

Zoning Board of Adjustment
Monday, August 15, 2022 6:30 p.m.
City Hall Council Chambers
3 Washington Street, 2nd Floor

CORRECTED

AGENDA

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: June 6, 2022
- III. Unfinished Business:
- IV. Hearings:

ZBA 22-12: Petitioner, Les Lynch of SPS Carpentry, LLC, requests a Variance for property located at 121 Davis St., Tax Map #584-046-000-000-000 that is in the Downtown Transition District and owned by Massoud, LLC of 105 Arch St, Keene. The Petitioner requests a Variance to permit the renovation from a single-family dwelling to a multiple family dwelling on an 11,325 sq. ft. lot where 13,400 sq. ft. is required, per Chapter 100, Article 4.6.1 of the Zoning Regulations.

ZBA 22-13: Petitioners, Brian & Amalia Harmon, requests a Variance for property located at 27-29 Center St., Tax Map #568-016-000-000-000 that is in the Downtown Transition District. The Petitioners requests a Variance to permit a multi-family dwelling with three units on a lot with 3,049 sq. ft. where 18,800 sq. ft. is required, per Chapter 100, Article 4.6.1 of the Zoning Regulations.

- V. New Business:
Introduction of Community Development Director, Jesse Rounds
- VI. Communications and Miscellaneous:
- VII. Non Public Session: (if required)
- VIII. Adjournment:

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1 **City of Keene**
2 **New Hampshire**

3
4
5 **ZONING BOARD OF ADJUSTMENT**
6 **MEETING MINUTES**
7

8 **Monday, June 6, 2022**

6:30 PM

Council Chambers

Members Present:

Joshua Gorman, Chair
Joseph Hoppock, Vice Chair
Jane Taylor
Michael Welsh
Richard Clough

Staff Present:

John Rogers, Zoning Administrator
Corinne Marcou, Zoning Clerk
Michal Hagan, Plans Examiner

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

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

16 **II) Minutes of the Previous Meeting – May 2, 2022**
17

18 Ms. Taylor proposed the following changes to the May 2, 2022 meeting minutes:
19

20 Line 50 - It should read "copy of the prior applications," instead of "copy of *what* the prior
21 application."

22 Line 90 – It was noted after "entitled to a Variance" that the property owners did not take
23 advantage of the Variance.

24 Line 92 – It should read either "denied a second Variance application" or "denied a new Variance
25 application."

26 Ms. Taylor stated that the suggested changes to Lines 90 & 92 will make the next paragraph
27 make more sense. She continued that on line 1446, the final word of the sentence should be
28 "opposition," not "opposing."

29 Mr. Welsh made a motion to accept the May 2, 2022 meeting minutes with the amendments.
30 Mr. Hoppock seconded the motion, which passed by a vote of 5-0.
31

32 **III) Unfinished Business**

33
34 Chair Gorman asked Staff if there was any unfinished business. John Rogers, Zoning
35 Administrator, replied no.

36
37 **IV) Hearings**

38
39 **A) ZBA 22-11: Petitioner, Thomas Bogar, represented by Dan Bartlett, of 185**
40 **Winchester St., requests a Variance for property located at 94 Key Rd., Tax Map**
41 **#110-018-000-000 that is in the Commerce District. The Petitioners requests a**
42 **Variance to permit the construction of an open, rigid canopy structure for customer**
43 **weather protection 10 feet into the setback where 20 feet is required, per Chapter**
44 **100, Article 5.1.2 of the Zoning Regulations.**

45
46 Chair Gorman asked to hear from Staff.

47
48 Michael Hagan, Plans Examiner, stated that this building was built in 1965. He continued that it
49 previously had two other Zoning Board applications, one on December 30, 1969 for a Special
50 Exception, and was granted to sell new and used cars. Under today's current Ordinance, it is a
51 permitted use and a Special Exception would not be needed. The other one was October 1, 1990,
52 a Variance for paving setbacks and coverage, which was withdrawn by the Petitioner.

