



**LEBANON ZONING BOARD OF ADJUSTMENT
DECEMBER 1, 2025 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 1-929-229-5356 (access code: 803 719 725#). If you have trouble accessing this meeting, please [email Nathan Reichert](#).

2. Approval of Minutes

- A. November 3, 2025

3. Public Hearing Items

- A. **Peter Buttrick, 61 Crafts Ave (Tax Map 58, Lot 88), Zoned R-3:** The applicant requests an Equitable Waiver of Dimensional Requirement pursuant to State of New Hampshire RSA 674:33-a and Zoning Ordinance 801.4.B, for the construction of a single-family dwelling +/- 14 ft. from the from the right-side property line, where a minimum of 15 ft. is required. **ZB2025-25-EW**
- B. **Mark & Mary Manikian, 69 NH Route 4A (Tax Map 84, Lot 46), Zoned RL-2:** The applicants request two Variances from Section 313.3, pursuant to Section 801.2 of the Zoning Ordinance, to allow a garage to be built +/- 7.5 ft from the front property line where 40 ft is required, and to allow +/- 30% building coverage on the lot where 20% is allowed. **ZB2025-26-VAR**

4. Other Business

- A. 2026 meeting schedule review & approval
- B. Proposed zoning amendments review & comment - Continued from 11/3/2025 meeting
- C. Proposed electric vehicle (EV) zoning regulations review
- D. Zoning Board application submission requirements

5. Staff Comments

6. 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

**Lebanon Zoning Board of Adjustment Agenda
December 1, 2025**

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, November 3, 2025
7:00 PM**

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

MEMBERS ABSENT: Jennifer Barkley

STAFF PRESENT: Nathan Reichert – Zoning Administrator

1 **1. CALL TO ORDER**

2
3 Chair Koppenheffer called the meeting to order at 7:00 PM.

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

6
7 **2. APPROVAL OF MINUTES**

8
9 **A. January 16, 2025**

10
11 **Mr. Morris was given voting privileges for this motion.**

12
13 *Mr. Morris MOVED to approve the January 16, 2025, minutes as presented in the November 3, 2025*
14 *packet.*

15
16 *Seconded by Mr. McDonough.*

17
18 **The Vote on the Motion was (5-0).*

19
20 **B. September 2, 2025**

21
22 **Mr. Burtan was given voting privileges for this motion.**

23
24 *Mr. Morris MOVED to approve the September 2, 2025, minutes as presented in the November 3, 2025*
25 *packet.*

26
27 *Seconded by Mr. Burtan.*

28
29 **The Vote on the Motion was (3-0-2).*

30 *Mr. Newlove and Mr. Katz abstained because they were not present at the meeting.*

31
32 **3. PUBLIC HEARING ITEMS**

- 33
34 **A. Ke Zhang, 27 Gilson Rd (Tax Map 4, Lot 50), Zoned R-3:** The applicant requests a Special
35 Exception from Section 310.2, pursuant to Section 801.3, of the Zoning Ordinance to allow a
36 two-family dwelling by conversion of an existing one-family dwelling. **ZB2025-23-SE**

1
2 Ke appeared online on behalf of the application. He is the new owner of the property, as of last
3 month. They would like to convert it into two units; the house has over 2000 square feet. It is
4 suitable for two units. It would be owner occupied. He believes this would help with the
5 housing shortage.
6

7 The board asked for the narrative of why the property qualifies as a special exception. In order
8 to qualify for a special exception, the board must be shown that the property meets all the
9 requirements. The members do not have anything that states why the property qualifies for a
10 special exception. It was determined that the electronic file was provided in the record but is not
11 in the packet.
12

13 The floor plan in the application is the proposed plan, but they have made some changes to the
14 plan. There would not be an increase in the number of occupants based on the new plan. As a
15 single family dwelling the house can accommodate 5 bedrooms. The new design would have
16 one unit with 5 bedrooms, and the other unit would have 4 bedrooms. Currently the house has 3
17 bathrooms. After the conversion it would have 5 total bathrooms. Currently there is only one
18 kitchen, after the remodel it would have two kitchens. There are 3 garages and street parking.
19 They would use part of one garage for access to the back unit. The property is on City water and
20 sewer.
21

22 Mr. Katz, asked about the character of the neighborhood that surrounds this property. It is close
23 to Hanover and Lebanon. There are no large apartment buildings in the community. It is
24 unknown if there are other two-family units in the neighborhood. The planned conversion would
25 be split into a front and back unit, rather than up and down. His family would occupy one unit.
26 He does not have a plan about who he would rent the new unit. They discussed parking, but the
27 applicant does not intend to rent to people with multiple vehicles.
28

29 **Chair Koppenheffer opened the public hearing.**
30

31 William Bailey appeared. He is a direct abutter. He previously sent an email, but it was not
32 received in time for printing in the packet this evening. He provided copies of the email for the
33 board members. He has lived in the neighborhood for 44 years. Over 60 homes are single
34 family homes. The town line runs through the middle of the neighborhood. Only one single road
35 provides access into the neighborhood: for pedestrians, vehicles and bicycles. He objects to the
36 conversion. This would be the only house that would be converted from a single-family
37 dwelling. This conversion would change the nature of the community and could affect property
38 values. He believes this conversion could eventually accommodate 8 occupants with multiple
39 vehicles. This would result in crowded street parking, and the nature of the road would make it
40 tight. This property would need a parking lot. Dunster Drive is a less than adequate access road
41 and has limited visibility. He believes the roads within the area are less than safe. He would like
42 to propose that the building stays within the established footprint. He requested a limited
43 number of occupants. He is concerned that the structure could eventually expand.
44

45 Chair Koppenheffer informed Mr. Bailey about the limitations of what the Board can do.

1 Two family use has been allowed within this zoning district and changed from three to four
2 unrelated occupants. Some of his requests cannot be considered. Mr. Katz believes the law
3 prohibits the Board from considering nonfamilial status as creating a hazard.

4
5 Mr. Bailey responded that parking on the road and creating a parking lot on the property would
6 change the nature of the neighborhood. The applicant has not proposed building a parking lot.
7 He also has not proposed renting to students. There is no evidence that the roads would be
8 overcrowded.

9
10 The Board cannot address concerns about having 8 students or the implications of that. There is
11 a parking ordinance that prohibits parking on the front lawn. There are parking restrictions on
12 the roads during the snowplow season. The City Council would have to be approached about
13 winter parking restrictions.

14
15 Talia Manning lives at 26 Gilson Road, directly across the street from the property. She has a
16 prepared statement that she read. From what was just presented, the owner would be present and
17 ensure the nature of the neighborhood would not be impacted by tenants. Going from 5
18 bedrooms to 9 bedrooms really increases the density and the number of people in the area.

19
20 She is concerned about the rezoning from single family to multiple family. There are many
21 houses with residents who are riding and walking on the streets. Converting single family to
22 multifamily feels like it changes the nature of the community. Increased traffic, parking and
23 noise levels are a concern. The rezoning also raises financial concerns, and increasing
24 population tends to decrease values of the property. She is hoping the Board would uphold the
25 single-family nature of the community.

26
27 Mr. Katz asked Mr. Reichert if there are more than 8 to 10 people in a building, when do the
28 sprinkling requirements come into effect. Chief Building official, Lee Hays said conversion of
29 single family to two family would not trigger the requirement for a sprinkler system. If there
30 were more than 4 unrelated residents, it could require a sprinkler system as it could be defined as
31 a rooming house. It depends on the use. If it is family, the number is unlimited. If the residents
32 are unrelated members, there is a fine line between 4 bedrooms and 5 bedrooms. It changes from
33 single family to lodging. Lodging would not be allowed in the zoning district. Some of these
34 nuances are still a bit unclear.

35
36 Julie Jacobs, a neighbor, appeared in objection to the application. She fears that the intention of
37 the owners could change and not be as presented. The roadway ditch is difficult. They moved to
38 the neighborhood because it was single family and she does not want the nature of the
39 neighborhood changed.

40
41 Ke said he appreciates all the concerns of the neighbors. He feels that his intention is to preserve
42 the nature of the community. His hope is to keep and maintain a quiet neighborhood that would
43 be safe for children. He believes that any other owner in the neighborhood could choose to leave
44 or change their property into a parking lot. He believes he would enhance the neighborhood and
45 there is no more risk of him owning this property as two dwellings than any other property

1 owner doing the same thing. He intends to control the number of vehicles allowed in the lease
2 and restrictions on quiet hours.

3
4 The Board realizes there are many concerns of the public. It impacts the neighborhood. It is
5 much larger than an ADU and the maintenance of the property is frequently not the same as a
6 single-family unit. Some members are inclined to vote no. Current owner aside, there is
7 potential to have 8 people living in this building and converting opens this possibility. There
8 would also be another entrance to this parcel of land. The character of the neighborhood would
9 be impacted by the number of vehicles. While sympathetic to the current owner and about what
10 could happen down the road, almost all of the worries are speculative in nature. It may not be
11 the intention of this owner. There is nothing that impacts the neighbor. It is believed the new
12 law restricts any decision based on the nature of the future occupants, such as students. This is
13 not a change of zoning, as long as the conditions are met, a special exception is allowed. There
14 would be a lot of oversight and meeting of code to make this happen. Nuisance can be
15 complained about and dealt with. Students and non-family members are not a reason to deny
16 this application.

17
18 **Hearing no one else, the public hearing was closed.**

19
20 **Mr. Burtan was appointed a voting member for this hearing.**

21
22 *Mr. Katz MOVED on November 3rd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of*
23 *Adjustment, there appeared Ke Zhang regarding 27 Gilson Rd (Tax Map 4, Lot 50), Zoned R-3: The*
24 *applicant requests a Special Exception from Section 310.2, pursuant to Section 801.3, of the Zoning*
25 *Ordinance to allow a two-family dwelling by conversion of an existing one-family dwelling. ZB2025-*
26 *23-SE*

27
28 **I. FINDINGS OF FACT**

29
30 Based on testimony given, application materials presented, and supporting documents submitted, the
31 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 32
33 1. The applicant has submitted testimony addressing Section §801.3 criteria in an application
34 received by the Planning & Development Dept. on October 13, 2025.
- 35
36 2. As described in the application, the applicant proposes to convert an existing one-family dwelling
37 to a two-family dwelling.
- 38
39 3. The subject property is improved with a one-family, +/- 4,000 sq ft, dimensionally conforming
40 dwelling constructed in 1970.
- 41
42 4. There are no known existing zoning violations on the property.
- 43
44 5. Abutters William Bailey, Talia Manning and Julie Jacobs testified in opposition to the
45 application.
- 46
47 6. Lee Hayes chief code enforcement officer of the City of Lebanon testified with information about
48 code requirements within the City.

