

**Zoning Board of Adjustment
Tuesday, September 4, 2018, 6:30 p.m.
City Hall Council Chambers
3 Washington Street, 2nd Floor**

AGENDA

- I. Introduction of Board Members
- II. Minutes of the Previous Meeting – June 4, 2018 & August 6, 2018
- III. Unfinished Business
- IV. Hearings:

Continued ZBA 18-12:/ Petitioner, Kay M. Alderman of 350 Hurricane Rd, requests a Variance for property located at 350 Hurricane Rd., Tax Map # 234-019-000, owned by the Petitioner and is in the Rural District. The Petitioner requests a Variance to permit the extension of a garage to within 11 feet of side boundary line and to within approximately 45+/- feet of Hurricane Rd. where 50 feet is the setback requirement for both side and front side yards per Section 102-791, Basic Zone Dimensional Requirements.

Continued ZBA 18-13:/ Petitioner, Jacob D. and Geraldine J. Liebert of 447 Hurricane Rd, represented by Brickstone Land Use Consultants, LLC of 185 Winchester St., Keene, requests a Variance for property located at 0 Hurricane Rd., Tax Map # 225-016-000, owned by the Petitioner and is in the Rural District. The Petitioner requests a Variance to allow construction of a single family home on an existing two acre lot in the Rural District where five acres is required per Section 102-791, Basic Zone Dimensional Requirements.

Continued ZBA 18-14:/ Petitioner, Hundred Nights, Inc. of 17 Lamson St., Keene requests a Variance for property located at 76 Railroad St., Keene, Tax Map # 574-010-000, owned by The Moving Company Dance Center, 76 Railroad St., Keene and is in the Central Business District. The Petitioner requests a Variance to permit a lodging house in the Central Business District where a lodging house is not a permitted use per Section 102-482 of the Zoning Ordinance.

ZBA 18-15:/ Petitioner, Raette Trombly of Keene, requests a Change of a Non-conforming Use for property located at 15 King Ct., Keene, Tax Map #112-022-000, owned by William Stretch, Jr. of Oshawa, Ontario, and is in the Low Density District. The Petitioner requests a Change of a Non-Conforming Use to permit a fitness facility use in an already non-conforming use of a retail facility.

ZBA 18-16:/ Petitioner, Jeremiah Boucher of Keene Self Storage, LLC, 12 Bradco St., requests a Special Exception for property located at 12 Brado St., Tax Map #117-041-000, owned by Gridley Enterprises, LLC of 33 Hall Court, Peterborough, NH and is in the Industrial District. The Petitioner requests a Special Exception for a proposed expansion of the existing self-storage facility.

- V. New Business:
- VI. Communications and Miscellaneous:
- VII. Non Public Session: (if required)
- VIII. Adjournment:

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City of Keene
New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Monday, June 4, 2018

6:30 PM

Council Chambers

Members Present:

Nathaniel Stout, Chair
Joshua Gorman, Vice Chair
Sean Wallin
Michael Welsh

Staff Present:

Gary Schneider, Plans Examiner
John Rogers, Zoning Administrator

Members Not Present:

John Rab, Alternate
Jeffrey Stevens, Alternate
Louise Zerba, Alternate

I. Introduction of Board Members

Chair Stout called the meeting to order at 6:35 PM, introduced members of the Board and welcomed everyone to the meeting.

Chair Stout explained that the Board would consist of four members rather than five members and that it is the practice of the City to ask the applicant if four members would be appropriate.

II. Minutes of the Previous Meeting-May 2, 2018

Mr. Welsh noted a correction on page 8, second paragraph, first sentence, the word “defect” should be changed to “de facto”.

Chair Stout noted a correction on page 7, first paragraph, third sentence, the word “for” should be changed to “from”.

In addition, Chair Stout noted a correction on page 7, last paragraph, first sentence, the word “for” be removed from the sentence.

Mr. Welsh made a motion to accept the minutes from May 2, 2018 as amended. The motion was seconded by Mr. Gorman, which carried unanimously.

IV. Hearings

ZBA 18-09:/ Petitioner, Jim Phippard, of Brickstone Land Use Consultants, LLC, of 185 Winchester St., Keene, requests an Appeal of An Administrative Decision for property located at 83 Court St., Keene, and owned by John and Josephine Russell of 893 Old Walpole Rd., Surry, NH. The Zoning Administrator has ruled that a proposed wellness center is defined as a health and fitness center and is not a permitted use in the Office District per Section 102-602, Office District, Permitted Uses.

Chair Stout asked the applicant if they wished to proceed with a four member Board or postpone the hearing until the next meeting cycle. Mr. Phippard, of Brickstone Land Use Consultants, LLC, 185 Winchester Street, Keene, stated that he was representing the applicants. Speaking on behalf of the applicants, Mr. Phippard stated they wished to proceed with a four member Board.

Mr. Phippard began his presentation by explaining the applicants are proposing a wellness center at the former Red Cross building located at 83 Court Street. He explained the ruling by City staff was based on the findings that a wellness center best fits under the definition of a health and fitness center. Due to this ruling, the applicants have filed an Appeal of an Administrative Decision. Mr. Phippard referred to the definition of a health and fitness center according to the Zoning Ordinance. In addition, he referenced the zone change in a petition filed by the former Gold's Gym that requested to relocate to Bradford Street. He explained that when he filed the zoning amendment to allow the fitness center to relocate to the Industrial District, the Zoning Administrator recommended creating a definition that included all of the proposed activities and uses in this district. Mr. Phippard noted that he was the one who wrote the definition and attempted to include certain activities and uses. He read the definition of a health and fitness center from the Zoning Ordinance as follows, "*Health and fitness center means a business whose primary purpose is to conduct indoor and/or outdoor activities for members related to health, physical fitness, and exercise. Activities include, but are not limited to, weight training, circuit training, aerobic exercise, yoga, swimming, in-line skating, skate boarding, floor hockey, ice hockey, basketball, volleyball, dancing, batting cages, jogging, walking, climbing and biking*".

Mr. Phippard stated that he wanted to point out that all of these activities are for members. He explained that when people join the gym they pay a membership and come and go as they please. Mr. Phippard noted this was a big difference with the proposed wellness center. He stated the wellness center would consist of a group of offices and activity rooms. The activities would consist of massage therapy, Reiki, nutrition counseling, psychologists, psychiatrists, life style coaching, physical therapists, acupuncture, gym therapy, aromatherapy, yoga and fitness related exercises. Mr. Phippard noted the items in this list; each of them on their own could rent an office in the Office Zone and it would be a permitted use. He noted these activities and services are held by certified or licensed professionals. In addition, he explained that people could not just walk into the center and would need to have an appointment. He stated that interpreting this as a fitness center because it includes yoga and fitness training is an error. Mr. Phippard stated the nature of the business is primarily professional due to scheduled appointments and the type of activities provided.

Mr. Phippard explained that when the Office District was created years ago, a process that he was involved in, the City talked about allowing noncommercial offices. He explained this was primarily because the City wanted low intensity uses. Mr. Phippard noted the proposed application fits well under that intent. He stated that he understands the decision of City staff but feels their ruling is not proper in this case.

Vice Chair Gorman asked Mr. Phippard to further explain the intent of the Office District in terms of creating a buffer between the Central Business District and the intent for the Residential Use. Mr. Phippard replied that because this was an area that would transition from the busiest downtown area into the residential areas that surround Main Street, the discussion geared on what would happen if the area became business and offices. In addition, the City needed to determine the best way to limit the transition so as not to be intrusive or interfering with the privacy of the residents that abut the office buildings. Mr. Phippard noted there was a lot of discussion on this topic. The focus was on the large single family homes that people were trying to split into apartments or convert into business uses. He explained the idea was that it is much easier to control the impact of a professional noncommercial office due to scheduled appointments. Vice Chair Gorman asked, in Mr. Phippard's estimation, if the proposed group activities have any level of control if 12 people show up for a class. He noted that it seems that it could be fairly intense, given the limited parking in some of the office areas and has the potential to be contrary to the designated Office Zone. Mr. Phippard stated that the control would come from scheduled appointments and limited room size. He noted that a yoga class at the center would be held three times a week and the center would be available seven days a week.

Mr. Phippard stated the site does have 10 parking spaces and there is free parking on both sides of the street along Court Street. He stated that when he files applications of this nature, he drives the area during normal hours. Mr. Phippard reported that every day he's driven in the location of the proposed application, there has been available parking.

Mr. Phippard stated that he feels a wellness center is far less intensive compared to a health and fitness center. Vice Chair Gorman stated that in granting the use is to the property, not the owner and the future user may turn the whole property into an unlimited number of classes. Mr. Phippard stated the proposal is for a wellness center and not for a single yoga studio. He noted the idea of the wellness center is to look what can help the emotional and physical wellbeing for people.

Chair Stout explained to the audience that this is a review of an Administrative Decision and that the Board would not vote on the standard criteria for a Variance.

Chair Stout recognized Ed Snyder, 101 Court Street, Keene. Mr. Snyder stated that he recently purchased his home as a residence and that there are some restrictions where he cannot have a business in his home. Chair Stout noted that this was not a public hearing but allowed Mr. Snyder to continue with his comments. Mr. Snyder asked if there is a permitted use where the professionals in psychotherapy and yoga can only offer a certain amount of classes at a time. He referred to the free parking on Court Street, noting that this is a Residential area and may cause an issue. Mr. Snyder noted that he was not against the proposal but questioned the impact to the neighborhood.

John Rogers, Acting Health Director, stated he wrote the Administrative Decision after receiving a letter from the applicants. He stated that his interpretation was geared toward the use. Mr. Rogers said the use is not an office use as allowed in the Office District. Based on the letter submitted, the intensity could be almost anything and he based his decision on the intent of the Office Zone. Mr. Rogers read Section 102-601 from the Zoning Code as follows, *“The intent of the office (O) district is to provide for noncommercial offices within walking distance to the downtown. The uses are intended to be low intensity such as professional offices. This zone is intended also to serve as a buffer between the intense uses such as those in central business, central business limited, commerce zones, and residential areas”*.

Mr. Rogers stated that a health and fitness center is an allowed use in the Central Business District, Neighborhood Business District, Central Business Limited, Commerce District, the new Business Growth and Rezoning District and the Industrial District. He said the type of intensity of the proposed use within the Office District is encroaching into these zones. Mr. Rogers reported the letter he received spoke to a lot of different activities and time frame. The time frame he noted was 6:30AM until 9 PM. He explained this timeframe is reaching into commercial type time periods as compared to the intent of a noncommercial office. Mr. Rogers stated in his opinion more commercial activity would occur. He referred to the statement made by Mr. Phippard that if this was a single licensed yoga instructor that it would be an allowed permitted use in the Office Zone. He stated that he would disagree with this statement because a license from the state does not make it a professional office type use.

Chair Stout asked when the Board sees a wellness center, by definition, should it equate this to a health and fitness center. Mr. Rogers replied in the affirmative.

Chair Stout asked if Mr. Phippard had further comment. Mr. Phippard stated that the owner of the property, Josephine Russell wished to make a statement. Chair Stout asked if there was objection from the Board. With no objection, Chair Stout recognized Josephine Russell, of 893 Old Walpole Road, Surry. Ms. Russell stated that she has lived in the community for over 42 years and thanked the Board for their time. She stated that she has had the idea for a wellness center for many years. Ms. Russell stated that she wanted everyone in the City of Keene to be a healthier person in body and mind.

Ms. Russell stated that when she saw the Red Cross building for sale she thought this would be the perfect place for a wellness center. She noted that what the Red Cross did at the building was similar in a certain way to what she would like to do. Ms. Russell explained that the building has offices that could be used for Reiki, massage therapists, nutritional councilors and other kinds of therapy. She stated that the Red Cross used the community space for LNA trainings, CPR trainings and other trainings that were much bigger than what would be offered at the wellness center.

Ms. Russell reported the building needs a big uplift and cosmetic work. All of the floors need revamping and the walls need to be redone. She stated the basic structure is there and in place.

Ms. Russell referred to the statements made about the number of people at a time at the proposed center. She stated that the average proposed class would have eight students. Ms. Russell noted that this is not a high number compared to a class offered at a gym.

Ms. Russell asked the Board for time for her husband to speak. Chair Stout stated it is not the typical procedure and that further comments can be heard during the Variance which will be heard if the Appeal is denied. Mr. Russell stated that he could wait to speak as his wife's comments were stated very well.

Vice Chair Gorman asked City staff what zone the Red Cross was located in. Mr. Rogers replied that the property was a nonconforming use prior to the rezoning of the Office District. Chair Stout asked when was the Office District was created. Mr. Schneider replied this was done in the mid 1990's. Chair Stout asked if the property became nonconforming use after the rezoning. Mr. Rogers replied that it became a nonconforming use at that point in the Office District.

Mr. Phippard stated that he wanted to summarize their position. He stated that they were asking for the Board's help to define a wellness center and not looking for permission for a blanket use as a health and fitness center. Mr. Phippard noted this was the reason why they were very specific about the professions they want to occupy the building.

