

**Zoning Board of Adjustment  
Tuesday, October 4, 2021 6:30 p.m.  
City Hall Council Chambers  
3 Washington Street, 2<sup>nd</sup> Floor**

**AGENDA**

- I. Introduction of Board Members
- II. Minutes of the Previous Meeting – September 7, 2021
- III. Unfinished Business:
- IV. Hearings:

**ZBA 21-20:** Petitioner, Joshua Gorman of 85 Park Ave., Keene, requests a Variance for property located at 112 Washington St., Tax Map #554-085-000-000-000 that is in the Downtown Transition District. The Petitioner requests a variance for eleven guest rooms where no more than nine guest rooms are permitted per Chapter 100, Article 8.3.2.G.2 of the Zoning Regulations.

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

Page intentionally left blank

1 City of Keene  
2 New Hampshire

3  
4  
5 ZONING BOARD OF ADJUSTMENT  
6 MEETING MINUTES  
7

8 **Monday, September 7, 2021**

**6:30 PM**

**Council Chambers**

**Members Present:**

Joshua Gorman, Chair  
Joseph Hoppock, Vice Chair  
Jane Taylor  
Michael Welsh  
Arthur Gaudio

**Staff Present:**

John Rogers, Zoning Administrator  
Corinne Marcou, Zoning Clerk

**Members Not Present:**

9  
10  
11 **I) Introduction of Board Members**  
12

13 Chair Gorman called the meeting to order at 6:30 PM and explained the procedures of the  
14 meeting. Roll call was conducted.  
15

16 **II) Minutes of the Previous Meeting – August 2, 2021**  
17

18 Ms. Taylor made a motion to approve the meeting minutes of August 2, 2021. Mr. Hoppock  
19 seconded the motion, which passed by unanimous vote.  
20

21 **III) Unfinished Business – Revisions to the Zoning Board of Adjustment Regulations,**  
22 **Section II, I – Supplemental Information**  
23

24 Mr. Rogers stated that based on the last meeting’s discussion and the wording Mr. Gaudio sent to  
25 staff; staff recommends the Board adopt the change to the Rules of Procedure using the language  
26 they have before them in the agenda packet.  
27

28 Ms. Taylor stated that when she brought up the topic originally, she wanted a time limit for  
29 submission and consequences for not submitting within the time limit. She continued that she  
30 thinks this does both. Regarding “within 10 days,” the use of the word “within” is not precise  
31 enough for her, but she can live with it so they can get going with this.  
32

33 Chair Gorman asked if she had a different word. Ms. Taylor replied something like “not less than  
34 10 days,” but if everyone else agrees with this language, she will go along.  
35

36 Chair Gorman asked if anyone else had feedback. Hearing none, he made the following motion,  
37 which was seconded by Mr. Hoppock.

38  
39 By a vote of 5-0, the Zoning Board of Adjustment approves the new language:

40  
41 *“If an applicant or an applicant’s agent submits supplemental information pertaining to an*  
42 *application within 10 days prior to the public hearing at which the application is to be heard, the*  
43 *Board will consider during the meeting and decide by majority vote whether to accept the*  
44 *supplemental information for consideration at the meeting or to continue the application until*  
45 *the next scheduled meeting to allow adequate time to review the supplemental information.”*  
46

47 **IV) Hearings**

48  
49 **A) ZBA 21-14: Petitioner, Ells Electric, LLC, of Spofford, NH, owned by James**  
50 **L. and Beverly A. Ells of Spofford, NH, requests a Variance for property located at**  
51 **90-92 Victoria St., Tax Map #589-022- 000-000-000 that is in the Business Growth**  
52 **and Re-Use District. The Petitioner requests a Variance to permit a single-family**  
53 **resident where it is not a permitted use per Section 102-771 of the Zoning**  
54 **Ordinance.**

55  
56 **B) ZBA 21-19: Petitioner, Ells Electric, LLC, of Spofford, NH, owned by James**  
57 **L. and Beverly A. Ells of Spofford, NH, requests a Variance for property located at**  
58 **90-92 Victoria St., Tax Map #589-022- 000-000-000 that is in the Business Growth**  
59 **and Re-Use District. The Petitioner requests a Variance to permit a 19 foot frontage**  
60 **where 50 feet is required per Section 102-821 of the Zoning Ordinance.**

61  
62 Chair Gorman stated that he suggests the Board hear the facts on both applications from the  
63 applicant and then they can deliberate on each separately.

64  
65 Chair Gorman asked to hear from City staff regarding ZBA 21-14. Mr. Rogers stated that this  
66 piece of property is currently in the Business Growth and Re-Use District (BGR). He continued  
67 that a nonconforming mixed use is occurring on the lot that is at the very end of Victoria St. The  
68 first building on the lot is a warehouse and office space, which Ells Electric uses, and the  
69 building further in the back is a single-family home. These uses have been occurring on the  
70 property for as long as the City’s records indicate. The Applicant wants to sub-divide the lot and  
71 is applying to the Board for two reasons. First, the single-family home is not an allowed use in  
72 the BGR District, so by separating this, it will become the primary use on its own lot, hence the  
73 first Variance. Second, even though the BGR District does not have a frontage requirement, the  
74 current City Code requires a residential use to have a 50-foot frontage, hence the second  
75 application before the Board for this property. The Chair has asked to hear both of these at the  
76 same time because they go hand in hand.

77  
78 Ms. Taylor asked if both applications are approved, and are subdivide, would both lots and the  
79 current structures all conform to the Zoning requirements. Mr. Rogers replied not necessarily,

80 because there are some already-existing nonconformities. There are obviously some setback  
81 issues with the single-family home. The only concern with the subdivision, is the 50-foot  
82 frontage. The rest would either be conforming or be an existing nonconformity.

83  
84 Ms. Taylor replied that per her calculations, there would be two conforming lots, regarding the  
85 sizes. Mr. Rogers replied that is correct. He continued that the other lot dimensional  
86 requirements for size would be met.

87  
88 Ms. Taylor stated that she is not sure this is a question for Mr. Rogers or the Applicant, but  
89 regarding the materials submitted, even though Google calls it "Victoria St. Extension," it does  
90 not appear to be a public road to the front of the warehouse and the single-family home. The  
91 proposed driveway, the 19-foot wide area, provides frontage but does not provide a driveway,  
92 because of the wetlands. She asked if that creates an access problem under any of the Zoning  
93 Codes.

94  
95 Mr. Rogers replied that he does not see it raising an issue, but if the Board approves the  
96 application, there might condition some sort of easement. He continued that currently, since this  
97 is all one lot, it is a common driveway for the two uses. He stated that with the subdivision, the  
98 driveway will mostly be on one property, with the second lot in need of an easement, if the lots  
99 change ownership.

100  
101 Mr. Welsh asked for clarification as to where the 19-foot and 38-foot frontages. Mr. Rogers  
102 replied that the end of Victoria St. runs into the property. He continued that the property line  
103 would be more evident for the Board when the Applicant does their presentation.

104  
105 Mr. Gaudio asked for clarification as to the lower section of the lot, and if that would be  
106 subdivided with the house. Mr. Rogers replied that he believes the Applicant submitted the  
107 subdivision plans showing the new, proposed property lines for the Board to consider and could  
108 clarify more during their presentation.

109  
110 Chair Gorman asked if anyone had more questions for Mr. Rogers. Hearing none, he asked to  
111 hear from the Applicant.

112  
113 John Noonan of 35 Church St., Fitzwilliam, NH, stated that he is here from Fieldstone Land  
114 Consultants on behalf of Ells Electric. He continued that Ells Electric is looking to do a boundary  
115 line adjustment, not so much a subdivision, of the two lots they currently own. Lot #23 is  
116 currently half an acre in size and has no road frontage, making a nonconforming landlocked lot.  
117 Ells Electric would do a boundary line adjustment, separating the residential use from the  
118 commercial use, proposing 1.3 acres for the residential lot, #589-023. Access to that residential  
119 lot would continue on the existing driveway, which crosses the front of the commercial Ells  
120 Electric building. He continue that an easement for future use can be created in case it was not  
121 the same owner. The commercial lot would share the frontage that currently exists, which is only  
122 39 feet. The plan would roughly split that frontage in half with 19 feet to the residential lot and  
123 20 feet to the commercial lot. However, the long piece along the western side of the lot that goes

124 across the wetlands would not be used. They would use the current, existing, shared driveway. It  
125 would end up being proposed as 0.7 acres for lot #589-022.

126

127 Mr. Noonan stated that he will address the Variance criteria.

128

129 *1. Granting the Variance would not be contrary to the public interest because:*

130

131 Mr. Noonan stated that granting the Variance would not change the uses of the two existing  
132 buildings, but would allow the uses to exist on separate properties. He continued that the  
133 granting of this Variance would also eliminate an existing, nonconforming lot with no road  
134 frontage and allow for the productive use of both properties. This proposal will not require any  
135 site work or major site improvements, as all infrastructure already exists. There is no proposed  
136 change to the business, the impervious services, or the existing house. Existing vegetation will  
137 remain, providing the same visual appearance of the neighborhood. Granting this Variance will  
138 not be contrary to the public interest, as this project will not alter the essential character of the  
139 neighborhood or threaten the public health, safety, or welfare.

140

141 *2. If the Variance were granted, the spirit of the Ordinance would be observed because:*

142

143 Mr. Noonan stated that the intent of this section is to create an additional downtown zoning  
144 district to enhance the economic vitality of the area by redeveloping new technology companies  
145 as well as clean manufacturing, processing, assembling, and wholesale businesses within a  
146 walkable, human-scaled place. This proposal for the site will continue to provide the  
147 neighborhood with a business with economic vitality. The proposed lot with residential use will  
148 be out of the main area of the additional area adjacent to Marlboro St. The lots will meet all the  
149 dimensional standards and will be in harmony with the neighborhood. This proposal will not  
150 alter the essential character of the neighborhood or threaten the public health, safety, or welfare.

151

152 *3. Granting the Variance would do substantial justice because:*

153

154 Mr. Noonan stated that granting the Variance would allow the landowner to reasonably utilize lot  
155 #589-023, which currently has no frontage on a public road and lies vacant, and would allow the  
156 separation of the commercial and residential areas. Granting this Variance would do substantial  
157 justice by utilizing the undeveloped land for the residential use. The location of the existing lot  
158 with no frontage and proposed residential lot is currently not viable for additional commercial or  
159 industrial use. They are also out of the main downtown area near the highest traffic volumes.

160 This makes the location best suited for a residential dwelling, particularly for owners of  
161 businesses nearby. In other words, a denial of this Variance request would be an injustice to his  
162 client, as there would be no apparent gain to the public for denying the application.

163

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

166

167 Mr. Noonan stated that the proposed lot line revision does not include any additional structures  
168 to be built or impact to the streetscape. There will be no clearing of trees. For all these reasons,

169 they do not believe that the proposed lot line adjustment, separation of the uses, would have any  
170 negative impacts on the value of the surrounding properties.

171  
172 5. *Unnecessary Hardship*

173  
174 A. *Owing to special conditions of the property that distinguish it from other properties in the*  
175 *area, denial of the variance would result in unnecessary hardship because:*

176  
177 i. *No fair and substantial relationship exists between the general public purposes of the*  
178 *ordinance provision and the specific application of that provision to the property because:*

179  
180 Mr. Noonan stated that this application proposes to address special conditions of the two  
181 properties that distinguish it from other properties in the area. He continued that one property  
182 currently exists with a commercial and residential use, which hinders the growth of the  
183 commercial business, as financing and insuring properties with the mixed-use is more difficult.  
184 The other property is a landlocked, isolated property, which will be made conforming as part of  
185 this proposal. The general public purpose of the Ordinance intends to create conditions suitable  
186 to co-exist to adjacent residential neighborhoods as well as to provide location-sensitive  
187 transitions between neighborhoods and uses along Marlboro St. The proposed lot line adjustment  
188 is on the outskirts of the BGR District and will provide a transition toward the residential  
189 neighborhoods nearby. Lot #589-023 is unique in that it has no frontage on the public road. The  
190 lot line adjustment will provide frontage to the lot and it will become a residential lot. This  
191 proposal does not introduce any new uses to the neighborhood; it simply proposes to rework the  
192 lot lines to allow for separation of the uses. Separation of the uses will allow the commercial  
193 property to be improved and will simplify the financing and insurance requirements.  
194 Improvements to these properties will improve the neighborhood and tax base for the City. For  
195 these reasons, he and his client do not believe that a fair and substantial relationship exists  
196 between the general public purpose of the Ordinance provision and the specific application of  
197 that provision to the property.

198  
199 *and*

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

201  
202 Mr. Noonan stated that he and his client believe that the proposed use is a reasonable one, for all  
203 the reasons previously stated, and as outlined below. He continued that granting this Variance  
204 would allow for productive use of the existing properties. The existing properties' improvements  
205 already exist, so there would be no changes to the neighborhood. Separating the uses onto two  
206 properties would be in harmony with the neighborhood and surrounding areas, as the  
207 neighborhood consists of a mixture of uses. The residential use would not be contrary to the  
208 public interest, as this project would not alter the essential character of the neighborhood or  
209 threaten the public health, safety, or welfare. This proposal would, in their opinion, observe the  
210 spirit of the Ordinance and its intent. This project would have no measurable negative impacts on  
211 the surroundings or subject property values. The separation of the uses would allow an existing  
212 business to obtain financing and to make improvements to the commercial building.

213  
214 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*  
215 *hardship will be deemed to exist if, and only if, owing to special conditions of the property that*  
216 *distinguish it from other properties in the area, the property cannot be reasonably used in strict*  
217 *conformance with the ordinance, and a variance is therefore necessary to enable a reasonable*  
218 *use of it.*  
219

220 Mr. Noonan stated that the lot is approximately half an acre and has no frontage on a public road  
221 and lot #589-022 is 1.5 acres with a mixed-use of commercial and residential. Lot #589-023  
222 could not be reasonably accessed from Victoria St., since there is wetlands per the Keene GIS. It  
223 has no frontage. In order to make a reasonable use the property lot line adjustment is proposed to  
224 include the residential dwelling from lot #589-022 as part of this lot. In addition to the frontage  
225 on Victoria St., lot #589-023 will be accessible along the front of lot #589-022. These are special  
226 conditions that distinguish it from other properties in the area. Due to these conditions, they  
227 believe the property is reasonably suited to the proposed use and is an existing use. They are  
228 thereby requesting a Variance from Section 102-771.1 to enable residential use on a subject  
229 property.  
230

231 Mr. Rogers asked if the Board agrees to hear Mr. Noonan's narratives on both applications. The  
232 Board agreed. Chair Gorman asked if Mr. Noonan could point out any narrative that changed in  
233 Mr. Noonan's second application, though they seem both very similar. Mr. Noonan replied that  
234 most of it is the same as the other application.  
235

236 Chair Gorman asked if there are any specific points that Mr. Noonan would make relative to the  
237 second application. He continued that Mr. Noonan said they want split the frontage. Mr. Noonan  
238 replied yes, they split the frontage as close as they could to half. He continued that the  
239 commercial use does not require frontage; however, they figured that having that frontage and  
240 splitting it in half, the current frontage that is there for the lot does not meet the 50-foot for  
241 residential anyway.  
242

243 Mr. Gaudio stated that regarding the portion of the lot that is just a strip, to the west of #22, it  
244 appears that #23 comes up around it. He asked if that is correct. Mr. Noonan replied yes, the  
245 rectangular area is the commercial lot, and that small strip that Mr. Gaudio mentioned would be  
246 straight down Victoria St. He continued that that has wetlands going across it so there will not  
247 be any use across that. That is to provide the frontage to the residential lot. On the other side is  
248 the small piece of frontage to the commercial lot.  
249

250 Mr. Gaudio asked if that is the 19-foot frontage, not the driveway. Mr. Noonan replied no, the  
251 half of the driveway would be the 20 feet to the commercial lot, and then an easement would  
252 need to be granted for the residential lot to cross the commercial lot. Mr. Noonan replied that the  
253 start of the driveway at Victoria St. is split on the frontage between the two lots, 19 feet and 20  
254 feet.  
255

256 Mr. Gaudio asked, if the driveway were split, wouldn't the end of the driveway also be part of  
257 the frontage. Mr. Noonan replied that the frontage is 19 feet to the residential lot, with the 20 feet  
258 of frontage at the end. The easement would end up being across the commercial lot, for the  
259 residential lot.

260

261 Mr. Hoppock asked Mr. Noonan to show the driveway on the diagram. Mr. Noonan did so and  
262 stated that the current driveway to the residential lot will remain there; the easement will be  
263 across where the driveway crosses in front of the parking lot in front of Ells Electric.

264

265 Mr. Gaudio stated that the part of #23 that is below the wetlands is inaccessible because of the  
266 wetlands. He continued that it couldn't be developed or used. Mr. Noonan replied that is correct.  
267 He continued that the back lot, which is nonconforming, landlocked with no frontage, becomes a  
268 portion of the residential lot. There is no proposed development and the house gets a larger lot.

269

270 Ms. Taylor stated that the southeast portion of the property, has an indentation/notch. She asked  
271 if that was part of the original lot or where that belongs in relation to the application. Mr. Noonan  
272 replied that it is not part of either of these subdivided parcels. Ms. Taylor asked if it belongs to a  
273 completely different parcel. Mr. Noonan replied yes.

