

**Zoning Board of Adjustment
Monday, May 2, 2022 6:30 p.m.
City Hall Council Chambers
3 Washington Street, 2nd Floor**

AGENDA

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: April 4, 2022
- III. Unfinished Business:
- IV. Hearings:
 - ZBA 22-06:** Petitioners, John B. & Judith A. Hulslander Living Trust, represented by James Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 0 Belmont Ave, Tax Map #598-030-000-000-000 that is in the Low Density District. The Petitioners requests a Variance to permit a building lot containing 5,625 square feet with 50 feet of frontage, and 50 feet width at the building line in the Low Density District where 10,000 square feet lot size, 60 feet of frontage, and 70 feet width at the building line is required, per Chapter 100, Article 3.3.2 of the Zoning Regulations.
 - ZBA 22-07:** Petitioner, White House Group, represented by James Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 441 Main St., Keene, Tax Map #112-020-000-000-000 that is in the Low Density District. The Petitioner requests a Variance to permit a personal service establishment in an existing building in the Low Density District where a personal service establishment is not a permitted use per, Chapter 100, Article 3.3.5 of the Zoning Regulations.
 - ZBA 22-08:** Petitioner, Brady Sullivan Keene Properties, LLC of 670 North Commercial St., Manchester, NH, represented by Amy Sanders of Fuss and O’Neill of 50 Commercial Street, Manchester, NH, requests a Variance for property located at 210-222 West St, Keene, Tax Map #576-009-000-000-000 that is in the Commerce District. The Petitioner requests a Variance to permit a multifamily dwelling with five residential units where residential uses are not a permitted use in the Commerce District per Chapter 100, Table 8-1 Permitted Principal Uses by Zoning District of the Zoning Regulations.
 - ZBA 22-09:** Petitioners, Scoff and Kerry Bachynski of 136 Hastings Ave., Keene, requests a Variance for property located at 136 Hastings Ave., Tax Map #523-039-000-000-000 that is in the Low Density District. The Petitioners request a Variance to permit both the rear and side setbacks to six feet where 20 feet is required for the rear and 10 feet is required for the side setbacks in order to install an 18 foot above ground swimming pool, per Chapter 100, Article 3.3.2 of the Zoning Regulations.
 - ZBA 22-10:** Petitioner, Steve Sweeney of 146 Armory St., Keene, requests a Variance for property located at 146 Armory St., Tax Map #529-020-000-000-000 that is in the Low Density District. The Petitioner request a Variance to permit the installation of a proper driveway with one foot from the property line instead of the minimum of three feet, per Chapter 100, Article 9.3.2 of the Zoning Regulations.
- V. New Business:
- VI. Communications and Miscellaneous:
- VII. Non Public Session: (if required)
- VIII. Adjournment:

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1 City of Keene
2 New Hampshire

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5 ZONING BOARD OF ADJUSTMENT
6 MEETING MINUTES
7

8 **Monday, April 4, 2022**

6:30 PM

**Council Chambers
City Hall**

Members Present:

Joshua Gorman, Chair
Jane Taylor
Michael Welsh
Richard Clough

Staff Present:

John Rogers, Zoning Administrator
Corinne Marcou, Zoning Clerk

Members Not Present:

Joseph Hoppock, Vice Chair

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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 – March 7, 2022**

17
18 Mr. Welsh made a motion to approve the meeting minutes of March 7, 2022. Ms. Taylor
19 seconded the motion, which passed by unanimous vote.

20
21 **III) Unfinished Business**

22
23 Chair Gorman asked if staff had any unfinished business. John Rogers, Zoning Administrator,
24 replied no.

25
26 **IV) Hearings**

27 **A) ZBA 22-05: Petitioner, Aaron Wiswell, of 9 White Pine Way, Berwick, ME,**
28 **requests a Variance for property located at 0 West Street, Tax Map #577-025-000-**
29 **000-000 that is in the Commerce District, owned by Judy L. Williams, Keene. The**
30 **Petitioner requests a Variance to permit a building lot consisting of 9,738 square**
31 **feet in the Commerce District where 15,000 square feet is required, per Chapter**
32 **100, Article 5.1.2 of the Zoning Regulations.**
33

34 Chair Gorman asked to hear from staff. Mr. Rogers stated that this property is on West St., next
35 to where the old Sunoco station was, across from the Keene Inn and Mr. G's Store. He
36 continued that this was a non-conforming use as well as a non-conforming lot. Previously, it had
37 a two-family home on it, which is not a permitted use within the Commerce District. That
38 structure was demolished in late 2018 and now is a vacant lot. The Commerce District does
39 require a 15,000 foot lot, and though the non-conforming use is gone, the lot itself is still non-
40 conforming regarding lot size. If this Variance were granted, the Applicant would present at the
41 next Planning Board meeting for the proposed site development. The proposed development
42 meets all the other Zoning requirements for setbacks, parking, etc. The Applicant is before the
43 Board for a Variance for the lot size.

44
45 Ms. Taylor asked about the changes to the Land Development Code (LDC), questioning if the lot
46 size requirement was the same on the previous Zoning Codes. Mr. Rogers replied yes, that is
47 correct. Lot sizes did not change in the Commerce District with the new LDC.

48
49 Chair Gorman asked if the Board had more questions for Mr. Rogers. Hearing none, he asked
50 the Applicant to speak.

51
52 Jim Phippard of Brickstone Land Use Consultants stated that he is speaking on behalf of the
53 property owner, Judy Williams, and the Applicant, Aaron Wiswell. He continued that this
54 existing property is located on the south side of West St. as outlined in red on the plan he has
55 shown. This block of properties are all zoned Commerce, which probably happened in the
56 1970s. Of the 33 existing lots between Pearl St. and the Ashuelot River, 27 are non-conforming
57 due to lot size. That is an indication that all of these lots were created many years prior to the
58 current Zoning Ordinances, making this a legal, non-conforming lot. The original house was
59 created in the early 1900s, and a duplex on the lot was built in the 1920's. Mr. Phippard noted
60 that his father used to live in one of the units in the 1940's. He further noted that the duplex was
61 there for many years before it was torn down. He thinks the demolition Mr. Rogers spoke of was
62 completed in February 2019. The lots were legal at the time they were created and legal when
63 the buildings were built. The lot sizes became non-conforming when this area was zoned
64 Commerce, as West St. is one of the busiest streets in the City, and the Commerce District is
65 very traffic-dependent to support businesses. He believes that is how these lots became non-
66 conforming. The Zoning changed citywide a couple times since then, in the 1980's and 1990's.
67 While he has been in this practice, he has watched many properties becoming non-conforming.
68 As a result, he ends up coming before the Board to ask permission to do different things on those
69 properties.

70
71 Mr. Phippard continued that this property is 9,738 square feet and is non-conforming because
72 15,000 square feet is the required minimum lot size in the Commerce District. The Williams
73 family purchased the property in 1956 with their daughter, Judy Williams, inheriting the
74 property. The property became non-conforming with all of these changes in zoning, but when
75 the Williams purchased it, it was a legal lot with a building already on it, and the duplex was

76 occupied for many years until it became in disrepair and was eventually torn down and removed.
77 Because it is undersized, none of the permitted uses are allowed without a Variance.

78
79 Mr. Phippard reviewed the criteria.

80

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

82

83 Mr. Phippard stated that he believes this is true, because this neighborhood is all developed lots,
84 with existing buildings. He continued that some are in residential use and some are commercial
85 use. The lot in question is 0.23 acres. Every other lot on Richardson Court, except for the one at
86 the end, is smaller. All are occupied with single-family, two-family residences, or offices. The
87 lots between Bridge Court and Richardson Court, are all smaller than the existing lot that his
88 clients are asking for permission to build on. The character of the neighborhood has been well
89 established for decades, because these are all older homes and buildings, not new ones that were
90 built recently under the current Codes.

91

92 He continued that he believes allowing this lot to be developed is in the public interest. It is
93 currently a vacant lot, and over time, vacant lots can become unkempt and possibly un-mowed,
94 and collect trash and/or become hangouts. It is in the public interest to allow vacant lots to be re-
95 developed, especially if it can be done in accordance with the latest Zoning requirements, is
96 possible with this property. His clients propose a commercial development on this property that
97 meets all of the other zone dimensional requirements, including the setbacks, lot coverage, and
98 pavement setbacks. Everything complies with the requirements of the Commerce District except
99 for the lot size. The lot size is the critical component. Without a Variance, his clients cannot do
100 anything on this lot, regardless of other uses proposed. It is in the public interest to allow this to
101 be re-developed in a manner consistent with the current zoning.

102

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

104

105 Mr. Phippard stated that the spirit of the Ordinance in the Commerce District is to allow
106 commercial development that is highly traffic dependent. A location like this on West St. is the
107 epitome of a commercial lot. West St. has the highest traffic counts in the city, and highest
108 visibility for businesses. The spirit of the Ordinance would be to build a new business on this
109 property that can comply with the rest of the requirements in the Commerce District. They can
110 do that here.

111

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

113

114 Mr. Phippard stated that this is where you weigh the benefit to the public versus the benefit to the
115 Applicant. He continued that there is no benefit to the public to deny a Variance to allow this
116 property to be utilized, but there is certainly a benefit to the landowner, to allow this property to
117 be re-developed as a commercial interest the way the Zoning calls for.

118

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

121
122 Mr. Phippard stated that he believes this is true. All of the properties in this area are developed,
123 and this is the vacant lot. He continued that the Board is not voting on the development plan he
124 is showing them now, as this is a concept plan for a business, which will go before the Planning
125 Board if his clients get the Variance they need. However, this concept plan shows that even
126 though it is an undersized lot, it can be developed in a manner permitted by Zoning. The
127 Applicant, Mr. Wiswell, owns several Aroma Joes throughout New England and was excited to
128 find this lot as Aroma Joes' buildings are small and do not have seating indoors or outdoors.
129 There are walk-up or drive-up windows to place and pick up orders, and then customers leave
130 the property. With no seating, Aroma Joes is entirely reliant on public access through sidewalks
131 or vehicle traffic into the site. [He showed on the concept plan and stated that] this is a narrow,
132 undersized lot, with one-way driveway entrance, and a customer would drive around the building
133 and place an order, pick it up, then exit onto West St. They propose an approximately 800-
134 square foot building, which meets the front, side, rear, and pavement setbacks, and complies with
135 lot coverage requirements. He expects the Planning Board would approve a plan like this, if his
136 clients are granted the Variance.

137
138 Mr. Phippard continued that he does not think this type of development would diminish the
139 surrounding property values. His clients would provide screening with solid fencing and
140 additional landscaping. The property today is un-mowed and unkempt, with trash starting to
141 accumulate. This will prevent that from happening; it would become a well-maintained property
142 and a new business for the city.

143
144 5. *Unnecessary Hardship*
145 A. *Owing to special conditions of the property that distinguish it from other properties in the*
146 *area, denial of the variance would result in unnecessary hardship because:*
147 i. *No fair and substantial relationship exists between the general public purposes of the*
148 *ordinance provision and the specific application of that provision to the property because:*

149
150 Mr. Phippard stated that a special condition exists on the property, created by the Zoning
151 changes. The City created these special conditions inadvertently when they changed the
152 dimensional requirements for the Commerce District or when they zoned this as Commerce,
153 because when the house was built and the property was lived in, it was all conforming. It met all
154 the Zone requirements. Now, this special condition exists, as it does for other nearby properties.
155 Nothing can be done on this property without a Variance, creating a uniquely special condition.

156
157 Mr. Welsh asked about the structure that was on the site prior, questioning the undersized lot and
158 if it would have been possible to also make the claim that it was in compliance with all of the
159 necessary setbacks, or was it larger than the permissible setbacks?

160

161 Mr. Rogers replied that Mr. Phippard might have information about that, but he himself can say
162 that the prior building probably did not meet the setbacks. He continued that it did not meet the
163 front setback, as it was very close to the sidewalk on West St., and it is questionable whether it
164 met the side setback on the east side. He thinks it met the side setback on the west side.

165
166 Chair Gorman asked Mr. Rogers if it is accurate that it would not have even been an allowed use
167 in today's Zoning Code. Mr. Rogers replied that is correct. He continued that the Commerce
168 District does not allow for single-family or two-family homes. That is why all of the other
169 properties, as Mr. Phippard explained, are legal, non-conforming homes.

170
171 Mr. Phippard stated that Mr. Rogers is correct; the previous duplex was too close to the front
172 line, too close to the east side line, and had a non-conforming use because residential use is not a
173 permitted use in the Commerce District. He continued that there were several zoning
174 requirements that were non-conforming other than the size of the lot. He believes that because
175 of the zone changes over time, that special condition was created, and because this lot can serve
176 no other purpose without a zoning Variance, that is a difficult situation. A Variance is required
177 to allow any development of any kind on this lot.

178
179 *ii. The proposed use is a reasonable one because:*

180
181 Mr. Phippard stated that the proposed use, Aroma Joes, is reasonable because it meets all the
182 other zone dimensional requirements. He continued that his clients have applied to the Planning
183 Board. He continued that they have done a professional traffic report as this type of use in
184 particular, a drive-through coffee shop, relies entirely on the pass by traffic on the street. The
185 traffic engineer estimates 90% of the vehicle trips are generated out of the traffic already driving
186 on West St. Thus, people are not leaving home and driving to Aroma Joes just to get a cup of
187 coffee; they are stopping on their way to work or passing by doing other errands, which is the
188 type of business Aroma Joes relies on. He provided traffic data from several existing Aroma
189 Joes shops to prove that is true. Mr. Phippard continued that Mr. Wiswell owns several Aroma
190 Joes and stated this is a reasonable use at this location with West St. having the highest traffic
191 generation in the city, which Aroma Joes relies on pass by traffic.

192
193 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
194 *hardship will be deemed to exist if, and only if, owing to special conditions of the property that*
195 *distinguish it from other properties in the area, the property cannot be reasonably used in strict*
196 *conformance with the ordinance, and a variance is therefore necessary to enable a reasonable*
197 *use of it.*

198
199 Mr. Phippard stated that the same reasons of 5.A. apply to 5.B. This property became non-
200 conforming due to zoning changes over the last 120 years. An older property existed that was
201 legal at the time of creation but, with the more recent changes, it is unfair and unreasonable to
202 the property owner not to be allowed a use for his property. The zoning inadvertently took away
203 those uses; therefore, a Variance is required.

204
205 Chair Gorman asked if the Board had questions for Mr. Phippard. Hearing none, he stated that
206 there are no members of the public present, so he will close the public hearing and will reopen it
207 if needed. He asked the Board to deliberate.

208
209 *1. Granting the Variance would not be contrary to the public interest.*

210
211 Ms. Taylor stated that she has real concerns with this, continuing that her comments might
212 simultaneously address the first, fifth, and third criteria. There is a large series of zoning laws, in
213 large part created for good or bad by the NH Supreme Court. There is a long series of cases that
214 began with something that Justice Souter wrote, but was updated in 2006 and 2007. It says, in
215 summary, that if a parcel is not different from all the surrounding properties, the parcel is not
216 considered unique just because it cannot be built on or developed in the way someone wants. It
217 is not distinguished from the other properties. Her concern here, when she talks about the public
218 interest, is that Mr. Phippard's presentation under the first criteria says 27 out of 33 existing lots
219 are non-conforming, which indicates to her that this lot is not unique in its area.

220
221 Ms. Taylor continued that she is also concerned with an additional, high-traffic, commercial use.
222 She is familiar with Aroma Joes and they put out a very nice product, however, traffic is already
223 a nightmare on West St. She is concerned with how much of a public interest is the traffic that
224 would be generated going through that site. She continued with her concerns with the stacking
225 of vehicles while people are waiting for their orders, especially during high traffic times, and
226 potentially adding another left-hand turn out of that particular site. She realizes that traffic is a
227 Planning Board issue, but she has concerns that it would not be in the public interest to add
228 another potentially high-traffic and traffic conflict site.