Chair Stout explained that if the Board votes in the negative, there is another Variance application for the same property. He noted this decision was to either affirm or deny the Administrative Decision.

Mr. Wallin made a motion to affirm the Administrative Decision. Mr. Welsh seconded the motion.

After a brief ensued, the Board agreed to withdraw the motion.

Mr. Wallin stated that he had no problem with the application but his concern was the intensity of the use and parking. Vice Chair Gorman stated that when he reads the definition of a wellness center it parallels with a health and fitness center. He stated that Ms. Russell's intentions are wonderful but from a definition standpoint the Administrative Decision was correct.

Mr. Welsh concurred with Vice Chair Gorman's statement. He stated that the proposed uses are things that he would like to see but an Appeal of an Administrative Decision is based on finding error. He noted that he does not find any error with the decision.

With a vote of 4-0, the Zoning Board of Adjustment voted against the request to overturn the Administrative Decision.

Mr. Welsh made a motion to deny the request of overturn of the Administrative Decision. The motion was seconded by Vice Chair Gorman.

With a vote of 4-0, the Zoning Board of Adjustment denied ZBA 18-09.

ZBA 18-10:/ Petitioner, Jim Phippard, of Brickstone Land Use Consultants, LLC, of 185 Winchester St., Keene, requests a Variance for property located at 83 Court St., Keene, and owned by John and Josephine Russell of 893 Old Walpole Rd., Surry, NH. The Petitioner requests a Variance to permit a Health and Fitness Center in an existing 3,962 square foot building (formerly the Red Cross) where Health and Fitness Center is not a permitted use in the Office District per Section 102-602, Office District, Permitted Uses.

Mr. Phippard stated that the applicants have requested to wait for a five member Board.

Mr. Phippard noted that 83 Court Street was not owned by John and Josephine Russell as stated in the agenda and is owned by the American National Red Cross.

Vice Chair Gorman made a motion to postpone ZBA 18-10 until July 2, 2018 at 6:30 PM. The motion was seconded by Mr. Welsh.

With a vote of 4-0, the Zoning Board of Adjustment agreed to postpone ZBA 18-10 until a five member Board is present.

ZBA 18-11:/ Petitioner, Jim Phippard, of Brickstone Land Use Consultants, LLC, of 185 Winchester St., Keene, requests a Variance for property located at 96 Dunbar St., Keene and owned by Dunbar Opportunity, LLC of 55 Main St., Keene. The Petitioner requests a Variance to permit self-storage units inside an existing warehouse building where a self-storage facility is not a permitted use in the Central Business District per Section 102-482, Central Business District, Permitted Uses.

Mr. Rogers indicated the location of the property was at the end Dunbar Street, which is a dead end street. He stated the property is currently a vacant warehouse which has been vacant for quite a long time. The property is located in the Central Business District. Mr. Schneider asked Mr. Phippard if the request was for the second floor of the building. Mr. Phippard replied the application was a portion of the ground floor and the second floor.

Vice Chair Gorman asked if the previous use as a warehouse was nonconforming. He also noted that the property is a defunct use because it has set longer than a year. In addition, Vice Chair. Gorman asked if the application was for a warehouse use. Mr. Rogers replied the application is for a self-storage use with self-service use. Mr. Schneider stated that warehouse and self-storage units are separately defined uses in the Zoning Code.

Chair Stout recognized Jim Phippard of Brickstone Land Use Consultants, LLC, of 185 Winchester St., Keene. He stated that he is representing Knotty Pine Antiques and filed an application for a Variance to allow self-storage inside the building. The building was built in 1875 and was used as a manufacturing and storage facility. Over the years it became a warehouse for several different businesses and there is still storage in the building today. He noted there are several different entities that use the building for storage. The businesses are the

Salvation Army, D.A. Brothers Construction, CFX Bank, Private Label Bottles, Toy City, Linda's Closet, and Senator Jay Kahn.

Mr. Phippard provided the Board with a picture of how the building exists on the property. He noted the parking area in the front of the building and a strip of land on the east side of the building is part of the property. The building footprint is approximately 6,300 square feet and is a two story building with a total of 12,655 square feet of floor space. The primary use will become Knotty Pine Antiques, which City staff has determined is a permitted use. Mr. Phippard reported the applicant will have storage and auctions at the property.

Mr. Phippard reviewed the criteria for a Variance.

Granting the Variance would not be contrary to the public interest because:

Mr. Phippard stated the storage area would be caged areas inside the building in units that are different sizes. The sizes could be as narrow as 5 feet x 10 feet and 30 feet x 30 feet in order to meet market needs. Mr. Phippard noted that he has been working on a lot of storage buildings in the area due to market demand. He stated the proposal is to use approximately 4,900 square feet on the ground floor of the building for his auction business, 1,800 square feet on the ground floor and the entire second floor, 5,955 square feet for inside self-storage units. He stated there is no outside storage proposed. Mr. Phippard said granting the Variance will allow the owner to fully utilize the second floor of this large warehouse building with a low intensity use. Mr. Phippard noted that is in the public interest to allow vacant buildings to be re-purposed with a low intensity use. The vacant building will be renovated, brought up to current building code standards, and the property value will be improved. In addition, he noted that the building is badly in need of help.

If the variance were granted, the spirit of the ordinance would be observed because:

Mr. Phippard stated the property is located in the Central Business District and this district is intended to allow mixed uses in a manner which does not create a public hazard or threaten public welfare. The repurposing and renovating of a vacant warehouse building as proposed will improve the appearance of the building and add to the property value. The self-storage units will be inside and on the second floor of the building and will not be visible from the outside. Mr. Phippard stated this is a low intensity use which will not add significant traffic and will not create noise or obnoxious fumes. He said granting the Variance will allow the property to be used in a manner similar to the previous uses on the property. Mr. Phippard stated that it will not result in public hazard or diminish public safety, and therefore, observes the spirit of the ordinance. Mr. Phippard reported they looked at the Institute of Transportation of Engineers Trip Generation Manual and based on the square footage and number of units they predict the average trips per day would be 27 vehicles. He noted this was between 7 AM until 9 PM. During the peak hour time, 7AM-9AM there would be two vehicle trips and during the night peak hours 6PM-8PM there would be four vehicle trips. He noted these numbers are based on national studies. In addition, Mr. Phippard reported that he spoke with Dave Thomas and Bob Furlong who own storage units in the area that have gated control. He explained that every time the gate is opened it is registered. Mr. Phippard stated that these storage owner numbers are half of what the ITE Manual predicts. He noted based on these reports the use is a very low traffic generator.

Granting the variance would do substantial justice because:

Mr. Phippard stated granting the Variance will do substantial justice because it will allow the building to be repurposed, renovated and brought up to current building code standards. It will improve the building appearance and it will not result in a hazard or threat to public safety. In addition, he said that it will not diminish surrounding property values.

If the variance were granted, the values of the surrounding properties would not be diminished because:

Mr. Phippard stated the existing building has been vacant for many years and has become run down. He said granting the Variance will allow the owner to renovate the building and bring it up to current building codes. Mr. Phippard provided the Board with a picture of the building to demonstrate the large window openings on the second floor. He noted that all of the window opening will be enclosed. Mr. Phippard said approving the Variance will not result in a threat to public safety or be a nuisance to vehicles and pedestrians. It will repurpose an empty building and greatly improve the property value.

Unnecessary Hardship

A. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*

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 because:*

Mr. Phippard said the existing building is a 12,655 square feet, two story warehouse which was built in 1875. The building has been vacant for many years and has become run down. It is not insulated and is out of date with the current building codes. Mr. Phippard stated that this creates a special condition for this property which severely limits the feasibility of renovating and repurposing of the building. He stated self-storage units inside the building allow the owner a use which makes it feasible to save the building and bring it up to the current building code. Granting the Variance to allow self-storage will result in improving the property with no negative impact to public safety or public welfare. Mr. Phippard stated that it is not fair or reasonable to deny the Variance in this case when there is no public benefit and no threat to public safety or welfare. Mr. Phippard reported the owner of the property is a Realtor, Mitch Greenwald. He reported that Mr. Greenwald could not make the property work after several attempts and that the building sits and continues to deteriorate. Mr. Phippard stated that John Pappas, the owner of Knotty Pine Antiques has a use that can work. He concluded stating that denial of the Variance would result in an unnecessary hardship in this case.

ii. *The proposed use is a reasonable one because:*

Mr. Phippard stated that self-storage is a low intensity use and will not generate significant traffic. It will be located inside the building and will not be visible from surrounding properties.

He stated granting the Variance will allow the building to be saved. It will improve the property value and will not result in a threat to public safety or diminish surrounding property values. *Explain how, 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 conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

Mr. Phippard said the existing building is a 12,655 square feet, two story warehouse which was built in 1875. The building has been vacant for many years and has become run down. He stated that the building is not insulated and is out of date with the current building codes. Mr. Phippard explained that based on this information it creates a special condition for this property which severely limits the feasibility of renovating and repurposing the building. He stated that self-storage units inside the building allow the owner a use which makes it feasible to save the building.

Mr. Welsh referred to the existing use as a storage facility is that used by local various businesses. He asked if these businesses pay. Mr. Phippard replied in the affirmative. Mr. Welsh stated that it has an existing use as a storage facility. Mr. Phippard replied this was probably not a legal use and that people who knew Mr. Greenwald asked to use the facility as storage. Mr. Welsh referred to incidental warehousing and asked if the capacity to store a client's goods on site before going to auction is part of the auction's business model. Mr. Phippard replied in the affirmative. He explained that auctions would occur once a month and during that time period between auctions the owner would be acquiring different lots of good. These goods would then be stored in the facility until the next auction.

Vice Chair Gorman asked when speaking to the intensity of storage units, if Mr. Phippard had any data that storage units located directly above a storage house have an increase in intensity. He noted that it seems to him that someone that is participating in providing the auction house with sellable goods from their storage unit may promote an increase in activity, as opposed to a home owner storing their unwanted goods. Vice Chair Gorman asked if his interpretation was correct. Mr. Phippard said there is no intensity with a storage facility but that Vice Chair Gorman had a good idea. Chair Stout asked if there would be off-the-street retail sales. Mr. Phippard replied there would be none. Chair Stout asked if the number of storage units was known. Mr. Phippard replied the last layout he saw indicated that there would be 91 units that varied in size. Chair Stout asked the size of the average unit. Mr. Phippard replied the units varied in size from 5 feet x 5 feet to 30 feet x 30feet. Chair Stout asked if there are designated parking areas at the property. Mr. Phippard replied there are 35 onsite marked parking spaces. He noted that some of the designated spaces would be for handicap and employee parking.

Mr. Wallin asked if the hardship is cost effectiveness. Mr. Phippard replied it is the physical condition of the property that makes it unmarketable in the Central Business District.

Chair Stout asked Mr. Phippard to refer to his map to designate the first floor that is affected by the Variance. In addition, he asked if City staff has given Variances by floors. Mr. Rogers stated that the Board could condition the Variance.

Chair Stout stated that he thought the Board was hearing a Variance for the upper floor and not the entire building. Mr. Phippard stated the Variance is for the self-storage and that it is up to the Board to act on exactly what the applicant requests. He noted that the proposal for square footage is appropriate and that the applicant would need to come back before the Board for the remaining area, for a request to enlarge a non-conforming use. Chair Stout recommended conditions should include the square footage requested and outline the majority of that storage that would be on the second floor. Mr. Rogers explained that it is up to the Board to make the conditions, if any at all.

Mr. Phippard explained that the proposal was to take out all windows on the second floor so there will be artificial light and that it would make sense to convert this building to a different use under these circumstances. He stated that the owner should not be prohibited from changing the auction gallery to another permitted use in the Central Business District. He agreed that it makes sense to limit the square footage dedicated to self-storage. Chair Stout stated that 1,800 square feet on the northwest side of the lower floor and 5,955 square feet on the second floor would be the condition.

Mr. Schneider stated that by placing a condition that is specific, the applicant would be limited to making any changes. He noted the applicant could make changes as long as the applicant was compliant with square footages. Vice Chair Gorman would agree with Mr. Schneider in the fact that if the numbers are the same he finds the location of where the owner wants to auction his goods fairly arbitrary. Mr. Rogers stated at this point in time any change of use occurring would cause the applicant to go before the Planning Board.

Chair Stout welcomed public comment. With no comment, Chair Stout closed the public hearing.

The Board reviewed the criteria for a Variance.

Granting the Variance would not be contrary to the public interest because:

Chair Stout stated there isn't anything with the proposal that is contrary to public interest. He stated that he personally believes these improvements would not only help the building, it would also help the neighborhood. Vice Chair Gorman stated he would agree with Chair Stout. He noted the blight of the building is contrary and to turn it around could benefit public interest. Mr. Welsh stated that if public interest is defined by the existing zoning and its approval, people that live downtown could possibly use a facility of this nature. He stated that this creates an interest in facilities and at some point in the future it is worth reconsidering the need for a Variance for self-storage.