274

275 Ms. Taylor stated that the wetlands are obvious on this map. She asked if the blue indicates  
276 floodplain. Mr. Noonan replied yes.

277

278 Ms. Taylor stated a question for Mr. Rogers – she is not as familiar with the Planning rules and  
279 regulations for lot line adjustments and asked if this would be a minor subdivision. Mr. Rogers  
280 replied for clarity, there are three lots currently and what the Applicant is proposing would create  
281 two lots. He continued that as the Applicant stated, it would be more of a boundary line  
282 adjustment, which would still need to go to the Planning Board, but it is a very basic application.

283

284 Mr. Welsh stated that the answer has been alluded to in the narrative in the materials provided,  
285 but his question is "Why?", why go to the effort of making these changes. The narrative suggests  
286 that separating the uses can allow the commercial property to be improved, which would  
287 simplify the financing and insurance requirements. He asked if Mr. Noonan could elucidate.

288

289 Mr. Noonan replied that in looking to do improvements to the Ells Electric building, they have  
290 found it more difficult and more expensive to get insurance because of the mixed use of  
291 residential with the commercial. It is more cost prohibitive to get a loan for upgrades with the  
292 mixed use. Separating the use makes it cleaner and more affordable.

293

294 Mr. Hoppock asked Mr. Rogers if there is a statutory requirement that dictates that markers or  
295 identifiers on the ground in the property description have to be obliterated or lost and the lot line  
296 adjustment would have to clarify that. Mr. Rogers replied that he is not aware of anything like  
297 that.

298

299 Chair Gorman asked if there were any further questions. Hearing none, he asked for public  
300 comment and explained the procedures for participation. Hearing no public comment, he closed  
301 the public hearing.

302  
303 Chair Gorman asked the Board to deliberate. He stated that they could deliberate on both  
304 applications together but need to vote on each separately.

305  
306 Ms. Taylor replied that her concern is that if both applications are approved, there will be the  
307 residential lot with no access if the residential lot is sold. If the Board moves forward with a  
308 motion to approve, she would recommend a condition requiring an easement across the driveway  
309 that extends from Victoria St. to the residential property, to ensure access. Chair Gorman replied  
310 in agreement.

311  
312 *1. Granting the Variance would not be contrary to the public interest.*

313  
314 Mr. Welsh stated that he thinks the Applicant has made a good argument that the public would  
315 not really even notice the difference, and this is a reasonable request from the Applicant.

316  
317 Mr. Gaudio stated that he looked through the section of the Ordinance to try to figure out why a  
318 single-family home was not included, to see if it was intended to be eliminated, and he does not  
319 think it was. He continued that he thinks they simply just did not put it in. The permitted uses  
320 lists a “home occupation” which would need a home. He continued that multiple dwellings are  
321 also a permitted use. Thus, he thinks this fits in with the general purpose of the Ordinance.

322  
323 *2. If the Variance were granted, the spirit of the Ordinance would be observed.*

324  
325 Mr. Gaudio stated that his comments regarding the first criterion are applicable to this as well.

326  
327 Mr. Hoppock stated that he agrees that the proposal does not change or affect the essential  
328 character of the neighborhood or threaten public health, safety, or welfare. He continued that he  
329 agrees that the second criterion are met.

330  
331 *3. Granting the Variance would do substantial justice.*

332 Mr. Hoppock stated that the injustice to the owner is the problem they heard about, the  
333 difficulties with property insurance and financing. He continued that would be an injustice  
334 without any corresponding gain to the public; thus, he thinks it is an injustice to deny this  
335 Variance.

336  
337 Chair Gorman stated in agreement. He continued that he thinks this application may clean things  
338 up a bit for the property, given that the situation already exists. This just makes it more of what it  
339 already is.

340  
341 *4. If the Variance were granted, the values of the surrounding properties would not be*  
342 *diminished.*

343

344 Chair Gorman stated that Mr. Noonan made a good case for the fact that exterior aesthetics are  
345 not really changing.

346  
347 Ms. Taylor stated that even though they do not have any direct evidence on this, it might actually  
348 increase the values of the surrounding property by having these distinguished as separate uses.

349 Chair Gorman replied in agreement.

350

351 5. *Unnecessary Hardship*

352

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

355

356 *i. No fair and substantial relationship exists between the general public purposes of*  
357 *the ordinance provision and the specific application of that provision to the property*  
358

359 Mr. Gaudio stated that there are unique special conditions of the property; it is a house behind a  
360 commercial building, without a street going in front of it. He continued that going back to the  
361 previous point that he made, no fair and substantial relationship exists between the general  
362 purpose of the Ordinance, “home occupation” and “home office,” are permitted uses, so there is  
363 no necessary reason to be strict on the application of it.

364

365 *and*

366

367 *ii. The proposed use is a reasonable one.*  
368

369 Mr. Gaudio stated that the use has been there and it seems reasonable to continue it.

370

371 B. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*  
372 *hardship will be deemed to exist if, and only if, owing to special conditions of the*  
373 *property that distinguish it from other properties in the area, the property cannot be*  
374 *reasonably used in strict conformance with the ordinance, and a variance is therefore*  
375 *necessary to enable a reasonable use of it.*  
376

377 Chair Gorman stated that they do not need to cover (B), given that they have agreed that the  
378 criteria in subparagraph (A) are established. He asked for a motion.

379

380 Ms. Taylor stated that she would like to add a condition, regarding access, to motions for both  
381 applications, so it is clear that they run in parallel.

382

383 Ms. Taylor made a motion to approve ZBA 21-14, 90-92 Victoria St., for Ells Electric, LLC of  
384 Spofford, NH, for a Variance for property at 90-92 Victoria St., Tax Map #589-022- 000-000-  
385 000 that is in the Business Growth and Re-Use District to permit a single-family residence where  
386 it is not a permitted use per Section 102-771 of the Zoning Ordinance, with the condition that  
387 should the properties change hands, there be an easement along the northern boundary of the

388 properties to ensure that there is access to what is proposed to be #589-023. Mr. Hoppock  
389 seconded the motion.

390  
391 Ms. Taylor stated that she conditioned it on if and when the properties change hands for the basic  
392 reason that legally you cannot give an easement to yourself, and both properties are currently  
393 owned by the same party.

394  
395 1. *Granting the Variance would not be contrary to the public interest.*

396  
397 Met with a vote of 5-0.

398  
399 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

400  
401 Met with a vote of 5-0.

402  
403 3. *Granting the Variance would do substantial justice.*

404  
405 Met with a vote of 5-0.

406  
407 4. *If the Variance were granted, the values of the surrounding properties would not be*  
408 *diminished.*

409  
410 Met with a vote of 5-0.

411  
412 5. *Unnecessary Hardship*

413 A. *Owing to special conditions of the property that distinguish it from other properties*  
414 *in the area, denial of the variance would result in unnecessary hardship because*  
415 *i. No fair and substantial relationship exists between the general public purposes of*  
416 *the ordinance provision and the specific application of that provision to the property*

417 *and*

418 *ii. The proposed use is a reasonable one.*

419  
420 Met with a vote of 5-0.

421  
422 The motion to approve ZBA 21-14 with the condition passed by a unanimous vote of 5-0.

423  
424 Ms. Taylor made a motion to approve ZBA 21-19 for property at 90-92 Victoria St., petitioned  
425 by Ells Electric, LLC, for a Variance for property Tax Map #589-022-000-000-000 that is in the  
426 Business Growth and Re-Use District to permit 19-foot frontage where 50 feet is required per  
427 Section 102-821 of the Zoning Ordinance, with a condition that should the property ever be  
428 transferred subsequent to the subdivision that there be an easement to ensure access to what will  
429 be parcel #589-023. Mr. Hoppock seconded the motion.

430  
431 Mr. Hoppock asked if Ms. Taylor wants the correction, “subsequent to the lot line adjustment”  
432 instead of “subdivision.” Ms. Taylor replied that she thinks a lot line adjustment is a subdivision.

433 Mr. Hoppock replied that he is fine with it either way. Ms. Taylor replied that she is fine with it  
434 saying “subdivision” or “lot line adjustment.”

435  
436 1. *Granting the Variance would not be contrary to the public interest.*

437  
438 Met with a vote of 5-0.

439  
440 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

441  
442 Met with a vote of 5-0.

443  
444 3. *Granting the Variance would do substantial justice.*

445  
446 Met with a vote of 5-0.

447  
448 4. *If the Variance were granted, the values of the surrounding properties would not be*  
449 *diminished.*

450  
451 Met with a vote of 5-0.

452  
453 5. *Unnecessary Hardship*

454 A. *Owing to special conditions of the property that distinguish it from other properties*  
455 *in the area, denial of the variance would result in unnecessary hardship because*  
456 *i. No fair and substantial relationship exists between the general public purposes of*  
457 *the ordinance provision and the specific application of that provision to the property*

458 *and*  
459 *ii. The proposed use is a reasonable one.*

460 Met with a vote of 5-0.

461  
462 The motion to approve ZBA 21-19 with the condition passed with a unanimous vote of 5-0.

463  
464 **A) ZBA 21-15: Petitioner, Amerco Real Estate Company, of 2727 North Central**  
465 **Ave, Phoenix, AZ, requests a Variance for property located at 0 Krif Rd. and 472**  
466 **Winchester St., Tax Map #115-019- 000-000-000 and 115-020-000-000-000 that is in**  
467 **the Commerce Limited District. The Petitioner requests a Variance to permit the**  
468 **construction of a roof to provide cover to vehicles, encroaching the building setback**  
469 **per Section 102-791 of the Zoning Ordinance.**

470  
471 Chair Gorman asked to hear from City staff. Mr. Rogers stated that this property is on the corner  
472 of Winchester St. and Krif Rd. He continued that it was previously the Clark Distributors  
473 building. There is a proposal for U-Haul to utilize this space and part of that proposal is to create  
474 a roof area for when vehicles, U-Hauls and tractor-trailer trucks and more, return to the property,  
475 so employees can have an area in which to clean the vehicles to get them ready to be back on the  
476 rental line. The area they are proposing is within the side setback on Krif Rd. The Applicant will

477 have elevations to show the Board where they are proposing this. There is a 20-foot requirement  
478 for the side setback in this district, Commerce Limited.

479  
480 Ms. Taylor asked with the 20-foot side setback, if they are encroaching by 16 feet, which means  
481 they are going to be within 4 feet of the lot line. She asked if that is correct. Mr. Rogers replied  
482 in the affirmative.

483  
484 Ms. Taylor asked if Mr. Rogers knows if there are plans to change the curb cuts, driveway  
485 entrances or exits. Mr. Rogers replied that the Applicant would have to speak to that. Ms. Taylor  
486 replied that her only reason for asking is that if this application is approved, and there is a curb,  
487 whether or not there are sightline issues.

488  
489 Chair Gorman asked if there were any further questions. Hearing none, he asked to hear from the  
490 applicant.

491  
492 John Noonan of Fieldstone Land Consultants stated that he is here on behalf of Amerco Real  
493 Estate Company to seek a Variance from Section 102-791 for building a proposed marquee-type  
494 roof that would encroach on the building setback. He continued that it would encroach 16 feet,  
495 and it is correct that it would be 4 feet from the property line along Krif Rd. and there will be no  
496 change to any curb cuts. They submitted the overall concept/site plan of what would go before  
497 the Planning Board. They will build some other parking lots, and storage to the south side.  
498 Highlighted on the drawing is the 20'x40' marquee-style roof. Initially, the Applicant wanted an  
499 awning or canopy style, and a canopy or awning is allowed to be within the setback. However,  
500 with the snow load and the size 20' off of the building wall, it will have to be a supported,  
501 structural roof. There is existing pavement under this location, so they are utilizing the existing  
502 driveway. Trucks would be returned here, and this location also is where they would be doing  
503 installations on customers' vehicles, such as towing bars or hitches. Customers would be able to  
504 drop off their vehicles and not have to go out in inclement weather. Also, when customers come  
505 to drop off a rented vehicle, the employees can go out and clean it to get it ready for the next  
506 person or to be put back in the display area. This Variance is for encroaching on that setback  
507 along Krif Rd.

508  
509 Mr. Gaudio asked if the north side would have a wall or just a couple of posts. Mr. Noonan  
510 replied just posts; there will not be a wall or enclosure.

511  
512 Ms. Taylor asked about "work" or "installations" done underneath the canopy, if it is only within  
513 four feet of the lot line and there is nothing there. Mr. Noonan replied that the installations would  
514 be done inside of the existing building. He continued that they would then drive it around for the  
515 customer to pick it up.

516  
517 Ms. Taylor replied that her concern, based on the safety issues, is that between the north side of  
518 where the end of the covered area would be and the street there is not much room. She continued  
519 that if someone gets out of a vehicle and opens the door and steps out, they are right in the road.

520

521 Mr. Noonan replied that they are four feet from the edge of the property line, not the edge of the  
522 pavement. Ms. Taylor replied that there is not a sidewalk there. Mr. Noonan replied no. Ms.  
523 Taylor replied that then they are basically on the road.  
524

525 Mr. Rogers stated that he believes there is a grass median between the edge of their current  
526 pavement and the road pavement. Ms. Taylor asked if the edge of the pavement is the lot line.  
527 Mr. Rogers replied no. Ms. Taylor asked if the grass area is within their lot. Mr. Rogers replied  
528 that he believes some of the grass area may be within their lot, but some of it is in the right-of-  
529 way.  
530

531 Mr. Noonan replied that there is a small portion within the property. He continued that the edge  
532 of the pavement on their property, the subject parcel, is very close to the lot line. The grass strip  
533 is mostly in the right-of-way.  
534

535 Chair Gorman asked approximately how wide the grass strip is. Mr. Noonan replied  
536 approximately 10 feet wide.  
537

538 Mr. Hoppock asked what the distance is from the end of the roof to the where the edge of the  
539 pavement on Krif Rd. begins. Mr. Noonan replied that they are four feet from the property line,  
540 from the edge of the roof to the property line there is probably about eight feet, so it is about 12  
541 feet or so. Mr. Hoppock asked if he means the road edge. Mr. Noonan replied yes.  
542

543 Mr. Hoppock stated that Mr. Gaudio asked about the posts supporting the roof. He continued that  
544 there would not be any sight issues if they were to use the access on the far right-hand side of the  
545 lot, the northeast side. They would not have any sight issues with those posts or the roof, if  
546 someone was trying to make a left-hand turn. He asked if that is correct. Mr. Noonan replied that  
547 it would be far enough back. He continued that for a sight distance it is typically 10 feet from the  
548 intersection. That roof and the posts supporting the roof would be further back than 10 feet.  
549

550 Mr. Noonan went through the Variance criteria.  
551

552 1. *Granting the Variance would not be contrary to the public interest because:*  
553

554 Mr. Noonan stated that if the Variance were granted it would not be contrary to the public  
555 interest, as it is a feature of the building that will provide cover for customers picking up vehicles  
556 from the business. He continued that the roof will not hinder public access by blocking travel  
557 ways or sidewalks. The roof will be constructed within the subject property and only encroach  
558 the building setback line by 16 feet. The roof will fit in with the surrounding commercial and  
559 industrial businesses and not be viewed as a hindrance to the public. The general public health,  
560 safety, or welfare will not be impacted by the structure.  
561

562 2. *If the Variance were granted, the spirit of the Ordinance would be observed because:*  
563

564 Mr. Noonan stated that this roof structure would be a permanent, 20'x40', supported roof  
565 attached to an existing building, considered a covered parking space. If the Variance were

566 granted, the spirit and intent of the Ordinance would be observed, as the roof is not a building  
567 and will enhance the safety and convenient access to the site. The design of the structure will  
568 match surrounding commercial buildings and improve the aesthetics of the existing building, in  
569 observation of the spirit of the Ordinance.

570

571 3. *Granting the Variance would do substantial justice because:*

572

573 Mr. Noonan stated that it will allow the business owner to provide customers a covered area to  
574 pick up or drop off vehicles. He continued that in the northeast, this, the ability to remain out of  
575 the inclement weather is a nice customer benefit, and it will attract more customers to the  
576 business. The public will not lose anything as a result of the Variance being granted. In fact, the  
577 public will gain and have an economically viable business in this existing building, and the roof  
578 will provide increased safety for those utilizing the site.

579

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

582

583 Mr. Noonan stated that the construction of the roof will be fitting in design with the existing  
584 building and aesthetically pleasing. The covered parking space will not diminish the value of the  
585 surrounding properties and will add a point of interest to the existing building. The proposed use  
586 in the section of the building will bring a thriving business to the surrounding commercial and  
587 industrial area, and potentially increase values to the surrounding properties. The site will be  
588 used by an economically viable business, as it was in the past, and ensure a future tax base that  
589 will benefit the City and surrounding properties.