53
54 Ms. Taylor stated that she wondered whether the driveway sections of the Code applied to this,
55 because it appears from the drawings that this is a travel throughway between two curb cuts. She
56 continued that she did not know what the regulations were, whether the Zoning ones applied or if
57 it was something else.

58
59 Mr. Hagan replied that providing access around the building, you could still have access from
60 one driveway to the other; it does impede on that. He continued that the Fire Department would
61 review this as well for the height of the canopy for access for emergency vehicles.

62
63 Mr. Rogers stated that he wants to add that in the Commerce District, the setback for front, side,
64 and rear is 20 feet.

65
66 Mr. Hoppock stated that he is looking at the image that was submitted and trying to understand.
67 He continued that the Board does not have a diagram of the entire building showing where the
68 proposed canopy would be located. The partial site plan is in fact partial, as far as the building is
69 concerned. He asked if the Board could see something that shows the canopy in relation to the
70 building.

71
72 Mr. Rogers replied that they could zoom in on the image. He continued that it still is not
73 showing the whole building, but it shows the section closest to Key Rd. He did not think to ask
74 the Applicant for a full site plan. He showed another drawing on the screen and stated that if you

75 see the long side of the building that faces Key Rd., the canopy would be on the right hand side
76 of that part of the building.

77
78 Mr. Welsh stated that he has a procedural question. He asked if the particulars of this canopy,
79 when it is designed, would go before the Planning Board and be subject to Standard 19. Mr.
80 Rogers replied that under the new Land Development Code and Planning Board standards, this
81 would probably be approved administratively. He continued that it is possible that it could go to
82 the Minor Project Review Committee, but until they see more detailed plans, he thinks it would
83 most likely be administratively approved.

84
85 Chair Gorman asked if anyone had more questions for Staff. Hearing none, he asked to hear
86 from the Applicant.

87
88 Dan Bartlett of DB Architects, 185 Winchester St., stated that frequently, auto dealerships and
89 other businesses receive requests by the parent company, the nationwide franchise entity that
90 makes recommendations or requirements, for building upgrades to keep up with the trends that
91 the company wants to portray. He continued that he has been engaged to be the Architect to
92 upgrade this building, which is something that has not been done for many years, bringing it in
93 line with contemporary architecture and in keeping with the Mazda Autex brand so that
94 customers recognize. Part of the improvement is creating an amenity for service customers who
95 currently pull up in the same location that they will be continuing to use. Currently, customers
96 who bring their vehicles for service when it is raining, park in the parking lot, getting wet as they
97 enter the building. With the proposed project, customers can drive under canopy then enter the
98 building without getting wet. It is a little more comfortable for the patrons.

99
100 Mr. Bartlett continued that the canopy has to be in that location because that is where the service
101 department is. They are not interested in redesigning the building to such a degree that the whole
102 flow would be disrupted. They talked about putting the canopy elsewhere but it was just a non-
103 starter to consider. This location works best for the existing building and for the new proposed
104 improvements as this area is paved and the new canopy would go entirely within a that paved
105 area. They are not changing site drainage or permeable surface area; they are simply requesting
106 for the construction of the canopy. This amenity is consistent with the image the company wants
107 to project.

108
109 Mr. Bartlett continued that the clearance is about nine feet. There is vehicular emergency access
110 from driveways on both sides. He cannot imagine a scenario that would require pulling under
111 that canopy, when there is a lot of access all around the building otherwise. As Mr. Hagan
112 alluded to, the Fire Department would rightfully have a concern about that. He went to a pre-
113 submission meeting with the Planners from the Community Development Department with the
114 Fire Department where they raised the question but did not reject it or ask for anything different.