229
230 Mr. Welsh stated that Ms. Taylor raised some good points, and the thought of making a left-hand
231 turn off the site is something he would think twice about, depending on the time of day. He
232 continued that one of the things he is hopeful about is that he thinks the Planning Board will look
233 at this closely, and with reference to the traffic study Mr. Phippard mentioned. Regarding the
234 public interest and what is contrary to it, he thinks about why the Board is looking at this
235 proposal in the first place. He thinks it is because the building was demolished and if it had not
236 been, then they would be looking at rebuilding an existing, non-conforming structure. He thinks
237 demolishing the building was in the public's interest. He thinks this is the best solution to their
238 situation of looking at new construction on this otherwise very difficult site, and Mr. Phippard
239 presents a good argument for public interest.

240
241 Chair Gorman stated that he looks at it in the complete opposite direction than Ms. Taylor does
242 when it comes to the traffic count as it is his opinion that the traffic already exists. He does not
243 disagree that it is less than favorable to try making a left-hand turn off of this property, but the
244 fact remains that it is a lot and it is entitled to some form of use. He thinks the Court would
245 agree with that, however, the City's zoning does not permit a use. It will end up being
246 *something*, and he thinks that this use has only a small amount of traffic increase. To Mr.

247 Phippard’s point, he does not think people are making Aroma Joes a destination. It is a drive-by
248 activity, so it complements the already high, difficult to manage traffic count. Regarding the
249 uniqueness, he agrees with Ms. Taylor that it is not unique in its size, but by way of not allowing
250 a use for it, you are separating it from everything else, and he thinks that is where the injustice
251 arises. The fact that every other similar property has a use, and this one does not, makes this
252 situation unique.

253
254 Mr. Clough stated that West St. is on the Ten Year Plan for the NH Department of
255 Transportation (NHDOT) and a major reconfiguration has been projected, including a median
256 down the middle, which would create very limited access in very specific spots. He continued
257 that when they say “Ten Year Plan,” literally, it might be ten years from now when NHDOT
258 would actually do this construction, so it is still early, but it has passed a few hurdles. That
259 potential reconfiguration would mitigate many of the turning issues. He agrees that doing a left-
260 hand turn into or out of that, from the wrong lane or the wrong direction, would be a nightmare.
261 He continued that they need to be aware that that is an issue on the whole street as this lot is one
262 of many. Many times, trying to pull into the Savings Bank of Walpole, he waits so long he loses
263 patience, which is not good, either. He concluded that he can see the traffic concerns.

264
265 Chair Gorman stated that he thinks the only place you cannot do a left-hand turn is the parking
266 lot for the plaza where Panera Bread is. Mr. Clough replied yes, there is a curb cut there so
267 drivers can only turn right, and there are times, especially close to Starbucks, when you want to
268 be able to go the other way. Chair Gorman stated that he agrees that this concern exists on the
269 whole street. He continued that there probably is a way to correct it, but it would involve a
270 redesign of the street. He does not think that eliminating this one use of Aroma Joes, they are
271 coming anywhere near to solving the problem, or that by allowing the use, they would be
272 creating a new problem. He thinks the size of the building is beneficial here, given that it will be
273 small and does not allow seating, so it would just be transient customers coming and going.

274
275 Ms. Taylor stated that her point is that it is a matter of degree, in that it is an already terrible
276 traffic situation, in her opinion, and she thinks that the Aroma Joes use would make it worse.
277 She continued that it is not a matter of the building or building size.

278
279 Chair Gorman stated that he thinks this discussion so far has addressed other criteria, but they
280 will continue their review.

281
282 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

283
284 Mr. Welsh stated that he is convinced that the spirit of the Ordinance, as the Applicant has stated,
285 is to encourage vehicular traffic and vehicular use, and this use is consistent with that, since it is
286 a drive-through. Chair Gorman stated that he agrees.

287
288 Ms. Taylor stated that she cannot cite pages or recite chapter and verse, but, the whole concept of
289 increasing vehicular use is against what the Comprehensive Master Plan says, regarding

290 becoming a more walkable city. She continued that she is not so sure this application is within
291 the spirit of the Ordinance.

292
293 Chair Gorman stated that he thinks that the fact that it is the Commerce District, and this is a
294 commercial activity, is a fair point and it probably meets the spirit of the Ordinance other than
295 the size of the lot. He continued that at the end of the day, if the lot was bigger, the Board would
296 not be discussing the amount of traffic it was going to generate.

297
298 3. *Granting the Variance would do substantial justice.*

299
300 Ms. Taylor stated that she thinks it is a detriment to the public that outweighs the benefit to the
301 property owner. She continued that again, she goes back to the anticipated traffic use. She is not
302 a traffic engineer, but she cannot guarantee that 90% of Aroma Joes traffic will be from people
303 already on West St.

304
305 Mr. Welsh stated that he certainly sees the benefit to the Applicant. He continued that regarding
306 detriment to the public, if measured by degree of compliance with the Zoning Ordinance, this
307 strikes him as more in compliance, as a whole, than the vacant lot or the lot as it used to be. This
308 use would move the property in the direction of more compliance, which, one could argue, is a
309 direction that is of benefit to the public.

310
311 4. *If the Variance were granted, the values of the surrounding properties would not be*
312 *diminished.*

313
314 Chair Gorman stated that strictly from a value standpoint, he thinks that putting a finished
315 property on site, if anything, would raise the values of surrounding properties, as a vacant lot
316 does not help surrounding values since a newly constructed, properly planned development
317 should raise values in a Commerce District. He thinks it will have a positive effect.

318
319 5. *Unnecessary Hardship*

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

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

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

326
327 Ms. Taylor cited a portion of *Garrison v. Town of Henniker*, a 2006 case: *“To demonstrate*
328 *unnecessary hardship, applicants must show that the zoning restriction as applied to their*
329 *property interferes with the reasonable use, considering the unique setting of the property in its*
330 *environment.”* She continued that a later case says, *“They must demonstrate that the proposed*
331 *site is unique compared to surrounding lots.”* She thinks it is a threshold issue. This lot is
332 clearly not unique in comparison to its surrounding lots, demonstrated by the Applicant.

333 Whether it is reasonable or not is something that, to her, becomes a secondary inquiry, and she is
334 not sure that it is a reasonable use.

335

336 Mr. Welsh stated that regarding reasonableness, it is a permitted use, and a way of making a
337 permitted use out of that small drive-through. He continued that he cannot imagine how you
338 could locate any of the other permitted uses on a structure of that size on a lot of this sort. He is
339 convinced that it is reasonable and that 5.A.i. is also satisfied.

340

341 Chair Gorman stated that he thinks some of his earlier commentary touched on his stance on 5.A.
342 He continued, adding that the use is reasonable, given that if the lot were a few thousand square
343 feet bigger, Aroma Joes could be built tomorrow.

344

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

350

351 Chair Gorman stated that he has no struggle with 5.B., since there is no use allowed in the
352 Zoning Code for this property without a Variance. He continued that he thinks it is safe to say
353 that 5.B. is satisfied, in that a Variance would be necessary for anything other than keeping it a
354 vacant lot.

355

356 Ms. Taylor stated that she is not convinced that if this use were not allowed, there would not be
357 another use that might be reasonable. She continued that she cannot say affirmatively that just
358 because there is one proposal she does not believe would be reasonable that no other reasonable
359 use would be allowed.

360

361 Chair Gorman replied that a Variance would be required for any use. Ms. Taylor replied yes.

362

363 Mr. Welsh made a motion to approve ZBA 22-05. Mr. Clough seconded the motion.

364

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

366

367 Met with a vote of 3-1. Ms. Taylor was opposed.

368

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

370

371 Met with a vote of 4-0.

372

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

374

375 Met with a vote of 3-1. Ms. Taylor was opposed.

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

Met with a vote of 4-0.

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:*

Met with a vote of 3-1. Ms. Taylor was opposed.

The motion to approve ZBA 22-05 passed with a vote of 3-1. Ms. Taylor was opposed.

V) New Business

Chair Gorman asked staff if there is any new business. Ms. Marcou replied that the only item is a reminder that the spring 2022 Planning & Zoning Conference is two free, online conferences, Saturdays April 30 and May 7, from 9 AM to 12 PM. She continued that she emailed the Board the details, so they can register if they would like. Ms. Taylor requested the email be resent to her; Ms. Marcou replied yes. She continued that the online sessions will also be recorded, for people who cannot make it and would be interested in reviewing them at a later date.

VI) Communications and Miscellaneous

VII) Non-public Session (if required)

VIII) Adjournment

There being no further business, Chair Gorman adjourned the meeting at 7:14 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Reviewed and edited by,
Corinne Marcou, Zoning Clerk

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0 BELMONT AVE. ZBA 22-06



Petitioner requests a building lot containing 5,625 sq ft with 50 ft frontage & 50 ft width at building line where 10,000 sq ft lot size, 60 ft frontage & 70 ft width at building line is required per Article 3.3.2 of the Zoning Regulations.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 22-06

A meeting of the Zoning Board of Adjustment will be held on Monday, May 2, 2022, at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioners, John B. & Judith A. Hulslander Living Trust, represented by James Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 0 Belmont Ave, Tax Map #598-030-000-000-000 that is in the Low Density District. The Petitioners requests a Variance to permit a building lot containing 5,625 square feet with 50 feet of frontage, and 50 feet width at the building line in the Low Density District where 10,000 square feet lot size, 60 feet of frontage, and 70 feet width at the building line is required, per Chapter 100, Article 3.3.2 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://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date April 21, 2022



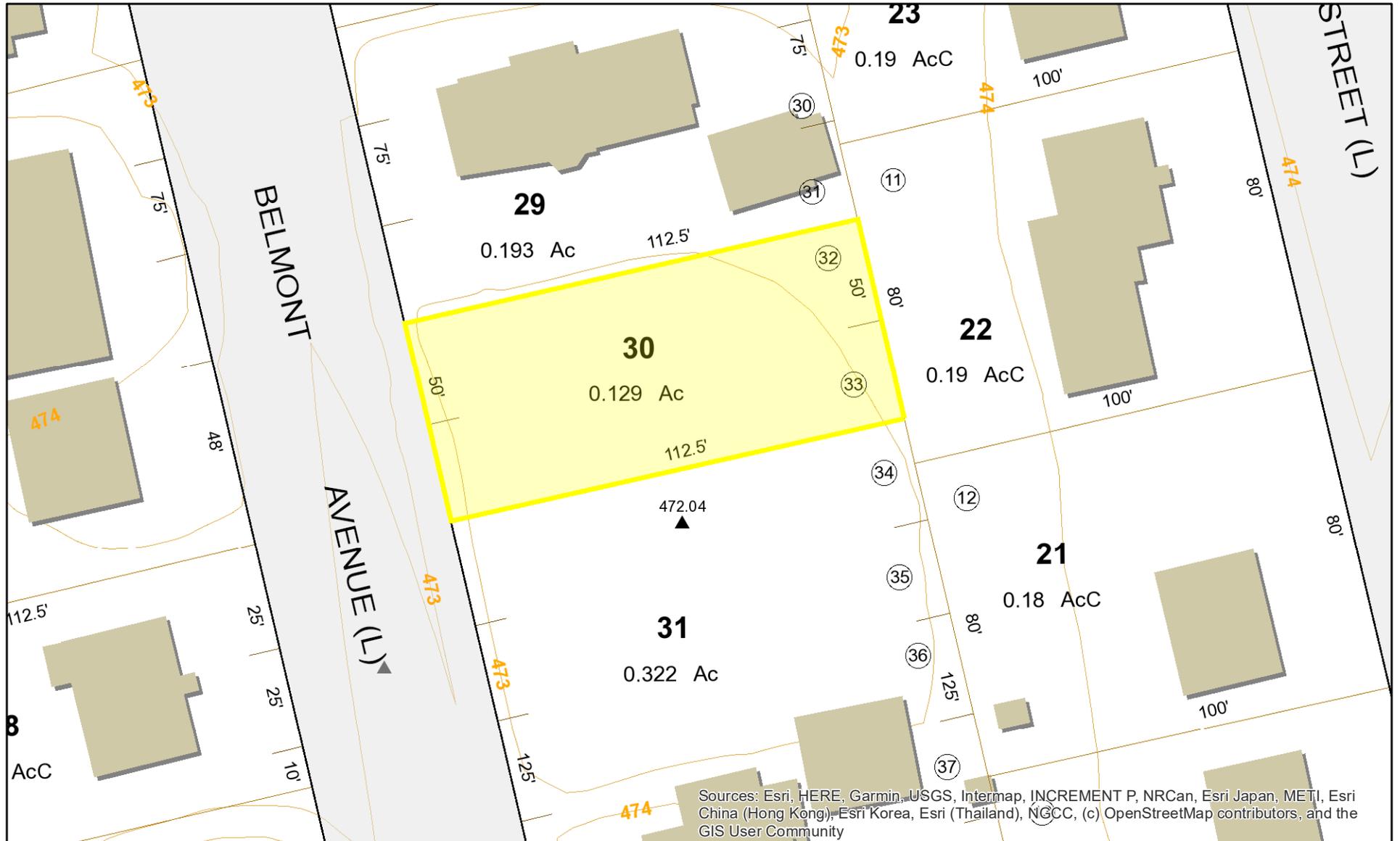
Keene, NH



April 20, 2022

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

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Zoning Board of Adjustment Variance Application



| | |
|-----------------------------|-------------|
| For Office Use Only: | |
| Case No. | 20A2210 |
| Date Filled | 4/15/28 |
| Rec'd By | [Signature] |
| Page | 1 of 21 |
| Rev'd by | |

If you have questions on how to complete this form, please call: (603) 352-5440 or email: communitydevelopment@keenenh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, 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. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: John B & Judith A Hulslander Living Trust

MAILING ADDRESS: 28 Lucinda Terrce Keene NH 03431

PHONE:

EMAIL:

SIGNATURE: [Signature: John B Hulslander]

PRINTED NAME: John B Hulslander

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: SAME AS OWNER

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE: [Signature: John B Hulslander]

PRINTED NAME: John B Hulslander

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: James Phippard / Brickstone Land Use Consultants LLC

MAILING ADDRESS: 185 Winchester Street Keene NH 03431

PHONE: (603) 357-0116

EMAIL: jphippard@ne.rr.com

SIGNATURE: [Signature: James P Phippard]

PRINTED NAME: James P Phippard

SECTION 2: PROPERTY INFORMATION

Property Address: **0 Belmont Ave**

Tax Map Parcel Number: **598-030-000-000-000**

Zoning District: **Low Density**

Lot Dimensions: Front: **50'+/-** Rear: **50'+/-** Side: **112.5'+/-** Side: **112'+/-**

Lot Area: Acres: **0.13** Square Feet: **5,625**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **0** Proposed: **21.8%**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **0** Proposed: **33.5%**

Present Use: **Vacant Lot**

Proposed Use: **Single Family Residence**

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) of the Zoning Regulations to permit:

See Attached

Briefly describe your responses to each criteria, using additional sheets if necessary:

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

[Empty response area for criterion 1]

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:

[Empty response area for item ii.]

B. Explain how, if the criterial 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.

[Empty response area for item B.]

PROPERTY ADDRESS 0 Belmont Avenue

APPLICATION FOR A VARIANCE

- A variance is requested from Section (s) 3.3.2 of the Land Development Code of the Keene Zoning Ordinance to permit: A building lot containing 5625 sf with 50 feet of frontage, and 50 feet width at the building line in the Low Density District where 10,000 sf lot size, 60 feet of frontage and 70 feet width at the building line is required.