If the variance were granted, the spirit of the ordinance would be observed because:

Chair Stout cited the intention of Central Business listed in section 102.41 of the Zoning Code. It reads as follows, *"The intent of the central business (CB) district is to be the center or hub of the community. The zone provides commercial, financial, retail, government and multifamily uses oriented primarily toward pedestrian access. A mixture of uses side by side and in the same*

structure is to be encouraged'. Chair Stout stated he thinks the proposal falls in line with what is expressed.

Granting the variance would do substantial justice because:

Chair Stout stated that given the history of the property and making good use of a building in this condition, is a question of justice for the owner of the property.

If the variance were granted, the values of the surrounding properties would not be diminished because:

Vice Chair Gorman stated that it was fairly obvious that it would help the surrounding properties. Chair Stout stated that he would concur.

Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- 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 because:*

Chair Stout stated that in his view there is no substantial or fair relationship between the public purposes of the Ordinance provision and the specific application. Mr. Wallin stated that any business that goes into the building will have to do repair and does not consider this a hardship. In addition, he stated that cost effectiveness for a business model is not considered a hardship.

Vice Chair Gorman stated that the financial aspect is not a hardship and agreed with Mr. Wallin that the cost effectiveness is not considered a hardship. Vice Chair Gorman also stated that it's important to note that there is already an allowed use for the property and that the applicant is taking advantage that use with the auction house. Vice Chair Gorman stated to say that it is a hardship that the petitioner cannot have a storage facility as well as a use that benefits the community. In addition, he stated that having two uses for a property is not necessarily a given and is rare. In this case, he stated the hardship is that the petitioner cannot have a second use for the property.

Mr. Welsh referred to his statements about incidental warehousing and that there is a second use being proposed for a portion of the building. He stated that this does strike him that it is a complimentary use as far as the owner goes and for the people that utilize the storage. Mr. Welsh stated that it seems to even some degree, with the spirit of ordinance. He said as far as cost of renovation that seeks to utilize the structure, he is fairly convinced that the people have explored those ideas in the past and come up wanting for reconfigurations. Therefore, he stated that it seems like an opportunity out of that hardship.

Chair Stout stated that he questions the viability of a building that is half operating and is convinced that any other use for the property is not likely to come up. Based on those two factors

together, Chair Stout stated that it would be a hardship in the expectation that only part of the building is used. Vice Chair Gorman stated the fact that the petitioner is choosing to use half building for the allowable use is certainly their choice. He stated that people cannot make choices to create hardships. Vice Chair Gorman asked if the Central Business District was the most relaxed commercial zone. Mr. Rogers replied that the Central Business District has the largest number of mixed uses.

ii. The proposed use is a reasonable one because:

Chair Stout stated that incidental warehousing is allowed in this district and that he does not see any glaring difference between what might be perceived as incidental. He stated that he sees a direct relationship that is quite refined and that the storage being proposed would be reasonable. Mr. Wallin stated that he could see incidental warehousing as a hardship if there was no warehousing to store products for a business. He noted that the petitioner is storing products for a profit. Mr. Rogers stated there are incidental and accessory use. He stated that incidental use is something that can occur on the property that is not necessarily tied to the primary uses. Mr. Rogers explained that with the accessory use is directly used for the permitted use.

Explain how, 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 conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Vice Chair Gorman stated that he believes in driving through that area of town, that the existing building is in contrast to the surrounding buildings. He stated that he thinks this is a reasonable use and a good thing for the City and the applicant. Vice Chair Gorman stated that the fact remains there is an empty blighted building in the City, for over a decade, that no one has found to use. He noted that this could be considered a hardship. Mr. Wallin stated that, in his opinion, the applicant could put more conforming uses in the building and put more conforming uses and not just storage.

With no further comment, Chair Stout asked for a motion.

Vice Chair Gorman made a motion to approve ZBA 18-11 to allow a 7,555 square foot self-storage facility and to place a condition to stay within the existing building footprint. The motion was seconded by Mr. Welsh.

The Board reviewed the Findings of Fact.

Granting the Variance would not be contrary to the public interest because: Granted- 4-0

If the variance were granted, the spirit of the ordinance would be observed. Granted 3-1, Mr. Wallin opposed

Granting the Variance would do substantial justice. Granted 4-0

If the Variance were granted, the values of the surrounding properties would not be diminished.
Granted 4-0

Unnecessary Hardship –

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship.

i. No fair and substantial relationship exists between the general public purpose of the Ordinance provision and the specific application of that provision to the property.

Denied by a tie, 2-2, vote; Vice Chair Gorman and Mr. Wallin oppose

ii. The proposed use is a reasonable one. Granted 3-1, Mr. Wallin opposed

B. Explain how, 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 conformance with the ordinance. Granted 3-1, Mr. Wallin opposed

With a vote of 3-1, the Zoning Board of Adjustment approved ZBA 18-11 to allow a 7,555 square foot self-storage facility and to place a condition to stay within the existing building footprint. Mr. Wallin voted in opposition.

V. New Business:

Mr. Rogers reported that the Planning staff will present information on the City's Land Use Code Project. City staff will be providing general updates on the project to City Council at its first meetings in July, September and November. The Board will be asked to participate in these workshops and a date for the workshop has yet to be determined.

Chair Stout asked if there was an update on new Board members. Mr. Rogers replied that he will set-up a meeting with the Mayor to discuss and report back to Board at the next meeting.

VII. Adjournment

Mr. Wallin made a motion to adjourn the meeting, which was seconded by Vice Chair Gorman and carried unanimously. Hearing no further business, Chair Stout adjourned the meeting at 8:34 PM.

Respectfully submitted by,
Jennifer Clark, Minute Taker

City of Keene
New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Monday, August 6, 2018

6:30 PM

Council Chambers

Members Present:

Nathaniel Stout, Chair
Joshua Gorman, Vice Chair
Jane Taylor

Staff Present:

Gary Schneider, Plans Examiner
John Rogers, Zoning Administrator

Members Not Present:

Michael Welsh
Louise Zerba, Alternate

I. Introduction of Board Members

Chair Stout called the meeting to order at 6:33 PM introduced members of the Board and welcomed everyone to the meeting.

Chair Stout explained that the Board would consist of three members rather than five and that it is the practice of the City to ask the applicant if three members would be acceptable.

II. Minutes of the Previous Meeting-June 4, 2018

Chair Stout announced there are only two members present that attended the June meeting and suggested the review of the minutes will be continued until the September meeting.

IV. Hearings

Continued ZBA 18-10:/ Petitioner, John and Josephine Russell of 893 Old Walpole Rd., Surry, represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, of 185 Winchester St., Keene, requests a Variance for property located at 83 Court St., Keene, Tax Map # 554-107-000, owned by the American National Red Cross, 2 Maitland St., Concord NH and is in the Office District. The Petitioner requests a Variance to permit Offices for Healing Arts and Therapies in an existing 3,962 square foot building (formerly the Red Cross) where Offices of Arts and Therapies is not a permitted use in the Office District per Section 102-602.

Mr. Rogers reported the petitioner has submitted a new letter of intent for this property. He stated as the Zoning Administrator, they have determined the new proposed use as the petitioner has described, would meet the requirements of the Office District. The petitioner has requested to withdraw this application at this time.

Vice Chair Gorman made a motion to withdraw ZBA 18-10. The motion was seconded by Ms. Taylor.

With a vote of 3-0, the Zoning Board of Adjustment approved to withdraw ZBA 18-10.

ZBA 18-12:/ Petitioner, Kay M. Alderman of 350 Hurricane Rd, requests a Variance for property located at 350 Hurricane Rd., Tax Map # 234-019-000, owned by the Petitioner and is in the Rural District. The Petitioner requests a Variance to permit the extension of a garage to within 11 feet of side boundary line and to within approximately 45+/- feet of Hurricane Rd. where 50 feet is the setback requirement for both side and front side yards per Section 102-791, Basic Zone Dimensional Requirements.

Mr. Schneider reported City staff received an email notification from the petitioner to request postponement of the hearing due to health issues. The petitioner has requested the application be heard at the next meeting that will be held on Tuesday, September 4, 2018.

Vice Chair Gorman made a motion to postpone ZBA 18-12 to Tuesday, September 4, 2018 at 6:30 PM in Council Chambers. The motion was seconded by Ms. Taylor.

With a vote of 4-0, the Zoning Board of Adjustment agreed to postpone ZBA 18-12 until Tuesday, September 12, 2018 at 6:30 PM in Council Chambers.

ZBA 18-13:/ Petitioner, Jacob D. and Geraldine J. Liebert of 447 Hurricane Rd, represented by Brickstone Land Use Consultants, LLC of 185 Winchester St., Keene, requests a Variance for property located at 0 Hurricane Rd., Tax Map # 225-016-000, owned by the Petitioner and is in the Rural District. The Petitioner requests a Variance to allow construction of a single family home on an existing two acre lot in the Rural District where five acres is required per Section 102-791, Basic Zone Dimensional Requirements.

Mr. Schneider reported City staff received an email communication from the petitioner to request postponement of the hearing in request of a five member Board. The petitioner has requested the application be heard at the next meeting on Tuesday, September 4, 2018.

Chair Stout announced that he is an abutter to the petitioner and that he would be recusing himself once the application is heard at the September meeting. However, he stated that he would vote on having the application postponed.

Vice Chair Gorman made a motion to postpone ZBA 18-13 to Tuesday, September 4, 2018 at 6:30 PM in Council Chambers. The motion was seconded by Ms. Taylor.

With a vote of 3-0, the Zoning Board of Adjustment agreed to postpone ZBA 18-13 until Tuesday, September 4, 2018 at 6:30 PM in Council Chambers.

ZBA 18-14:/ Petitioner, Hundred Nights, Inc. of 17 Lamson St., Keene requests a Variance for property located at 76 Railroad St., Keene, Tax Map # 374-010-000, owned by The Moving Company Dance Center, 76 Railroad St., Keene and is in the Central Business District. The Petitioner requests a Variance to permit a lodging house in the Central Business District where a lodging house is not a permitted use per Section 102-482 of the Zoning Ordinance.

Mr. Schneider noted the Tax Map # 374-010-000 was the incorrect number and would be corrected.

Chair Stout asked if there was further comment from City staff. Mr. Rogers stated the petitioner was present for comment.

Chair Stout welcomed Mindy Cambiar, 574 North Shore Road, Munsonville.

Ms. Cambiar stated she sent an email to City staff requesting postponing the hearing until the September 4, 2018 for a five member Board.

With no further comment. Chair Stout asked for a motion.

Vice Chair Gorman made a motion to postpone ZBA 18-14 to Tuesday, September 4, 2018 at 6:30 PM in Council Chambers. The motion was seconded by Ms. Taylor.

With a vote of 3-0, the Zoning Board of Adjustment agreed to postpone ZBA 18-14 until Tuesday, September 4, 2018 at 6:30 PM in Council Chambers.

V. New Business:

None

VI. Communications and Miscellaneous

Mr. Rogers reported that Senior Planner, Tara Kessler would be available to present an update to the City's Land Use Code Project to the Board. Chair Stout noted the importance of this project in reference to the Zoning Board.

VII. Adjournment

Vice Chair Gorman made a motion to adjourn the meeting, which was seconded by Ms. Taylor Gorman and carried unanimously. Hearing no further business, Chair Stout adjourned the meeting at 6:46 PM.

Respectfully submitted by,
Jennifer Clark, Minute Taker

350 Hurricane Rd. ZBA 18-12



Petitioner requests a Variance to permit the extension of a garage to within 11ft. Of side boundary line and within approximately 45+/- ft. of Hurricane Rd. where 50 ft. is required for both front and back setbacks per Section 102-791.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 18-12

A meeting of the Zoning Board of Adjustment will be held on Monday, August 6, 2018 at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the petition of, Kay M. Alderman of 350 Hurricane Rd., Keene, who requests a Variance for property located at 350 Hurricane Rd., Keene, Tax Map Parcel #234-019-000, owned by the Petitioner and is in the Rural District. The Petitioner requests a Variance to permit the extension of a garage to within 11 feet of the side boundary line and to within approximately 45+/- feet of Hurricane Rd. where 50 feet is the setback requirement for both side and front side yards per Section 102-791, Basic Zone Dimensional Requirements.

ZONING BOARD OF ADJUSTMENT

Corinne Marcou, Clerk

Notice issuance: August 26, 2018

APPLICATION FOR APPEAL

Zoning Board of Adjustment
3 Washington Street, Fourth Floor
Keene, New Hampshire 03431
Phone: (603) 352-5440

For Office Use Only:	
Case No.	<u>ZBA 18-12</u>
Date Filed	<u>7/19/18</u>
Received By	<u>AM</u>
Page	<u>1</u> of <u>29</u>
Reviewed By	<u>AS</u>

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL - MARK AS MANY AS NECESSARY

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) Kay M. Alderman Phone: 603-355-1875
Address 350 Hurricane Road, Keene, NH 03431
Name(s) of Owner(s) Kay M. Alderman
Address 350 Hurricane Road, Keene, NH 03431
Location of Property 350 Hurricane Road, Keene, NH 03431

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 234-019-000 Zoning District Rural
Lot Dimensions: Front 275' Rear 360' Side 540' Side 597'
Lot Area: Acres 3.9 Square Feet _____
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing N/A Proposed N/A
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing N/A Proposed N/A
Present Use single family residence
Proposed Use single family residence

SECTION III - AFFIDAVIT

I hereby certify that I am the owner or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.