115
116 Mr. Bartlett stated that he was going to talk about setbacks, but he thinks he can close his
117 presentation and turn it over to the next step. Chair Gorman asked if Mr. Bartlett wanted to go

118 through the criteria, specifically, or just leave it at that. Mr. Bartlett replied that he is happy to
119 leave it at that. He continued that he wanted to point out that there is another slide showing the
120 street. Regarding setbacks, the intent is to keep the street line clean. Setbacks are often about
121 light and air, circulation, visibility, and so on and so forth, and he wanted to point out that this
122 street edge, right where the canopy is going to go, is somewhat confused. He would argue that
123 there is not a strong street edge along Key Rd. There is a KFC restaurant very close to the road
124 and then parking lots. If you view this canopy as you are entering Key Rd, it does not obstruct
125 the street edge, because the background of that view is just another building. That function of
126 the setback requirements, he would say, is probably less valid. He thinks it has been
127 acknowledged already that where the canopy is going is right where the street comes closest to
128 the building, but he would argue that the street pulls away from the encroachment in both
129 directions, so it is just a very finite moment that the encroachment has any kind of impact. It
130 says it is a 10-foot encroachment, but it is really just a point that is at 10 feet. The rest of it
131 recedes away from the road just as the road recedes away from the encroachment.

132

133 Chair Gorman asked if the Board had questions for the Applicant.

134

135 Ms. Taylor stated that one of the points made was that it does not change any of the run-off. She
136 continued that this area is notorious for getting a couple inches or more of standing water every
137 time there is a downpour. They are not changing the impervious surface, but still, with a roof
138 there, she believes that would change the flow. She asked how that would be addressed.

139

140 Mr. Bartlett replied that they have to get the water off of the roof of the canopy, so that will go,
141 presumably, into a subsurface drainage system that is already in place if there is one, or it would
142 just go to surface run-off. He continued that in other words, instead of the rain coming down in a
143 certain location, the rain would get concentrated in a different place, or out on the grass
144 somewhere. He has not detailed this yet on the architectural plan, but yes, they need to deal with
145 the water. It will change the way the water gets to the pavement and then to wherever it needs to
146 go. The point is that it is impervious material right now and putting a roof over an impervious
147 surface does not increase the amount of impervious area on the lot. Ms. Taylor replied that it
148 might change where the water actually goes. Mr. Bartlett replied yes, he thinks they could say
149 that.

150

151 Ms. Taylor stated that on the picture of proposal, it looked like there is a one-way area. She
152 asked if that would be a one- or two-lane canopy, asking for further details. Mr. Bartlett replied
153 that it is wide enough for two vehicles to pass side by side. He continued that he is not aware of
154 any signage that would restrict the direction of traffic. The owner was unable to be here tonight
155 due to business out of state, and he would probably be able to address that more accurately, but
156 his understanding is that the drivers enter “this way”, as that is how it lays out best. However, if
157 there was another driver who wanted to get through there, they could; it is wide enough for two
158 vehicles.

159

160 Chair Gorman stated that ultimately, it would be fair to say that that is basically a pull-up, and
161 then you will enter the service area, a Technician will come take your vehicle, bring it to a
162 service bay, and any traffic leaving the service bays behind would go around or out. Mr. Bartlett
163 replied that is correct, because the cars are headed to the garage bays anyway, and then come out
164 of the bays, then exit. He continued that he thinks it is a de facto one-way route, regardless of
165 the signage.

166
167 Mr. Hoppock stated that if he is reading the partial plan correctly, the side facing the road is the
168 north side. Mr. Bartlett replied that is correct. Mr. Hoppock asked if there will be a wall or any
169 kind of solid structure between the top of the canopy and the ground, or it will be all open. Mr.
170 Bartlett replied that there are two pillars, but otherwise it is open. Mr. Hoppock asked if it is
171 correct that you can pretty much see through it. Mr. Bartlett replied absolutely, all three sides.

