



**LEBANON ZONING BOARD OF ADJUSTMENT
JULY 28, 2025 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

-
- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. July 7, 2025
 - 3. Public Hearing Items**
 - A. **Kristi Medill & Alexander Medlicott, 27 Guyer St (Tax Map 91, Lot 99), Zoned R-3:** The applicant requests a Special Exception from Section 310.3, pursuant to Sections 703.1 and 801.3 of the Zoning Ordinance, to allow the expansion of an existing non-conforming garage. **ZB2025-15-SE**
 - B. **Wayne & Fiona Barr Rev. Trust, 24 Green St West (Tax Map 59, Lot 48), Zoned R-3:** The applicant requests a Special Exception from Section 610.H, pursuant to Section 801.3, of the Zoning Ordinance to allow an ADU to be located forward of the front building line of the principal building. **ZB2025-16-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 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
MONDAY, July 7, 2025
7:00 PM**

MEMBERS PRESENT: Chair William Koppenheffer, Vice Chair Jeremy Katz, Paul McDonough, Dave Newlove, Michael Morris

MEMBERS ABSENT: Jennifer Barkley, Rupert Burtan (alternate),

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1 **1. CALL TO ORDER**

2
3 Chair Koppenheffer called the meeting to order at 7:04 PM.

4
5 Mr. Reichert gave the Right to Know, RS 91A public announcement.

6
7 **2. APPROVAL OF MINUTES**

8
9 **A. June 2, 2025**

10
11 *Mr. Katz MOVED to approve the June 2, 2025, minutes as presented in the July 7, 2025, packet.*

12
13 *Seconded by Mr. McDonough.*

14
15 **The Vote on the Motion was (3-0-2).*

16 *Mr. Newlove and Mr. Morris abstained due to not being present at the meeting.*

17
18 **3. PUBLIC HEARING ITEMS**

- 19
20 **A. SPNH Mount Support, LLC, 0 Mount Support Rd (Tax Map 24, Lot 1, Plot 100), Zoned**
21 **R-1 & RL-3:** The applicant requests a Special Exception pursuant to Article IV, Section
22 401.5, of the Zoning Ordinance, to allow 106 sq ft of temporary and 12,623 sq ft of
23 permanent wetland impacts. **ZB2025-07-SE**

24
25 Dave Fenstermacher, a civil engineer, appeared on behalf of the application. They would like to
26 add additional housing in the area next to their existing property, 343 Mount Support. On April
27 29, they received a letter from the DES with comments from the Conservation Commission. The
28 applicants agreed to add 30 acres of conservation land. They also agreed that the wetlands they
29 deemed valuable would be protected. They are now pending final approval from the State.

30
31 Mr. Fenstermacher reviewed the criteria. The site is about 57 acres. There are some isolated
32 high value wetlands that would be protected, similar to the adjacent 343 Mount Support Road.
33 He reviewed the protections they would provide to protect the land and conservation
34 requirements. All the special conditions have been met. The majority of the site would not be

1 disturbed. It would not have a negative impact on the wetlands, or storm water. There would be
2 no impact on abutting properties. This would be the end of the development on the property.

3
4 Brenden Gilmore stated that the construction period would be around 24 months, typical of what
5 has been on their nearby properties. It is safe to say that the Conservation Commission is
6 satisfied with their plans because they take into account all of the feedback from the mitigated
7 concerns. During the site plan approval, the conserved land would be identified.

8
9 The Chair asked about the open issues. Those have been reviewed and there are no further issues
10 from the Conservation Commission as of June 12, 2025. They did not have any further design
11 considerations.

12
13 **Chair Koppenheffer opened the public hearing. Hearing no one, the public hearing was**
14 **closed.**

15
16 *Vice Chair Katz MOVED on July 7th, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of*
17 *Adjustment, there appeared Dave Fenstermacher and Brenden Gilmore regarding 0 Mount Support Rd*
18 *(Tax Map 24, Lot 1, Plot 100), Zoned R-1 & RL-3: The applicant requests a Special Exception*
19 *pursuant to Article IV, Section 401.5, of the Zoning Ordinance, to allow 106 sq ft of temporary and*
20 *12,623 sq ft of permanent wetland impacts. ZB2025-07-SE*

21
22 **I. FINDINGS OF FACT**

23
24 Based on testimony given, application materials presented, and supporting documents submitted, the
25 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 26
27 1. The applicant seeks to construct 3 three, 4-story residential apartment complex buildings with
28 associated infrastructure and parking.
- 29
30 2. Construction will impact a total of 12,729 sq. ft. of wetlands.
- 31
32 3. The applicant has applied for a wetlands permit from the NH Department of Environmental
33 Services. The wetlands permit was reviewed by the Conservation Commission at its June 12,
34 2025, meeting. The applicant now seeks a Special Exception pursuant to Section 401.5 of the
35 Zoning Ordinance to allow the proposed wetland impacts.
- 36
37 4. There are no known existing zoning violations on the property.
- 38
39 5. No member of the public spoke either for or against the application.

40
41 **II. CONCLUSIONS OF LAW**

42
43 As a result of the above findings of fact and based on testimony given, application materials presented,
44 and supporting documents submitted, the Board concludes the following with respect to the Special
45 Exception criteria set forth in §401.5 of the Zoning Ordinance:

- 46
47 1. The use for which the exception is sought **cannot** feasibly, after consideration of all alternatives,
48 be carried out on a portion or portions of the lot which are outside the Wetlands Conservation
49 District. (§401.5.A)

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- 2. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot **cannot** reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section. (§401.5.B)
- 3. The design and construction of the proposed use **is** consistent with the purpose and intent of §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 7th day of July 2025 hereby **GRANTS** the requested Special Exception pursuant to Section §401.5 of the Zoning Ordinance to allow 106 sq ft of temporary and 12,623 sq ft of permanent wetland impacts associated with construction of three, 4-story residential apartment buildings and associated infrastructure at 0 Mount Support Road, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

- 1. The project will be completed materially and substantially in conformity with the plans, materials and testimony submitted as presented in this application.

Seconded by Mr. Newlove.

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

B. Brickyard One Nominee Trust, 174 Hanover St Ext (Tax Map 48, Lots 1,2,4 & Tax Map 63, Lot 1), Zoned R1, RO-1 & R-3: The applicant requests a Special Exception pursuant to Article IV, Section 401.5, of the Zoning Ordinance to allow 253 sq ft of temporary and 831 sq ft of permanent wetland impacts. **ZB2025-13-SE**

Dave Fenstermacher appeared on behalf of the application. This special exception is partially related to the crossings they need during the construction. It is only classified as major because it crosses a stream. The site plan was applied for in May 2024. There was a lot of feedback, and they finally received approval in December 2024. They submitted alternative terrain alterations that were submitted in June and authorized. They had a site walk with the Conservation Commission, as it is a historical site. There are two streams to access the land. They are going

1 to be adding crossing areas and making improvements that are going to be added to the site.
2 They are moving the driveway up to minimize disturbance of the wetlands. They would protect
3 more of the upper land and open space that would be dedicated to natural space. They want to
4 make sure there is a distribution of access, thus the two crossings that are being requested, and
5 that would also ensure emergency access. The impacts are minimal; it is just the area that is
6 under the crossings. There would be no fill done. There are no concerns from the Conservation
7 Commission. The Commission was in agreement with the site design. There were significant
8 funds invested in a flood study. With the improvements it would be less likely to flood in the
9 future. Access is not restricted for people to go there, but it is not being encouraged.

10
11 The Commission imposed 4 conditions at their June 4, 2025, meeting approval. The applicants
12 have no concern about including them in the decision.

13
14 **Chair Koppenheffer opened the public hearing.**

15
16 Mary Ann Levin appeared. Her property is next to where the secondary access is going to come
17 through. There is a small stream there that is the property line between the woods and the hill.
18 She asked what the effect would be on her land and stream.

19
20 As part of the wetlands the applicants had to address the flood analysis. There is no evidence of
21 flood elevation. On the Southern entrance the stream goes through some broken culverts. They
22 would be pulling out those restrictions to keep the water flowing. Work has not been recently
23 ongoing. They are working with Planning staff to finalize site plans and right now they are on
24 hold. They were originally doing erosion control.

25
26 **Hearing no one else, the public hearing was closed.**

27
28 *Mr. Newlove MOVED On July 7th, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of*
29 *Adjustment, there appeared Dave Fenstermacher regarding 174 Hanover St Ext (Tax Map 48, Lots*
30 *1,2,4 & Tax Map 63, Lot 1), Zoned R1, RO-1 & R-3: The applicant requests a Special Exception*
31 *pursuant to Article IV, Section 401.5, of the Zoning Ordinance to allow 253 sq ft of temporary and 831*
32 *sq ft of permanent wetland impacts. ZB2025-13-SE*

33
34 **I. FINDINGS OF FACT**

35
36 Based on testimony given, application materials presented, and supporting documents submitted, the
37 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 38
39 1. The applicant seeks to construct 5-four-story residential apartment buildings containing 422 units
40 with parking beneath, 51 townhomes arranged in six groupings, an additional building which is
41 anticipated to contain the development’s leasing office and maintenance shop, one residential unit
42 for the on-site property manager, and associated parking and infrastructure.
43
44 2. Construction will permanently impact a total of 831 sq ft. of wetlands and allow two stream
45 crossing necessary for road access to the property.
46
47 3. The applicant has applied for a wetlands permit from the NH Department of Environmental
48 Services. The wetlands permit was reviewed by the Conservation Commission at its June 12, 2025,

meeting. The applicant now seeks a Special Exception pursuant to Section 401.5 of the Zoning Ordinance to allow the proposed wetland impacts.