Background: This is a legal nonconforming lot that was purchased by the Hulslander family in 1959. At that time, 4000 sf was the minimum lot size required in the Single Family district. This was a legal building lot. In the 1970's the zone dimensional requirements were changed to require a minimum of 10,000 sf for a lot in the Low Density district, making this lot nonconforming. A variance was granted in 1980 to allow a building on this lot, however the variance expired before it could be used. The zone dimensional requirements were changed again in the mid 1980's to require a minimum land area of 15,000 sf in the LD district with 60 feet of frontage and 80 feet lot width at the building line. In 1988 a variance was applied for to construct a single family home on this lot. It was denied, in part, on the basis that the lot was just too small being less than half of the required minimum lot size. Since that time there have been material changes to the ordinances such that now only 10,000 sf is required for a lot in the LD district. This material change is significant and justifies hearing a new variance application to allow a building on this lot.

In 1924 a development plan entitled Baker Manor, by the Independent Land Company was approved off Baker Street. It created Belmont Avenue and Brown Street and 129 tracts of land, most of which were 25 feet in width and 112.5 feet deep. Tracts were purchased and combined to form building lots of various sizes. A review of the existing lots in this neighborhood today shows that along Belmont Avenue there are 68 lots which vary in size from 0.129 acres to 0.63 acres. 48 lots are nonconforming due to lot size. There are three other lots which are identical in size to this lot and are fully developed with single family homes and garages.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

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

Residential building lots are in short supply in the City of Keene. This is a vacant lot in an existing residential neighborhood served by city water and city sewer. The entire neighborhood on Belmont Avenue and Colby Street is in the Low Density district. There are 68 existing lots, 48 of which are nonconforming due to lot size and/or lot frontage. The lots vary in size from 0.129 acres to 0.63 acres. It is in the public interest to allow construction on a vacant lot which is similar in size to the other lots in the neighborhood. The applicant is proposing to construct a small single

family home which will conform to all building setbacks, building coverage and lot coverage. A new single family home will enhance the appearance of this property and enhance the property value, increasing property taxes for this lot.

2. **If the variance were granted, the spirit of the ordinance would be observed because:** The spirit of the ordinance in this case is to allow low intensity single family development on lots with city water and city sewer. The proposed use for this lot is a small single family residence on city water and city sewer. The proposed new residence will meet all building setback requirements and all lot coverage requirements. This is a perfect site for a small single family dwelling. This meets the spirit of the ordinance.
3. **Granting the variance would do substantial justice because:** This is an existing vacant lot, the last undeveloped lot in this subdivision. It was made legally nonconforming due to zone changes by the City of Keene over the years. The applicant is proposing a small single family dwelling which will meet all building setback requirements and lot coverage requirements. The existing lot is consistent with many of the other lots in the neighborhood and will maintain the character of the neighborhood. There are three other lots on Belmont Avenue which are identical in size and are all developed with single family homes. There is no public benefit to denying a variance to allow the last remaining lot to be built on. It will do substantial justice for the property owner.
4. **If the variance were granted, the values of the surrounding properties would not be diminished because:** Construction of a new single family dwelling on this lot will enhance the appearance of the property and improve its property value. Vacant properties can become unkempt and over time will hurt the values of adjacent properties. By constructing a new single family home on the lot, the surrounding property values will not be diminished. It will maintain the character of the neighborhood and will match three other lots on the street of the same size.

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:**

This lot was purchased in 1959 by the Hulslander family. It was a legal building lot at the time. Changes to the zoning ordinances in the 1970's and the 1980's made this lot nonconforming due to lot size, lot frontage and lot width at the building line. This resulted in a special condition which makes it necessary to obtain a variance to allow any building on this lot. This is the last undeveloped lot on the street which

results in a unique condition for this property. Three other lots on the street are identical in size and are fully developed. The proposed new single family dwelling will meet all current building setback requirements and lot coverage requirements. It is served by city water and city sewer. It serves no public purpose to deny the variance when other lots in this neighborhood are the same size and have been built upon.

And

- ii. **The proposed use is a reasonable one because:** This is an area of small single family lots which are served by city water and city sewer. A new single family dwelling on this lot is consistent with the character of the neighborhood and consistent with the purpose of the ordinance. This is a reasonable use because it will meet the building setback requirements and the lot coverage requirements.

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.

This was a legal, conforming lot when it was created in the 1920's. It became nonconforming due to changes in zoning over the last 100 years. This results in a special condition of this property which results in a variance being necessary to construct a single family home on it. The lot is served by city water and city sewer and can meet all zone dimensional requirements except for the minimum lot size. This proposal matches the character of the neighborhood and is a reasonable use. A variance is required for any use to be added to this lot. To deny the variance results in a taking of this property and a hardship for the owner.



210 foot Abutters List Report

Keene, NH
March 25, 2022

Subject Property:

Parcel Number: 598-030-000
CAMA Number: 598-030-000-000-000
Property Address: 0 BELMONT AVE.

Mailing Address: HULSLANDER JOHN B. & JUDITH A.
LIVING TRUST
28 LUCINDA TERR.
KEENE, NH 03431

Abutters:

Parcel Number: 598-010-000
CAMA Number: 598-010-000-000-000
Property Address: 18 COLBY ST.

Mailing Address: STOUT CHRISTOPHER S.
18 COLBY ST.
KEENE, NH 03431

Parcel Number: 598-011-000
CAMA Number: 598-011-000-000-000
Property Address: 20 COLBY ST.

Mailing Address: CLARK WARREN E. CLARK NANCY J.
20 COLBY ST.
KEENE, NH 03431

Parcel Number: 598-012-000
CAMA Number: 598-012-000-000-000
Property Address: 22 COLBY ST.

Mailing Address: MATSON CATHERINE M.
22 COLBY ST.
KEENE, NH 03431

Parcel Number: 598-013-000
CAMA Number: 598-013-000-000-000
Property Address: 24 COLBY ST.

Mailing Address: BECKER SHARRON A.
24 COLBY ST.
KEENE, NH 03431

Parcel Number: 598-014-000
CAMA Number: 598-014-000-000-000
Property Address: 26 COLBY ST.

Mailing Address: RAMIREZ RAUL RAMIREZ JANICE L.
26 COLBY ST.
KEENE, NH 03431

Parcel Number: 598-019-000
CAMA Number: 598-019-000-000-000
Property Address: 27 COLBY ST.

Mailing Address: KELLER VICTORIA L.
27 COLBY ST.
KEENE, NH 03431

Parcel Number: 598-020-000
CAMA Number: 598-020-000-000-000
Property Address: 25 COLBY ST.

Mailing Address: BARNARD, ROBERT E.
25 COLBY ST.
KEENE, NH 03431

Parcel Number: 598-021-000
CAMA Number: 598-021-000-000-000
Property Address: 23 COLBY ST.

Mailing Address: LUGO DAVID D. LUGO MEREDITH V.
23 COLBY ST.
KEENE, NH 03431

Parcel Number: 598-022-000
CAMA Number: 598-022-000-000-000
Property Address: 21 COLBY ST.

Mailing Address: TRUSLOW LUCY G. REVOCABLE TRUST

21 COLBY ST.
KEENE, NH 03431

Parcel Number: 598-023-000
CAMA Number: 598-023-000-000-000
Property Address: 19 COLBY ST.

Mailing Address: MORRISON, JANET MARIE MORRISON
SHANNON LEE
19 COLBY ST.
KEENE, NH 03431



www.cai-tech.com

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210 foot Abutters List Report

Keene, NH
March 25, 2022

| | |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Parcel Number: 598-024-000 CAMA Number: 598-024-000-000-000 Property Address: 17 COLBY ST. | Mailing Address: CLARK NORMA D. REVOCABLE TRUST 17 COLBY ST. KEENE, NH 03431 |
| Parcel Number: 598-025-000 CAMA Number: 598-025-000-000-000 Property Address: 15 COLBY ST. | Mailing Address: MASSUCCO EDWARD A. MASSUCCO SUSAN 15 COLBY ST. KEENE, NH 03431 |
| Parcel Number: 598-027-000 CAMA Number: 598-027-000-000-000 Property Address: 26 BELMONT AVE. | Mailing Address: HAINES ALISHA R. 26 BELMONT AVE. KEENE, NH 03431 |
| Parcel Number: 598-028-000 CAMA Number: 598-028-000-000-000 Property Address: 30 BELMONT AVE. | Mailing Address: HANRAHAN RUTH A. 30 BELMONT AVE. KEENE, NH 03431 |
| Parcel Number: 598-029-000 CAMA Number: 598-029-000-000-000 Property Address: 32 BELMONT AVE. | Mailing Address: FARLEY JAMES M. 32 BELMONT AVE. KEENE, NH 03431-4334 |
| Parcel Number: 598-030-000 CAMA Number: 598-030-000-000-000 Property Address: 0 BELMONT AVE. | Mailing Address: HULSLANDER JOHN B. & JUDITH A. LIVING TRUST 28 LUCINDA TERR. KEENE, NH 03431 |
| Parcel Number: 598-031-000 CAMA Number: 598-031-000-000-000 Property Address: 40 BELMONT AVE. | Mailing Address: PHAM, NGA 40 BELMONT AVE. KEENE, NH 03431 |
| Parcel Number: 598-032-000 CAMA Number: 598-032-000-000-000 Property Address: 44 BELMONT AVE. | Mailing Address: SMITH, MEGAN LOUISE 44 BELMONT AVE. KEENE, NH 03431 |
| Parcel Number: 598-033-000 CAMA Number: 598-033-000-000-000 Property Address: 46 BELMONT AVE. | Mailing Address: DAVOLI TAMMY 46 BELMONT AVE. KEENE, NH 03431 |
| Parcel Number: 598-035-000 CAMA Number: 598-035-000-000-000 Property Address: 45 BELMONT AVE. | Mailing Address: 45 BELMONT AVE. LLC 27 BELMONT AVE. KEENE, NH 03431 |
| Parcel Number: 598-036-000 CAMA Number: 598-036-000-000-000 Property Address: 43 BELMONT AVE. | Mailing Address: HOPE WILLIAM R. RILEY BRENDA 43 BELMONT AVE. KEENE, NH 03431 |
| Parcel Number: 598-037-000 CAMA Number: 598-037-000-000-000 Property Address: 39 BELMONT AVE. | Mailing Address: HEARN JEANNE S. 39 BELMONT AVE. KEENE, NH 03431 |



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210 foot Abutters List Report

Keene, NH
March 25, 2022

Parcel Number: 598-038-000
CAMA Number: 598-038-000-000-000
Property Address: 37 BELMONT AVE.

Mailing Address: LUKSEVISH SALLY M.
37 BELMONT AVE.
KEENE, NH 03431

Parcel Number: 598-039-000
CAMA Number: 598-039-000-000-000
Property Address: 29 BELMONT AVE.

Mailing Address: LACHENAL DENNIS W. LACHENAL
SANDRA M.
29 BELMONT AVE.
KEENE, NH 03431

Parcel Number: 598-040-000
CAMA Number: 598-040-000-000-000
Property Address: 27 BELMONT AVE.

Mailing Address: HAMILTON MARY C. REV. TRUST
27 BELMONT AVE.
KEENE, NH 03431

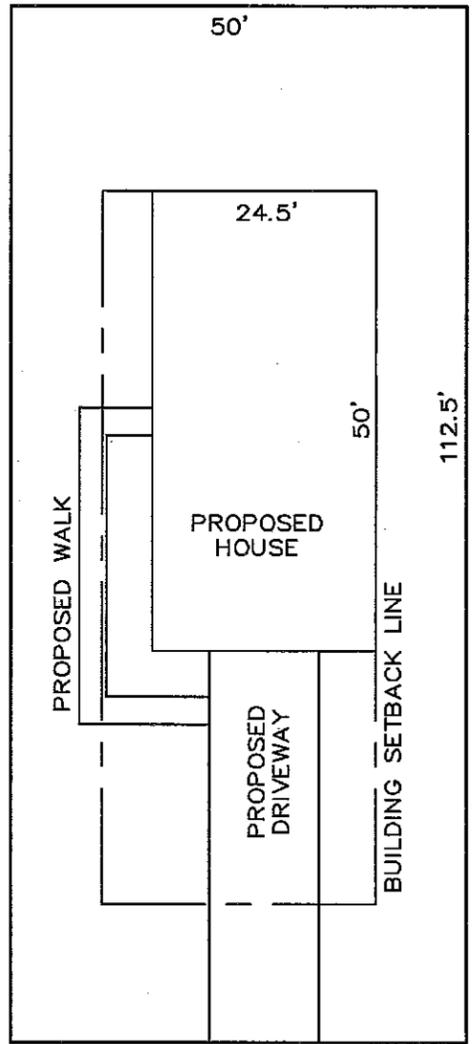
Parcel Number: 598-041-000
CAMA Number: 598-041-000-000-000
Property Address: 25 BELMONT AVE.

Mailing Address: JACQUES JEAN-NOEL JACQUES DIANE
L.
25 BELMONT AVE.
KEENE, NH 03431



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BELMONT AVENUE

LOT DATA

| | |
|-----------------------|----------------------|
| ZONING | LOW DENSITY DISTRICT |
| TAX MAP # | 598-030-000 |
| LOT SIZE | 5,625 SF± |
| BUILDING SETBACKS: | |
| FRONT | 15' |
| SIDE | 10' |
| REAR | 20' |
| EXISTING LOT COVERAGE | |
| BUILDING | 0 SF - 0% |
| PAVEMENT | 0 SF - 0% |
| TOTAL | 0 SF - 0% |
| PROPOSED LOT COVERAGE | |
| BUILDING | 1,225 SF - 21.8% |
| PAVEMENT/WALK | 662 SF - 11.8% |
| TOTAL | 1,887 SF - 33.5% |



March 24, 2022

Keene, NH

1 inch = 137 Feet

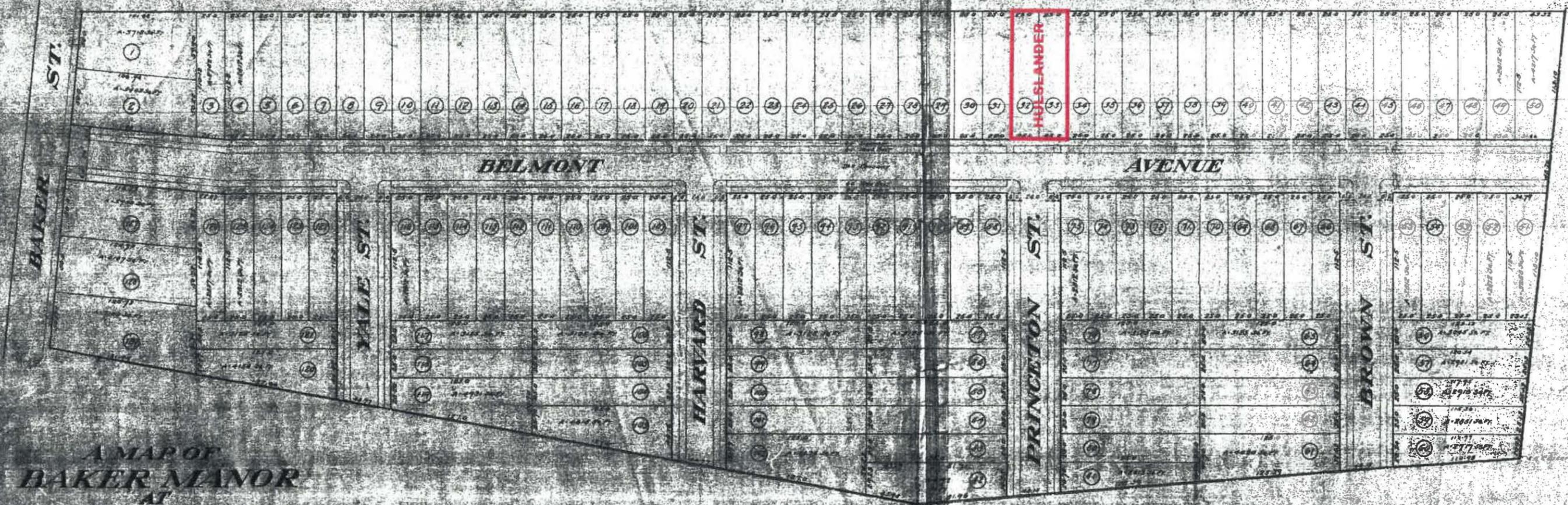


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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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**A MAP OF
BAKER MANOR**

AT
KEENE, NH

DEVELOPMENT OF
THE INDEPENDENT LAND CO.