Kay M. Alderman Date July 19, 2018
(Signature of Owner ~~or Authorized Agent~~)

Please Print Name Kay M. Alderman

K:\ZBA\Web_Forms\Variance_Application_2010.doc 8/22/2017

APPLICATION FOR A VARIANCE

- A Variance is requested from Section(s) 102-791 of the Zoning Ordinance to permit:

Extension of garage to within 11 feet of side boundary line and to within approximately 45+- feet of Hurricane Road where 50 feet is the setback requirement for both side and front side yards.

1. Granting the variance would not be contrary to the public interest because:

The granting of a variance will not be contrary to the public interest, since the proposed garage extension is in keeping with the single family residential use as permitted in the underlying zoning zone, will not alter the essential character of the neighborhood and will not threaten the basic zoning objectives, including the public health, safety and welfare. There are surrounding vegetative buffers, and the modest extension of the garage to allow for a mudroom will have no negative impact on the neighbors or public.

2. If the variance were granted, the spirit of the ordinance would be observed because:

Granting the variance will be consistent with the spirit of the ordinance since the variance would allow a use that is allowed in the underlying zone and is compatible with the surrounding uses in the neighborhood. Again, the goal of the zoning ordinance is to promote health, safety and welfare and to preserve the values and character of the Rural District and the particular neighborhood. More specifically, the goal of the setbacks in the Rural District is to preserve air and light and provide privacy among neighbors. The proposed garage extension will not adversely affect these goals.

3. Granting the variance would do substantial justice because:

The granting of the variance will do substantial justice. This standard requires a balancing test. If the loss to the landowner

is greater than the gain to the general public, then there would be an injustice if the variance is denied. The loss to the landowner relates to her inability to make reasonable use of her house, because of the lack of a mudroom and the need to enter the current garage and descend into the cellar to do washing and drying of clothes. This has become a substantial physical hardship. Meanwhile, there is no gain to the public by denial of the variance in these particular circumstances.

4. *If the variance were granted, the values of surrounding properties would not be diminished because:*

Granting the variance will not adversely affect the value of surrounding properties because the Alderman property is surrounded by dense vegetation and by properties used for similar single-family residential . The only affected property is the Rhoades house. The Rhoades do not object to the proposed variances. The existing shared boundary line is vegetated and the roadway/driveway along the boundary into the back portion of the property will be eliminated. Ms. Alderman and Mr. Mountford are willing to plant evergreen trees to provide additional screening if the Rhoades wish. The extension of the garage is modest and will hardly be noticeable to neighbors.

5. *Unnecessary Hardship*

A. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship.*

Special Conditions. The house was built in its present location decades ago, notwithstanding a large lot, because of ledge in the front yard (visible as a mound in photographs) and the dipping elevation on the east side of the house extending to the east boundary next to the mobile home on the lot to the east. The land on the north side of the road is vacant woodland.

i. *There is no fair and substantial relationship between the general purposes of the setbacks Rural District and the specific application of the setback provisions in light of the existing neighborhood, including:*

- a) The existing garage was built more than 20 years ago 23 feet from the side boundary and 45 feet from the right of way because of the special conditions of the lot.

- b) There is existing vegetation along the westerly boundary, shared by the Rhoades property.
- c) Additional screening can be installed if the Rhoades request.
- d) The goal of the zoning ordinance is to promote health, safety and welfare and to preserve the values and character of the City and the particular neighborhood. More specifically, the goal of the setbacks in the Rural District is to provide air and light and provide privacy among neighbors. The proposed garage extension will not adversely affect these goals.

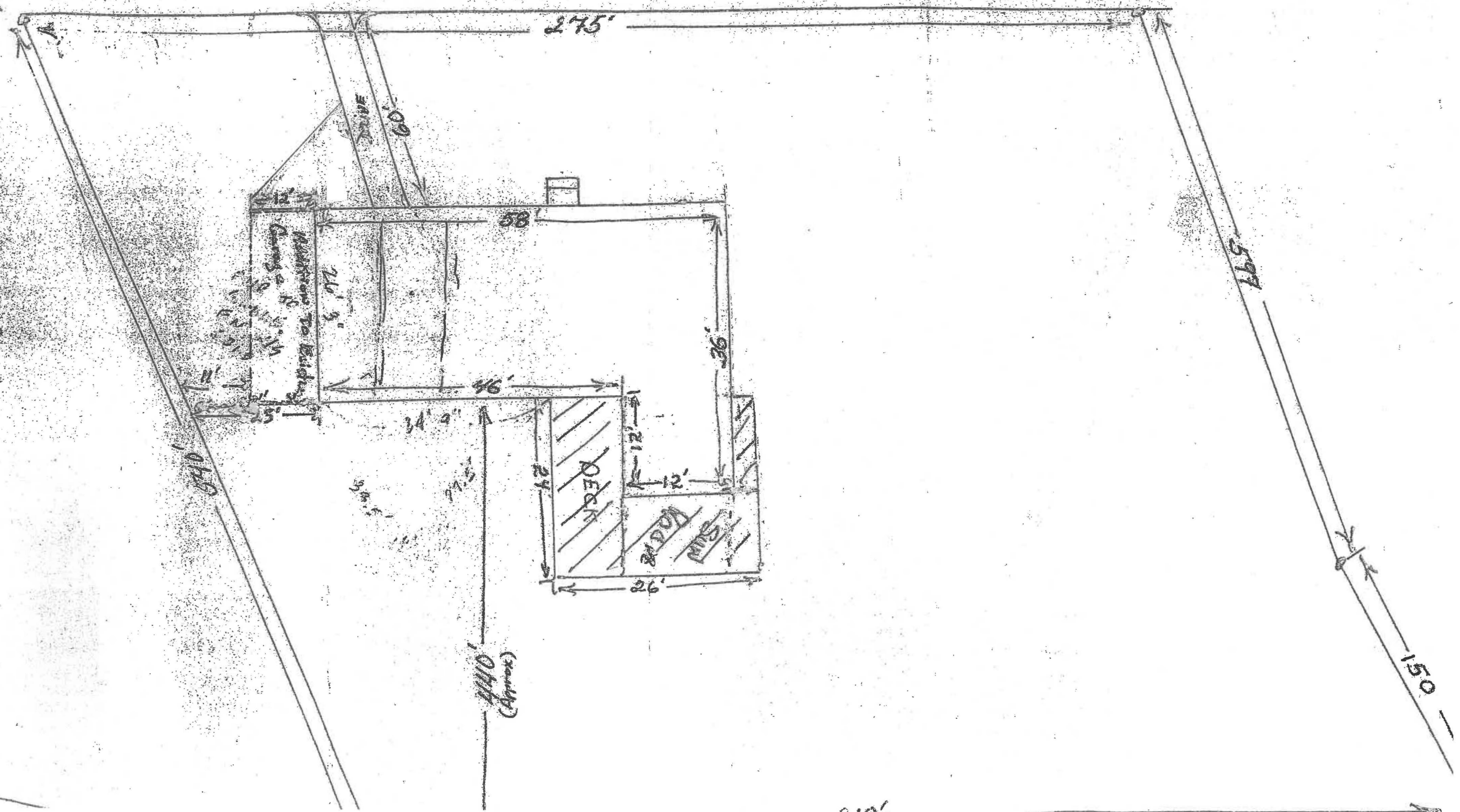
ii. The proposed use is a reasonable one because:

The house lacks a mudroom, and the existing garage is immediately adjacent to living area. Moreover, the only place now for the washer/dryer is in the cellar accessed by stairs located in the garage. A mudroom is an important feature in a rural New Hampshire house and will provide space for the washer and dryer on the same level as the house. This is critical as the owners age in place and in light of their physical conditions. What also makes the proposed encroachment into the setbacks reasonable is the current existence of a roadway/driveway running along the west boundary of 350 Hurricane Road. This roadway will be eliminated. Also, there is vegetative screening along the west boundary that provides adequate screening between the neighboring houses.

PLOT PLAN
H.V. BUILDING
350 HURRICANE ROAD
KEENE, N.H.
RECORDED IN VOL 1174, PAGE 326
CHESHIRE REGISTRY

NORTH

HURRICANE ROAD

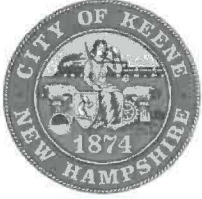


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0 Hurricane Rd.
ZBA 18-13



Petitioner requests a Variance to allow construction of a single family home on an existing two acre lot in the Rural District where five acres is required per Section 102-791.



City of Keene
New Hampshire

NOTICE OF HEARING

ZBA 18-13

A meeting of the Zoning Board of Adjustment will be held on Monday, August 6, 2018 at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the petition of, Jacob D. and Geraldine J. Liebert of 447 Hurricane Rd., Keene represented by Brickstone Land Use Consultants, LLC, of 185 Winchester St., Keene, who requests a Variance for property located at 0 Hurricane Rd., Keene, Tax Map Parcel #225-016-000, owned by the Petitioner and is in the Rural District. The Petitioner requests a Variance to allow construction of a single family home on an existing two acre lot in the Rural District where five acres is required per Section 102-791, Basic Zone Dimensional Requirements.

ZONING BOARD OF ADJUSTMENT

Corinne Marcou, Clerk

Notice issuance: August 26, 2018

APPLICATION FOR APPEAL

Zoning Board of Adjustment
3 Washington Street, Fourth Floor
Keene, New Hampshire 03431
Phone: (603) 352-5440

For Office Use Only:	
Case No.	<u>2BA18-13</u>
Date Filed	<u>7/20/18</u>
Received By	<u>CSM</u>
Page	<u>1</u> of <u>11</u>
Reviewed By	<u>[Signature]</u>

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL - MARK AS MANY AS NECESSARY

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) Brickstone Land Use Consultants LLC Phone: 603-357-0116
 Address 185 Winchester Street Keene NH 03431
 Name(s) of Owner(s) Jacob D & Geraldine G Liebert
 Address 447 Hurricane Road Keene NH 03431
 Location of Property 0 Hurricane Road

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 225-016-000 Zoning District Rural
 Lot Dimensions: Front 201.2 +/- Rear 411.00 +/- Side 310 +/- Side 583 +/-
 Lot Area: Acres 2 +/- Square Feet 87,120
 % of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 0% Proposed 0%
 % of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 0% Proposed 0%
 Present Use Vacant Lot
 Proposed Use Vacant Lot

SECTION III - AFFIDAVIT

I hereby certify that I am the owner or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.

[Signature] Date 7/20/2018
(Signature of Owner or Authorized Agent)

Please Print Name Jacob D. Liebert

PROPERTY ADDRESS 0 Hurricane Road

APPLICATION FOR A VARIANCE

- A Variance is requested from Section (s) 102-791 of the Zoning Ordinance to permit:
See Attached

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:

1. Granting the variance would not be contrary to the public interest because:

2. If the variance were granted, the spirit of the ordinance would be observed because:

3. Granting the variance would do substantial justice because:

4. If the variance were granted, the values of the surrounding properties would not be diminished because

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because:

and

ii. The proposed use is a reasonable one because:

B. Explain how, 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 conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

APPLICATION FOR A VARIANCE

A Variance is requested from Section 102-791 – Basic Zone Dimensional Requirements of the Zoning Ordinance to permit:

Allow construction of a single family home on an existing 2 acre lot in the Rural Zone where 5 acres is required.

1. Granting the variance would not be contrary to the public interest because:

This two acre lot has been in existence for 40 years and predates the change in the Rural Zone from 2 acres to a minimum of 5 acres for a building lot. The surrounding area has several residential properties that are less than 5 acres in size that were most likely constructed at the time the rural zone allowed 2 acre lots. This lot would not be out of character with the existing lots in the neighborhood and will not be contrary to the public interest.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The intent of the Rural Zone is to provide low density development and room for on-site utilities for the residences. The zone has 50 foot setbacks to allow more room and privacy between residences. The setbacks between a residence built on this lot and the abutting properties will meet or exceed the minimum setback requirements. The houses on the abutting properties are all located approximately 200 feet from the potential building site on this lot. We have had a test pit done on the existing lot to determine the suitability for a septic system and well and have determined that the lot will support the necessary utilities to develop the lot. Please see attached letter from Tom Forest, State licensed septic system designer.

