is the riverbank
17 protection, NH shoreland protection, and FEMA flood zone overlay district.
18
19 2. The applicant proposes to build an addition on the front side of the existing home, within the 50 ft
20 buffer zone. The addition will be no closer to the riverbank than the existing house structure.
21
22 3. The applicant has applied for and received a NH DES shoreland permit for approx. 1,200 sq ft of
23 impact within the shoreland protection zone.
24
25 4. In order to grant a Special Exception, the applicant must demonstrate that their proposal meets the
26 general Special Exception criteria, set forth in Section §801.3. The applicant has submitted
27 testimony addressing the Section §801.3 criteria in an application received by the Planning and
28 Development Department on March 26, 2025.
29
30 5. There are no known existing zoning violations on the property.
31
32 6. No member of the Public appeared to speak either for or against the 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 §801.3 of the Zoning Ordinance:

- 39
40 1. The Special Exception is specifically authorized by Section §401.5, and §703.1 pursuant to
41 §801.3 of the Zoning Ordinance.
42
43 2. There are **NO** special conditions of the special exception required by **Section §401.5 or §703.1**
44 that must be met.
45
46 3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the
47 Special Exception would not remedy.
48
49 4. The character of the area **will not** be adversely affected.
50

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 5th day of May, 2025 hereby **GRANTS** the requested Special Exception pursuant to Sections §410.5, §703.1 and §801.3 of the Zoning Ordinance to allow the expansion of a non-conforming structure within the Riverbank Protection District, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The applicant shall obtain a building permit.
2. The applicant shall apply for a Floodplain Development permit.
3. The applicant shall apply for any necessary water or sewer user permits.

Seconded by Mr. Morris.

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

B. Michael Davidson, 3 Campbell St (Tax Map 92, Lot 65), zoned LD: An appeal of the Zoning Official's Notice of Violation and Administrative Decision, pursuant to Section §801.1 of the Zoning Ordinance, that the conversion of office space to dwelling units violates Sections 103, 307.2, 307.5, 408, and 607.8. **ZB2025-10-AAD**

Mr. Katz recused himself from this hearing.

The applicants can postpone this hearing until there is a full board. The applicants chose to continue.

Chair Koppenheffer stated that the City has conceded that there is no violation of section 307.2, dwelling units and street level conditions.

Nick Harris and Tim Sidore appeared on behalf of Michael Davidson. The appeal documents were provided to the members of the board last week. The applicants believe no exterior alterations were made, so no historical exception or review is required at this time. Review does not occur until they are going to make a change to the exterior of the building. Regarding Section 607.8.c.1 and c.2, they believe that Mr. Davidson is not mandated to have EV charging devices until he proposes adding new spaces. There are already 18 compliant parking spaces. In

1 this case, they do not believe there is a violation. The submission to the Planning Board included
2 the 1992 site plan and the parking spaces were on the plan.

3
4 Regarding the density violation 607.5, they are willing to engage with the Planning Board if
5 there are any density issues, but this building has historically had 11 residential units, and it
6 would now have 12. If this is an issue, they would work with the Planning Board. For the last
7 33 years there have been 9 units with 2 commercial units. They would continue to work with the
8 Planning Board, so this is a hypothetical violation. There is difficulty with the heating and the
9 egress in unit 6. The building permits to repair a window and install an egress window, needs
10 Historical Commission review. They cannot move forward and get a building permit or go
11 before the Historical Commission while these violations are unsettled.

12
13 They believe this is not a statement of a violation, but a statement that the ordinance applies.
14 They believe they are not in violation, rather these violations have not come to pass, and they are
15 willing to work with the Zoning Board and Planning Board to meet the requirements. There has
16 been no change to the building and no change to the site, so they do not understand how these
17 things can be mandated.

18
19 The applicants were asked why they did not ask for a change from commercial to residential
20 units. They stated that when they purchased there were 11 residential units, and they made a
21 change to 2 commercial spaces. They believe they were merely returning to 11 units. At this
22 time, it is still permitted as office space. In their minds it was previously residential, and they
23 thought it was reverting to its original use. Last summer they took down one office and turned it
24 back into 2 residential units. There was plumbing and electrical work to return to residential use.

25
26 Brian Bouchard, an attorney for the applicant spoke. They intend tonight to meet the 30-day
27 limitation for an appeal. They are not appealing that they did not need permits and they are
28 going to the Planning Board. They will move forward with both of these things. They are
29 merely determining if the applicants are in violation of any Zoning Ordinances, when the
30 violations have not occurred as yet. There are no proposed parking spaces at this time, therefore
31 how can there be a violation of the EV parking spaces.

32
33 Chair Koppenhefer addressed Mr. Sidore. He was asked why they did not pull any building
34 permits. He restated because it was prior residential units. In 1992 it was converted to 9 units
35 and 2 offices. They believe there is a vested right to convert back to 11 residential units. Mr.
36 Bouchard said they are not appealing that they did not get a building permit. The appeal is in the
37 sections that they believe violations have not occurred as of yet.