172
173 Mr. Welsh stated that for a while he was wondering what the motivation was adding the canopy
174 and he was thinking that customers were just regularly getting out in the rain and it was getting
175 to be a problem, but it does not sound like that is really the motivation. He continued that it
176 sounds like Mazda wants a renovation like this to keep up with an industry standard or corporate
177 look, and that is the beginning point of this. Mr. Bartlett replied that he is coming to that
178 conclusion on his own; no one has said to him specifically. They presented this, so he is figuring
179 that similar to how gas stations have canopies, most dealerships are directed this way, too. He
180 figured that it was something they wanted to provide for their customers. Whether it is crucial to
181 the look or not is conjecture.

182
183 Mr. Clough stated that on the line drawing, the surveying one, it looks like there are two parking
184 spaces perpendicular to the building, with one possibly being a handicapped space. He asked if
185 those are expected to stay. It is odd to have two parking spaces there when you are trying to
186 have people drive through, which would restrict it.

187
188 Mr. Bartlett replied that this person surveyed what was there and then placed the canopy over it,
189 and it does seem like there are parking spaces there, but he cannot imagine that they are used,
190 because the way it works now is just as he described. They are not disrupting anything and there
191 is ample parking and sufficient ADA parking elsewhere. If those spaces that Mr. Clough is
192 referring to are there, and being deleted, it does not affect the required parking. He has never
193 seen anyone parked there, because it is not a place to park, but he guesses that it was striped that
194 way at one point and the paint is still there. Mr. Clough replied that now that they have seen the
195 picture of what it looks like, it does not make sense that there would be any sort of parking,
196 especially in that configuration.

197
198 Chair Gorman asked if the City photo that was taken for this application shows the location he is
199 referencing. He continued that it shows an ADA parking space, with a Jeep parked next to it in
200 what would be the second parking space. Mr. Bartlett replied yes. He continued that those
201 parking spaces would be relocated. Chair Gorman replied that his take would be that anything
202 the Board approves tonight would be contingent upon parking requirements.

203 Mr. Rogers replied that certainly, when the building permit documentation is submitted, that
204 would be a review that staff would take, especially regarding the ADA space. The State
205 Building Code will dictate how many ADA spaces are required based on the overall number of
206 parking spaces and if one is eliminated, then that one might have to be recreated elsewhere.
207

208 Mr. Hoppock asked what the size of the “red triangle” is. Mr. Bartlett replied that he knew
209 someone would ask that tonight but he did not get that calculation yet. He continued that it is 11
210 times 16, divided by two. Chair Gorman replied that is 85 square feet.
211

212 Chair Gorman asked if there were any more questions for the Applicant. Hearing none, he
213 closed the public hearing and asked the Board to deliberate. Mr. Hoppock stated that for the
214 record, there are no members of the public present, and thus no one to speak for or against this.
215

216 *1. Granting the Variance would not be contrary to the public interest.*
217

218 Ms. Taylor stated that she does not believe it would be contrary to the public interest,
219 differentiated from some of the other applications the Board has had. She continued that given
220 the way the curve is on Key Rd., it does not create any line of sight issues for the traveling public
221 on Key Rd. This probably is in the public interest.
222

223 Mr. Hoppock stated that he would add that there would be blockage on the northern side of the
224 canopy; that the canopy is only encroaching 9.2 feet; and there is no line of sight issues around
225 the curve, he agrees that it is not contrary to the public interest.
226

227 *2. If the Variance were granted, the spirit of the Ordinance would be observed.*
228

229 Mr. Hoppock stated that he does not see anything in the application, nor did he hear anything in
230 what the Applicant said, that would lead him to believe that granting this Variance would alter
231 the essential character of the neighborhood. He continued that in fact, it would be consistent
232 with the neighborhood, given what is across the street and next door. He continued that there is
233 nothing that would threaten the public health, safety, or welfare.
234

235 Chair Gorman stated that he agrees with Mr. Hoppock.
236

237 *3. Granting the Variance would do substantial justice.*
238

239 Chair Gorman stated that he thinks the advantage to the Applicant does outweigh any potential
240 harm to the general public, and that the intent here is certainly an upgrade. He continued that the
241 picture the Board is seeing is certainly an improvement from what sits there today. It is a
242 reasonable request to keep up with the industry, and he does not see any adverse impacts to
243 anyone else.
244