3. Granting the variance would do substantial justice because:

This lot has existed since 1975. The Liebert's purchased the property in January of 1983 and at that time the Keene Zoning Ordinance allowed construction on a two acre lot in the Rural Zone with the proper soils which they felt would have allowed them to build on the lot. A 1986 zone change removed that provision in the ordinance eliminating their ability to attempt to comply with the ordinance.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

This lot has existed in this location for 40 years and has been part of the existing neighborhood. There are other lots in this area that are less than 5 acres and consistent in size with this one. Granting the variance would allow the use of the property that is similar and consistent with the character of other lots in the neighborhood and would not reduce property values.

5. Unnecessary hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because:

The restrictions to the property create an unnecessary hardship to the owner. The owner purchased the lot with the idea of selling it in the future for a building lot. The current restrictions to the lot take that ability away from the owner and the lot cannot be developed without the variance. There are several other developed lots along this area of Hurricane Road that are less than 5 acres and this lot is similar in size to other properties in the zone.

ii. The proposed use is a reasonable one because:

The surrounding lots vary in size with many along the frontage of Hurricane Road less than 5 acres in size. Allowing the development of the lot would reflect the character of the neighborhood and would be in keeping with other developed lots that surround the property. The intent of the ordinance can be maintained. Setbacks from abutting properties will be maintained and buildings will be more than the required setback from each other.

B. Explain how, if the criteria and 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 conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The Lieberts own the abutting property as well as the 2 acre lot. We looked at the possibility of adding land area to the 2 acre lot to make the lot conform to the 5 acre minimum required by zoning. However due to the adoption of two land use regulations by the City of Keene, adding additional land area to the lot is not a reasonable alternative. The Hillside Protection Ordinance and the Surface Water Protection ordinance prevent use of much of the land owned by the Lieberts for lot density purposes. The Hillside protection ordinance prohibits land in excess of 25% from lot size calculations and allows only half of the land area between 15% and 25% in lot size calculations. The surface water protection ordinance prohibits wetlands in lot size calculations.

The Liebert's own 41.5 acres. Approximately 1.75 acres is wetlands and cannot be use to add to the existing lot. Approximately 41.5% is steeper than 25% and cannot be counted for density. Approximately 42% is between 15% and 25% so only half can be counted for density. Due to the location of the steep slopes and the wetlands, approximately 20 acres would need to be added to the 2 acre lot to conform with lot size requirements.

The Liebert's enjoy the use of their property for hiking and derive benefit from the land by removing fire wood and selective timber removal. The steep slopes and wetlands on the property create a special condition for this property and it is unreasonable to ask that they give up half the land that they enjoy the use of. They purchased the two acre lot as a building lot in 1983 and the lot can no longer be reasonably used in strict conformance with the ordinance. Therefor a variance is necessary to enable a reasonable use of the lot.



City of Keene

New Hampshire

NOTICE OF DECISION November 2, 2015

ZONING BOARD OF ADJUSTMENT

CASE NUMBER: ZBA 15-17
Property Address: 0 Hurricane Rd.
Zone: Rural District
Owner: Jacob D. & Geraldine G. Liebert
Petitioner: Brickstone Land Use Consultants, LLC

You are hereby notified that the request for a Variance for property located at 0 Hurricane Rd., which is in the Rural District and based upon the record and which is incorporated by reference has been approved by a vote of 5-0. This is to permit the construction of a single family home on an existing 2 acre lot in the Rural District where 5 acres is required per Section 102-791 – Basic Zone Dimensional Requirements of the Zoning Code.

Conditions:


Corinne Marcou, Clerk

NOTE: Any person affected has a right to appeal this Decision. If you wish to appeal, you must act within thirty-(30) days of the date of this notice. The necessary first step, before any appeal may be taken to the Courts, is to apply to the Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will be base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.



(PLAN 2A 201.2' ± ALONG ROAD)
N 17°00'44" W
42.41'

(PLAN 2A 201.2' ± ALONG ROAD)
R400.00'
L143.22'
D20°30'51"
(TOTAL FRONTAGE 200.54')

(PLAN 2A N 68°30' E 250.7' ±)
S 69°51'10" W 250.40'

(PLAN 2A N 0°10' W 173.24')
S 01°13'04" W 173.30'

(PLAN 2A S 08°23' W 410.6' ±)
S 00°43'53" W 411.27'

(PLAN 2A S 88°35' W 311.3' ±)
S 69°58'57" W 310.55'

N 03°10'07" E

0.75' WELL PAD

SEPTIC AREA

JACOB & GERALDINE LIEBERT
HURRICANE ROAD, KEENE, NH 03431

Brickstone
Land Use Consultants, LLC
185 Winchester Street, Keene, NH 03431
Phone: (603) 357-0116

EXISTING TWO ACRE LOT
HURRICANE ROAD
KEENE, NH

REVISION

LOT PLAN
VARIANCE
REQUEST

SCALE: 1"=50'

DATE SEPT 8, 2015

ZBA1

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76 Railroad St. ZBA 18-14



Petitioner requests a Variance to permit a lodging house in the Central Business District where a lodging house is not a permitted use per Section 102-482.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 18-14

A meeting of the Zoning Board of Adjustment will be held on Monday, August 6, 2018 at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the petition of, Hundred Nights Shelter of 17 Lamson St., who requests a Variance for property located at 76 Railroad St., Keene, Tax Map Parcel #374-010-000, owned by The Moving Company Dance Center and is in the Central Business District. The Petitioner requests a Variance to permit a lodging house in the Central Business District where a lodging house is not a permitted use per Section 102-482 of the Zoning Ordinance.

ZONING BOARD OF ADJUSTMENT

Corinne Marcou, Clerk

Notice issuance: August 26, 2018

APPLICATION FOR APPEAL

Zoning Board of Adjustment
3 Washington Street, Fourth Floor
Keene, New Hampshire 03431
Phone: (603) 352-5440

For Office Use Only:	
Case No.	<u>ZBA 18-14</u>
Date Filed	<u>7/20/18</u>
Received By	<u>[Signature]</u>
Page	<u>1</u> of <u>17</u>
Reviewed By	

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL - MARK AS MANY AS NECESSARY

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) Hundred Nights Inc Phone: 603 352 5197
 Address 17 Lamson St Keene NH 03431
 Name(s) of Owner(s) The Moving Company Dance Center
 Address 76 Railroad St Keene NH 03431
 Location of Property 76 Railroad St Keene NH 03431

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 574-010-000 Zoning District Central Business
 Lot Dimensions: Front 125' Rear 125'? Side 57.09' Side 137.7'
 Lot Area: Acres 0.28 Square Feet 12,176.8
 % of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 62 Proposed Same
 % of Impervious Coverage (structures plus driveway and/or parking areas, etc.): Existing 62 Proposed Same
 Present Use Children's Dance + Performance Space
 Proposed Use Shelter and Resource Center for the homeless and other franchisee

SECTION III - AFFIDAVIT

I hereby certify that I am the owner or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.

[Signature] Date 7/20/18
 (Signature of Owner or Authorized Agent)

Please Print Name Reagan Messer

RZB3W01 Form Variance Application 3/10 Issue 02/2017

PROPERTY ADDRESS: 76 Railroad Street

APPLICATION FOR A VARIANCE

A Variance request from section(s) 102-482 of the Zoning Ordinance to permit a:

Lodging House in the Central Business District. A Lodging House is not listed as a permitted use.

Hundred Nights would like a variance to this provision to enable us to operate our Shelter and Resource Center at the above property address located in the Central Business District.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:

(1) Granting the variance would not be contrary to the public interest because:

There is a definite need for emergency shelter in the City of Keene. The SCS shelters have been consistently full. The number of people served by Hundred Nights has grown over the last several years:

2013 - 112 individuals with 1,542 shelter bed-nights

2017 - 203 individuals with 5,620 shelter bed-nights

2017 totals include 11 families with 22 children under age 18.

Hundred Nights provides shelter in a safe, controlled environment always with an awake staff person on duty overnight. Providing shelter in the winter prevents frostbite, issues with hypothermia and death. It offers individuals and families a safe place to stay out of the woods, out of tents and away from remote areas of town where emergency services might not be able to respond as quickly if needed. It minimizes health risks such as outbreaks of Hepatitis C due to the lack of clean restroom facilities.

(2) If the variance were granted, the spirit of the ordinance would be observed because:

The location and proximity of the proposed property is conveniently located to other resources used by Hundred Nights clients/guests such as Monadnock Family Services and the Salvation Army, which are on either side of the building at 76 Railroad St., as well as The Community Kitchen and the Unitarian Universalist Church, which offers a breakfast program during the Hundred Nights shelter season.

In accordance with RSA 674:17 Purposes of Zoning Ordinances, "to promote health and general welfare" is listed as a purpose for which Ordinances are designed and adopted. Granting this variance will enable Hundred Nights to promote the health and general welfare of our guests/clients. The spirit of the ordinance is to protect the health, safety, and welfare of the public.

(3) Granting the variance would do substantial justice because:

The homeless population needs a safe and warm place to sleep overnight as well as a center open daily to have a place to be and to connect them to the resources which could improve their living situation. There is nothing more just than offering shelter, food, security and safety to the most vulnerable segment of our community.

The increase in space at the 76 Railroad St. location will give Hundred Nights the ability to offer separate sleeping accommodations for specific populations; for example, families would have dedicated family rooms, while individual men and women would each have dedicated dormitory style rooms. The increased amount of space will also open up the possibility of offering other services, e.g. resume writing, job search assistance, interview training, in addition to having adequate space inside for serving lunch and weekend meals to the number of people who currently come in for meals.

(4) If the variance were granted, the values of the surrounding properties would not be diminished because

Hundred Nights Inc. has been operating in the building at 17 Lamson St. since 2010. The comparison of Assessed Values between 2011 and 2018 for all the abutters to the 17 Lamson St. property, combined, shows an increase in property values of 6.45%. By comparison, the property values for **all** of Keene, taken from the City website, shows a combined decrease of -3.49% between 2011 and 2017 (information about 2018 was not yet available).

(5) Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because:

Hundred Nights, Inc. is seeking a variance for the provision that does not identify a Lodging House as permitted use in the Central Business District.

As defined in the ordinance, "The intent of the Central Business District (CBD) is to be the center or hub of the community". Issuing a variance to the Central Business District use provisions enabling Hundred Nights to operate a "Lodging House"/Shelter is not contrary to the CBD intent. Currently, Hundred Nights operates a licensed Lodging House in the CBD. The clients of Hundred Nights

As defined in the ordinance, a "Hotel shall mean a building or group of buildings which provides sleeping accommodations on a transient basis, with or without meals, but without separate cooking facilities for individual occupants". Hotels are a permitted use for Central Business. This definition of a hotel for zoning

purposes describes exactly what Hundred Nights shelter does, “provides sleeping accommodations on a transient basis, with or without meals, but without separate cooking facilities for individual occupants.” While Hundred Nights does not consider itself to be a hotel, nor does it charge a fee for the sleeping accommodations provided on a transient basis as a hotel does, using the provided Zoning definition the services that are provided by Hundred Nights fit the allowed use of a hotel, as much as the hotel across the street from 76 Railroad St does. The difference is in who is making use of the sleeping accommodations provided – paying customers or homeless individuals and families. It follows “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”.

As stated in **RSA 674:17 Purposes of Zoning Ordinances**, every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18. Item c listed under “Zoning ordinances shall be designed:” states “to promote health and the general welfare”. A variance for Hundred Nights to operate at the above property address will promote health and the general welfare.

and

ii. The proposed use is a reasonable one because:

The mission of Hundred Nights, Inc. and the needs being addressed in the community by Hundred Nights are suitable for this location. The increased amount of space will enable HN to better address the needs of its guests/clients. It offers the ability to separate sleeping accommodations for specific populations, have more (much needed) bathroom, shower and laundry facilities and increases space for other services and meals offered. More general open space indoors will help reduce the daytime activity outside the building. There are other social services offered at both adjacent buildings, by Monadnock Family Services and the Salvation Army, that serve overlapping clientele.