590

591 5. *Unnecessary Hardship*

592

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

595

596 i. *No fair and substantial relationship exists between the general public purposes of the*  
597 *ordinance provision and the specific application of that provision to the property because:*

598

599 Mr. Noonan stated that the proposal to construct a roof on the existing building wall will be an  
600 attractive feature to customers of U-Haul. He continued that this feature will help to increase and  
601 maintain customers to the business, and if denied, could hinder business potential. The proposed  
602 use is compatible with the surrounding businesses, such as car dealerships, and the roof is  
603 consistent with the intended commercial use by the Zoning regulations. The applicant has a  
604 special condition in redevelopment of the site, which will use the existing buildings, paved travel  
605 aisles, and parking lots. This feature will enhance the safety of those using it and will be  
606 perceived as an enhancement to the building by the public.

607

608 *and*

609

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

611  
612 Mr. Noonan stated that there are special conditions on the property that limit the ability to  
613 comply with all Zoning setbacks. In order to utilize the existing buildings, paved travel ways,  
614 and install a marquee roof, the setback cannot be met. Canopies and awnings are excluded from  
615 building setbacks; however, this marquee will be part of the building structure. Although this is a  
616 roof for vehicles, it provides the same use as a canopy or awning. The roof will lie within the  
617 subject property and will not impact City or abutters' properties. Based on the Commerce  
618 Limited zoning, and location of the property, they believe this to be a reasonable proposal that is  
619 consistent with the Zoning intent. It is in the interest of the public that commercial sites are able  
620 to be redeveloped and secure a future tax base.

621  
622 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*  
623 *hardship will be deemed to exist if, and only if, owing to special conditions of the property that*  
624 *distinguish it from other properties in the area, the property cannot be reasonably used in strict*  
625 *conformance with the ordinance, and a variance is therefore necessary to enable a reasonable*  
626 *use of it.*

627  
628 Mr. Noonan stated that if a Variance is not established, there is not enough space between the  
629 existing building wall and setback line to construct a roof for a covered parking area. Utilizing  
630 existing buildings does not provide the flexibility to relocate it to meet the setbacks. This is a  
631 special condition of the property. The intent of the roof was to provide customers a driveway to  
632 pick up vehicles from the business and it will be an attraction to the business. It will also help the  
633 showroom stand out from the other sections of the building, visually directing customers on  
634 where to enter the business. If the roof overhang is not installed there is potential to not attract or  
635 retain as many customers. This would be an unnecessary hardship on the operations of the  
636 business. The feature will provide many benefits to the business owner and their customers,  
637 without having any negative or detrimental impact on the public or the surrounding properties.

638  
639 Mr. Welsh stated that he is struggling with whether the question he is about to ask is within the  
640 purview of this Board or the Planning Board, but he knows that features like aesthetics, such as  
641 the marquee design that Mr. Noonan mentioned, are typically items the Planning Board would  
642 look at as part of their site plan. He continued that he wonders if the elevations that go along with  
643 the drawings are under production, or if the Planning Board is slated to consider those things.  
644 Mr. Noonan replied that they have not designed any architectural elevations on this. He  
645 continued that he knows they are working on all the architectural elevations for the entire  
646 proposal to go to the Planning Board.

647  
648 Mr. Welsh stated that a concern he is hearing from this Board is that one small design feature  
649 along those lines, which is that it not be a wall that supports the overhang, but that it be posts or  
650 columns, to allow more visibility around the structure. He continued that he does not know if he  
651 would make a condition of his approval, but that is something he is interested in seeing. Mr.  
652 Noonan replied that he could bring that back to the Applicant and have them bring that up with  
653 the architect and see if there is a way to have it supported from above and not have posts.

654 However, 20' is a fairly large structure to not have posts. Mr. Welsh replied that if posts make is  
655 safer, that is better than walls.  
656

657 Ms. Taylor stated that she is having a hard time reading the diagram. She asked Mr. Noonan to  
658 walk them through it. She continued that she understands where they want to put the canopy, and  
659 can see "climate control and display parking," but she cannot tell what is where with the rest of  
660 it. She recalls that the portion shaded in charcoal was loading docks when this was Clark  
661 Distributers.  
662

663 Mr. Noonan showed the portion of the parking lot that remains parking lot, and stated that it  
664 would be restriped. He continued that the entry points will remain the same, and pointed them  
665 out on the diagram, along Winchester St. and Krif Rd. He continued that that the existing Clark  
666 Distributers building becomes a climate-controlled building with storage units. Another existing  
667 building is proposed where they do installation of hitches and where customers would go in to  
668 rent a U-Haul vehicle. The canopy is proposed to be off that building. Another building is  
669 proposed for storage, the larger U-Haul-type boxes that would be rented out. A loading dock  
670 would be off the side of that building. The gray area in the back that Ms. Taylor mentioned has a  
671 parking lot along the Winchester St. frontage. That would be for display of vehicles. The U-Haul  
672 box trucks would be along that frontage. That would not be any customer or employee parking.  
673 In the back, the area would be used for parking, to meet the parking requirements, and if anyone  
674 was trying to access toward the south, that is where all the storage units are. They are typical  
675 self-storage units, not climate-controlled.  
676

677 Ms. Taylor replied that the loading docks, in other words, are going away. Mr. Noonan replied  
678 that the loading docks on the Krif Rd. side of the building remain. He continued that that parking  
679 is not changing; they will restripe it. The loading docks will stay. Ms. Taylor asked if they would  
680 still be backing in big trucks the way that Clarks Distributers used to. Mr. Noonan replied no. He  
681 continued that the trucks they are proposing are larger trucks, tractor-trailer WE50 or 65 size,  
682 and would be coming to the proposed dock, going down around the storage units, looping back  
683 to back up to the docks.  
684

685 Mr. Gaudio asked if the green-striped area is a proposed building or parking lot. Mr. Noonan  
686 replied proposed building.  
687

688 Mr. Gaudio stated that Mr. Noonan said it would be "impossible" to put the area that they are  
689 suggesting for the overhang anywhere else. He asked to him explain why that is, and why it  
690 could not go at the end of the addition on the right side.  
691

692 Mr. Noonan replied that that would just be warehouse. He continued that the existing building is  
693 where the main display area is, where a customer would go in to rent something. He showed the  
694 location that is for just bringing the containers in and out, the larger boxes that they drop at  
695 homes or commercial sites. Thus, they would not have customers going to the proposed building.  
696 They are coming to use either the existing building shown in red, or a different area. The most  
697 traffic in and out would be to the existing building.

698  
699 Mr. Gaudio replied that is by choice and asked why they could not move it and put it over to be  
700 the front part setback of the new construction. He continued that what he is getting at is that there  
701 is a choice. The Applicant has made one choice but Mr. Noonan has not explained the other  
702 choice.  
703

704 Mr. Noonan replied that the higher building is going to be stacked units. He continued that this  
705 building does not have the roof height to allow them to do what they want to do for storage  
706 inside with racking. This portion of the building is all that is conducive to doing the customer-  
707 facing side. They also want it facing Krif Rd. and toward Winchester St.  
708

709 Mr. Gaudio stated that he is not sure he understands why they could not put things in other  
710 places. He continued that they are making choices. He is not sure why the choices are being  
711 made that way.  
712

713 Mr. Noonan showed on the drawing where most of the people going into this building are going  
714 to be parking. He stated that the Applicant wants people to either drop off or pick up in the  
715 location along the face of the building. The proposed building is going to have a higher roof,  
716 whereas the other does not have a roof high enough to give up the space.

717 Chair Gorman asked if it is safe to say that one of the reasons for their choice of location for this  
718 overhang is to create a façade for the customer base that has visibility on the primary streets. Mr.  
719 Noonan replied yes, it would be visible from Winchester St. or as you turn onto Krif Rd. or into  
720 the parking lot. Customers would know, visually, where to go. Chair Gorman asked if it is safe to  
721 say that they probably could put the overhang somewhere else as Mr. Gaudio is suggesting, but  
722 that it would not accommodate their total wish list of having visibility and a customer entrance at  
723 that visibility. Mr. Noonan replied that is correct. He continued that it is hard to see in the  
724 drawing, but there is ADA parking right in front.  
725

726 Mr. Hoppock stated that to go back to Mr. Gaudio's point, he is looking at the "proposed loading  
727 area" on the drawing, which has a thatched rectangle. He asked why that could not be the  
728 canopy. Mr. Noonan replied that is an area where someone would bring their own personal truck  
729 or rented truck to load or unload items to or from the climate-controlled storage spaces. Mr.  
730 Hoppock asked if he means the customers can haul their own items into their units inside the  
731 building. Mr. Noonan replied that customers would unload their trucks there, to bring items into  
732 the climate-controlled building. Mr. Hoppock asked if Mr. Noonan is saying his client does not  
733 want to use any space in the climate-controlled facility for U-Haul conversions or services. Mr.  
734 Noonan replied that is correct.  
735

736 Ms. Taylor stated that earlier, Mr. Noonan mentioned that conversions or tow-bar installations  
737 would be done inside. She asked where that is. Mr. Noonan showed the building on the drawing.  
738 Ms. Taylor asked if that is an existing portion of building. Mr. Noonan replied yes.  
739

740 Ms. Taylor stated that the front of the building is the only portion she had ever been in, along  
741 Winchester St. She continued that those were offices and a reception area. She asked if that will

742 be turned into a climate-controlled storage area, or if there is a reason why they cannot use that  
743 for customers. What she thinks the Board members are all getting at is that this seems like a  
744 design *choice*. One of the things the Board has to decide is whether there is something special  
745 about the property that it cannot use it in the way intended. She is struggling with that issue and  
746 is looking for an explanation.

747  
748 Mr. Noonan replied that given the height of the building, the set-up of this existing building was  
749 more conducive to doing the U-Haul-type front. He continued that the entire building in the front  
750 is all climate-controlled. They are converting that entire building and will be putting elevators on  
751 the inside and the back of the building to access the height of the building. They will install two  
752 levels of climate-controlled space. The main driveway that everyone will drive down was the  
753 best place and the most high-used place where all the vehicles driving to and from the  
754 showroom.

755  
756 Chair Gorman asked if there were any further questions for Mr. Noonan. Hearing none, he asked  
757 for public comment. Hearing none, he closed the public hearing and asked the Board to  
758 deliberate.

759  
760 1. *Granting the Variance would not be contrary to the public interest.*

761  
762 Mr. Welsh stated that when he thinks of the public interest, he thinks of public health, safety, and  
763 welfare. He continued that since there is not a sidewalk to encroach or any likelihood that the  
764 public is going to be on the site except for to rent something and use the business, safety is just a  
765 visual sightline on turns and driving. He is convinced that feature of safety is not at risk and that  
766 the general welfare of the public is not at risk from the proposal as he sees it.

767  
768 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

769  
770 Mr. Gaudio stated that he has concerns about whether the spirit of the Ordinance would be  
771 observed. He continued that the spirit of the Ordinance is to have the 20-foot side setback. The  
772 point he is making would also go to uniqueness of the property/the fifth criterion. He is not sure  
773 that the spirit of the Ordinance is going to be observed, because they are putting the roof in the  
774 setback and he is struggling to find the reason for that.

775  
776 Ms. Taylor stated that she agrees and is not sure this is within the spirit of the Ordinance, either.  
777 Part of that is because when that area was developed, with the 20-foot setback and the grassy  
778 verge, it was supposed to be somewhat aesthetically pleasing and make sure that  
779 commercial/industrial facilities were not right on top of the street. Thus, she has some concerns  
780 here. She drove to this area, and the grassy area did not look that wide.

781  
782 Chair Gorman stated that the fact that this structure is going to be completely open impacts the  
783 second criterion for him. He continued that if they could have a canopy or an awning, he is not  
784 sure there is a stark difference between that and a roof system with two posts. If it was an  
785 enclosed structure, he could see the point Ms. Taylor raised. The openness, though, discontinues

786 some of the aesthetics concern and the encroachment concern, to a degree. He can come to grips  
787 with the second criterion being met, but it gets murky for him in the fifth criterion, when they  
788 talk about this “being the only choice.” He will argue that it might be the *best* choice for the  
789 Applicant, but as the Board members have all said, it is not the *only* one. It is not the best for  
790 compliance with the Zoning Ordinance.

791  
792 Mr. Hoppock stated that he could live with the second criterion being met for the reasons Chair  
793 Gorman stated. He continued that he does not see this proposed alteration impacting the essential  
794 character of the neighborhood, and like Mr. Welsh, he does not see a significant safety issue, but  
795 he agrees that the fifth criterion is problematic.

796  
797 *3. Granting the Variance would do substantial justice.*

798  
799 Ms. Taylor stated that to her this is a “break even” situation. Yes, it is nice to be under cover and  
800 not have to put your hood up, but it is not that big of a deal one way or the other.

801  
802 *4. If the Variance were granted, the values of the surrounding properties would not be*  
803 *diminished.*

804  
805 Chair Gorman stated that he does not see any negative impact to surrounding properties, based  
806 on the proposal and what he anticipates this would look like, and especially with the Planning  
807 Board’s involvement in the aesthetics, if the Variance were granted.

808  
809 *5. Unnecessary Hardship*

810 *A. Owing to special conditions of the property that distinguish it from other properties*  
811 *in the area, denial of the variance would result in unnecessary hardship because:*  
812 *i. No fair and substantial relationship exists between the general public purposes of*  
813 *the ordinance provision and the specific application of that provision to the property*  
814 *because:*

815  
816 Mr. Hoppock stated that without getting into the relationship between the general public purpose  
817 of the Ordinance and its application to this property, he is having a hard time seeing or  
818 understanding what the special condition of the property is in the first place, and, if there is one,  
819 how it is distinguished from other properties in the area. He does not think that was adequately  
820 developed. He does not think this criterion is met at all.

821  
822 Mr. Gaudio stated that he agrees with Mr. Hoppock. He continued that there are still choices that  
823 could be made, and he does not understand why other choices were not selected in order to  
824 comply with the Ordinance rather than to need a Variance.

825  
826 Ms. Taylor stated that she agrees with what has been said so far. She continued that it seems this  
827 is a matter of business convenience, and not necessarily meeting the standard that they have to  
828 meet, under the Variance criteria.

829  
830 *and*

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

832

833 Ms. Taylor stated that given what was presented to the Board, it is not necessarily a reasonable  
834 proposal.

835

836 Mr. Hoppock stated that he would add that given the other choices that are available, it is not a  
837 reasonable choice to propose.

838

839 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*  
840 *hardship will be deemed to exist if, and only if, owing to special conditions of the*  
841 *property that distinguish it from other properties in the area, the property cannot be*  
842 *reasonably used in strict conformance with the ordinance, and a variance is therefore*  
843 *necessary to enable a reasonable use of it.*

844

845 Chair Gorman stated that he thinks the Board has adequately covered this. He continued that they  
846 do think the property can have its overhang built, just not in that specific location.

847

848 Mr. Hoppock made a motion to approve ZBA 21-15 to permit a Variance to allow the  
849 construction of a roof to provide cover to vehicles, encroaching the building setback per Section  
850 102-791 of the Zoning Ordinance. This is on Tax Map #115-019-000-000-000 and #115-020-  
851 000-000-000 which is in the Commerce Limited District. Mr. Welsh seconded the motion.

852

853 *1. Granting the Variance would not be contrary to the public interest.*

854

855 Met with a vote of 5-0.

856

857 *2. If the Variance were granted, the spirit of the Ordinance would be observed.*

858

859 Met with a vote of 3-2.

860

861 *3. Granting the Variance would do substantial justice.*

862

863 Met with a vote of 4-1.

864

865 *4. If the Variance were granted, the values of the surrounding properties would not be*  
866 *diminished.*

867

868 Met with a vote of 5-0.

869

870 *5. Unnecessary Hardship*

871

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

874 i. *No fair and substantial relationship exists between the general public*  
875 *purposes of the ordinance provision and the specific application of that provision to the*  
876 *property*

877 *and*

878 ii. *The proposed use is a reasonable one*

879

880 Not met with a vote of 0-5.

881

882 B. *Explain how, if the criteria in subparagraph (A) are not established, an*  
883 *unnecessary hardship will be deemed to exist if, and only if, owing to special*  
884 *conditions of the property that distinguish it from other properties in the area, the*  
885 *property cannot be reasonably used in strict conformance with the ordinance, and*  
886 *a variance is therefore necessary to enable a reasonable use of it.*

887

888 Not met with a vote of 5-0.

889

890 The motion to approve ZBA 21-15 failed with a vote of 0-5.

891

892 Chair Gorman made a motion to deny ZBA 21-15. Mr. Hoppock seconded the motion, which  
893 passed by a vote of 5-0.

894

895 **B) ZBA 21-16: Petitioner, Enterprise Rent-A-Car Company of Boston, LLC, of**  
896 **10 Navigator Rd., Londonderry, NH, requests a Variance for property located at**  
897 **453 Winchester St., Keene, owned by 449 and 453 Winchester Street, LLC, of 549**  
898 **US Highway 1 Bypass, Portsmouth, NH, Tax Map #115- 026-001-000-000 that is in**  
899 **the Industrial District. The Petitioner requests a Variance to permit a motor vehicle**  
900 **rental business where it is not a permitted use per Section 102-632 of the Zoning**  
901 **Ordinance.**

902

903 Chair Gorman asked to hear from City staff. Mr. Rogers stated that this property is just a little  
904 further north of the Krif Rd. intersection, in the Industrial Zone, which does not allow a motor  
905 vehicle rental business. Regarding the visuals, staff may have taken a photo of the wrong  
906 building. There are two buildings on this property. He will let the Applicant explain, but he  
907 thinks where they are seeking to have the rental business is in the building shown in front, closest  
908 to Winchester St.

