

FINAL

**LEBANON ZONING BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE  
TUESDAY, February 3, 2026  
7:00 PM**

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

**MEMBERS ABSENT:** Michael Morris (alternate)

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

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**1. CALL TO ORDER**

Chair Katz called the meeting to order at 7:01 PM.

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

**Mr. Burtan was given voting privileges for the meeting.**

**2. APPROVAL OF MINUTES**

**A. January 5, 2026**

*Mr. McDonough MOVED to approve the January 5, 2026, minutes as presented in the February 3, 2025 packet.*

*Seconded by Mr. Burtan.*

*\*The Vote on the Motion was (3-0-1).*

Mr. Burtan abstained because he was not present for the meeting.

**3. PUBLIC HEARING ITEMS**

- A. *Stenger Craft Properties, LLC, 162 N Main St (Tax Map 59, Lot 18), Zoned R-3:*** The applicant requests a Variance from Section 310.2, pursuant to Section 801.2, of the Zoning Ordinance, to allow a retail use to occupy +/- 2,450 sq ft within the existing office building.  
ZB2026-01- VAR

Nathan Reichert disclosed that he is a customer of Simple Energy and believes it will not cloud his judgement.

Rob Stenger and Kinson Craft, the owners of Simple Energy, appeared on behalf of the application.

Procedurally, a normal contingency of the Board is 5 members. It requires 3 votes to approve an application. If there are fewer than 5 members of the Board present, the applicant can postpone the hearing without any stipulations. The applicants chose to proceed.

Mr. Stenger spoke to the application. They began their business in 2006. Over the years they have expanded to several different locations to include more parking. Currently they own the building and operate the business at 162 Main St. in West Lebanon. They continue to own 112 Main Street. The building at 162 Main Street has been used as an office building and they have some excess space. They are in the business of providing propane for heating and for a small percentage of their work, providing outdoor living and other apparatuses using propane. They have some of those items on display at their building as customers like to see items like generators, replacement boilers, water heaters, heat pumps, outdoor living equipment and hearths before buying them. Last summer it was brought to their attention that operating that type of business requires additional permits and permission for the intended use of the property. They have ensured that the necessary standards are a part of the building, as well as applying for the variance for the retail space. Retail sales are not the core of their business, but they have found it satisfies a desirable need for their customers. The building has been freshened up since it was originally built, but it essentially remains unchanged from its original structure, minus a kitchen that suffered a loss due to a fire.

There are no car sales happening, that was a misrepresentation of a vehicle that was temporarily parked on the property. They believe the total business they do would not have an impact on traffic in the area. There is no truck storage at the building and no hazardous waste. They are not aware of any adversity with the neighbors. Hours of operations for the retail space would be the same as the whole business, 8:00 am to 5:00 pm, and the retail would not exceed those hours. They have 100 employees, but most of the employees do not come to the building. They come and go from other locations.

Prior to purchasing the building, they saw the previous owner used it for shipping and receiving, and office space. Previously the owner had a retail space. They feel the manner of their use is consistent with prior businesses in the building. There is around 6200 feet of office space and 1200 feet of retail space. Sales are about one tenth of one percent of their business.

The hardship was addressed as the nature of the property is different from other properties in the area. It has a large parking lot, and it is a unique building. Today the residential properties have been built up around it. It has been in continuous commercial use for many years. If mixed use becomes a reality across the street, it will fit in even more.

**Mr. Katz opened the Public Hearing.**

Kathy Munsey-Ballou spoke. One of her concerns is that the area in which the building sits is a residential area. She asked what would happen with respect to this variance if a new owner comes into this property. When a right is granted, it goes with the land and not the user. If a right to do retail is granted by the Board, it would continue until that use is abandoned. For example, the old Montshire Restaurant was abandoned, and there can no longer be a restaurant on the property. If Simple Energy moved on, the new owners would have the right to office and

retail use. If there is any significant change, such as an increase in the use of retail space, it would trigger another round of permitting, if there is any great variance from what it is currently in use.

Terri Munsey-Ballou spoke. She has lived next door for 20 years. She says the applicants are respectful, but a lot of noise comes from the property. She supports this application.

XYZ Corporation filed a letter of support.

**Hearing no one else, the Public Hearing was closed.**

The members discussed that the structure itself is part of the hardship. It is a very large building. The building was there before the zoning code was established and before the residential houses were built there. It is also an enormous property, with large public roads facing it. It is not suitable for a private home. It was questioned whether or not a variance is needed. When the building was bought, it was some retail, distribution and office space. It is a good fit for the Simple Energy business. Staff indicate that at the time of the purchase of a building, it should be documented how the building is used. The use determination is helpful because it quantifies what is being done with the property.