4. There are no known existing zoning violations on the property.

5. Mary Ann Levin of 248 Hanover Street spoke up and asked some questions.

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 §401.5 of the Zoning Ordinance:

- 1. The use for which the exception is sought **cannot** feasibly, after consideration of all alternatives, be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District. (§401.5.A)
- 2. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the lot **cannot** reasonably be used for any of the uses permitted or allowed by special exception, without some form of special exception under this section. (§401.5.B)
- 3. The design and construction of the proposed use **is** consistent with the purpose and intent of §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 7th day of July 2025 hereby **GRANTS** the requested Special Exception pursuant to Section §401.5 of the Zoning Ordinance to allow 253 sq ft of temporary and 831 sq ft of permanent wetland impacts associated with construction at 174 Hanover St Ext as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

- 1. The four conditions as set by the Conservation Commission in its decision of June 12.

Seconded by Mr. Morris.

1
2 **The Vote on the Motion was (5-0).*

3
4 **C. Alice Peck Day Memorial Hospital, 10 Alice Peck Day Dr (Tax Map 90, Lot 59), Zoned**
5 **MC-2:** The applicant requests a Variance from Article VI Section 608.4.A.4.a, pursuant to
6 Article VIII Section 801.2, of the Zoning Ordinance to allow +/- 75 sq ft of freestanding sign
7 area where none is allowed. **ZB2025-14-VAR**
8

9 Eric Janiel and Jamie Chiasson appeared on behalf of Alice Peck Day. The existing sign is
10 smaller than what they are requesting. The increase would be about 17%. They are intending to
11 rebrand and create a consistent design across all Dartmouth Health. The hospital is set back
12 from the road. A larger sign would help with wayfinding and identifying emergency access.
13

14 Mr. Morris asked about the illumination. It is internally illuminated through the letters, and the
15 emergency sign is on a timer. They believe the illumination would not impact neighbors. The
16 new sign is narrower and taller than the sign that is currently there.
17

18 The existing sign is difficult to read and not easy to see. There is a safety issue, not just
19 rebranding. They believe the existing sign is not providing adequate access in case of an
20 emergency. The Board asked for clarification about the hardship, other than the setback of the
21 hospital.
22

23 APD was built in the 1960s and there is no history of the inability to find the hospital or
24 difficulty finding the emergency entrance.
25

26 **Chair Koppenheffer opened the public hearing. Hearing no one, the public hearing was**
27 **closed.**
28

29 Mr. Morris is in favor. Newlove does not see a hardship. McDonough believes it is a small
30 percentage increase and is in favor. Mr. Katz thinks that the property is clearly unique and
31 distinguishable from other properties in the area. It is a medical complex in an area that has
32 some single and duplex residencies. It does stand out and seems to have special conditions. An
33 extraordinarily large property has some need for larger signage to be clearly identified. This is a
34 low traffic and low speed street. He believes the use is reasonable.
35

36 *Vice Chair Katz MOVED On July 7, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of*
37 *Adjustment, there appeared Eric Janiel and Jamie Chiasson regarding 10 Alice Peck Day Dr (Tax*
38 *Map 90, Lot 59), Zoned MC-2: The applicant requests a Variance from Article VI Section 608.4.A.4.a,*
39 *pursuant to Article VIII Section 801.2, of the Zoning Ordinance to allow +/- 75 sq ft of freestanding*
40 *sign area where none is allowed. ZB2025-14-VAR*
41

42 **I. FINDINGS OF FACT**

43 Based on testimony given, application materials presented, and supporting documents submitted, the
44 Lebanon Zoning Board of Adjustment makes the following findings of fact:
45

- 46 1. The subject property is improved with a dimensionally conforming medical center with buildings
47 constructed between 1880 and 2015.
48

- 1 2. The subject property is conforming to the required minimum 30,000 sq ft lot size.
- 2
- 3 3. The proposed sign is able to be replaced with a sign that is equal in area and height to the existing
- 4 sign.
- 5
- 6 4. The proposed sign will be located in accordance with Section 206 with landscaping and
- 7 illumination that comply with Zoning requirements.
- 8
- 9 5. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an
- 10 application received by the Planning and Development Department on June 9th, 2025.
- 11
- 12 6. To obtain the requested Variance from section §608.4.A.4.a, the applicant must demonstrate
- 13 compliance with each of the five variance criteria as set forth in Section 801.2 and NH RSA 674:33,
- 14 I(b).
- 15
- 16 7. No member of the public appeared to speak either for or against the application.
- 17

18 **II. CONCLUSIONS OF LAW**

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

- 22
- 23 1. The variance **will not** be contrary to the public interest.
- 24
- 25 2. The spirit of the ordinance **is** observed.
- 26
- 27 3. Substantial justice **is** done.
- 28
- 29 4. The values of surrounding properties **are not** diminished.
- 30
- 31 5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship.
- 32 Owing to **[the following]** special conditions of the property that distinguish it from other properties
- 33 in the area.
- 34 Specifically this property is a very large piece of land belonging to a medical center that is
- 35 substantially different in both size and in use to the entire neighborhood. That difference in size
- 36 along with the need for emergency vehicles to access and the property setback on the land
- 37 distinguishes it from other properties in the area.
- 38
- 39 6. There **is not** a fair and substantial relationship between the general public purposes of the ordinance
- 40 provision and the specific application of that provision to the property.
- 41
- 42 7. The proposed use **is** a reasonable one.
- 43

44 **III. DECISION**

45

46 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **7th day of July, 2025**,
47 hereby **GRANTS** the Variance from Section §608.4.A.4.a, pursuant to Section §801.2 of the Zoning
48 Ordinance to allow +/- 75 sq ft of freestanding sign area where none is allowed, as set forth above and per
49 testimony, plans, and materials submitted, and per the following conditions:

50

1. The Applicant shall apply for a building permit.
- 2.
3. The sign shall be constructed in size, aesthetic and location materially and substantially set forth
4. in the testimony and materials of this application.

Seconded by Mr. Morris.

**The Vote on the Motion was (3-2).*

4. DELIBERATION AND DECISION

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 June 2, 2025 meeting**

Mr. Katz recused himself.

The proposed notice of action has been provided to the members.

Mr. Morris MOVED Notice is hereby given that on July 7, 2025, the following action was taken by the Lebanon Zoning Board of Adjustment.

With respect to the property owner Michael Davidson’s appeal of the Zoning Official’s Notice of Violation and Administrative Decision that conversion of office space to dwelling units within the front building at 3 Campbell Street (Tax map 92, Lot 65) violates various sections of the Lebanon Zoning Ordinance (“ZO”), **William Koppenheffer** moved to:

- **Grant** the appeal with respect to Section 307.2, because the Zoning Official stated he would withdraw his determination that a violation of this section occurred;
- **Deny** the appeal with respect to Section 307.5, because the property owner altered the residential density of the property without first receiving a density determination from the Planning Board;
- **Grant** the appeal with respect to Section 408.4, because the property owner has not altered the exterior of the building and his interior alterations have already been cited as a building code violation for work without permits; and
- **Deny** the appeal with respect to Section 607.8.C.2, because the addition of new residential units to the property triggers a requirement for minimum EV spaces and the property owner has not provided the mandatory EV-installed and EV-ready spaces.

The property owner has not appealed the Zoning Official’s finding of a violation of Section 901.1 (alteration of a building without a zoning permit), and therefore the Board takes no action with respect to this cited violation.

1 A written decision, consistent with the draft prepared by Mr. Koppenheffer and
2 discussed by the Board, including findings of fact and reasoning for this decision,
3 and consistent with the testimony and information submitted during the hearings,
4 will be prepared for the Chair’s signature.
5

6 ***Seconded by Mr. Newlove.***

7 ****The Vote on the Motion was (5-0).***
8

9 The Notice of Action is made by the Zoning Board of Adjustment. Legal Council assisted with the
10 drafting of the written notice of the decision. The Board Members reviewed the notice before the
11 meeting and voted to adopt the motion consistent with the written decision which contains the
12 Findings of Fact and Conclusions of Law.
13

14 Vice Chair Katz reentered the meeting.
15

16 **5. STAFF COMMENTS**
17

18 **A. Discussion re: Building Code Board of Appeals meeting scheduling**
19

20 They would like to reschedule the August 4 meeting to July 28.
21

22 ***Vice Chair Katz MOVED that the Zoning Board of Appeals and the Planning Board of Appeals***
23 ***will meet on July 28, 2025.***
24

25 ***Seconded by Mr. Morris.***

26 ****The Vote on the Motion was (5-0).***
27

28 **Noah Bennett, a member of the Boy Scouts from Tokyo, Japan, attended the meeting. He is**
29 **working on his citizenship and community badge.**
30

31 **6. ADJOURNMENT**
32

33 ***Mr. Katz MOVED to adjourn the meeting at 8:20 PM.***

34 ***Seconded by Mr. McDonough.***

35 ****The Vote on the Motion was unanimous.***
36

37 Respectfully submitted,
38 Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM

**Kristi Medill & Alexander Medicott
27 Guyer Street**

To: Zoning Board of Adjustment
Prepared By: Nathan Reichert, *Director of Planning & Development* and *Zoning Administrator*
& Tiffany Adams, *Zoning Executive Assistant*
Date: July 28, 2025 – Regular Meeting
Application Number: ZB2025-15-SE

HEARING NOTICE:

Kristi Medill & Alexander Medicott, 27 Guyer St (Tax Map 91, Lot 99), Zoned R-3: The applicant requests a Special Exception from Section 310.3, pursuant to Sections 703.1 and 801.3 of the Zoning Ordinance, to allow the expansion of an existing non-conforming garage. ZB2025-15-SE

SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally non-conforming 1-family dwelling constructed in 1900, per the City Assessor's records, and is conforming to the R3 zoning district, Class 1, minimum lot size requirement of 10,000 sq ft with +/- 21,780 sq ft and is not within any overlay district. There are two documented dimensionally non-conforming accessory structures. There has been no previous ZBA action since 1995.