909

910 Mr. Welsh stated that he thinks the Applicant and others know, there is a car rental business on  
911 Winchester St., fairly close to this. He asked if that is in the same district, and if that business  
912 applied for a Variance. Mr. Rogers replied yes, there is a U-Save Car Rental just south of this  
913 property. He continued that he does not know the history of the property and that it has been  
914 there quite a while.

915

916 Ms. Taylor stated that she went to look at the property, which is listed as “453 Winchester St.”  
917 on the application, but apparently, 453 is the back building, and the frontage on Winchester St. is

918 449, so she got confused as to which property the application is for. She continued that on the  
919 “Zoning Exhibit Plan,” it looks like this is going to be the subject of a subdivision. She asked,  
920 going back to what the Board heard earlier, does that create a lot with no frontage on a public  
921 road.  
922

923 Mr. Rogers replied that the Applicant could clearly answer this question. He continued that he  
924 believes there was a subdivision at one point in time that subdivided the property from the  
925 collision repair business that is behind these buildings. He thinks that is the picture in the agenda  
926 packet, hence the confusion from staff. He does not know if there is another proposed  
927 subdivision.  
928

929 Ms. Taylor stated that her question, regarding the picture in the agenda packet, it that also lists  
930 the commercial building that fronts on Winchester St. as “449.” She continued that she was  
931 confused about which property the application is referencing. Mr. Rogers replied that he shares  
932 that confusion and he would ask the Applicant to speak to that.  
933

934 Ms. Taylor stated that the reason she was asking about whether there will be a subdivision and  
935 whether this will create a property that does not have frontage on a city street was because the  
936 Zoning Exhibit Plan is dated August 18, 2021. She thought it was current.  
937

938 Mr. Rogers stated that the plan on the screen right now must have been the subdivision he was  
939 speaking of, which occurred when they subdivided off the repair business out back, because they  
940 are showing “proposed boundary lines,” which are now there as current, actual boundary lines.  
941 There are two buildings on that one piece of property. Ms. Taylor replied that she would reserve  
942 her questions for the applicant, because that only confused her more.  
943

944 John Noonan of Fieldstone Land Consultants, 35 Church St., Fitzwilliam, NH, stated that he is  
945 here on behalf of Enterprise Rent-A-Car Company of Boston, LLC. He continued that the base  
946 plan that they used for their exhibit was the proposed subdivision that was already done. They  
947 are not proposing any new lot lines; this is what was given to them as a base plan. The “proposed  
948 boundary lines” are now existing boundary lines. The commercial building that has 4,000 square  
949 feet is #453 Winchester St., which is the rear building and is the building Enterprise is looking to  
950 rent and use as a rental car business. The building that is on the frontage of Winchester St., #449,  
951 is not in play in the application.  
952

953 Ms. Taylor stated that not being an engineer or a surveyor, she would like to know what the line  
954 is that goes through. Mr. Noonan replied that those are on the base plan; the lines that she sees  
955 crossing are overhead wires, preexisting electric.  
956

957 Ms. Taylor asked if it is correct that the parcel that includes #453 and #449 is a single parcel with  
958 two separate buildings. Mr. Noonan replied yes. Ms. Taylor asked if it is correct that this  
959 application only concerns #453, the rear building. Mr. Noonan replied yes. He continued that  
960 Enterprise is looking to rent one of the buildings for a rental car business. He continued that #449

961 is separate. What the landowner does with that is separate from this application entirely. It is two  
962 commercial buildings on one lot.

963  
964 Mr. Hoppock asked how one gets to #453 from Winchester St. Mr. Noonan replied that they  
965 have an easement on the northern drive where they can cross and get to the building. He  
966 continued that he is sure some traffic goes up the other right-of-way that goes to the back  
967 business as well.

968  
969 Mr. Hoppock stated that where it says "Proposed Boundary Line," there is a course of distance  
970 north 71, 5 minutes and 42 seconds west. He asked, if the area between those two lines a paved  
971 area. Mr. Noonan replied yes. Mr. Hoppock stated that then there is a right turn to the rear side of  
972 the property, the western boundary. Mr. Noonan replied yes, and that is a separate property and  
973 business behind there.

974 Mr. Gaudio asked if those buildings have an easement across that area. Mr. Noonan replied that  
975 he does not know if they have an easement crossing the southern side, but they have an easement  
976 crossing through the north.

977  
978 Ms. Taylor stated that there appears to be a 10-foot wide easement on the subject property, but  
979 the property that is not in play, to the north, has a 20-foot wide easement. Mr. Noonan replied  
980 yes. Ms. Taylor replied that 10 feet is rather narrow, and she hopes no one puts up a fence in the  
981 middle between the two easements, as she is concerned about access. Mr. Noonan replied that  
982 Fieldstone did not do the survey on this; this is the subdivision plan that was provided to them as  
983 the base plan. Thus, he does not know if there is an existing easement on that south boundary  
984 where it goes to the rear lot. It appears that most of the traffic uses that way.

985  
986 Mr. Noonan stated that he will go through the criteria.

987  
988 1. *Granting the Variance would not be contrary to the public interest because:*

989  
990 Mr. Noonan stated that granting this Variance would allow for the productive use of the existing  
991 property. He continued that it requires similar site improvements as the existing automotive  
992 repair shop. This will not be contrary to the public interest, as it will provide a service to the  
993 public, who may be having repairs done to their vehicle at the nearby repair shop. Granting this  
994 Variance would not be contrary to the public interest as this project will not alter the essential  
995 character of the neighborhood or threaten the public health, safety, or welfare.

996  
997 2. *If the Variance were granted, the spirit of the Ordinance would be observed because:*

998  
999 Mr. Noonan stated that the intent of the Industrial District is to provide for manufacturing,  
1000 processing, assembling, wholesaling, transportation-oriented activities and related services, such  
1001 as trucking, warehousing, refueling depots. Retail sales and offices are intended to only be  
1002 accessory to the main uses in the district. The proposal for the site is consistent with the  
1003 surrounding areas, as another car and truck rental business was approved two sites south of the  
1004 subject parcel. This project will meet all of the dimensional standards and will be in harmony

1005 with the neighborhood. A motor vehicle rental business is a key component to transportation-  
1006 oriented businesses, providing transportation for those with vehicles being repaired by nearby  
1007 mechanic shops or automobile dealerships. This proposal will not alter the essential character of  
1008 the neighborhood or threaten the public health, safety, or welfare.  
1009

1010 3. *Granting the Variance would do substantial justice because:*  
1011

1012 Mr. Noonan stated that granting this Variance would allow the landowner to reasonably utilize  
1013 the property with a use that is compatible with the surrounding uses. He continued that granting  
1014 the Variance would do substantial justice, as there will be a clear benefit and gain to the project  
1015 and his client, with no loss to the public. In other words, a denial of the Variance request would  
1016 be an injustice to his client, as there would be no apparent gain to the public by denying the  
1017 application.  
1018

1019 4. *If the Variance were granted, the values of the surrounding properties would not be*  
1020 *diminished because:*  
1021

1022 Mr. Noonan stated that the subject parcel has fallen into disrepair, as it has been vacant for an  
1023 extended period. He continued that as the property is already suited for vehicle storage and no  
1024 major improvements are required, effort can be focused into repairing the buildings on site and  
1025 returning them to a proper function. A rental business also produces less noise pollution than an  
1026 auto repair shop. For all of these reasons, they do not believe that the conversion of the property  
1027 to a motor vehicle rental service use would have any negative impacts on the values of  
1028 surrounding properties.  
1029

1030 5. *Unnecessary Hardship*

1031 A. *Owing to special conditions of the property that distinguish it from other*  
1032 *properties in the area, denial of the variance would result in unnecessary*  
1033 *hardship because:*

1034 i. *No fair and substantial relationship exists between the general public*  
1035 *purposes of the ordinance provision and the specific application of that provision to the*  
1036 *property because:*  
1037

1038 Mr. Noonan stated that the subject property is a 1.41-acre site with existing improvements. The  
1039 size of the property, along with the size and location of the existing improvements, are ideal for  
1040 his client's proposed business. The structure in the rear has bay doors that can easily be used for  
1041 preparation of vehicles for future renters and the front building is conducive to the administrative  
1042 needs. The subject site will allow his client to get the business up and running much quicker than  
1043 if major construction was needed. The proposed Enterprise rental company also does lots of  
1044 work with companies in the area. A closer rental location would reduce traffic congestion  
1045 throughout the city. For the reasons outlined above, they do not believe that a fair and substantial  
1046 relationship exists between the general public purpose of the Ordinance provision and the  
1047 specific application of that provision to the property.  
1048

1049           ii. *The proposed use is a reasonable one because:*  
1050

1051 Mr. Noonan stated that they believe the proposed use is a reasonable one for all the reasons  
1052 previously stated. The following is an outline of why they believe the proposed use is reasonable:  
1053 granting the Variance would allow for the productive use of the existing property. The existing  
1054 buildings and improvements are conducive to a vehicle rental property, without major  
1055 improvements needed. The proposed use as a motor vehicle rental space would be in harmony  
1056 with the neighborhood. The motor vehicle rental use would not be contrary to the public interest,  
1057 as this project will not alter the essential character of the neighborhood or threaten the public  
1058 health, safety, or welfare. This proposal, in their opinion, would observe the spirit of the  
1059 Ordinance and its intent. This project would have no measurable negative impacts on the  
1060 surroundings or the property values.  
1061

1062           B. *Explain how, if the criteria in subparagraph (A) are not established, an*  
1063 *unnecessary hardship will be deemed to exist if, and only if, owing to special*  
1064 *conditions of the property that distinguish it from other properties in the area, the*  
1065 *property cannot be reasonably used in strict conformance with the ordinance, and*  
1066 *a variance is therefore necessary to enable a reasonable use of it.*  
1067

1068 Mr. Noonan stated that the subject property is 1.4 acres per the reference plan and is developed  
1069 with two structures and plenty of paved parking areas for rental vehicle storage. This is a unique  
1070 lot, as it has two main structures. One structure has bay doors that could accommodate vehicles  
1071 and the other is an office and administrative area. It is uncommon to find a parcel with these  
1072 conditions that so adequately suit the needs for a rental development. These are all special  
1073 conditions of the property that distinguish it from other properties in the area. Due to the  
1074 conditions, they believe the property is reasonably suited for the proposed use. They are thereby  
1075 requesting a Variance from Section 102-632 to enable a motor vehicle rental use on the subject  
1076 property.  
1077

1078 Mr. Rogers stated that to answer the Board's question regarding the original subdivision plan,  
1079 one of the notes on the plan says the common driveway and all the easements will be recorded as  
1080 a deeded easement. He believes that the driveway seen on the southern side that was created is a  
1081 deeded easement for this property. It is part of the subdivision plan.  
1082

1083 Mr. Hoppock asked if Mr. Noonan is saying that the size of the property and the existing  
1084 improvements on the property being conducive to his client's needs is the special condition. Mr.  
1085 Noonan replied yes.  
1086

1087 Ms. Taylor asked, based on Section 102-631, if this is being viewed as a retail sales undertaking.  
1088 She continued that to her, vehicle rental is the "transportation-related activity." Mr. Rogers  
1089 replied that the Community Development Department and previous Zoning Administrators have  
1090 always viewed car rental as a "retail service."  
1091

1092 Mr. Hoppock asked when the car rental business two sites down was approved. Mr. Rogers  
1093 replied that he does not know what the approval process was; he did not do the research on that.  
1094 He did not pull the history on that property to see how or when that came into play.  
1095

1096 Chair Gorman asked if there were any further questions. Hearing none, he opened the public  
1097 hearing and explained the procedures for public comment.  
1098

1099 Becky Marcinkevich, of 10 Navigator Rd., Londonderry, NH, stated that she is the Properties  
1100 and Facilities Manager for Enterprise Rent-A-Car. She continued that since there was some  
1101 discussion about access she wanted to clarify that that southern road is a driveway and is shared  
1102 by all three properties. There is a multi-tenant sign on the corner of that street, used for all three  
1103 of the buildings, which Enterprise would be using. She has some renderings but does not know if  
1104 the Board wants to see them now. The renderings were not submitted previously, but they show  
1105 what the site looks like and what the Enterprise sign would look like. Chair Gorman replied that  
1106 if she distributed those renderings he would be happy to take a look.  
1107

1108 Ms. Marcinkevich continued that to clarify, this is rental only. The use would not include sales at  
1109 this property. She is happy to answer questions. Enterprise is in favor of this and looks forward  
1110 to operating from a larger location than the one where they are currently located.  
1111

1112 Chair Gorman asked if there was any further comment. Hearing none, he closed the public  
1113 hearing and asked for Board deliberation.  
1114

1115 *1. Granting the Variance would not be contrary to the public interest.*  
1116

1117 Ms. Taylor stated that she does not see anything that would make it contrary to the public  
1118 interest. She continued that it is similar to a use that is a couple hundred yards away. That area  
1119 has significant use of motor vehicle related activities.  
1120

1121 Mr. Welsh stated that he agrees, and he would extend his agreement to his reasons for thinking it  
1122 is not in violation of the spirit of the Ordinance, either.  
1123

1124 *2. If the Variance were granted, the spirit of the Ordinance would be observed.*  
1125

1126 Chair Gorman stated that he agrees with Mr. Welsh. He continued that he thinks this use is in  
1127 line with many uses in the area, which are similar to what is being asked for here, such as  
1128 collision repair facilities, auto dealerships, repair facilities, and so on and so forth. He thinks this  
1129 use compliments many of those activities for 'one stop shopping.' As the applicant indicated,  
1130 when you are getting your car fixed it is great to have a place to rent one nearby.  
1131

1132 *3. Granting the Variance would do substantial justice.*  
1133

1134 Ms. Taylor stated that for the reasons they have previously stated, with so many motor vehicle  
1135 related businesses in the area, it is hard to find any argument that there would be a loss to the  
1136 public.

1137  
1138 Mr. Gaudio stated that a reasonable use of the property gives the owner a chance to use the  
1139 property and he does not see any real downside to the public.  
1140

1141 4. *If the Variance were granted, the values of the surrounding properties would not be*  
1142 *diminished.*  
1143

1144 Chair Gorman stated that he cannot see how they would be. He continued that it is a use that is  
1145 aligned with a lot of activity in that area. It is a building that already exists, and the Applicant's  
1146 proposed use arguably is going to, as Mr. Noonan stated, allow for the upkeep and improvement  
1147 of the existing structure. Thus, if anything, it may add to surrounding property values.  
1148

1149 Mr. Hoppock replied that is very possible.  
1150

1151 5. *Unnecessary Hardship*

1152 A. *Owing to special conditions of the property that distinguish it from other*  
1153 *properties in the area, denial of the variance would result in unnecessary*  
1154 *hardship because:*

1155 i. *No fair and substantial relationship exists between the general public*  
1156 *purposes of the ordinance provision and the specific application of that provision to the*  
1157 *property.*  
1158

1159 Mr. Hoppock stated that the problem he is having with this one is that he does not think a special  
1160 condition of the property amounts to the conduciveness of the features to the owner's intended  
1161 application.  
1162

1163 Ms. Taylor stated that she sees the nature of the property itself as creating the special condition,  
1164 not necessarily related to the use, but just with the layout of the properties and the two  
1165 commercial buildings. That, in and of itself, creates a special condition.  
1166

1167 Chair Gorman stated that he agrees with Ms. Taylor. He continued that he thinks this property is  
1168 undeniably unique, for the reasons she just set forth.  
1169

1170 Ms. Taylor stated that she would add to that unique in its setting. She is sure there are other  
1171 properties within the city that have similar issues.  
1172

1173 *and*

1174 ii. *The proposed use is a reasonable one.*  
1175

1176 Mr. Gaudio stated that he thinks the proposed use is reasonable, and he thinks the third criterion  
1177 says that a motor vehicle facility will be in harmony with the neighborhood. They have been  
1178 saying that throughout the rest of their discussion. Chair Gorman agreed.  
1179

1180 B. *Explain how, if the criteria in subparagraph (A) are not established, an*  
1181 *unnecessary hardship will be deemed to exist if, and only if, owing to special*

1182 *conditions of the property that distinguish it from other properties in the area, the*  
1183 *property cannot be reasonably used in strict conformance with the ordinance, and*  
1184 *a variance is therefore necessary to enable a reasonable use of it.*  
1185

1186 Chair Gorman stated that he thinks they already covered (A) meeting the criteria. They spoke to  
1187 some special conditions of the property and its uniqueness, so that could fit into (B), too.

