



**LEBANON ZONING BOARD OF ADJUSTMENT  
MAY 4, 2026 - 7:00 PM  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

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**1. Call to Order**

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 1-929-229-5356 (access code: 907 097 558# ). If you have trouble accessing this meeting, please [email Nathan Reichert](#).

**2. Approval of Minutes**

- A. April 6, 2026

**3. Public Hearing Items**

- A. **Execusuite LLC, 22 School St (Tax Map 92, Lot 2), Zoned R-O:** The applicant requests a Special Exception from Section 311.2, pursuant to Sections 801.3 and 601 of the Zoning Ordinance, to convert the existing mixed-use building to a 12-unit multi-family dwelling. **ZB2026-02-SE Continued from 4/6/2026 meeting**

**No new materials have been submitted since the April 6, 2026 meeting.**

- B. **Paula & John Maville, 15 Floyd Ave (Tax Map 87, Lot 57), Zoned R-3:** The applicants request a Variance from Section 310.3, Pursuant to Section 801.2, of the Zoning Ordinance to allow a deck to be located +/- 3 ft from the left-side property line where 15 ft is required. **ZB2026-09-VAR**
- C. **Mason Storage LLC, 38 Spencer St (Tax Map 78, Lot 39), Zoned LD:** The applicant requests a Variance from Section 307.7, pursuant to Sections 801.2 of the Zoning Ordinance, to allow mechanical equipment to be located +/- 2.3 ft from the rear property line where 10 ft is required. **ZB2026-07-VAR**
- D. **Glenna Giveans, Owner, and J. Jordan Romano, Applicant, 23 Union St (Tax Map 92, Lot 171), Zoned R-2:** The applicants request three Variances, 1) from Section 309.3 of the Zoning Ordinance to allow 4-dwelling units on a +/- 11,325 sq ft lot where a minimum of 16,000 sq ft is required, 2) from Section 601.2 of the Zoning Ordinance to allow proposed off-street parking to occupy the front yard on the Union St side of the lot, and 3) from Section 601.2 of the Zoning Ordinance to allow the proposed expansion of existing off-street parking on the Kimball St side of the lot; all pursuant to Section 801.2 of the Zoning Ordinance. **ZB2026-08-VAR**

**4. Staff Comments**

## 5. 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](http://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 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](mailto: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](http://LebanonNH.gov/Agendas).

DRAFT

**LEBANON ZONING BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE  
TUESDAY, April 6, 2026  
7:00 PM**

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

**MEMBERS ABSENT:** None

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

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1 **1. CALL TO ORDER**

2  
3 Chair Katz called the meeting to order at 7:01 PM.

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

6  
7 **Mr. Burtan and Mr. Morris were given voting privileges for the meeting.**

8  
9 **2. APPROVAL OF MINUTES**

10  
11 **A. February 3, 2026**

12  
13 *Mr. McDonough MOVED to approve the February 3, 2026, minutes as presented in the April 6, 2026*

14 *packet.*

15  
16 *Seconded by Mr. Burtan.*

17  
18 *\*The Vote on the Motion was (4-0-1).*

19 *Mr. Morris abstained because he was not present at the meeting.*

20  
21 **3. PUBLIC HEARING ITEMS**

- 22  
23 **A. Lisa Dupont, 53 Cottage Cir (Tax Map 87, Lot 121), Zoned R-3:** The applicant requests a  
24 Special Exception from Section 310.2, pursuant to Section 801.3 of the Zoning Ordinance, to  
25 convert an existing one-family dwelling to a 2-family dwelling. **ZB2026-05-SE**

26  
27 The applicant Lisa Dupont appeared online. Her house was built about 30 years ago. In order to  
28 stay in her house, they would like to modify the house to become a two-family residence to  
29 enable her son and his family to move in. They would like to redo the basement to make it an  
30 apartment. There have not been any modifications to the building in the past. They would be  
31 adding a kitchen and an egress window to the basement. It seems an ADU was already approved  
32 for the dwelling, so the Board questioned why it needed to be changed to a 2-family dwelling.  
33 They were having difficulty meeting all the requirements that an ADU stipulated therefore they  
34 determined design wise it was better to request a special exception to create a 2-family dwelling.

35  
36 **Chair Katz opened the Public Hearing and hearing no one, the Public Hearing was closed.**

1  
2 **Mr. McDonough MOVED On April 6, 2026, at a duly-noticed meeting of the Lebanon Zoning Board**  
3 **of Adjustment, there appeared Lisa Dupont, On-Line regarding 53 Cottage Circle (Tax Map 87, Lot**  
4 **121). The Applicant requests a Special Exception per Section §801.3 of the Zoning Ordinance to**  
5 **convert an existing one-family dwelling to a 2-family dwelling.**  
6

7 **I. FINDINGS OF FACT**  
8

9 Based on testimony given, application materials presented, and supporting documents submitted, the  
10 Lebanon Zoning Board of Adjustment makes the following findings of fact:  
11

- 12 1. The subject property is improved with a one-family dwelling constructed in 1997. The lot  
13 contains a dimensionally conforming primary residence.
- 14
- 15 2. As described in the application, the applicant proposes to construct a second dwelling unit within  
16 the basement of the existing single-family dwelling.
- 17
- 18 3. The applicant has submitted testimony addressing Section §801.3 criteria in an application  
19 received by the Planning and Development Department on March 6, 2026.
- 20
- 21 4. There are no known existing zoning violations on the property.
- 22
- 23 5. No one from the public spoke in favor of or against the application.
- 24

25 **II. CONCLUSIONS OF LAW**  
26

27 As a result of the above findings of fact and based on testimony given, application materials presented,  
28 and supporting documents submitted, the Board concludes the following with respect to the Special  
29 Exception criteria set forth in §801.3 of the Zoning Ordinance:  
30

- 31 1. The Special Exception is specifically authorized by Section §801.3 of the Zoning Ordinance.
- 32
- 33 2. The following criteria of Section §803.1 **have been** met:  
34
  - 35 a. The reasonable use of abutting properties shall not be adversely affected by the proposed  
36 expansion.
  - 37
  - 38 b. The proposed expansion shall not render the lot size proportionately less adequate, i.e.  
39 any aspect of the building or structure that is currently nonconforming cannot be made  
40 more nonconforming in the absence of a variance.
  - 41
- 42 3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the  
43 Special Exception would not remedy.
- 44
- 45 4. The character of the area **will not** be adversely affected.
- 46
- 47 5. **No** hazard or nuisance will be created.
- 48
- 49 6. The capacity of existing or planned community facilities and services (including streets and  
50 highways) **will not** be adversely impacted.

- 1
- 2 7. The granting of the Special Exception **will not** result in undue municipal expense.
- 3
- 4 8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and
- 5 intent of the ordinance.
- 6
- 7 9. The general welfare of the City **will** be protected.
- 8

9 **III. DECISION**

10  
11 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 6<sup>th</sup> day of April, 2026,  
12 hereby **GRANTS** the requested Special Exception pursuant to Section §801.3 of the Zoning Ordinance to  
13 permit the creation of a two-family dwelling at 53 Cottage Circle, as set forth above and per testimony,  
14 plans, and materials submitted, and per the following conditions:

- 15
- 16 1. The applicant shall obtain a building permit, and shall comply with all applicable local, state, and
- 17 federal regulations in the construction of the proposed addition.
- 18
- 19 2. Prior to the issuance of a Building Permit, the Applicant shall obtain applicable City of Lebanon
- 20 Sewer Use Permit and Water Service Permits from the Lebanon Department of Public Works.
- 21

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

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

25  
26 **B. *John Munsey & Eileen Saunders, 177 Stevens Rd (Tax Map 25, Lot 5, Plot 100), Zoned***  
27 ***RL-2:*** The applicants request a Variance from Section 313.3, Pursuant to Section 801.2, of  
28 the Zoning Ordinance to allow an addition to the existing single-family home to be located  
29 +/- 33 ft from the right-side property line where 35 ft is required. **ZB2026-06-VAR**

30  
31 John Munsey appeared on behalf of the application. They have been planning to modify their  
32 home for several years. Other approaches would involve removing the garage and the deck,  
33 changing roof lines and moving a septic system. This design is in keeping with the design of  
34 homes in the area. The lot is very narrow, even though it is a large lot. The neighbors are not  
35 going to be impacted by this change. It is a very small ask to infringe into the setback.

36  
37 Kelsey Haigh, the builder for the remodel, spoke with City Staff regarding a lot line adjustment.  
38 The variance seems like a more reasonable approach. The shape is very narrow, and the position  
39 of the house was placed in an odd place on the lot. This is the only reasonable approach to  
40 remodeling the home. It would go over the lot line by around one foot, and the footprint would  
41 increase by only 6 square feet over the line.