*Mr. Newlove MOVED on February 3, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Rob Stenger and Kinson Craft regarding 162 N Main St (Tax Map 59, Lot 18), Zoned R-3: The applicant requests a Variance from Section 310.2, pursuant to Section 801.2, of the Zoning Ordinance, to allow a retail use to occupy +/- 2,450 sq ft within 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 §801.2 criteria in an application received by the Planning & Development Dept. on December 10, 2025.
2. As described in the application, the applicant proposes to continue the +/-2,450 sq ft retail use at the subject property.
3. The subject property is improved with a +/- 8,638 sq ft, dimensionally non-conforming office building constructed in 1966.
4. The subject property is +/- 1.65 acres in size and currently exceeds the required minimum number of parking spaces for the +/- 6,188 sq ft office use and the +/- 2,450 sq ft retail use.
5. Three abutters supported the variance.

**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 §801.2 of the Zoning Ordinance:

1. The variance **will not** be contrary to the public interest.
2. The spirit of the ordinance **is** observed.
3. Substantial justice **is** done.
4. The values of surrounding properties **are not** diminished.
5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area.
6. There **is not** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.
7. The proposed use **is** a reasonable one.

### **III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 3rd day of February, 2026, hereby **GRANTS** the requested Variance to allow a retail use to occupy +/- 2,450 sq ft within the existing office building pursuant to Section §801.2 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, pay impact fees as required and shall comply with all applicable local, state, and federal regulations to bring the facility into compliance with pertinent codes. The Applicant shall obtain a Certificate of Occupancy.

*Seconded by Mr. Burtan.*

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

- B. Blinn & Allison Latta, 36 E. Wilder Rd Tax Map 13, Lot 5), Zoned R3:** The applicants request 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. ZB2026-03-SE

Blinn Latta and Allison Latta appeared on behalf of the application. They were offered the option to defer due to the number of members present and did not wish to do so.

When they bought the property in September 1924 it was an old estate that consisted of a main house and a carriage house. The family loves the property. The Carriage House was badly in need of repairs and was not up to code in a way that it could be used as a place to live. The main house also needed repairs. They have been working with professionals, and now that the main house and carriage house are in better shape, they want to finish the interior space and add a 2-

bedroom unit to the third floor of the carriage house. They are requesting to convert the property from a one-family dwelling to a two-family dwelling property. They do not intend to have it as a rental property but hope to have several generations of family members use the property. They feel they have met all the criteria for a special exception.

If the carriage house was developed as an ADU, it was going to be larger than the main house. Therefore, they believe because it is in the R-3 Zone, they can apply to have a second dwelling. Because it would contain the three essential requirements for a living space, place to sleep, sanitary or bathing facilities, and cooking or a kitchen, that makes it a second dwelling.

It would be the same footprint. Originally the carriage house was not a dwelling unit, and the plan is to make the carriage house into an apartment. They are looking to finish all the space.

**Chair Katz opened the Public Hearing and hearing from no one else, the Public Hearing was closed.**

*Mr. Burtan MOVED on February 3, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Blinn and Allison Latta regarding 36 E. Wilder Rd (Tax Map 13, Lot 5), Zoned R-3: The applicants request 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.*

## **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 January 12<sup>th</sup> 2026.
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, +/- 4,806 sq ft, dimensionally conforming dwelling constructed in 1892 and a detached carriage house.
4. The subject property is +/- 5.94 acres in size and currently exceeds the required minimum number of parking spaces for a 2-family dwelling.
5. There are no known existing zoning violations on the property.
6. No one from the public came forward to speak in favor or against the variance.

## **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 February, 2026, 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, pay impact fees as required and shall comply with all applicable local, state, and federal regulations to ensure the project is compliant with pertinent codes. The Applicant shall obtain a Certificate of Occupancy.

*Seconded by Mr. McDonough.*

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

### 4. **STAFF COMMENTS**

Mr. Reichert is working on some additional documents with Mr. Katz. He reminded the Board that they want to recruit more members for the Board. There are issues with Board members having access to Wi-Fi at City Hall. If better access is not possible, then paper copies of documents for the meeting would be useful.

***Mr. Katz MOVED to change the next meeting from March 2, 2026 to March 16, 2026 at 7:00 PM.***

**Seconded by Mr. Newlove.**

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

**5. ADJOURNMENT**

***Mr. Burtan MOVED to adjourn the meeting at 8:19 PM.***

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

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

Respectfully submitted,  
Linda Billings, Recording Secretary