PROPOSAL:

The applicant proposes to demolish the accessory structure located at the left side of the property, +/- 3.25 ft from the property line shared with 8 Granite Street and replace it with a garage that will be located in the same location and within the same footprint. The proposed garage will be +/- 1.5 ft taller than the existing structure.

ZONING ORDINANCE REQUIREMENTS:

§310.3 of the Zoning Ordinance requires class 1 lots (lots that are served by municipal sewer and water) in the R-3 District to maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15 ft. §703.1 of the Zoning Ordinance allows the expansion of "any increase in the footprint and/or volume of the non-conforming part of the building or structure," by Special Exception from the Zoning Board of Adjustment. The applicable Special Exception Criteria are as follows:

§703.1 EXPANSION:

Expansion of non-conforming parts of buildings or structures, may be allowed only by special exception as set forth herein. For purposes of this section, the term "expansion" shall include any increase in the footprint and/or volume of the non-conforming part of the building or structure.

A. *The Board shall make each of the following findings:*

- 1. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.*
- 2. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the building or structure that is currently non-conforming cannot be made more non-conforming in the absence of a variance.*

3. *These special exception standards shall apply in addition to the standards in Section 801.3 of the Zoning Ordinance.*

B. Those parts of any non-conforming building or structure which are conforming may be expanded provided the expansion is conforming and the use is not changed.

§801.3 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.*

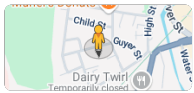
STAFF COMMENTS:

The narrative, dated 7/7/2025, submitted by the applicant states the new garage will be 12 feet tall, at its tallest point. The LaValley's plan, dated 2/28/2006, state it will be 13 feet. 1 inch tall, at its tallest point. Since the height of the new structure is the source of this application, the Board may wish to clarify the desired height of the garage.

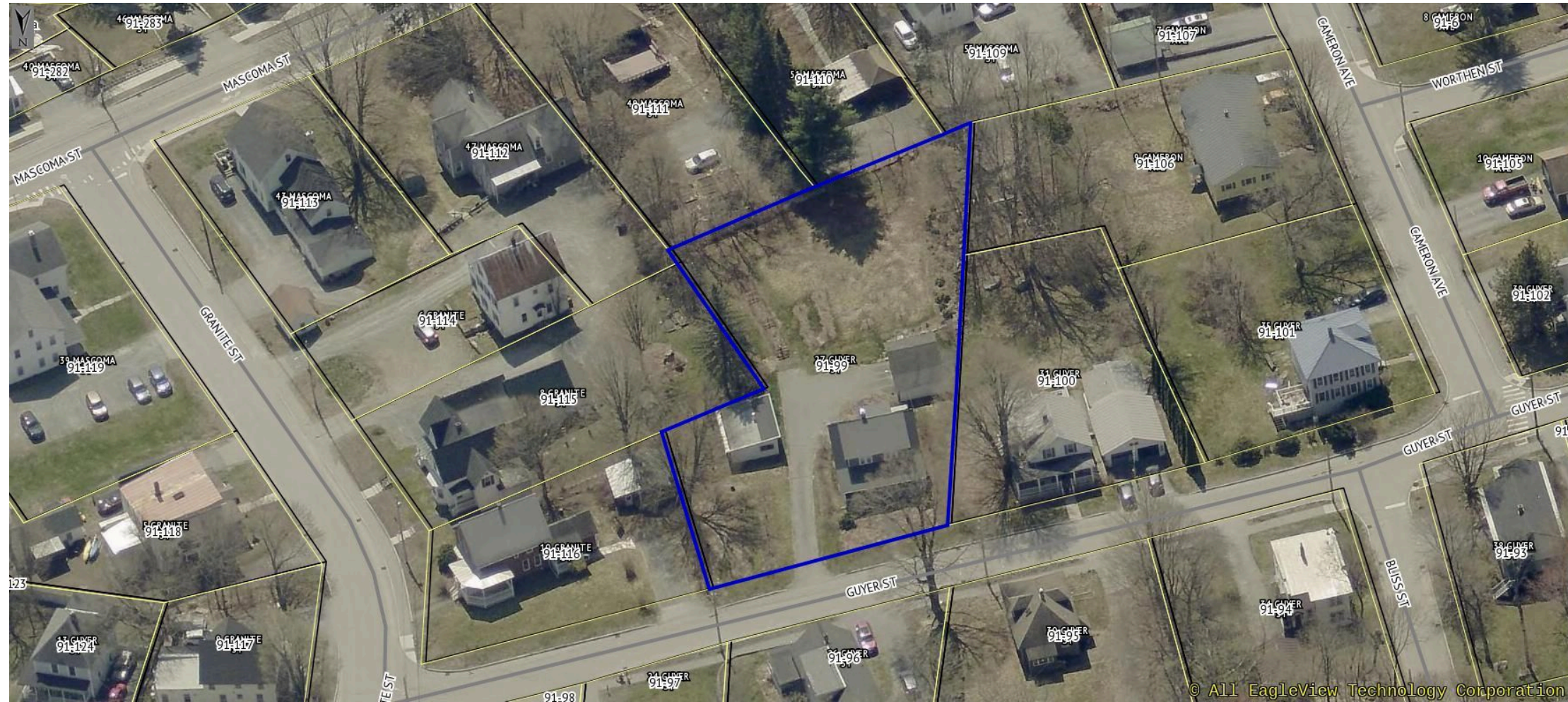


Lebanon, New Hampshire
Google Street View
Jul 2024 [See more dates](#)

Image capture: Jul 2024 © 2025 Google



Guyer 1



Guyer 2



27 GUYER ST

Location 27 GUYER ST **Mblu** 91/ 99/ 11
Acct# 2612 **Owner** MEDILL, KRISTI L TTEE
PBN **Assessment** \$383,200
Appraisal \$383,200 **PID** 1793
Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$270,500	\$112,700	\$383,200

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$270,500	\$112,700	\$383,200

Owner of Record

Owner MEDILL, KRISTI L TTEE **Sale Price** \$180,000
Co-Owner MEDILL, KRISTI L REV TRST **Certificate**
Address 132 INDIAN POND RD **Book & Page** 4177/0403
 PIERMONT, NH 03779 **Sale Date** 12/11/2015
Instrument 99

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MEDILL, KRISTI L TTEE	\$180,000		4177/0403	99	12/11/2015
STOODLEY, KRYSTAL	\$0		3779/0681	38	03/04/2011
GIBSON, NAOMIA	\$0		851/0453	99	12/20/2000
GIBSON, NAOMIA	\$0		0851/0453	99	12/20/2000
GIBSON, BERNARD P	\$0		0/0	99	12/20/2000

Building Information

Building 1 : Section 1

Year Built: 1900
Living Area: 1,456
Replacement Cost: \$320,818
Building Percent Good: 83
Replacement Cost Less Depreciation: \$253,000

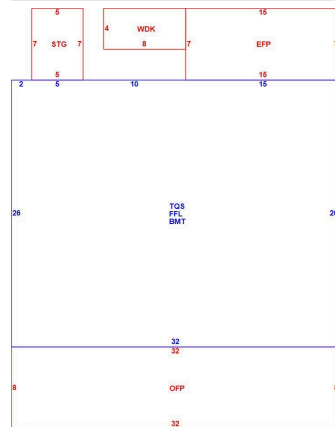
Building Attributes	
Field	Description
Model	RESIDENTIAL
Style	CAPE
Grade	AVG. (+)
Stories	1T
Residential Units	1
Comm Units	0
Exterior Wall 1	ALUMINUM
Exterior Wall 2	
Roof Structure	GABLE
Roof Cover	STD SEAM
Interior Wall 1	DRYWALL
Interior Wall 2	PLASTER
Interior Floor 1	HARDWOOD
Interior Floor 2	LINOLEUM
Basement Floor	CONCRETE
% Heated	100.00
Heat Fuel	GAS
Heat Type	FORCED H/W
# Heat Systems	1.00
AC Percent	0.00
Bedrooms	2
Full Bath(s)	1
Bath Rating	AVERAGE
3/4 Bath(s)	
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	1

Building Photo



https://images.vgsi.com/photos/lebanonnhPhotos/0010/129_0138_1023/

Building Layout



[\(ParcelSketch.ashx?pid=1793&bid=1793\)](#)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	832	832
TQS	3/4 STORY	832	624

Kitchen Rating	AVERAGE
Total Rooms	5
Frame	WOOD
Foundation	CONCRETE
Bsmt Garage	0
Rec Room	
Fin Attic	
Parking	
Fireplace(s)	0
Fireplace Rating	
WS Flues	0
WS Flue Rating	
Interior/Exterior	
View	AVERAGE
Electric	ADEQUATE
Insulation	GOOD
Partition	TYPICAL
Solar Hot Water	No
Central Vac	No
Nbhd Modifier	
MH Make	