38
39 The Board asked for a 10-minute break at 7:51 PM. The Board returned at 8:02 PM

40
41 ***At 8:03 PM McDonough MOVED to go into non-public session for discussion and***
42 ***consideration of legal advice provided by legal counsel per section 91A:3II.***

43
44 ***Seconded by Mr. Burtan.***

45 ***Mr. Morris, Mr. Burtan, Mr. McDonough, and Chair Koppenheffer all voted yay.***

46

1 The Board returned to the public meeting at 8:59 PM.

2
3 The applicant requested to have this hearing postponed until after the next Planning Board
4 meeting which will take place next week.

5
6 Chair Koppenheffer asked if the hearing is continued and the Planning Board makes a
7 recommendation regarding the EV issue, would the Zoning Board have to rule on the decision.
8 The Zoning Board has the ultimate rule regarding the EV requirements.

9
10 ***Mr. McDonough MOVED, at the request of counsel for the applicant, to continue the issues***
11 ***they have been addressing here until the June meeting of the Zoning Board.***

12
13 ***Seconded by Mr. Morris.***

14
15 The hearing has been closed in this time matter. The Board is in the deliberation and decision stage.

16
17 ****The Vote on the Motion was (4-0).***

18
19 **Mr. Katz returned to the meeting.**

20
21 **C. Brett Sowerby & Patricia Atchinson, 39 Spring St (Tax Map 107, Lot 62), zoned R2:** The
22 applicant requests 2 variances to allow a carport to be build +/-6.5 ft from the left-side property
23 line shared with 43 Spring St where 15 ft is required and to allow 44% building coverage on
24 the lot where 25% is allowed. **ZB2025-11-VAR**

25
26 Brett Sowerby and Patricia Atchinson appeared on behalf of the application. Mr. Sowerby introduced a
27 letter from the abutting neighbor on the side of the carport. They purchased the home in 2018. The
28 previous owner had a building permit to demolish the garage and built a ledger board to add a carport and
29 never built the carport. The applicants found a contractor to complete the project, and the carport was
30 constructed in 2019.

31
32 The percentage of the property seems large but that is because it is a very small lot therefore the coverage
33 is a larger percentage.

34
35 **Chair Koppenheffer opened the Public Hearing. No one spoke and the Public Hearing was closed.**

36
37 Mr. Morris asked when the old carport was demolished. It was sometime in 2018, and they rebuilt the
38 new carport in 2019. There is no additional pavement. It is as it was at the time they purchased the
39 property.

40
41 If they did not get the variance, there is no other place on the property that the carport could be built.
42 There was a miscommunication that there was a 2-year time limit to use the building permit, and they
43 were not aware that the transfer of the property negated the existing building permit.

44
45 The only concern from staff is the runoff from the building and if it would impact any abutters. There
46 would be no additional non permeable surfaces and no additional runoff from the roof. If there was an
47 issue over the last 5 years it would be known.

1 **Mr. Katz MOVED on May 5, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of**
2 **Adjustment, there appeared Brett Sowerby & Patricia Atchinson regarding 39 Spring St (Tax Map**
3 **107, Lot 62), zoned R2: The applicant requests 2 variances to allow a carport to be built +/-6.5 ft from**
4 **the left-side property line shared with 43 Spring St where 15 ft is required and to allow 44% building**
5 **coverage on the lot where 25% is allowed.**

6
7 **I. FINDINGS OF FACT**

8
9 Based on testimony given, application materials presented, and supporting documents submitted, the
10 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 11
12 1. The subject property is improved with a one-family home constructed in 1880. At +/- 3,920 sq.
13 ft., the lot is not conforming to the 10,000 sq. ft. minimum lot size required for Class 1 lots in the
14 R-2 District.
- 15
16 2. The single-family home is dimensionally non-conforming on both the Pine Street and Spring
17 Street sides but is conforming on the remaining two sides.
- 18
19 3. In 2018 a building permit was issued to the previous owner to demolish a portion of the existing
20 dimensionally non-conforming garage and to convert the remaining portion to living space.
- 21
22 4. The subject property contains a legally non-conforming 38% building coverage.
- 23
24 5. The ability, per Section 703.2 of the Zoning Ordinance, to restore the non-conforming garage
25 structure expired 2 years after its demolition.
- 26
27 6. The applicant has submitted testimony addressing the section §801.3 Variance criteria in an
28 application received by the Planning and Development Department on April 14th, 2025.
- 29
30 7. To obtain the requested Variance from section §309.3, the applicant must demonstrate
31 compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA
32 674:33, I(b).
- 33
34 8. No member of the public spoke either for or against the application.
- 35
36 9. The property is an unusually small sized lot.

37
38 **II. CONCLUSIONS OF LAW**

39
40 As a result of the above findings of fact and based on testimony given, application materials presented,
41 and supporting documents submitted, the Board concludes the following with respect to the Variance
42 criteria set forth in section §801.2 of the Zoning Ordinance

- 43
44 1. The variance **will not** be contrary to the public interest.
- 45
46 2. The spirit of the ordinance **is** observed.
- 47
48 3. Substantial justice **is** done.
- 49
50 4. The values of surrounding properties **are not** diminished.