42  
43 **Chair Katz opened the Public Hearing and hearing no one, the Public Hearing was closed.**

44  
45 ***Mr. Morris MOVED On April 6, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of***  
46 ***Adjustment, there appeared John Munsey and Kelsey Haigh regarding 177 Stevens Rd (Tax Map 25,***  
47 ***Lot 5, Plot 100), Zoned RL-2: The applicants request a Variance from Section 313.3, Pursuant to***  
48 ***Section 801.2, of the Zoning Ordinance to allow an addition to the existing single-family home to be***  
49 ***located +/- 33 ft from the right-side property line where 35 ft is required.***

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**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 2005. At +/- 5.07 acres, the lot is conforming to the 3 acre minimum lot size required for Class 3 lots in the RL-2 District.
2. The single-family home is dimensionally conforming on all sides.
3. The proposed addition will be dimensionally non-conforming on the right-side and will be located +/- 33 ft from the side property line shared with 181 Stevens Road.
4. The applicant has submitted testimony addressing the section §801.2 Variance criteria in an application received by the Planning and Development Department on March 9, 2026.
5. 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).
6. No one from the public spoke for 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 Variance criteria set forth in section §801.2 of the Zoning Ordinance

1. The variance **will not** be contrary to the public interest.
2. The spirit of the ordinance **is** observed.
3. Substantial justice **is** done.
4. The values of surrounding properties **are not** diminished.
5. Literal enforcement of the provisions of the ordinance **would** result in an unnecessary hardship. Owing to **[the following]** special conditions of the property that distinguish it from other properties in the area.  
  
In particular, the narrowness of the plot of land.
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**

1  
2 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **6th day of April, 2026**,  
3 hereby **GRANTS** the Variance from Section §313.3, pursuant to Section §801.2 of the Zoning Ordinance  
4 to allow a 2-story addition to a single-family home to be placed +/- 33 ft from the right-side property line  
5 where 35 ft is required , as set forth above and per testimony, plans, and materials submitted, and per the  
6 following conditions:

- 7  
8 1. The Applicant shall apply for a building permit.  
9

10 **Seconded by Mr. Burtan.**

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

13  
14 **C. Robert J. Oakes, 00 Laplante Rd (Tax Map 138, Lot 27), Zoned R-3:** The applicant requests  
15 a Special Exception pursuant to Article IV, Section 401.5 (“Wetlands Conservation District”)  
16 of the Zoning Ordinance to allow +/- 14,380 sq ft of wetland buffer impact associated with  
17 construction of 13 residential dwelling units and associated infrastructure. **ZB2026-04-SE**  
18

19 John Nooan with Fieldstone Land Consultants and Bobby Oakes, the applicant, appeared on  
20 behalf of the application. They are submitting applications to both the Planning Board and the  
21 Zoning Board for a 13 residential dwelling unit complex with a private road and private utilities.  
22 It would be a condominium association. In laying out the site there are steep slopes and wetlands  
23 to the eastern side. Meeting the criteria for septic systems drove the need to locate the systems,  
24 wells, and setbacks. This resulted in the road needing to be moved and that impacts the wetland  
25 buffer in order to grade the road. They would reseed and plant the wetland buffer. There would  
26 be a modest impact on the wetland buffer. They have already been to the Conservation  
27 Committee. The Commission was concerned about the walking trail and that was addressed,  
28 primarily with dog stations.  
29

30 They are meeting the intent by preserving the Wetland resource itself. The impact to the buffer  
31 is temporary until they are reestablished. One shed is under 100 square feet and it is the only one  
32 is within the buffer, less than the allowable size. The trees are being maintained and only the  
33 grass would be temporarily impacted.  
34

35 The applicants discussed how storm water from the development would not impact the water  
36 buffer. They are using a closed drainage to a storm water basin. It would not impact the  
37 wetlands. They are required to meet State standards for this. During ice and storm events they  
38 would be using a sand and salt mix. The storm water design and the sump pumps go to a basin  
39 and remove the salt through treatment. The construction process does not impose any threats to  
40 the wetlands.  
41

42 The members asked for a response to the Conservation Commission recommendations. Walking  
43 paths are unpaved and no salt would be used. Dog waste disposal stations are on the plan. There  
44 would be no snow removal through the buffer. All sheds are placed outside the buffer, with the  
45 exception of one. They would like a special exception for one shed of 100 square feet. The  
46 planting in the impact area would follow the notes they have already submitted. This level of  
47 homes needs to be allowed to plant grass and plantings like the average home.  
48

1 They are willing to follow the conservation commission recommendations but object to the need  
2 to have yards become meadow lands and they are requesting one shed be allowed in the buffer  
3 zone.  
4

5 **Chair Katz opened the Public Hearing and hearing no one the Public Hearing was closed.**  
6

7 *Mr. McDonough MOVED On April 6th, 2026, at a duly-noticed meeting of the Lebanon Zoning Board*  
8 *of Adjustment, there appeared Jonathan Nooan and Robert Oakes regarding 00 Laplante Rd (Tax Map*  
9 *138, Lot 27), Zoned R-3: The applicant requests a Special Exception pursuant to Article IV, Section*  
10 *401.5 (“Wetlands Conservation District”) of the Zoning Ordinance to allow +/- 14,380 sq ft of wetland*  
11 *buffer impact associated with construction of 13 residential dwelling units and associated*  
12 *infrastructure.*  
13

14 **I. FINDINGS OF FACT**  
15

16 Based on testimony given, application materials presented, and supporting documents submitted, the  
17 Lebanon Zoning Board of Adjustment makes the following findings of fact:  
18

- 19 1. The applicant seeks to construct a Planned Unit Residential Development which will include 13  
20 residential dwellings with associated infrastructure.
- 21 2. The construction of the homes, grading, stormwater management system, lawns, and sheds will  
22 impact a total of 14,380 sq. ft. of wetland buffer.
- 23 3. The applicant has applied for a wetlands permit from the NH Department of Environmental  
24 Services. The wetlands permit was reviewed by the Conservation Commission at its March 12,  
25 2026, meeting. The applicant now seeks a Special Exception pursuant to Section 401.5 of the  
26 Zoning Ordinance to allow the proposed wetland buffer impacts.
- 27 4. There are no known existing zoning violations on the property.
- 28 5. No one from the Public spoke for or against this application.
- 29
- 30
- 31
- 32
- 33

34 **II. CONCLUSIONS OF LAW**  
35

36 As a result of the above findings of fact and based on testimony given, application materials presented,  
37 and supporting documents submitted, the Board concludes the following with respect to the Special  
38 Exception criteria set forth in §401.5 of the Zoning Ordinance:  
39

- 40 1. The use for which the exception is sought **cannot** feasibly, after consideration of all alternatives,  
41 be carried out on a portion or portions of the lot which are outside the Wetlands Conservation  
42 District. (§401.5.A)
- 43 2. Due to the provisions of the Wetlands Conservation District, as applied to the particular  
44 characteristics, setting and environment of the property, the lot **cannot** reasonably be used for any  
45 of the uses permitted or allowed by special exception, without some form of special exception  
46 under this section. (§401.5.B)
- 47 3. The design and construction of the proposed use **is** consistent with the purpose and intent of  
48 §401.1 (A), (B) and (C) of the Zoning Ordinance, and adequate conservation measures **will** be  
49  
50

1 taken to mitigate the detrimental effects of the proposed use on the natural function of the  
2 wetlands (§401.5.C)

3  
4 4. The criteria set forth in Section 401.5.D relates to pipelines, powerlines, and other transmission of  
5 lines and, therefore, is not applicable.

6  
7 5. The proposed use **will not** create a hazard to individual or public health, safety and welfare due to  
8 the loss of wetland, the contamination of ground water, or any other reason. (§401.5.E)

9  
10 6. The project is capable of complying with all State and Federal wetlands and wetlands permitting  
11 requirements. (§401.5.F)

12  
13 7. The project **is** capable of conforming to all existing best management practices, as referenced in  
14 Appendix A of the Zoning Ordinance, and **will** be implemented in a way which conforms to those  
15 practices (§401.5.G)

16  
17 **III. DECISION**

18  
19 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 6<sup>th</sup> day of April 2026  
20 hereby **GRANTS** the requested Special Exception pursuant to Section §401.5 of the Zoning Ordinance to  
21 allow wetland buffer impacts associated with construction of a Planned Unit Residential Development  
22 which will include 13 residential dwellings with associated infrastructure at 00 Laplante Road, as set forth  
23 above and per testimony, plans, and materials submitted, and per the following conditions:

24  
25 1. There were six conditions that were handed down by the Conservation Committee that the  
26 applicant has agreed to comply with, except for the existence and or the.  
27 Construction of one of the sheds in the area that would be considered the wetland buffer at 115  
28 square feet. We had 100 square feet, 100 square feet.

29  
30 2. In addition, they do not agree and they're not ordered to comply with the type of plantings that  
31 will be in the front yards of people to have it look like natural meadows.

32  
33 ***Secoded by Mr. Burtan.***

34  
35 ***\*The Vote on the Motion was (5-0).***

36  
37 Chair Katz recused himself from the next hearing and turned over the remainder of the meeting  
38 to Vice Chair Newlove.