BMT	BASEMENT	832	0
EFP	ENCL PORCH	105	0
OPF	OPEN PORCH	256	0
STG	STORAGE	35	0
WDK	WOOD DECK	32	0
		2,924	1,456

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
SOLX	SOL 72:62	5.60 KW	\$9,300	1

Land

Land Use		Land Line Valuation	
Use Code	1010	Size (Acres)	0.5
Description	ONE FAM	Frontage	
Zone	R3	Depth	
Neighborhood	R4	Assessed Value	\$112,700
Alt Land Appr Category	No	Appraised Value	\$112,700

Outbuildings

Outbuildings					Legend	
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
15	SHOP			480.00 SF	\$4,500	1
02	SHED/FR			240.00 SF	\$500	1
03	GARAGE			342.00 SF	\$3,200	1

Valuation History

Appraisal				
Valuation Year	Improvements	Land	Total	
2024	\$270,500	\$112,700	\$383,200	
2023	\$270,500	\$112,700	\$383,200	
2022	\$256,700	\$112,700	\$369,400	

Assessment				
Valuation Year	Improvements	Land	Total	
2024	\$270,500	\$112,700	\$383,200	
2023	\$270,500	\$112,700	\$383,200	
2022	\$256,700	\$112,700	\$369,400	





CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT DRAFT DECISION – ZB2024-17-SE July 28, 2025 Regular Meeting Kristi Medill & Alexander Medicott 27 Guyer St (Tax Map 91, Lot 99), Zoned R-3

DRAFT MOTION for:

Agenda Item: 3.A

Case: ZB2025-15-SE

Request for Special Exception per Section Section §703.1 and Section §801.3

Motion made by: _____

On July 28th, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 27 Guyer Street (Tax Map 91, Lot 99). The applicant requests a Special Exception from Section 310.3, pursuant to Section 703.1 & 801.3 of the Zoning Ordinance, to allow the expansion of an existing non-conforming garage.

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 dwelling constructed in 1900. The lot contains a primary residence and two dimensionally non-conforming accessory structures.
2. As described in the application, the applicant proposes to demolish one of the existing accessory structures and replace it with a garage. The new garage will be located in the same footprint as the existing structure, +/- 3.25 ft from the left-side lot line shared with 8 Granite Street, and will be +/- XXX ft taller than the existing structure.
3. Class 1 lots (i.e. lots that are served by municipal sewer and water) in the R-3 District must maintain a minimum side yard (i.e. a space unobstructed by buildings and structures) of 15-feet, pursuant to section §310.3 of the Zoning Ordinance. Section §703.1 of the Zoning Ordinance allows the expansion of “*any increase in the footprint and/or volume of the non-conforming part of the building or structure*” by Special Exception from the Zoning Board of Adjustment.
4. In order to grant a Special Exception for the proposed expansion, the Board must determine that the proposal meets the criteria set forth in Section §703.1.A of the Zoning Ordinance. Per Section §703.1.A.3, the Board must also determine that the proposal meets the general Special Exception criteria set forth in Section §801.3.
5. The applicant has submitted testimony addressing the Section §703.1.A and Section §801.3 criteria in an application received by the Planning and Development Department on July 7, 2025.

6. There are no known existing zoning violations on the property.

7. _____

8. _____

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 §703.1 and §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by Section §703.1 and Section §801.3 of the Zoning Ordinance.

2. The following criteria of Section §703.1 **have been / have not 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 / 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 28th day of July, 2025, hereby **GRANTS / DENIES** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to permit the teardown of the existing non-conforming accessory structure to be replaced with a new 20' x 24', **XXX** foot tall garage located +/-3.25 feet from the left-side lot line shared with 8 Granite Street, 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 shall comply with all applicable local, state, and federal regulations in the construction of the proposed garage.

2. _____

3. _____

Motion seconded by: _____

Vote: _____

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

SPECIAL EXCEPTION	<input checked="" type="checkbox"/>	<input type="checkbox"/> BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	<input type="checkbox"/>	<input type="checkbox"/> APPEAL OF AN ADMIN DECISION
VARIANCE	<input type="checkbox"/>	<input type="checkbox"/> REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>

PROPERTY OWNER (APPLICANT):

NAME: Kristi L. Medill TEL#: [REDACTED]
 MAILING ADDRESS: 132 Indian Pond Rd, Piermont, NH 03779
 E-MAIL ADDRESS: [REDACTED]

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL#: _____
 MAILING ADDRESS: _____
 E-MAIL ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: 91-12 LOT#: [REDACTED] PLOT #: 99 ZONE: R-3
 STREET ADDRESS: 27 Guyer St.
 IS THIS PROPERTY LOCATED IN THE: WETLANDS YES NO HISTORIC DISTRICT YES NO
 FLOOD PLAIN YES NO

REQUEST DESCRIPTION:

Build a single story 2 car garage. Although the garage will occupy the same footprint as the demolished shed, the roofline will be slightly higher.

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 8/4/2025, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: Kristi L. Medill & Alex Medicott DATE: 7-7-25

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: Kristi Medill DATE: 7-7-25

**CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION**

I (we) hereby request a Special Exception as provided for in Article(s) _____, Section(s) _____, of the Lebanon Zoning Ordinance.

PROJECT DESCRIPTION (Please provide your plans for the property with as much detail as possible with respect to your proposed. You can respond in the space provided, or attach a separate statement.)

A derelict shed will be demolished and removed. A prefab garage will occupy the same foot print and set back as the demolished structure. The only variation will be a higher roof peak on the new building. The new roof peak will be approximately 3-4 feet higher than the high point of the previous shed roof.

In order to grant a Special Exception, the Zoning Board of Adjustment must make affirmative findings of certain conditions. Those conditions are listed below:

(You can respond in the space provided, or attach a separate statement. Please be prepared to address the conditions with the Board during your public hearing. You must show that you have met all the conditions.)

SECTION 801.3 Special Exceptions - 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:

A. That the special exception is specifically authorized by a provision of this ordinance:

yes, relative to "height requirements."

B. That all special conditions required of the special exception have been met:

N/A

C. That there are no existing violations of this ordinance on the property that the granting of this special exception would not remedy:

N/A

CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION

Page 2

D. That the character of the area shall not be adversely affected:

yes

E. That no hazard or nuisance will be created:

yes

F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:

N/A

G. That granting the special exception will not result in undue municipal expense:

yes

H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance:

yes

I. That the general welfare of the City will be protected:

yes

Please Note:

Pursuant to Section 802.4B, "Special Conditions", the Board may attach whatever conditions it deems necessary in order to assure compliance with the purposes of this ordinance.

A special exception 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 special exception or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a special exception must be completed.

City of Lebanon
Zoning Board of Adjustment
Application for Variance

To the Members of the ZBA:

This application for a variance involves the demolition of an existing derelict shed and a replacement with a 2 car garage. The new garage will occupy the same footprint as the former building (see attached sketch).

The sketch documents the location, dimensions and setback distances of the current building. These are identical to the proposed new building.

The variance we are requesting is for a difference in height of the new garage. The shed's height is 10 feet 7 inches at the front of the building and is 8 feet 8 inches at the rear. The new garage's ridge line will measure 12 feet above grade (See attached image of the proposed new building).