245 Ms. Taylor stated that she thinks this is one of those rare situations where it is almost a wash.
246 She continued that she thinks it is a rather even advantage to the public and advantage to the
247 property owner.
248

249 Mr. Hoppock stated that denying this Variance does not really benefit the public. He continued
250 that given the configuration of the road and other factors that are relevant to the hardship
251 criterion, he does not think there is any basis for denying it based on this criterion.
252

253 *4. If the Variance were granted, the values of the surrounding properties would not be*
254 *diminished.*
255

256 Mr. Welsh stated that he does not think the Board has heard testimony or discussion along these
257 lines, but he thinks it is a safe argument that this will increase the value of the surrounding
258 properties, or at the very least not diminish them.
259

260 *5. Unnecessary Hardship*

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

263 *i. No fair and substantial relationship exists between the general public purposes of the*
264 *ordinance provision and the specific application of that provision to the property*
265 *and*

266 *ii. The proposed use is a reasonable one.*
267

268 Mr. Hoppock stated that the first question for this one is identifying the unique features of the
269 property, and as Ms. Taylor mentioned already the curve of the road is one feature, and
270 following the curve of the road is the setback line. That feature, along with the juxtaposition of
271 the building with that curving line, and the location within the building of what the Applicant
272 wants to attend to, all combine together to make this a unique setting, in his opinion.
273

274 Chair Gorman stated that he agrees with Mr. Hoppock.
275

276 Mr. Hoppock stated that based on that unique siting, applying the Ordinance to this situation
277 creates an unnecessary hardship if the Board does not grant the Variance.
278

279 Chair Gorman stated that in addition, he thinks the proposed use is a reasonable one, given that
280 cars are probably already pulling up there to park anyway. Something that is already happening
281 will just be done in more of an aesthetic fashion or a customer service-oriented atmosphere,
282 which benefits the public. For those reasons, he thinks the request is reasonable.
283

284 Chair Gorman asked if the Board had more comments. Hearing none, he asked for a motion.
285

286 Mr. Hoppock stated that he does not see a need for conditions, but would entertain the idea if
287 another Board member felt differently. There was no response.

288 Mr. Hoppock made a motion to approve ZBA 22-11. Ms. Taylor seconded the motion.

289

290 Chair Gorman stated that the motion is to approve without conditions, knowing that the parking
291 will be taken care of through the permitting process. He went through the criteria.

292

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

294

295 Met with a vote of 5-0.

296

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

298

299 Met with a vote of 5-0.

300

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

302

303 Met with a vote of 5-0.

304

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

307

308 Met with a vote of 5-0.

309

310 5. *Unnecessary Hardship*

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

313 i. *No fair and substantial relationship exists between the general public purposes of the*
314 *ordinance provision and the specific application of that provision to the property*
315 *and*

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

317

318 Met with a vote of 5-0.

319

320 The motion to approve ZBA 22-11 passed with a vote of 5-0.

321

322 V) **New Business**

323

324 Chair Gorman asked if there was any new business. Mr. Rogers replied that Staff did not have
325 any new business.

326

327 VI) **Communications and Miscellaneous**

328

329 VII) **Non-public Session (if required)**

330

331 **VIII) Adjournment**

332

333 There being no further business, Chair Gorman adjourned the meeting at 7:06 PM.

334

335 Respectfully submitted by,

336 Britta Reida, Minute Taker

337

338 Reviewed and edited by,

339 Corinne Marcou, Zoning Clerk

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121 DAVIS ST.
ZBA 22-12



Petitioner requests a the renovation of a single-family dwelling to a multi-family dwelling on an 11,325 sq. ft. lot where 13,400 sq. ft. is required per Chapter 100, Article 4.6.1 of the Zoning Regulations.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 22-12