39  
40 ***Mr. Burtan moved to take a short recess at 7:53 pm to seek legal counsel.***

41  
42 ***Secoded by Mr. Morris.***

43  
44 ***\*The Vote on the Motion was (4-0).***

45  
46 ***Vice Chair Newlove gaveled for the return of the meeting.***

47  
48 **D. Execusuite LLC, 22 School St (Tax Map 92, Lot 2), Zoned R-O:** The applicant requests a  
49 Special Exception from Section 311.2, pursuant to Sections 801.3 and 601 of the Zoning

1 Ordinance, to convert the existing mixed-use building to a 12-unit multi-family dwelling.  
2 **ZB2026-02-SE**

3  
4 Tim Sidore with Execusuite appeared on behalf of the application. Vice Chair Newlove  
5 informed the applicant that they base their decisions on what is received in the packet and on  
6 what the Lebanon laws are. One of the things discussed is there are at least a few pages of  
7 missing information. There are a couple of things that can happen. It is helpful to have a full  
8 packet. They can dismiss the case because the packet is not complete. Rather they suggest that  
9 the hearing should be continued to May 4, 2026 to allow the Board to receive all the necessary  
10 information to make a decision. For example, there is a discrepancy on the number of units in  
11 the descriptions.  
12

13 ***Mr. Burtan MOVED to continue until the next Board meeting on May 4, 2026.***

14  
15 ***Secoded by Mr. Morris.***

16  
17 ***\*The Vote on the Motion was (4-0).***

18  
19 The applicant was informed that he is entitled to have 5 members hear his application. One Board  
20 member has recused himself, and therefore it would be a long delay if the applicant determined he needed  
21 to wait for 5 voting members. A decision requires 3 supporting members to approve the application,  
22

23 **4. STAFF COMMENTS**

24  
25 The members were informed about some training opportunities that they are invited to join. The  
26 meetings are usually held over the noon hour and are online. There is also an annual training coming  
27 up regarding zoning in April and the City will pay the fees for anyone who wishes to attend. It is  
28 usually down in Concord on a Saturday.  
29

30 **5. ADJOURNMENT**

31  
32 ***Mr. Mprris MOVED to adjourn the meeting at 8:33 PM.***

33  
34 ***Secoded by Mr. Burtan.***

35  
36 ***\*The Vote on the Motion was (4-0).***

37  
38 Respectfully submitted,  
39 Linda Billings, Recording Secretary



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT**

**STAFF MEMORANDUM**

**Paula & John Maville  
15 Floyd Avenue**

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**To:** Zoning Board of Adjustment  
**Prepared By:** Nathan Reichert, *Director of Planning & Development* and *Zoning Administrator*  
& Tiffany Adams, *Zoning Executive Assistant*  
**Date:** May 4, 2026 – Regular Meeting  
**Application Number:** ZB2026-09-VAR

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**HEARING NOTICE:**

Paula & John Maville, 15 Floyd Ave (Tax Map 87, Lot 57), Zoned R-3: The applicants request The applicants request a Variance from Section 310.3, Pursuant to Section 801.2, of the Zoning Ordinance to allow a deck to be located +/- 3 ft from the left-side property line where 15 ft is required.

**SITE DESCRIPTION / BACKGROUND:**

The subject property is improved with a dimensionally conforming 1-family home constructed in 1960, per the City Assessor's records, is conforming to the R-3 zoning district, Class 1, minimum lot size requirement of 11,000 sq ft with +/- 16,552 sq ft, and is not within any overlay districts. There has been no ZBA action since 1995.

**PROPOSAL:**

The applicants propose to build a 14 ft X 6 ft lower-level extension onto their existing deck with stairs that will access the backyard. The new portion of the deck and stairway is proposed to be +/- 3 ft away from the left-side property line shared with 13 Floyd Avenue.

**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.

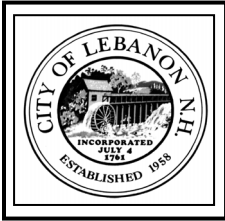
**3. Is substantial justice done?** According to the Board of Adjustment in NH, 2012 Edition, Board members must determine each case individually. They suggest that perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.

**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:**



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
DRAFT DECISION – ZB2026-09-VAR  
May 4, 2026 Regular Meeting  
Paula & John Maville  
15 Floyd Avenue**

**DRAFT MOTION for:**

**Agenda Item: 3.B**

**Case: ZB2026-09-VAR**

Request for Variance per Section §801.2

Motion made by: \_\_\_\_\_

On May 4, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 15 Floyd Ave (Tax Map 87, Lot 57), Zoned R-3: The applicants request a Variance from Section 310.3, Pursuant to Section 801.2, of the Zoning Ordinance to allow a deck to be located +/- 3 ft from the left-side property line where 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 applicant has submitted testimony addressing Section §801.2 criteria in an application received by the Planning & Development Dept. on April 13, 2026.
2. The subject property is improved with a dimensionally conforming 1-family home that was constructed in 1960.
3. The applicant wished to construct a 14ft x 6ft lower-level extension onto their existing deck with stairs that will access the backyard. The extension will be +/- 3 ft from the left-side property line.

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

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

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

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

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

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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.

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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.

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

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**III. DECISION**

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 4th day of May, 2026, hereby **GRANTS / DENIES** the requested Variance to allow a deck to be located +/- 3 ft from the left-side property line where 15 ft is required 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 and shall comply with all applicable local, state, and federal regulations to ensure the project is compliant with pertinent codes.
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

Motion seconded by: \_\_\_\_\_

Vote: \_\_\_\_\_





**Property Information**

**Property ID** 87-57  
**Location** 15 FLOYD AVE  
**Owner** MAVILLE, PAULA L & JOHN R



**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 02/25/2026  
Data updated 11/18/2018

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

**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: Paula & John Maville TEL#: [REDACTED]

MAILING ADDRESS: 15 Floyd Avenue, W. Leb 03784

E-MAIL ADDRESS: [REDACTED]

**CO-APPLICANT, AGENT, OR LESSEE:**

NAME: TEL#:

MAILING ADDRESS:

E-MAIL ADDRESS:

**PROJECT LOCATION:**

TAX MAP #: 87 LOT#: 57 PLOT #: - ZONE: R3

STREET ADDRESS: 15 Floyd Ave.

IS THIS PROPERTY LOCATED IN THE: WETLANDS  YES  NO HISTORIC DISTRICT  YES  NO

FLOOD PLAIN  YES  NO

**REQUEST DESCRIPTION:**

Patio level deck w/ stair case to be 3' from side property line

**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:** zoning

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: Ornelia DATE: 4/13/2026

**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: \_\_\_\_\_

DATE RECEIVED: 4-13-2026

APPLICATION #: ZB2026-09-VAR

**John & Paula Maville, 15 Floyd Avenue, West Lebanon  
Support Statement for a Variance  
City of Lebanon, New Hampshire**

We hereby request a variance from the terms of Article II, Section 201.8 of the Lebanon Zoning Ordinance to allow construction of a 14' x 6' deck less than 5 feet from our side property line.

In response to the conditions set forth in Section 801.2, Variances, of the Lebanon Zoning Ordinance, we offer the following:

**801.2.A.1 – That the variance, if authorized, will not be contrary to the public interest:**

The construction of our proposed deck will not negatively affect the health, safety, or general welfare of the public. It will not alter the character of our neighborhood, as it is an at-grade, or just above grade, patio-style deck that will provide access to a new staircase running down the side of an existing retaining wall to our backyard.

**801.2.A.2 – That the variance will observe the spirit of the Ordinance:**

Section 201.8 of the Zoning Ordinance allows accessory structures of less than 130 square feet, not exceeding twelve (12) feet in height, to be located within a minimum required side yard provided they are placed a minimum of 5 feet from the property line.

We are requesting an at-grade, or just above grade, patio-style deck with an associated staircase along our retaining wall to provide safe access to our backyard from the south side of our home. We believe this construction meets the intent and spirit of the Zoning Ordinance.

**801.2.A.3 – That by granting of the variance, substantial justice will be done:**

Our house is located on a portion of the street where there is a steeper slope between the front yard and the rear yard. We are the only house on the street built as a split-level with a walkout basement. The retaining wall adjacent to the proposed deck supports the side yard. It was formerly constructed of field stone and included a field stone staircase. That structure had become dilapidated, was failing, and was completely unsafe. Substantial justice will be done by allowing us to create safe access to our backyard from the south side of our property through construction of the proposed deck and staircase.

