

FINAL

**LEBANON ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE
TUESDAY, May 4, 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

1. CALL TO ORDER

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

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

2. APPROVAL OF MINUTES

A. April 6, 2026

Mr. Burtan MOVED to approve the April 6, 2026, minutes as presented in the May 4, 2026 packet.

Seconded by Mr. Morris.

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

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.

Chair Katz recused himself from this hearing. Vice Chair Newlove took over for this hearing and rearranged the agenda allowing this hearing to be heard at 7:30 PM tonight.

Attorney Decker is present if the Board would like to caucus and seek legal counsel.

Vice Chair Newlove called the hearing. No one was in attendance or online for the application.

Attorney Decker said that if no one is present to speak for the application the Board can look at the completeness of the application. At the last meeting, it was felt the application was incomplete. Vice Chair Newlove said he reviewed the 2014 and 2017 previous applications and decisions of the Zoning Board and described those decisions and applications to the other members. In 2017, 9 apartments were approved, but in the current application 8 additional apartments are proposed, and it is not clear if this is in addition to the previously approved 9 apartments. It is not clear how the apartments would be situated

within the building and how many studios or apartments they are asking to have approved. It also is not clear how the garage would be used. Other members are also confused about the application. It is possible that there has been some improper use of the building previous to this application.

The agenda was adjusted to move this application until 7:30 PM. If an applicant appears the application will be heard.

Chair Katz returned to the 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

An additional document showing the deck was added to the packet for this application.

Mr. McDonough is a friend of the applicant and believes he can adjudicate correctly.

Ms. Maville spoke on behalf of the application. They would like to add additional footage to their existing deck to add a staircase. It would be moved to the other side of the deck, and the deck would come down a little lower than the existing deck and would connect by that staircase to the yard. Originally, they had access to their backyard, but the cement and stone wall that was originally there was damaged and needed to be replaced. Access to the backyard was removed when the new retaining wall was built. This variance would allow them to access their backyard and would not impinge on their neighbors. There would be spaces between the Trex decking on the steps that would allow drainage. Members asked if it was possible to add steps to the back of the deck. It would make the steps a lot higher and more difficult to traverse. There is a steep slope on the back of the lot, and this slope is already about 8 feet high. The slope is the hardship of the property. This lot is narrower than most lots on this block. The neighbor's garage is right next to the property line.

Chair Katz opened the Public Hearing. Hearing no one, the Public Hearing was closed.

The members discussed the application. The testimony is that the lot is the narrowest and the steepest in the neighborhood.

Mr. Burtan MOVED On May 4, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Paula Mayville regarding 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.

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 8ft 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. There were no comments from the public for or against the exception.

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.

Specifically, the significant slope in the backyard prevents access from the current existing deck and the retaining wall.

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 4th day of May, 2026, hereby **GRANTS** 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.

Seconded by Mr. Morris.

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

At 7:30 PM the Board returned to the Execusuite, LLC application. Chair Katz recused himself once again.

At the last meeting where this hearing was opened, additional information was requested. No additional information has been provided, therefore the Board is rejecting the application.

Mr. Burtan MOVED to deny the application without prejudice.

Seconded by Mr. McDonough.

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

Chair Katz returned to the meeting.

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**

Patrick Shawn Mason, Amy Mason, and Dash Nash, engineer for the applicant, appeared on behalf of the application. They would like to add HVAC units at the back of the property where the units would be less intrusive and obstructive. There is a berm that would conceal the view of all the units and there are no abutting properties.

Amy Mason spoke, reviewing the application materials that have been submitted. There are HVAC units already placed there and there already exists buffering and screening. This location makes the units hidden, whereas other placement would infringe on neighbors. This is a corrective application to legitimize what is already there. There are no obligations regarding flooding. They have a flood plain certificate. The siding is above the flood plain therefore the units would be properly protected and elevated above the flood plain.

Chair Katz opened the Public Hearing. No one spoke for or against the application, and the Public Hearing was closed. The members discussed the application.

Mr. McDonough MOVED on May 4, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Patrick Mason, Amy Mason and Dan Nash regarding 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.

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 commercial warehouse originally constructed in 1984; a +/- 30,000 sq ft addition was completed in 2025.
3. Site Plan approval was granted in 2024 to include 3 HVAC units on each side of the building.

4. The HVAC units were installed at the rear of the building without prior approval and are located +/- 2.3 ft away from the property line.
5. Section 307.7.B.2 requires “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”.
6. No one from the Public appeared in favor or against this application.

II. CONCLUSIONS OF LAW

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following with respect to the Variance criteria set forth in §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.

There are two considerations. One is that the location in the petition is the best functional location for this particular machinery because of the sunlight on that side versus other sides of the building.

And the Petitioner also agrees to submit a FEMA elevation certificate before completion.