5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area:
specifically, the unusual small land size of the property in comparison to the other properties generally found within the neighborhood.
6. There **is not** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.
7. The proposed use **is** a reasonable one.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **5th day of May, 2025**, hereby **GRANTS** the Variance from Section §309.3, pursuant to Section §801.2 of the Zoning Ordinance to allow a carport to be built +/-6.5 ft from the left-side property line shared with 43 Spring St where 15 ft is required and to allow 44% building coverage on the lot where 25% is allowed, as set forth above and per testimony, plans, and materials submitted.

Seconded by Mr. Burtan.

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

D. William & Deborah Rafter, 12 Union St, (Tax map 92, Lot 194), zoned 2: The applicants request 4 Variances from Section 309.3, pursuant to Section 801.2 of the Zoning Ordinance, to allow the construction of 1) a 160 sq ft shed +/- 5 ft from the right-side property line where 15 ft is required, 2) a 180 sq ft shed +/- 6 ft from the left-side property line where 15 ft is required, 3) both sheds will be located +/- 5 ft from the rear property line where 20 ft is required, 4) to allow 25.2% building coverage on the lot where 25% is the maximum. **ZB2024-22-VAR Continued from the November 18, 2024 meeting**

Mr. Katz Moved that ZB2024-22-VAR, William & Deborah Rafter, 12 Union St, (tax map 92, lot 194), zoned R-2 be dismissed as mute.

Seconded by Mr. Burtan.

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

4. OTHER BUSINESS

A. Zoning Amendment review and discussion: Environmental Overlay

The members are being asked to determine if the language is workable and understandable and if members can work with the language to administer the intent of the amendment. The Planning Board would be interpreting the application, and it would be only oversight of a decision that would involve the Zoning Board.

5. STAFF COMMENTS

None.

1
2
3
4
5
6
7
8
9

6. ADJOURNMENT

Mr. Katz MOVED to adjourn the meeting at 9:35 PM.

Seconded by Mr. Morris.

**The Vote on the Motion was (unanimous).*

Respectfully submitted,
Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM

Thomas Cardew
14 Williams Street

To: Zoning Board of Adjustment

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

Date: June 2, 2025 – Regular Meeting

Application Number: ZB2025-12-VAR

HEARING NOTICE:

Thomas Cardew, 14 Williams St (Tax map 77, Lot 59), zoned R3: The applicant requests a Variance from Article III, Section 310.3, pursuant to Section 801.2 of the Zoning Ordinance, to allow a garage and family-room addition to be located +/- 8.5 ft from the right-side property line where 15 ft is required. ZB2025-12-VAR

SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally non-conforming 1-family home constructed in 1996, per the City Assessor's records, is conforming to the R3 zoning district, Class 1, minimum lot size requirement of 10,000 sq ft with +/- 10,018 sq ft, is non-conforming to the minimum required lot frontage of 75 ft with +/- 55 ft and is not within any overlay district. There has been no previous ZBA action since 1995.

PROPOSAL:

The applicant proposes to add a 16 ft x 13 ft family room and a garage 24 ft x 24 ft garage to the front of existing single-family home. The right side of the home is located 15 ft away from the right-side property line. The left side of the home is located less than the required 15 ft away from the left-side property line shared with 12 Williams Street. The proposed family room will maintain the required 15 ft setback distance. The proposed garage will be located +/- 8.5 ft from the right-side property line shared with 16 Williams St.

ZONING ORDINANCE REQUIREMENTS – VARIANCE:

To obtain the requested Variance from Section §310.3, the applicant must demonstrate compliance with each of the five Variance Criteria as set forth in Section §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The five criteria are state in the bold text below, followed by general staff commentary on the meaning and intent of each.

1. Will the variance be contrary to the public interest? According to the Board of Adjustment in NH, 2012 Edition, for a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?

2. Will the spirit of the ordinance be observed? According to the Board of Adjustment in NH, 2012 Edition, in deciding whether or not a variance will violate the spirit and intent of the ordinance, the Board must determine the legal purpose the ordinance serves and the reason it was enacted. The effect of the variance should be evaluated in light of the goals of the Ordinance, which might begin or end with a review of the master plan upon which the ordinance is based.

3. Is substantial justice done? According to the Board of Adjustment in NH, 2012 Edition, Board members must determine each case individually. They suggest that perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.

4. Are values of surrounding properties diminished? According to the Board of Adjustment in NH, 2012 Edition, if there is conflicting evidence (dueling experts) then it is the Board's job to sift through such testimony and other evidence to make a finding as to whether there will be a decrease in property values. Board members may also draw upon their own knowledge of the area in reaching a decision on this standard. It is the applicant's burden to convince the Board that it is more likely than not that the project will not decrease values.