1 **II. CONCLUSIONS OF LAW**

2
3 As a result of the above findings of fact and based on testimony given, application materials presented,
4 and supporting documents submitted, the Board concludes the following with respect to the Special
5 Exception criteria set forth in §801.3 of the Zoning Ordinance:

- 6
- 7 1. The Special Exception is specifically authorized by Section §801.3 of the Zoning Ordinance.
- 8
- 9 2. The following criteria of Section §801.3 **have been met**:
 - 10
 - 11 a. The reasonable use of abutting properties shall not be adversely affected by the proposed
 - 12 expansion.
 - 13
 - 14 b. The proposed expansion shall not render the lot size proportionately less adequate, i.e.
 - 15 any aspect of the building or structure that is currently nonconforming cannot be made
 - 16 more nonconforming in the absence of a variance.
 - 17
- 18 3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the
- 19 Special Exception would not remedy.
- 20
- 21 4. The character of the area **will not** be adversely affected.
- 22
- 23 5. **No** hazard or nuisance will be created.
- 24
- 25 6. The capacity of existing or planned community facilities and services (including streets and
- 26 highways) **will not** be adversely impacted.
- 27
- 28 7. The granting of the Special Exception **will not** result in undue municipal expense.
- 29
- 30 8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and
- 31 intent of the ordinance.
- 32
- 33 9. The general welfare of the City **will** be protected.

34
35 **III. DECISION**

36
37 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 3rd day of November,
38 2025, hereby **GRANTS** the requested Special Exception to allow a two-family dwelling by conversion of
39 an existing one-family dwelling pursuant to Section §801.3 of the Zoning Ordinance to allow as set forth
40 above and per testimony, plans, and materials submitted, and per the following conditions:

- 41
- 42 1. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and
- 43 federal regulations in the construction of the proposed two-family structure.
- 44

45 *Seconded by Chair Koppenheffer.*

46
47 **The Vote on the Motion was (3-2).*

48 *Mr. Burtan, Mr. Katz and Chair Koppenheffer vote yay.*

49 *Mr. Newlove and Mr. McDonough vote nay.*

50

1 **B. Lebanon Housing Authority, 31 Romano Cir (Tax Map 101, Lot 20), Zoned R-O:** The
 2 applicant requests a Special Exception from Section 311.2, pursuant to Section 702.5, of the
 3 Zoning Ordinance to allow the expansion of the existing non-conforming office use by
 4 constructing a one-story, 725 sq ft addition to the existing office building. **ZB2025-24-SE**
 5

6 Mr. Katz is willing to step off and recuse himself, but the Housing authority accepted his participation.
 7 Megan Carrier, attorney for the applicant and Ditha Alonso, Executive Director of the Lebanon Housing
 8 Authority appeared. They would like to build a small addition to their office building. Due to limited
 9 funding, they are pursuing a modest expansion that would be attached to their existing office. It would
 10 meet some operational needs without extending their reserves. Present online are Justin Dagnot of Granite
 11 Engineering who is the engineer for the project and Jerry Wooble of Right Track Design, who is the
 12 architect for the project.
 13

14 The application that was noticed is limited to the office expansion. Two housing projects, totaling 46
 15 units, are supported by this proposal. They received approval of a standalone office, but that is no longer
 16 financially feasible. They prefer to expand the existing office. Megan Carrier reviewed the criteria of the
 17 application. The same nature, purpose and use would continue. The space is expanding but the number
 18 of employees would not change. The expansion would have the same appearance and would blend in.
 19 The addition would not be visible from the road. The proposed expansion is approximately 9.2 % of the
 20 existing structure. No housing would be increased.
 21

22 **Chair Koppenheffer opened the public hearing. Hearing no one, the public hearing was closed.**
 23

24 **Mr. Morris was appointed as a voting member for this hearing.**
 25

26 *Mr. Katz MOVED on November 3rd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of*
 27 *Adjustment, there appeared Attorney Megan Carrier and Ditha Alonso regarding 31 Romano Cir (Tax*
 28 *Map 101, Lot 20), Zoned R-O: The applicant requests a Special Exception from Section 311.2,*
 29 *pursuant to Section 702.5 of the Zoning Ordinance to allow the allow for the expansion of an existing*
 30 *non-conforming office use by constructing a one-story, 725 sq ft addition to the existing office*
 31 *building.*
 32

33 **I. FINDINGS OF FACT**
 34

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

- 38 1. The applicant has submitted testimony addressing Section §702.5 criteria in an application
 39 received by the Planning & Development Dept. on October 13, 2025.
- 40
- 41 2. As described in the application, the applicant proposes to expand the existing non-conforming
 42 office use by constructing a one-story, 725 sq ft addition to the existing office building.
 43
- 44 3. The subject property is improved with 8 multi-family buildings with 46 dwelling units and 1
 45 office.
- 46
- 47 4. There are no known existing zoning violations on the property.
 48
- 49 5. No member of the public appeared to speak either for or against the application.
 50

1 **II. CONCLUSIONS OF LAW**

2
3 As a result of the above findings of fact and based on testimony given, application materials presented,
4 and supporting documents submitted, the Board concludes the following with respect to the Special
5 Exception criteria set forth in §702.5 of the Zoning Ordinance:

- 6
- 7 1. The Special Exception is specifically authorized by Section §702.5 of the Zoning Ordinance.
- 8
- 9 2. The following criteria of Section §702.5 have **been** met:
 - 10
 - 11 a. The proposed expansion must reflect the nature and purpose of the existing non-
 - 12 conforming use, and must be closely related to the manner in which the property was
 - 13 used at the time the restriction was enacted
 - 14
 - 15 b. The proposed expansion must be merely a different manner of utilizing the same use, and
 - 16 shall not constitute a use which is different in character, nature, or kind.
 - 17
 - 18 c. The proposed expansion shall not have a substantially different effect on the
 - 19 neighborhood in which the property is located.
 - 20
- 21 3. As part of a proposed expansion under subsection A, the Board of Adjustment may allow a legal
- 22 non-conforming use to expand into an addition to an existing building occupied by the non-
- 23 conforming use provided that the gross floor area of the addition is no greater than ten percent
- 24 (10%) of the size of the gross floor area of the existing building measured as of January 22, 2020.
- 25
- 26 4. In no case shall a legal non-conforming use in whole or in part be allowed to expand into a new
- 27 building, or (except as allowed under subsection B) to any portion of the lot that was not occupied
- 28 by the non-conforming use at the time such use became non-conforming pursuant to Section 700.
- 29

30 **III. DECISION**

31
32 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 3rd day of November,
33 2025, hereby **GRANTS** the requested Special Exception to allow the expansion of the existing non-
34 conforming office use by constructing a one-story, 725 sq ft addition to the existing office building
35 pursuant to Section §702.5 of the Zoning Ordinance to allow as set forth above and per testimony, plans,
36 and materials submitted, and per the following conditions:

- 37
- 38 1. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and
- 39 federal regulations in the construction of the structure.
- 40
- 41 2. The project shall be completed substantially in accordance with the plans and testimony they
- 42 submitted before this board.
- 43

44 *Seconded by Mr. Newlove.*

45
46 **The Vote on the Motion was (5-0).*

47
48 At 8:44 PM the Board took a 5-minute break. The meeting returned to session and reconvened at
49 8:51 PM.

50
51 **4. STAFF COMMENTS**

1
2 There are many zoning amendments to consider this evening as well as the Board of Appeals
3 Hearing.

4
5 **Mr. Burtan was appointed a voting member for this motion.**

6
7 ***Mr. Katz MOVED that the ZBA meeting be recessed to be reconvened later on this evening for the***
8 ***purpose of moving towards the Building Code Board of Appeals meeting.***

9
10 ***Seconded by Mr. Burtan.***

11
12 ****The Vote on the Motion was (5-0).***

13
14 The Zoning Board returned to session at 9:22 PM. In consideration of proposed zoning amendments,
15 it is the understanding that the members have until the December meeting to review the amendments
16 and have until 12/10/25 to provide their feedback. Therefore, there is time to review these before the
17 time they are due.

18
19 ***Mr. Katz MOVED to continue the consideration of the 2025-2026 proposed zoning amendments to***
20 ***the December meeting.***

21
22 ***Seconded by Mr. Newlove.***

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

24
25 **5. ADJOURNMENT**

26
27 ***Mr. Katz MOVED to adjourn the meeting at 9:27 PM.***

28
29 ***Seconded by Mr. Burtan.***

30
31 ****The Vote on the Motion was (5-0).***

32
33 Respectfully submitted,
34 Linda Billings, Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM

**Peter Buttrick
61 Crafts Avenue**

To: Zoning Board of Adjustment

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

Date: December 1, 2025 – Regular Meeting

Application Number: ZB2025-25-EW

HEARING NOTICE:

Peter Buttrick, 61 Crafts Ave (Tax Map 58, Lot 88), Zoned R-3: The applicant requests an Equitable Waiver of Dimensional Requirement pursuant to State of New Hampshire RSA 674:33-a and Zoning Ordinance 801.4.B, for the construction of a single-family dwelling +/- 14 ft. from the from the right-side property line, where a minimum of 15 ft. is required. ZB2025-25-EW

SITE DESCRIPTION / BACKGROUND:

The subject property is in the process of being improved with a dimensionally non-conforming 1-family, per Planning Dept. records, and is conforming to the R-3 zoning district, Class 1, minimum lot size requirement, and is not within any overlay district. There has been no previous ZBA action since 1995. The right-side of the home extends +/- 1 ft into the minimum required side yard setback of 15 ft. The 1 ft encroachment into the side yard setback was discovered by the surveyor employed to produce a plot plan for the mortgage holder.

PROPOSAL:

The applicant is requesting an Equitable Waiver pursuant to Section 801.4.B of the Zoning Ordinance and RSA 674:33-a to address the Zoning violation. The Equitable Waiver is sought given that the single-family dwelling has been fully constructed since at least November 2023 at which time the violation was discovered by the Owner's mortgage lender who performed a Zoning compliance review of the property.

RSA 801.4.B REQUIREMENTS:

State of New Hampshire law conveys the power to the Zoning Board to issue an equitable waiver in the event that a good faith error was made, and that the correction of the error far outweighs any public benefit to be gained in correcting the matter. The Applicant has the burden of proof to demonstrate that all the necessary criteria outlined in the law are met, upon which the Zoning Board shall approve the relief.

TITLE LXIV

PLANNING AND ZONING - CHAPTER 674

LOCAL LAND USE PLANNING AND REGULATORY POWERS

Zoning Board of Adjustment and Building Code Board of Appeals - Section 674:33-a

674:33-a Equitable Waiver of Dimensional Requirement. –

I. When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

(a) That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;

(b) That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;

(c) That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

(d) That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

II. In lieu of the findings required by the board under subparagraphs I(a) and (b), the owner may demonstrate to the satisfaction of the board that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected.