B. Explain how, 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 conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

17 Lamson St Abutters List and
Changes in Property Values 2011 to 2018

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Owner Address	Owner Address 2	Owner City	Owner State	Owner Zip	Value 2011	Value 2018	% Change
575-013-000	575-013-000-001	575-013-000-001-000	2 GILBO AVE.	MASTROGIOVA NNI PAUL	8 GALES RD.		ABBOT	ME	04406	53,400	56,000	4.87%
575-021-000	575-021-000-000	575-021-000-000-000	0 GILBO AVE.	CITY OF KEENE	3 WASHINGTON ST.		KEENE	NH	03431	151,700	224,500	47.99%
575-022-000	575-022-000-000	575-022-000-000-000	19 GILBO AVE.	PENNY LANE REALTY LLC	497 MARLBORO ST.		KEENE	NH	03431	198,800	205,800	3.52%
575-023-000	575-023-000-000	575-023-000-000-000	0 GILBO AVE.	GREENWALD MITCHELL H. REVOCABLE TRUST	PO BOX 361		KEENE	NH	03431	115,700	63,800	-44.86%
575-024-000	575-024-000-000	575-024-000-000-000	49-55 MAIN ST.	GREENWALD MITCHELL H. REVOCABLE TRUST	PO BOX 361		KEENE	NH	03431	1,305,800	1,330,400	1.88%
575-025-000	575-025-000-000	575-025-000-000-000	45-47 MAIN ST.	GREENWALD MITCHELL H. REVOCABLE TRUST	PO BOX 361		KEENE	NH	03431	755,800	784,500	3.80%
575-026-000	575-026-000-000	575-026-000-000-000	35-43 MAIN ST.	GREENWALD MITCHELL H. REV. TRUST	PO BOX 361		KEENE	NH	03431	844,500	860,000	1.84%
575-027-000	575-027-000-000	575-027-000-000-000	0 LAMSON ST.	COUNTY OF CHESHIRE	33 WEST ST.		KEENE	NH	03431	116,700	99,900	-14.40%
575-028-000	575-028-000-000	575-028-000-000-000	17-19 FEDERAL ST.	PARISH OF ST. JAMES CHURCH	44 WEST ST.		KEENE	NH	03431	628,100	678,600	8.04%
575-030-000	575-030-000-000	575-030-000-000-000	15-23 MAIN ST.	ARC CBKNENH001 LLC	PO BOX 4900 DEPT. 604		SCOTTSDALE	AZ	85261-4900	1,155,100	1,121,600	-2.90%
575-031-000	575-031-000-000	575-031-000-000-000	1-9 MAIN ST.	COOPER PAUL R.	81 MORNING ST.		PORTLAND	ME	04101-4429	1,174,700	1,335,700	13.71%
575-032-000	575-032-000-000	575-032-000-000-000	20-22 WEST ST.	SOHN DAVID	1666 BELL BLVD. APT. 738		BAYSIDE	NY	11360	439,000	421,400	-4.01%
575-033-000	575-033-000-000	575-033-000-000-000	34 WEST ST.	WEST STREET KEENE LLC	25 CONSTITUTION DR.		BEDFORD	NH	03110	781,000	601,200	-23.02%
575-034-000	575-034-000-000	575-034-000-000-000	44 WEST ST.	PARISH OF ST. JAMES CHURCH	44 WEST ST.		KEENE	NH	03431	1,163,600	1,832,900	57.52%
575-035-000	575-035-000-000	575-035-000-000-000	49 SAINT JAMES ST.	CROTEAU JOHN M. JR.	111 JORDAN RD.		KEENE	NH	03431	174,700	174,000	-0.40%
575-036-000	575-036-000-000	575-036-000-000-000	43 SAINT JAMES ST.	CROTEAU JOHN M. JR.	111 JORDAN RD.		KEENE	NH	03431	595,700	599,300	0.60%
575-037-000	575-037-000-000	575-037-000-000-000	60 WEST ST.	KEENE PUBLISHING CORP	PO BOX 546		KEENE	NH	03431	891,900	893,100	0.13%
575-048-000	575-048-000-000	575-048-000-000-000	55 WEST ST.	NGM INSURANCE CO.	55 WEST ST.		KEENE	NH	03431	6,695,500	6,569,900	-1.88%
575-049-000	575-049-000-000	575-049-000-000-000	33 WEST ST.	COUNTY OF CHESHIRE	PO BOX 584		KEENE	NH	03431	842,300	938,500	11.42%
575-050-000	575-050-000-000	575-050-000-000-000	19-25 WEST ST.	WHETSTONE LTD	PO BOX 53		VERNON	VT	05354	486,000	447,500	-7.92%
575-051-000	575-051-000-000	575-051-000-000-000	50 CENTRAL SQ.	MEDNICK TERRY A. REV. LIVING TRUST	75 OVERLOOK DR.		HALES LOCATION	NH	03860	619,900	640,200	3.27%
575-052-000	575-052-000-000	575-052-000-000-000	48 CENTRAL SQ.	GREATER KEENE CHAMBER OF COMMERCE	48 CENTRAL SQ.		KEENE	NH	03431	245,200	246,900	0.69%

17 Lamson St Abutters List with Chesterfield Property Values 2011 to 2018											
575-053-000	575-053-000-000	575-053-000-000-000	2-20 MAIN ST.	EIGHTY-EIGHT LAMBERT AVENUE NOMINEE TRUST	133 OLD CHESTERFIELD RD.	WINCHESTER	NH	03470	1,485,300	1,490,600	0.36%
575-053-000	575-053-000-000	575-053-000-000-000 (Bldg2)	2-20 MAIN ST. Bldg 2	EIGHTY-EIGHT LAMBERT AVENUE NOMINEE TRUST	133 OLD CHESTERFIELD RD.	WINCHESTER	NH	03470	0	0	
575-053-000	575-053-000-000	575-053-000-000-000 (Bldg3)	2-20 MAIN ST. Bldg 3	EIGHTY-EIGHT LAMBERT AVENUE NOMINEE TRUST	133 OLD CHESTERFIELD RD.	WINCHESTER	NH	03470	0	0	
575-054-000	575-054-000-000	575-054-000-000-000	22-36 MAIN ST.	JAZZLYN HOSPITALITY LLC	440 BEDFORD ST.	LEXINGTON	MA	02420-1547	2,080,500	2,631,000	26.46%
575-055-000	575-055-000-000	575-055-000-000-000	42-46 MAIN ST.	1709 CHURCH STREET LLC	PO BOX 662	KEENE	NH	03431	2,239,800	2,107,100	-5.92%
575-056-000	575-056-000-000	575-056-000-000-000	64 MAIN ST.	MONADNOCK COMMUNITY SERVICE CENTER INC	64 MAIN ST. 2ND FLOOR	KEENE	NH	03431	806,500	1,239,200	53.65%
575-056-000	575-056-000-001	575-056-000-001-001	64 MAIN ST.	MONADNOCK COMMUNITY SERVICE CENTER INC	64 MAIN ST. 2ND FLOOR	KEENE	NH	03431	204,000	211,500	3.68%
575-056-000	575-056-000-001	575-056-000-001-002	64 MAIN ST.	MONADNOCK COMMUNITY SERVICE CENTER INC	64 MAIN ST. 2ND FLOOR	KEENE	NH	03431	107,100	168,100	56.96%
575-056-000	575-056-000-001	575-056-000-001-003	64 MAIN ST.	MONADNOCK COMMUNITY SERVICE CENTER INC	64 MAIN ST. 2ND FLOOR	KEENE	NH	03431	163,500	260,100	59.08%
Totals									26,521,800	28,233,300	6.45%

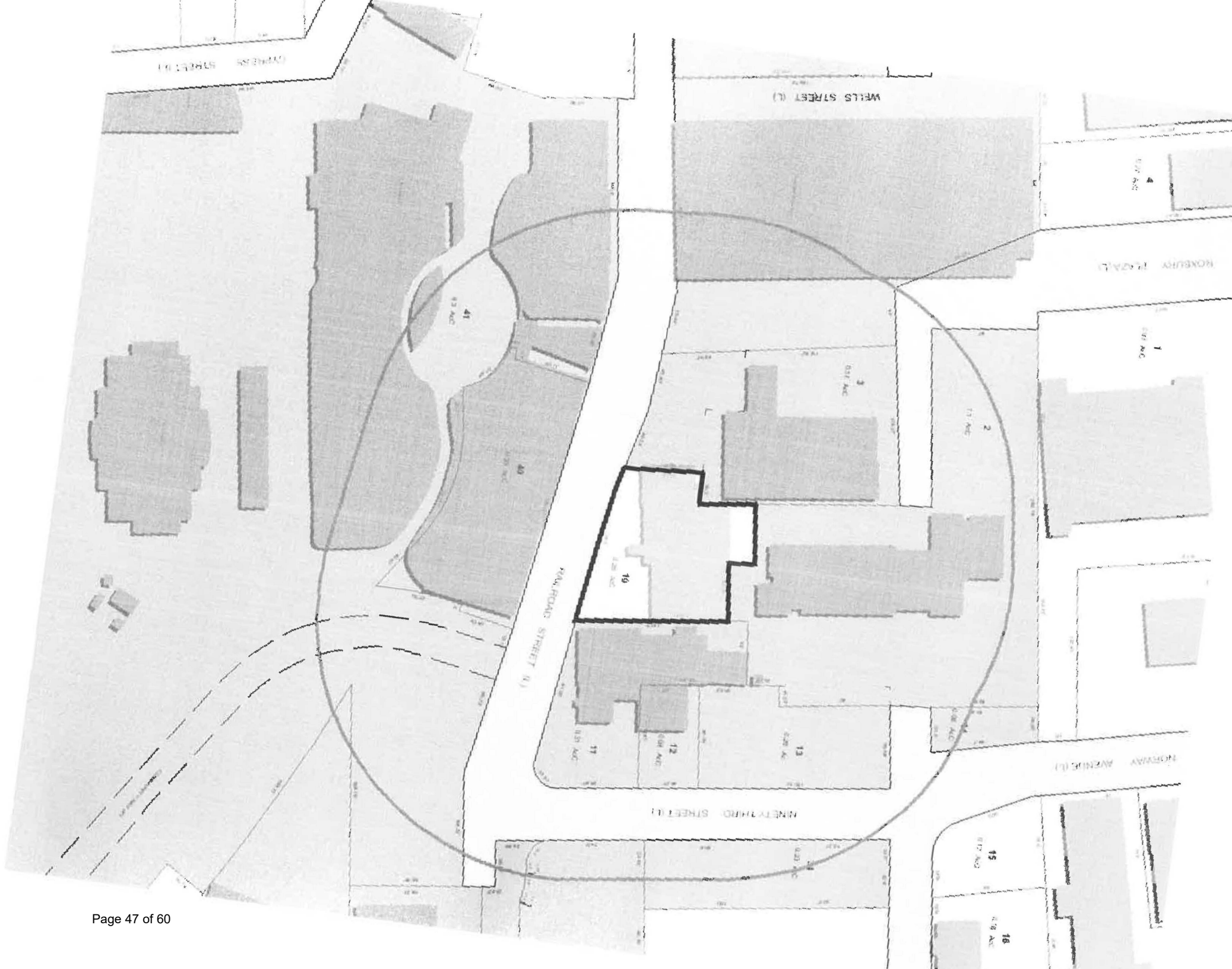
Table taken from <https://ci.keene.nh.us/assessing/tax-rate-information> Tax Rate info

Tax Year	Ratio	Total Tax Rate	Local School	State School	City	County	City Total Accessed Value
2017	98.10%	\$37.22	\$17.26	\$2.36	\$14.06	\$3.54	1,796,036,300
2016	100.20%	\$36.39	\$16.36	\$2.43	\$14.02	\$3.58	1,788,633,815
2015	106%	\$34.41	\$15.28	\$2.35	\$13.42	\$3.36	1,843,788,675
2014	106.70%	\$33.68	\$15.04	\$2.39	\$12.93	\$3.32	1,847,044,075
2013	105.90%	\$32.75	\$14.60	\$2.44	\$12.44	\$3.27	1,846,896,575
2012	108.20%	\$31.40	\$13.54	\$2.47	\$12.15	\$3.24	1,857,058,431
2011	100.40%	\$30.82	\$13.32	\$2.37	\$11.78	\$3.35	1,860,935,000
2010	100.30%	\$30.17	\$13.55	\$2.27	\$11.32	\$3.03	1,902,367,700
2009	101.80%	\$28.80	\$12.82	\$2.21	\$10.94	\$2.83	1,927,915,709
2008	100.20%	\$27.40	\$11.95	\$2.22	\$10.62	\$2.61	1,927,581,987
2007	100%	\$25.79	\$11.62	\$2.02	\$10.22	\$1.93	1,933,303,000
2006	99.60%	\$25.54	\$11.92	\$2.02	\$9.92	\$1.68	1,914,596,233
2005	100%	\$26.19	\$11.71	\$2.36	\$10.44	\$1.68	1,734,668,200
2004	100%	\$28.34	\$13.69	\$2.76	\$9.93	\$1.96	1,537,318,200
2003	97.70%	\$29.12	\$13.39	\$4.04	\$9.56	\$2.13	1,406,756,000
2002	98.60%	\$32.05	\$14.58	\$5.00	\$10.09	\$2.38	1,254,896,000
2001	100%	\$32.65	\$14.29	\$5.88	\$10.20	\$2.28	1,144,919,900
2000	99%	\$33.82	\$14.91	\$6.55	\$9.99	\$2.37	1,027,674,600

Calculations from above table information

% Diff
from
2009 to
2017
-6.84%

% Diff
from
2011 to
2017
-3.49%



15 KING COURT ZBA 18-15



Petitioner requests a Change of Non-Conforming Use to permit a fitness facility use in an already non-conforming use of a rental facility.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 18-15

A meeting of the Zoning Board of Adjustment will be held on Tuesday, September 4, 2018 at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the petition of, Raette Trombly of Keene, who requests a Change of a Non-Conforming Use for property located at 15 King Ct. Keene, Tax Map Parcel #112-022-000, owned by William Stretch, Jr. of Oshawa, Ontario and is in the Low Density District. The Petitioner requests a Change of a Non-Conforming Use to permit a fitness facility use in an already non-conforming use of a retail facility.