Thank-you for your consideration of this matter,

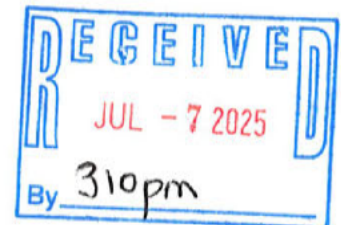
Kristi Medill 7-7-2025

Kristi Medill

Alexander St Medlicott 7/7/2025

Alexander Medlicott

27 Guyer Street
Lebanon, NH 03766
Lot Number 91-99



Lot # 91-99

27 Guyer St.

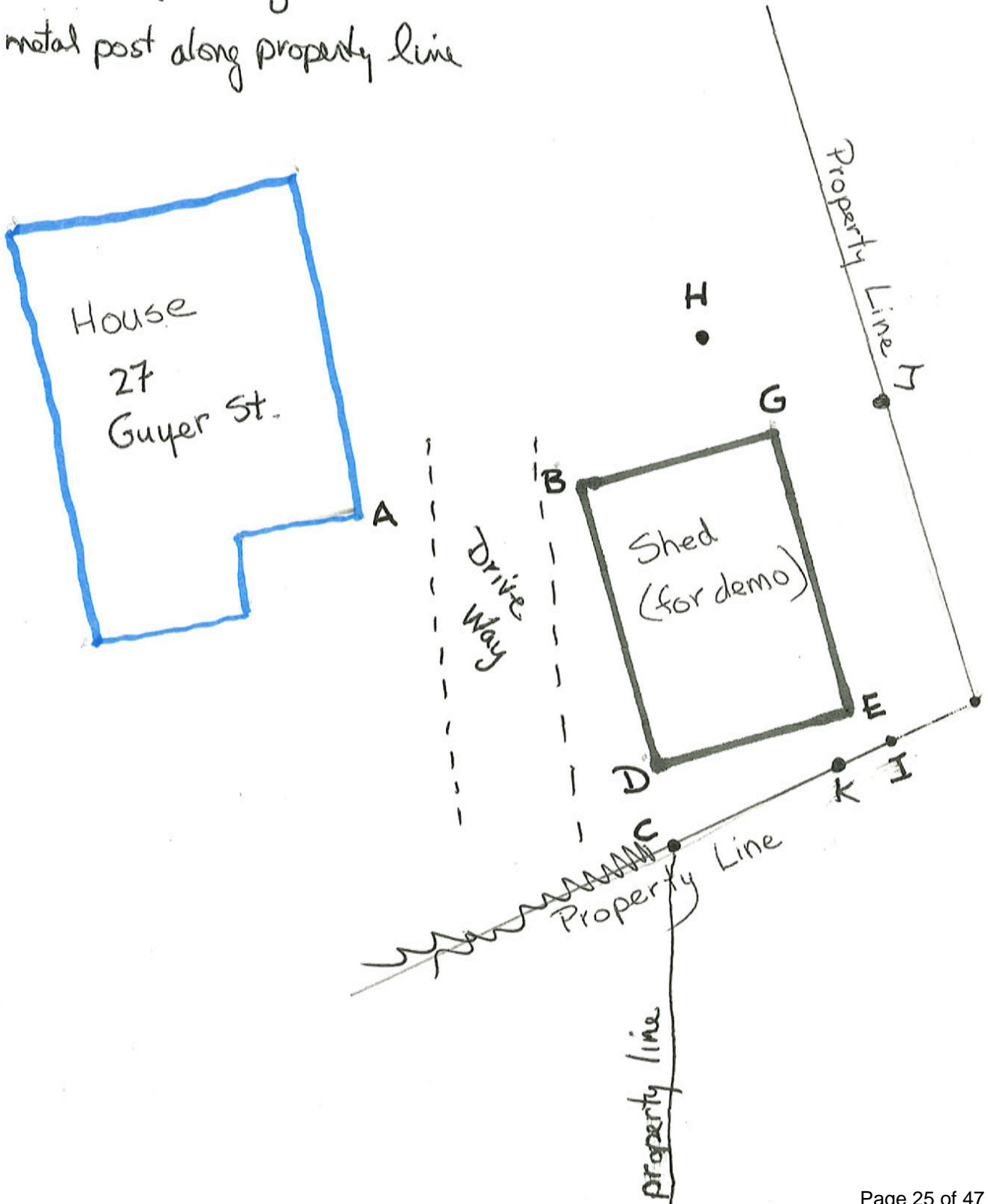
H = propane tank cover hole

C = metal post at corner

I = metal gate post

F = corner of property

K = metal post along property line



27 Guyer

AB 21' 3"
AD 36' 11"
BH 26' 6"
GH 14' 6"
GJ 22' 4"
EK 4' 6"
EI 3' 3"
EC 20' 6"
DC 8' 1"
DI 20' 0"

Building

BD 24' 3"
BC 20' 2"
B → Driveway 2' 11"
D → Driveway 5' 5"

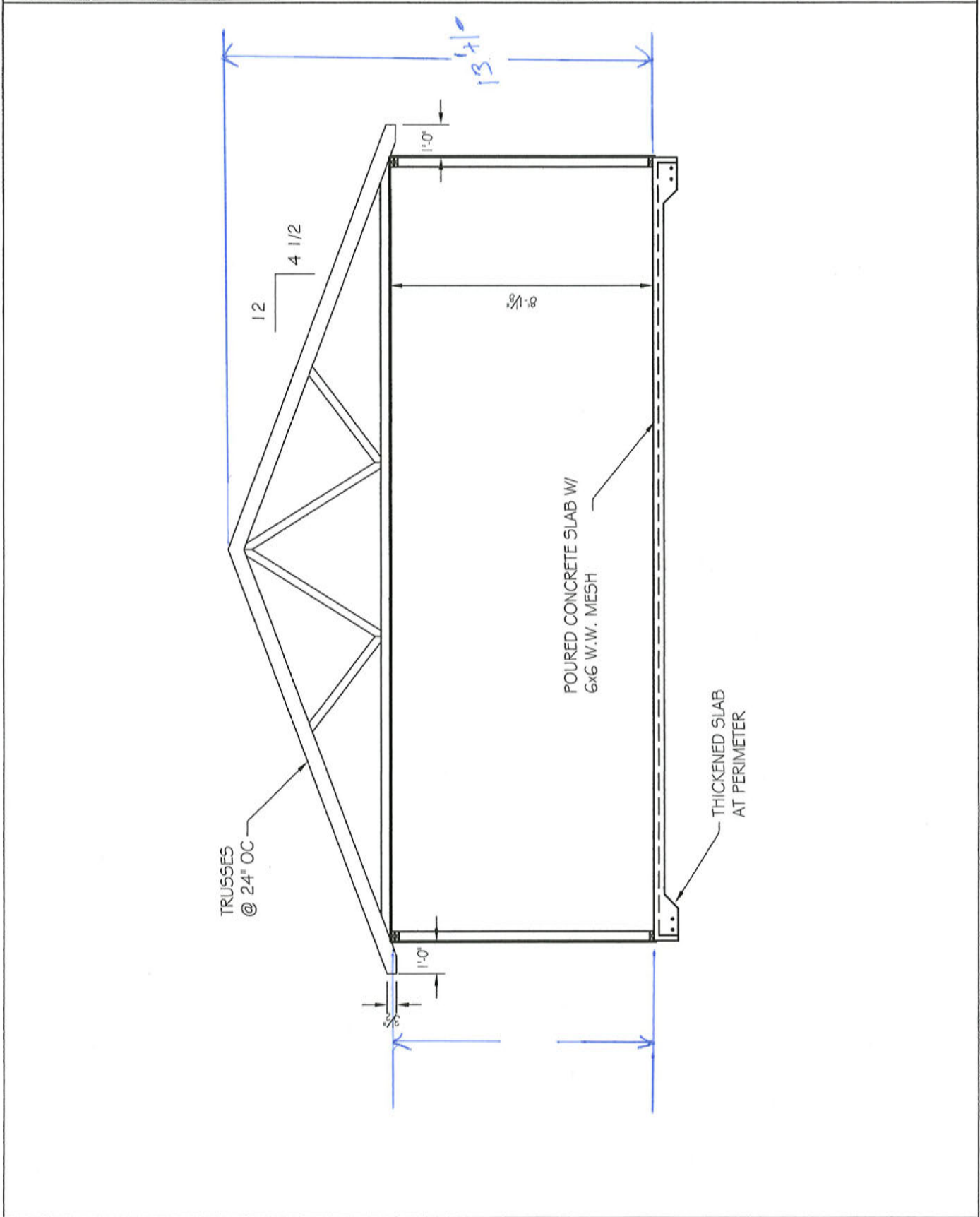
Building	Height	Front	Back
	Top of Wall	10' 5"	8' 6"
	Top of roof	10' 7"	8' 8"

Kristi Medill
 27 Geyer St.

Garage plans

Variance request

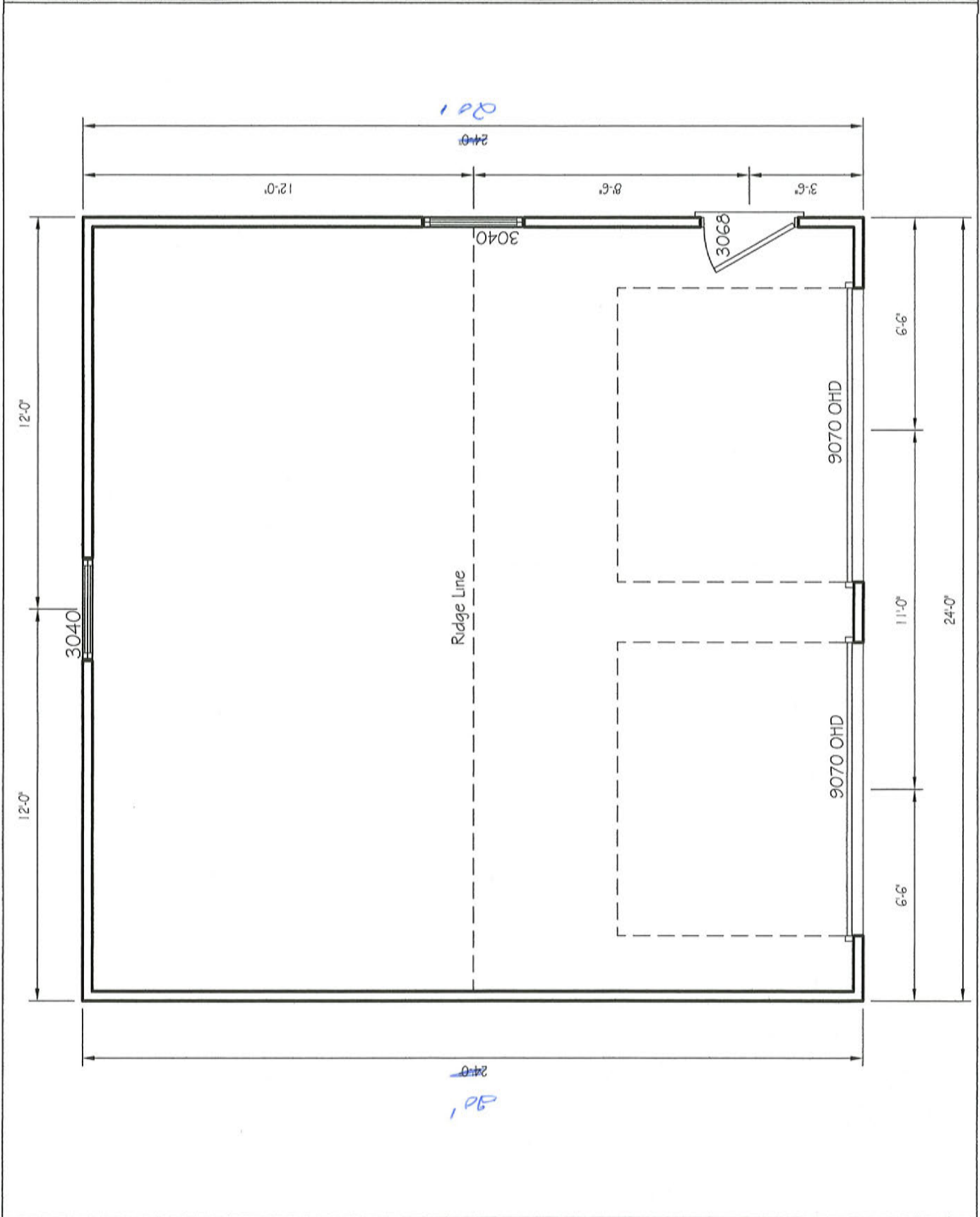
1-800-1-AVALIJEYS 603-863-3964 Fax 603-863-1050 Newport, NH P.O. Box 267 151 Sunapee Street	www.lavalleys.com Lavalleys BUILDING SUPPLY, INC.	NO USE OR REPRODUCTION OF THIS MATERIAL IS PERMITTED WITHOUT THE WRITTEN CONSENT OF LAVALLEYS BUILDING SUPPLY, INC.	Design Status:	Date: 02/28/06	Notes: Do Not Scale Dimensions	Auburn Garage	Sheet No: 7
			Section	Drawn By:			