III. Application and hearing procedures for equitable waivers under this section shall be governed by RSA 676:5 through 7. Rehearings and appeals shall be governed by RSA 677:2 through 14.

IV. Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

Source. 1996, 226:4, eff. Jan. 1, 1997.

STAFF COMMENTS:

Absent additional testimony or evidence to the contrary, the proposed equitable waiver does not appear to be inconsistent with any of the applicable criteria set forth in §674:33-a provided above.

The four criteria that need to be met by the applicant are listed above.

The second criteria appears to be the element that requires some buttressing with evidence and testimony. Understanding who laid out the house and how they accomplished the task is a key to proving this element.

There are some discrepancies between the deeds that were filed, copies provided, with a corrective deed being filed after the error on the first deed was discovered. The second element is that the rear right pin was missing until it was re-established by the surveyor who was employed to certify the record for this application. If rear right pin was not present at the time of the house being laid out how was that property line established at the time the layout was completed?

Second is the fact that the original site plan approved by zoning during the building application shows that the house was to be approximately 21' from the property line, 6' feet from the setback line and unfortunately it ended up 7' feet from where it was proposed to be. Understanding how this happened is essential to prove the application meets all the standards and especially the (b) criteria.

(b) That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;



Google Maps



61 Crafts Ave



© All EagleView Technology Corporation

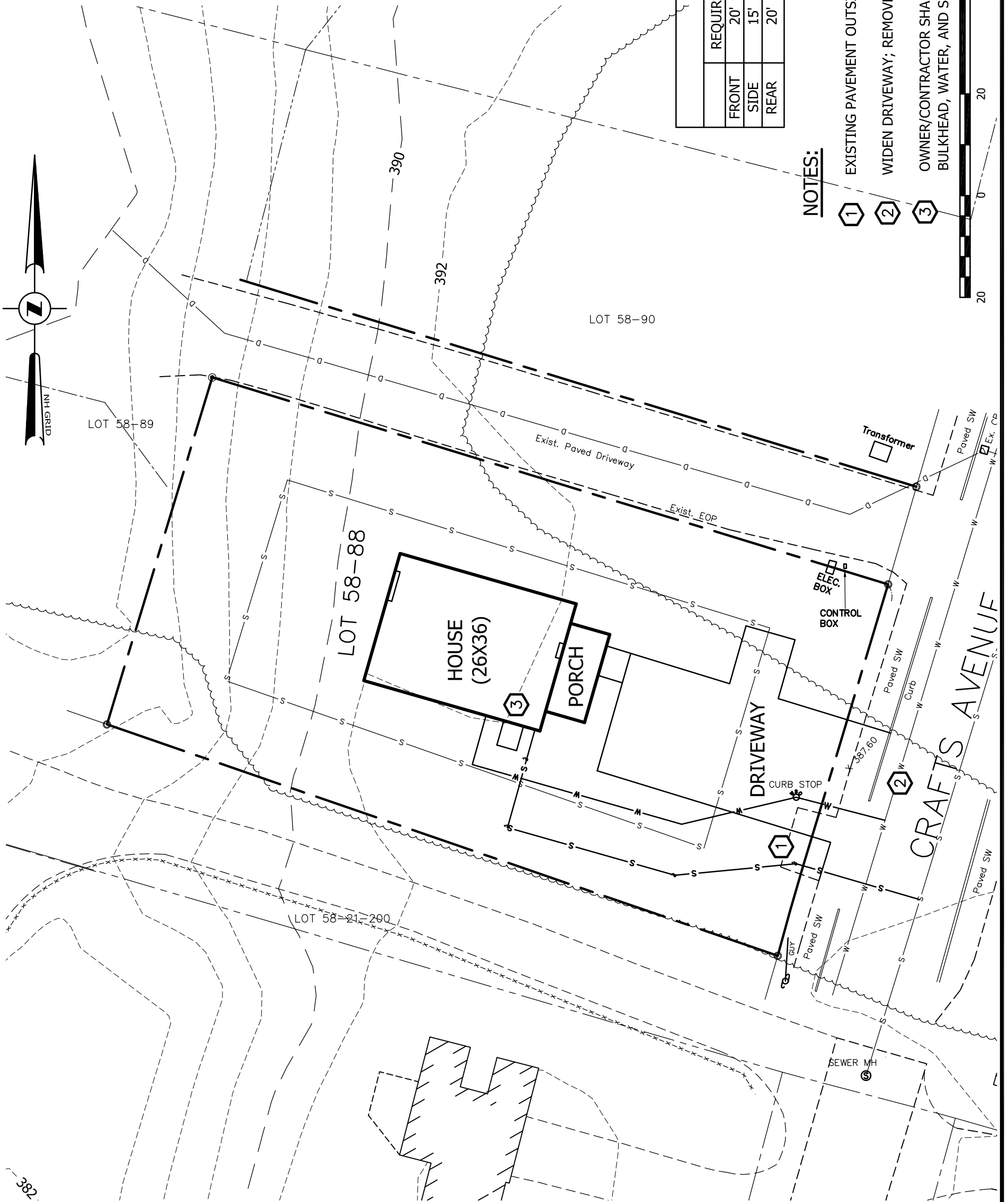
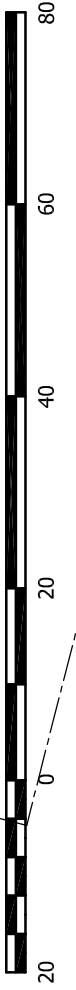
SURVEYED: PATON
DESIGNED: DAN
DRAWN: DAN
CHECKED: DAN
DATE: 11/27/2024
DWG: C:\23003\23003-BA

SK-1

SETBACKS	
REQUIRED	ACTUAL
FRONT	20'
SIDE	15'
REAR	20'
	26' (SOUTH), 21' (NORTH)
	45'

NOTES:

- ① EXISTING PAVEMENT OUTSIDE OF DRIVE TO BE REMOVED.
- ② WIDEN DRIVEWAY; REMOVE CURB, SALVAGE TO DPW.
- ③ OWNER/CONTRACTOR SHALL COORDINATE LOCATION OF BULKHEAD, WATER, AND SEWER SERVICE ENTRANCES.



UPON RECORDING, PLEASE RETURN TO:

E # 22002498 02/23/2022 09:24 AM
Book 4709 Page 257 Page 1 of 2
Register of Deeds, Grafton County



LCHIP FEE GRA174520 25.00
TRANS TAX GR075843 1,875.00

WARRANTY DEED

CAESD, LLC, a New Hampshire limited liability company, having an address of 57 Main Street, West Lebanon, NH 03874, for consideration paid, grants to **PETER BUTTRICK**, a _____ man, having an address of 86 Mitchell Street, Stamford, CT 06902, with **WARRANTY COVENANTS**, a certain tract of land, with any buildings or improvements thereon, situated in West Lebanon, County of Grafton and State of New Hampshire, more particularly shown as **Lot 20** on the plan entitled "Subdivision Plans, River Park, North Main Street (N.H. Route 10) & Crafts Avenue, Lebanon, New Hampshire, Grafton County" issued July 15, 2016, prepared by TFM Engineering, and recorded in the Grafton County Registry of Deeds as Plan #15441 (the "Plan"), said lot being more particularly bound and described as follows:

Beginning at a point on the westerly side of Crafts Avenue being the southerly most corner of the within-described premises; thence along land now or formerly of Tsakiris N 71° 05' 23" W, a distance of 139.40 feet to a point; thence along Lot 21 (as shown on the Plan) N 16° 55' 00" E, a distance of 71.30 feet to a point; thence S 73° 05' 00" E, a distance of 139.00 feet to a point on the westerly side of Crafts Avenue; thence along Crafts Avenue S 16° 55' 00" W, a distance of 58.00 feet to the point of beginning.

Containing 10,249 square feet, more or less.

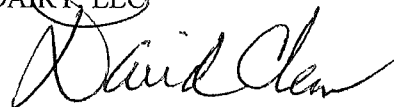
Meaning and intending to describe and convey a portion of the same premises conveyed to Grantor by Warranty Deed of XYZ Dairy, LLC, dated November 25, 2020 and recorded in the Grafton County Registry of Deeds at Book 4579, Page 769.

The foregoing conveyance is made subject to the following: (1) All matters shown, depicted or referred to on the Plan (including but not limited to a drainage easement for the use of others); (2) All utility easements of record (including but not limited to Easement Agreement by and between Grantor and Liberty Utilities (Granite State Electric) Corp., dated December 4, 2020, and recorded in the Grafton County Registry of Deeds at Book 4594, Page 474); and (3) Declaration of Covenants and Restrictions dated January 15, 2021 and recorded in the Grafton County Registry of Deeds at Book 4595, Page 247.

This is not homestead property.

EXECUTED this 17th day of February, 2022.

CAESD, LLC
By Its Manager:
XYZ DAIRY, LLC

By: 
David E. Clem, Manager
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF Crafton

This instrument was acknowledged before me on this 17th day of February, 2022 by David E. Clem, Manager of XYZ Dairy, LLC, Manager of CAESD, LLC. The identity of the subscribing party was determined by (check box that applies and completes blank line, if any):

- My personal knowledge of the identity of said person **OR**
- The oath or affirmation of a credible witness, _____ (name of witness), the witness being personally known to me **OR**
- The following identification documents:
 - Driver's License
 - Passport
 - Other: _____



Notary Public/Justice of the Peace

Name:

My Commission Expires **TODD D. HESS, Notary Public**
State of New Hampshire
My Commission Expires May 1, 2024

UPON RECORDING, PLEASE RETURN TO:

Peter Buttrick
86 Mitchell Street
Stamford, CT 06902

TT: \$0.00

E # 22005595 04/28/2022 10:31 AM
Book 4723 Page 868 Page 1 of 2
Register of Deeds, Grafton County



CORRECTIVE WARRANTY DEED

CAESD, LLC, a New Hampshire limited liability company, having an address of 57 Main Street, West Lebanon, NH 03874, for consideration paid, grants to **PETER BUTTRICK**, a _____ man, having an address of 86 Mitchell Street, Stamford, CT 06902, with **WARRANTY COVENANTS**, a certain tract of land, with any buildings or improvements thereon, situated in West Lebanon, County of Grafton and State of New Hampshire, more particularly shown as **Lot 20** on the plan entitled "Subdivision Plans, River Park, North Main Street (N.H. Route 10) & Crafts Avenue, Lebanon, New Hampshire, Grafton County" issued July 15, 2016, prepared by TFM Engineering, and recorded in the Grafton County Registry of Deeds as Plan #15441 (the "Plan"), said lot being more particularly bound and described as follows:

Beginning at a point on the westerly side of Crafts Avenue being the southerly most corner of the within-described premises; thence along land now or formerly of Tsakiris N 71° 05' 23" W, a distance of 139.40 feet to a point; thence along Lot 21 (as shown on the Plan) N 16° 55' 00" E, a distance of 71.30 feet to a point; thence S 73° 05' 00" E, a distance of 139.00 feet to a point on the westerly side of Crafts Avenue; thence along Crafts Avenue S 16° 55' 00" W, a distance of 58.00 feet to a point; thence continuing along Crafts Avenue, along an arc of a curve having a radius of 520.00 feet, a length of 18.15 feet and a delta of 2° 00' 00", to the point of beginning.