5. Would literal enforcement of the provisions of the ordinance result in an unnecessary hardship?

- a. **Special Conditions:** According to the Board of Adjustment in NH, 2012 Edition, Zoning imposes some hardship on all property owners by setting lot dimensions, allowable uses and other restrictions. Typically, the restrictions on one parcel are balanced by similar restrictions on other parcels in the same zone. When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. Even within the same community, different results may be reached with just slightly different fact patterns.
- b. **Fair and Substantial Relationship:** Part of this standard includes whether or not a fair and substantial relationship exists between the general public purpose of the ordinance provisions and the specific application of that provision to the property. Is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance? Once the purpose of the provision has been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to their property would not advance the purposes of the ordinance provision in any "fair and substantial" way.
- c. **Reasonable Use: Is the proposed use a reasonable one?** All applicants believe their proposed use is a reasonable one. The applicant must establish that, in light of the special conditions of the property, as identified above, the proposed use is a reasonable one.

STAFF COMMENTS: Staff has no comment concerning 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: Thomas Aaron Cardew TEL.#: 1 [REDACTED]

MAILING ADDRESS: 14 Williams St. Lebanon NH 03766

E-MAIL ADDRESS: [REDACTED]

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: 77 LOT#: 59 PLOT #: _____ ZONE: _____

STREET ADDRESS: 14 Williams St.

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

REQUEST DESCRIPTION:

Build a garage within the 15' side set back. This is requested to avoid moving water + sewer lines

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 5/6/25, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: [Signature] DATE: 5/6/25

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: [Signature] DATE: _____

DATE RECEIVED: 5-12-25

APPLICATION #: PB2025-12-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

I (we) hereby request a variance from the terms of Article(s) 801.2
Section(s) _____ 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;
The variance, if authorized, will not be contrary to the public interest because it will allow us to complete an addition that is consistent with the character and scale of surrounding properties.
2. That the variance will observe the spirit of the Ordinance.
While this variance requests a minor setback reduction, the project remains in harmony with the neighborhood's character, ensures no impact on adjacent properties, and supports the ordinance's intent to promote safe and orderly development.
3. That by the granting of the variance, substantial justice will be done;
Granting the requested variance will do substantial justice by allowing a structure that remains over 30 feet from the adjacent building, meeting the town's 15 foot ordinance requirements, & maintaining the character & harmony of the surrounding neighborhood.
4. That the variance, if authorized, will not diminish the values of surrounding properties
The requested variance will not diminish the values of surrounding properties, and; as it will enhance our property's value & contribute positively to the neighborhood.
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
Given the limited 55 feet of road frontage on our lot, enforcing the 15-foot setback would create unnecessary hardship without meaningfully serving; and the public purpose of the ordinance, whereas an 8-foot setback would still maintain neighborhood character & proper spacing.

(ii) The proposed use is a reasonable one.

This variance is reasonable as the addition aligns with the neighborhood's character & maintains appropriate distance to minimize impact on neighbors.

(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)."

Kailee Cardew
Print me
May 8, 2025 at 5:58:19 AM



Dear Members of the Zoning Board,

We respectfully submit this narrative in support of our request for a variance at 14 Williams Street, where my wife and I have lived for over five years. Having grown up in Lebanon, I feel incredibly fortunate to be raising my family here in the same community that shaped me. We love our neighborhood—it's welcoming, close-knit, and within walking distance of our support systems and work. My wife works as a nurse at Dartmouth Hitchcock, and I'm a personal trainer. We just welcomed our first child, Ambrose, in July, and we share our home with our large but lovable St. Bernard, Elvis.

As our family has grown, so too have our needs. Our small living room is increasingly insufficient for the day-to-day movement and activity of our toddler and dog. While we explored the possibility of moving, we ultimately realized that leaving this neighborhood was not an option—we are deeply connected to this home, this street, and this community.

In order to accommodate our growing family while remaining in our current home, we are seeking a variance to modestly expand our house. Our lot presents certain constraints: it has only 55 feet of road frontage, limiting our ability to expand without encroaching into the setback area. Although building in the center of the lot without a variance might be technically feasible, it would require relocating existing infrastructure—including the water line, septic system, and driveway—which would be prohibitively expensive and disruptive. Most importantly, it would result in an addition that is not in keeping with the look and feel of our neighborhood.