**801.2.A.4 – That the variance, if authorized, will not diminish the values of surrounding properties:**

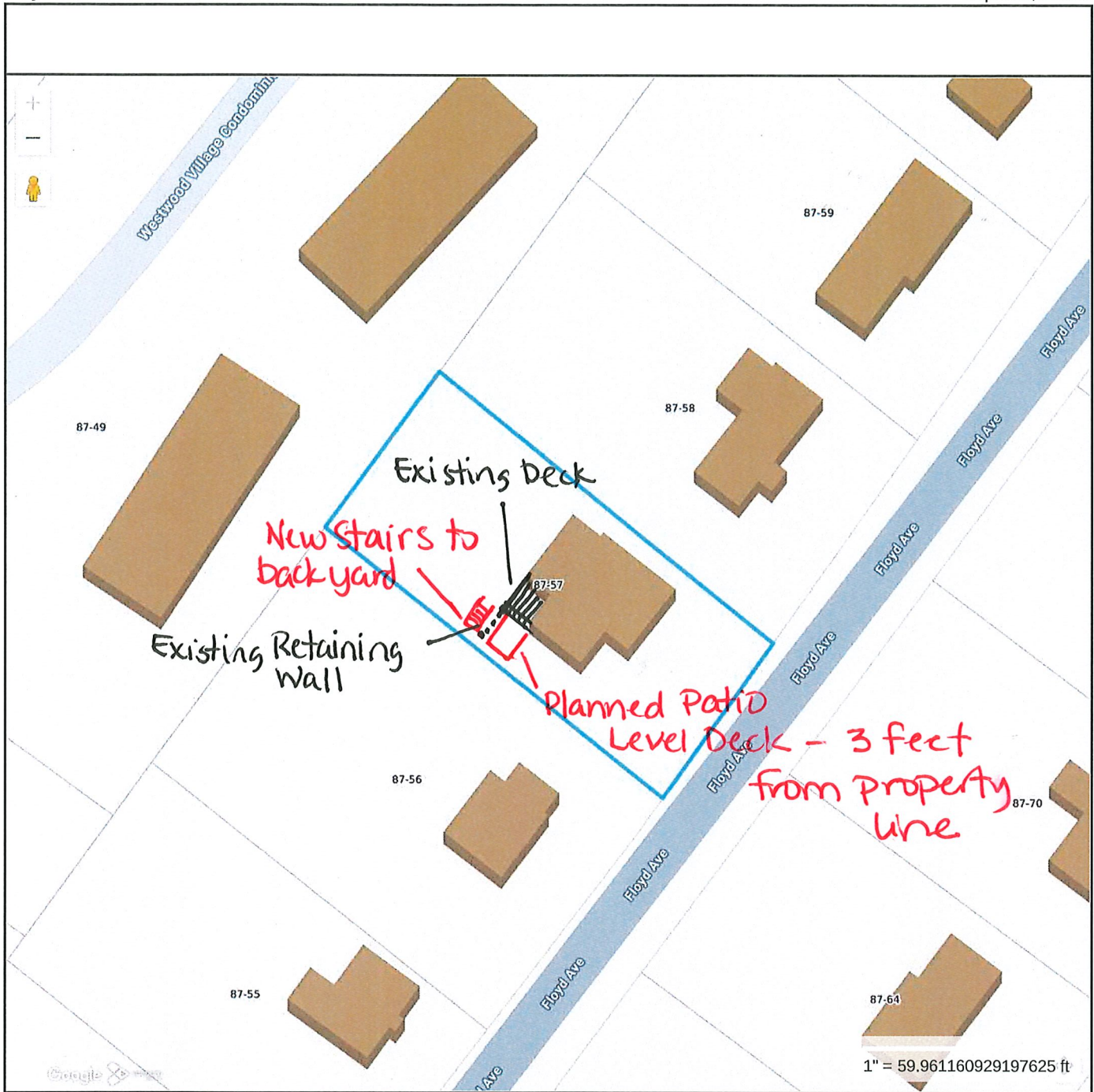
Construction of this deck will not diminish the value of surrounding properties.

**801.2.A.5 – That denial of the variance would result in unnecessary hardship:**

Denial of the variance would result in unnecessary hardship because of the special conditions of our property. Our lot has a significant change in grade from the front yard to the backyard, and our home is uniquely configured as a split-level with a walkout basement.

The proposed deck and staircase are intended to provide safe and practical access to our backyard from the south side of our house, where the slope, retaining wall, and layout of the lot create a dimensional constraint.

We are requesting relief to allow a 3-foot setback where 5 feet is required. Granting the variance would allow a reasonable use of our property that is constrained by its unique physical conditions.



**Property Information**

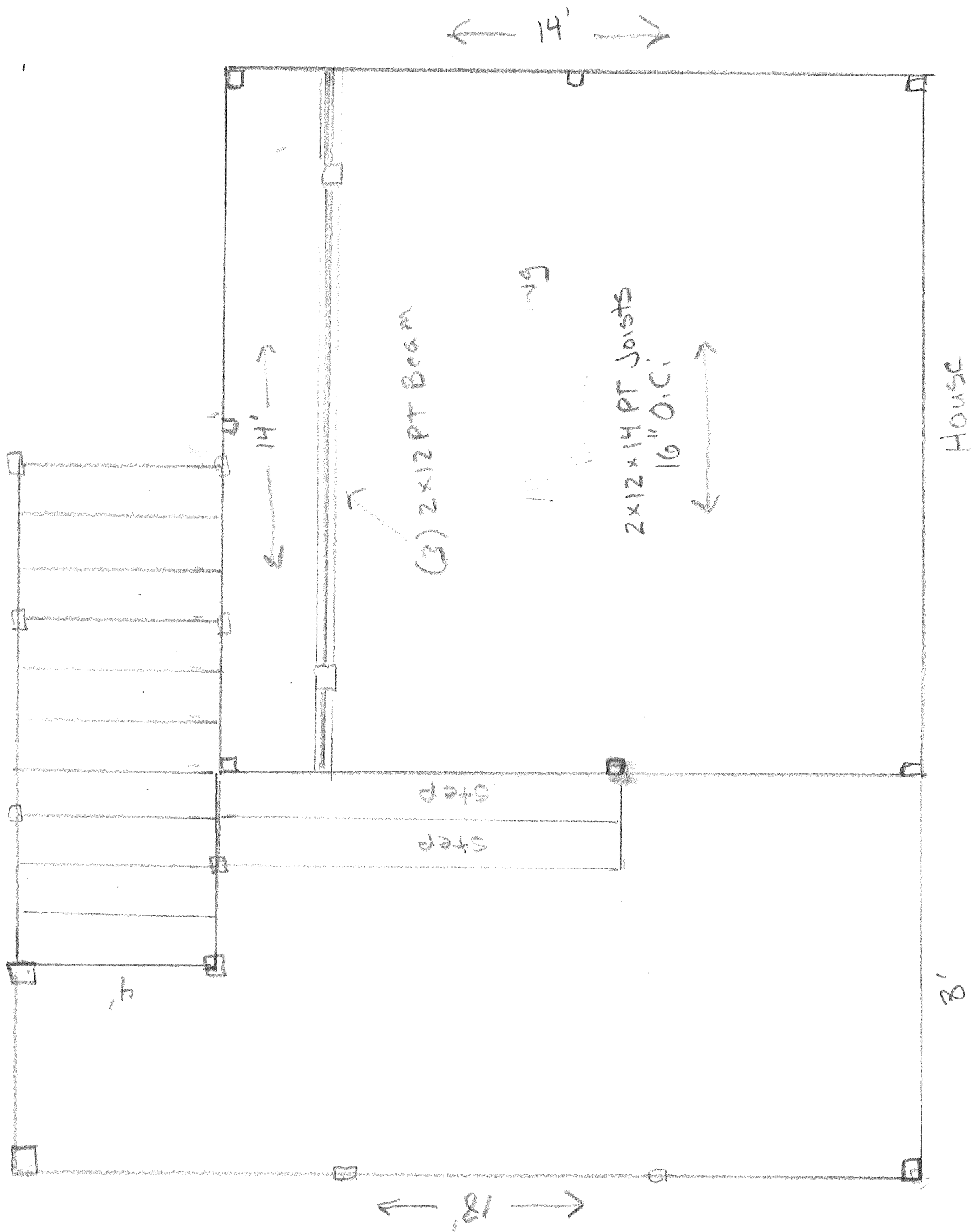
Property ID 87-57  
 Location 15 FLOYD AVE  
 Owner MAVILLE, PAULA L & JOHN R



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**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT**

**STAFF MEMORANDUM**

**Mason Storage LLC  
38 Spencer Street**

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**To:** Zoning Board of Adjustment  
**Prepared By:** Nathan Reichert, *Director of Planning & Development* and *Zoning Administrator*  
& Tiffany Adams, *Zoning Executive Assistant*  
**Date:** May 4, 2026 – Regular Meeting  
**Application Number:** ZB2025-07-VAR

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**HEARING NOTICE:**

Mason Storage LLC, 38 Spencer St (Tax Map 78, Lot 39), Zoned LD: The applicant requests a Variance from Section 307.7, pursuant to Sections 801.2 of the Zoning Ordinance, to allow mechanical equipment to be located +/- 2.3 ft from the rear property line where 10 ft is required.

**SITE DESCRIPTION / BACKGROUND:**

The +/- 52,272 sq ft subject property is improved with a +/- 43,000 commercial warehouse which is a non-conforming use in the Lebanon Downtown (LD) District. Between the building, parking areas, and loading areas, nearly all of the site is improved and devoted to the non-conforming warehouse use.

The property was formerly occupied by a light manufacturing use (Barker Steel), which was a non-conforming use in the Central Business (CB) District, which was the zoning of the property up until 2020.

In 2019, the Zoning Board approved a Special Exception to construct a +/-15,000 sq. ft. addition onto the rear of the existing building to accommodate an expansion of the non-conforming warehouse use.

In 2020, a Special Exception was granted pursuant to Section 702.1 of the Zoning Ordinance (“Change of Use”) to allow the use of the property to change from a non-conforming light manufacturing use to a non-conforming warehouse use (specifically, a moving and storage business).

In 2021, the Planning Board granted Site Plan approval for the proposed addition (PB2021-13-SPR). The addition approved by the Planning Board contained two (2) stories, which doubled the floor area approved by the Zoning Board in 2019.

In 2023, a Variance was denied to expand the non-conforming use / construct a 3-story addition onto the existing building.

In 2024, administrative approval was received to modify the previously approved building design, as allowed by Site Plan Review Regulations (approved plan is attached).