Containing 10,249 square feet, more or less.

Meaning and intending to describe and convey a portion of the same premises conveyed to Grantor by Warranty Deed of XYZ Dairy, LLC, dated November 25, 2020 and recorded in the Grafton County Registry of Deeds at Book 4579, Page 769.

The foregoing conveyance is made subject to the following: (1) All matters shown, depicted or referred to on the Plan (including but not limited to a drainage easement for the use of others); (2) All utility easements of record (including but not limited to Easement Agreement by and between Grantor and Liberty Utilities (Granite State Electric) Corp., dated December 4, 2020, and recorded in the Grafton County Registry of Deeds at Book 4594, Page 474); and (3)


Declaration of Covenants and Restrictions dated January 15, 2021 and recorded in the Grafton County Registry of Deeds at Book 4595, Page 247.

This is not homestead property.

This conveyance is intended to correct the deed of CAESD, LLC to Peter Buttrick, dated February 17, 2022 and recorded in the Grafton County Registry of Deeds at Book 4709, Page 257, which conveyance inadvertently omitted a course in the legal description. Accordingly, the conveyance is not subject to the New Hampshire real estate transfer tax pursuant to RSA 78-B:2, V.

EXECUTED this 25th day of April, 2022.

CAESD, LLC
By Its Manager:
XYZ DAIRY, LLC

By: 
David E. Clem, Manager
Duly Authorized


STATE OF NEW HAMPSHIRE
COUNTY OF Grafton

This instrument was acknowledged before me on this 25th day of April 2022 by David E. Clem, Manager of XYZ Dairy, LLC, Manager of CAESD, LLC. The identity of the subscribing party was determined by (check box that applies and completes blank line, if any):

- My personal knowledge of the identity of said person OR
- The oath or affirmation of a credible witness, _____ (name of witness), the witness being personally known to me OR
- The following identification documents:

- Driver's License
- Passport
- Other:

WILLIAM MANN
NOTARY PUBLIC
State of New Hampshire
My Commission Expires
September 1, 2026


Notary Public/Justice of the Peace
Name: William W. Mann
My Commission Expires: 9/1/26

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

SPECIAL EXCEPTION	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

PROPERTY OWNER (APPLICANT):

NAME: Peter Buttrick TEL.#: [REDACTED]
 MAILING ADDRESS: 2 Coventry Lane, Riverside CT 06878
 E-MAIL ADDRESS: [REDACTED]

CO-APPLICANT, AGENT, OR LESSEE:

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

PROJECT LOCATION:

TAX MAP #: 58 LOT#: 88 PLOT #: 0 ZONE: _____
 STREET ADDRESS: 67 Crafts Ave, Lebanon NH 03782
 IS THIS PROPERTY LOCATED IN THE: WETLANDS YES NO HISTORIC DISTRICT YES NO
 FLOOD PLAIN YES NO

REQUEST DESCRIPTION:

Equitable Waiver to address rear right side of residential building exceeding setback by 10 ft inches.

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: [Signature] DATE: 10/21/25

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: _____ 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) _____, 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.)*

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:

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

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

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:

E. That no hazard or nuisance will be created:

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

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

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

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

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.

Peter Buttrick
2 Coventry Lane
Riverside, CT 06878
203-962-4734

Support Statement for Equitable Waiver

61 Crafts Ave, Lebanon NH 03784

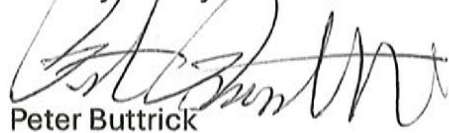
Tax Map # 58 Lot # 88 Plot # 0

I am building a single-family house at 61 Crafts Ave in Lebanon, NH. I am seeking an Equitable Waiver to address the back right corner of my house that exceeds the 15-foot setback requirement by 14 inches.

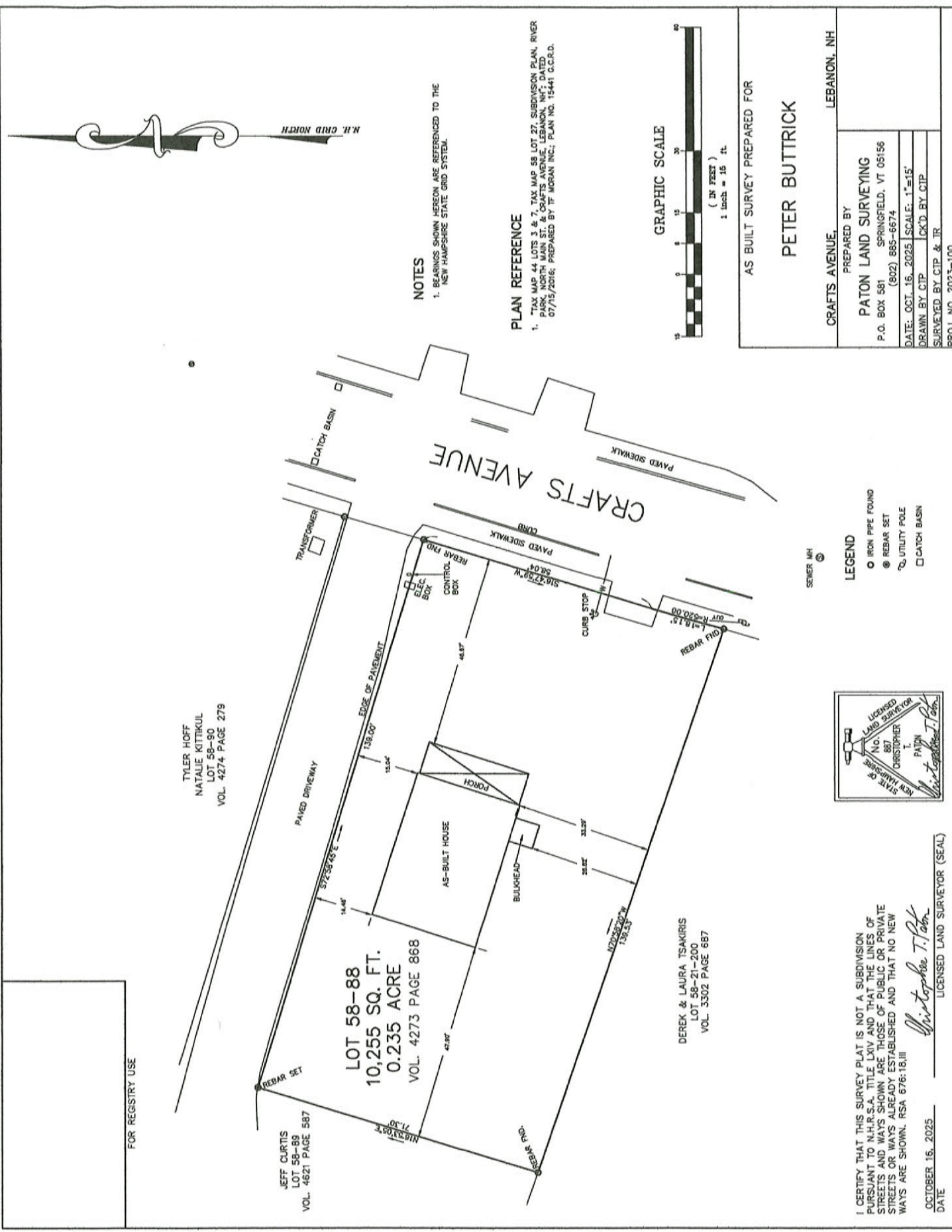
When I purchased the property in February of 2022 the original deed dimensions were different from the corrected deed we received several months later in April 2022 (adding 18 feet to the property but slightly changing the boundary). The pins locating the property boundary were based on the original deed not the corrected. When we received the corrected deed, the pins were never adjusted by the seller to reflect the new property boundary. As such, my builder, Heath Stevens, sited the building with the original pins causing the 14-inch overage of the 15-foot setback requirement.

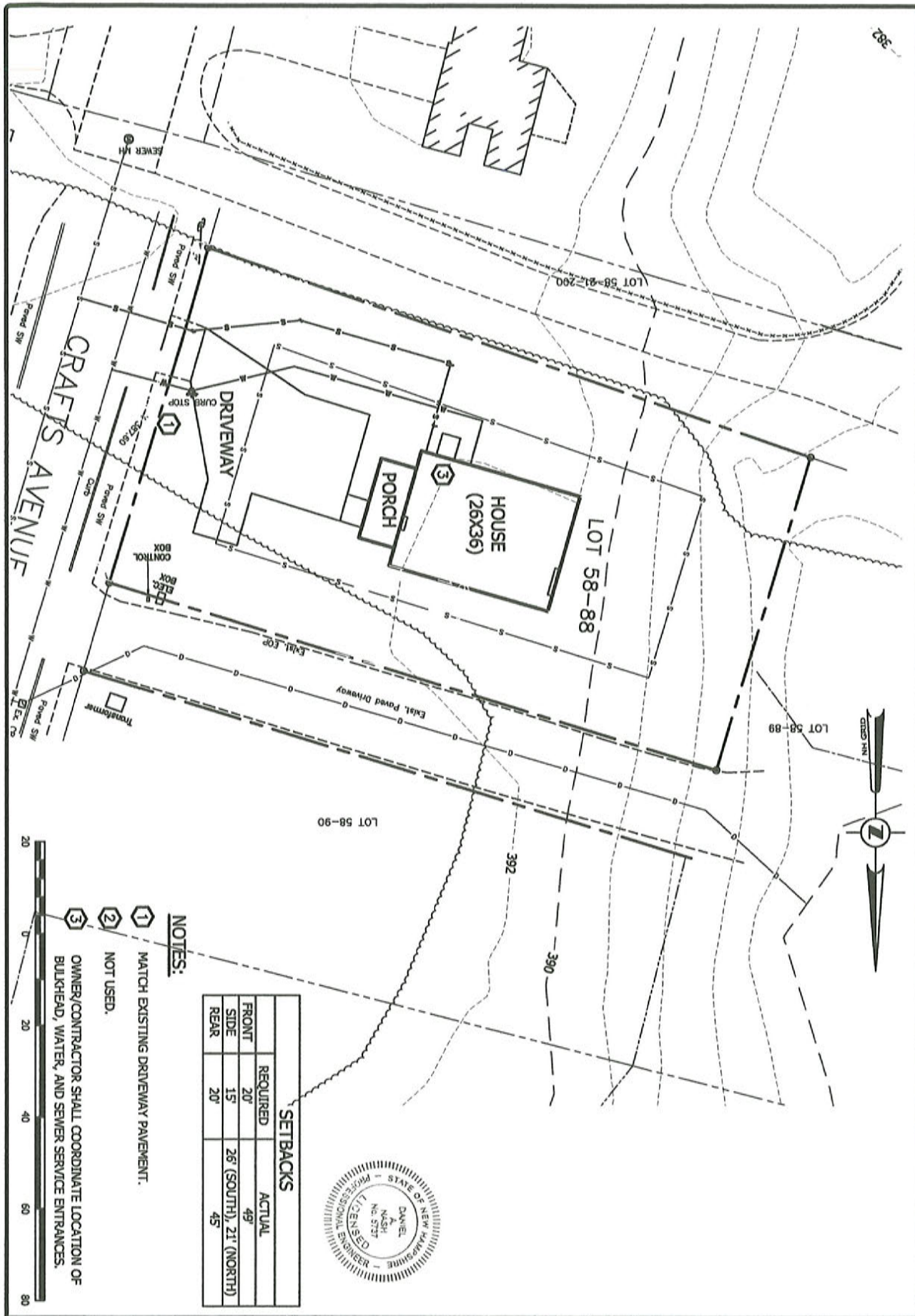
Please accept my apologies for this error.