Scale 1 in = 40 ft. JUNE 1924.

HARRY W. BELL, TRUSTEE. PLANNED BY, *Alameda Co.*

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441 MAIN ST.
ZBA 22-07



Petitioner requests a personal service establishment in an existing building in the Low Density District where such is use is not permitted per Article 3.3.5 of the Zoning Regulations.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 22-07

A meeting of the Zoning Board of Adjustment will be held on Monday, May 2, 2022, at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, White House Group, represented by James Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 441 Main St., Keene, Tax Map #112-020-000-000-000 that is in the Low Density District. The Petitioner requests a Variance to permit a personal service establishment in an existing building in the Low Density District where a personal service establishment is not a permitted use per, Chapter 100, Article 3.3.5 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://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date April 21, 2022



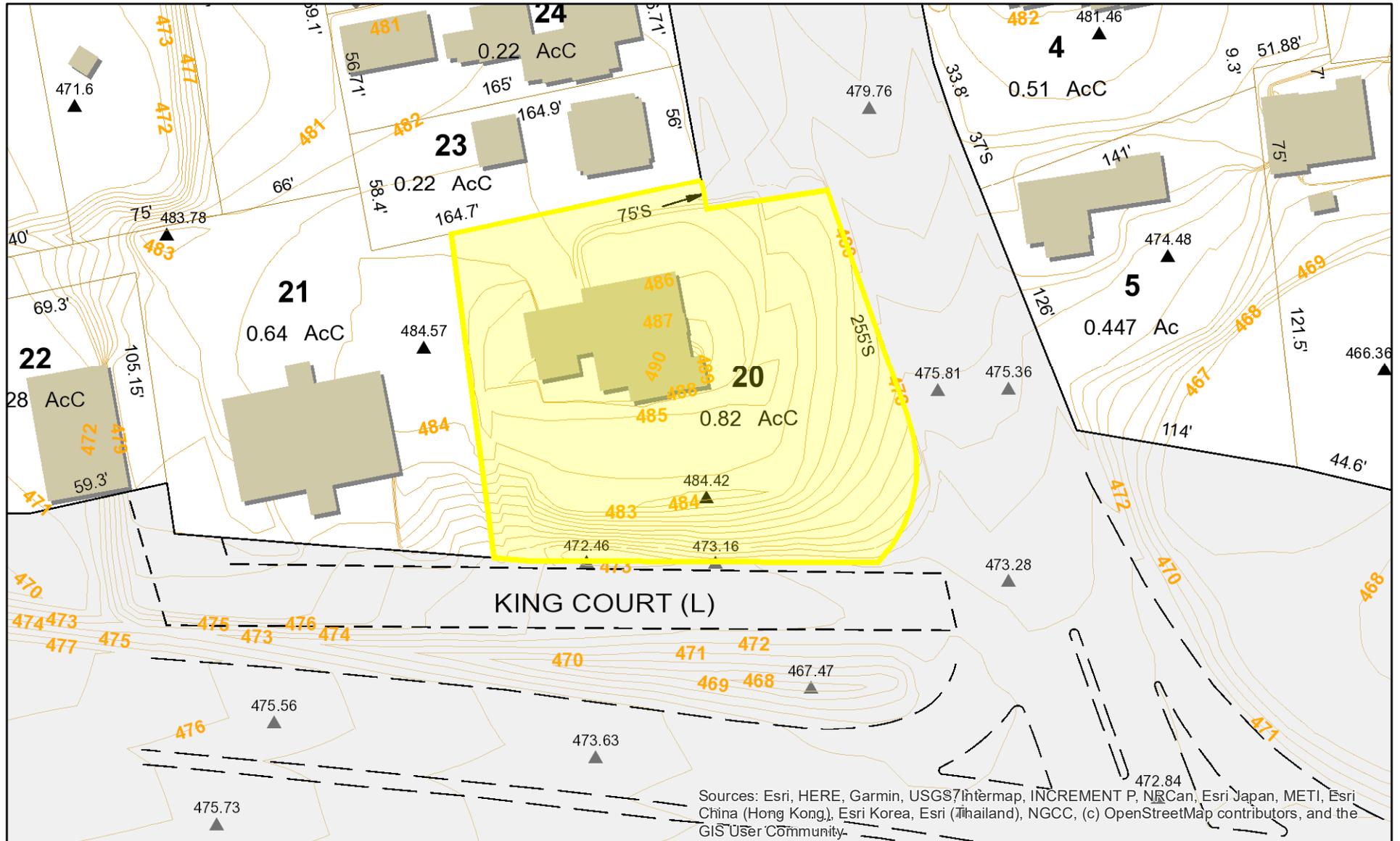
Keene, NH



April 20, 2022

1 inch = 68 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.

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City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:
Case No. 2BA22-07
Date Filled 4/15/22
Rec'd By CM
Page 1 of 10
Rev'd by _____

If you have questions on how to complete this form, please call: (603) 352-5440 or
email: communitydevelopment@keenenh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, 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. If applicant or authorized agent, a signed notification from the property owner is required.

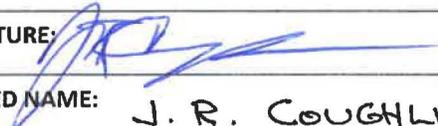
OWNER / APPLICANT

NAME/COMPANY: White House Group

MAILING ADDRESS: 441 Main Street Keene NH 03431

PHONE:

EMAIL:

SIGNATURE: 

PRINTED NAME: J. R. COUGHLIN

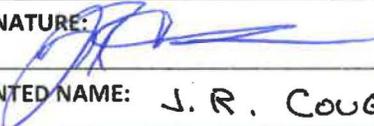
APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: SAME

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE: 

PRINTED NAME: J. R. COUGHLIN

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: James Phippard/ Brickstone Land Use Consultants

MAILING ADDRESS: 185 Winchester St Keen NH 03431

PHONE: 603 357-0116

EMAIL: brickstone@ne.rr.com

SIGNATURE: 

PRINTED NAME: James Phippard

SECTION 2: PROPERTY INFORMATION

Property Address: **441 Main street**

Tax Map Parcel Number: **112-020-000-000-000**

Zoning District: **Low Density**

Lot Dimensions: Front: **120'+/-** Rear: **153'+/-** Side: **200'+/-** Side: **175'+/-**

Lot Area: Acres: **0.82 Ac +/-** Square Feet: **35719.20 +/-**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **11** Proposed: **11**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **36** Proposed: **36**

Present Use: **Offices**

Proposed Use: **Offices**

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance. *See Attached*

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit:

Briefly describe your responses to each criteria, using additional sheets if necessary:

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:

[Empty response area for item ii]

B. Explain how, if the criterial 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.

[Empty response area for item B]

PROPERTY ADDRESS 441 Main Street

APPLICATION FOR A VARIANCE

- A variance is requested from Section (s) 3.3.5 of the Land Development Code of the Keene Zoning Ordinance to permit: A personal service establishment in an existing building in the Low Density District where a personal service establishment is not a permitted use.

Background: 441 Main Street is an existing 5000+ sf building constructed in 1880 as a large single family home. The building was converted to professional office space in 1984 when a variance was granted to allow professional office use in the Low Density district. The variance restricted the office uses to low intensity professional offices such as attorneys, doctors, architects, engineers, accountants, insurance agents, and the Coughlin Real Estate office. Specifically excluded from the permitted uses were higher intensity uses such as travel agents and beauty salons.

This request is to allow an esthetician (a personal service establishment) to occupy an office suite at 441 Main Street which is in the Low Density District. The esthetician would be a sole proprietor business with no employees. They will operate by appointment only with no walk-in service.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

- 1. Granting the Variance would not be contrary to the public interest because:**
Since the pandemic started, it has been impossible to maintain adequate occupancy in the existing office spaces in the building at 441 Main Street. It is in the public interest to allow a professional business to occupy a professional office suite in this existing building. The proposed use would be very low intensity as required by the variance granted in 1984. As a sole proprietor with no employees and service by appointment only, an esthetician will not create excess traffic, excess noise, or create a nuisance in the neighborhood. An empty office building would not serve the public interest. Granting the variance will allow a licensed professional to occupy space in this building, thereby helping to preserve the property value at this important gateway location.
- 2. If the variance were granted, the spirit of the ordinance would be observed because:** The spirit of the ordinance in this case is best defined by the conditions in the variance granted back in 1984. That variance allowed professional offices which are low intensity uses, thus protecting the character of the neighborhood and the interests of the adjacent properties. A sole proprietor who is a licensed professional and working by appointment only meets the intent of the variance for this site.

3. **Granting the variance would do substantial justice because:** When the pandemic started in 2020, this building became vacant except for the office of the property owner. The counsellors and therapists who previously occupied the building learned that they could provide their services from home and no longer needed an office space. Granting a variance to allow a licensed professional, a sole proprietor who works by appointment only, meets the spirit of the original variance as a low intensity use. It will have no significant impact on abutters or on the general public. Granting the variance will do substantial justice for the owner.

4. **If the variance were granted, the values of the surrounding properties would not be diminished because:** The proposed use would be by a licensed professional who is a sole proprietor and is open by appointment only. It will not generate excess traffic, excess noise, or cause a disturbance to neighbors. All activities will be conducted inside the building. Granting the variance will help the owner to maintain occupancy in his building and thereby help him to maintain his property value. This will help to maintain other property values in the neighborhood.

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:**

This is an existing building with over 5000 sf of living area plus an existing basement space which brings the total building size to over 7000 sf. This is extremely large for a single family home. In 1984 the ZBA recognized this as a special condition of the property and granted a variance to allow low intensity professional offices in the existing building. At that time professional offices were generally understood to be a licensed professional who would typically operate by appointment only with little or no walk-in business. Over the years, businesses have changed and the way they do business has changed. As a result, the City has adopted new definitions to better address and identify individual businesses.

In 2021 the revised Land Development Code in Keene was adopted and included new definitions such as a “personal service establishment”. Staff has determined that an esthetician falls under that definition. This definition includes hair salons, laundromats, nail salons, barber shops and tatoo parlors among others. But the definition does not distinguish between a small, one person business, operating by appointment only and a larger multi-person salon or spa.

When the previous variance was granted for this property, it restricted the uses to be low intensity office uses. The proposed use is a sole proprietor, licensed professional who operates by appointment only. This is a low intensity use. It is not fair or reasonable to consider this use the same as a multi-person salon or other business use.

Denial of the variance in this case would result in an unnecessary hardship to the owner.

And

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

The proposed use by a licensed esthetician as a sole proprietor and operating by appointment only is a very low intensity use and complies with the variance restrictions approved back in 1984. It will not result in excessive traffic, excessive noise, and will not disturb the surrounding properties. This is a reasonable use for this property.

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.

This property is operating under an existing variance which was granted in 1984. The variance restricted the permitted office uses to be low intensity uses which would not significantly affect the surrounding properties. This is a special condition for this property. Due to the pandemic and to changes in the business world the previous office uses in the building no longer need a physical office space to operate. The building has been mostly vacant for the past two years. A variance is necessary to allow a new business use, an esthetician, to operate at this location. A licensed esthetician operating as a sole proprietor and doing business by appointment only complies with the spirit of the variance restriction. This is a reasonable use for this property and a variance is necessary to allow this use.

NOTICE LIST

This template can be used to record the name, mailing address, street address, and tax map parcel (TMP) # for each party that is required to be noticed as part of an application.

| OWNER NAME | MAILING ADDRESS | STREET ADDRESS (If different from mailing address) | TAX MAP PARCEL (TMP) # |
|------------------------------------------|--------------------------------------------------------|-------------------------------------------------------|---------------------------|
| White House Group | 441 Main St Keene NH 03431 | | 112-020-000-000-000 |
| SuzanneC Burbank | 41 Boston PL Keene NH 03431 | | 112-002-000-000-000 |
| SS Bakers Realty Co LLC | 428 Main St Keene NH 03431 | | 112-004-000-000-000 |
| Beauregard Family Rev Trust | 127 Washington St Keene NH 03431 | 440 Main Street | 112-005-000-000-000 |
| Monroe Muffler Brake Inc | 6920 Pointe Iverness Way Suite 301 Fort Wayne IN 46804 | 492 Main St | 112-007-000-000-000 |
| L&G Realty Trust | 1187 Main St Tewksbury MA 01876 | 11 Sheridan Ave | 112-009-000-000-000 |
| Global Montello Group Corp | 15 Northeast Ind Rd Branford CT 06405 | 501 Main Street | 112-010-00-000-000 |
| Bakke Realty & Mgt CO | 6 Prospect Hill Rd Spofford NH 03462 | 11 King Court | 112-021-000-000-000 |
| A Team Holdings LLC | 145 Wright Rd Mendon VT 05701 | 15 King Court | 112-022-000-000-000 |
| Xanthopoulos Semela Living Trust | 297 Marlboro St Keene NH 03431 | 431 Main St | 112-023-000-000-000 |
| Stephen L & Lynda Rogers | 425 Main St Keene NH 03431 | | 112-024-000-000-000 |
| Janice R D'Alessio Living Trust | PO Box 1806 Keene NH 03431 | 419 Main St | 112-025-000-000-000 |
| Travis A Drapeau | 20 Appleton St Keene NH 03431 | | 112-026-000-000-000 |
| Edward H Letourneau Jr | 22 Appleton St Keene NH 03431 | | 112-027-000-000-000 |
| University Sys of NH Keene State College | 229 Main St Keene NH 03431 | 28 Appleton St | 112-028-000-000-000 |
| State of NH | PO Box 483 Concord NH 03301 | 0 Martell Ct | 112-045-000-000-000 |
| Timothy P Sampson& Karrie Kalich | | 420 Main St | 594-080-000-000-000 |
| David Hinderaker & Anna Hinderaker | 3804 Ruskin St Houston TX 77005 | 409 Main St | 594-081-000-000-000 |
| Brickstone Land Use Consultants | 185 Winchester St Keene NH 03431 | | |
| | | | |
| | | | |
| | | | |
| | | | |