**PROPOSAL:**

The applicant seeks after-the-fact approval to allow four HVAC units to be located at the rear of the building, +/- 2.3 ft from the property line shared with the Rail Trail.

**ZONING ORDINANCE REQUIREMENTS – 307.7.B.2 Additional Side & Rear Yard Requirements:**

All principal buildings with a building height of less than 45 feet shall maintain a minimum setback of 10 feet from any side or rear lot line that is directly adjacent to a residential district.

**ZONING ORDINANCE REQUIREMENTS – 801.2 Variance:**

To obtain the requested Variance from Section §307.7, 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:**

Note #14 within the approved Site Plan, dated 5/28/2024, states *“mechanical equipment shelves (3), mounted min. 8’ above existing ground. (3) each side of building, 3’wX1.5’D. Per Planning Board decision, HVAC equipment must be screened or otherwise integrated unobtrusively into the overall building and site design and away from public view as much as possible. See mechanical plans for details.”*

The project is within the flood zone. Staff has asked the applicant to provide the required FEMA Elevation Certificate. The Elevation Certificate confirms that the building meets the standards of the Flood Permit enclosed in the board packet. A FEMA Elevation Certificate is required to be signed by a licensed design professional, (Professional Land Surveyor, Engineer or Architect) attesting to the elevation of the floor of the structure being 1 foot above the Base Flood Elevation. The Permit articulates the proposed height, the



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT  
STAFF MEMORANDUM**

**Glenna Giveans (owner) and J. Jordan Romano (applicant)  
23 Union Street**

**To:** Zoning Board of Adjustment  
**Prepared By:** Nathan Reichert, *Director of Planning & Development* and *Zoning Administrator*  
& Tiffany Adams, *Zoning Executive Assistant*  
**Date:** May 4, 2026 – Regular Meeting  
**Application Number:** ZB2026-08-VAR

**HEARING NOTICE:**

Glenna Giveans, Owner, and J. Jordan Romano, Applicant, 23 Union St (Tax Map 92, Lot 171), Zoned R-2: The applicants request three Variances, ) from Section 309.3 of the Zoning Ordinance to allow 4-dwelling units on a +/- 11,325 sq ft lot where a minimum of 16,000 sq ft is required, 2) from Section 601.2 of the Zoning Ordinance to allow proposed off-street parking to occupy the front yard on the Union St side of the lot, and 3) from Section 601.2 of the Zoning Ordinance to allow the proposed expansion of existing off-street parking on the Kimball St side of the lot; all pursuant to Section 801.2 of the Zoning Ordinance.

**SITE DESCRIPTION / BACKGROUND:**

The subject property is improved with a dimensionally non-conforming 2-family home constructed in 1860, per the City Assessor’s records, is conforming to the R-2 zoning district, Class 1, minimum lot size requirement of 10,000 sq ft with +/- 11,325 sq ft and is not within any overlay district. There is no previous ZBA action since 1995.

**PROPOSAL:**

The applicants propose to convert the existing 2-family dwelling into a 4-family dwelling with a proposed 5-space parking area on the Union Street side and a proposed 2-space expansion of the existing parking area on the Kimball Street side; for a total of 7 off-street parking spaces.

**ZONING ORDINANCE REQUIREMENTS – 309.3: R-2 TABLE OF AREA, DIMENSION AND COVERAGE:**

The R-2 District is designed to preserve the older, established residential sections of the city as viable residential neighborhoods. The conversion of large older dwellings, and other buildings to multi-family dwellings, office, educational and cultural facilities is allowed, subject to appropriate controls in Section 601 but new multi-family dwellings, offices, private educational and cultural facilities are not allowed.

**Minimum Lot Size**

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75'	3,000 sq.ft.	45'
2	15,000 sq.ft.	75'	5,000 sq.ft.	45'

3	40,000 sq.ft.	100'	15,000 sq.ft.	45'
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**ZONING ORDINANCE REQUIREMENTS – SECTION 601: SPECIAL DESIGN STANDARDS:**

The remodeling of a residential structure and other buildings existent as of the 2013 amendment to this section for certain uses identified in the R-2, R-O, and R-O-1 District Tables of Uses, and the construction of new buildings for certain uses identified in the R-O-1 District Table of Uses, shall comply with the following provisions:

**601.1 Architecture.**

Remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing building; of abutting properties; or of the neighborhood. New construction shall be compatible with the architectural character or the abutting properties and neighborhoods.

For the purpose of this subsection only, the term "compatible" shall mean having architectural style or design; scale; exterior finish and treatment; site work; and landscaping consistent with that which exists in the neighborhood, on abutting properties and on the structure being remodeled, as applicable.

**601.2 Parking & Access.**

Adequate off-street parking shall be provided on the lot, unless off-premises parking is approved pursuant to Section 607.4. Such parking shall not occupy the front yard except within parking areas existent as of the 2013 amendment to this section.

**601.3 Coverage.**

Impermeable coverage plus unpaved parking and driveway areas shall not exceed 65 percent of the lot area.

**601.4 Density.**

The conversion or new construction of multi-family shall comply with the zoning district requirement for "Additional Area Per Dwelling Unit After Two."

**601.5 Additions to Existing Buildings.**

Such remodeling may include expansion of the building by special exception provided that:

- A. The architectural compatibility requirements of Section 601.1 are complied with.
- B. Such addition shall not materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.

**601.6 Accessory Buildings.**

In zoning districts where such conversions are allowed, an accessory building existent as of the 2013 amendment to this section, may be converted to multi-family dwelling unit(s) or an office use by special exception.

**ZONING ORDINANCE REQUIREMENTS – 801.2: VARIANCE:**

To obtain the requested Variances from Sections §309.3 and §601.2, 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.

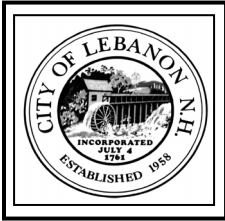
**5. Would literal enforcement of the provisions of the ordinance result in an unnecessary hardship?**

**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:**



**CITY OF LEBANON ~ PLANNING & DEVELOPMENT**

**ZONING BOARD OF ADJUSTMENT**

**DRAFT DECISION – ZB2026-08-VAR**

**May 4, 2026 Regular Meeting**

**Glenna Giveans (owner) and J. Jordan Romano (applicant)**

**23 Union Street**

**DRAFT MOTION for:**

**Agenda Item: 3.D**

**Case: ZB2026-08-VAR**

Request for Variance per Section §801.2

Motion made by: \_\_\_\_\_

On May 4, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared \_\_\_\_\_ regarding 23 Union St (Tax Map 92, Lot 171), Zoned R-2: The applicants request three Variances, ) from Section 309.3 of the Zoning Ordinance to allow 4-dwelling units on a +/- 11,325 sq ft lot where a minimum of 16,000 sq ft is required, 2) from Section 601.2 of the Zoning Ordinance to allow proposed off-street parking to occupy the front yard on the Union St side of the lot, and 3) from Section 601.2 of the Zoning Ordinance to allow the proposed expansion of existing off-street parking on the Kimball St side of the lot; all pursuant to Section 801.2 of the Zoning Ordinance.

**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 April 13, 2026.
2. The subject property is improved with a dimensionally non-conforming 2-family dwelling originally constructed in 1860.
3. The subject property is +/- 11,325 sq ft in size.
4. The subject property contains an existing non-conforming off-street parking area within the front yard on the Kimball Street side of the property.
5. The applicant proposes +/- 4,004 sq ft of impermeable coverage and unpaved parking and driveway areas where up to +/- 7,361 sq ft is allowed.

6. \_\_\_\_\_  
\_\_\_\_\_

7. \_\_\_\_\_  
\_\_\_\_\_

**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 / 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 4th day of May 2026, hereby **GRANTS / DENIES** the requested Variances