ZONING BOARD OF ADJUSTMENT

Corinne Marcou, Clerk

Notice issuance: August 23, 2018

APPLICATION FOR APPEAL RECEIVED

Zoning Board of Adjustment
3 Washington Street, Fourth Floor
Keene, New Hampshire 03431
Phone: (603) 352-5440

AUG 15 2018

INSPECTIONS DEPT
PERMIT # _____

For Office Use Only:

Case No. ZBA 18-15
Date Filed 8/15/18
Received By _____
Page 1 of 7
Reviewed By _____

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) Raette Trombly Phone: 603-903-9189
 Address PO Box 1117 Keene NH 03431
 Name(s) of Owner(s) William Stretch Jr.
 Address 485 Columbus Rd., West RR#1, Oshawa, ON L1H7K-4
 Location of Property 15 King Ct., Keene NH

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 112-022-000 Zoning District Low Density
 Lot Dimensions: Front 122.95' Rear 122.4' Side 92.85' Side 105.15'
 Lot Area: Acres .28 Square Feet 12,196
 % of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 18.7% Proposed _____
 % of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing _____ Proposed _____
 Present Use retail
 Proposed Use fitness facility

SECTION III - AFFIDAVIT

I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this appeal is sought, and that all information provided by me is true under penalty of law.

Raette Trombly Date 8-15-18
 (Signature of Owner or Authorized Agent)
 Please Print Name RAETTE TROMBLY

PROPERTY ADDRESS 15 King Court

AUG 15 2018

APPLICATION FOR CHANGE OF A NONCONFORMING USEINSPECTIONS DEPT
PERMIT #

The Zoning Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit a nonconforming use to be changed to another nonconforming use provided that the following criteria are met.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

1. The changed use will be more in the spirit and intent of the Zoning Ordinance.

The change in use to a fitness facility will be more conforming than the previous use as a retail store. The existing bldg. is a 2 story building containing 4560 sq ft of office and retail space. Zoning requires 1 parking space per 200 sq ft or 23 total parking spaces. The approved site plan for this property shows a total of 11 parking spaces, which is non-conforming.

The proposed fitness center is required to provide 1 parking space per 500 sq ft of floor area or 10 total parking spaces which conforms to the zoning requirement.

2. The changed use will not be more injurious, obnoxious or offensive to the neighborhood.

This location is surrounded by businesses to the east on King Court, the state highway to the south and Keene State College to the north and west. Only one single family abuts the property to the north and is over 250 ft from the building.

All activities at the fitness facility will be conducted indoors and will not result in excess noise.

All cars going to the facility will use King Court for access and will not pass by the residences on Appleton Street.

The fitness facility closes at 7:30 PM Monday-Friday and noon Saturday and Sunday, meaning there will be no activity late at night.

The site is served by city sewer and city water and is adequate for the proposed use.

The proposed use, as a fitness facility will not be more injurious, obnoxious or offensive to the neighborhood.

Site Plan Review
 Approved: *Man Rosita*
 Date: *6-22-81*
 Comments:

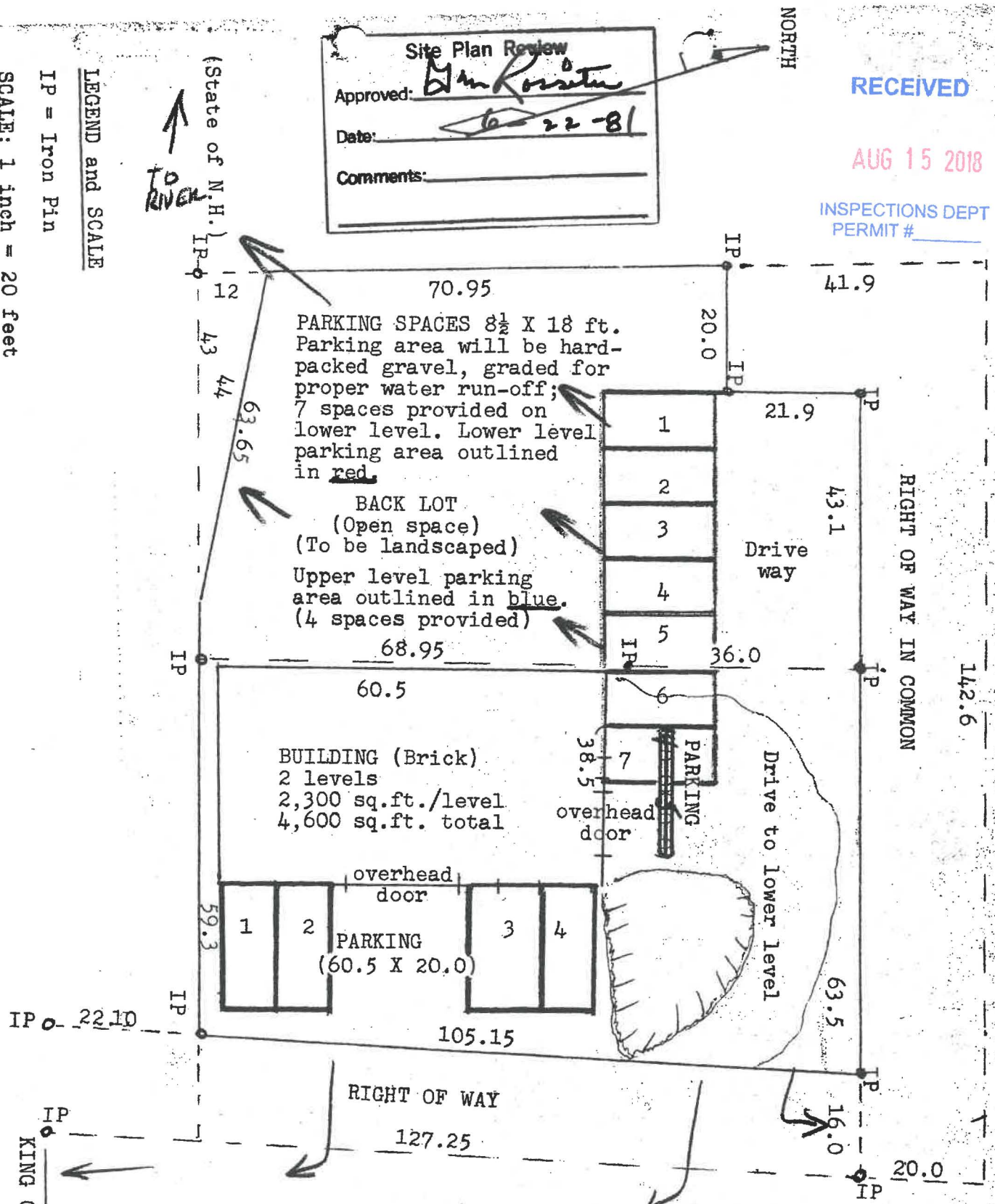
RECEIVED

AUG 15 2018

INSPECTIONS DEPT
 PERMIT # _____

LEGEND and SCALE
 IP = Iron Pin
 SCALE: 1 inch = 20 feet

(State of N.H.)
 ↑
 TO RIVER



→ = WATER DRAINAGE
 DIRECTION - NO
 CHANGE IN EXISTING
 DRAINAGE



15 King Court

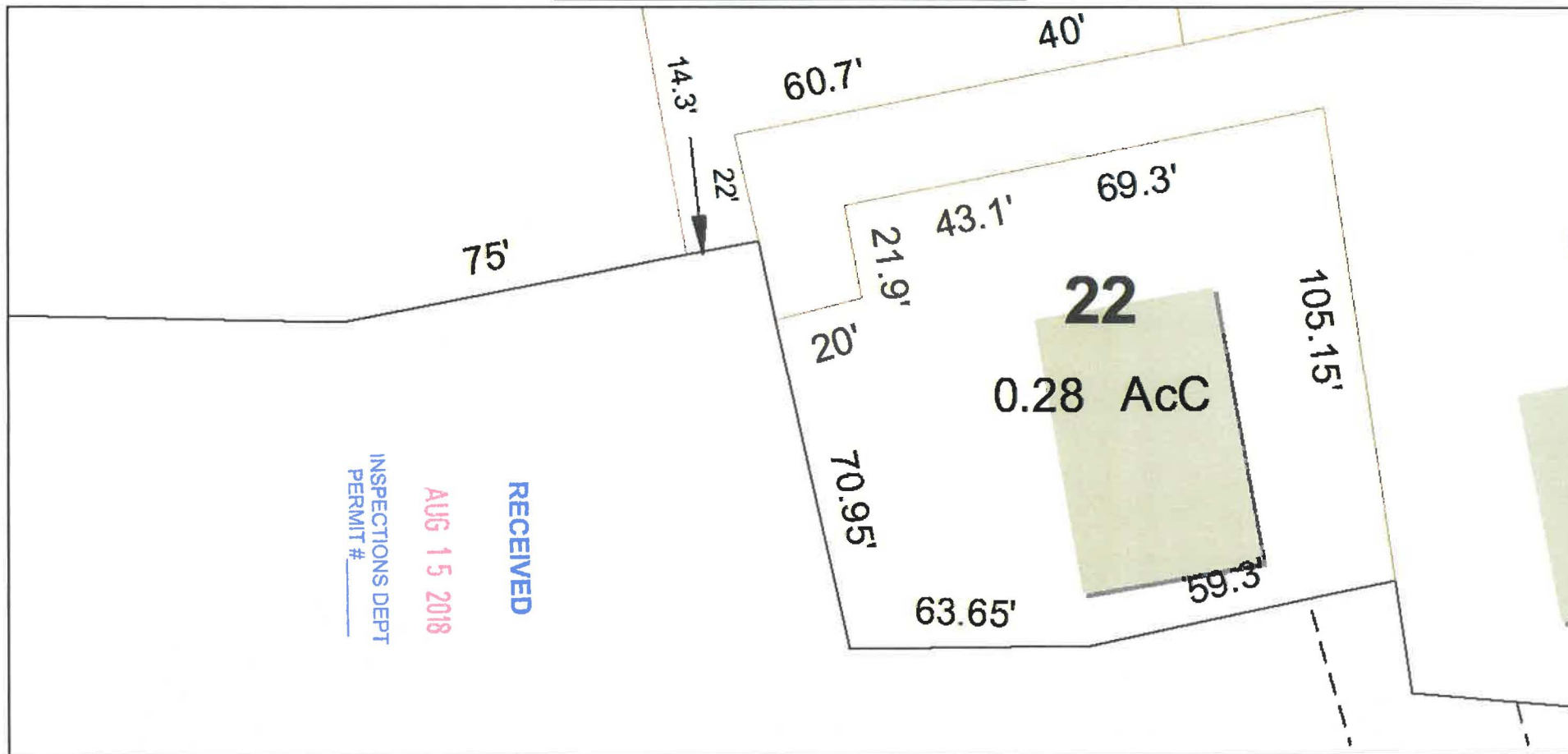
Keene, NH



August 13, 2018

1 inch = 33 Feet

www.cai-tech.com



	Property Line		TaxmapText_Arrowheads
	Public Road		Buildings
	Dashed Road		Shadow
	TaxmapText_Leaders		Right of Ways

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

12 BRADCO ST. ZBA 18-16



Petitioner requests a Special Exception
for a proposed expansion of the
existing self-storage facility.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 18-16

A meeting of the Zoning Board of Adjustment will be held on Tuesday, September 4, 2018 at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the petition of Jeremiah Boucher of Keene Self Storage, LLC, who requests a Special Exception for property located at 12 Bradco St., Keene, Tax Map Parcel #117-041-000, owned by Gridley Enterprises of Peterborough, NH and is in the Industrial District. The Petitioner requests a Special Exception for a proposed expansion of the existing self-storage facility.

ZONING BOARD OF ADJUSTMENT

Corinne Marcou, Clerk

Notice issuance: August 23, 2018

APPLICATION FOR APPEAL

Zoning Board of Adjustment
3 Washington Street, Fourth Floor
Keene, New Hampshire 03431
Phone: (603) 352-5440

For Office Use Only:	
Case No.	<u>2BA 18-14</u>
Date Filed	<u>8/17/18</u>
Received By	_____
Page	<u>1</u> of <u>13</u>
Reviewed By	_____

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SECTION I - GENERAL INFORMATION

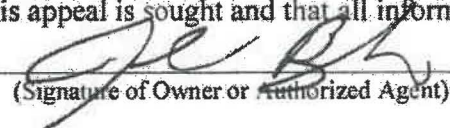
Name(s) of Applicant(s) Keene Self Storage LLC, c/o Jeremiah Boucher Phone: 702-353-5622
Address 12 Bradco St Keene NH 03431
Name(s) of Owner(s) Gridley Enterprises, LLC
Address 33 Hall Court. Peterborough NH 03458
Location of Property 12 Bradco St Keene NH 03431

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 117-41 Zoning District IND
Lot Dimensions: Front per attachment Rear per attachment Side per attachment Side per attachment
Lot Area: Acres 5.13 Square Feet 223,462.8
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 12.77% Proposed 20.27%
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 21.81% Proposed 38.35%
Present Use self storage
Proposed Use self storage

SECTION III - AFFIDAVIT

I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.