Kristi Medill
 27 Gayer St
 Variance Request

Garage Plans

1-800-1-AVALIERS 603-863-3964 Fax 603-863-1050 Newport, NH P.O. Box 267 551 Sunapee Street	www.lavallee.com Lavallee BUILDING SUPPLY, INC.	LAVALLEE BUILDING SUPPLY, INC. NO USE OR REPRODUCTION OF THIS MATERIAL IS PERMITTED WITHOUT THE WRITTEN CONSENT OF LAVALLEE BUILDING SUPPLY, INC.	Design Status:	Date: 02/28/06	Sheet No. 5 Auburn Garage
			Plan	Notes: Do Not Scale Dimensions	





(<https://lavalleys.com>)



(<https://lavalleys.com/locations/>)



Auburn

Building dimensions:
24x20 feet
Height 12 feet at
ridge line

[Home](#) | [Products](#) | [Garages](#)



(<https://lavalleys.com/wp-content/uploads/2020/01/auburn-2.jpeg>)



(<https://lavalleys.com/wp-content/uploads/2020/01/auburn-3.png>)

Specifications

- Reinforced Concrete Slab, Steel Wire, Fiberglass Mesh



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

**ZONING BOARD OF ADJUSTMENT
SPECIAL EXCEPTION
STAFF NARRATIVE**

**Wayne & Fiona Barr Rev. Trust
24 Green St. West**

To: Zoning Board of Adjustment
Prepared By: Nathan Reichert, *Director of Planning & Development* and *Zoning Administrator*
& Tiffany Adams, *Zoning Executive Assistant*.
Date: July 28, 2025 – Regular Meeting
Application Number: ZB2025-16-SE

HEARING NOTICE:

Wayne & Fiona Barr Rev. Trust, 24 Green St West (Tax Map 59, Lot 48), Zoned R-3: The applicant requests a Special Exception from Section 610.H, pursuant to Section 801.3, of the Zoning Ordinance to allow an ADU to be located forward of the front building line of the principal building. ZB2025-16-SE

SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally non-conforming one-family dwelling constructed in 1940, per the City Assessor's records, and is conforming to the R3 zoning district, Class 1 lot minimum size requirement of 10,000 sq ft with +/- 11,761 sq ft and is not within any overlay district. There has been no previous ZBA action that impacts this request.

PROPOSAL:

The applicant proposes to construct a detached 20 ft x 32 ft (640 sq ft) ADU at the left side of the property. The ADU will be located +/- 1.75 ft forward of the front building line of the principal building in order for the building footing to be adequately setback from the descending slope in the rear yard, as required by building code.

ZONING ORDINANCE REQUIREMENTS – SECTION 610 ADUs:

Accessory dwelling units are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small dwelling units as rentals to offset the expense of maintaining the dwelling.

An accessory dwelling unit shall comply with the following criteria:

H: Any necessary additional entrances or exits to the principal building, to serve the ADU, shall be located to the side or rear of the building. All new or altered structures, intended to be used as an ADU, must be located behind the front building line of the existing principal building except by special exception if the Zoning Board finds that the placement of the ADU on the lot will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.

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:

2021 International Residential Code R403.1.7.2 Footing setback from descending slope surfaces: *Footings on or adjacent to slope surfaces shall be founded in material with an embedment and setback from the slope surface sufficient to provide vertical and lateral support for the footing without detrimental settlement. Except as provided for in Section R403.1.7.4 and Figure R403.1.7.1, the following setback is deemed adequate to meet the criteria. Where the slope is steeper than 1 unit vertical in 1 unit horizontal (100-percent slope), the required setback shall be measured from an imaginary plane 45 degrees (0.79 rad) to the horizontal, projected upward from the toe of the slope.*

The Applicant has received Planning Board approval for a lot line adjustment with the neighbor to acquire additional land area to accommodate a narrow swath of building envelope for the proposed structure. Given the IRC requirements and the ADU placement requirements a Special Exception is required.

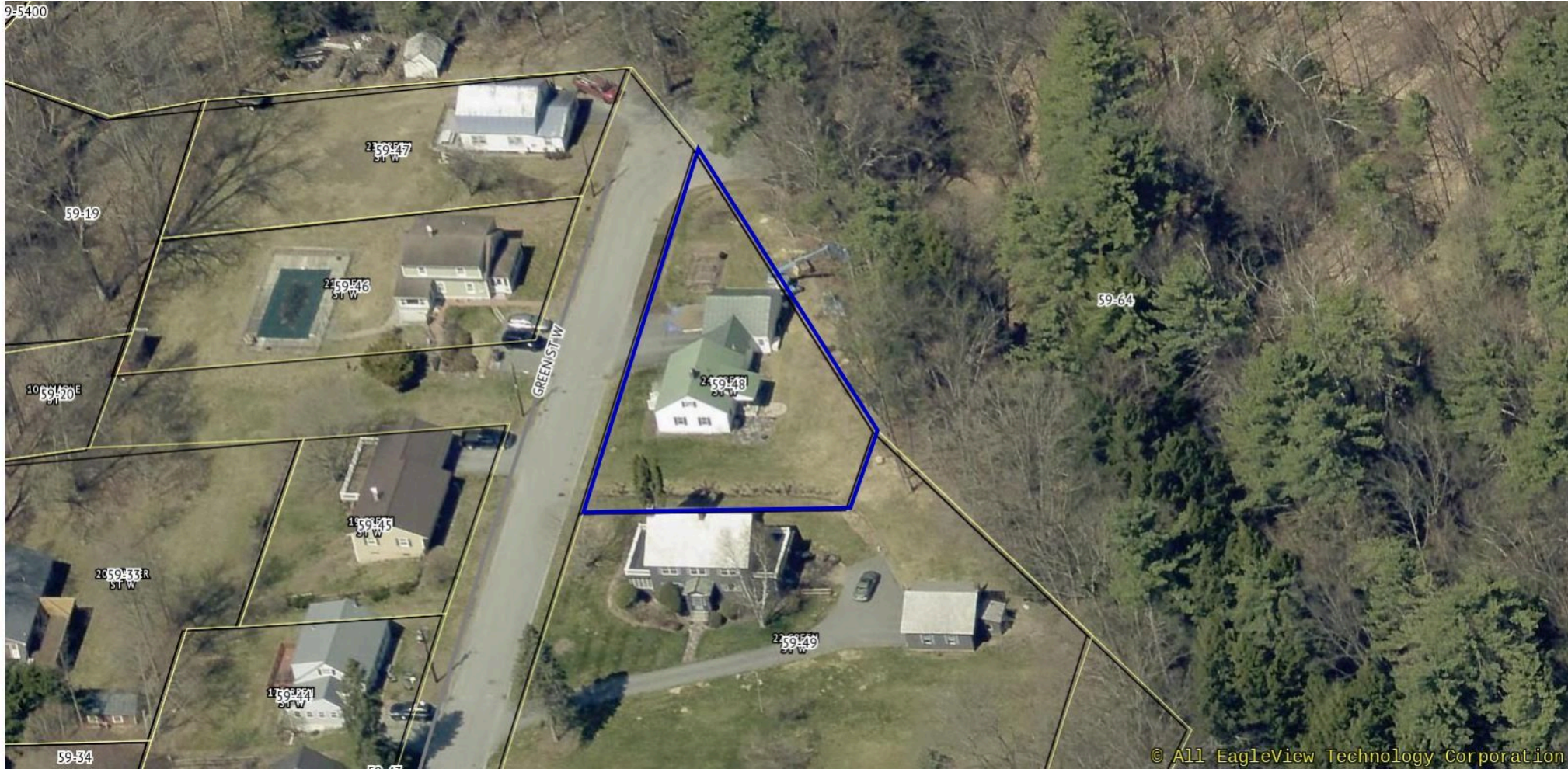
2021 International Residential Code (IRC)

CHAPTER 4 FOUNDATIONS

R403.1.7.2 Footing setback from descending slope surfaces.

