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HOWARD B. LANE, JR.  
MICHAEL P. BENTLEY

HOWARD B. LANE  
(1929-1981)

October 31, 2018

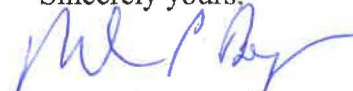
City of Keene  
Attn: Zoning Board of Adjustment  
3 Washington Street  
Keene, NH 03431

Re: Case Number ZBA 18-19; Hope Chapel

Ladies and Gentlemen:

On behalf of Hope Chapel, enclosed please find Motion for Re-Hearing in the above entitled matter.

Sincerely yours,



Michael P. Bentley

Enclosure  
cc: Joseph Mabe

CITY OF KEENE  
ZONING BOARD OF ADJUSTMENT

IN RE: HOPE CHAPEL

CASE NUMBER: ZBA 18-19

**MOTION FOR RE-HEARING**

NOW COMES Hope Chapel of 667 Main Street in the City of Keene, County of Cheshire and State of New Hampshire 03431 and says as follows:

1. On November 2, 1998, Harvest Christian Fellowship, predecessor to Hope Chapel appeared before the City of Keene Zoning Board of Adjustment seeking a Change of Non-Conforming Use in order for the premises located at 667 Main Street in Keene, NH to be used as a church whereas the prior approved use of the property was for a nightclub which operated Thursday through Sunday from 7:00 p.m. to 1:00 a.m. with weekend occupancy of 800-900 people with alcohol being sold on the premises.
2. On a 5-0 vote the Board approved the change in non-conforming use finding that the proposed use was more in the spirit of the ordinance and that the change in use would not be injurious, obnoxious or offensive. (See Case Number ZBA 98-16).
3. For the past twenty (20) years Hope Chapel has operated its facility without complaint from either the City of Keene or from any of its neighbors.
4. That for the past 1 1/2 to 2 years, Hope Chapel has contemplated a building expansion to provide better services to its members however its past use and proposed future use of the property has never changed from what was approved in 1998.
5. For more than a year, Hope Chapel has appeared before the City of Keene Planning Board for advice only in connection with a site plan submission which Hope Chapel understands

would have to be submitted to the Planning Board as part of a formal application for site plan approval should it wish to go forward with its proposed building expansion.

6. That on the eve of submitting a formal site plan application, Hope Chapel was first advised by the City of Keene that prior to submission of its site plan application it would need to submit an application to the City of Keene Zoning Board of Adjustment seeking an enlargement or expansion of its previously approved non-conforming use.

7. In reliance on the direction given to it by the City of Keene, Hope Chapel submitted its Application for Enlargement of Nonconforming Use on September 17, 2018 which resulted in a public hearing being held on its application before the City of Keene Zoning Board of Adjustment on October 1, 2018.

8. That at the October 1, 2018 public hearing the Zoning Board of Adjustment voted 5-0 to deny Hope Chapel's application.

10. Hope Chapel alleges that the decision of the City of Keene Zoning Board of Adjustment was unlawful and unreasonable and in support thereof states the following:

A. As stated previously, Hope Chapel does not seek to expand or enlarge its use of the property to anything different than what was approved more than twenty (20) years ago.

B. Stated differently, Hope Chapel does not intend to do anything different with the property should it be permitted to construct its proposed addition than what it is doing with the existing facility. There would be no "expansion" or "enlargement" of Hope Chapel's historical use of the property in that the services which it provides to its members would be no different with the expanded facility than what is being provided within the current facility.

C. In fact, with its proposed addition and the resulting loss of currently available parking, Hope Chapel's will have less space that can be occupied than what it currently has with the then

available occupancy to approximately 400 persons where currently 585 people is the allowable level of occupancy.

D. Hope Chapel is aggrieved by the suggestion that it may operate a school from its expanded facility with "buses, drop offs and other things of that nature" since no such activity has taken place in twenty (20) years and was made with the intention of creating a false impression of Hope Chapel's activities. Minutes of October 1, 2018 meeting at Page 10.

E. Hope Chapel has in the past and currently provides after school programs including educational assistance for children which would not in any way change with an expanded facility.

F. Hope Chapel's proposed building addition fully complies with all applicable set backs in the Low Density Zone within the City of Keene.