CONDITIONS TO BE ATTACHED TO
441 MAIN STREET VARIANCE

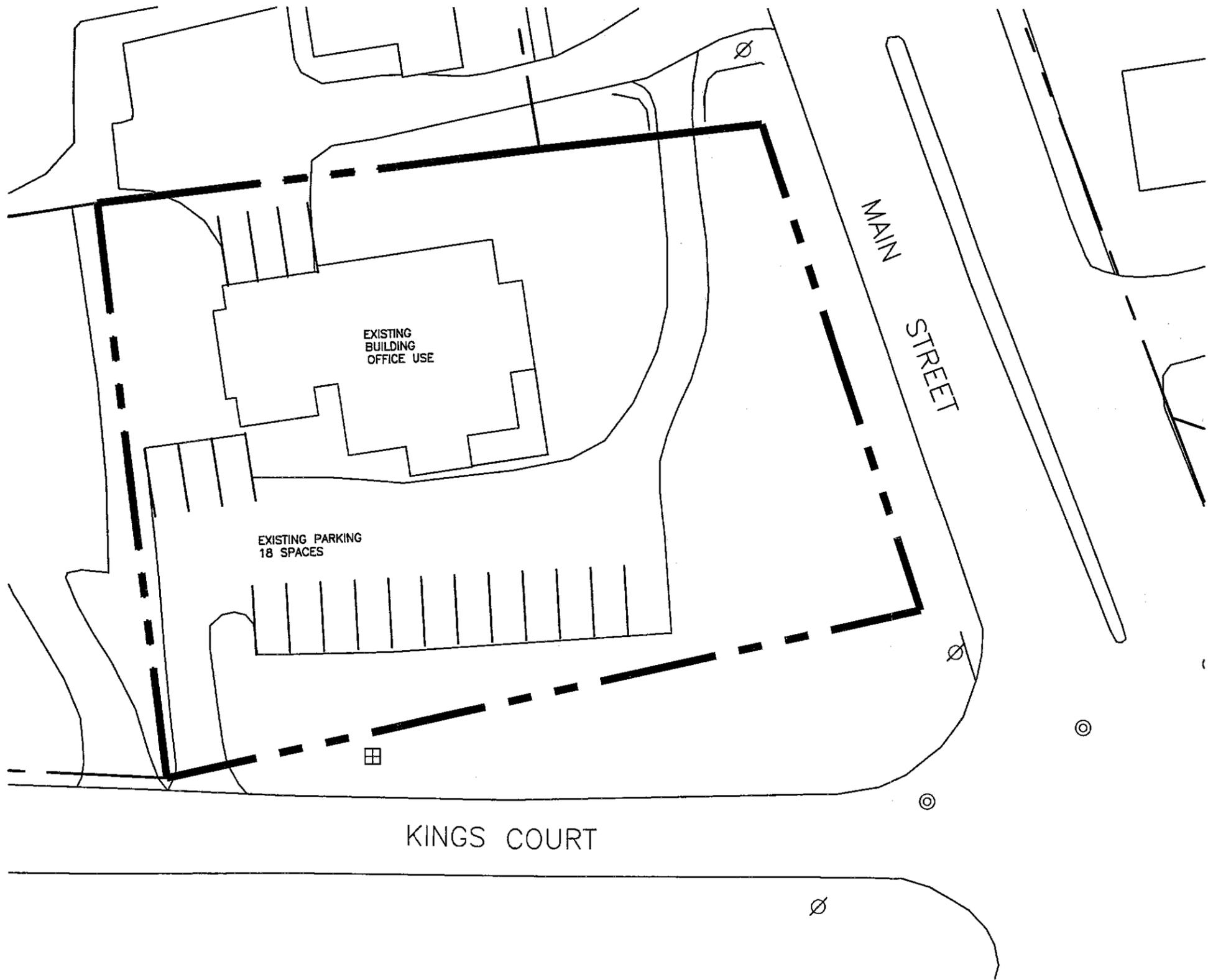
1. There will be no signs on Main Street other than address or directional signs.

2. There will be no change in the exterior residential character of the building.

3. There will be no parking on the north side of the building.

4. There will be no use of the driveway between 431 Main Street and 441 Main Street except for oil deliveries.

5. There shall be professional offices only, however, professional shall be broadly interpreted to include low traffic intensity uses such as insurance. provided the occupants are low intensity uses including but not limited to attorneys, architects, engineers, doctors, insurance agents dentists, accountants, and the real estate office of the owner but excluding such traffic generating uses such as travel agents beauty salons etc.



LOT DATA

| | |
|--------------|----------------------|
| ZONING | LOW DENSITY |
| TAX MAP # | 112-020-000 |
| LOT SIZE | 35,719 SF - 0.82 AC± |
| LOT COVERAGE | |
| BUILDING | 3,600 SF - 10% |
| PAVING | 7,700 SF - 22% |
| TOTAL | 11,300 SF - 32% |

PARKING
OFFICE (4,000 SF LEASEABLE AREA @ 4 SPACES/1,000 SF = 16 SPACES)

| | |
|-------------------|-----------|
| PARKING REQUIRED: | 16 SPACES |
| PARKING PROVIDED: | 18 SPACES |

GENERAL NOTES

1. THIS PLAN IS A COMPOSITE PLAN OF THIS PROPERTY BASED ON AERIAL PHOTOGRAPHY AND GROUND SURVEY OF SITE FEATURES. THIS PLAN IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY OF THIS PROPERTY.
2. THIS PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN FOR THE CITY OF KEENE.

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210-222 WEST ST.
ZBA 22-08



Petitioner requests a multifamily dwelling with five residential units where residential units are not a permitted use in the Commerce District per Table 8-1 of the Zoning Regulations.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 22-08

A meeting of the Zoning Board of Adjustment will be held on Monday, May 2, 2022, at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, Brady Sullivan Keene Properties, LLC of 670 North Commercial St., Manchester, NH, represented by Amy Sanders of Fuss and O'Neill of 50 Commercial Street, Manchester, NH, requests a Variance for property located at 210-222 West St, Keene, Tax Map #576-009-000-000-000 that is in the Commerce District. The Petitioner requests a Variance to permit a multifamily dwelling with five residential units where residential uses are not a permitted use in the Commerce District per Chapter 100, Table 8-1 Permitted Principal Uses by Zoning District 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://keenenh.gov/zoning-board-adjustment>


Corinne Marcou, Zoning Clerk
Notice issuance date April 21, 2022



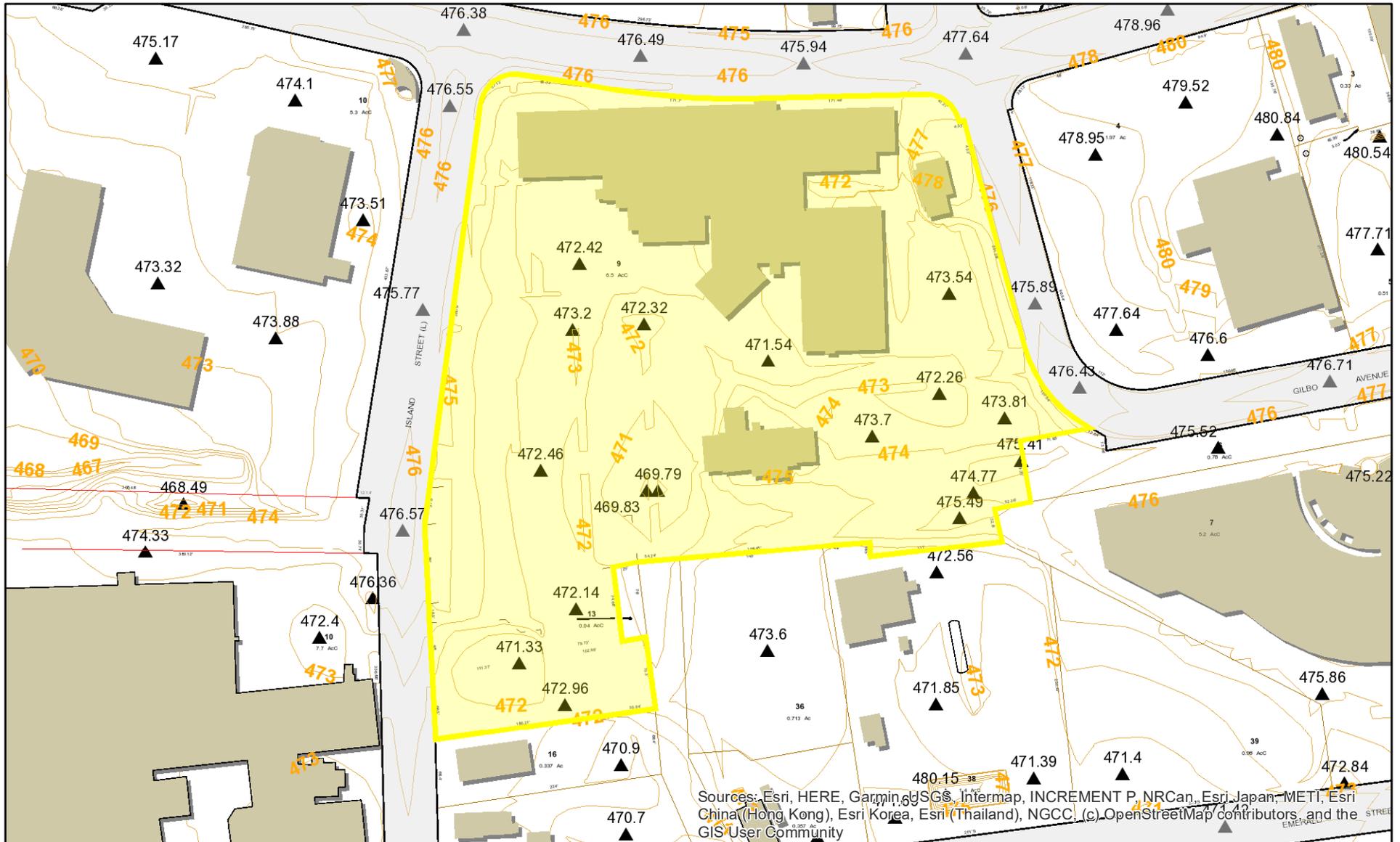
Keene, NH



April 20, 2022

1 inch = 137 Feet

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

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City of Keene

New Hampshire

NOTICE OF DECISION Decmeber 5, 2016

ZONING BOARD OF ADJUSTMENT

CASE NUMBER: ZBA 16-47
Property Address: 210 West Street
Zone: Commerce District
Owner: Brady Sullivan Keene Properties, LLC
Petitioner: Christopher Lewis, NCARB

You are hereby notified that the request for a Variance for property located at 210 West Street, Keene, which is in the Commerce District and based upon the record and which is incorporated by reference has been approved 4-1. This is to permit an addition to the existing uses, to allow multi-family residential apartment/condominiums up to 90 units in the existing historic mill buildings per Section 102-542 of the Zoning Ordinance.

Conditions:

Corinne Marcou, Clerk

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

Zoning Board of Adjustment Variance Application



| | |
|-----------------------------|-----------|
| For Office Use Only: | |
| Case No. | 2BA 22-08 |
| Date Filled | 4/15/22 |
| Rec'd By | CM |
| Page | 1 of 10 |
| Rev'd by | |

If you have questions on how to complete this form, please call: (603) 352-5440 or
email: communitydevelopment@keenenh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, 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. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Brady Sullivan Keene Properties, LLC

MAILING ADDRESS: 670 North Commercial Street, Manchester, NH 03103

PHONE: (603) 231-1240

EMAIL: bkelley@bradysullivan.com

SIGNATURE:

PRINTED NAME: Benjamin Kelley

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: Amy Sanders, Fuss and O'Neill

MAILING ADDRESS: 50 Commercial Street, Manchester, NH 03101

PHONE: 603-668-8223 x 2141

EMAIL: asanders@fando.com

SIGNATURE:

PRINTED NAME: Amy Sanders

SECTION 2: PROPERTY INFORMATION

Property Address: **210-222 West Street**

Tax Map Parcel Number: **576-009**

Zoning District: **Commerce**

Lot Dimensions: Front: **see plan** Rear: **see plan** Side: **see plan** Side: **see plan**

Lot Area: Acres: **6.5** Square Feet: **281,798**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **58,885** Proposed: **58,885**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **75** Proposed: **75**

Present Use: **Casino**

Proposed Use: **5 Residential Apartments Units**

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

The property is located at 210-222 West Street, between Island Street and Gilbo Avenue and is owned by Brady Sullivan Keene Properties, LLC . The property contains the Colony Mill Marketplace which includes 89 residential apartment units and a restaurant. There are three additional buildings, which include a multi-tenant building, which is under construction, a bank and a casino. The proposed variance seeks to change the use of the casino building and permit a multi-family dwelling with five residential apartment units.

The intent is to convert the existing building to residential units with no major exterior building changes or additions. Since the site already includes 89 residential apartment units, the addition of five more units within the existing casino structure, will have no impact on the functionality, feel or aesthetics of the site. Additionally, there is adequate parking existing on site to accommodate the additional residential units.

Permitting the residential units is justified as there is a continuous need for housing and this variance will assist in filling that need.

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) Table 8-1 of the Zoning Regulations to permit:

A multifamily dwelling with 5 residential units.

Briefly describe your responses to each criteria, using additional sheets if necessary:

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

Housing is a fundamental challenge and is in high demand. By permitting the existing building to be converted to residential units it helps to achieve one of the master plan goals by providing additional housing within a conveniently located area. Additionally, the existing Colony Mill Marketplace building, that exists on the property, includes 89 apartment units, so the residential use is compatible with the uses that exist on site today.

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

Converting the existing building into residential units will create additional housing opportunities in a convenient location that is adjacent to a recreational trail and walking distance to various business and downtown. These all meet the spirit and intent of the ordinance and goals of the master plan.

3. Granting the variance would do substantial justice because:

The variance will allow for additional residential housing units, which is a greatly needed in the City of Keene. The residential housing units will be developed consistent with the City's Master Plan as they will be developed within an existing structure, are conveniently located and promotes a walkable community.

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

Converting the existing building into residential housing units will not alter the overall appearance of the exterior of the building. It also will not require construction of additional paved parking, as there is more than adequate parking available on the property. The character and overall feel of the property will not change if the variance is granted, therefore it will have no impact to surrounding properties.

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 surrounding area can support and benefit from an increase in residential housing units. The surrounding area includes various businesses, recreation, and cultural opportunities for residents to work, play, shop and dine.

and

ii. The proposed use is a reasonable one because:

There is a shortage of housing in Keene and this proposed use will provide for additional housing units surrounded by existing various amenities that make this a desirable location for living.

B. Explain how, if the criterial 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.



200 foot Abutters List Report

Keene, NH
April 08, 2022

Subject Property:

Parcel Number: 576-009-000
CAMA Number: 576-009-000-000-000
Property Address: 210-222 WEST ST.

Mailing Address: BRADY SULLIVAN KEENE PROPERTIES
LLC
670 NORTH COMMERCIAL ST.
MANCHESTER, NH 03103

Abutters:

Parcel Number: 576-004-000
CAMA Number: 576-004-000-000-000
Property Address: 194 WEST ST.

Mailing Address: BANK OF NEW HAMPSHIRE
10-380 WELLINGTON ST,
LONDON ONTARIO CANADA, N6A 5B5

Parcel Number: 576-006-000
CAMA Number: 576-006-000-000-000
Property Address: 0OFF GILBO AVE.

Mailing Address: 149 EMERALD STREET OWNER LLC
C/O LEXINGTON REALTY
INTERNATIONAL LLC 911 EAST COUNTY
LINE RD. SUITE 206
LAKEWOOD, NJ 08701

Parcel Number: 576-007-000
CAMA Number: 576-007-000-000-000
Property Address: 149 EMERALD ST.

Mailing Address: 149 EMERALD STREET OWNER LLC
455 TARRYTOWN RD. SUITE 1526
WHITE PLAINS, NY 10607

Parcel Number: 576-010-000
CAMA Number: 576-010-000-000-000
Property Address: 268 WEST ST.

Mailing Address: KIRITSY LLC
73 TUCKER RIDGE CT.
HILTON HEAD ISLAND, SC 29926-2770

Parcel Number: 576-011-000
CAMA Number: 576-011-000-000-000
Property Address: 273 WEST ST.

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

Parcel Number: 576-012-000
CAMA Number: 576-012-000-000-000
Property Address: 255 WEST ST.

Mailing Address: MASCOMA BANK
255 WEST ST.
KEENE, NH 03431

Parcel Number: 576-013-000
CAMA Number: 576-013-000-000-000
Property Address: 219 WEST ST.

Mailing Address: SUMMIT DISTRIBUTING LLC
240 MECHANIC ST.
LEBANON, NH 03766

Parcel Number: 576-017-000
CAMA Number: 576-017-000-000-000
Property Address: 9 ASHUELOT ST.

Mailing Address: SKIPITARIS GEORGE
9 ASHUELOT ST.
KEENE, NH 03431

Parcel Number: 576-018-000
CAMA Number: 576-018-000-000-000
Property Address: 189 WEST ST.

Mailing Address: S.S. BAKER'S REALTY CO LLC
428 MAIN ST.
KEENE, NH 03431

Parcel Number: 577-034-000
CAMA Number: 577-034-000-000-000
Property Address: 0 ISLAND ST.

