

FINAL

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

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

**MEMBERS ABSENT:** Vice Chair Jeremy Katz, Jennifer Barkley, Dave Newlove

**STAFF PRESENT:** Nathan Reichert – Zoning Administrator

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**1. CALL TO ORDER**

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

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

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

**2. APPROVAL OF MINUTES**

**A. July 28, 2025**

*Mr. McDonough MOVED to approve the July 28, 2025, minutes as presented in the September 2, 2025.*

*Seconded by Mr. Morris.*

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

**3. PUBLIC HEARING ITEMS**

- A. Richard & Diane Gray, 143 Hanover St (Tax Map 77, Lot 121), Zoned R-3:** The applicants request a Special Exception from Section 310.3, pursuant to Sections 703.1 and 801.3 of the Zoning Ordinance to allow the existing dimensionally non-conforming deck to be expanded in height to create an enclosed porch. **ZB2025-17-SE**

Richard and Diane Gray appeared on behalf of the application. They would like to enclose their deck and increase the height of the structure. It would be the same height as the house. Standing on the road the increased height would not be visible from the front.

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

*Mr. Morris MOVED on September 2nd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Richard and Diane Gray regarding 143 Hanover St (Tax Map 77, Lot 121), Zoned R-3: The applicants request a Special Exception from Section 310.3, pursuant to*

***Sections 703.1 and 801.3, of the Zoning Ordinance to allow the existing dimensionally non-conforming deck to be expanded in height to create an enclosed porch. ZB2025-17-SE***

**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 1982. The lot contains a dimensionally non-conforming one-family home.
2. As described in the application, the applicant proposes to replace the existing 16ft X 20ft non-conforming deck at the rear of the home with an enclosed porch. The proposed porch will maintain the same footprint and will be located +/- 6in further away from the left-side property line than the existing deck; +/- 9 ft from the left-side property line.
3. The applicant has submitted testimony addressing Section §703.1.A and Section §801.3 criteria in an application received by the Planning and Development Department on August 4, 2025.
4. There are no known existing zoning violations on the property.
5. No one from the public spoke 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 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 2nd day of September, 2025, hereby **GRANTS** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to allow an existing non-conforming deck to be replaced with an enclosed porch 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 porch.

*Seconded by Mr. Burtan.*

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

- B. Darell & Jennifer Lindquist, 17 Tenley Dr (Tax Map 102, Lot 30), Zoned R-3:** The applicants request a Special Exception and a Variance from Section 310.3, pursuant to Sections 703.1, 801.3, and 801.2, of the Zoning Ordinance to allow the addition of a porch to the front of the house +/- 4.5 ft from the left-side property line where 15 ft is required and 11.5 ft from the front property line where 20 ft is required. **ZB2025-18-SEVAR**

**Darell & Jennifer Lindquist appeared on behalf of the application.** They would like to remove the current front concrete steps and add a porch. Water runoff from the roof currently occurs and adding a front porch would divert water further away from the front of the building. They believe their neighbors support adding a front porch to their home. Although it is close to the side property line, there is ample room on the front yard to allow for the porch. The access through the front door via the front porch would not change.

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

*Mr. McDonough MOVED On September 2nd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Jennifer and Darell Lindquist regarding 17 Tenley Dr (Tax Map 102, Lot 30), Zoned R-3: The applicants request a Special Exception and a Variance from Section 310.3, pursuant to Sections 703.1, 801.3, and 801.2, of the Zoning Ordinance to allow the addition of a porch to the front of the house +/- 4.5 ft from the left-side property line where 15 ft is required and 11.5 ft from the front property line where 20 ft is required. ZB2025-18-SEVAR*

### I. FINDINGS OF FACT

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

1. The subject property is improved with a dimensionally non-conforming one-family dwelling constructed in 1976.
2. As described in the application, the applicant proposes to remove the existing front steps and replace them with a 20ft x 8 ft porch. The proposed porch will be located +/- 4.5 ft from the left-side property line and +/- 11.5 ft from the front property line.
3. The front of the existing non-conforming dwelling is located +/- 19.5 ft from the front property line and +/- 4.5 ft from the left-side property line.
4. The applicant has submitted testimony addressing Sections §703.1.A , §801.3, and §801.2 criteria in an application received by the Planning and Development Department on August 5, 2025.
5. There are no known existing zoning violations on the property.
6. No one from the public spoke for or against this project.

## **II. CONCLUSIONS OF LAW- SPECIAL EXCEPTION**

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. CONCLUSIONS OF LAW- VARIANCE

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.

Because of the shape of the property this is the ideal location for this project to be implemented.

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.