Thank you for your consideration.



Peter Buttrick





- NOTES:**
- ① MATCH EXISTING DRIVEWAY PAVEMENT.
 - ② NOT USED.
 - ③ OWNER/CONTRACTOR SHALL COORDINATE LOCATION OF BULKHEAD, WATER, AND SEWER SERVICE ENTRANCES.

SETBACKS	
REQUIRED	ACTUAL
FRONT 20'	49'
SIDE 15'	26' (SOUTH), 21' (NORTH)
REAR 20'	45'



ADVANCED GEOMATICS & DESIGN
 105 BANK STREET - PO BOX 512
 LEBANON, NEW HAMPSHIRE 03766
 PHONE: (603) 448-6295
 E-MAIL: advancedgeomatics@comcast.net

SITE PLAN
 FOR
BUTTRICK-KNIGHT
 IN
 WEST LEBANON, NEW HAMPSHIRE

SURVEYED:	PATON
DESIGNED:	DAN
DRAWN:	DAN
CHECKED:	DAN
DATE:	15MAY2025
DWG:	C:\23003\23003-BA

SK-1

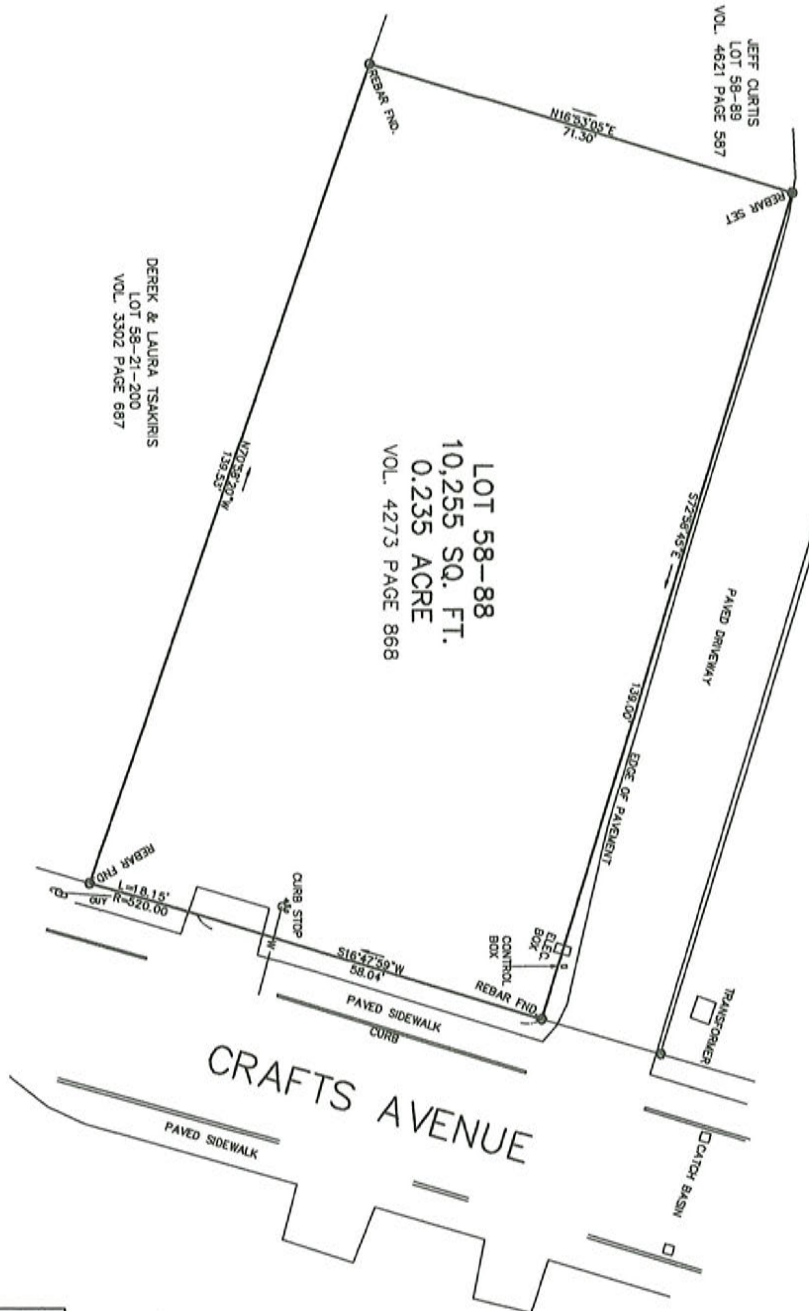
FOR REQUISITE USE

THOMAS HOFF
NATALIE KITTKUL
LOT 58-90
VOL. 4274 PAGE 279

JEFF CURTIS
LOT 58-89
VOL. 4621 PAGE 587

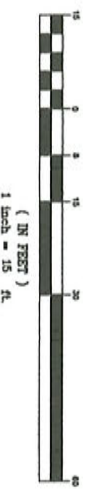
LOT 58-88
10,255 SQ. FT.
0.235 ACRE
VOL. 4273 PAGE 868

DEREK & LAURA TSAKRIS
LOT 58-21-200
VOL. 3302 PAGE 687



NOTES
1. BEARINGS SHOWN HEREON ARE REFERENCED TO THE NEW HAMPSHIRE STATE GRID SYSTEM.

PLAN REFERENCE
1. TAX MAP 44 LOTS 3 & 7, TAX MAP 58 LOT 27, SUBDIVISION PLAN, RIVER PARK, NORTH MAIN ST. & CRAFTS AVENUE, LEBANON, NH, DATED 07/15/2016; PREPARED BY TF MORAN INC.; PLAN NO. 19441 G.C.R.D.



BOUNDARY SURVEY PREPARED FOR

PETER BUTTRICK

CRAFTS AVENUE, LEBANON, NH

PREPARED BY

PATON LAND SURVEYING

P.O. BOX 581 SPRINGFIELD, VT 05156
(802) 885-6674

DATE: JULY 17, 2023 SCALE: 1"=15'

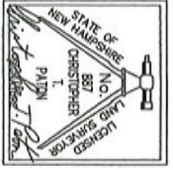
DRAWN BY CTP CKD BY CTP

PROJ. NO. 2023-100

LEGEND

- IRON PIPE FOUND
- REBAR SET
- UTILITY POLE
- CATCH BASIN

SEWER MH



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 676:18, III

JULY 17, 2023
DATE

LICENSED LAND SURVEYOR (SEAL)



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

**ZONING BOARD OF ADJUSTMENT
DRAFT DECISION – ZB2025-25-EW
December 2, 2025 – Regular Meeting
Peter Buttrick - 61 Crafts Avenue**

**DRAFT MOTION for:
Agenda Item 3.A
Case ZB2025-25-EW
Request for Equitable Waiver per RSA 674:33-a**

Motion made by: _____

On December 2, 2024, at a duly noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding 61 Crafts Ave (Tax Map 58, Lot 88), Zoned R-3: The applicant requests an Equitable Waiver of Dimensional Requirement pursuant to State of New Hampshire RSA 674:33-a and Zoning Ordinance 801.4.B, for the construction of a single-family dwelling +/- 14 ft. from the from the right-side property line, where a minimum of 15 ft. is required.

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 in the process of being developed with a single-family residence.
2. At this time, the applicant is seeking an Equitable Waiver per State of New Hampshire Code §674:33-a and section §801.4.B of the Zoning Ordinance to permit a +/- 1' side yard encroachment into the required 15' setback.
3. In order to grant an Equitable Waiver, the applicant must demonstrate that the proposal meets the §674:33-a criteria. The applicant has submitted testimony addressing the Equitable Waiver criteria in an application received by the Planning & Development Department on October 27, 2025.

4. _____

5. _____

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 Equitable Waiver criteria set forth in §674:33-a of the New Hampshire Code:

1. That the violation **was / was not** noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;

2. That the violation **was / was not** an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;

3. That the physical or dimensional violation **does / does not** constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

4. That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far **outweighs / does not outweigh** any public benefit to be gained, that it **would be / would not be** inequitable to require the violation to be corrected.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 2nd day of December 2025, hereby **GRANTS / DENIES** the requested Equitable Waiver pursuant to State of New Hampshire RSA 674:33-a and Zoning Ordinance 801.4.B to allow the construction of a single-family dwelling +/- 14 ft. from the from the right-side property line, where a minimum of 15 ft. is required, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

- 1. _____
- 2. _____
- 3. _____

4. _____

Motion seconded by: _____

Vote: _____



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

STAFF MEMORANDUM

**Mark & Mary Manikian
69 NH Route 4A**

To: Zoning Board of Adjustment
Prepared By: Nathan Reichert, *Director of Planning & Development* and *Zoning Administrator*
& Tiffany Adams, *Zoning Executive Assistant*
Date: December 2, 2025 – Regular Meeting
Application Number: ZB2025-26-VAR

HEARING NOTICE:

Mark & Mary Manikian, 69 NH Route 4A (Tax Map 84, Lot 46), Zoned RL-2: The applicants request two Variances from Section 313.3, pursuant to Section 801.2 of the Zoning Ordinance, to allow a garage to be built +/- 7.5 ft from the front property line where 40 ft is required, and to allow +/- 30% building coverage on the lot where 20% is allowed. ZB2025-26-VAR

SITE DESCRIPTION / BACKGROUND:

The subject property is improved with a dimensionally non-conforming 1-family home constructed in 1990, per the City Assessor's records, is non-conforming to the RL-2 zoning district, Class 1, minimum lot size requirement of 1 acre with +/- 0.14 acre, and is not within the NH Shoreland Protection and is partially within the FEMA Flood Zone overlay districts. The lot has an average depth of +/- 50 ft. Previous ZBA action includes 2020 approval of a Variance to allow a porch to be built within the required 40 ft front yard setback.