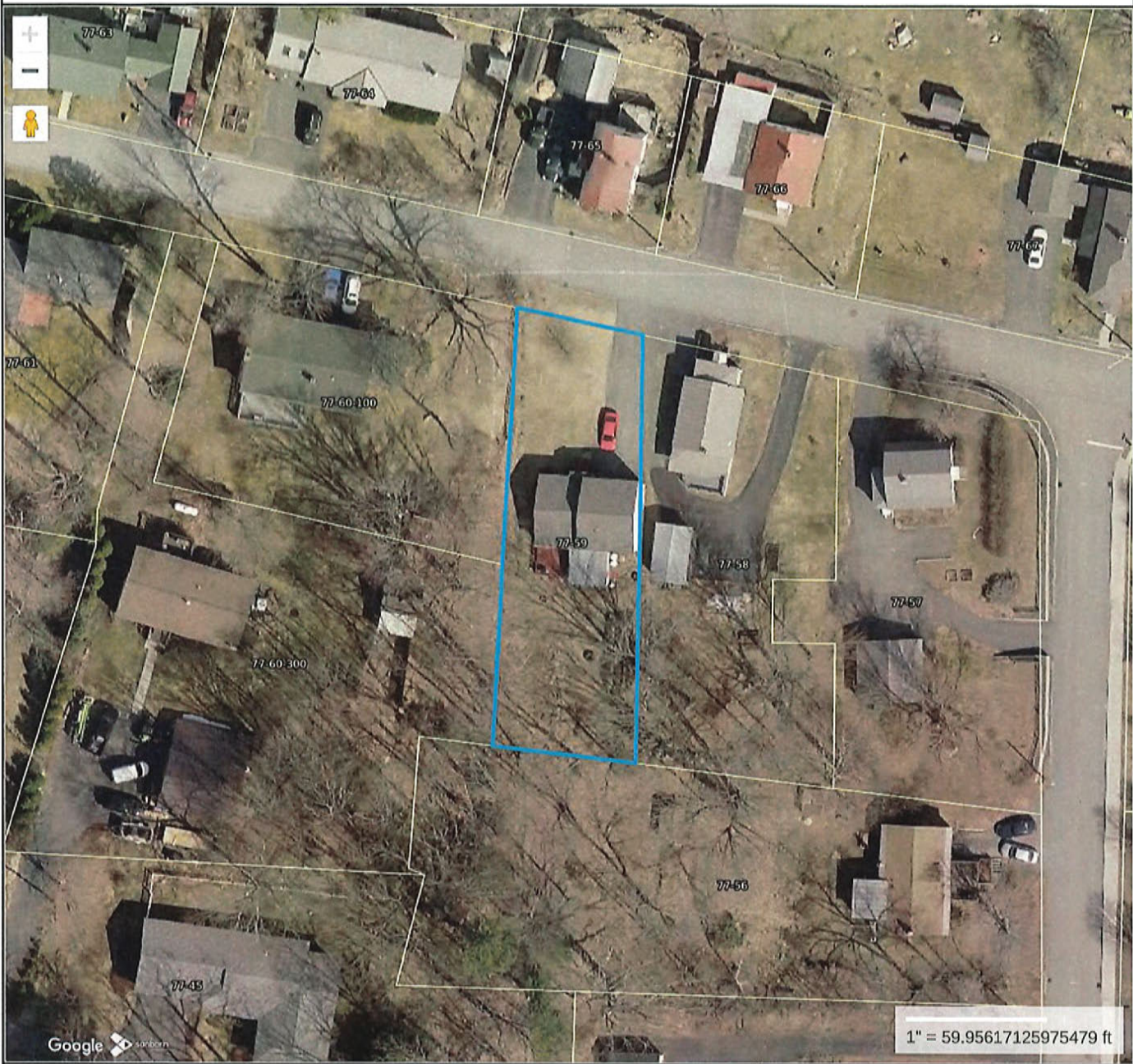
Our intent is to pursue an addition that is both functional for our family and consistent with the architectural character of Williams

Street. Granting this variance will allow us to make reasonable use of our property in a way that minimizes impact on municipal utilities, preserves neighborhood aesthetics, and avoids unnecessary financial hardship.

We appreciate the Board's consideration of our request, and thank you for the time and effort you dedicate to maintaining the character and integrity of Lebanon's neighborhoods.

Sincerely

Tom, Kailee, Ambrose and Elvis



Property Information	
Property ID	77-59
Location	14 WILLIAMS ST
Owner	CARDEW, THOMAS AARON