A meeting of the Zoning Board of Adjustment will be held on Monday, August 6, 2022, at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, Les Lynch of SPS Carpentry, LLC, requests a Variance for property located at 121 Davis St., Tax Map #584-046-000-000-000 that is in the Downtown Transition District and owned by Massoud, LLC of 105 Arch St, Keene. The Petitioner requests a Variance to permit the renovation from a single-family dwelling to a multiple family dwelling on an 11,325 sq. ft. lot where 13,400 sq. ft. is required, per Chapter 100, Article 4.6.1 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 July 21, 2022



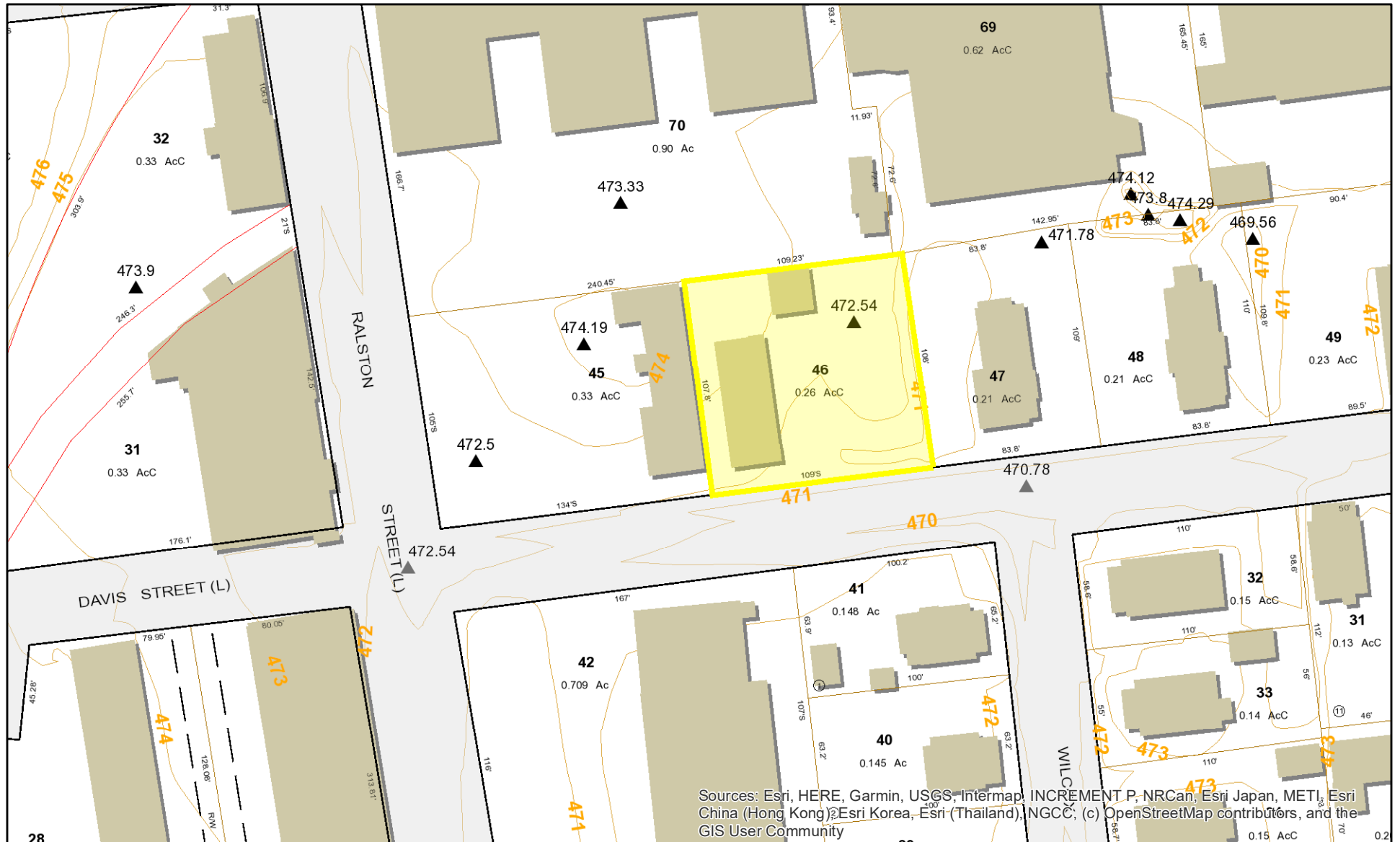
Keene, NH



July 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

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

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	2BA22-12
Date Filled	7/11/22
Rec'd By	CM
Page	1 of 8
Rev'd by	MH

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: Massoud LLC

MAILING ADDRESS: 105 Arch St. / Keene, NH

PHONE: (978) 616-7703

EMAIL: massoudllc@gmail.com

SIGNATURE:

PRINTED NAME: Amjad Massoud

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: SPS Carpentry LLC

MAILING ADDRESS: PO Box 516 / Walpole, NH 03608

PHONE: (603) 313-2294

EMAIL: les.spскарpentry@gmail.com

SIGNATURE:

PRINTED NAME: Les Lynch

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	2BA 22-12
Date Filled	7/21/22
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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: Massoud LLC

MAILING ADDRESS: 105 Arch St. Keene

PHONE: (978) 616-7703

EMAIL: massoudllc@gmail.com

SIGNATURE:

07/21/2022

PRINTED NAME: Amjad Massoud

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: 121 Davis Street

Tax Map Parcel Number: 584-046-000-000-000

Zoning District: ~~Medium Density~~ Downtown Transition



Lot Dimensions: Front: 105 Rear: 105 Side: 108 Side: 108

Lot Area: Acres: .26 Square Feet: 11,325 ft^2

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 19.54% Proposed: 19.57%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 33.2% Proposed: 38.76%

Present Use: Single family residential rental

Proposed Use: Multi family residential rental

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 house, sitting near the Ralston St intersection of Davis Street, currently exists as a 6 bedroom tenant dwelling catering to college kids. It had an open layout and 1.5 bathrooms, with all functional non-bedrooms being used as communal to the tenants. The proposed project from the new owners would divide the home at a structural wall off the primary kitchen, creating a smaller single bedroom apartment on the first floor. It would leave a 4 bedroom living space with its current unchanged layout.