G. The proposed on site drainage facilities reflected on Hope Chapel's proposed site plan provides a substantial benefit to its neighbors such that it is a win-win situation.

H. There is no evidence that Hope Chapel's expanded facility would diminish the property values in the area any differently than how, if at all, Hope Chapel's existing facility may affect the value of abutting properties.

I. Stated differently, existing residential properties abut and/or are in the neighborhood of Hope Chapel's location.

J. It is more probable than not that the value of the abutting residential properties would be higher if the Hope Chapel property was improved with single family residences as opposed to the existing improvements on the Hope Chapel property and their use in connection with Hope Chapel's approved use of the property.

K. Hope Chapel is aggrieved by the statements made at the October 1, 2018 public hearing "...that Hope Chapel has frequently used the parking lot to let homeless stay in RV's and trucks with animals and ducks" which is patently false, misleading and was specifically intended to put Hope Chapel in a bad light with the Zoning Board of Adjustment.

L. In fact, Hope Chapel has never authorized such conduct. Hope Chapel is aware of one (1) instance many years ago when an unauthorized trailer was parked on its property for approximately 2-3 months when a brought it to the attention of the officials of Hope Chapel who dealt with it as expeditiously as possible given the existing conditions of snow and ice.

M. Hope Chapel has in the past 20 years called the police 2-3 times seeking their assistance to have trucks, that have chosen Hope Chapel's property as a location for them to park without permission, to be removed from Hope Chapel's property.

N. Hope Chapel believes and affirmatively states that with the reduced and revamped parking area and eliminating one of the two existing curb cuts on to Main Street that the Hope Chapel property will be less appealing to any passing trucks seeking a place to pull off the road.

O. A majority of the issues raised by Hope Chapel's neighbors as to the proposed building expansion and the proposed site improvements are issues for the Planning Board at site plan approval and not within the jurisdiction of the Zoning Board of Adjustment however Hope Chapel believes that the Zoning Board of Adjustment may have taken those issues into consideration when it voted to deny Hope Chapel's application.

P. Hope Chapel wants no fight with its neighbors and has been a good neighbor for more than 20 years such that Hope Chapel was surprised and taken aback by some of the comments made by its neighbors.

Q. That as to the existing grass buffer at the rear of Hope Chapel's property, its continued maintenance was a condition of the November 2, 1998 approval and nothing in Hope Chapel's proposed site plan seeks to alter that in any way.

R. For the past twenty (20) years Hope Chapel has permitted its neighbors, without objection, to make use of this area which benefits primarily Hope Chapel's neighbors yet, somehow, the neighbors incorrectly believe that this grass buffer is somehow imperiled by Hope Chapel's proposed building expansion which simply is not true.

S. For the Board to have found that Hope Chapel's proposed building addition would create a nuisance or serious hazard to vehicles or pedestrians is not supported by the record.

T. A reduction in the number of curb cuts from two to one and the reduction in the total number of parking spaces, which also results in an increase in pervious surfaces as a result of these site improvements, can only make things safer for vehicles or pedestrians than what currently exists yet the Board, without any basis to do so, found to the contrary.

WHEREFORE Hope Chapel respectfully prays as follows:

A. That the City of Keene Zoning Board of Adjustment grant a rehearing in this matter in accordance with RSA 677:2 for the reasons set forth above.

B. That the City of Keene Zoning Board of Adjustment, upon rehearing, find that the proposed building addition contemplated by Hope Chapel would *not* constitute an enlargement or an expansion of a non-conforming use such that seeking approval for such building expansion is and/or was not required under the City of Keene Zoning Ordinance.

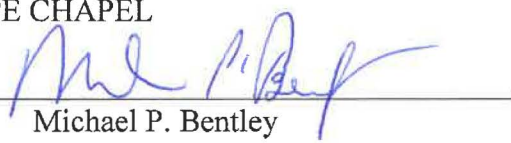
C. That in the event the City of Keene Zoning Board of Adjustment determines that its approval is required under Sec. 102-210 of the City of Keene Zoning Ordinance that the Zoning Board of Adjustment grant its approval finding that:

- i. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.
  - ii. There will be no nuisance or serious hazard to vehicles or pedestrians.; and
  - iii. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- D. For such further and other relief as may be equitable and just.

HOPE CHAPEL

October 31, 2018

By: \_\_\_\_\_



Michael P. Bentley  
It's Attorney