PROPOSAL:

The applicants propose to build a 26 ft x 20 ft garage +/- 7.5 ft away from the front property line. The addition of a garage will increase lot coverage from the existing 22% to 30%.

ZONING ORDINANCE REQUIREMENTS – VARIANCE:

To obtain the requested Variance from Section §313.3, the applicant must demonstrate compliance with each of the five Variance Criteria as set forth in Section §801.2 of the Zoning Ordinance and NH RSA 674:33, I(b). The five criteria are stated in the bold text below, followed by general staff commentary on the meaning and intent of each.

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

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

3. Is substantial justice done? According to the Board of Adjustment in NH, 2012 Edition, Board

members must determine each case individually. They suggest that perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.


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

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

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

STAFF COMMENTS: Staff has no comment concerning this application.

Lebanon, New Hampshire

 Google Street View

Sep 2023 [See more dates](#)



Image capture: Sep 2023 © 2025 Google

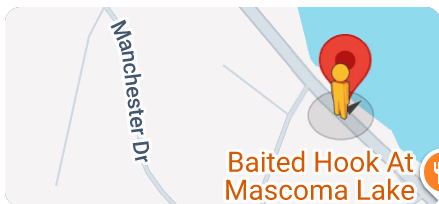
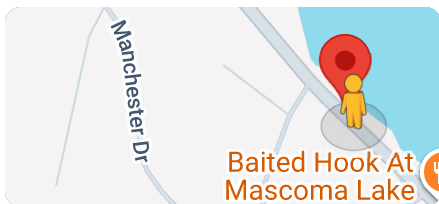




Image capture: Sep 2023 © 2025 Google



69 NH 4A



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

SPECIAL EXCEPTION	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	REHEARING REQUEST
EQUITABLE WAIVER	<input type="checkbox"/>	<input type="checkbox"/>	

PROPERTY OWNER (APPLICANT):

NAME: MANIKIAN, MARK C. + Mary E TEL#: [REDACTED]
 MAILING ADDRESS: P.O. Box 1134, LEBANON, NH 03766
 E-MAIL ADDRESS: [REDACTED]

CO-APPLICANT, AGENT, OR LESSEE:

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

PROJECT LOCATION:

TAX MAP #: 84-46 LOT#: 5766 PLOT#: 4481 ZONE: RL2
 STREET ADDRESS: 69 NH RT 4A
 IS THIS PROPERTY LOCATED IN THE: **WETLANDS** YES NO **HISTORIC DISTRICT** YES NO
FLOOD PLAIN YES NO

REQUEST DESCRIPTION:

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 12-1-25, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

Owner Signature: Mary E Manikian DATE: 11-5-25

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: _____ DATE: _____

SUPPORT STATEMENT FOR A VARIANCE

1. NHDOT has determined that there are no safety issues with a garage in the proposed location (copy attached). Construction of the garage built to NHDES lake friendly standards will significantly lessen any negative impact our property currently has into Mascoma Lake, the City of Lebanon water supply.
2. Construction of this detached garage will have no impact on light, air circulation or visual impairment on neighbors. The only impacted neighbor's property line is 57' from the proposed site and isolated by a line of conifers taller than the proposed garage.
3. With the harsh winter conditions on our lake and NH considering garages a common amenity, we would consider it to be an injustice to deny a garage to 80 year old homeowners when garages are common in the neighborhood and construction of the garage will have no negative impact on the neighborhood or the general public.
4. The construction of the garage will enhance the the value of the property, and therefore the value of the neighborhood.
5. We have a non-conforming legacy lot which is common to our neighborhood but not to the city in general. Historically homes in our locale have been allowed to build garages because of their necessity for safety issues (dealing with snow and ice).

11-5-25

Zoning Board of Appeals

Board members:

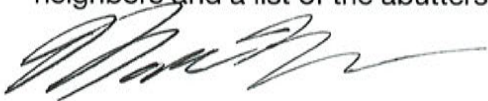
We are proposing to construct a freestanding 26x20' garage with no plumbing nor sewer system. We are now in our 80's and it has become increasingly difficult to deal with the harsh NH winters. We have applied to and received a permit from NHDES for our project with the stipulation that we place the garage with the front in line with our existing porch in order to place the back out of the 20 ft buffer zone to the lake.

We have been informed by the Lebanon Building Department that construction of our proposed garage will require two variances. The first for the front setback and the second for the percentage of under roof coverage.

In regards to the first variance, we request that this be granted because NHDES requires it's placement. Also, NHDOT has looked at the plans and has found no safety issues with the proposed location. A copy of their evaluation is attached.

In regards to the second variance, we realize that we have a non-conforming legacy lot. The existing non-pervious percentage coverage (NH criteria for pervious/non-pervious ratio) is already over the stipulated amount at 22.6%. The construction of the garage and the subsequent landscaping of the property, also required by NHDES, will actually lower the percentage of the non-pervious area to 21.9%. NHDES found this to be favorable. With respect to the City of Lebanon's criteria, construction of the garage will increase the roofed area of the lot from .22% to .3%. This increase is minimized by the lake friendly construction of the garage which will eliminate a large organic area adjacent to the lake.

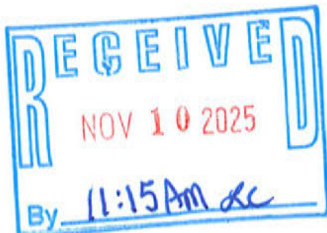
Attached is our application, a copy of our NHDES permit, pictures of the site (jpeg files are available), a scaled site plan, a site plan with highlighted setbacks, a front view of the proposed structure which is in keeping with the style of the main house, letters from our immediate neighbors and a list of the abutters.



Mark C Manikian



Mary E Manikian



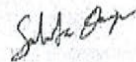
THE FOLLOWING STANDARD PROJECT CONDITIONS SHALL BE MET PURSUANT TO ENV-WQ 1406.20:

1. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700, and the requirements in Env-Wq 1404.01(a) and(b).
4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
5. For any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the approved plans; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:

1. During construction, a copy of this permit should be posted on site in a prominent location visible to inspecting personnel.
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
3. Pursuant to Env-Wq 1406.21, transfer of this permit to a new owner requires notification to, and approval of, NHDES.
4. This project has been screened for potential impact to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

APPROVED:



Salvatore Ferragine
Shoreland Permitting, Shoreland Program
Wetlands Bureau, Land Resources Management
Water Division

THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE PARTIES BELOW (Env-Wq 1406.21(c))



PERMITTEE SIGNATURE (required)

PRINCIPAL CONTRACTOR SIGNATURE (required, if any)

10-16-25

Zoning Board of Appeals
51 North Park St.
Lebanon, NH 03766

Board Members:

I Live at 73 US Rt 4A, Lebanon, NH 03766, next door to the Manikians. I. Have seen the plans for the proposed garage and although it will be toward my home, I have no objections.

Jeffrey V. Cyr 10/16/2025

Jeffrey Cyr

10-16-25

Zoning Board of Appeals
51 North Park St.
Lebanon, NH 03766

Board Members:

We live at 67 NH Rt 4A, Lebanon, NH 03766, next door to the Manikians. We have seen the plans for their proposed garage and have no objections.

Gary Parent

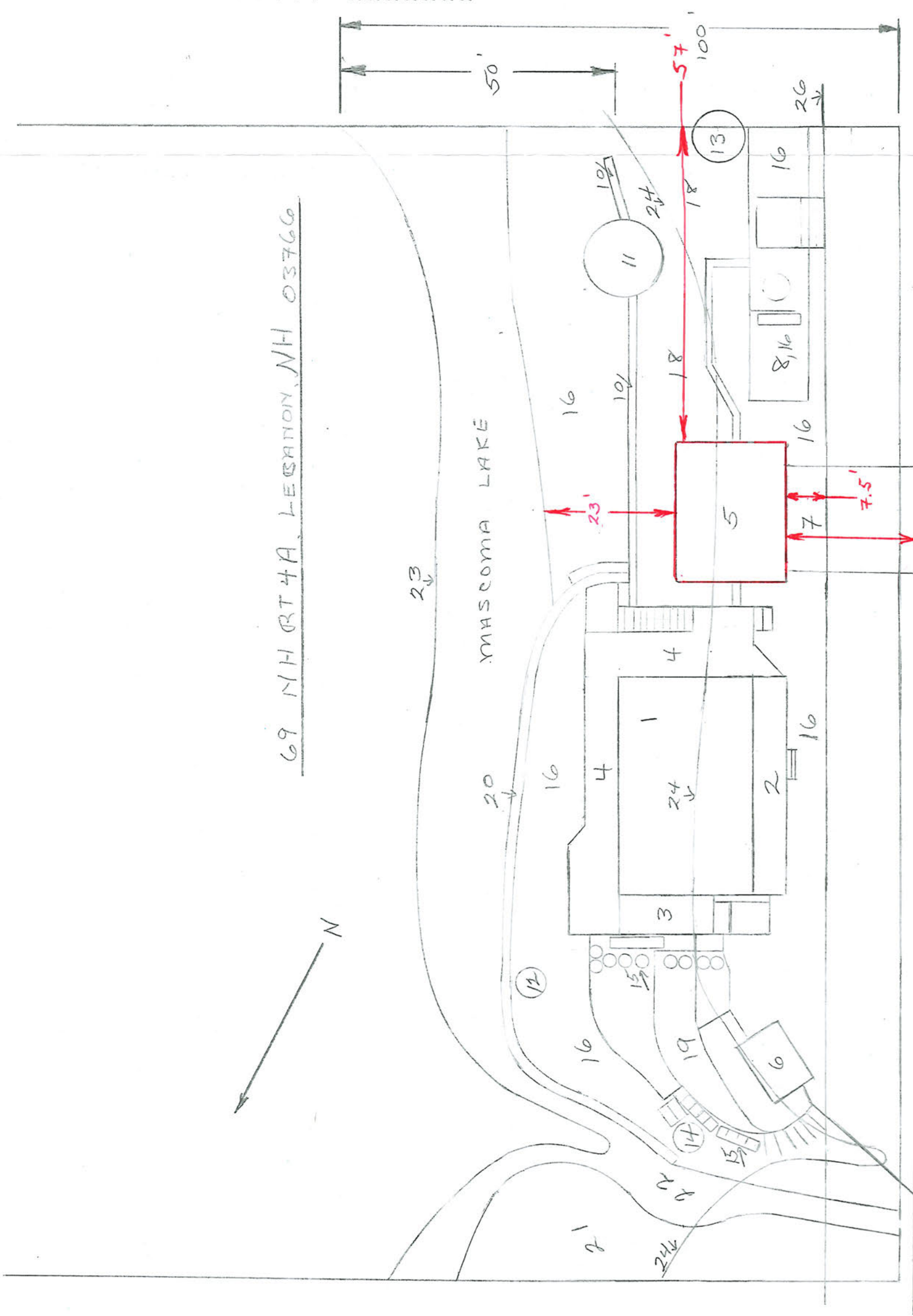
 10/16/25

Sharon Parent

 10/16/25

LEGEND

1. House 39.33'x24'
2. Covered Deck 6'x39.33'
3. Covered Deck 7.25'x16.5'
4. Open Deck
5. Proposed Garage 26'x20'
6. Shed 12.25'x8.25'
7. Proposed Driveway 20'x20'
8. City Sewer Easement 10' x 50'
9. Storm Drain
10. Proposed Wall 56'x.67'&12.5'x.67'
11. Dappled Willow
12. 4 Maple Trees
13. Cedar Tree
14. 6 Ash Trees
15. Stone Stairs
16. Grass
17. Gravel
18. Perennial Garden
19. Perennial garden with open rock terracing walls
20. Lake Wall
21. Woods
22. Storm Drain Easement
23. Reference Line
24. 50' Line
25. 100' Line
26. Front Property Line