Footings on or adjacent to slope surfaces shall be founded in material with an embedment and setback from the slope surface sufficient to provide vertical and lateral support for the footing without detrimental settlement. Except as provided for in [Section R403.1.7.4](#) and [Figure R403.1.7.1](#), the following setback is deemed adequate to meet the criteria. Where the slope is steeper than 1 unit vertical in 1 unit horizontal (100-percent slope), the required setback shall be measured from an imaginary plane 45 degrees (0.79 rad) to the horizontal, projected upward from the toe of the slope.

24 Green



24 Green St 2



Lebanon, New Hampshire
Google Street View
Jul 2024 [See more dates](#)



Google

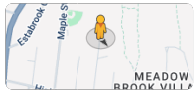
Image capture: Jul 2024 © 2025 Google



Lebanon, New Hampshire
Google Street View
Jul 2013 [See more dates](#)



Image capture: Jul 2013 © 2025 Google



24 GREEN STWEST

Location 24 GREEN STWEST **Mblu** 59/ 48/ / /
Acct# 1146 **Owner** BARR W R & F D TTEES
PBN **Assessment** \$241,300
Appraisal \$241,300 **PID** 618
Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$145,700	\$95,600	\$241,300
Assessment			
Valuation Year	Improvements	Land	Total
2022	\$145,700	\$95,600	\$241,300

Owner of Record

Owner BARR W R & F D TTEES **Sale Price** \$0
Co-Owner WAYNE & FIONA BARR REV TRUST **Certificate**
Address 24 GREEN ST WEST **Book & Page** 4912/0766
 WEST LEBANON, NH 03784 **Sale Date** 12/31/2024
Instrument 44

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BARR W R & F D TTEES	\$0		4912/0766	44	12/31/2024
BARR, WAYNE & FIONA	\$170,000		3200/0494	99	09/16/2005
MENGER, MARGO E	\$0		0/0	99	04/08/2005
MENGER, MARGO	\$136,000		2926/0175	99	11/19/2003
PATTISON, MARGO	\$136,000		02926/0175	99	11/19/2003

Building Information

Building 1 : Section 1

Year Built: 1940
Living Area: 1,197
Replacement Cost: \$255,802
Building Percent Good: 67
Replacement Cost Less Depreciation: \$145,700

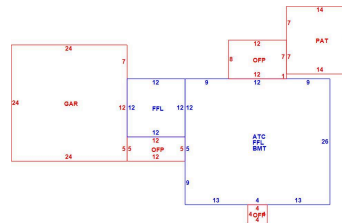
Building Attributes	
Field	Description
Model	RESIDENTIAL
Style	CAPE
Grade	AVERAGE
Stories	1A
Residential Units	1
Comm Units	0
Exterior Wall 1	VINYL
Exterior Wall 2	
Roof Structure	GABLE
Roof Cover	STD SEAM
Interior Wall 1	DRYWALL
Interior Wall 2	
Interior Floor 1	HARDWOOD
Interior Floor 2	
Basement Floor	CONCRETE
% Heated	100.00
Heat Fuel	OIL
Heat Type	FORCED H/A
# Heat Systems	1.00
AC Percent	0.00
Bedrooms	1
Full Bath(s)	1
Bath Rating	FAIR
3/4 Bath(s)	
Half Bath(s)	0
Extra Fixture(s)	0
Plumbing	TYPICAL
Kitchen(s)	1

Building Photo



<https://images.vgsi.com/photos/lebanonnhPhotos/8460.JPG>

Building Layout



[\(ParcelSketch.ashx?pid=618&bid=618\)](#)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FFL	1ST FLOOR	924	924
ATC	ATTIC	780	273
BMT	BASEMENT	780	0
GAR	GARAGE	576	0
OPF	OPEN PORCH	172	0
PAT	PATIO	196	0
		3,428	1,197

Kitchen Rating	FAIR
Total Rooms	5
Frame	WOOD
Foundation	CONCRETE
Bsmt Garage	0
Rec Room	
Fin Attic	
Parking	
Fireplace(s)	1
Fireplace Rating	FAIR
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)	0.27
Description	ONE FAM	Frontage	
Zone	R3	Depth	
Neighborhood	R4	Assessed Value	\$95,600
Alt Land Appr Category	No	Appraised Value	\$95,600

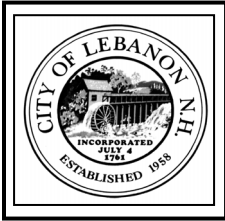
Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$145,700	\$103,900	\$249,600
2023	\$145,700	\$103,900	\$249,600
2022	\$145,700	\$103,900	\$249,600

Assessment			
Valuation Year	Improvements	Land	Total
2024	\$145,700	\$103,900	\$249,600
2023	\$145,700	\$103,900	\$249,600
2022	\$145,700	\$103,900	\$249,600



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

**ZONING BOARD OF ADJUSTMENT
SPECIAL EXCEPTION
Draft Motion
Wayne & Fiona Barr Rev. Trust – 24 Green St. West**

DRAFT MOTION for:
Agenda Item: 3.B
Case: ZB2025-16-SE
Request for Special Exception per Sections §801.3

Motion made by: _____

On July 28, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 24 Green St West (Tax map 59, Lot 48). The Applicant requests a Special Exception per Section §801.3 of the Zoning Ordinance to allow an ADU to be located forward of the front building line of the principal building.

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 dwelling constructed in 1940. The lot contains a dimensionally non-conforming primary residence.
2. As described in the application by the applicant, the applicant proposes to construct an ADU at the left side of the lot. The ADU will be located ahead of the front building line of the principal building so that it is adequately setback from the descending slope in the rear yard.
3. In order to grant a Special Exception the Board must determine that the placement of the ADU on the lot will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners, as set forth in Section §610.H of the Zoning Ordinance.
4. The applicant has submitted testimony addressing Section §801.3 criteria in an application received by the Planning and Development Department on July 14, 2025.
5. There are no known existing zoning violations on the property.

6. _____

7. _____

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 §610.H and §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by Section §610.H and Section §801.3 of the Zoning Ordinance.

2. The following criteria of Section §803.1 **have been / have not 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 / 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 28th day of July, 2025, hereby **GRANTS / DENIES** the requested Special Exception pursuant to Section §610.H and §801.3 of the Zoning Ordinance to allow an ADU to be located forward of the front building line of the principal building at 24 Green Street West, 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 shall comply with all applicable local, state, and federal regulations in the construction of the proposed addition.
2. 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.

3. _____

4. _____

Motion seconded by: _____

Vote: _____

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

SPECIAL EXCEPTION	<input checked="" type="checkbox"/>	<input type="checkbox"/> BUILDING CODE BOARD OF APPEALS
WETLANDS SPECIAL EXCEPTION	<input type="checkbox"/>	<input type="checkbox"/> APPEAL OF AN ADMIN DECISION
VARIANCE	<input type="checkbox"/>	<input type="checkbox"/> REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>

PROPERTY OWNER (APPLICANT):

NAME: *Wayne Barr* TEL.#: [REDACTED]

MAILING ADDRESS: *24 Green St West, West Lebanon, NH*

E-MAIL ADDRESS: [REDACTED]

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL.#: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: *59* LOT#: *48* PLOT #: *0* ZONE: *R3*

STREET ADDRESS: *24 Green St West, West Lebanon, NH*

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

REQUEST DESCRIPTION:

Request to locate the front of the proposed ADU beyond the front building line of the existing principle building by 2'

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 _____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.
Owner Signature: _____ DATE: _____

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: _____

**CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION**

I (we) hereby request a Special Exception as provided for in Article(s) VI, Section(s) 610.H, of the Lebanon Zoning Ordinance.

PROJECT DESCRIPTION (Please provide your plans for the property with as much detail as possible with respect to your proposed. You can respond in the space provided, or attach a separate statement.)

We would like to build 20'x32' ADU on our property. We are asking for a "Special Exception" to move the proposed ADU up to the front property setback line. That would be the front of the ADU ahead of the front building line of the existing principal building by 1'8". Therefore, the need for the "Special Exception"
See the "Written Narrative for further details.

In order to grant a Special Exception, the Zoning Board of Adjustment must make affirmative findings of certain conditions. Those conditions are listed below:

(You can respond in the space provided, or attach a separate statement. Please be prepared to address the conditions with the Board during your public hearing. You must show that you have met all the conditions.)

SECTION 801.3 Special Exceptions - 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:

A. That the special exception is specifically authorized by a provision of this ordinance:

The special exception for this request is found in Article VI, Section 610.H of the Lebanon Zoning Ordinance.

B. That all special conditions required of the special exception have been met:

All special conditions required of the special exception have been and will be fully complied with.

C. That there are no existing violations of this ordinance on the property that the granting of this special exception would not remedy:

There are no existing violations of this ordinance on the property. We will comply with all requirements to ensure that no violations occur.