Current ordinances in Keene require a minimum lot size to host a duplex, and the current lot is insufficient for the purpose. We are hoping that a variance will be granted to allow the building to be divided and repurposed for a more gainful use of the home in a rental capacity. A six bedroom college rental is illogical given the limits on non-familial tenants in a single home. Since only four of those can rented out, we would like to repurpose the additional space for a more private single person rental that would an available alternative to the communal space. It would not increase the strain on the property as our only footprint adjustments would come with the addition of more parking for the additional tenant.

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 4.6.1 ~~4.6.2~~ of the Zoning Regulations to permit:

Current lot size: 11,325 Required lot size: 13,400

non-conforming variance - single to multiple family

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 existing home's footprint will not be changed and the general upkeep and appearance of the home will be greatly improved. The spirit of the ordinance is to minimize the residential sprawl and avoid stacking tenants; the addition of a single private apartment lessens the previous capacity and provides a viable alternative to the multi-tenant home rentals primarily available in the area. Furthermore, as detailed below, a large renovation of the property is underway including cosmetic and functional upgrades to the interior, exterior, and services. The apartment would be done properly and purposefully to offer a quality lodging opportunity for the right tenant.

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

The new owners have already begun with a plan to greatly upgrade the property both aesthetically and functionally, as mentioned above. The stable and desirable residential opportunity that they are hoping to offer to prospective tenants would seem to be the exact spirit of the ordinance as a whole. The medium density location, being so close to the college, would certainly be appropriate for 5 plausible tenants in the previously 6 bedroom home. They are doing their best to do everything with the utmost care and adherence to all of the city's local ordinances - a variance here would allow them to complete the renovation as desired while still being completely in accordance.