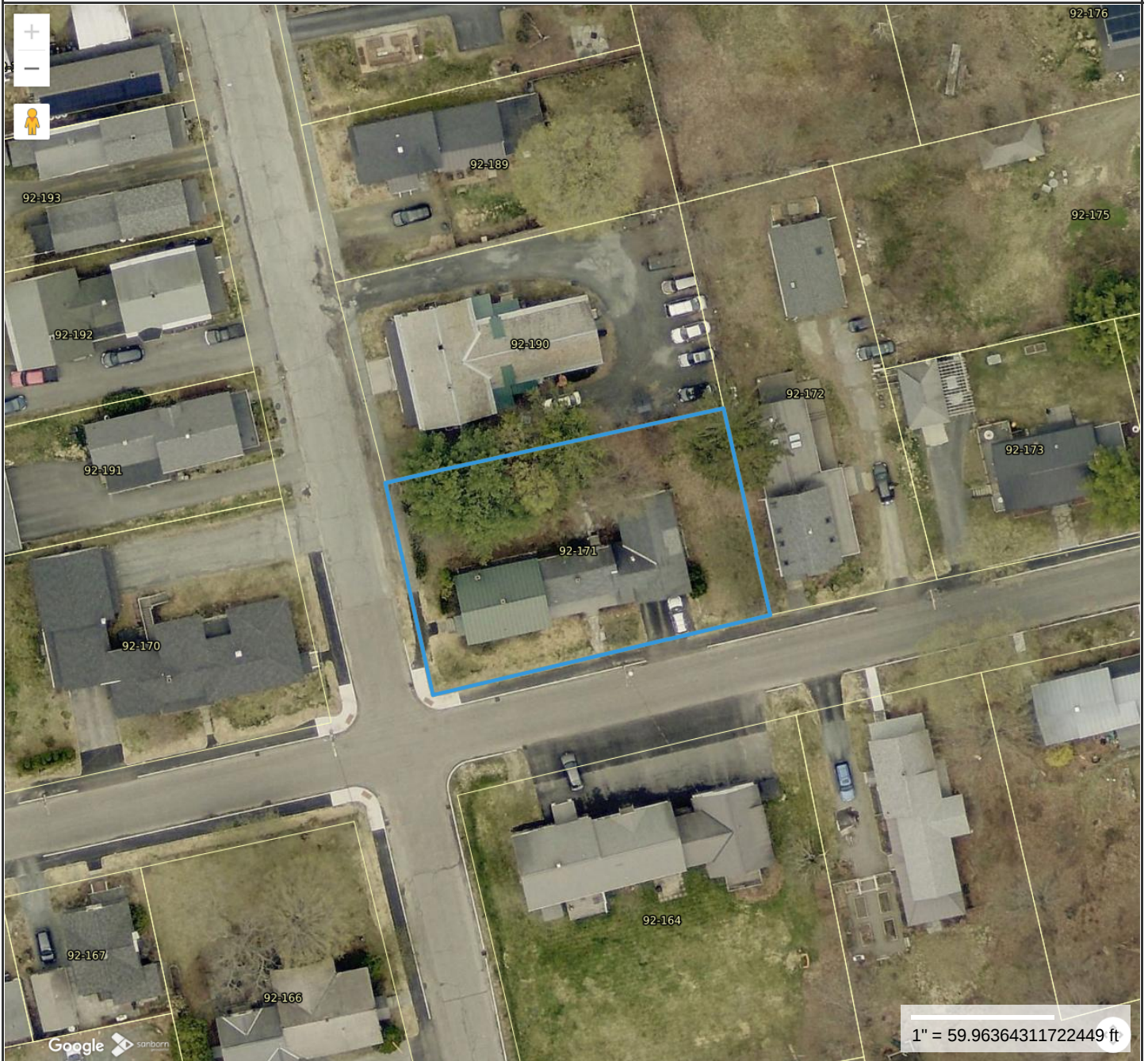
- 1) From Section 309.3 to allow 4-dwelling units on a +/- 11,325 sq ft lot where a minimum of 16,000 sq ft is required.
- 2) From Section 601.2 to allow off-street parking to occupy the front yard on the Union St side of the lot.
- 3) From Section 601.2 to allow the expansion of existing off-street parking within the front yard on the Kimball St side of the lot.

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. \_\_\_\_\_  
\_\_\_\_\_
- 2. \_\_\_\_\_  
\_\_\_\_\_

Motion seconded by: \_\_\_\_\_

Vote: \_\_\_\_\_



**Property Information**

**Property ID** 92-171  
**Location** 23 UNION ST  
**Owner** GIVEANS, GLENNA E



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

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Geometry updated 02/25/2026  
Data updated 11/18/2018

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**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):** J. Jordan Romano, Applicant

**NAME:** Glenna Giveans, Owner **TEL.#:** [REDACTED]

**MAILING ADDRESS:**

**E-MAIL ADDRESS:** [REDACTED]

**CO-APPLICANT, AGENT, OR LESSEE:**

**NAME:** Kathie Romano **TEL.#:** [REDACTED]

**MAILING ADDRESS:** 13 Apple Blossom Drive, Lebanon, NH 03784

**E-MAIL ADDRESS:** [REDACTED]

**PROJECT LOCATION:**

**TAX MAP #:** 92 **LOT#:** 171 **PLOT #:**  **ZONE:** R2

**STREET ADDRESS:** 23 Union Street, Lebanon, NH 03766

**IS THIS PROPERTY LOCATED IN THE:** **WETLANDS**  YES  NO **HISTORIC DISTRICT**  YES  NO  
**FLOOD PLAIN**  YES  NO

**REQUEST DESCRIPTION:**

Change existing 2-family home + garage to a 4-family. Add 5 parking spaces. No addition to existing footprint.

**USE TYPE:** Residential

**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 5/4/26, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

**Owner Signature:** [Signature] **DATE:** 4/14/26

**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:** [Signature] **DATE:** 4/14/26

**DATE RECEIVED:** 4-13-2026

**APPLICATION #:** ZB2026-08-VAR

**SUPPORT STATEMENT FOR A VARIANCE**  
Amended as to comply with amended State statute and intent statement\*  
**CITY OF LEBANON, NEW HAMPSHIRE**  
**Variance Standards: RSA 674:33 Effective Jan. 1, 2010**

I (we) hereby request a variance from the terms of Article(s) III  
Section(s) 309.3 of the Lebanon Zoning Ordinance.

**In order to grant a Variance, the Zoning Board of Adjustment must make affirmative findings of certain conditions. Those conditions are listed below:**

**801.2 Variances.**

A. To authorize, upon appeal in specific case, variances from the terms of this ordinance, no variance shall be granted unless each of the following conditions are met:

1. That the variance, if authorized, will not be contrary to the public interest;  
Numerous other 4+ unit properties exist on similar sized or smaller lots in this neighborhood.

2. That the variance will observe the spirit of the Ordinance.  
By adding 2 dwelling units this satisfies the City's desire for additional dwelling units in neighborhoods with existing water and sewers.

3. That by the granting of the variance, substantial justice will be done;  
It would be unfair to hold this property to a higher standard than similar homes in this neighborhood, on same or smaller sized lots

4. That the variance, if authorized, will not diminish the values of surrounding properties  
The dwelling will not increase in size and will be in keeping with the character of the neighborhood.

5. That denial of the variance would result in unnecessary hardship.

(a) In this section "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property  
This house is very large with significant unused areas which can be better used; and as dwelling spaces which will involve updated interiors with smoke detectors, modern electric + plumbing services without enlarging the footprint of the building.

It currently covers @ 11,326 sq ft and this addition of 2 dwelling units will cover the same.

(ii) The proposed use is a reasonable one.

It creates additional housing units in an area of the City serviced by public water and sewer as th City has promoted as a goal.

(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformity with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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A variance 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 variance; or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a variance must be completed.

***\*This form was amended as to comply with an amended statute and intent statement (below) contained in Senate Bill #147.***

Statement of Intent:

"The intent of [this statutory change] is to eliminate the separate 'unnecessary hardship' standard for 'area' variances, as established by the New Hampshire supreme court in the case of *Bocchia v. City of Portsmouth*, 155 N.H. 84 (2004), and to provide that the unnecessary hardship standard shall be deemed satisfied, in both use and area variance cases, if the applicant meets the standards established in *Simplex Technologies v. Town of Newington*, 145 N.H. 727 (2001), as those standards have been interpreted by subsequent decisions of the supreme court. If the applicant fails to meet those standards, an unnecessary hardship shall be deemed to exist only if the applicant meets the standards prevailing prior to the *Simplex* decision, as exemplified by cases such as *Governor's Island Club, v. Town of Gilford*, 124 N.H. 126 (1983)."

Zoning Administrator  
51 Park Street  
Lebanon, NH 03766

April 8, 2026

RE: 23 Union Street

Dear Sir:

We are requesting a variance be granted to allow the property at 23 Union Street to be converted from an existing 2-family to a 4-unit dwelling. Increasing the number of dwelling units on this lot will create much-needed additional affordable housing within walking distance of public transportation and access to existing public utilities without altering the essential character of the neighborhood.

Maintaining the almost 5,000 sq.ft. structure built in 1860 (with @2,755 sq.ft. currently used as a 2-family dwelling plus considerable unused space) was a significant hardship for the previous owner who was unable to make needed upgrades or even to perform routine upkeep on this 166 yr. old home. Years of deferred maintenance have created a backlog of costly repairs. There is an absence of insulation to conserve energy, non-functioning smoke detectors, hanging wallpaper, and deteriorated finishes in addition to needed electrical and plumbing upgrades. The ability to rent it as a multi-unit allows it to be brought up to today's safety and efficiency standards, thereby improving public safety.

Restricting use to a 2-family dwelling interferes with the reasonable use of the property due to its uniquely large size and the attendant difficulty to maintain and upgrade it. The house sits on a corner lot with access off both Union and Kimball Streets. It has an attached unoccupied and unmaintained two-car garage which could be converted into an additional 2-bedroom apartment without expanding the dwelling footprint. There is ample room off both streets to provide the additional five (5) parking spots, a total of seven (7), one for each planned bedroom. Both the dwelling at 28 Kimball Street (92-164) across from 23 Union Street and the one at 19 Union (92-190) adjacent to it on the North side appear on satellite view to have at least 8 parking spaces apiece. In addition, the property at 24 Union Street, directly across from 23 Union Street, has driveways off both Union and Kimball Streets.