1188 Mr. Gaudio stated that regarding (B), he is not sure the conditions are so severe that it cannot be  
1189 used for anything else.  
1190

1191 Mr. Hoppock made a motion to approve ZBA 21-16 for a Variance to permit a motor vehicle  
1192 rental business where it is not a permitted use per Section 102-632 of the Zoning Ordinance on  
1193 Tax Map #115-026-001-000-000 in the Industrial Zone.  
1194

1195 Mr. Rogers stated that for the Board's consideration, they might want to condition this to that  
1196 specific building that the applicant is referencing. He continued that the motion just stated would  
1197 be for the whole lot, and both buildings could have that use.  
1198

1199 Mr. Hoppock added to his motion conditioned upon the Variance being applicable only to  
1200 building #453. Mr. Welsh seconded the motion.  
1201

1202 1. *Granting the Variance would not be contrary to the public interest.*  
1203

1204 Met with a vote of 5-0.  
1205

1206 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*  
1207

1208 Met with a vote of 5-0.  
1209

1210 3. *Granting the Variance would do substantial justice.*  
1211

1211 Met with a vote of 5-0.  
1212

1213 4. *If the Variance were granted, the values of the surrounding properties would not be*  
1214 *diminished.*  
1215

1216 Met with a vote of 5-0.  
1217

1218 5. *Unnecessary Hardship*

1219 A. *Owing to special conditions of the property that distinguish it from other*  
1220 *properties in the area, denial of the variance would result in unnecessary hardship because:*

1221 i. *No fair and substantial relationship exists between the general public*  
1222 *purposes of the ordinance provision and the specific application of that provision to the*  
1223 *property because:*

1224 *and*

1225 ii. *The proposed use is a reasonable one because:*

1226           B. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*  
1227 *hardship will be deemed to exist if, and only if, owing to special conditions of the property that*  
1228 *distinguish it from other properties in the area, the property cannot be reasonably used in strict*  
1229 *conformance with the ordinance, and a variance is therefore necessary to enable a reasonable*  
1230 *use of it.*

1231 Met with a vote of 5-0.

1232

1233 The motion to approve ZBA 21-16 passed with a unanimous vote of 5-0.

1234

1235 Chair Gorman recessed the meeting from approximately 8:35 to 8:40 PM.

1236

1237           **C) ZBA 21-17: Petitioner, Brian and Amalia Harmon of 184 Colby Rd.,**  
1238 **Danville, NH, request a Variance for property located at 27-29 Center St., Tax Map**  
1239 **#568-016-000-000-000 that is in the Office District. The Petitioner requests a**  
1240 **Variance for a residential use of this property with only 3,049.2 sq. ft. rather than**  
1241 **the required 13,400 sq. ft. per Section 102-791 of the Zoning Code.**

1242

1243           **D) ZBA 21-18: Petitioner, Brian and Amalia Harmon of 184 Colby Rd.,**  
1244 **Danville, NH, request a Variance for property located at 27-29 Center St., Tax Map**  
1245 **#568-016-000-000-000 that is in the Office District. The Petitioner requests a**  
1246 **variance for residential housing with three and a third parking spaces rather than**  
1247 **the required four per Section 102-793 of the Zoning Code.**

1248

1249 Chair Gorman stated that with the Board's permission, they would hear applications ZBA 21-17  
1250 and ZBA 21-18 together, provided the Applicant agree. The Board and the Applicant agreed.

1251

1252 Chair Gorman asked to hear from City staff. Mr. Rogers stated that this property at Center St. is  
1253 just off the downtown area. Center St. runs on the other side of the courthouse. The whole  
1254 structure is currently an Office Use. He continued that the Board will see that this property is on  
1255 a relatively small lot of just over 3,000 square feet. The drawing shows the structure in blue and  
1256 the yellow is the driveway and three parking spaces. Currently it is non-conforming for parking,  
1257 for the office, under current parking standards. It is an existing non-conformity happening on this  
1258 site. The Office Use is an allowed use, as is one- or two-family dwelling. He does not know the  
1259 exact square footage of the building itself, but it is probably even more non-compliant than what  
1260 the Applicant is asking for today, since it would only be four spaces needed. The Office Use  
1261 requires one parking space per 200 square feet. What the Applicant is requesting could make this  
1262 more conforming to Code. However, since there is a change of use occurring they are to meet the  
1263 off-site parking requirements. In the Office District, 8,000 square feet of lot size is needed for the  
1264 first dwelling unit, and an additional 5,400 square feet for an additional unit, hence the  
1265 requirement of 13,400 square feet in order to convert into a two-family dwelling as the Applicant  
1266 is proposing.

1267

1268 Ms. Taylor stated that as she read the Ordinance, single, duplex, and multi-family are all  
1269 permitted in this zone. She continued that thus, there is not an issue of whether it is a conforming  
1270 use, it is just as size issue. She asked if that is correct. Mr. Rogers replied yes.

1271  
1272 Ms. Taylor stated that her question, not being familiar with Planning Board site plan regulations,  
1273 is if there is a change of use, is a site plan required. Mr. Rogers replied that a change of use could  
1274 be an initial trigger. He continued that the Community Development Director does have the  
1275 ability at times to do provide an approval administratively. In regards to a project like this,  
1276 another item to consider, which he thinks the Applicant speaks to, is traffic. For example, if there  
1277 is an additional number of car trips happening, that would be another trigger to involve the  
1278 Planning Board. He cannot speak to whether this would have to go to the Planning Board or if it  
1279 would be handled administratively.

1280  
1281 Ms. Taylor stated that since they are looking at both of these applications at the same time, is it  
1282 correct that four parking spaces are needed for a two-family dwelling. Mr. Rogers replied that is  
1283 correct.

1284  
1285 Mr. Gaudio asked what the square footage of the units would be, asking details to each unit. Mr.  
1286 Rogers replied that he does not know what the proposed layout of the building would be. The  
1287 Building Code and Zoning Code do not have specifics about the square footage per occupant in a  
1288 residential dwelling. Obviously, bedroom counts can be reviewed, but it is unknown the number  
1289 of people per bedroom. They do not have a specific number to attach to this.

1290  
1291 Mr. Welsh asked if this were a vacant lot and they were looking to adhere to existing setbacks  
1292 for this zone, what are those setbacks. Mr. Rogers replied that this property is non-conforming in  
1293 many ways, including the front setback, side setback, and rear setback. All of the setbacks would  
1294 probably be non-conforming. The minimum lot size in the Office District is 8,000 square feet.  
1295 Thus, if this were vacant, in order to construct anything at all, the applicant would have to come  
1296 before the Board and would be seeking multiple Variances. The Office District has a 15 foot  
1297 front setback, 15 foot rear setback, and 10 foot side setback. The Applicant might be compliant  
1298 on the west side of the property, but they do not conform to the rest of the setbacks at this point.

1299  
1300 Mr. Welsh stated that it is hard to imagine a practical, functional building that would actually be  
1301 in compliance with all of those setbacks, on this particular property. Mr. Rogers replied that he  
1302 thinks that is true to many of the buildings that are in this neighborhood. He continued that you  
1303 could see in the drawing that many of the buildings are pretty close to the property lines. That is  
1304 allowed once you get to the Central Business District, but this is just off that, in the Office  
1305 District, and that is where those setbacks come into play.

1306  
1307 Amalia Harmon and Brian Harmon of 184 Colby Rd., Danville, NH, introduced themselves. Ms.  
1308 Harmon stated that they are requesting to have a residential use because it is currently office  
1309 space, and nobody needs or is looking for office space right now. She continued that the tenants  
1310 who were there left on their own accord because they could work from home. Thus, she and Mr.  
1311 Harmon need to pivot into another direction. For the past year, the newspapers have been full of

1312 news that ‘Keene has a housing shortage’ and ‘NH has a housing shortage,’ especially two- and  
1313 three-bedroom units for families. She and Mr. Harmon would like to provide that for this area.  
1314

1315 1. *Granting the Variance would not be contrary to the public interest because:*  
1316

1317 Ms. Harmon stated that Keene is currently experiencing a housing shortage crisis. She continued  
1318 that this Variance to change the use to residential is needed by this community. The essential  
1319 character of the neighborhood would not be altered. There are several residential buildings on  
1320 that street on the same side. There are five buildings in total and three are multi-family.  
1321

1322 2. *If the Variance were granted, the spirit of the Ordinance would be observed because:*  
1323

1324 Ms. Harmon stated that the proposed construction change of use of the property is necessary and  
1325 reasonable use for this property. There are several articles analyzing housing in Keene, including  
1326 *There’s no Place Like Home*, which someone in the Community Development Department  
1327 worked on. Their concern was that it is not going to get better.  
1328

1329 3. *Granting the Variance would do substantial justice because:*  
1330

1331 Ms. Harmon stated that it gives housing that is much needed, and assists the revitalization of the  
1332 area by providing more housing for young professionals. In an article from June 3, 2021, Casey  
1333 McDermott of New Hampshire Public Radio (NHPR) reported,  
1334

1335 *“Apartment vacancy rates are low. Local businesses are struggling to find places for their*  
1336 *employees to live, including the hospital, which is struggling for more specialists to meet the*  
1337 *community needs.”*  
1338

1339 4. *If the Variance were granted, the values of the surrounding properties would not be*  
1340 *diminished because:*  
1341

1342 Ms. Harmon stated that it is a gorgeous brick building. Well-maintained and restored to its  
1343 beauty, it will be amazing. Page 7 of *There’s No Place Like Home* says, *“Cities that attract and*  
1344 *maintain young professionals thrive,”* and that is self-evident. This property, as a residential  
1345 property, will only increase the surrounding property [values] and improve the security and  
1346 longevity of Keene’s economy.  
1347

1348 5. *Unnecessary Hardship*

1349 A. *Owing to special conditions of the property that distinguish it from other properties*  
1350 *in the area, denial of the variance would result in unnecessary hardship because:*

1351 i. *No fair and substantial relationship exists between the general public purposes of*  
1352 *the ordinance provision and the specific application of that provision to the property because:*  
1353 *and*

1354 ii. *The proposed use is a reasonable one because:*  
1355

1356 Ms. Harmon stated that as an office space, it is antiquated. It is not necessary in this area at this  
1357 time. Many professionals are able to work from home. Keene needs more housing. Being so  
1358 close to downtown, regarding the second Variance they are requesting, it have “three and a third”  
1359 parking spaces. This works for people who have small cars or do not need cars because they can  
1360 walk. Even the Hannaford grocery store is less than a 20-minute walk. Everything else is much  
1361 closer, which is a benefit.  
1362

1363 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*  
1364 *hardship will be deemed to exist if, and only if, owing to special conditions of the*  
1365 *property that distinguish it from other properties in the area, the property cannot be*  
1366 *reasonably used in strict conformance with the ordinance, and a variance is therefore*  
1367 *necessary to enable a reasonable use of it.*  
1368

1369 Ms. Harmon stated that because it is not needed as office space, she and Mr. Harmon do not  
1370 know what they could do with the building and do not want to have an empty building. They  
1371 want to conform to the community’s need for more housing and attract young professionals to  
1372 help the economy of Keene thrive.  
1373

1374 Mr. Gaudio asked how many bedrooms would be in the apartments. He continued that he is  
1375 trying to get an idea of the size of the apartments. Ms. Harmon replied that it could be two to  
1376 three bedrooms in each unit. She continued that they are thinking of families, such as two parents  
1377 in one room, a kids’ room, and an office. Mr. Gaudio asked what it would be as if they were  
1378 renting the apartments to students, which is one of the things they are making a big point of in  
1379 their materials. If there are three bedrooms, they could have three students, and at least one of  
1380 them is likely to have a car. Mr. Harmon replied that students are not their target. Mr. Gaudio  
1381 replied that the materials they sent in were really aimed at students’ needs. They should think  
1382 about how many cars are actually going to be there, at night when people want to park. If there  
1383 are two apartments with two to three bedrooms, there could be many cars.  
1384

1385 Ms. Harmon replied that they hope the tenants will be families and that they would be sharing  
1386 cars. She continued that the location is rather far from the KSC campus and students were not  
1387 their target. They were thinking of young professionals, such as people who have already  
1388 graduated and are working in the area.  
1389

1390 Mr. Gaudio replied that spouses or domestic partners would be more likely to share, but single  
1391 individuals are not likely to share a car, he assumes. Therefore, there would be more cars.  
1392

1393 Mr. Harmon stated that he has a three-bedroom home and the third bedroom is an office. He  
1394 continued that they are just in the beginning stages of their plans, but going through the process  
1395 as necessary. They want to follow through with this meeting with the Zoning Board and then  
1396 they can make final decisions. They want to be available for people in need of housing. Students  
1397 are not their target.  
1398

1399 Mr. Hoppock asked, if they were going to have two or three bedrooms in each dwelling unit,  
1400 how many square feet would each dwelling unit be. Mr. Harmon replied approximately 1,500  
1401 square feet. Mr. Hoppock asked if that is just fitting it into the footprint of the building. Mr.  
1402 Harmon replied yes, no additions or modifications, because it is also in the Historic District.  
1403 They talked with Mari Brunner and Tara Kessler from the Community Development  
1404 Department, so they know they have to conform to the Historic District regulations. That is what  
1405 drew them to this building; it stands out among others in the neighborhood. This is what he does  
1406 for a living; he is a mason by trade.

1407  
1408 Ms. Taylor stated that she understands that this was offices. She asked how many rooms there  
1409 were, approximately. Ms. Harmon replied six upstairs and six downstairs. Ms. Taylor asked if  
1410 they would gut it and reconfigure it into apartments. She continued that she has never been in the  
1411 building, so she is trying to get a sense of it. Mr. Harmon replied that with the two floors, the  
1412 intention is to do an upper- and lower-level unit, up to Code, with fire separation, egress, etc.  
1413 They are working on the design and he thinks it is coming along really well. There would be a  
1414 kitchen and living room, and regarding the rooms, no bearing walls will be touched. The work  
1415 needed is to add closets and storage space. There is a full basement as well.

1416  
1417 Ms. Taylor stated that regarding parking, she is trying to match up the picture with what they are  
1418 seeing on the screen. She continued that the picture in the agenda packet has a rutted,  
1419 grassy/gravel space. She asked if that is where the parking is. Mr. Harmon replied yes. Ms.  
1420 Taylor asked if that is a walkway next to it and then the parking. Ms. Harmon replied that it is a  
1421 handicapped ramp that will be removed. Ms. Taylor asked if it is three stacked spaces. Ms.  
1422 Harmon replied yes. Ms. Taylor stated that if they were given a Variance for the building and the  
1423 parking, obviously they could have their target audience for tenants, but reasons, they cannot  
1424 deny someone who wants to rent it. She asked how the Harmons would handle it if people had  
1425 four cars instead of three. Mr. Harmon replied that there is a lot behind the park across the street  
1426 from the Fire Station, and they are still in talks with Mike Hagen, Plans Examiner for the  
1427 Community Development Department. They are hoping for the Variance here for the three, to  
1428 get started. Ms. Taylor replied that is beyond the Harmons' control. She continued that she asks  
1429 these questions because she knows winter parking is well enforced in the city.

1430  
1431 Chair Gorman stated that regarding Ms. Taylor's parking questions, it is not atypical for a  
1432 landlord to have parking restrictions in a lease agreement. He continued that they may or may  
1433 not know the legality of such, but he does know it is common practice. They could feasibly rent  
1434 to someone who has 18 cars, but they may only permit the tenant to have two on the property. It  
1435 would be grounds for not accepting someone as a tenant, if they had 18 cars, because the  
1436 Harmons cannot accommodate 18 cars. There is the ability for the property owner to have a  
1437 finite target where they just cannot have tenants with several cars, because they cannot  
1438 accommodate those needs.

1439  
1440 Chair Gorman stated that he guesses this building is roughly 3,000 square feet. He continued that  
1441 for 2,000 square feet of office space, you need one parking space. Even if you had common areas  
1442 of 1,000 feet, you would have 2,000 square feet of office space and thus need 10 parking spaces.

1443 From his vantage point, this property is a quagmire that existed long before any of these rules,  
1444 and it is not going to be in compliance to be anything, meeting the current Zoning Ordinance. He  
1445 thinks for a two-family apartment building, four cars would be normal. If it were a 3,000 square  
1446 foot office building, they would have several more cars, and people coming and going, or  
1447 unsuccessful tenants. He sees the argument for this parking Variance actually being less invasive  
1448 than what currently exists, which is an office building. He also thinks the building is laid out  
1449 nicely to be a duplex. He has not been inside, but given his knowledge of buildings and the way  
1450 the exterior is set up, it looks like it would accommodate one unit on each floor quite nicely. He  
1451 asked if that is accurate.

1452  
1453 Ms. Harmon replied that she thinks in the past it was split into two residential units, side by side.  
1454 She and Mr. Harmon plan on the two units being top and bottom.

1455  
1456 Chair Gorman stated that the Harmons talked a lot about the need for housing in Keene, but he  
1457 was curious whether they have more specific information to this property and the hardships it  
1458 presents, not necessarily the needs of the entire city. Ms. Harmon asked if he means the hardship  
1459 if the Variance is not approved. Chair Gorman replied yes, just the general state of this property  
1460 and how difficult it would be for them to overcome finding an adequate use for it. Ms. Harmon  
1461 replied that as Chair Gorman said, if it is office space, they need seven more parking spaces.  
1462 They are not going to find that. Also, no one is looking for office space.

1463  
1464 Mr. Welsh stated that is excellent movement toward the point he is interested in. He asked as the  
1465 Harmons lost the tenants, who were able to work from home, were others clamoring to get into  
1466 the office space. Ms. Harmon replied that they did talk with people and used word of mouth, and  
1467 found that no one really needs office space because they can work from home. Mr. Harmon  
1468 replied that even their insurance agent, who is insuring that vacant building, is permanently  
1469 working from home and said that the rest of the office is to follow. That office is two doors  
1470 down, across the street from the subject property.