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 4th day of May, 2026, hereby **GRANTS** the requested Variance to allow mechanical equipment to be located +/- 2.3 ft from the rear property line where 10 ft is required 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 submit the FEMA certificate.

Seconded by Mr. Burtan.

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

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

Jordan Romano appeared on behalf of the application. They are requesting the variance to convert a 2-family dwelling into 4 dwelling units. The building is exceptionally large, and it would help meet the housing needs of Lebanon.

This would not be contrary to the public interest as other dwellings are designed like this and they are on even smaller properties. There are similar homes in the neighborhood. Their application includes illustrations of similar surrounding properties. They do not intend to increase the size of the footprint of the property. There is significant unused area in the existing dwelling. The members asked for clarification about the hardship of the property.

The proposed parking was discussed. There are currently 2 existing parking spaces, and he would like to have 6 additional off street parking spaces. There is a new requirement for EV parking based on the number of bedrooms. If he asks for 6 parking spots, he can have a dedicated EV space for any unit that would need it. In this case, they are asking for permission to use a specific location and not specifically asking for the number of spaces. They are proposing two spots off Union Street, four off Kimble Street. Part of the issue is the distance from the setback on the Kimble Street side. Parking would not require a variance for the Union Street side. They would like to locate the car parking in the stated places, to continue to allow the use of the backyard by the tenants. There is adequate space for snow to be piled in the same area. There is an existing driveway, and they may request to have an additional curb cut to allow pulling straight into the parking spaces.

They intend to change the garage and the space above it into dwellings and the parking would not be covered. They intend to build 7 additional bedrooms. The majority of unused space is in the garage and barn on the back half of the garage. The back barn may be removed. Other unused spaces include the third floor in the front of the building. The applicant is currently intending to purchase the property. The closing time was modified for separate reasons. The applicant currently lives in Boston.

The members commented that the request is for parking, but the applicants want to eliminate parking places they already have, because they want to turn parking areas into living spaces. The applicant feels he is at a disadvantage because other properties have more parking. It was pointed out that they are creating their own problem of a lack of parking. In its current use, the condition of the garage structure needs to be revamped. The structure needs to be rebuilt from its

current form. The applicant believes the best use of the property is to do what others have done, build more dwellings.

There are two historical pathways. There have been a number of large homes on small lots and many applications have been made to convert to multiple dwellings. The ordinance changed because this is not a preferred use. Others may have been grandfathered in. It was asked if there is a history of recent expansions in the neighborhood. It is likely that most of the housing was dense prior to the new ordinances. In the surrounding neighborhood nearly 65 percent of the houses in this area have some extent of non-conforming aspect. The applicant feels that he is making an effort to improve housing and also keep the parking off the street.

Chair Katz opened the Public Hearing.

Dan Winny is a homeowner neighbor with an ADU abutting the property. His house was built over 100 years ago and was built 6 feet from the property line. The proposed parking lot would be adjacent to his house. He received notice of this hearing 5 days ago, and they have not seen the requested parking placement. On behalf of 21 owners, he read a statement.

Amongst other things he mentioned, the lot size under zoning only supports 2 units, not the 4 requested. The statement focused on the hardship and states that there are no special hardships to the property. The applicant feels that limiting the property to 2 units interferes with his use of the property and that the garage is useless space. There are 29 properties in the area, and 21 people have signed the statement they are submitting. There are 25 single family homes with 3 homes with accessory rental units. The neighborhood is primarily single family. Twenty-Three Union Street is not being held to a higher standard than the neighbors. The presence of non-conforming properties is not a justification to build additional parking lots on the properties. It is felt that this applicant intends to increase the density and does not state a reasonable hardship with the property. The signatories request that the application is not granted. They welcome the new neighbor and hope he can keep the property similar to what it is currently doing. So far, 14 properties have signed the statement.

Chair Katz spoke about a hardship. It is not the land itself, but also the improvements on the property. The hardship is stated as a small lot with a large building and unused space. He asked if the building is large in comparison to the lot. There are several large buildings in the area that are comparable to 23 Union street. But there are also many small dwellings.

Dominic Fatciponte thanked everyone for the work that has been done. The area and street are already too busy. It is unsafe for the children and families that already live on the properties in the neighborhood. He lives at 18 Union Street.

Alyssa Smith lives at 30 Kimble Street, across the street from the property. They have lived there for 23 years. She referenced the zoning ordinances and that this application conflicts with the vision for this district. This level of change undermines the zoning ordinances. This property can continue to be used as it currently exists, a 2-dwelling unit.

Deborah Howe, 46 Green Street, stated that across from their single-family home, there is a house that is converted to apartments and the numerous cars moving in and out of this parking lot impacts their housing. The additional parking areas and vehicles is a distraction.

Lynn Fisher, 11 Union Street remarked that she knows some of the neighbors that rent another property that Mr. Romano owns. The neighborhood does not need more non-owner-occupied properties. When the owner is not living there, it severely impacts the nature of the neighborhood.