The use of this dwelling as a multi-family home is consistent with the character of the neighborhood and meets the City's stated desire for additional dwellings in the area of the City serviced by existing public water and sewer. Numerous 4, 5, 6, & 7 unit dwellings already exist on similar sized and smaller lots in this quadrant of downtown Lebanon in addition to the 34 units on the 1.27 acre lot called Birch Pine Village at 7 Kimball Street...6 dwellings including one 2-unit house, three 4-unit dwellings plus an 8-unit building and a 12-unit building with a density of 1,627 sq.ft. per unit. The density created on lot 92-171 (known as both 23 Union Street and 27 Kimball Street) as a 4-unit dwelling would be 2,831 sq. ft. per unit, still above the @2,100 sq.ft. of surrounding multi-family properties. Even with the additional parking spaces the property offers a spacious partially fenced back yard with an attractive paved patio area for relaxing and enjoying the outdoors.

This is a reasonable request since this dwelling is situated among similar multi-family properties on similar sized lots. Its expansion of currently unused but eventually livable space would not alter the essential character of the neighborhood nor expand the footprint of the dwelling on this lot. It would be unfair to hold this property to a higher standard than similar homes in this neighborhood.

In addition to providing needed additional housing, the health, safety and general welfare will be enhanced by having a more updated, safe and fuel efficient building anchoring the southeast corner of this block. Both neighborhood property values and the City's tax base will be increased due to this upgraded property. I look forward to your favorable response.

Yours truly,



J. Jordan Romano

**23 Union Street – Variance requests:**

**601.1 Architecture**-The planned conversion will preserve the character and appearance of the neighborhood. The footprint of the structure will not be enlarged, in fact the 19’x40’ two-story 2-car attached garage may be reduced in size to @19’ x 30’ by shortening that addition from the back once plans for the two-bedroom townhome are finalized.

**601.2 Parking and Access**-In addition to the two existing spaces, five additional off-street parking spaces are proposed, one for each bedroom. In addition to a main entry door to the new garage conversion unit an exterior door to the back yard will be added to provide access to the lovely spacious and shaded back yard to provide space for tenant relaxation and recreation. Currently the only unit with access to that area is the main 3-story unit and that door is from a currently unused and unheated section of the house. **Unit 1**, the main unit, currently also has access from the front door on Union Street and a door off the side porch. Eventually it will use only the side porch door and the door to the rear yard. **Unit 2**, the 1-BR 2<sup>nd</sup> floor apartment unit has its own private entrance from the side porch. The proposed **Unit 3** will be accessed from the front entry off Union Street which will then be accessed only by Unit 3. **Unit 4**, the garage conversion, will have a front door off Kimball and an additional entry from the back yard.

**601.3-Coverage:**

7 parking spaces	=	1,134 sq.ft.	+ 162 (sidewalk)		1,296 sq.ft.
Front of house	=	720 sq.ft.			
Middle section	=	760 sq.ft.			
Garage	=	836 sq.ft.			
Patio	=	308 sq.ft.			
Walkways	=	84 sq.ft.			
Sub-total	=				2,708 sq.ft.
				Total	= 4,004 sq.ft.

Lot #92-171 is 11,325.6 sq.ft. in size (.26 acre)

65% of 11,325.6 = 7,361.6 sq.ft.

Coverage of 4,004 sq.ft. is less than 7,361.6 sq.ft.

**Variance request for distance from proposed parking spaces on Lot #92-171 between existing garage and lot line with parcel #92-172.**

Distance between garage and the side lot line of parcel #92-172 on Kimball Street is 27 feet. 2 parking spots (each 9’ wide) plus a 3 ft entry stoop equals 21 ft. The remaining distance to the lot line is 6 ft. We are asking for a variance to provide needed parking just off the street

to preserve the back yard area for relaxation and recreation, to provide ample room for snow storage after plowing and to lessen impervious coverage. The house on lot #92-172 is itself only 6 feet from this property line.

**Distance between parking off Union Street side and fence between #92-171 and #92-190 (19 Union Street)**

Parking off Union St. at #92-171 will be at least at least 21 ft. from parking to fence (42' from house to fence) so should not require a side yard variance. It will be located just behind the sidewalk to lessen impervious coverage, provide easy access to front door entry and allow ample room for snow storage when plowed. It does require a variance from front yard setback.

**Surrounding properties have more parking:**

**#92-164 (28 Kimball)** has 8 or 9 paved parking spaces in its front yard off Kimball Street when there is ample room for parking in the rear with access off Union Street.

**#92-190 (19 Union)** adjacent to #92-171 has at least 8-9 parking spaces accessed by a long driveway along its northern lot line all the way to the back yard where the cars are parked right up against the rear lot line and some within 1-2 ft of the fence line along #92-171 (23 Union), occupying the entire back yard and part of the side yards.

**#91-170 (24 Union)** on the corner of Union & Kimball is a 3-family dwelling with a 2-car garage & driveway off Kimball Street and a 2-car garage & long driveway off Union Street accommodating at least 12 cars off-street with driveways off both sides. Parking off Union St. at #92-171 will be at least at least 21 ft. from lot line as there are 42 ft from house to fence.

The request for parking off both Union & Kimball is consistent with & less extensive than at neighboring properties. All three properties have parking much closer to lot lines than 20 ft.

**601.4 Density:**

While the proposed density is shy of the required size lot for 4 units, it is no larger and may be slightly smaller if the section of the 19' x 40' garage is eliminated once final plans are completed. In no case will it be larger than what already exists there. Converting 23 Union Street to a 4-unit multi-family dwelling will provide 2,831 sq.ft. per unit, above the average 2,100 sq.ft. of surrounding multi-family properties and provide two new downtown dwelling units .

**601.5 Additions to Existing Buildings:** No expansion to the building's footprint is anticipated. Only additional parking is planned.

## 23 Union Street, Lebanon, NH

### Phase 1 – Update Units 1 & 2:

This dwelling, constructed in 1860, has currently been used as a 2-family home for many years. Unit 1 consists of a large 3+ bedroom, 1.5 bath unit occupying the 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> floors of the front section of the home and the 1<sup>st</sup> floor of the middle section. Unit 2 consists of a 1BR 1bath apartment in the middle section of the 2<sup>nd</sup> floor and a small section of the 2<sup>nd</sup> floor front section plus its entry hall with private staircase.

The plan for Phase 1 is to rent these 2 units out in their present configuration minus the rear @3/4 of the middle section which needs renovation and without access to the 3<sup>rd</sup> floor rooms. It is the only unit with access to the backyard and this area will be finished as the new living room plus 1<sup>st</sup> floor full bath with access to the back patio and to the kitchen via a new walled off hallway. The entry hall and basement access will be enclosed so that the basement can be accessed without going through any apartment. Smoke & carbon monoxide detectors will be added to both units. An in-unit washer and dryer will be added to Unit 2. Two paved parking spaces will be added off Union Street. They can be used by the tenants of Unit 1 now and eventually will be the parking for Unit 3. Current wiring & plumbing will be evaluated and upgraded as necessary for these 2 units and the new living room and bath.

### Phase 2 – Create 3<sup>rd</sup> Unit

The opening between the 1<sup>st</sup> floor living and the rest of Unit 1 will be closed off so that both the dining room and the former library/bedroom can become the 2 bedrooms of the new Unit 1.

A kitchen and laundry will be added to the former 1<sup>st</sup> floor living room which connects to the stairs to the 2<sup>nd</sup> floor front which contains the 2 bedrooms and bath. This Unit 3 will be accessed through the front door off Union Street and the stairway to the 2<sup>nd</sup> floor will be used only by this unit. The dwelling will now consist of two 2-bedroom units and 1 1-bedroom unit. If required an EV ready space will be added near the present driveway off Kimball Street at this time.

### Phase 3 -Create 4<sup>th</sup> Unit from Garage Conversion

The two story 2-car attached garage will become Unit 4, a “townhouse” style unit with 2 BR, 1 or 1.5 baths + in-unit laundry with a side entry plus an exit to the spacious back yard and patio. All new heating, electrical and plumbing will be provided. Three new parking spots will be paved off Kimball Street. If required an EV capable space will be added near the parking area off Union Street.

Current Square footage of units:

Unit 1- 2274 sq.ft. including 3<sup>rd</sup> floor rooms which cannot legally be used with current access and 374 sq.ft. on the 1st floor which are uninhabitable. need to be renovated (a pellet stove was previously removed from this area). Add smoke & CO detectors.

Unit 2- 740 sq.ft. Add washer & dryer. Repair stairway railings. Add smoke & CO detectors.

Phase 1: Renovate the 374 sq.ft. to create living room & full bath on 1<sup>st</sup> floor with access to back yard patio. Wall off side entry hall and access to basement. Add 2 parking spaces off Union Street. Evaluate current electric & plumbing.

Phase 2: -1,115 in Unit 1; 740 sq.ft. in Unit 2; 900 sq.ft in Unit 3: Total of 2,755 sq.ft.

Phase 3: -1,115 in Unit 1; 740 sq.ft. in Unit 2, 900 in Unit 3, and between 1,140 – 1,560 in Unit 4:

Total of 3,895-4,315 sq.ft.

The two-story garage/barn that exists is unused and in this day and age is totally wasted space. Without adding a single sq.ft. to enlarge the existing footprint it can better function as an additional dwelling space. The current footprint will not be enlarged but two new apartment units will be added to the tax base.