1471  
1472 Ms. Harmon asked if the Board saw the article by Mayor George Hansel, which she and Mr.  
1473 Harmon added to their submitted materials. Mr. Harmon added that the Mayor's quote in the  
1474 Keene Sentinel rang a bell: *"I have a lot of confidence in Keene and the surrounding areas being  
1475 an attractive place to live, for a lot of people. We have great schools, excellent job opportunities,  
1476 and amazing recreational opportunities. But we need to create paths forward for people and  
1477 involving building new housing."* She continued that she and Mr. Harmon requested that he be  
1478 here tonight, but he was unable to attend.

1479  
1480 Chair Gorman asked if there were any further questions for the applicants. Hearing none, he  
1481 asked for public input.

1482  
1483 Peter Espiefs, of 29 Middle St., stated that his backyard adjoins the rear of the property. The rear  
1484 of their property is his property line. He does not have any objection to apartments, as long as  
1485 they are kept under control. He does not want many disruptive people there. The Harmons are in  
1486 that business and know what they are doing, and have been doing it for quite a few years. They

1487 have spoken with him about this and he does not have any objection to the building becoming  
1488 apartments.  
1489

1490 Hearing no further comments, Chair Gorman closed the public hearing. The Board deliberated  
1491 on the criteria.  
1492

1493 Ms. Taylor asked if they are discussing both applications together and then voting separately.  
1494 Chair Gorman replied yes. He continued that if the first is denied it will negate the need for a  
1495 vote on the second, because the parking would become not relevant if the use were not approved.  
1496

1497 *1. Granting the Variance would not be contrary to the public interest.*  
1498

1499 Ms. Taylor stated that it seems that it would not be contrary to the public interest because, first, it  
1500 is better to have an occupied building than a vacant building. She continued that second, as has  
1501 been mentioned, there is certainly a need for residential housing, and the Board has heard a great  
1502 deal of discussion about trying to bring residential housing back toward the city center, as  
1503 opposed to building on vacant land.  
1504

1505 *2. If the Variance were granted, the spirit of the Ordinance would be observed.*  
1506

1507 Mr. Hoppock stated that they are looking at two questions: public health, safety, and welfare; and  
1508 whether the proposed use would alter the essential character of the neighborhood. He continued  
1509 that his view is that this is a very small lot on which the Applicants want to place potentially a  
1510 great number of people. He thinks there is a density problem, and Mr. Gaudio brought up the  
1511 car/parking problem, which could exacerbate it. There is a risk that if this application were  
1512 approved it *would* alter the essential character of the neighborhood, in that it would increase  
1513 population density and motor vehicle density, and that would impact public health, safety, and  
1514 welfare. The biggest problem here is the size. These houses are all right up to each other. None  
1515 of them meets the setback requirements. That is a potential fire hazard and there are other  
1516 hazards there as well.  
1517

1518 Chair Gorman asked Mr. Hoppock if he think that those problems exist no matter what the use is.  
1519 He continued that he is hard-pressed to know what use, if not this one, would not create similar  
1520 problems. Mr. Hoppock replied that he cannot think of any, but it was an office use for years. He  
1521 continued that the lack of interest in an office use is a market-driven condition, which he  
1522 sympathizes with, but he is not sure that is applicable to what the Board has to look at, in terms  
1523 of public health, safety, and welfare. He is concerned about the density of people and cars.  
1524 However, he sees Chair Gorman's point.  
1525

1526 Mr. Welsh stated that regarding the parking and the density, he is convinced by the argument that  
1527 there are parking issues regardless of the use, and this use may be the one that presents the least.  
1528 The density issue strikes him as potentially real, but potentially not negative. It could be add to  
1529 the liveliness, viability, and nature of the downtown area in a positive way. While it is possible

1530 that it could flip, he tends to think that the target audience of renters and the possibility of them  
1531 being the kind of people who like the downtown area, inclines it toward a positive outcome.

1532  
1533 Mr. Gaudio stated that he is not particularly concerned about the density of the population. He  
1534 continued that he is concerned about the density of the cars and the narrowness of the streets.  
1535

1536 Ms. Taylor stated that she thinks it does not change the essential character of the neighborhood,  
1537 in large part because there is already a great deal of residential use in that area, including several  
1538 multi-family and single-family dwellings. She does not think it impacts in that area. It is a good  
1539 point that if these were rented offices, there would be a greater need for parking than there would  
1540 be with two residential units. There may be an issue, but she does not think it is up to the Board  
1541 to judge what type of tenants and how many cars each tenant has etc.  
1542

1543 Chair Gorman stated that from his personal perspective and some of his personal experiences, he  
1544 thinks they could have a bad tenant in a good situation, and a good tenant in a bad situation and it  
1545 is completely unpredictable. However, it can be mitigated by the property owner or the landlord  
1546 in whatever diligence they are willing to do. He thinks this is a case where the property owners  
1547 need to be vigilant and diligent no matter what use the building has, just because it is an anomaly  
1548 to have a building that takes most of its lot size just with its footprint. That may exist in bigger  
1549 cities, but they do not see it a lot in Keene. He does think a property owner for this building is  
1550 going to have to be finicky to succeed. He thinks that will be the case no matter what the use is.  
1551

1552 3. *Granting the Variance would do substantial justice.*

1553  
1554 Mr. Hoppock stated that putting the property back to some reasonable use would be a gain to the  
1555 public. He continued that he could see the injustice to the owner, in terms of not being able to  
1556 find office use. He thinks denying it would be an injustice to the owners.  
1557

1558 4. *If the Variance were granted, the values of the surrounding properties would not be*  
1559 *diminished.*

1560  
1561 Ms. Taylor stated that it appears from what has been presented to the Board that renovation and  
1562 restoration of this property to a useful purpose would increase the value, not just of this property,  
1563 but also of the neighborhood. Chair Gorman stated that he agrees.  
1564

1565 Mr. Welsh stated that that they heard from a surrounding property owner, who does not seem  
1566 concerned with diminishing value.  
1567

1568 Chair Gorman stated that he drove by this building and thinks it has a lot of historic charm. He  
1569 continued that he is glad to hear it is protected by the Historic District. With a little work, it will  
1570 be beautiful, which would raise values in the neighborhood.  
1571

1572 5. *Unnecessary Hardship*

1573 A. *Owing to special conditions of the property that distinguish it from other properties in the*  
1574 *area, denial of the variance would result in unnecessary hardship because:*

1575           i.       *No fair and substantial relationship exists between the general public purposes of*  
1576 *the ordinance provision and the specific application of that provision to the property because:*  
1577 *and*

1578           ii.       *The proposed use is a reasonable one because:*

1579

1580 Ms. Taylor stated that it is definitely a reasonable use of the property. She continued that there  
1581 are many small properties in this area, but this, perhaps, is the smallest, which creates a special  
1582 condition in and of itself. Anyone would be hard pressed to use this particular building on this  
1583 particular piece of property without obtaining some form of Variance.

1584

1585 Mr. Gaudio asked if that is Ms. Taylor's argument for the residential use with only 3,049.2  
1586 square feet, or the three and a third parking spaces. He continued that in other words, the three  
1587 cars problem is caused by the smallness of the lot and the special condition of this property.

1588

1589 Ms. Taylor replied that she is saying both, because of the requirement of a minimum of 8,000  
1590 square feet, without that, you have to seek a Variance, which is one issue. She continued that the  
1591 other is with parking. If the property is kept to office space, many more parking spaces are  
1592 needed, thus it applies to both.

1593

1594 Mr. Hoppock stated that except for the fact that the special condition of this property is its  
1595 building size in relation to the size of the lot, that does create the parking problem, but he thinks  
1596 that special condition renders the relationship between the general public purpose of the  
1597 Ordinance and its application to this property less tight. He continued that he does not see a fair  
1598 and substantial relationship between the two in a hard and fast way. He also thinks that the same  
1599 special condition can preclude any reasonable use if you rule out office use. The problem with  
1600 the office use is it is non-conforming office use. They do not need those parking spaces for this  
1601 property. He asked Mr. Rogers if that is correct.

1602

1603 Mr. Rogers replied that is correct, because it is already a current use. He continued that the  
1604 parking comes about whenever there is a change of use. Thus, if it were to change to any other  
1605 use, even an allowed use within that district, the parking comes into play. Without the change of  
1606 use, the parking does not.

1607

1608 Chair Gorman replied that it does not come into play from a Variance standpoint, but it comes  
1609 into play in reality. He continued that people still would need to park there. Thus, it may not  
1610 require a Variance, and the use could continue, but it may provide for the creation of a problem.

1611 Mr. Hoppock replied yes, and he sees how this application could ameliorate that problem to a  
1612 high degree.

1613

1614 Mr. Welsh stated that they have heard testimony and a bit of evidence that its continuation of use  
1615 as an office would not necessarily be successful.

1616 Chair Gorman replied that he agrees with Mr. Hoppock a bit, in that prevailing market conditions  
1617 are not really something the Board should ultimately consider, as they could change.

1618

1619 Ms. Taylor replied that economic factors cannot be the sole determining factor in whether a  
1620 Variance is granted, but they can certainly be a consideration. She continued that she also sees  
1621 this as, in some ways, being a less intense use than office, not because a Variance may not be  
1622 needed for parking issues, but also because it is likely to have fewer people, fewer traffic, fewer  
1623 car trips, etc.  
1624

1625 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*  
1626 *hardship will be deemed to exist if, and only if, owing to special conditions of the property that*  
1627 *distinguish it from other properties in the area, the property cannot be reasonably used in strict*  
1628 *conformance with the ordinance, and a variance is therefore necessary to enable a reasonable*  
1629 *use of it.*  
1630

1631 Mr. Gaudio stated that regarding (B) this may be a case, an unusual one, where such a special  
1632 condition does not permit a use, unless they just razed the building and turned it into parking.  
1633 Chair Gorman replied that he does not even know if parking would be a permitted use. Mr.  
1634 Hoppock replied that the point on (B) is that it cannot be *reasonably* used. He continued that the  
1635 Applicants have made a case that they cannot reasonably use it as an office space because  
1636 nobody wants to use it which is reasonable to him. In addition, a Variance is therefore necessary  
1637 to enable a reasonable use, such as residential. He thinks Mr. Gaudio has a good point.  
1638

1639 Mr. Gaudio stated that they may have a circumstance of (B) being applicable. Chair Gorman  
1640 replied that he agrees.  
1641

1642 Mr. Hoppock asked if the Board wants to impose a parking condition on this, or limitation. He  
1643 continued that he is not sure if he has an answer. Chair Gorman replied that they could, but he  
1644 does not know about the scope of enforcement.  
1645

1646 Mr. Rogers stated that many times when they see an issue with parking, people park on their  
1647 lawns due to not having enough spaces. That will not occur here. They would have to be parked  
1648 on the neighbors' lawns. It is up to the Board, but he does not think a condition about parking  
1649 would be required, because it would almost be self-regulating, between the tenants and the  
1650 property owners. Mr. Hoppock replied that he is happy with that.  
1651

1652 Ms. Taylor stated that she would hesitate to put that kind of condition on because she does not  
1653 think it is within the Board's charge to tell a property owner how to resolve a parking issue. She  
1654 continued that they would know that if this were granted, they would have to find a parking  
1655 space. How they do that is not up to the Board.  
1656

1657 Mr. Gaudio stated that he does not think a parking condition is a good idea. He continued that it  
1658 would be difficult to enforce.

1659 Chair Gorman stated that he, too, would see problems in the ability to police it. He continued that  
1660 he also thinks there is merit to what Mr. Rogers is saying. If they park anywhere, it would have  
1661 to be in their living room, because there is really nowhere else. The property regulates itself in  
1662 that sense. He also thinks the Master Plan alludes repeatedly to bikeable and walkable downtown

1663 living. Hopefully, the Harmons can find some young professionals, if this gets approved, who  
1664 have one car per unit.

1665  
1666 Mr. Gaudio asked if on-street parking is permissible here. Mr. Rogers replied that it is not  
1667 allowed during certain periods, like the winter parking ban, and a maintenance period during the  
1668 warmer months when you cannot park on the street overnight. He continued that there are  
1669 changes coming to parking, which might change some of those things.

1670  
1671 Mr. Hoppock made a motion to approve ZBA 21-17 to permit a residential use with only 3,049.2  
1672 square feet where 13,400 square feet is required per Section 102-791 of the Zoning Ordinance  
1673 for the property at 27-29 Center St, Tax Map #568-016-000-000-000. Mr. Gaudio seconded the  
1674 motion.

1675  
1676 1. *Granting the Variance would not be contrary to the public interest.*

1677  
1678 Met with a vote of 5-0.

1679  
1680 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

1681  
1682 Met with a vote of 5-0.

1683  
1684 3. *Granting the Variance would do substantial justice.*

1685  
1686 Met with a vote of 5-0.

1687  
1688 4. *If the Variance were granted, the values of the surrounding properties would not be*  
1689 *diminished.*

1690  
1691 Met with a vote of 5-0.

1692  
1693 5. *Unnecessary Hardship*

1694 A. *Owing to special conditions of the property that distinguish it from other properties in the*  
1695 *area, denial of the variance would result in unnecessary hardship because:*

1696 i. *No fair and substantial relationship exists between the general public purposes of*  
1697 *the ordinance provision and the specific application of that provision to the property because:*  
1698 *and*

1699 ii. *The proposed use is a reasonable one because:*

1700  
1701 Met with a vote of 5-0.

1702 The motion to approve ZBA 21-17 passed with a unanimous vote of 5-0.

1703  
1704 Chair Gorman made a motion to approve ZBA 21-18 where the petitioner requests a Variance to  
1705 permit three parking spaces rather than four; this is required for residential housing per Section  
1706 102-793 of the Zoning Ordinance. Mr. Hoppock seconded the motion.

1707

1708 1. *Granting the Variance would not be contrary to the public interest.*  
1709  
1710 Met with a vote of 5-0.  
1711  
1712 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*  
1713  
1714 Met with a vote of 5-0.  
1715  
1716 3. *Granting the Variance would do substantial justice.*  
1717  
1718 Met with a vote of 5-0.  
1719  
1720 4. *If the Variance were granted, the values of the surrounding properties would not be*  
1721 *diminished.*  
1722  
1723 Met with a vote of 5-0.  
1724  
1725 5. *Unnecessary Hardship*  
1726 *A. Owing to special conditions of the property that distinguish it from other*  
1727 *properties in the area, denial of the variance would result in unnecessary hardship because*  
1728 *i. No fair and substantial relationship exists between the general public*  
1729 *purposes of the ordinance provision and the specific application of that provision to the property*  
1730 *because:*  
1731 *and*  
1732 *ii. The proposed use is a reasonable one because:*  
1733  
1734 Met with a vote of 5-0.  
1735 The motion to approve ZBA 21-18 passed with a unanimous vote of 5-0.  
1736  
1737 **II) New Business**  
1738  
1739 **III) Communications and Miscellaneous**  
1740  
1741 **IV) Non-public Session (if required)**  
1742  
1743 **V) Adjournment**  
1744  
1745 There being no further business, Chair Gorman adjourned the meeting at 9:41 PM.  
1746 Respectfully submitted by,  
1747 Britta Reida, Minute Taker  
1748  
1749 Reviewed and edited by,  
1750 Corinne Marcou, Zoning Clerk

112 WASHINGTON ST.  
ZBA 21-20



Petitioner requests a Variance to permit eleven guest rooms where nine are permitted per Chapter 100, Article 8.3.2.G.2 of the Zoning Regulations.



City of Keene  
New Hampshire

## NOTICE OF HEARING

### ZBA 21-20

A meeting of the Zoning Board of Adjustment will be held on Monday, October 4, 2021 at 6:30 PM in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, Joshua Gorman of 85 Park Ave., Keene, NH, requests a Variance for property located at 112 Washington St., Tax Map #554-085-000-000-000 that is in the Downtown Transition District. The Petitioner requests a Variance to permit eleven guest rooms where no more than nine guest rooms are permitted per Chapter 100, Article 8.3.2.G.2 of the Zoning Regulations.

This application is available for public review in the Community Development Department at City Hall, 3 Washington Street, Keene, NH 03431 between the hours of 8:00 am and 4:30 pm. or online at <https://ci.keene.nh.us/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk

Notice issuance date September 23, 2021

### 8.3.2 Commercial Uses

#### A. Agricultural-Related Educational and Recreational Activity as a Business.

1. **Defined.** A commercial activity that is appropriate to a farm or rural setting and/or relates to agricultural uses or customs. Activities may include programs, functions, and other demonstrations that are either recreational or educational in nature (e.g. sleigh rides, hay rides, petting farms) and other demonstrations of rural, agricultural and natural resource activities and customs.
2. **Use Standards**
  - a. There shall be no outdoor display of equipment for sale.
  - b. Adequate road access to the site shall be available.
  - c. All parking, including special event parking, shall be on-site with screening from roads and adjacent properties.
  - d. Roadside spectator parking is prohibited and shall be controlled by directional/informational signage, fencing, and/or providing traffic control personnel.
  - e. On-site water storage may be required to ensure adequate fire protection if city water service of adequate volume and pressure is not available at the site.
  - f. Toilet facilities for employees and visitors, which are deemed satisfactory by the City's Building and Health Official, shall be provided within 300-ft of the primary activity area.
  - g. Adequate solid waste disposal and recycling facilities shall be provided, which are screened from the road and adjacent properties.