69 NH RT 4A, LESANON, NH 03766

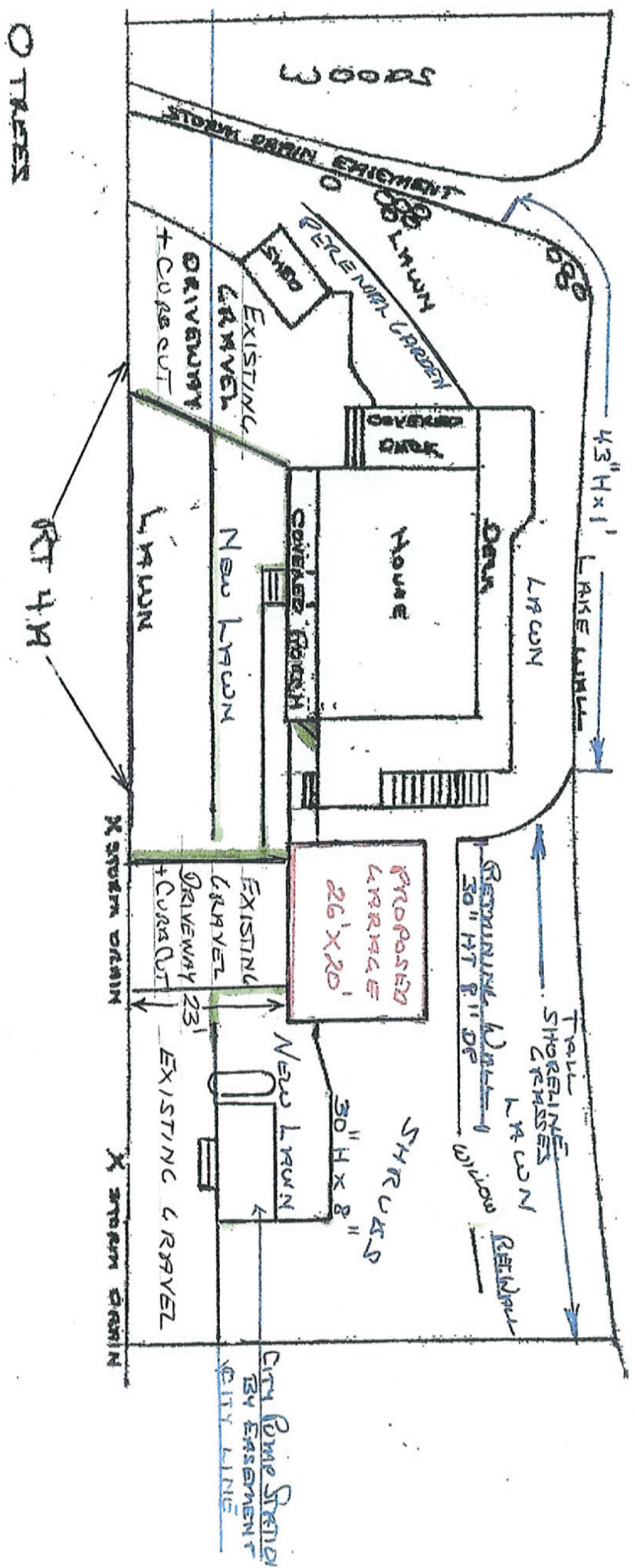
RT 4A

SCALE 1:20

69 NH RT 4A, LEBANON, NH 03766



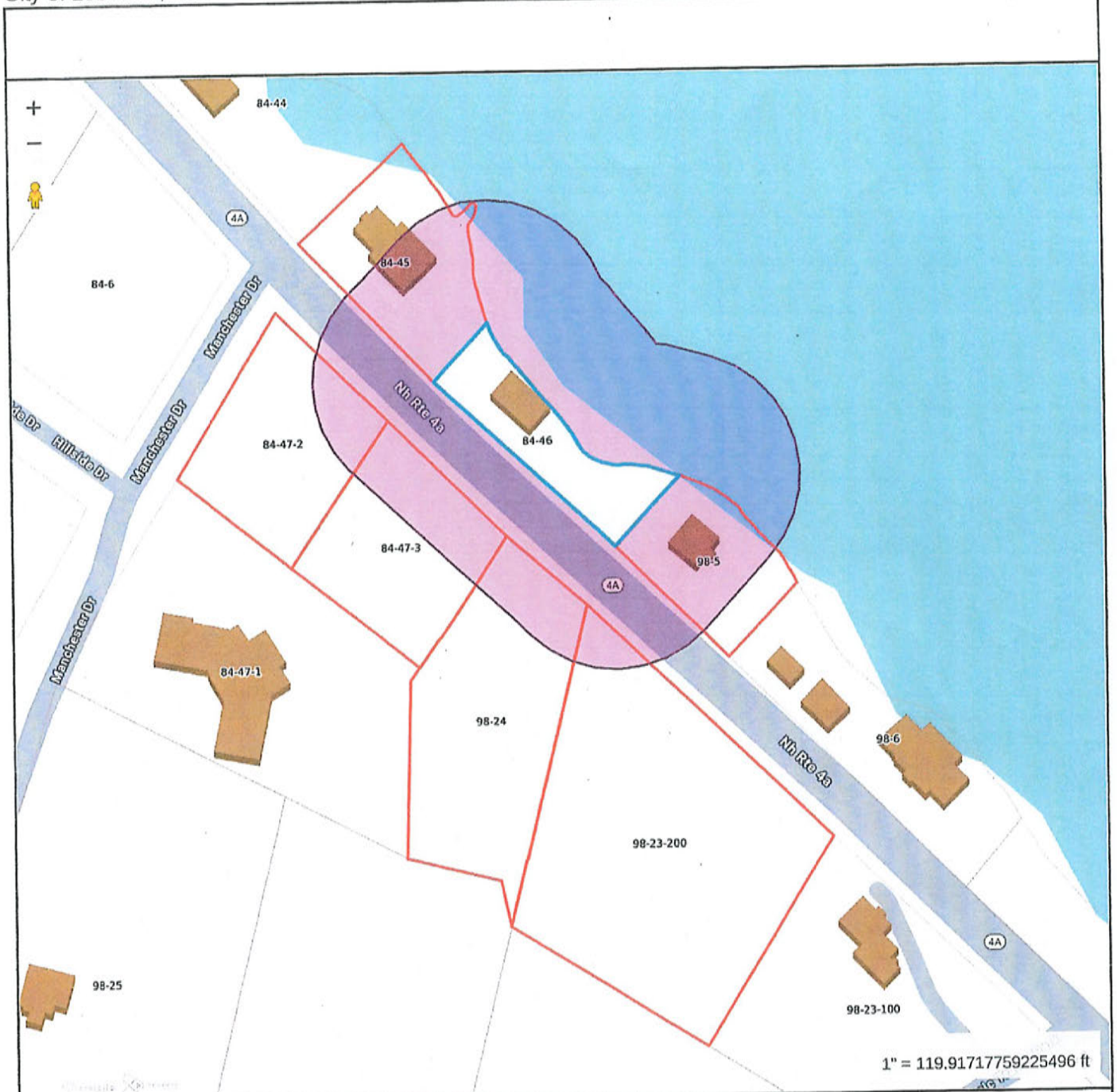
MRS GOMER LAKE



O TREES

RT 4A

SCALE 1:20



Property Information

Property ID 84-46
 Location 69 NH ROUTE 4A
 Owner MANIKIAN, MARK C & MARY E TTEES

**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.
 Geometry updated 01/30/2025
 Data updated 11/18/2018

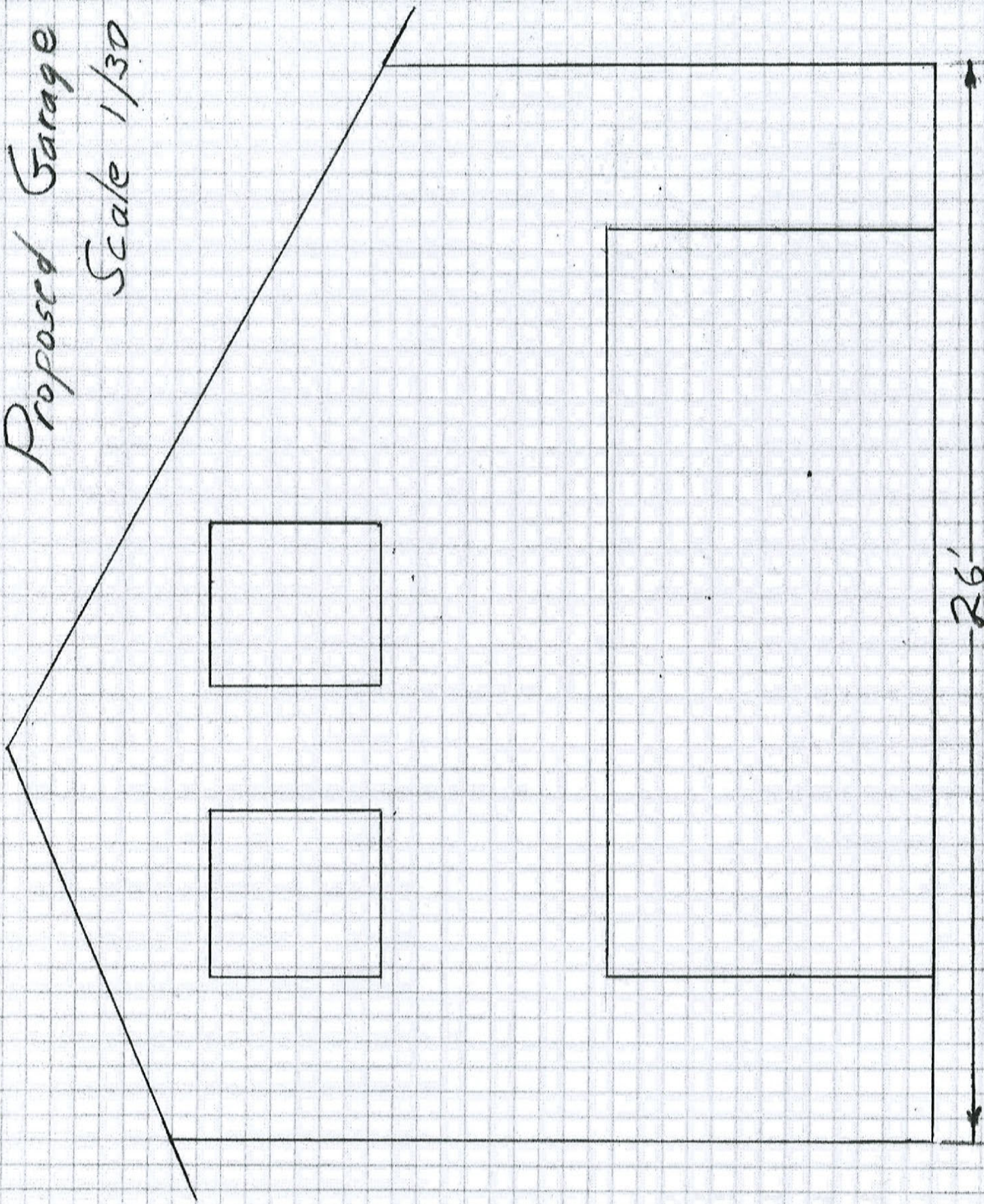
Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.





