

FINAL

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
MONDAY, June 2, 2025
7:00 PM**

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

MEMBERS ABSENT: Michael Morris, Dave Newlove

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1. CALL TO ORDER

Chair Koppenheffer called the meeting to order at 7:02 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. January 16, 2025

The January 16, 2025, minutes were not voted on because the members present at the meeting are not present tonight.

B. May 5, 2025

Mr. Katz MOVED to approve the May 5, 2025, minutes as presented in the June 2, 2025 packet.

Seconded by Mr. McDonough.

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

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

The order of the agenda was changed.

3. PUBLIC HEARING ITEMS

- A. 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**

Thomas Cardew and Gary Allen appeared on behalf of the application. It is a very tight living situation in the residence. This is the best location for the improvement, the least invasive on the street, as well as the most aesthetically pleasing. The City water and sewer would need to be

moved if it was located somewhere else. The new structure would not encroach on the neighbors dwelling. There is no potential run off and it would not change where the water runs now. The lot is unusually narrow.

Chair Koppenheffer opened the Public Hearing and hearing no one, the Public Hearing was closed.

Mr. Katz MOVED on June 2, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Thomas Cardew and Gary Allen 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. No member of the public appeared to speak either for or against the application.

II. CONCLUSIONS OF LAW

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

1. The variance **will not** be contrary to the public interest.
2. The spirit of the ordinance **is** observed.

3. Substantial justice is done.
4. The values of surrounding properties are not diminished.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area.
Specifically, the lot is unusually narrow in comparison to other lots within the area and there is no reasonable alternative to accomplish the reasonable goals of the land owner on this lot.
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 **2nd day of June, 2025**, hereby **GRANTS** 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.

Second by Ms. Barkley.

**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 – Continued from May 5, 2025 meeting**

Mr. Katz recused himself from this hearing

The applicants did not appear and the Board asked Council how they should proceed. The Public Hearing was opened at the last meeting and continued until this evening. If there is no one left to speak on the application, the meeting can be closed and proceed to deliberation.

No one from the public spoke and the Public Hearing was closed.

The state of the case is there was a zoning violation for converting office space to two apartments without obtaining either a zoning permit or a building permit.

There is an issue regarding the dwelling units and street level restrictions that the City has stipulated that do not apply.

The dwelling unit density relative to parking is deferred to the planning board for their discretion because it's in the Lebanon downtown zoning district.

One violation pertains to a certificate of approval in the historic district. That's prospective. The applicants have not made any changes. What they want to do is provide a second opening in one of the apartments for egress for fire safety. The apartment remains unoccupied.

The City states the applicants need to get Planning Board review for density and then the Zoning Board makes the determination regarding EV requirements.

The members referred the matter to the Zoning office for drafting a motion by the City attorney.

Tim Sidore joined the meeting at 7:43 PM on behalf of Michael Davidson. He apologized for being late. He said the Planning Board was supposed to hear the issue last week, but due to a lack of a quorum there was no meeting. They are seeking guidance from the Planning Board regarding how to proceed, do they need a minor or full site plan review.

Staff believe the violation remains because they moved forward without any permits. It is irrelevant as to the pathway that the planning board chooses to move forward. The sense of the members is that they can move forward with the counts as discussed. The best the applicant can expect out of tonight is that the Board can continue the issue of whether or not the finding of a violation with respect to not previously receiving or applying for Site plan review should be upheld.

***Mr. Burton MOVED to continue deliberation and decision until the July meeting.
Second by Mr. McDonough.***

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

Mr. Katz returned to the meeting.

4. STAFF COMMENTS

There is ongoing work on zoning changes. There has been enormous public input and the discussion will continue. There will be another redrafting of the ordinance. It will likely take until late summer.

5. ADJOURNMENT

***Mr. Katz MOVED to adjourn the meeting at 7:46 PM.
Seconded by Mr. Burten.***

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

Respectfully submitted,
Linda Billings, Recording Secretary