

FINAL

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

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

MEMBERS ABSENT: Jennifer Barkley, Chair William Koppenheffer,

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1. CALL TO ORDER

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

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

Mr. Morris and Mr. Burtan were given full voting privileges for this meeting.

2. APPROVAL OF MINUTES

A. July 7, 2025

Mr. McDonough MOVED to approve the July 7, 2025, minutes as presented in the July 28, 2025, packet with revisions.

Seconded by Mr. Newlove.

Page 8, Line 8: add the nay voting members to the motion.

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

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

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**

Kristi Medill and Alexander Medlicott appeared on behalf of the application. They are requesting to replace a derelict outbuilding with a new prefab garage, on the same footprint. Because the old building has a shed roof, the new garage would have a slightly higher roof. The ridge cap would be about 3.5 feet higher, all else is the same size. It would not be any closer to the property line. There is a place to the southwest corner of the property where there is an existing structure they would like to keep. The shape of the lot makes it less appropriate to put the garage

in a different location and still allow good access from driveway into the garage. The angle would be awkward and nearly impossible if place elsewhere.

There was an email from Lisa Green supporting the application.

Vice Chair Katz opened the public hearing. Hearing no one, the public hearing was closed.

Mr. Morris MOVED on July 28th, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Kristi Medill and Alexander Medlicott 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 +/- 3.5 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. No one spoke for or against the application from the public.

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** 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 28th day of July, 2025, hereby **GRANTS** 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', 13 foot and 10 inches 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.

Seconded by Mr. Burtan.

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

- 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**

Fiona and Wayne Barr appeared on behalf of the application. The Board asked for clarification regarding the new State laws regarding ADUs and asked if the new law would eliminate the need for this hearing. It is thought that the new law would not impact this hearing, and it is prudent to move forward with this application.

They would like to place the ADU 2 feet 2 inches forward to allow for additional space in the ADU. That would put it on the 20-foot setback line with some room to spare. Originally it was going to be a 20 by 30 feet ADU where they are hoping to have their legally blind mother live. They hope to add 2 feet to the unit which would allow for a safer environment and wider walking paths for the mother to move through. They would like to move it closer to the garage on the triangle-shaped lot due to the slope of the land in the back yard where the ADU would meet the backward.

Vice Chair Katz opened the public hearing. Hearing no one, the public hearing was closed.

Mr. McDonough MOVED On July 28, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Fiona and Wayne Barr 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. No one spoke from the public in favor or against this 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 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** 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 28th day of July, 2025, hereby **GRANTS** 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.

Seconded by Mr. Burtan.

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

4. STAFF COMMENTS

None

5. ADJOURNMENT

Mr. Newlove MOVED to adjourn the meeting at 7:31 PM.

Seconded by Mr. McDonough.

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

Respectfully submitted,
Linda Billings, Recording Secretary