### IV. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 2nd day of September, 2025, hereby **GRANTS** the requested Special Exception from Section 310.3, pursuant to Section §703.1 and §801.3, of the Zoning Ordinance to allow the addition of a porch to the front of the house +/- 4.5 ft from the left-side property line where 15 ft is required ZB2025-18-SEVAR

**GRANTS** the requested Variance from Section 310.3, pursuant to Section §801.2, of the Zoning Ordinance to allow the addition of a porch to the front of the house 11.5 ft from the front property line where 20 ft is required ZB2025-18-SEVAR

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 (4-0).*

Staff spoke with the attendees at the meeting. Any applicants can defer to the next meeting when more members are in attendance. Three of the four members present are needed to approve an application.

- C. Robin & Colin Parker, 60 Ice House Rd (Tax Map 84, Lot 26), Zoned RL-1:** The applicants request a Special Exception from Section 312.3, pursuant to Sections 703.1 and 801.3, of the Zoning Ordinance to allow the existing dimensionally non-conforming +/-14.75 ft tall dwelling to be demolished and replaced with an equally dimensionally non-conforming dwelling that will be expanded to 26.25 ft tall. **ZB2025-19-SE**

Colin Parker appeared on behalf of the application. They purchased the property in 2012 and lived at the address part time. The building is in poor shape and is failing. They would like to rebuild the home to turn it into a full-time residence. His neighbors are in support of the application. The Parkers also own the property next to the building on the other side. The utilities they have are electricity and internet. There is a well. A full bath and a half bath would be added to the new structure, and a new septic system would be constructed. The square footage would change by 492 square feet and would be on the same footprint.

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

*Mr. Morris MOVED on September 2nd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Colin Parker regarding 60 Ice House Rd (Tax Map 84, Lot 26), Zoned RL-1: The applicants request a Special Exception from Section 312.3, pursuant to Sections 703.1 and 801.3, of the Zoning Ordinance to allow the existing dimensionally non-conforming +/-14.75 ft tall dwelling to be demolished and replaced with an equally dimensionally non-conforming dwelling that will be expanded to 26.25 ft tall. ZB2025-19-SE*

## **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, dimensionally non-conforming, 14.75 ft tall dwelling constructed in 1970.
2. At +/- 0.21 acres, the lot is non-conforming to the 3-acre minimum lot size required for Class 3 lots in the RL-1 District.
3. As described in the application, the applicant proposes to demolish the existing dimensionally non-conforming structure and replace it with a 26.25 ft tall structure. The proposed new structure will maintain the same footprint.
4. 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 August 7, 2025.
5. There are no known existing zoning violations on the property.

6. No one from the public spoke 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 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 2nd day of September, 2025, hereby **GRANTS** the requested Special Exception pursuant to Section §703.1 and §801.3 of the Zoning Ordinance to allow an existing non-conforming structure to be replaced with an enclosed house 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 structure.

*Seconded by Mr. Burtan.*

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

- D. Parker Pflaum & Yuting Zhang, 31 Seminary Hill (Tax Map 87, Map 26), Zoned R-3:** The applicants request a Variance from Section 310.3, pursuant to Section 801.2, of the Zoning Ordinance to allow a garage to be placed +/- 7 ft from the right-side property line where 15 ft is required. **ZB2025-20-VAR**

**Parker Pflaum & Yuting Zhang** appeared on behalf of the application. They would like to build a garage where an existing shed now exists. There is a hill on the property, and this is the only place to put the new garage. On the left-hand side, the driveway would be extended away from the neighbor’s property, to enable easier access to the garage door. The extended access would only be close to the building and would not go all the way to the street. They believe the slope of the land would not affect drainage off the property. There is substantial distance to the property behind the proposed garage. They believe the slope of the property distinguishes it from properties in the neighborhood.

**Chair Koppenheffer opened the public hearing.**

Ellen Langsner appeared. She and her husband Alex are in favor of the application. They understand the need for variances in this location.

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

*Mr. McDonough MOVED on September 2, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Parker Pflaum, Yuting Zhang, Ellen Langsner and her husband Alex, regarding 31 Seminary Hill (Tax Map 87, Map 26), Zoned R-3: The applicants request a Variance from Section 310.3, pursuant to Section 801.2, of the Zoning Ordinance to allow a garage to be placed +/- 7 ft from the right-side property line where 15 ft is required. ZB2025-20-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 single-family home constructed in 1910. At +/- 13,939 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 single-family home is dimensionally non-conforming on the Farman Avenue side and is conforming on the remaining three sides.
3. The proposed garage will be dimensionally non-conforming and will be located +/- 7 ft from the side property line shared with 3 Farman Avenue.
4. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on August 11, 2025.
5. 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).

6. No one from the public spoke 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 size, space and slope of this particular 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 September, 2025**, hereby **GRANTS** the Variance from Section §310.3, pursuant to Section §801.2 of the Zoning Ordinance to allow garage to be placed +/- 7 ft from the right-side property line where 15 ft is required , 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.