CITY OF LEBANON, NEW HAMPSHIRE
SUPPORT STATEMENT FOR A SPECIAL EXCEPTION

Page 2

- D. That the character of the area shall not be adversely affected:
The building project and proposed adjustments will in no way adversely affect the character of the area. It will be designed in a way that will be in harmony with the character of the neighborhood.
- E. That no hazard or nuisance will be created:
No hazardous nuisances will be created. The project will not interfere with neighboring properties or pose a risk to public health or safety.
- F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted:
The proposed will in no way overwhelm local infrastructure, such as schools, emergency services, ~~road~~ water supply, sewer systems or transportation networks.
- G. That granting the special exception will not result in undue municipal expense:
No financial burdens will be imposed on the municipality such as costs for infrastructure upgrades, road maintenance, or public utilities.
- H. That the proposed special exception will be developed in a manner compatible with the spirit and intent of the ordinance:
The proposed project will be in harmony with the goals of the ordinance such as protecting the neighborhood character, promoting public welfare, and guiding orderly development.
- I. That the general welfare of the City will be protected:
This project will contribute positively to the community's well-being. The ADU will provide additional housing that supports Lebanon's goal for sustainable residential development.

Please Note:

Pursuant to Section 802.4B, "Special Conditions", the Board may attach whatever conditions it deems necessary in order to assure compliance with the purposes of this ordinance.

A special exception 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 special exception or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a special exception must be completed.

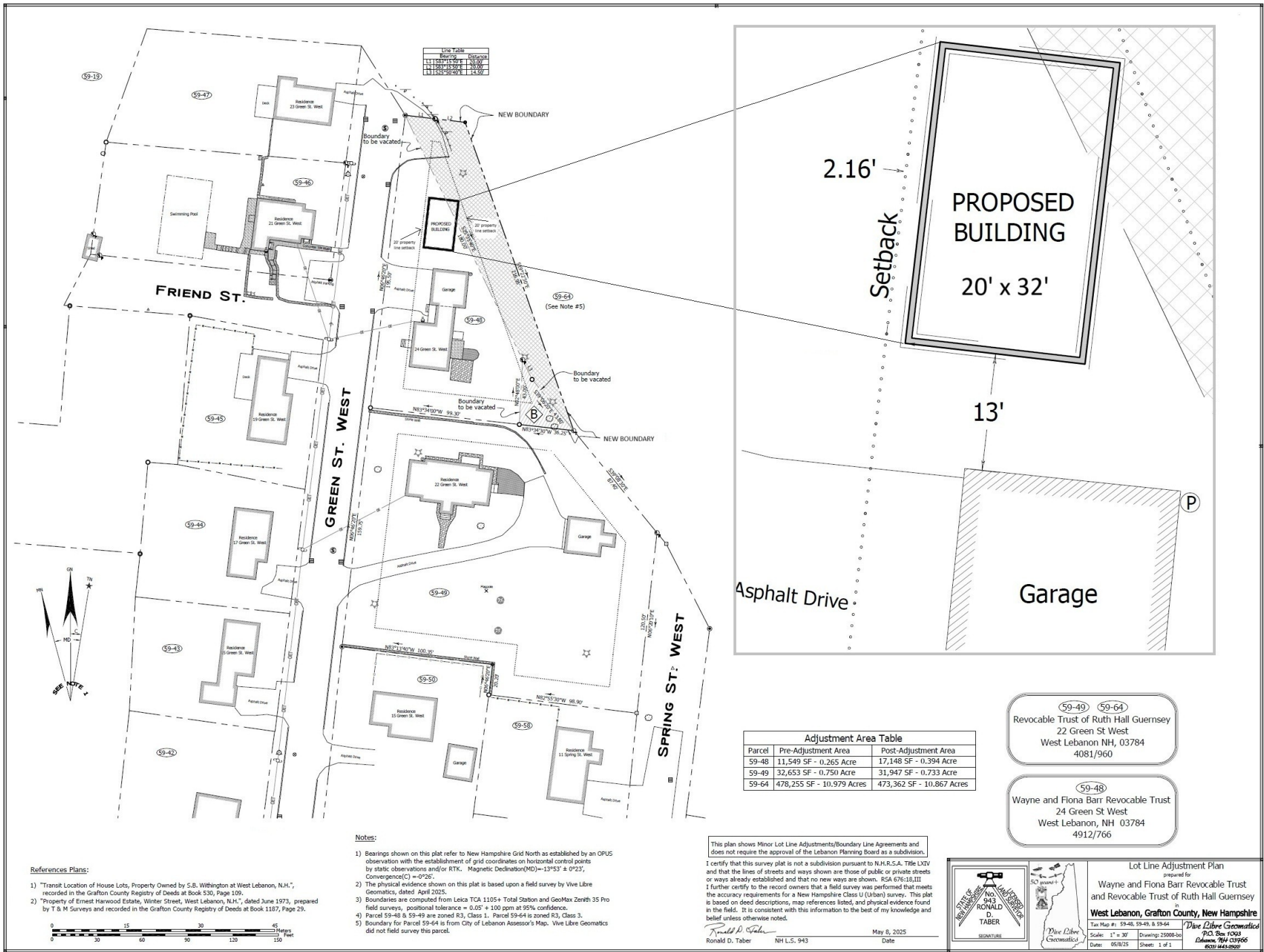
Written Narrative for Special Exception

We would like to build a 20' x 32' ADU on our property for my mother to move into. Most of the homes on the street are Capes or Ranches with a few other varieties mixed in. The ADU we would like to build is a ranch style house that will nicely fit in with the character of the neighborhood. It will be built on the north side yard of the property. The area is triangular in shape and slopes off in the back.

One concern for the project was the distance of the northeast corner of the proposed building to the slope. I've discussed this with building inspector Liam Ehrenzweig. He pointed me to building code R403.1.7.2 which provides the criteria for the "footing setbacks from descending slope surfaces". My surveyor, Ron Taber, did the calculations to determine the distance of the NE footing to the slope surface. The currently proposed location of the ADU does meet the requirements set out in building code R403.1.7.2. However, we would like to move the proposed ADU forward up to the front property line setback to give even greater distance from the slope. Ron Taber determined that we could move the ADU 2' 2" from the current proposed building location and that would bring the ADU up to the setback line.

Moving the building 2' 2" forward would put the front of the ADU 1' 8" ahead the front building line of the existing principal house. Lebanon's Zoning Ordinance Article VI, Section 610.H states that the ADU must be behind the front building line of the existing principal building except by special exception. Therefore, this request for special exception.

Moving the proposed ADU forward 2' 2" would not only put a greater distance between the house and the slope but would also slightly increase the size of the backyard. This would make for a more enjoyable, private backyard experience. We believe that moving the house forward 2' 2" would barely be noticeable to adjacent neighbors.



Line Table

Station	Elevation
11+58.115 (S)E	10.00
12+11.115 (S)E	10.00
13+15.115 (S)E	14.50

Adjustment Area Table

Parcel	Pre-Adjustment Area	Post-Adjustment Area
59-48	11,549 SF - 0.265 Acre	17,148 SF - 0.394 Acre
59-49	32,653 SF - 0.750 Acre	31,947 SF - 0.733 Acre
59-64	478,255 SF - 10.979 Acres	473,362 SF - 10.867 Acres

59-49 59-64
 Revocable Trust of Ruth Hall Guernsey
 22 Green St West
 West Lebanon NH, 03784
 4081/960

59-48
 Wayne and Fiona Barr Revocable Trust
 24 Green St West
 West Lebanon, NH 03784
 4912/766

- Notes:**
- 1) Bearings shown on this plat refer to New Hampshire Grid North as established by an OPUS observation with the establishment of grid coordinates on horizontal control points by static observations and/or RTK. Magnetic Declination(MD)=-13°53' ± 0'23', Convergence(C)=-0°26'.
 - 2) The physical evidence shown on this plat is based upon a field survey by Vibe Libre Geomatics, dated April 2025.
 - 3) Boundaries are computed from Leica TCA 1105+ Total Station and GeoMax Zenith 35 Pro field surveys, positional tolerance = 0.05' + 100 ppm at 95% confidence.
 - 4) Parcel 59-48 & 59-49 are zoned R3, Class 1. Parcel 59-64 is zoned R3, Class 3.
 - 5) Boundary for Parcel 59-64 is from City of Lebanon Assessor's Map. Vibe Libre Geomatics did not field survey this parcel.

This plan shows Minor Lot Line Adjustments/Boundary Line Agreements and does not require the approval of the Lebanon Planning Board as a subdivision.

I certify that this survey plat is not a subdivision pursuant to N.H.R.S.A. Title LXIV and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown. RSA 676:16.III

I further certify that the record owners that a field survey was performed that meets the accuracy requirements for a New Hampshire Class U (Urban) survey. This plat is based on deed descriptions, map references listed, and physical evidence found in the field. It is consistent with this information to the best of my knowledge and belief unless otherwise noted.

Ronald D. Taber
 Ronald D. Taber NH L.S. 943
 May 8, 2025
 Date

References Plans:

- 1) "Transit Location of House Lots, Property Owned by S.B. Withington at West Lebanon, N.H.," recorded in the Grafton County Registry of Deeds at Book 530, Page 109.
- 2) "Property of Ernest Hawwood Estate, Winters Street, West Lebanon, N.H.," dated June 1973, prepared by T & M Surveys and recorded in the Grafton County Registry of Deeds at Book 1187, Page 29.

Lot Line Adjustment Plan
 prepared for
 Wayne and Fiona Barr Revocable Trust
 and Revocable Trust of Ruth Hall Guernsey
 in
 West Lebanon, Grafton County, New Hampshire

Tax Map #: 59-48, 59-49, & 59-64
 Scale: 1" = 30' Drawing: 25000-00
 Date: 06/02/25 Sheet: 1 of 1

Dive Libre Geomatics
 P.O. Box 1033
 Lebanon, NH 03766
 603.443.0929



Front View



Back View