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



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200 foot Abutters List Report

Keene, NH
April 08, 2022

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03I
Property Address: 69 ISLAND ST. #22
Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03J
Property Address: 69 ISLAND ST.
Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03K
Property Address: 69 ISLAND ST.
Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-04B
Property Address: 69 ISLAND ST. #8
Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-05A
Property Address: 69 ISLAND ST. #10
Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-05B
Property Address: 69 ISLAND ST. #11
Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-06A
Property Address: 69 ISLAND ST. #12
Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-06B
Property Address: 69 ISLAND ST. #13
Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-06C
Property Address: 69 ISLAND ST. #14
Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-07A
Property Address: 69 ISLAND ST. #15
Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-013-000
CAMA Number: 583-013-000-000-000
Property Address: 0 ISLAND ST.
Mailing Address: PSNH
PO BOX 270
HARTFORD, CT 06141-0270

Parcel Number: 583-016-000
CAMA Number: 583-016-000-000-000
Property Address: 70 ISLAND ST.
Mailing Address: 70 ISLAND STREET LLC
100 DARLING RD.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
April 08, 2022

Parcel Number: 583-010-000
CAMA Number: 583-010-000-000-000
Property Address: 0 ISLAND ST.

Mailing Address: ISLAND MILL REALTY GROUP
PO BOX 1060
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-008
Property Address: 69 ISLAND ST. #18

Mailing Address: DEWITT CLINTON REAL ESTATE LLC
50 ACREBROOK RD.
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-01A
Property Address: 69 ISLAND ST. #1

Mailing Address: KEENE RELATED LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-02A
Property Address: 69 ISLAND ST. #3

Mailing Address: DENTAL HEALTH WORKS OF CHESHIRE
COUNTY INC
69V ISLAND ST. 2B
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03A
Property Address: 69 ISLAND ST. #23

Mailing Address: NOBLE DENTAL PROPERTIES LLC
327 COURT ST.
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03B
Property Address: 69 ISLAND ST. #24

Mailing Address: NOBLE DENTAL PROPERTIES LLC
327 COURT ST.
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03C
Property Address: 69 ISLAND ST. #5

Mailing Address: JRG REALTY PARTNERSHIP
69 ISLAND ST.
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03D
Property Address: 69 ISLAND ST. #25

Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03E
Property Address: 69 ISLAND ST. #26

Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03F
Property Address: 69 ISLAND ST. #19

Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03G
Property Address: 69 ISLAND ST. #20

Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03H
Property Address: 69 ISLAND ST. #21

Mailing Address: KEENE ISLAND HOLDINGS LLC
170 HOYT ST.
BROOKLYN, NY 11217



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200 foot Abutters List Report

Keene, NH
April 08, 2022

Parcel Number: 583-017-000
CAMA Number: 583-017-000-000-000
Property Address: 76 ISLAND ST.

Mailing Address: SAVAGE, MATTHEW H. PROCTOR
JASMINE M.
27 TRAILVIEW DR.
GILFORD, NH 03249

Parcel Number: 583-018-000
CAMA Number: 583-018-000-000-000
Property Address: 0 ISLAND ST.

Mailing Address: PSNH
PO BOX 270
HARTFORD, CT 06141-0270

Parcel Number: 583-036-000
CAMA Number: 583-036-000-000-000
Property Address: 227 EMERALD ST.

Mailing Address: PSNH
PO BOX 270
HARTFORD, CT 06141-0270

Parcel Number: 583-037-000
CAMA Number: 583-037-000-000-000
Property Address: 227 EMERALD ST.

Mailing Address: PSNH
PO BOX 270
HARTFORD, CT 06141-0270

Parcel Number: 583-037-000
CAMA Number: 583-037-000-001-000
Property Address: 0 EMERALD ST.

Mailing Address: PSNH
PO BOX 270
HARTFORD, CT 06141-0270

Parcel Number: 583-038-000
CAMA Number: 583-038-000-000-000
Property Address: 207 EMERALD ST.

Mailing Address: KEENE PROPANE CORPORATION
262 CENTRAL PARK WEST APT. 8B
NEW YORK, NY 10024

Parcel Number: 583-038-000
CAMA Number: 583-038-000-UTL-000
Property Address: 207 EMERALD ST.

Mailing Address: LIBERTY UTILITIES (ENERGYNORTH
NATURAL GAS) CORP ATTN ACCOUNTS
PAYABLE
15 BUTTRICK RD
LONDONDERRY, NH 03053

Parcel Number: 583-039-000
CAMA Number: 583-039-000-000-000
Property Address: 0 EMERALD ST.

Mailing Address: 149 EMERALD STREET OWNER LLC
C/O LEXINGTON REALTY
INTERNATIONAL LLC 911 EAST COUNTY
LINE RD. SUITE 206
LAKEWOOD, NJ 08701

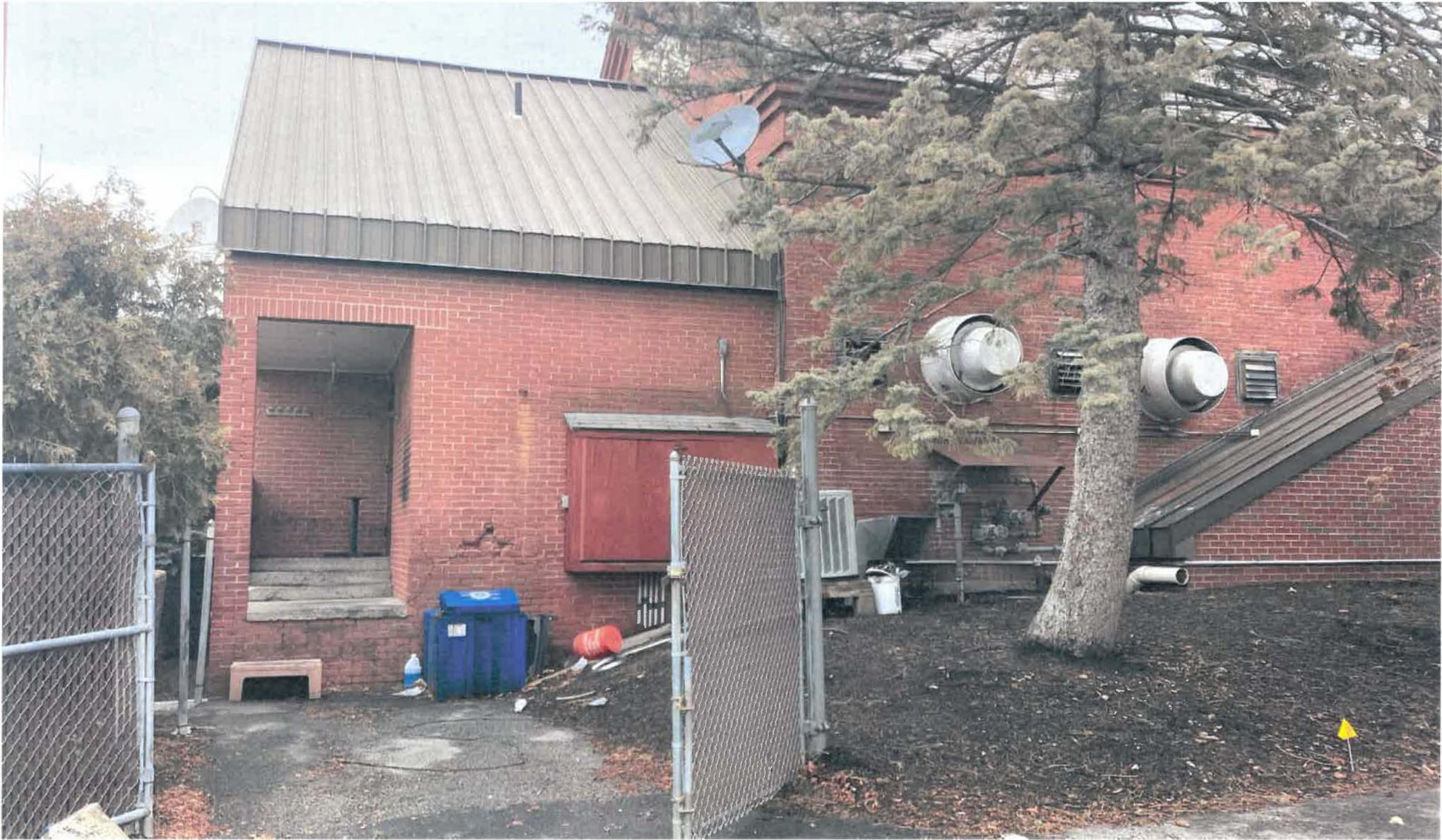


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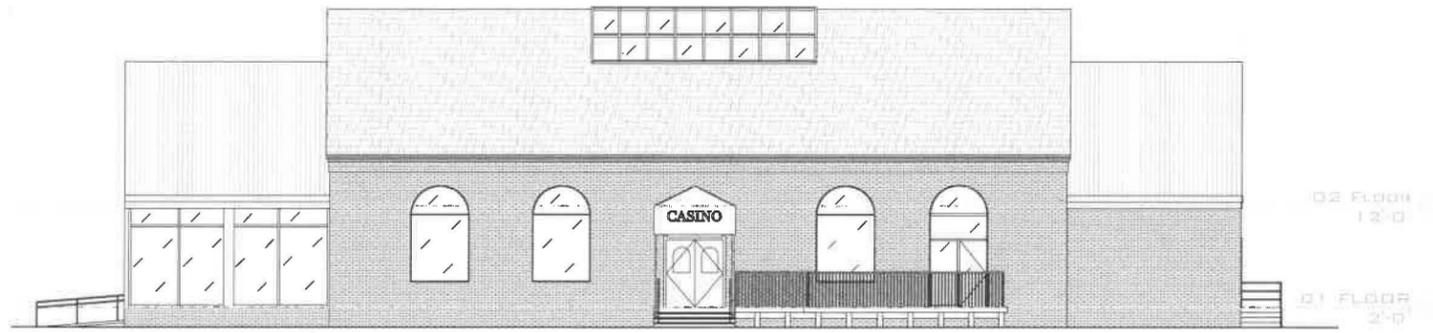




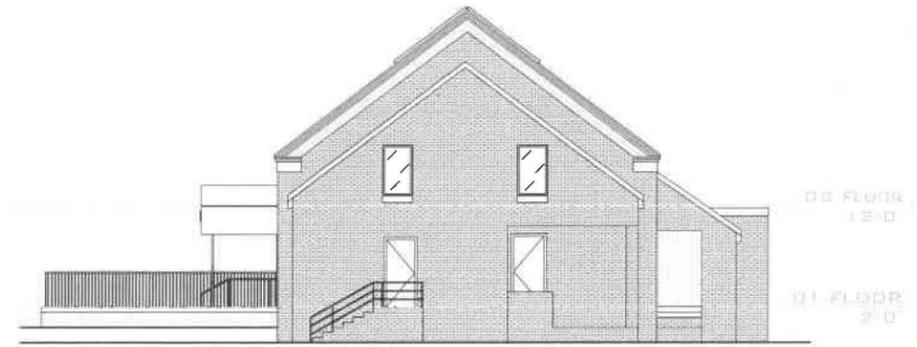




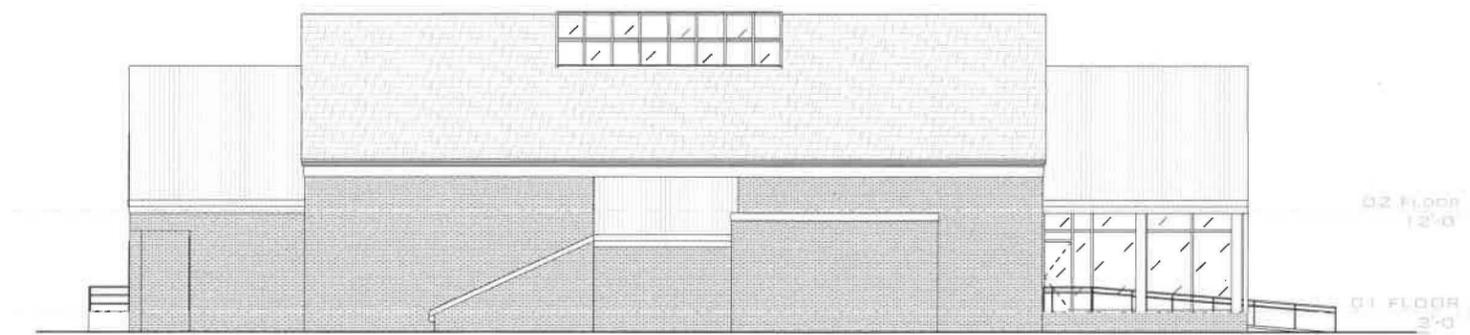




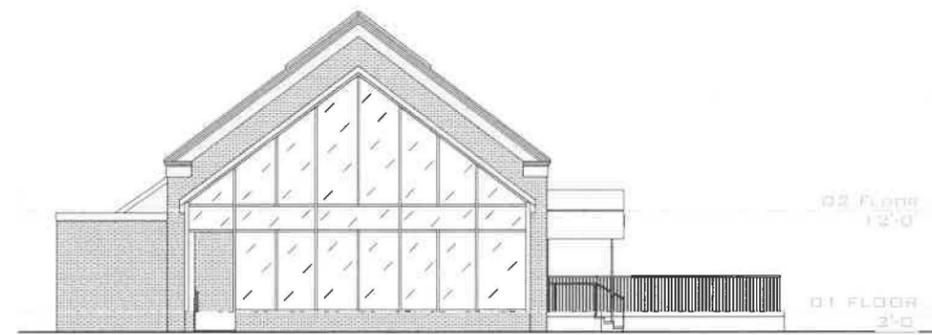
① NORTH ELEVATION
EXISTING
1/8" = 1'-0"



② WEST ELEVATION
EXISTING
1/8" = 1'-0"



③ SOUTH ELEVATION
EXISTING
1/8" = 1'-0"



④ EAST ELEVATION
EXISTING
1/8" = 1'-0"

COLONY MILL
222 WEST STREET, KEENE
NH

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
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ELEVATIONS

| | |
|---------------------|-----------------|
| PROJECT ISSUE DATE: | ISSUE DATE: |
| DATE: | 04/12/22 |
| PROJECT NO: | PROJECT NUMBER: |
| APPROVED BY: | APPROVER: |
| DRAWN BY: | AUTHOR: |
| CHECKED BY: | CHECKER: |

A1-2

SCALE 1/8" = 1'-0"

4/12/2022 4:05:45 PM

136 HASTINGS AVE. ZBA 22-09



Petitioner requests a rear and side setbacks to 6 ft where 20 ft is required for the rear and 10 ft is required for the side per Article 3.3.2 of the Zoning Regulations. to install an above ground pool.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 22-09

A meeting of the Zoning Board of Adjustment will be held on Monday, May 2, 2022, at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioners, Scoff and Kerry Bachynski of 136 Hastings Ave., Keene, requests a Variance for property located at 136 Hastings Ave., Tax Map #523-039-000-000-000 that is in the Low Density District. The Petitioners request a Variance to permit both the rear and side setbacks to six feet where 20 feet is required for the rear and 10 feet is required for the side setbacks in order to install an 18 foot above ground swimming pool, per Chapter 100, Article 3.3.2 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://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk

Notice issuance date April 21, 2022



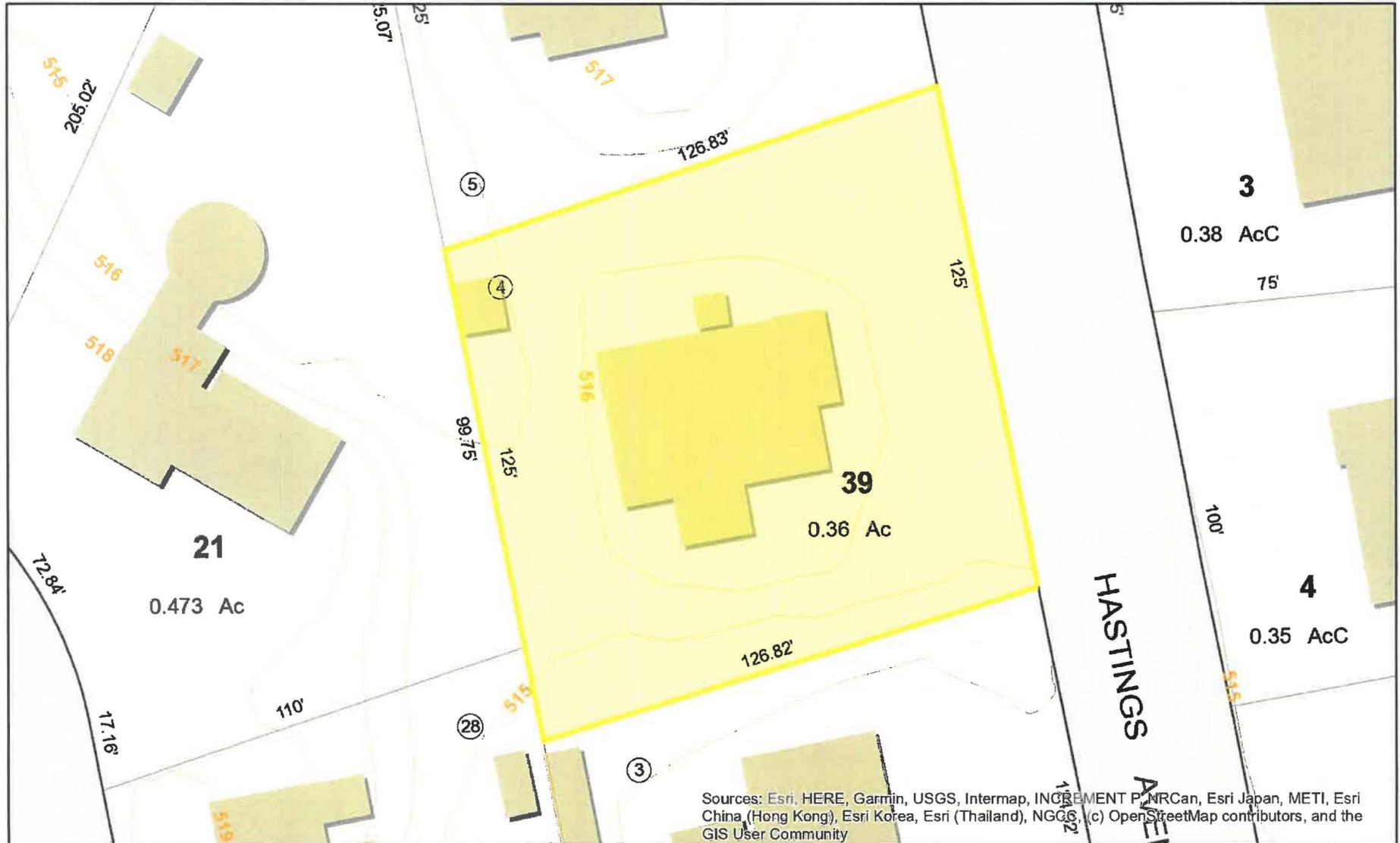
Keene, NH



April 20, 2022

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), NGCS, (c) OpenStreetMap contributors, and the GIS User Community

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Zoning Board of Adjustment Variance Application



| | |
|-----------------------------|-----------------------|
| For Office Use Only: | |
| Case No. | <u>2BA22-09</u> |
| Date Filled | <u>4/5/22</u> |
| Rec'd By | <u>CM</u> |
| Page | <u>1</u> of <u>17</u> |
| Rev'd by | _____ |

If you have questions on how to complete this form, please call: (603) 352-5440 or
email: communitydevelopment@keenenh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, 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. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Scott & Kerry Bachynski

MAILING ADDRESS: 136 Hastings Ave
Keene, NH 03431

PHONE: 603-209-5600

EMAIL: kerry926@hotmail.com

SIGNATURE:

PRINTED NAME: Kerry Bachynski

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

SECTION 2: PROPERTY INFORMATION

Property Address: 136 Hastings Ave

Tax Map Parcel Number: 523-039-000

Zoning District: Zoning Districts

Lot Dimensions: Front: 125' Rear: 125' Side: 126.83' Side: 126.82'

Lot Area: Acres: .36 Square Feet: 15719sf

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 2364sf/15% Proposed: 2619sf/17%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: Proposed: n/a

Present Use: single family dwelling

Proposed Use: single family dwelling

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

136 Hastings Ave is a 1512sf single family dwelling on a .36 acre lot. Scott and Kerry Bachynski purchased the property in 2017.

Several exterior improvements have recently been made to the property including the addition of 6' vinyl privacy fencing, a new metal shingle style roof, tree removal, general landscaping.

The owners plan to install an 18' above ground swimming pool within the fenced portion of the yard.

The current minimum setback for this zone is 20' rear and 10' side.

The house is set back within the lot, with a rear yard space of just 33' from the exterior wall to the property line.

Water and sewer lines on the right side of the lot prevent installation of a pool in that area.

The only space that a swimming pool could feasibly be installed is the rear left corner of the lot. The yard slopes away from the house more substantially in this area.

The owners are proposing a variance to both the rear and side setback to 6' specifically for the swimming pool.

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit:

3.3.2

Minimum rear setback 20'

Minimum side setback 10'

Requesting variance for both to 6' to allow 18' above ground swimming pool to be installed further away from the house.

Briefly describe your responses to each criteria, using additional sheets if necessary:

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

The variance requested would not alter the property value of the abutters.

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

As the yard surrounding the proposed pool location is fully sectioned off by 6' privacy fencing, it will have no visual or other impact that the setbacks are designed to preserve.

3. Granting the variance would do substantial justice because:

**Granting the variance will cause no harm to the general public or abutters.
The pool installation and use will comply with all requirements imposed by proper building permit and city ordinances.**

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. This lot is in a desirable residential area that attracts mainly families.

This property has had multiple recent exterior improvements including repainting, 6' vinyl privacy fencing, a new metal shingle roof, tree removal and landscaping.

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:

This lot is unique in several aspects.

First, the house is set back within the lot, with a rear yard space of just 33' from the exterior wall to the property line.

Water and sewer lines on the right side of the lot prevent installation of a pool in that area.

The only space that a swimming pool could feasibly be installed is the rear left corner of the lot. The yard slopes away from the house more substantially in this area. Given the current setback, the owners would need to pay considerably more to level the space closer to the house. In addition, the visual and practical appeal would increase if the pool could be installed with the proposed variances. If installed closer to the house and therefore higher on the slope, the pool would actually be more visible to the abutters.

and

ii. The proposed use is a reasonable one because:

The proposed use is a reasonable one because it will allow the owners to continue to improve the property, thereby increasing the value of the property.

B. Explain how, if the criterial 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.

Zoning Board of Adjustment Certified Notice List



| | |
|-----------------------------|----------------|
| For Office Use Only: | |
| Case No. | _____ |
| Date Filled | _____ |
| Rec'd By | _____ |
| Page | _____ of _____ |
| Rev'd by | _____ |

If you have questions on how to complete an application, please call: (603) 352-5440 or email: communitydevelopment@keenenh.gov

25.2.4 PUBLIC NOTICE

The submittal requirements for Public Notices are outlined further in **Article 25.2** of the [Land Development Code](#)

Article 25.2.4.A.1: When a mailed notice is required, the applicant shall submit 2 sets of mailing labels for each abutter or person entitled to such notice in accordance with state law or the City code of Ordinances, and a mailing fee equal to the cost of the current United States Postal Service Certified Mail rate, at the time of application submission, unless otherwise specified in the Land Development Code.

Article 25.2.4.A.2: The appropriate review authority, or their designee, shall be responsible for issuing the mailed notice.

Article 25.2.4.A.3: The mailed notice shall include, at a minimum, the date, time, place and purpose of such public hearing; the names of the applicant and property owner; and the address of the subject property. **Such information shall be current to within 10 days of application submittal.**

Article 25.2.4.A.4: The mailed notice shall be sent to the address used for mailing local property tax bills, which may be obtained from the City of Keene Assessing Department.

Article 25.2.4.A.5: The required timeframe for issuing mailed notice is specified in Table 25-2. This timeframe shall not include the day such notice is postmarked or the day of the public hearing or public meeting at which the application is first considered.

NOTICE LIST & MAILING LABELS

A notice list and two sets of mailing labels identifying any parties that require notice as part of the application process, will be submitted. **Such information shall be current to within 10 days of application submittal.** Per [NH RSA 676:7\(I\)\(a\)](#), and **Article 25** of the [Land Development Code](#), the following parties must be noticed by verified mail no less than five days prior to the scheduled meeting:

- Property owner
- Applicant and, if appropriate, authorized agent
- All owners of property located within 200 feet of the subject parcel as well all owners of property that directly abuts and/ or is directly across the street or stream from the subject parcel
- Holders of conservation, preservation, or agricultural preservation restrictions

The Notice List shall include the following:

- Property owner's name
- Property owner's mailing address
- Street address, if different from mailing address
- Property tax map parcel (TMP) number

The mailing labels shall include the following:

- Property owner's name
- Property owner's mailing address
- Property tax map parcel (TMP) number

The City of Keene's [GIS Database](#) (axisgis.com/keenenh/) can be used to generate a Notice List and mailing labels. Instructions for creating these can be found following this link [Notice List Instructions](#) or on the [Zoning Board of Adjustment](#) page on the City website, under *ZBA Applications*.

CERTIFY ACCURACY

By signing below, you are certifying that the submitted notice list is accurate and true to the best of your ability and that per **Article 25.2.4.A.3**, the notice list is current to within 10 days of the application submittal.

Kerry Bachynski

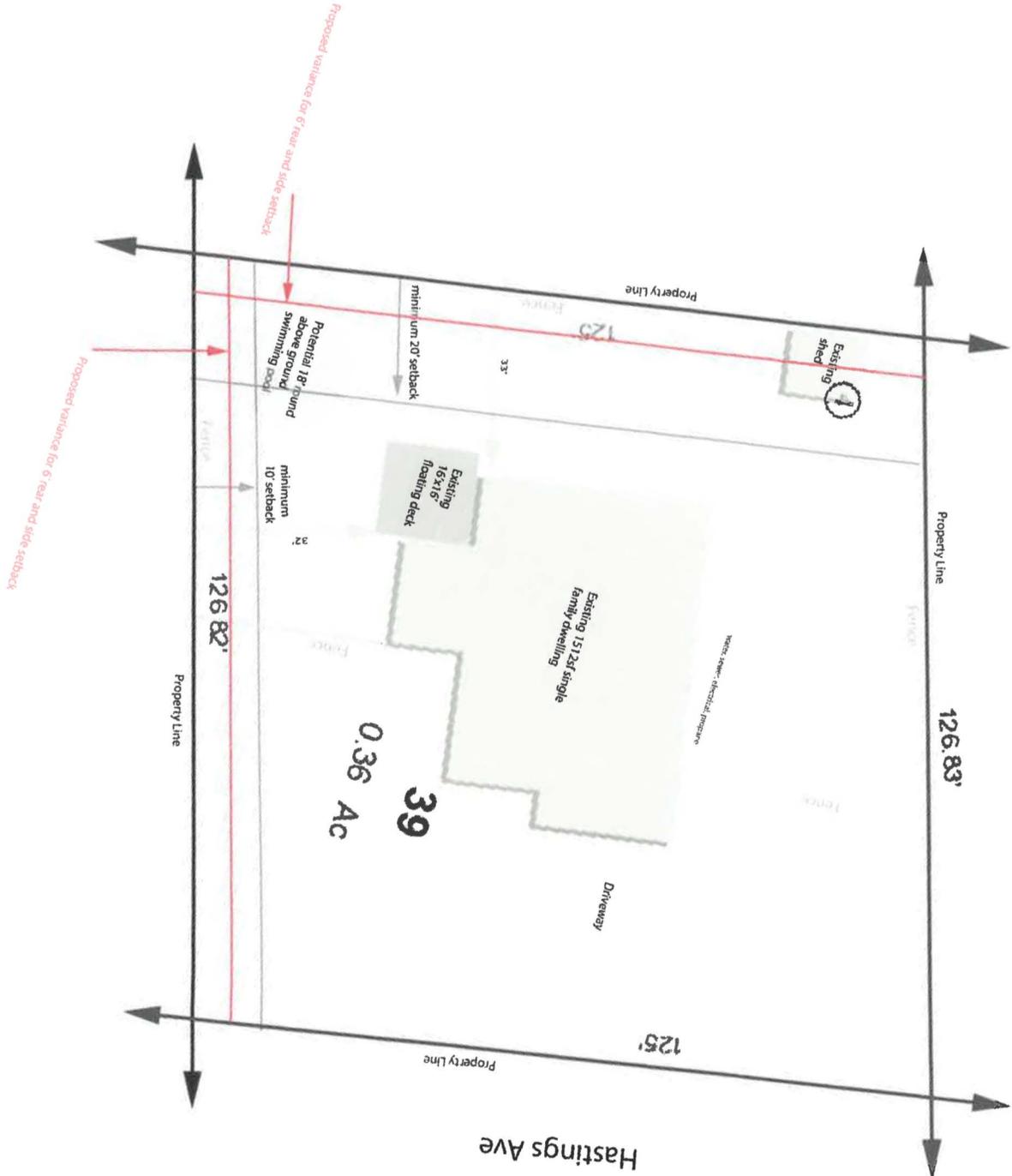
April 14th, 2022

Print Name

Date

Signature

136 Hastings Avenue
Parcel Number: 523-039-000











200 foot Abutters List Report

Keene, NH
April 14, 2022

Subject Property:

Parcel Number: 523-039-000
CAMA Number: 523-039-000-000-000
Property Address: 136 HASTINGS AVE.

Mailing Address: BACHYNSKI, SCOTT D. BACHYNSKI
KERRY A.
136 HASTINGS AVE.
KEENE, NH 03431

Abutters:

Parcel Number: 523-001-000
CAMA Number: 523-001-000-000-000
Property Address: 130 SUMMIT RD.

Mailing Address: CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS
50 E. NORTH TEMPLE ST. RM. 2225 TAX
DIVISION. 22ND FL.
SALT LAKE CITY, UT 84150-0022

Parcel Number: 523-002-000
CAMA Number: 523-002-000-000-000
Property Address: 0 HASTINGS AVE.

Mailing Address: PSNH
PO BOX 270
HARTFORD, CT 06141-0270

Parcel Number: 523-003-000
CAMA Number: 523-003-000-000-000
Property Address: 139 HASTINGS AVE.

Mailing Address: VINCENT GEORGE L. & MARY C. REV.
TRUST
139 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 523-004-000
CAMA Number: 523-004-000-000-000
Property Address: 137 HASTINGS AVE.

Mailing Address: LAPLANTE CLIFFORD A.
137 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 523-005-000
CAMA Number: 523-005-000-000-000
Property Address: 131 HASTINGS AVE.

Mailing Address: MCBETH LOUIS MCBETH LINDA K.
117 WELLS HIGHLANDS
WELLS, ME 04090-5133

Parcel Number: 523-006-000
CAMA Number: 523-006-000-000-000
Property Address: 127 HASTINGS AVE.

Mailing Address: SIERACKI CYNTHIA M. REV. TRUST
127 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 523-020-000
CAMA Number: 523-020-000-000-000
Property Address: 19 EVANS CIR.

Mailing Address: MEIKLEJOHN ANNE G. REV TRUST
ANNE G. MEIKLEJOHN TRUSTEE 19
EVANS CIR.
KEENE, NH 03431

Parcel Number: 523-021-000
CAMA Number: 523-021-000-000-000
Property Address: 17 EVANS CIR.