*Seconded by Mr. Morris*

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

- E. CT Brown & Family LLC & Convenient MD LLC, 1 Interchange Dr (Tax Map 114, Lot 9), Zoned GC:** The applicants request two Variances from Section 608.4.A.3.b to allow the installation of two signs greater than 100 sq ft each, two Variances from Section 608.4.A.3.c to allow the installation of two signs more than 4 ft above the building roofline, and one Variance from 608.4.A.1 to exceed the total allowed sign area for the building, pursuant to Section 801.2, of the Zoning Ordinance . **ZB2025-21-VAR**

Steven Paquin, manager of architecture and design for Convenient MD, and Barry Schuster, attorney, appeared on behalf of the application. The applicants decided to proceed tonight regardless of the number of members present this evening. Mr. Schuster said the length of the

name is the reason they are requesting a larger sign. There are four fronts to this building. The total amount of signage in excess of what is permitted would be an additional 8.6 feet over what is allowed. They are requesting an additional 4.3 square feet on each sign. He believes it is in the public interest to have a medical facility easily recognized. They believe this is the least consideration needed to still provide adequate signage. This would be the smallest sign they have ever done. The members asked about the uniqueness of the property to other properties in the area. There are four main streets and that is the uniqueness of the property, so it needs to be immediately visible from any of the four directions. Only one side of the building has an entrance. There is no access from 12A.

Dave Sanderson addressed the Board. The clinic would usually pull people from 30-40 miles away. The dimensions of the sign are 34 inches high and 278 inches long. Members asked why the sign cannot be trimmed by 4 feet and eliminate the need for a variance. The applicants are only measuring the lettering of the sign, not the green area in the picture being shown. The members asked why the size could not be reduced by 4%. The Chair asked for the provision of the study based on the speed of vehicles traveling on 12A. This is the new prototype sign based on an average of speed limits where they hope to use their signage going forward.

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

Variance 3 and Variance 4 were discussed. The applicants are also asking to have the sign above the roof line so it is similar to other buildings in the area. Having it in the parapet would make the sign more visible.

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

Some members said having the sign in the parapet was beneficial. If it was not located above the roofline, it would diminish the visibility of the building.

*Mr. Morris MOVED on September 2, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Barry Schuster, Steven Paquin and Dave Sanderson regarding 1 Interchange Dr (Tax Map 114, Lot 9), Zoned GC: The applicants request two Variances from Section 608.4.A.3.b to allow the installation of two signs greater than 100 sq ft each, and one Variance from 608.4.A.1 to exceed the total allowed sign area for the building, pursuant to Section 801.2 of the Zoning Ordinance. ZB2025-21-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 single-story multi-tenant commercial building constructed in 1969 and is non-conforming to the GC Zoning District, Class 1, minimum lot size of 50,000 sq with +/- 39,204 sq ft.

2. The subject property's +/- 13,005 sq ft is presently divided into three separate tenant suites. Citizens Bank and AT&T currently occupy 2 of the 3 suites, Convenient MD proposes to occupy the vacant space formerly occupied by D'Angelo's.
3. The subject property is bounded on all 4 sides by public streets: Plainfield Rd, Airport Rd, Interchange Dr, and Dwinell Dr.
4. The total sign area for the existing tenants is +/- 159.4 sq ft.
5. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on August 11, 2025.
6. To obtain the requested Variances from section §608.4, 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).
7. No one from the public spoke for or against the application.
8. Under the ordinance the applicants applied for 223.6 sq ft where 215 is permitted.

## **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** be contrary to the public interest.
2. The spirit of the ordinance **is not** observed.
3. Substantial justice **is** done.
4. No testimony was given as to the values of the surrounding properties.
5. Literal enforcement of the provisions of the ordinance **would not** result in an unnecessary hardship.
6. There **is** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.
7. The proposed use **is not** a reasonable one.

## **III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **2nd day of September, 2025**, hereby

- **DENIES** Variance #1 from Section §608.4.A.3.b, pursuant to Section §801.2 of the Zoning Ordinance to allow 1 wall sign greater than 100 sq ft. ZB2025-12-VAR,

- **DENIES** Variance #2 from Section §608.4.A.3.b, pursuant to Section §801.2 of the Zoning Ordinance to allow 1 wall sign greater than 100 sq ft. ZB2025-12-VAR,
- **DENIES** Variance #5 from Section 608.4.A.1, pursuant to Section §801.2 of the Zoning Ordinance to allow 223.6 sq ft of sign area, where 215 sq ft is allowed.

as set forth above and per testimony, plans, and materials submitted.