Proposed Garage

Scale 1/30





CITY OF LEBANON ~ PLANNING & DEVELOPMENT

**ZONING BOARD OF ADJUSTMENT
DRAFT DECISION – ZB2025-26-VAR
December 2, 2025 - Regular Meeting
Mark & May Manikian – 69 NH Route 4A**

DRAFT MOTION for:
Agenda Item 3.B
Case ZB2025-26-VAR
Request for Variance from Section §313.3

Motion made by: _____

On December 2, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared _____ regarding , 69 NH Route 4A (Tax Map 84, Lot 46), Zoned RL-2: The applicants request two Variances from Section 313.3, pursuant to Section 801.2 of the Zoning Ordinance, to allow a garage to be built +/- 7.5 ft from the front property line where 40 ft is required, and to allow +/- 30% building coverage on the lot where 20% is allowed.

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 1990. At +/- 0.14 acres the lot is non-conforming to the 1-acre minimum lot size required for Class 1 lots in the RL-2 District.
2. The single-family home is dimensionally non-conforming on both the front and rear sides.
3. The proposed garage will be dimensionally non-conforming and will be located +/- 7.5 ft from the front property line bordering Route 4A.
4. The proposed garage will increase the building coverage on the lot from +/- 22% to +/- 30%.
5. The applicant submitted testimony addressing section §801.2 Variance criteria in an application received by the Planning and Development Department on November 10, 2025.
6. To obtain the requested Variance from section §313.3, 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).

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 Variance criteria set forth in section §801.2 of the Zoning Ordinance

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

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

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

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

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

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

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

III. DECISION

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

1. hereby **GRANTS / DENIES** the Variance from Section §313.3, pursuant to Section §801.2 of the Zoning Ordinance to allow garage to be placed +/- 7.5 ft from the front property line where 40 ft is required, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

a. The Applicant shall apply for a building permit.

b. _____

c. _____

2. hereby **GRANTS / DENIES** the Variance from Section §313.3, pursuant to Section §801.2 of the Zoning Ordinance to allow +/- 30% lot coverage where a maximum of 20% is allowed, as set forth above and per testimony, plans, and materials submitted, and per the following conditions:

a. The Applicant shall apply for a building permit.

b. _____

c. _____

Motion seconded by: _____

Vote: _____

**Meeting Schedule
Lebanon Zoning Board of Adjustment
2026**

Meeting Date	Application Due Date
January 5, 2026	December 8, 2025
February 2, 2026	January 12, 2026
March 2, 2026	February 9, 2026
April 6, 2026	March 9, 2026
May 4, 2026	April 13, 2026
June 1, 2026	May 11, 2026
July 6, 2026	June 8, 2026
August 3, 2026	July 13, 2026
*September 8, 2026	August 10, 2026
October 5, 2026	September 14, 2026
November 2, 2026	October 12, 2026
December 7, 2026	November 9, 2026

The Zoning Board meets on the 1st Monday of every month at 7:00 pm unless otherwise * noted. Special meetings may be required and will be scheduled accordingly.

* Meeting day changed due to a Monday holiday.

DRAFT PROPOSAL For Initial Site Plan Regulations:

Add under Section 5.1, Drawings and Other Submittals, subsection 4.e (Table Form Information) after existing subsection (5) concerning parking and renumber remaining subsections, or after the last sub-subsection (13):

(X) Number of any off-street parking spaces initially to be EVSE-Installed, EVSE-Ready, EVSE-Capable, and EVSE-Planned, as described in the City’s Zoning Ordinance, respectively.

Also under Section 5.1, as part of or following subsection 21 (concerning construction details including parking):

XX. A plan showing which spaces are designated as EVSE-Installed, if any, EVSE-Ready, EVSE-Capable, and EVSE-Planned, as ~~described those terms are defined~~ in Appendix A of the City’s Zoning Ordinance. The plan shall indicate where electrical circuit breaker panels will be provided initially, and in the future for EVSE-Planned spaces, whether generally within buildings or outdoors as shown on a site plan. The plan shall also indicate where conduit to serve such panels and spaces will initially be provided and where conduit capacity (such as shared with site lighting) and sleeves will initially be provided for EVSE-Planned spaces to avoid the future need to cut through solid walls and floor slabs or excavate under hard surfaces such as pavement, concrete, sidewalks, and curbs for eventual conversion of EVSE-Planned spaces to EVSE-Capable or EVSE-Ready spaces as future demand may require. The plan shall also include a description of planned triggers for such future upgrades and may include annual reporting to the Planning Department of the number of dwelling units, tenants, or residents using EV charging on site and the number of EVSE-Ready or EVSE-Installed spaces provided.

Commented [TC1]: Not sure what this means

Commented [TC2]: The “EVSE-Planned” spaces?

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Commented [TC3]: So “conduit capacity” is different from the “conduit” highlighted in yellow?

Commented [TC4]: I think I understand the concept, but I’m not sure I understand this parenthetical where it appears in this sentence...

Commented [TC5]: I’m not in favor of this provision, but there is a desire to keep it, it’s not clear what is meant by “may”.



ZONING BOARD OF ADJUSTMENT
STAFF MEMORANDUM
Survey Rule

To: Zoning Board of Adjustment
Prepared By: Nathan Reichert, Director of Planning & Development and Zoning Administrator and Tiffany Adams, Zoning Executive Assistant
Date: December 1st 2025 – Regular Meeting
Re: Proposed Zoning Application Survey Requirement

The Zoning Staff have experienced significant difficulty with the administration of Zoning Board Applications and approvals in recent months. The cooperative effort between Zoning Staff and the Building Inspectors has discovered several significant concerns involving Zoning Board applications that were not based on facts, but rather on the estimates and guesses of landowners. We have discovered multiple examples of projects that were not documented to the Zoning Board based on actual and verified property lines. This has led to incorrect placement of structures and the subsequent need for Equitable Waivers to be granted. Consequently, staff recommends the Zoning Board require verifiable fact-based applications to be submitted to the Board.

Applicants will undoubtedly push back as they seek to avoid either the time and costs involved with obtaining a proposed site plan stamped by a New Hampshire Licensed Land Surveyor or the extra effort of verifying the existence and location of property pins. However, these obligations must be weighed against the Board's need to make fact-based decisions. Given the Zoning Board's quasi-judicial role, it has an obligation to base its decisions on fact not mere assertion. There is a transaction cost for an applicant to apply for and potentially receive an exception from the rules in the form of a dimensional variance. The applicant must weigh the benefit of receiving a variance vs. the obligations and costs required to obtain one.

Thus, staff is asking the Zoning Board to consider raising the bar of fact-finding relative to a Zoning Board application and to begin requiring an applicant to unequivocally demonstrate the facts of their application. This demonstration can come in one of two ways. The most effective will be to require a stamped New Hampshire Licensed Land Surveyor to provide a land survey as a requirement of an application. A licensed professional designer such as a Licensed PE or an Architect can reference a survey within the scope of their work, however, an underlying survey from an LLS is still required to demonstrate a factual basis for the work.

Residential owner rights can be maintained by allowing a residential application to be completed by which they demonstrate to the satisfaction of the Zoning Official that they can adhere to the plan. With a series of pictures, observations, and measurements a property line(s) can be

adequately documented. In these cases, a property owner must be able to locate property pins on the ground and document where the property line is for the Board's consideration.

For example, when an owner is requesting a Variance to construct a building within the minimum yard, the property line at issue must be established by the owner by locating the pins/monuments that establish the location of that line on the ground and/or by locating the features (e.g., tree, rock, etc) referenced as marking the endpoints of the property line. . When found, the applicant can take a photo of the pin/monument/feature for the record. A string can then be run between the pins/monuments/features to approximate the line. Measurements from the line to the proposed setback can then be staked and documented. Photos demonstrating this effort can be submitted with applicable drawings for review to the Zoning Official's satisfaction and then included in the application for the Board's consideration. This documentation scenario provides documented factual proof that the request is verifiable and based on actual conditions not estimates or best guesses. If there are no property pins or monuments, or if the topography is unyielding, or if measurements cannot be made with this simplified method, then a surveyor must be required. The determination to require a surveyor is left to the Zoning Official.

Proposed Survey Rule:

A residential use applicant to the Zoning Board shall provide field verifiable documentation of the property boundaries as a necessary element of a complete application. A Zoning Board application shall include either a survey stamped by a New Hampshire Professional Land Surveyor or field verifiable documentation of the property line for which relief is sought - to the satisfaction of the Zoning Official.

A commercial use applicant to the Zoning Board shall provide field verifiable documentation of the property boundaries as a necessary element of a complete application. A Zoning Board application shall include survey stamped by a New Hampshire Professional Land Surveyor.

Proposed As-built Rule:

As a part of the Zoning Board's deliberations, a determination shall be made to require or not require an As-Built drawing demonstrating adherence with the approval and stamped by a New Hampshire Professional Land Surveyor. The Zoning Official shall establish an item checklist for the as-built drawing and verify the drawing's adherence to the same list.