Mailing Address: SANSONE JOHN J. SANSONE
MARGARET M.
17 EVANS CIR.
KEENE, NH 03431

Parcel Number: 523-022-000
CAMA Number: 523-022-000-000-000
Property Address: 11 EVANS CIR.

Mailing Address: BROWN FAMILY REV. TRUST
11 EVANS CIR.
KEENE, NH 03431

Parcel Number: 523-023-000
CAMA Number: 523-023-000-000-000
Property Address: 9 EVANS CIR.

Mailing Address: MELLISH ROBERT MELLISH BARBARA
9 EVANS CIR.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
April 14, 2022

Parcel Number: 523-024-000
CAMA Number: 523-024-000-000-000
Property Address: 5 EVANS CIR.

Mailing Address: GALLANT, SCOTT GALLANT ROBIN L.
5 EVANS CIR.
KEENE, NH 03431

Parcel Number: 523-026-000
CAMA Number: 523-026-000-000-000
Property Address: 10 EVANS CIR.

Mailing Address: MOORE, MACKENZIE T.
10 EVANS CIR.
KEENE, NH 03431

Parcel Number: 523-027-000
CAMA Number: 523-027-000-000-000
Property Address: 14 EVANS CIR.

Mailing Address: HAUSER COBY S. HAUSER KATHERINE
J.
14 EVANS CIR.
KEENE, NH 03431

Parcel Number: 523-028-000
CAMA Number: 523-028-000-000-000
Property Address: 22 EVANS CIR.

Mailing Address: BAUER MARY A.
22 EVANS CIR.
KEENE, NH 03431

Parcel Number: 523-037-000
CAMA Number: 523-037-000-000-000
Property Address: 126 HASTINGS AVE.

Mailing Address: LANG, ARTHUR P. LANG KRISTINA A.
126 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 523-038-000
CAMA Number: 523-038-000-000-000
Property Address: 130 HASTINGS AVE.

Mailing Address: SPAULDING, DUNCAN
130 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 523-040-000
CAMA Number: 523-040-000-000-000
Property Address: 142 HASTINGS AVE.

Mailing Address: BERNTSEN, SUSAN A.
142 HASTINGS AVE.
KEENE, NH 03431



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4/14/2022

Page 2 of 2

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146 ARMORY ST. ZBA 22-10



Petitioner requests to install a proper driveway with one foot from the property line instead of the minimum of three feet per Article 9.3.2 of the Zoning Regulations.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 22-10

A meeting of the Zoning Board of Adjustment will be held on Monday, May 2, 2022, at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, Steve Sweeney of 146 Armory St., Keene, requests a Variance for property located at 146 Armory St., Tax Map #529-020-000-000-000 that is in the Low Density District. The Petitioner request a Variance to permit the installation of a proper driveway with one foot from the property line instead of the minimum of three feet, per Chapter 100, Article 9.3.2 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://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date April 21, 2022



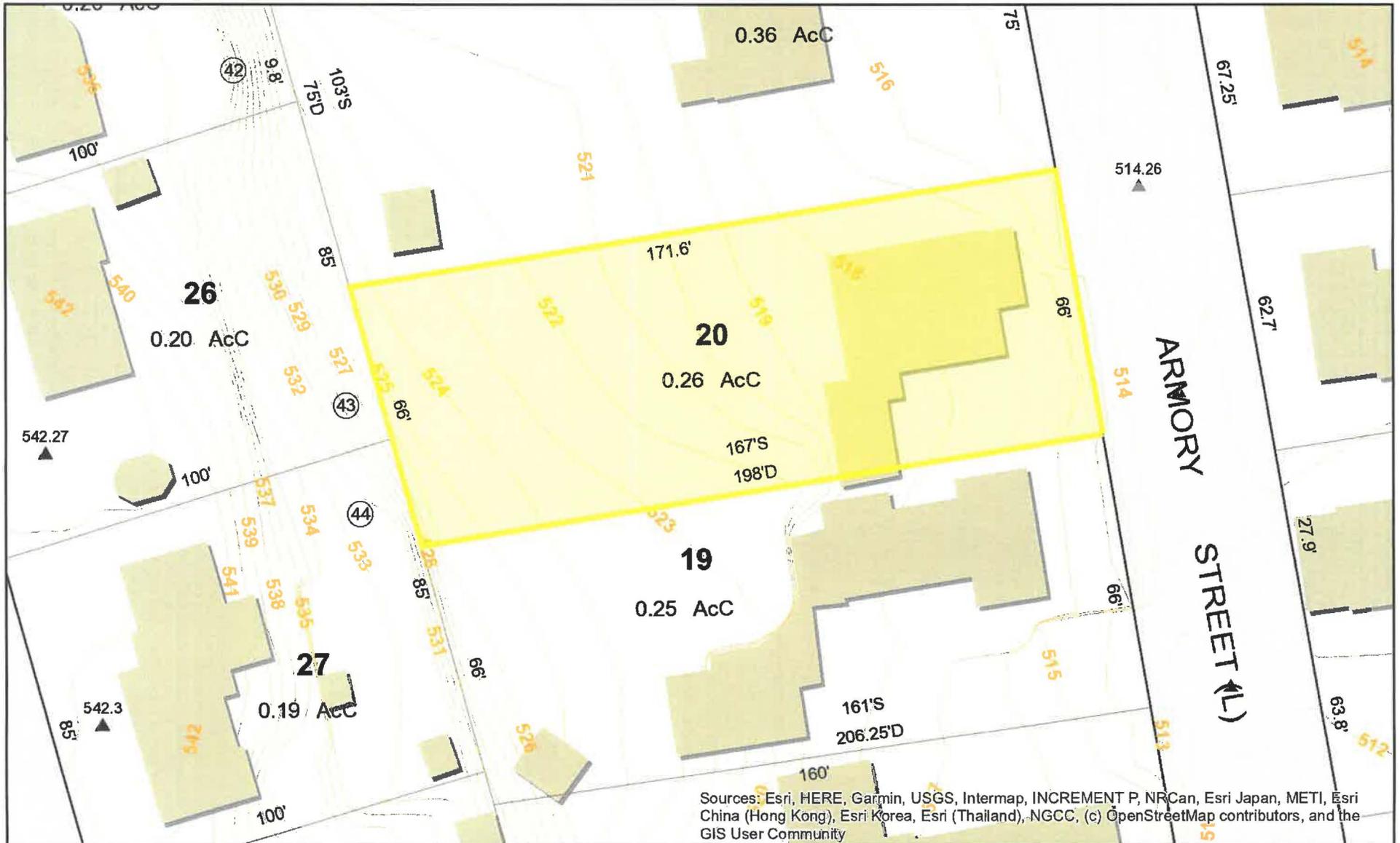
Keene, NH



April 20, 2022

1 inch = 34 Feet

www.cai-tech.com



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Zoning Board of Adjustment Variance Application



| | |
|-----------------------------|-----------------------|
| For Office Use Only: | |
| Case No. | <u>ZBA 22-10</u> |
| Date Filled | <u>4/5/22</u> |
| Rec'd By | <u>CMM</u> |
| Page | <u>1</u> of <u>10</u> |
| Rev'd by | _____ |

If you have questions on how to complete this form, please call: (603) 352-5440 or
email: communitydevelopment@keeneh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, 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. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Steven Sweeney

MAILING ADDRESS:
146 Armory St Keene NH 03431

PHONE: 603-762-3573

EMAIL: Stevandbj146@myfairpoint.net

SIGNATURE: 

PRINTED NAME: Steven Sweeney

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

SECTION 2: PROPERTY INFORMATION

Property Address: 146 Armory St

Tax Map Parcel Number: 20

Zoning District: Zoning Districts

Lot Dimensions: Front: 66 Rear: 66 Side: 171.6 Side: 167.5 198'D

Lot Area: Acres: .26 Square Feet: 11,154

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 12.61 Proposed: 12.61

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 26.89 Proposed: 28.89

Present Use: Drive way

Proposed Use: Drive way

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

Residential property located 5 houses from North St toward Fuller School on the left + side of street. Owned by Steven + Billiejo Sweeney. Owners are seeking a variance to put a better suited ground covering for driveway. The variance is to put the driveway 1' ~~close~~ to property line instead of the recommended 3'.

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 9.3.2 of the Zoning Regulations to permit:

Installation of a proper driveway with 1 foot from property line instead of the minimum of 3 feet

Briefly describe your responses to each criteria, using additional sheets if necessary:

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

the other properties don't have to park on the street. the variance would allow more usable driveway by allowing vehicles to park closer to the property line and a little further from the house allowing better access to both sides of the vehicle and allowing better maintenance of the driveway. ~~Allowing for~~

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

other driveways are layed out in the same fashion along the street. The driveways between 145 + 149 are approximately one foot from the property lines.

3. Granting the variance would do substantial justice because:

It would allow vehicles not to be parked on the side of the road allowing more room for navigation and a clearer sight line down the road for other drivers and allowing easier plowing of Armory street during winter months.

- Drop off for Foller school is along Armory street directly in front of our house, during pick up and drop off for the school the road is down to one lane. Having our vehicles parked on the side of our home would allow for the street to be more passable during these times.

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

It won't have any negative effect on the surrounding properties because it won't impede on any property. It would allow for uniformity on the street. We will be making the front yard of our property more appealing as well which in turn will help with property value. All properties on Armory St have parking on the side of the homes.

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:

It would cause hardship due to not allowing us to put in a proper driveway, which would allow us to park off the street. This makes our home less desirable than other homes in our area.

The general public would benefit from our cars being parked in a proper driveway due to there being more room to drive on Armory street. Especially during Fuller School drop off and pick up.



Keene, NH



April 14, 2022

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

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200 foot Abutters List Report

Keene, NH
April 14, 2022

Subject Property:

Parcel Number: 529-020-000
CAMA Number: 529-020-000-000-000
Property Address: 146 ARMORY ST.

Mailing Address: SWEENEY STEVEN M. SWEENEY
BILLIEJO M.
146 ARMORY ST.
KEENE, NH 03431

Abutters:

Parcel Number: 529-019-000
CAMA Number: 529-019-000-000-000
Property Address: 140 ARMORY ST.

Mailing Address: ZIEGLER FREDERICK W. III
140 ARMORY ST.
KEENE, NH 03431

Parcel Number: 529-021-000
CAMA Number: 529-021-000-000-000
Property Address: 150 ARMORY ST.

Mailing Address: GROTTON, MICHAEL GROTTON
MELISSA
150 ARMORY ST.
KEENE, NH 03431

Parcel Number: 529-022-000
CAMA Number: 529-022-000-000-000
Property Address: 6 MORT AVE.

Mailing Address: SYLVIA, MICHAEL SYLVIA REBECCA A.
6 MORT AVE.
KEENE, NH 03431

Parcel Number: 529-023-000
CAMA Number: 529-023-000-000-000
Property Address: 12 MORT AVE.

Mailing Address: PRINCE CHARLES W.
12 MORT AVE.
KEENE, NH 03431

Parcel Number: 529-024-000
CAMA Number: 529-024-000-000-000
Property Address: 36 EAST DIANE DR.

Mailing Address: FAXON, GENE C.
36 EAST DIANE DR.
KEENE, NH 03431

Parcel Number: 529-025-000
CAMA Number: 529-025-000-000-000
Property Address: 38 EAST DIANE DR.

Mailing Address: GUNTHER, HARRIETT RUSH
38 EAST DIANE DR.
KEENE, NH 03431-2610

Parcel Number: 529-026-000
CAMA Number: 529-026-000-000-000
Property Address: 40 EAST DIANE DR.

Mailing Address: WARD, DONNA
40 EAST DIANE DR.
KEENE, NH 03431

Parcel Number: 529-027-000
CAMA Number: 529-027-000-000-000
Property Address: 42 EAST DIANE DR.

Mailing Address: SHEARER JAMES R. SHEARER TERRI
D.
42 EAST DIANE DR.
KEENE, NH 03431

Parcel Number: 529-028-000
CAMA Number: 529-028-000-000-000
Property Address: 44 EAST DIANE DR.

Mailing Address: LEPISTO BRUCE C. LEPISTO CAROL A.
44 EAST DIANE DR.
KEENE, NH 03431

Parcel Number: 529-029-000
CAMA Number: 529-029-000-000-000
Property Address: 46 EAST DIANE DR.

Mailing Address: WEEKS, NATHAN N. WEEKS JESSICA J.
46 EAST DIANE DR.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
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Parcel Number: 529-031-000
CAMA Number: 529-031-000-000-000
Property Address: 45 EAST DIANE DR.

Mailing Address: VORAVITTAYATHORN PANOM
45 EAST DIANE DR.
KEENE, NH 03431

Parcel Number: 529-032-000
CAMA Number: 529-032-000-000-000
Property Address: 43 EAST DIANE DR.

Mailing Address: ST. PIERRE RICHARD D. ST. PIERRE
CELIA A.
43 EAST DIANE DR.
KEENE, NH 03431

Parcel Number: 529-033-000
CAMA Number: 529-033-000-000-000
Property Address: 41 EAST DIANE DR.

Mailing Address: KNOWLTON JO-ANN
41 EAST DIANE DR.
KEENE, NH 03431

Parcel Number: 529-034-000
CAMA Number: 529-034-000-000-000
Property Address: 39 EAST DIANE DR.

Mailing Address: BASSETT, WILLIAM C. CROSS ERIKA L.
39 EAST DIANE DR.
KEENE, NH 03431

Parcel Number: 529-035-000
CAMA Number: 529-035-000-000-000
Property Address: 37 EAST DIANE DR.

Mailing Address: WALDVOGEL JACQUELINE H. DRISKELL
SHAWN M.
37 EAST DIANE DR.
KEENE, NH 03431

Parcel Number: 530-002-000
CAMA Number: 530-002-000-000-000
Property Address: 126 ARMORY ST.

Mailing Address: WOODSON, JASON D.
39 OLD HOMESTEAD HWY REAR
NORTH SWANZEY, NH 03431-4433

Parcel Number: 530-003-000
CAMA Number: 530-003-000-000-000
Property Address: 132 ARMORY ST.

Mailing Address: HENRY ANN E.
132 ARMORY ST.
KEENE, NH 03431

Parcel Number: 530-004-000
CAMA Number: 530-004-000-000-000
Property Address: 155 ARMORY ST.

Mailing Address: MORELLI, HENRY E. III MORELLI
CYNTHIA L.
155 ARMORY ST.
KEENE, NH 03431

Parcel Number: 530-005-000
CAMA Number: 530-005-000-000-000
Property Address: 153 ARMORY ST.

Mailing Address: WILSON, NICHOLE LYNN WILSON
TOBIE LEE
153 ARMORY ST.
KEENE, NH 03431

Parcel Number: 530-006-000
CAMA Number: 530-006-000-000-000
Property Address: 149 ARMORY ST.

Mailing Address: THOMPSON JAMES GREENSPHAN BARI
149 ARMORY ST.
KEENE, NH 03431

Parcel Number: 530-007-000
CAMA Number: 530-007-000-000-000
Property Address: 143 ARMORY ST.

Mailing Address: 143 ARMORY STREET LLC
137 ARMORY ST.
KEENE, NH 03431

Parcel Number: 530-008-000
CAMA Number: 530-008-000-000-000
Property Address: 137 ARMORY ST.

Mailing Address: REID ALAN P. REID LINDA E.
137 ARMORY ST.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
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Parcel Number: 530-009-000
CAMA Number: 530-009-000-000-000
Property Address: 127 ARMORY ST.

Mailing Address: WRIGHT, LAWRENCE B.
127 ARMORY ST.
KEENE, NH 03431

Parcel Number: 530-016-000
CAMA Number: 530-016-000-000-000
Property Address: 364 ELM ST.

Mailing Address: BISSELL WAYNE R.
364 ELM ST.
KEENE, NH 03431



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