- h. Areas of special environmental sensitivity (e.g. surface waters, floodplains, wellfields, or steep slopes) shall be adequately protected.
- i. No outdoor activities requiring artificial lighting shall be held after 10:00 pm.
- j. No more than 100 visitors shall be allowed for outdoor functions after 10:00 pm.
- k. There shall be no more than 400 persons on the property at any one time, nor shall the site be visited by more than 250 vehicles within any 24-hour period, unless an Outdoor Event License has been obtained from the City Clerk in accordance with Chapter 46 of the City Code of Ordinances.

#### B. Animal Care Facility

1. **Defined.** An establishment that provides care for domestic animals, including veterinary offices for the treatment of animals where such animals may be boarded indoors during their convalescence and pet grooming facilities. An animal care facility does not include kennels or animal training centers.

#### C. Art Gallery

1. **Defined.** An establishment that sells, loans, or displays works of art (e.g. paintings, sculpture, photographs, video art, etc.). Art gallery does not include a cultural facility.

#### D. Art or Fitness Studio

1. **Defined.** An establishment where an art or activity is taught, studied, or practiced in a classroom or studio setting (e.g. dance, martial arts, photography, pottery, music, painting, gymnastics, pilates, yoga, etc.).

#### E. Banking or Lending Institution

1. **Defined.** An establishment that is engaged in the business of a bank, savings and loan association, or credit union that is regulated by state or federal authority.

## F. Bar

1. **Defined.** An establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises.

## G. Bed and Breakfast

1. **Defined.** An owner- or operator-occupied single-family dwelling that provides lodging for a daily fee in guest rooms with no in-room cooking facilities (excluding microwaves and mini-refrigerators), and prepares meals for guests.

### 2. Use Standards

- a. No more than 9 guest rooms are permitted.
- b. Meals shall be served to registered guests only.

## H. Car Wash

1. **Defined.** An establishment for the washing and cleaning of motor vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or other configuration.

## I. Clinic

1. **Defined.** A facility with more than 5 employees where medical, dental, mental health, alternative medical practitioners, or other licensed healthcare practitioners examine and treat natural persons on an outpatient basis.

## J. Day Care Center

1. **Defined.** A facility where, for a portion of a 24-hour day, licensed care and supervision is provided in a protective setting outside of a residential dwelling for children or elderly and/or natural persons with functional impairments that are not related to the owner or operator.

## K. Event Venue

1. **Defined.** A facility that provides hosting and rental services of a banquet hall or similar facility for private events (e.g. wedding receptions, holiday parties, fundraisers, etc.) with on-site or catered food service to invited guests during intermittent dates and hours of operation. Live entertainment may occur as part of an event. An event venue is not operated as a restaurant with regular hours of operation.

## L. Funeral Home

1. **Defined.** A facility where the deceased are prepared for burial display and for rituals before burial or cremation. A funeral home may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

## M. Greenhouse / Nursery

1. **Defined.** An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include the sale of items directly related to their care and maintenance.

## N. Health Center / Gym

1. **Defined.** An establishment that provides indoor and/or outdoor activities for members related to health, physical fitness or exercise (e.g. weight training, aerobics, swimming, court sports, climbing, etc.).

## O. Heavy Rental and Service Establishment

1. **Defined.** Rental or service establishments of a heavier- and larger-scale commercial character, typically requiring permanent outdoor service or storage areas or partially enclosed structures. Examples of heavy rental and service establishments include truck rental establishments, and rental and repair of heavy equipment.



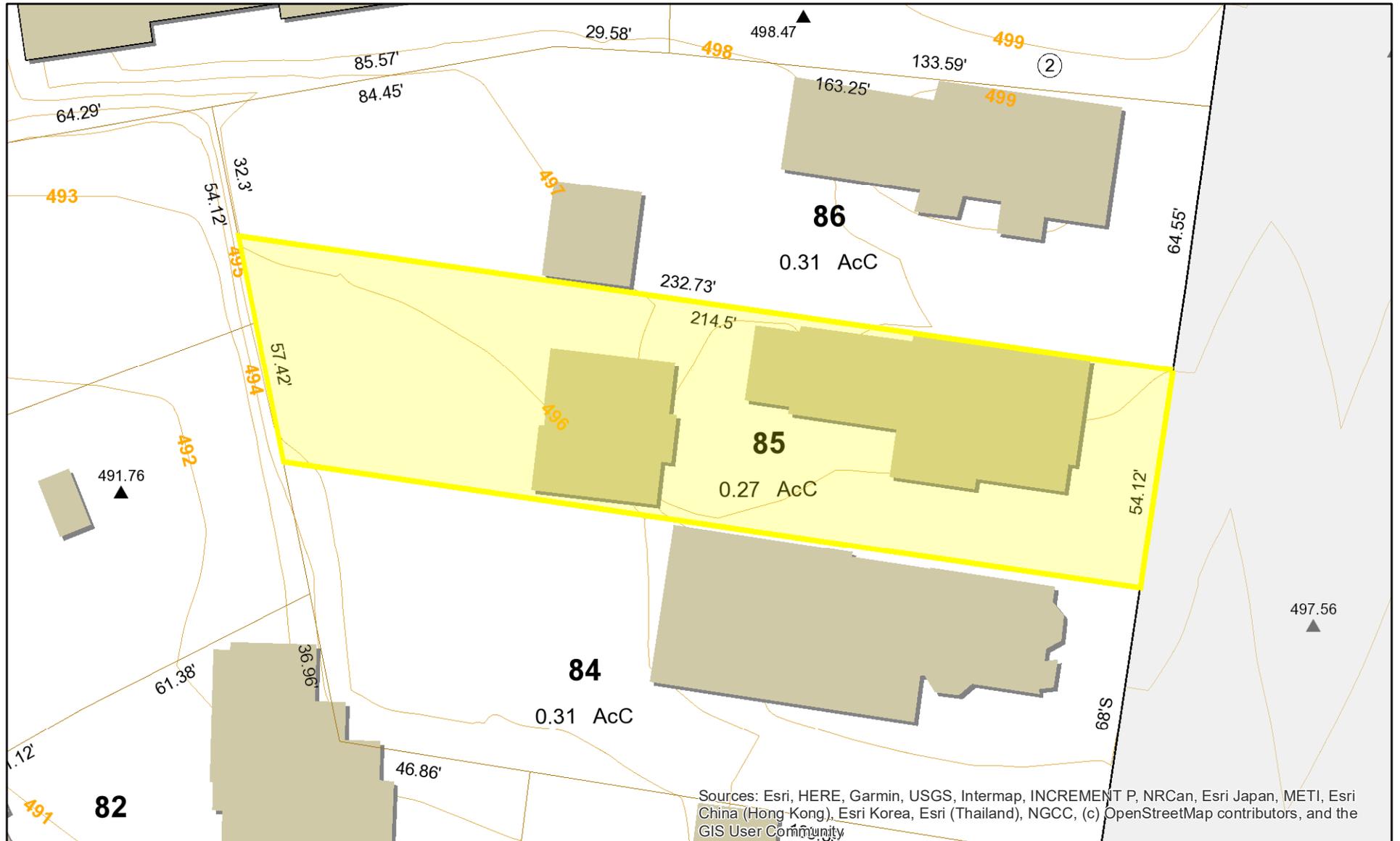
Keene, NH



September 22, 2021

1 inch = 34 Feet

www.cai-tech.com



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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.

# APPLICATION FOR APPEAL

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

<b>For Office Use Only:</b>	
Case No.	<u>ZBA21-20</u>
Date Filed	<u>9/17/2021</u>
Received By	<u>CSM</u>
Page	<u>1</u> of <u>22</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) Joshua Gorman Phone: 603.209.1598  
Address 85 Park Avenue Keene NH 03431  
Name(s) of Owner(s) 112 Washington LLC  
Address 85 Park Avenue Keene NH 03431  
Location of Property 112 Washington St. Keene

### SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 5540850000000000 Zoning District DT-T  
Lot Dimensions: Front 54 Rear 59 Side 233 Side 214  
Lot Area: Acres .27 Square Feet 12,300  
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 21% Proposed 21%  
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 63% Proposed 63%  
Present Use bed and breakfast  
Proposed Use bed and breakfast

### 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] manager Date 9-6-21  
(Signature of Owner or Authorized Agent)

Please Print Name Josh Gorman - manager 112 Washington LLC

The applicant seeks relief from section 8.3.2.G.2 of the City of Keene Land Development Code- “use standards, where no more than 9 Guest rooms are permitted” where the applicant is requesting a total of 11 guest rooms

**PROPERTY ADDRESS** \_\_\_\_\_

***APPLICATION FOR A VARIANCE***

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

**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.**

**Background:**

112 Washington Street was purchased by its current owner in September of 2017. At the time of purchase it had been vacant for 2 years. Prior to that; it had been an office building, a mixed use office and residence, a tourist lodging home, and originally a residence.

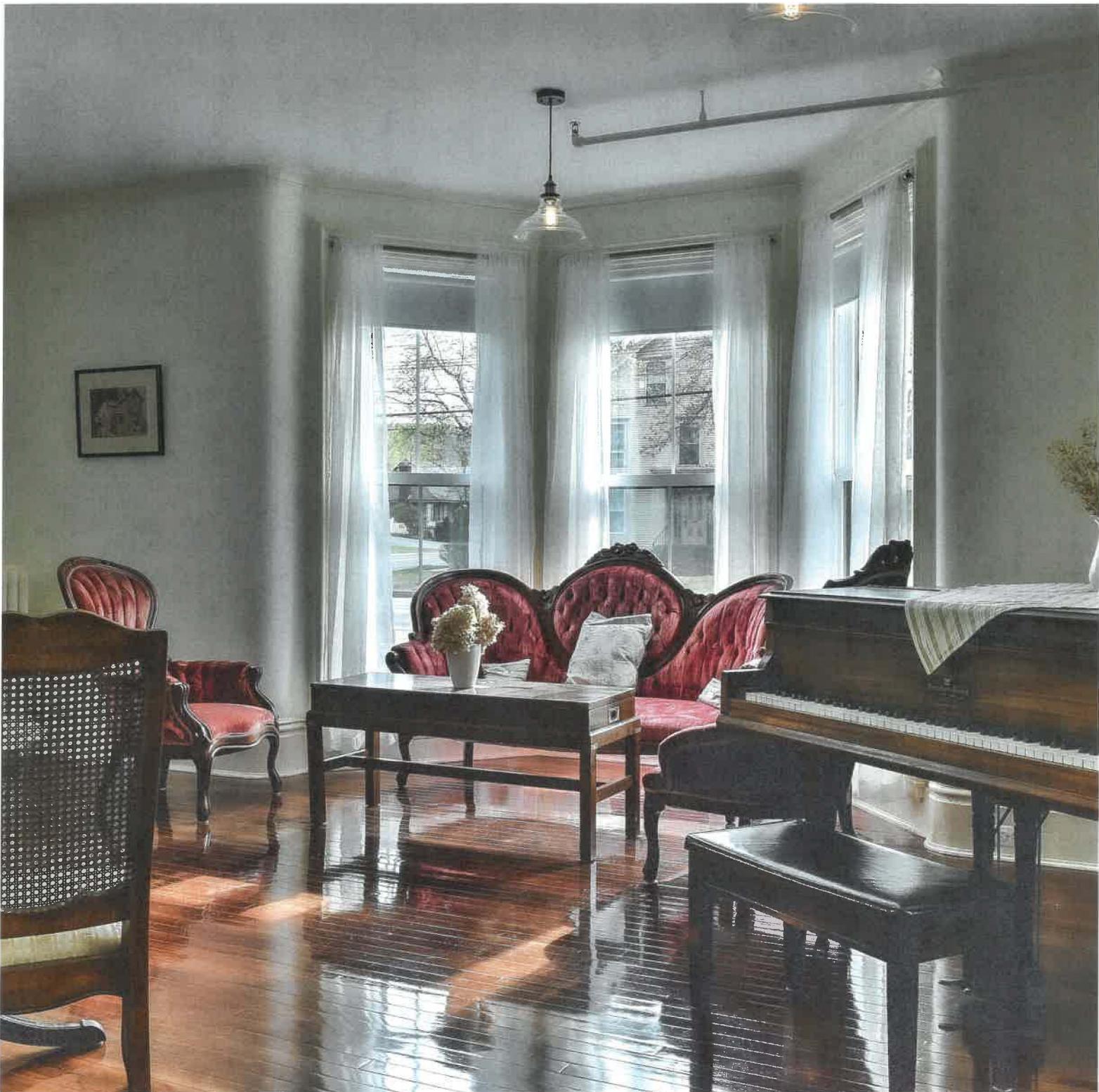
At the time of purchase the carriage house was compromised and on the brink of being torn down; and the brick building was suffering from decades of deferred maintenance. This left the property in such disrepair that it was purchased for just half of its city assessed value at the time.

Without a repurposed use and extensive repairs, the downward spiral of the property had little or no end in sight. After two and a half years of renovation and repair the property is now a restored historic bed and breakfast consisting of 8 private guest rooms, each with a private full bath; an operator's quarters, a common parlor, and an operator's kitchen. The proposal before the board asks for consideration in allowing the expansion of its current use to cumulatively accommodate 11 guest rooms and an operator's apartment. This would be achieved by adding 2 guest rooms on the first floor of the carriage house and an apartment on the second floor. The ordinance allows for up to nine guest rooms in a bed and breakfast, so the applicant is seeking expansion of the use to allow 11 guest rooms where 9 are permitted.

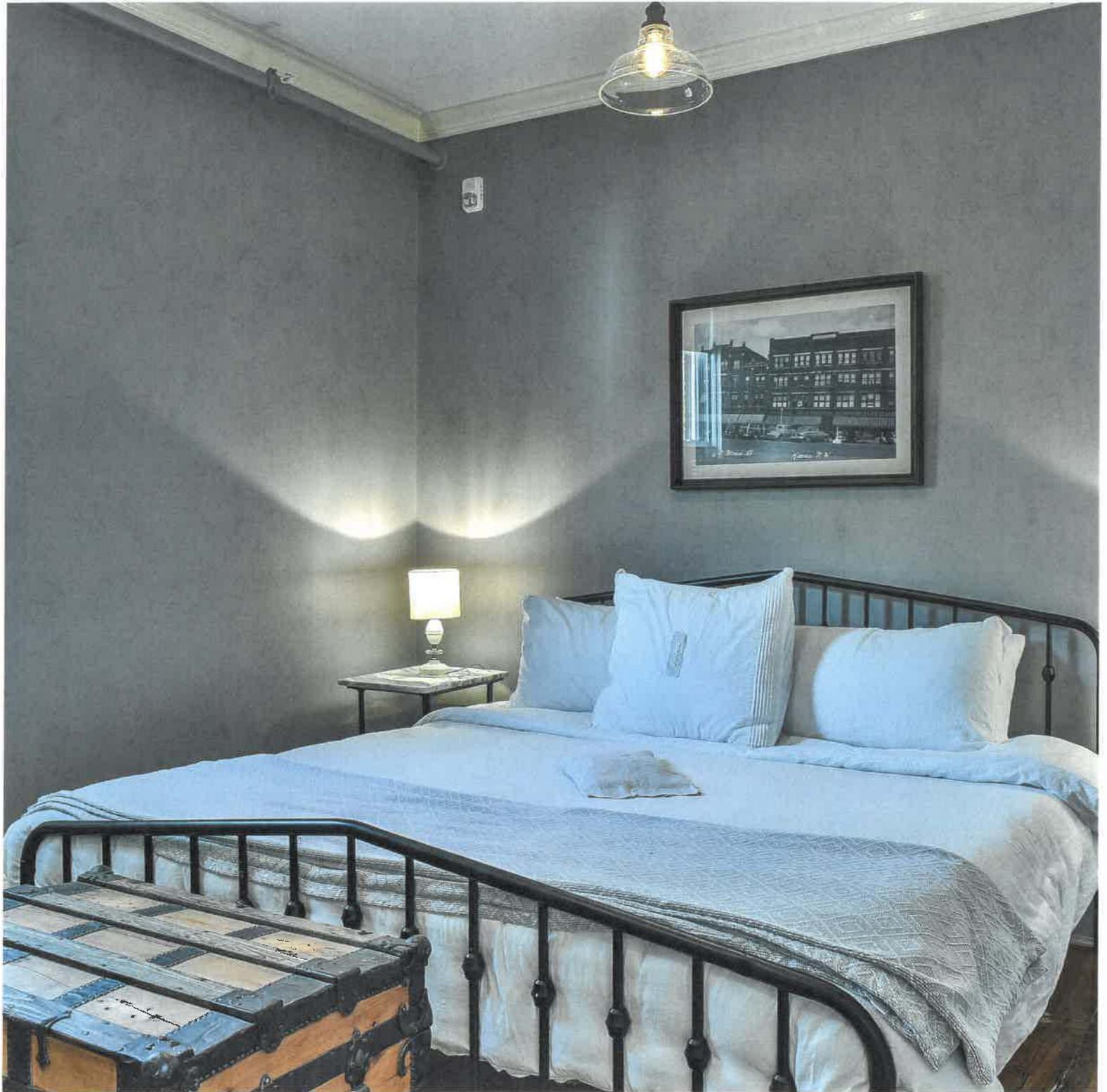














1. Granting the variance would not be contrary to the public interest because:

The property and its existing carriage house has adequate off street parking, separate city water and sewer lines, and separate 200 amp electrical service and traffic will not be materially impacted by this proposal. Therefore, there is no foreseeable threat to the general health, safety, or welfare of the general public. Furthermore, this proposal will not alter the essential character of the neighborhood. The existing structure will not be physically altered from its current exterior appearance, and in traveling up and down Washington street, one can see that many of the existing historic carriage houses have been converted to various uses in order to support their preservation and viability.