**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 01/30/2025
Data updated 11/18/2018

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

FOR REGISTRY USE

SHAUN KENDALL
LOT 77-60-100
VOL. 4329 PG. 440

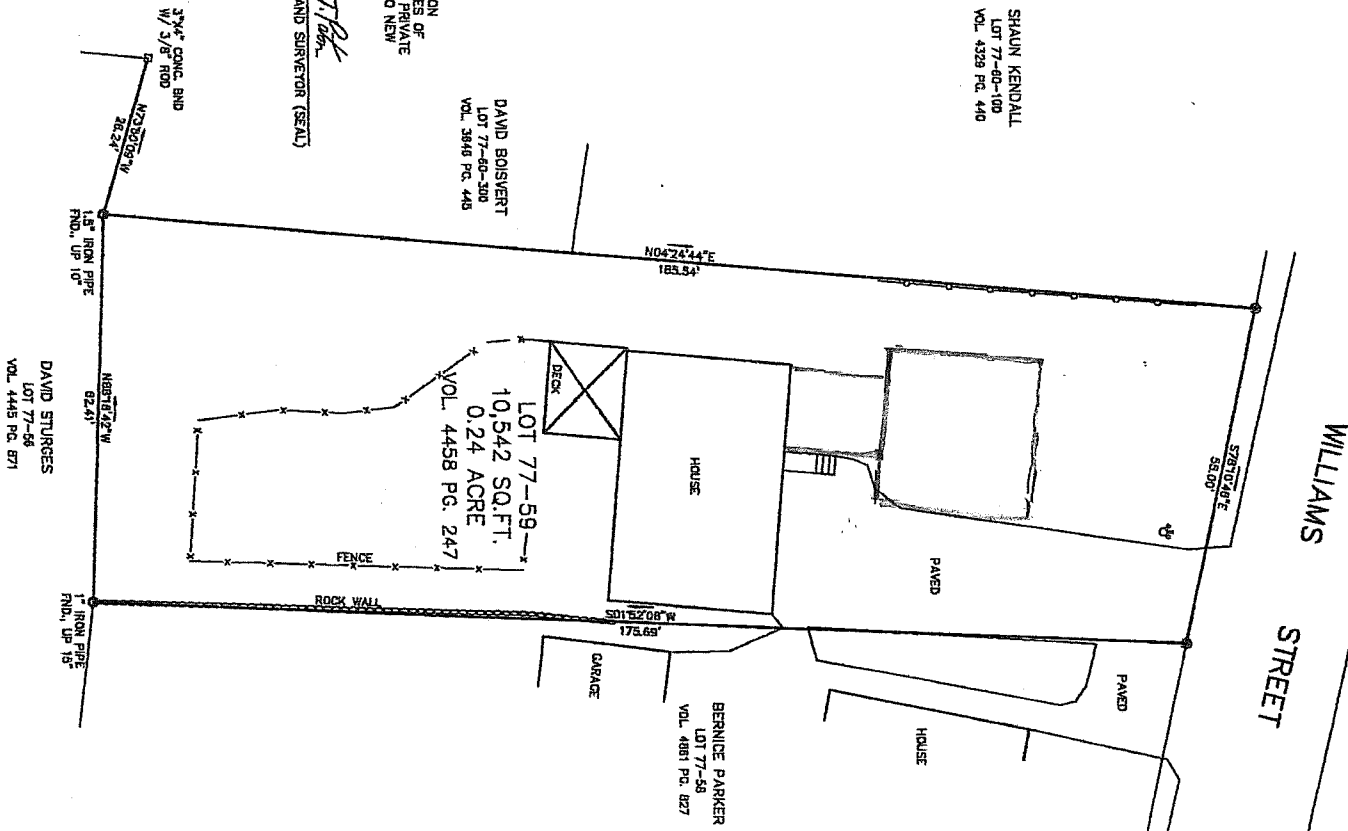
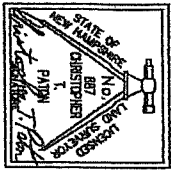


I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO N.H.R.S.A. TITLE LXIV AND THAT THE LINES OF PUBLIC AND PRIVATE STREETS ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN. RSA 878:18, III

DATE
APRIL 24, 2025

LICENSED LAND SURVEYOR (SEAL)

David Sturges



WILLIAMS STREET

REFERENCE PLAN

1. LOT LINE ADJACENT TO DAVID & M. JOYCE BOISVERT AND DAVID & KATHLEEN BOISVERT, WILLIAMS ST., LEBANON, NH, DATED 6/1/25, PREPARED BY HATHORN SURVEYS, PLAN NO. B257 C.C.R.B.

NOTES

1. HORIZONTAL DATUM IS REFERENCED TO THE NEW HAMPSHIRE STATE DATUM.
2. THE SUBJECT PROPERTY IS IN THE R-3 ZONING DISTRICT. DIMENSIONAL REGULATIONS:
FRONT SETBACK: 20 FT.
SIDE SETBACK: 15 FT.
REAR SETBACK: 15 FT.
MAX. BUILDING COVERAGE: 25%