**Seconded by Mr. Burtan.**

**\*The Vote on the Motion was (1-3).**

**Mr. McDonough voted yea.**

**Chair Koppenheffer, Mr. Morris, and Mr. Burtan voted nay.**

**Mr. McDonough MOVED on September 2, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Barry Schuster, Steven Paquin and Dave Sanderson regarding 1 Interchange Dr (Tax Map 114, Lot 9), Zoned GC: The applicants request two Variances from Section 608.4.A.3.c to allow the installation of two signs more than 4 ft above the building roofline. ZB2025-21-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 single-story multi-tenant commercial building constructed in 1969 and is non-conforming to the GC Zoning District, Class 1, minimum lot size of 50,000 sq with +/- 39,204 sq ft.
2. The subject property's +/- 13,005 sq ft is presently divided into three separate tenant suites. Citizens Bank and AT&T currently occupy 2 of the 3 suites, Convenient MD proposes to occupy the vacant space formerly occupied by D'Angelo's.
3. The subject property is bounded on all 4 sides by public streets: Plainfield Rd, Airport Rd, Interchange Dr, and Dwinell Dr.
4. The total sign area for the existing tenants is +/- 159.4 sq ft.
5. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on August 11, 2025.
6. To obtain the requested Variances from section §608.4, 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).
7. No one from the public spoke in favor of 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.

It is an urgent medical care facility with no direct access from 12A.

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 September, 2025**, hereby

- **GRANTS** Variance #3 from Section 608.4.A.3.c, pursuant to Section §801.2 of the Zoning Ordinance to allow the installation of 1 sign wall sign to be located more than 4 feet above the building roofline. ZB2025-12-VAR
- **GRANTS** Variance #4 from Section 608.4.A.3.c, pursuant to Section §801.2 of the Zoning Ordinance to allow the installation of 1 sign wall sign to be located more than 4 feet above the building roofline. 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 sign permit.

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

***\*The Vote on the Motion was (3-1).***

***Chair Koppenheffer, Mr. Morris, and Mr. McDonough voted yea.***

***Mr. Burtan voted nay.***

- F. **Eric Stacy, 19 Wolf Rd (Tax Map 50, Lot 40), Zoned R-2:** Pursuant to Section 801.1 of the Zoning Ordinance, the applicant is appealing the Zoning Administrator's determination that the proposed basement renovation constitutes the creation of an additional dwelling unit. **ZB2025-22-AAD**

Eric Stacy appeared on behalf of the application. This appeal is whether or not an additional dwelling has been created. This Board has no jurisdiction over building code issues. This Board has jurisdiction over this matter of the zoning administrator's determination.

The applicant used an analogy. While the space as it is configured does look like an ADU, he does not intend to use it as an ADU. He believes if he intends to sell the property it could not be stated to have an ADU. He is requesting a certificate of occupancy as a single-family occupancy. The building has only one laundry area and therefore the use of the building is comingled and a shared living space. There are no locks between the areas of the house. He believes he does not have the right to rent out the area without the certificate of occupancy as an ADU. The lot is fairly constrained and only has room for 2 parking spaces.

The walkout basement is around 800 feet. He would like to put a deck in the backyard and would like to access a second kitchen for use with the deck.

Nathan Reichert, the Zoning Administrator, was asked to speak before the Board. His argument is based on the definition of a dwelling unit. The real test to determine if it is a separate unit is whether or not it contains independent cooking facilities, separate sanitary facilities and independent bedroom facilities. If it does it constitutes the definition of an ADU. There are two options to create a two-family unit or an ADU. The ADU is defined as a complete living space. His perspective is that it is a dwelling unit. While the applicant has a different intent, it does meet the definition and when it comes to enforcement, it merely relates to the definition. It has to do with the physical characteristics and physical manifestation and not the intent of the use.

Down the road to make this an ADU, impact fees and applications for permits to create this as an ADU would apply. If it was illegally rented out in the future enforcement is usually based on some reported issue. There would be additional expenses related to having it classified as an ADU.

The applicant returned to ask a question of Staff. He said part of the argument is based on future noncompliance. Staff said this test is legally verified and if those three things are present, then this is a dwelling unit.

***Mr. McDonough MOVED the board sustains the determination in whole and reaffirms the determination that the proposed plan constitutes the creation of a dwelling unit.***

***Seconded by Mr. Burtan.***

***\*The Vote on the Motion was (3-1).***

***Mr. Morris voted nay.***

#### **4. STAFF COMMENTS**

Miss Hembree, associate administrator, sat in as administrator while Mr. Reichert testified.

#### **5. ADJOURNMENT**

***Mr. Morris MOVED to adjourn the meeting at 9:23 PM.***

***Seconded by Mr. Burtan.***

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

Respectfully submitted,  
Linda Billings, Recording Secretary