Kathie Romano, mother of Jordan the applicant, said she has seen this property. It has a small one-bedroom apartment. The rest of the house could be a 5-to-6-bedroom house. The number of people who could live in that property might not be different than if it was 4 units. The current garage is in disrepair. The City has a stated purpose to increase the number of houses in downtown Lebanon.

Tammara Gerlach lives at 30 Union Street. She lives on a lot the same as 23 Union Street. They live in a large house, about the same as this house. They also have a small apartment that their family uses. They have a lot of unused parking; they could also ask to have a 4-dwelling unit with lots of parking. But she feels it would not be in the best interest of the neighborhood. She feels that increasing the living quarters in this area could lead to more street parking which is already not available.

Collin Smith lives across from the property. In recent years the garage was used. Adding parking adjacent to the neighbor would make it very unpleasant for the owners in the Winny residence that would be a few feet away from the vehicles.

Robert Tichner, homeowner at 20 Union Street, lives directly across the street from rental housing. The zoning and parking are negatively impacted by the non-owner-occupied facilities. Adding this only adds to the impact on the neighborhood.

No one else appeared in person or online to speak.

Mr. Romano was asked if he would like to add any additional information. He is grateful that his neighbors advocate for the neighborhood. He completed his medical training in the area, and his way of giving back is to try to better the town by building and improving housing in the area. He is open to working with his neighbors to make sure his tenants have a good impact on the neighborhood. He believes the character of a neighborhood changes over time. He is willing to amend his thoughts about developing the area, and he has intentionally tried to design things that would have the least negative impact on neighbors and the neighborhood.

The Board asked a few follow-up questions. The property is under contract, and the purchase has not been completed as there was a delay in closing.

A previous variance that was granted on Elm Street was discussed. When the variance was granted historically, they made the decision, as there was no other use for that building without adding dwellings. This hearing, it appears the garage has to be rebuilt, and it needs attention to

be useful. There is a building that needs to be filled up, and there is a garage, that needs to be rebuilt, and they would like to turn it into housing.

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

There are three requests for variance. They can be bundled together or taken one at a time. Mr. McDonough thanked the community members for coming out. The Board is not here for neighborhood preservation. They also are not safety monitors. They have a limited ability to determine if there is a significant and unique difference about this property. The members struggled with identifying if there was a hardship with the property. The variances stem from one another. It is entirely possible to approve some of the requested variances and not others. Chair Katz says in this district, 4 dwelling units are permitted. The need for the requested variance is due to the size of the lot. To convert they have to meet the existing neighborhood architecturally. Parking has to be adequate off-street parking. Such parking shall not occupy the front yard unless it exists, expanding requires a variance. The minimum required parking is one spot per unit, and one has to be an EV. They are actually asking for more parking. Chair Katz is in favor of denying the parking variances but approving the conversion. The size of the building was the key driver, the size of the building to the size of the lot.

Mr. Newlove MOVED On May 4, 2026, at a duly-noticed meeting of the Lebanon Zoning Board of Adjustment, there appeared Jason Romano regarding 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.

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. Twenty-one people signed a petition with 14 of those people being owner properties. There was one person who spoke in favor of the variance and there was one additional person. Those who testified were Dan Winny at 29 Campbell Street, Dominic Factiponte at 18 Union Street, Alyssa

Smith of 30 Kimball Street, Deborah Howe of 46 Green Street, Lynn Fisher of 11 Union Street, Kathy Romano of 13 Apple Blossom Drive and Tamara Gerlach of 30 Union Street.

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 be** contrary to the public interest.
2. The spirit of the ordinance **is not** observed.
3. Substantial justice **is** done.
4. The values of surrounding properties **are** diminished.
5. Literal enforcement of the provisions of the ordinance **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** a fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property.
7. The proposed use **is not** a reasonable one.

III. DECISION

Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this 4th day of May 2026, hereby **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.

Seconded by Mr. McDonough.

Chair Katz finds some of these findings not supported with evidence and determinations excessively harsh.

The Vote on the Motion was (4-1).

Chair Katz voted against the motion.

4. STAFF COMMENTS

Staff will tell Cyber Services that enhanced access did not work well. Staff was asked to please provide hard copies. Packets did not get fully delivered this month.

Mr. Newlove will be out the June meeting. Other members can attend. Applicants are entitled to be heard by five members. Applicants for the June meeting will be given the opportunity to have a full Board. There was an appeal filed, but the applicant has asked for a July hearing.

Primitive Pickings is in a Zoning Administration case, and it is thought that the property is going into bankruptcy. The City has a judgement and there is a lien to move to foreclosure.

5. ADJOURNMENT

Mr. Burtan MOVED to adjourn the meeting at 8:33 PM.

Seconded by Mr. McDonough

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

Respectfully submitted,
Linda Billings, Recording Secretary