LEGEND

- CONCRETE BOUND FOUND
- IRON PIPE OR PIN FOUND
- REBAR SET
- ⊕ UTILITY POLE
- ⊕ HYDRANT
- ⊕ WATER SHUTTER



GRAPHIC SCALE

BOUNDARY PLAN OF LAND OF THOMAS CARDEW

TAX LOT 77-59

14 WILLIAMS STREET, LEBANON, NEW HAMPSHIRE

PREPARED BY

PATON LAND SURVEYING, LLC

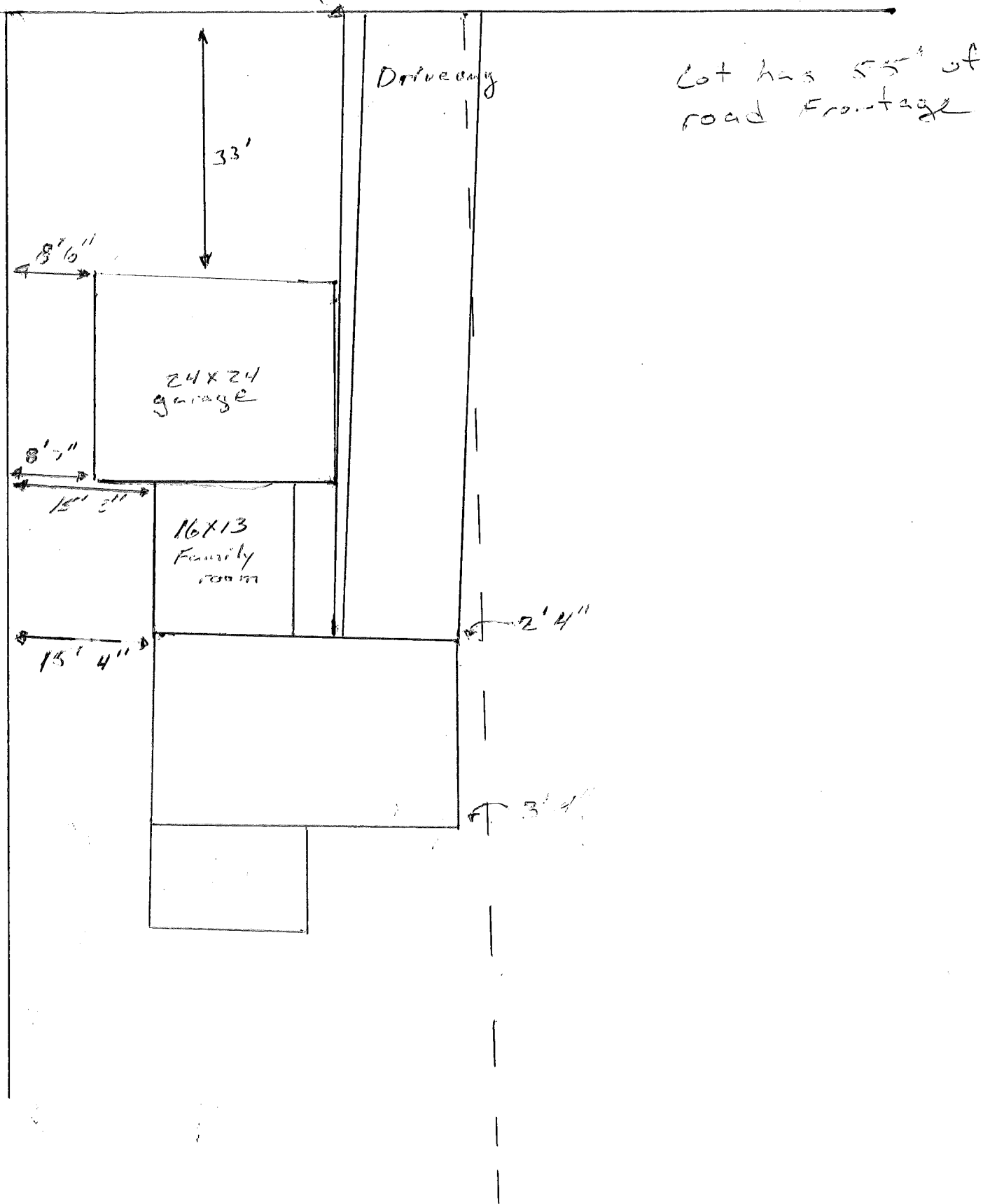
150 SOUTHRIDGE ST., SPRINGFIELD, VT 05156

DATE: APRIL 24, 2025 SCALE: 1"=15'

DRAWN BY CTP LOCKD BY CTP

SURVEYED BY CTP, JR

Winter +
Sewer Lines Williams SE





CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

VARIANCE

Draft Decision

Thomas Cardew – 14 Williams Street

DRAFT MOTION for:

Agenda Item 3.B

Case ZB2025-12-VAR

Request for Variance from Section §310.3

Motion made by: _____

On June 2, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 14 Williams St (Tax map 77, Lot 59), zoned R3: The applicant requests a Variance from Article III, Section 310.3, pursuant to Section 801.2 of the Zoning Ordinance, to allow a garage and family-room addition to be located +/- 8.5 ft from the right-side property line where 15 ft is required. ZB2025-12-VAR

I. FINDINGS OF FACT

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

1. The subject property is improved with a one-family home constructed in 1996. At +/- 10,018 sq. ft., the lot is conforming to the 10,000 sq. ft. minimum lot size required for Class 1 lots in the R-3 District.
2. The subject property is non-conforming to the required 75 ft of lot frontage with +/- 55 ft.
3. The single-family home is dimensionally non-conforming on the left-side shared with 12 Williams Street and is conforming on the remaining three sides.
4. The proposed family room addition will be dimensionally conforming and will meet all required setback distances.
5. The proposed garage will be dimensionally non-conforming and will be located +/- 8.5 ft from the right-side property line shared with 16 Williams Street.
6. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on May 12th, 2025.
7. To obtain the requested Variance from section §310.3, 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).
8. _____

9. _____

II. CONCLUSIONS OF LAW

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

1. The variance **will not / will** be contrary to the public interest.

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

3. Substantial justice **is / is not** done.

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

5. Literal enforcement of the provisions of the ordinance **would / would not** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area.