In actuality this proposal will likely support and benefit the public interest by providing the repurpose, and subsequent rehab and maintenance of this once dilapidated vacant carriage house, which is a local historic landmark. The use will also support downtown vitality by bringing guests to enjoy everything Keene has to offer. Both of these end results are in line with the objectives set forth in the city's comprehensive master plan.

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

Per the current Land Development Code, the spirit of the ordinance is as follows: "The DT-T District is intended to accommodate a variety of residential, open space, and other low intensity uses in a mixed-use environment of attached and detached structures. Development within the DT-T District is intended to complement and transition into existing residential neighborhoods adjacent to downtown Keene." A bed and Breakfast is an allowed use in the district, however it caps out at 9 guest rooms. This affirms that a bed and breakfast use is within the spirit of the ordinance, given that it's allowed. The addition of the carriage house guest rooms and operators quarters certainly supports the "use of attached and detached structures" as well as "complement (ing) the transition into existing residential neighborhoods adjacent to downtown Keene" The other permitted uses in the district are as follows: offices, multi and single family dwelling units, duplexes, funeral home, and telecommunication facility. Upon examination of those uses, it is clear that the use which is being proposed has the least impact and is more aligned with the spirit of the ordinance; as it simply adds to the same purposeful and allowed use that already exists on the property.

3. Granting the variance would do substantial justice because:

The general question here is whether or not the proposed use enables the just and reasonable use of the property without causing undue or unjust strain on abutters and the entire community. In other words, does denial of the application create a loss to the individual greater than the gain to the general public? This proposal certainly supports the needs and reasonable use of the property

and its existing structures. It's worth noting that when applying the current Land Development Code, there are not any conforming uses for the existing carriage house. The applicant believes that denial of the proposal has no foreseeable gain to the public. To the contrary, the small expansion of this allowed use, supports both the intent of the Land Development Code as well as the intent of the current City of Keene comprehensive master plan. As stated previously, guests will likely benefit the public by supporting downtown merchants while discovering our wonderful community; while having no evident adverse impact on the community or surrounding properties.

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

Granting the variance will not diminish surrounding property values. The carriage house on this property is truly one of a kind. Just a few years ago this entire property was vacant and in disrepair. The Carriage house was on the brink of being demolished, as the previous potential buyers had contemplated tearing it down. The purposeful reuse of the historic property has allowed for extensive renovation and restoration. The use of the carriage house will ensure its remaining renovations and future maintenance are sustainable. This preservation and use will likely add value to abutters and ultimately the entire downtown community.

#### 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 conditions and structures of this property are unique in that they have existed for 170 +/- years, and therefore were not constructed with today's ordinances in mind. The property has a main building circa 1853, consisting of 3800 +/- square feet. There is also a circa 1853 two story carriage house consisting of 1400 +/- square feet and a full basement. Denial of this variance would effectively disallow reasonable use of the carriage house, thus creating a hardship. The ordinance provision allows for the use, but only up to nine guest rooms. The main building currently has 9 sleeping rooms (8 guest and an operators quarters) and an operators kitchen and a common parlor. That is the same number of rooms the main building had prior to its extensive renovations, and its likely the number of rooms the building had in its original form. I interpret the 9 guest room limit set forth in the code as a means of preventing overcrowding within a building. This is not applicable to this specific property given the existing size and layout of the structures, along with the adequate parking on site.

ii. The proposed use is a reasonable one because:

The proposed use is a reasonable expansion of an already existing and allowed use, in which said

expansion is comfortably supported by the property and its existing infrastructure. As previously stated, the use also is supported by intent of the Land Use Code, as well as the current City of Keene Master Plan.

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:

If this variance is not granted, the historic carriage house cannot be reasonably used for any purpose, which creates an unfair and unnecessary hardship. The following uses are permitted:

office, multi and single family dwelling units, duplexes, funeral home, and telecommunications facility. All of those permitted uses would not only interfere with the current use of the property, they would also each require a variance for issues such as parking, lot size, etc. Given that there is no single use that would be allowed for this existing structure within its zone, this application seeks a use which seemingly has the least impact on the property, its abutters, and the community.



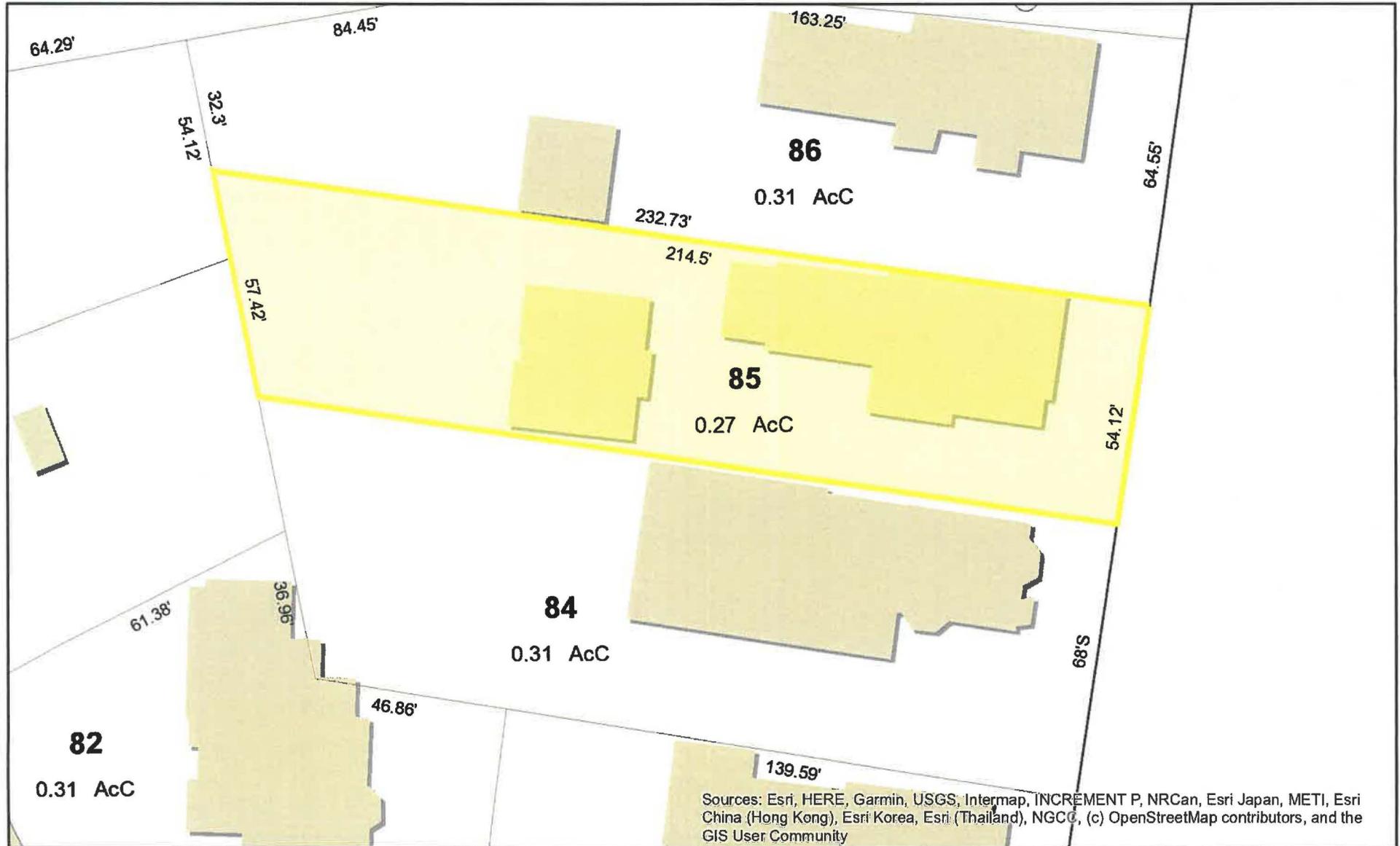
Keene, NH



September 7, 2021

1 inch = 34 Feet

www.cai-tech.com



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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.



# 200 foot Abutters List Report

Keene, NH  
September 22, 2021

## Subject Property:

Parcel Number: 554-085-000  
CAMA Number: 554-085-000-000-000  
Property Address: 112 WASHINGTON ST.

Mailing Address: 112 WASHINGTON LLC  
85 PARK AVE.  
KEENE, NH 03431

---

## Abutters:

Parcel Number: 553-001-000  
CAMA Number: 553-001-000-000-000  
Property Address: 124 WASHINGTON ST.

Mailing Address: EIGHTY-EIGHT LAMBERT AVENUE  
NOMINEE TRUST  
17 ROXBURY ST.  
KEENE, NH 03431

Parcel Number: 553-002-000  
CAMA Number: 553-002-000-000-000  
Property Address: 132-134 WASHINGTON ST.

Mailing Address: EIGHTY-EIGHT LAMBERT AVENUE  
NOMINEE TRUST  
17 ROXBURY ST.  
KEENE, NH 03431

Parcel Number: 553-014-000  
CAMA Number: 553-014-000-000-000  
Property Address: 127 WASHINGTON ST.

Mailing Address: BEAUREGARD FAMILY REV. TRUST  
127 WASHINGTON ST.  
KEENE, NH 03431-3106

Parcel Number: 553-093-000  
CAMA Number: 553-093-000-000-000  
Property Address: 117 WASHINGTON ST.

Mailing Address: TD PROPERTIES OF KEENE LLC  
PO BOX 768  
KEENE, NH 03431

Parcel Number: 553-094-000  
CAMA Number: 553-094-000-000-000  
Property Address: 109 WASHINGTON ST.

Mailing Address: MJMC PROPERTIES LLC  
109 WASHINGTON ST. APT 3  
KEENE, NH 03431-3141

Parcel Number: 553-095-000  
CAMA Number: 553-095-000-000-000  
Property Address: 0 WASHINGTON ST.

Mailing Address: CITY OF KEENE  
3 WASHINGTON ST.  
KEENE, NH 03431

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-000-000  
Property Address: 24-38 UNION ST.

Mailing Address: UNION SQUARE REALTY ASSOCIATES  
PO BOX 311  
KEENE, NH 03431

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00A-001  
Property Address: 24 UNION ST. #2-24A

Mailing Address: WING CONDOS LLC  
PO BOX 34  
GILSUM, NH 03448-0034

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00A-002  
Property Address: 26 UNION ST. #1-26A

Mailing Address: FOLSOM JENNIFER W.  
26 UNION ST. 1-26A  
KEENE, NH 03431

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00A-003  
Property Address: 28 UNION ST. #1-28A

Mailing Address: CUSHING, KATHERINE RUTH  
28 UNION ST. #1-28A  
KEENE, NH 03431



www.cai-tech.com

Data shown on this report 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 report.



# 200 foot Abutters List Report

Keene, NH  
September 22, 2021

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00A-004  
Property Address: 30 UNION ST. #1-30A

Mailing Address: DEVINE, THOMAS F. TAMARELLE, LILA M.  
49 BENNETT RD.  
ALSTEAD, NH 03602

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00A-005  
Property Address: 32 UNION ST. #1-32A

Mailing Address: STEVENS, TINA L.  
32 UNION ST. #1-32A  
KEENE, NH 03431-3043

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00A-006  
Property Address: 34 UNION ST. #1-34A

Mailing Address: VIEL, JACOB A.  
34 UNION ST. #1-34A  
KEENE, NH 03431-3043

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00A-007  
Property Address: 36 UNION ST. #1-36A

Mailing Address: KETCHAM PETER H.  
36 UNION ST. 1-36A  
KEENE, NH 03431

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00A-008  
Property Address: 38 UNION ST. #1-38A

Mailing Address: WALLER, SANDRA B.  
38 UNION ST. 1-38A  
KEENE, NH 03431-3043

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00B-009  
Property Address: 24 UNION ST. #1-24B

Mailing Address: POWLEY, SHEILA M.  
24 UNION ST. #1-24B  
KEENE, NH 03431

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00B-010  
Property Address: 26 UNION ST. #2-26B

Mailing Address: KNOWLES, CRYSTAL F.  
26 UNION ST. #2-26B  
KEENE, NH 03431

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00B-011  
Property Address: 28 UNION ST. #2-28B

Mailing Address: EARL, AMANDA ASHLEY  
28 UNION ST. #2-28B  
KEENE, NH 03431

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00B-012  
Property Address: 30 UNION ST. #2-30B

Mailing Address: FOLSOM CORINNE R.  
30 UNION ST. 2-30B  
KEENE, NH 03431

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00B-013  
Property Address: 32 UNION ST. #2-32B

Mailing Address: TORSKA, MICHAEL E.  
32 UNION ST. #2-32B  
KEENE, NH 03431

Parcel Number: 554-075-000  
CAMA Number: 554-075-000-00B-014  
Property Address: 34 UNION ST. #2-34B

Mailing Address: SILK TONI S.  
34 UNION ST. #2-34B  
KEENE, NH 03431-3043

Parcel Number: 554-076-000  
CAMA Number: 554-076-000-000-000  
Property Address: 44 UNION ST.

Mailing Address: LEE, BRIAN  
44 UNION ST.  
KEENE, NH 03431



[www.cai-tech.com](http://www.cai-tech.com)

Data shown on this report 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 report.



# 200 foot Abutters List Report

Keene, NH  
September 22, 2021

Parcel Number: 554-077-000 CAMA Number: 554-077-000-000-000 Property Address: 41 PLEASANT ST.	Mailing Address: MCGUIRK, DAVID MICHAEL 41 PLEASANT ST. KEENE, NH 03431
Parcel Number: 554-078-000 CAMA Number: 554-078-000-000-000 Property Address: 33 PLEASANT ST.	Mailing Address: LCW INVESTMENTS LLC PO BOX 466 GREENVILLE, NH 03048
Parcel Number: 554-079-000 CAMA Number: 554-079-000-000-000 Property Address: 23 PLEASANT ST.	Mailing Address: JOHNSON, CRAIG N. JOHNSON, TIFFANY D. 23 PLEASANT ST. KEENE, NH 03431
Parcel Number: 554-080-000 CAMA Number: 554-080-000-000-000 Property Address: 15 PLEASANT ST.	Mailing Address: WILLIAMS BRIAN E. PO BOX 1293 KEENE, NH 03431
Parcel Number: 554-081-000 CAMA Number: 554-081-000-000-000 Property Address: 27 MECHANIC ST.	Mailing Address: ACOUSTIC STRINGS OF NEW ENGLAND LLC 27 MECHANIC ST. KEENE, NH 03431-3446
Parcel Number: 554-082-000 CAMA Number: 554-082-000-000-000 Property Address: 17-23 MECHANIC ST.	Mailing Address: GREENWALD 2 LLC PO BOX 361 KEENE, NH 03431
Parcel Number: 554-083-000 CAMA Number: 554-083-000-000-000 Property Address: 100 WASHINGTON ST.	Mailing Address: BRAYSHAW ASSET MANAGEMENT LLC 4 APPALOOSA RUN CONCORD, NH 03301
Parcel Number: 554-084-000 CAMA Number: 554-084-000-000-000 Property Address: 106 WASHINGTON ST.	Mailing Address: LLB ASSOCIATES OF KEENE PO BOX 472 KEENE, NH 03431
Parcel Number: 554-086-000 CAMA Number: 554-086-000-000-000 Property Address: 118 WASHINGTON ST.	Mailing Address: KUMOREK STEPHEN P. KUMOREK DONNA L. 16 HOMESTEAD AVE. SWANZEY, NH 03446
Parcel Number: 554-087-000 CAMA Number: 554-087-000-000-000 Property Address: 37 MECHANIC ST.	Mailing Address: COMMUNITY KITCHEN INC THE PO BOX 1315 KEENE, NH 03431
Parcel Number: 554-088-000 CAMA Number: 554-088-000-000-000 Property Address: 20 PLEASANT ST.	Mailing Address: VANLAARHOVEN, JEFFREY 20 PLEASANT ST. KEENE, NH 03431
Parcel Number: 568-072-000 CAMA Number: 568-072-000-000-000 Property Address: 82 WASHINGTON ST.	Mailing Address: ZURMUHLEN DEBORAH A. REV. TRUST 82 WASHINGTON ST. KEENE, NH 03431



[www.cai-tech.com](http://www.cai-tech.com)

Data shown on this report 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 report.