Lot #	Address	lot Size	# of Units	Sq. Ft per unit
92-171	23 Union	.26 acre	(4)	2,831.4
92-190	19 Union	.26 acre	4	2,831.4
92-192	18 Union	.19	4	2,069.1
92-133	16 Green	.25	6	1,815
92-136	22 Green	.19	4	2,069.1
92-178	24 Shaw	.26	4	2,831.4
92-209	28 Elm	.16	7	995.66
92-205	42 Elm	.25	4	2,722.5
92-233	7 Kimball	1.27	34	1,627.09
107-125	52 Elm	.23	7	1,431.26
107-131	53 Elm	.27	5	2,352.24

#92-171

23 Union satellite view



- 92-171 - showing 5 proposed parking spaces, each 9' x 18'
- 92-164 - showing 8-9 parking spaces in front yard despite ample room in bac.
- 92-190 - showing 8-9 parking spaces up against rear lot line accessed by long driveway along lot line.
- 92-170 - showing driveways off both Kimball + Union Sts with parking in driveways for at least 8 cars plus garages.
- 92-172 - showing house within @6ft. of lot line with #92-171

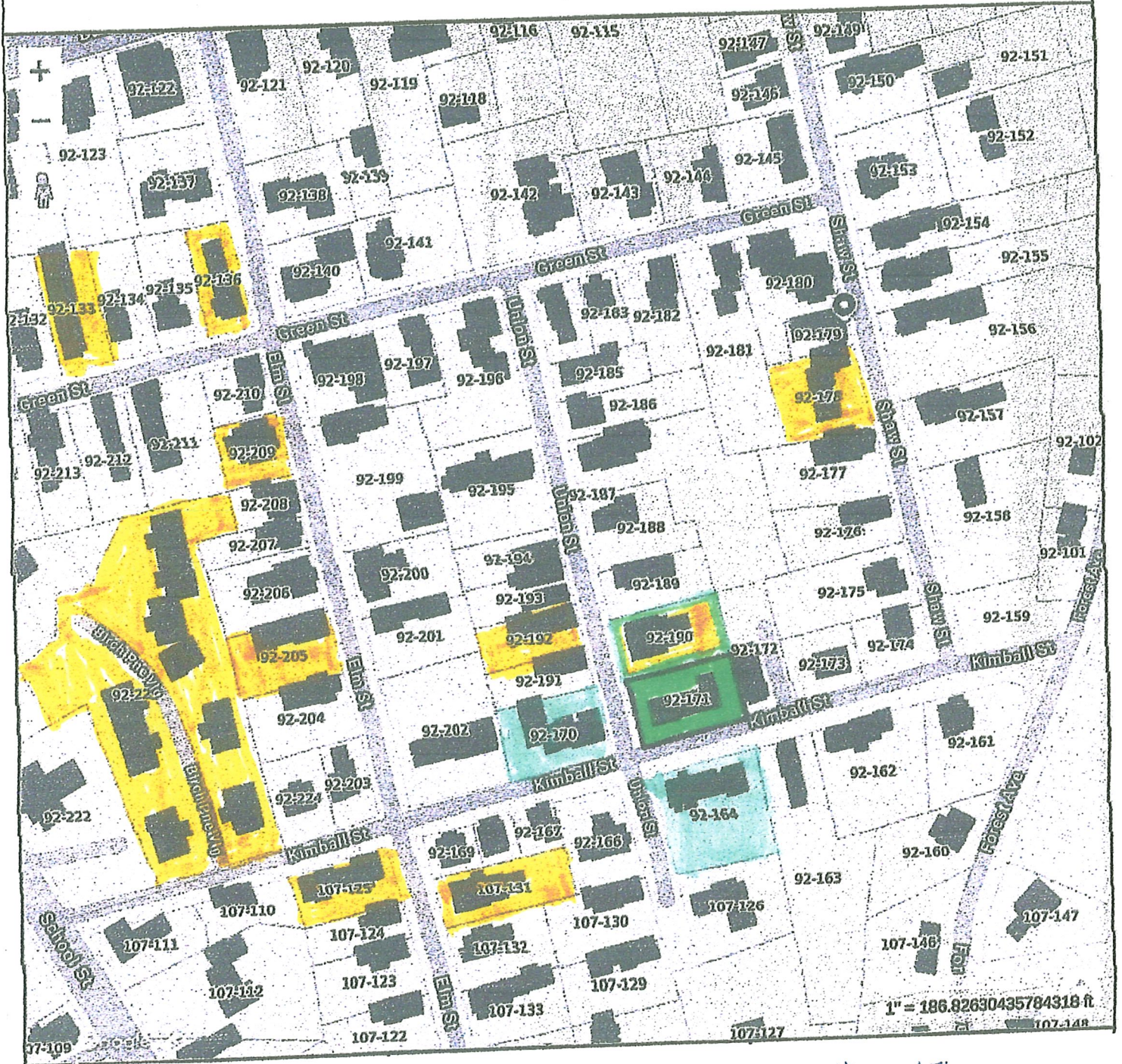
23 Union satellite view



23 Union Street showing additional proposed parking  
 (2 off Union + 3 off Kimball) # 92-171

Neighboring lots # 92-164, 92-190, + 92-170  
 all have at least 8 parking spots and 92-170  
 has driveway access off both Union and Kimball Sts.

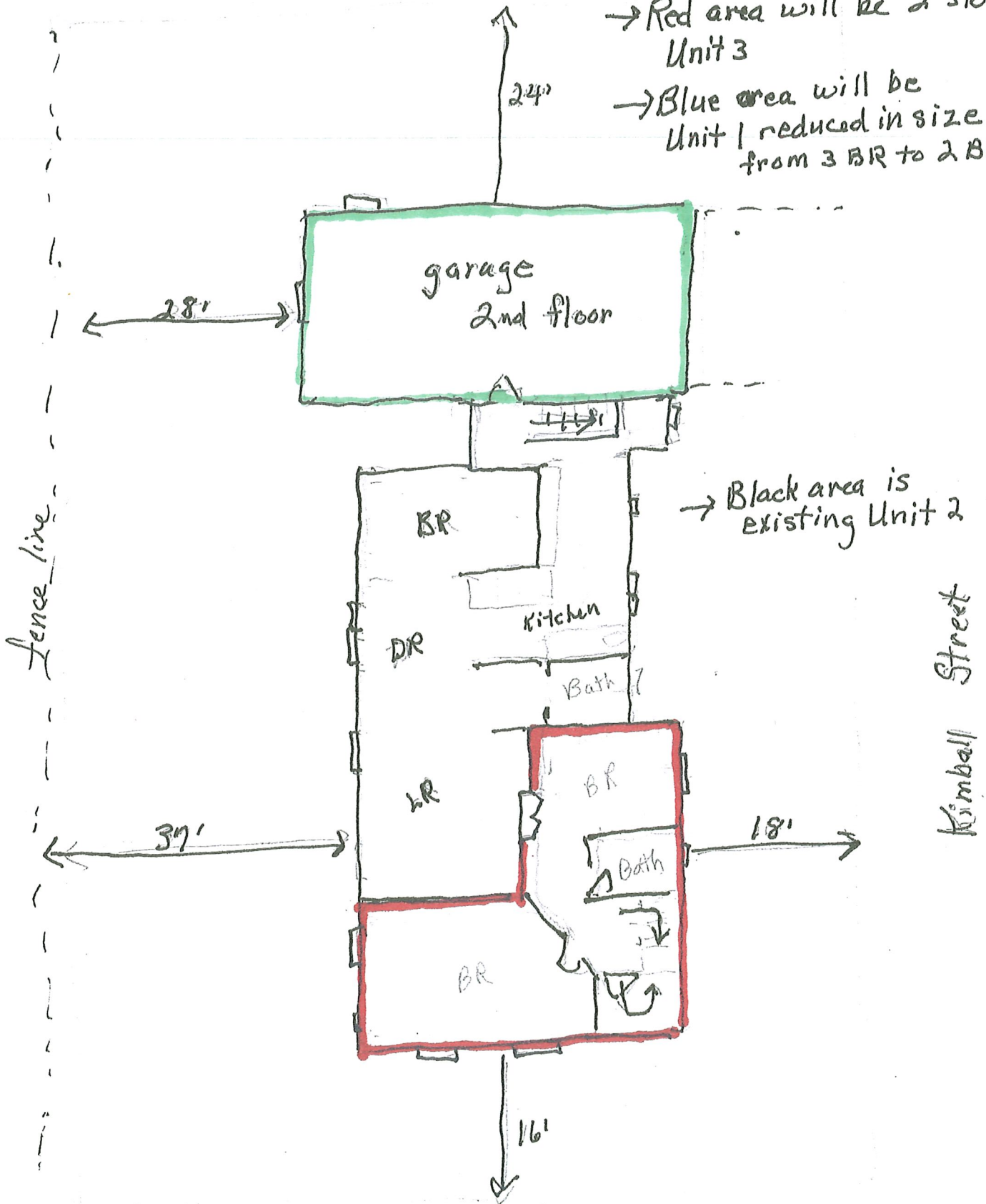
### 23 Union neighborhood



- Subject property - 23 Union Street #92-171
- 4-7 unit multi-family properties on similar or smaller-sized lots.
- 3 surrounding properties with either 8+ parking spots or driveways from 2 streets

Lot # 92-171  
2nd floor

- Green area will be Unit 4 (2 story former garage)
- Red area will be 2-story Unit 3
- Blue area will be Unit 1 reduced in size from 3 BR to 2 BR



Union Street