6. There **is not / is** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.

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

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **2nd day of June, 2025**, hereby **GRANTS / DENIES** the Variance from Section §310.3, pursuant to Section §801.2 of the Zoning Ordinance to allow a garage and family-room addition to be located +/- 8.5 ft from the right-side property line where 15 ft is required. ZB2025-12-VAR, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

1. The Applicant shall apply for a building permit.

2. _____

3. _____

Motion seconded by: _____

Vote: _____

14 WILLIAMS ST

Location

14 WILLIAMS ST

Mblu

77/ 59/ / /

Acct#

1550

Owner

CARDEW, THOMAS AARON

PBN

Assessment

\$329,800

Appraisal

\$329,800

PID

945

Building Count

1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$242,300	\$87,500	\$329,800
Assessment			
Valuation Year	Improvements	Land	Total
2022	\$242,300	\$87,500	\$329,800

Owner of Record

Owner	CARDEW, THOMAS AARON	Sale Price	\$279,000
Co-Owner		Certificate	
Address	14 WILLIAMS ST	Book & Page	4458/0247
	LEBANON, NH 03766	Sale Date	08/16/2019
		Instrument	99

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
CARDEW, THOMAS AARON	\$279,000		4458/0247	99	08/16/2019
TIAN, RUIYANG &	\$210,000		4026/0177	99	11/15/2013
HALL, JON C	\$205,000		3700/127	99	05/11/2010
KEMP, JASON A & STEPHANIE	\$215,000		3013/0087	99	06/21/2004
KEMP, JASON A	\$215,000		03013/0087	99	06/21/2004

Building Information

Building 1 : Section 1

Year Built:	1996
Living Area:	1,612
Replacement Cost:	\$266,372
Building Percent Good:	91
Replacement Cost	
Less Depreciation:	\$240,000

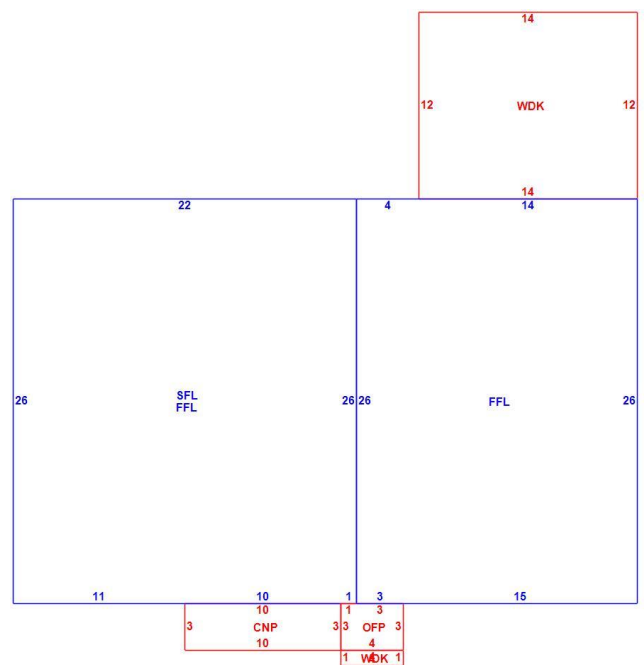
Building Attributes	
Field	Description
CNS_USRFLD_108	
Model	RESIDENTIAL
Style	SPLIT LVL
Grade	AVERAGE
Stories	2
Comm Units	0
Exterior Wall 1	VINYL
Exterior Wall 2	
Roof Structure	GABLE
Roof Cover	ASPHALT SH
Interior Wall 1	DRYWALL
Interior Wall 2	
Interior Floor 1	CARPET
Interior Floor 2	SOFTWOOD
Basement Floor	CONCRETE
% Heated	100.00
Heat Fuel	ELECTRIC
Heat Type	ELECTRC BB
# Heat Systems	1.00
AC Percent	100.00
Bedrooms	3
Full Bath(s)	2
Bath Rating	GOOD
3/4 Bath(s)	
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	1
Kitchen Rating	GOOD
Total Rooms	5
Frame	WOOD
Foundation	CONCRETE

Building Photo



(<https://images.vgsi.com/photos/lebanonnhPhotos//9034.JPG>).

Building Layout



(ParcelSketch.ashx?pid=945&bid=945)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	1,040	1,040
SFL	2ND FLOOR	572	572
CNP	CANOPY	30	0
OPF	OPEN PORCH	12	0
WDK	WOOD DECK	172	0
		1,826	1,612

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

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use		Land Line Valuation	
Use Code	1010	Size (Acres)	0.23
Description	ONE FAM	Frontage	
Zone	R3	Depth	
Neighborhood	R4	Assessed Value	\$87,500
Alt Land Appr	No	Appraised Value	\$87,500
Category			

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
15	SHOP			168.00 SF	\$2,300	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$242,300	\$87,500	\$329,800
2023	\$242,300	\$87,500	\$329,800
2022	\$242,300	\$87,500	\$329,800

Assessment			
Valuation Year	Improvements	Land	Total
2024	\$242,300	\$87,500	\$329,800
2023	\$242,300	\$87,500	\$329,800
2022	\$242,300	\$87,500	\$329,800

14 Williams 1



14 Williams 2



04/25/2025



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