(Signature of Owner or Authorized Agent)

Date 8-15-18

Please Print Name Jeremiah Boucher

APPLICATION FOR A SPECIAL EXCEPTION

• **Section of the Zoning Ordinance under which the Special Exception is sought:**

This property did receive a Special Exception back in 1999 (ZBA-99-20) and therefore requires a Special Exception for the proposed expansion as outlined in Section 102-37(b).

The Zoning Board of Adjustment shall have the power to hear and decide Special Exceptions to the terms of the Zoning Ordinance, and in doing so, may grant approval in appropriate cases and subject to appropriate conditions and safeguards for the protection of the public health, safety and welfare. Special Exceptions may be approved if the Board can make the following findings. All four conditions must be completed and satisfied.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION.

1. The proposed use is similar to one or more of the uses already authorized in that district and is in an appropriate location for such a use.

This project proposes to expand the existing self-storage facility on the subject property. This use therefore already exists in the district and is an appropriate use for this location.

2. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.

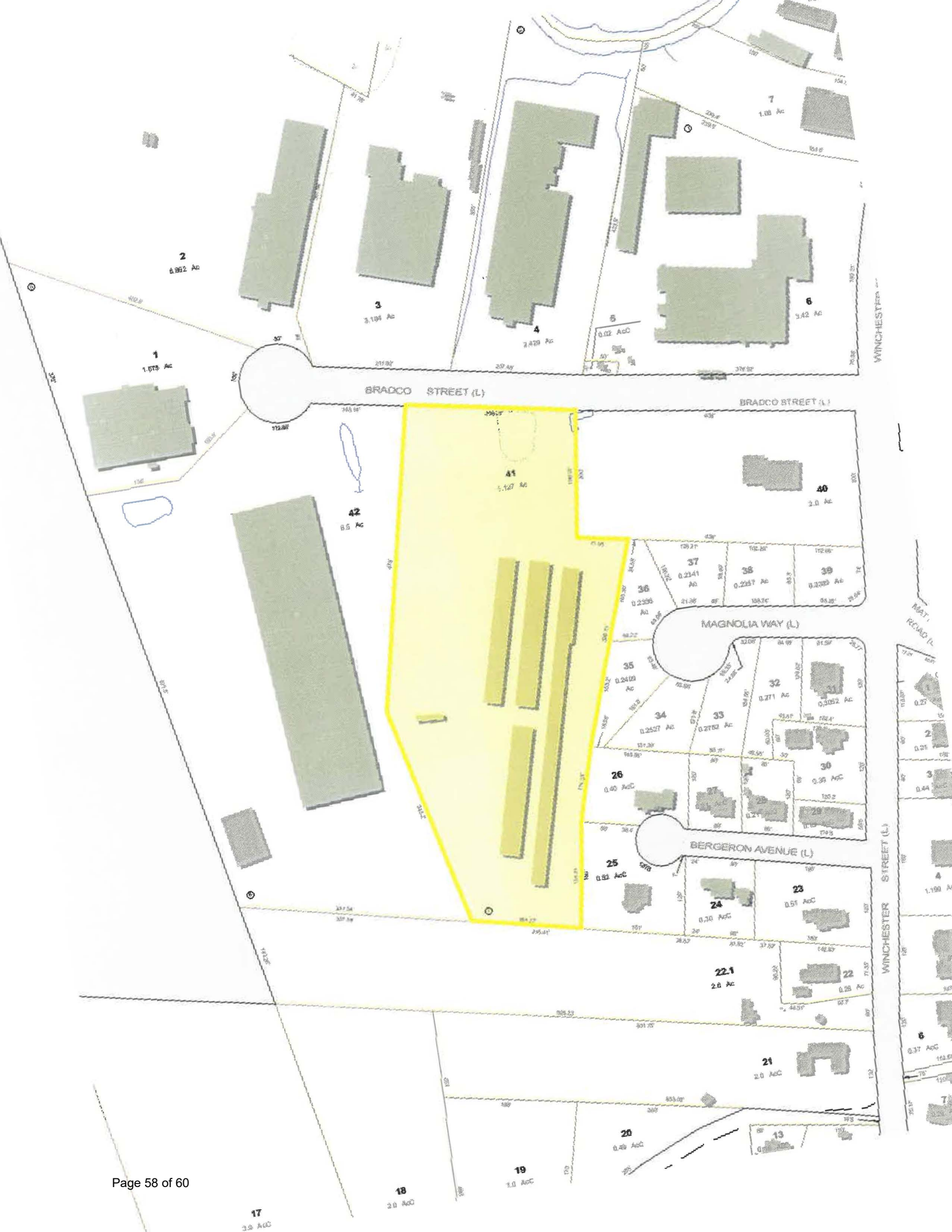
An approval of the proposed expansion of the existing self-storage facility would have no negative impacts on the value of any property within the district nor would it be injurious, obnoxious or offensive to the neighborhood. This proposal would result in no changes to the neighborhood as the use already exists on-site.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.

This proposal would not cause any nuisance or serious hazard to vehicles or pedestrians. The existing entrance to the self-storage facility is adequate for the expansion and self-storage sites in general do not generate any measurable traffic.

4. Adequate and appropriate facilities (i.e., sewer, water, street, parking, etc.) will be provided for the proper operation of the proposed use.

Adequate and appropriate facilities for this project will be provided for the proper operation of the proposed use. This project will require Planning Board review and approval and all necessary improvements to the property will be incorporated into the final design plans. It is worth noting that this same proposal was previously approved but was never constructed so the approvals have lapsed.



17
3.0 A/c

18
3.0 A/c

19
1.0 A/c

20
0.46 A/c

21
2.0 A/c

22.1
2.0 A/c

24
0.20 A/c

25
0.52 A/c

26
0.40 A/c

34
0.2557 A/c

35
0.2409 A/c

36
0.2396 A/c

37
0.2341 A/c

41
5.167 A/c

40
3.0 A/c

1
1.075 A/c

2
6.992 A/c

3
3.194 A/c

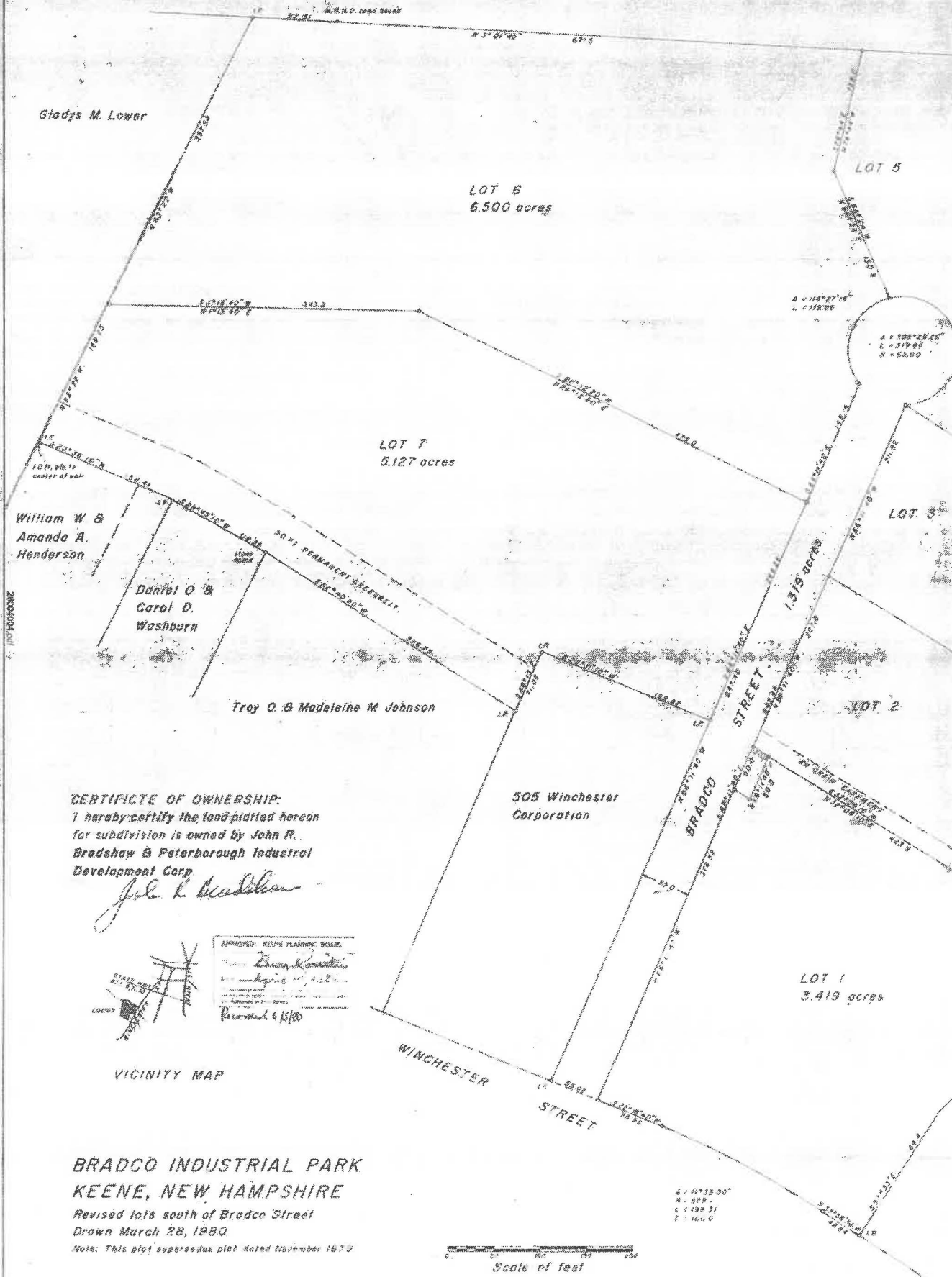
4
2.429 A/c

5
0.02 A/c

7
1.06 A/c

6
3.42 A/c

STATE OF NEW HAMPSHIRE



CERTIFICATE OF OWNERSHIP:
 I hereby certify the land platted hereon
 for subdivision is owned by John R.
 Bradshaw & Peterborough Industrial
 Development Corp.

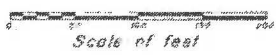
John R. Bradshaw



VICINITY MAP

APPROVED: KEENE PLANNING BOARD
Thomas K. [Signature]
 Recommended 6/19/80

**BRADCO INDUSTRIAL PARK
 KEENE, NEW HAMPSHIRE**
 Revised lots south of Bradco Street
 Drawn March 28, 1980
 Note: This plot supersedes plot dated December 1979



BRADCO STREET

66°11'40" E
145.14'

66°11'40" E
206.26'

FORMER LOGGING ACCESS

POLE AND LIGHT

6" DI WATER

WETLANDS LINE

PEARSON
196-1
INDUST

GATE

S 66°13'00" E
71.06'

EXIST. TREE LINE

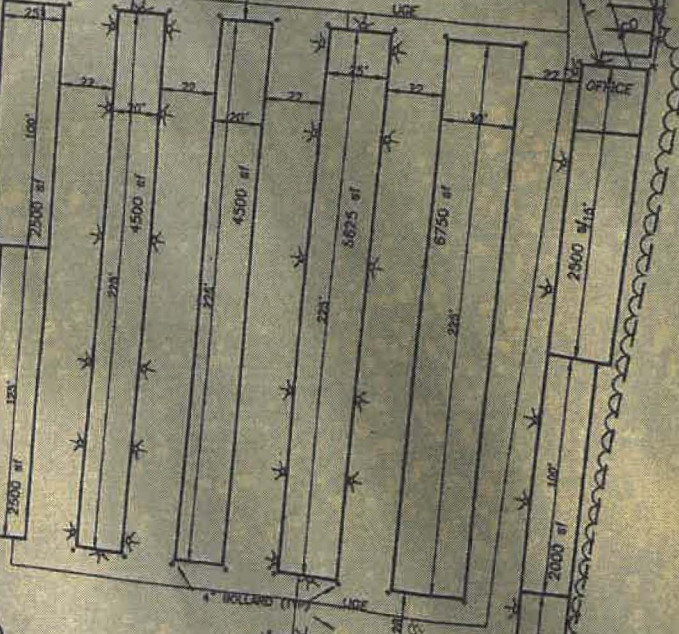
SNOW STORAGE

HYDRANT

END CAP AND THRUST BLOCK

N 26°12'20" E

SETBACK LINE



N 32°40'20" E
326.73'

LOT 6
KNAPPE AND KOESTER
196-1
INDUSTRIAL

BIT. CONC. PAVING



N 29°45'10" E
118.35'

PICKERING
85-1-8
RESIDENT

BERGEMAN AVE

HENDERSON
85-1-9
RESIDENTIAL

50' SETBACK LINE

SNOW STORAGE