

FINAL

**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. 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.

2. APPROVAL OF MINUTES

A. January 16, 2025

Mr. Morris was given voting privileges for this motion.

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

Seconded by Mr. McDonough.

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

B. September 2, 2025

Mr. Burtan was given voting privileges for this motion.

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

Seconded by Mr. Burtan.

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

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

3. PUBLIC HEARING ITEMS

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

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

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

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

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

Chair Koppenheffer opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

Hearing no one else, the public hearing was closed.

Mr. Burtan was appointed a voting member for this hearing.

Mr. Katz MOVED on November 3rd, 2025, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Ke Zhang regarding 27 Gilson Rd (Tax Map 4, Lot 50), Zoned R-3: The applicant requests a Special Exception from Section 310.2, pursuant to Section 801.3, of the Zoning Ordinance to allow a two-family dwelling by conversion of an existing one-family dwelling. ZB2025-23-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 applicant has submitted testimony addressing Section §801.3 criteria in an application received by the Planning & Development Dept. on October 13, 2025.
2. As described in the application, the applicant proposes to convert an existing one-family dwelling to a two-family dwelling.
3. The subject property is improved with a one-family, +/- 4,000 sq ft, dimensionally conforming dwelling constructed in 1970.
4. There are no known existing zoning violations on the property.
5. Abutters William Bailey, Talia Manning and Julie Jacobs testified in opposition to the application.
6. Lee Hayes chief code enforcement officer of the City of Lebanon testified with information about code requirements within the City.

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 §801.3 of the Zoning Ordinance:

1. The Special Exception is specifically authorized by Section §801.3 of the Zoning Ordinance.
2. The following criteria of Section §801.3 **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 3rd day of November, 2025, hereby **GRANTS** the requested Special Exception to allow a two-family dwelling by conversion of an existing one-family dwelling pursuant to Section §801.3 of the Zoning Ordinance to allow 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 two-family structure.

Seconded by Chair Koppenheffer.

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

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

Mr. Newlove and Mr. McDonough vote nay.

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

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

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

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

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

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

I. FINDINGS OF FACT

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

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

II. CONCLUSIONS OF LAW

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

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

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 3rd day of November, 2025, hereby **GRANTS** the requested Special Exception to allow the expansion of the existing non-conforming office use by constructing a one-story, 725 sq ft addition to the existing office building pursuant to Section §702.5 of the Zoning Ordinance to allow 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 structure.
2. The project shall be completed substantially in accordance with the plans and testimony they submitted before this board.

Seconded by Mr. Newlove.

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

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

4. STAFF COMMENTS

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

Mr. Burtan was appointed a voting member for this motion.

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

Seconded by Mr. Burtan.

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

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

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

Seconded by Mr. Newlove.

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

5. ADJOURNMENT

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

Seconded by Mr. Burtan.

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

Respectfully submitted,
Linda Billings, Recording Secretary