3. Granting the variance would do substantial justice because:

The ordinances limiting non-familial tenants to four renders a six bedroom home inoperable in its current state, in hopes of adhering to other existing ordinances. A previous owner was less adherent to those same ordinances with the six bedrooms, but that is obviously not a direction the new owners want to take. Dividing into the two sections would allow them to still utilize the full square footage of the home in a beneficial but also legal manner.

There are additional properties on Davis St that carry a multi-family (duplex) lot designation with similar size limitations of the lot, allowing them to maximize utilize their rental properties more successfully than the Massouds would be able to under the current ordinance.

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

The value of the surrounding properties should, if nothing else, be increased. The overhaul that includes upgrading the interior and exterior of the property and reconstruction (eventual) of the dilapidated detached garage will certainly increase the value of the property and lot, which generally will positively affect the values of the home around it. A four person rental with a divided single person unit would also reflect more positively on its surroundings than the 6 person communal college living that preceded it. While the Massouds are certainly not against renting to college kids, and likely will do so many times over the coming years, the overall approach of the home will be far different than what it has been previously. My company is expecting to put 70-80k worth of improvements into the property (including the apartment division) which should obviously be reflected in the property value.

Furthermore, the Massouds have made it clear that they plan to be diligent and proactive in maintaining the upkeep of the property (and ideally others that would follow). Any surrounding homes should benefit proactively from a more well kept neighboring property, especially one with the updates they are planning.

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 home, in keeping with compliance of the ordinance governing non-familial tenants, has a layout that is impractical and wasteful. As a 6 bedroom apartment, it has little use to the owners or to the community with its current layout. A 4 bedroom home with a divided single tenant apartment would be a much more practical and proper use of the home's existing layout.

As mentioned before, other homes on the same street are listed as multi-family (duplex) lots despite having the same lot space in square footage.

Given its proximity to campus and to the Ralston St intersection, there would be a negligible effect from the extra person's presence, while the improvements in the building and living situation would certainly outweigh any of the negative aspects that the ordinance is attempting to prevent.

and

ii. The proposed use is a reasonable one because:

At its base, the improvement does far more good than harm to the surrounding community. It also presents the owners with the same benefits other homes on Davis St. enjoy in being considered applicable for a Multi-Resident (duplex) - per their Vision database listings.

After the previous owners renting practices, the new owners are attempting to adhere to proper compliant channels and maximize the usefulness of the property and the service its providing to the community. Taking the time to go thru the process hopefully illustrates their intentions moving forward.

The surrounding area is populated entirely with other multi tenant rentals and the addition of a single tenant to the home would not affect the nature of the neighborhood.

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
July 11, 2022

Subject Property:

Parcel Number: 584-046-000
CAMA Number: 584-046-000-000-000
Property Address: 121 DAVIS ST.

Mailing Address: MASSOUD LLC
159 MAIN ST. STE. 100
NASHUA, NH 03060

Abutters:

Parcel Number: 583-030-000
CAMA Number: 583-030-000-000-000
Property Address: 55 RALSTON ST.

Mailing Address: PARODY DAVID F. REV. AGREEMENT
OF TRUST
61 ALDRICH RD.
KEENE, NH 03431

Parcel Number: 583-031-000
CAMA Number: 583-031-000-000-000
Property Address: 19 RALSTON ST.

Mailing Address: BRADEN PROPERTY HOLDINGS LLC
2810 WEST FRESCO DR.
AUSTIN, TX 78731

Parcel Number: 583-032-000
CAMA Number: 583-032-000-000-000
Property Address: 1 RALSTON ST.

Mailing Address: SHALLDU LTD
262 CENTRAL PARK WEST APT. 8B
NEW YORK, NY 10024

Parcel Number: 583-033-001
CAMA Number: 583-033-001-000-000
Property Address: 0 EMERALD ST.

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

Parcel Number: 583-033-001
CAMA Number: 583-033-001-001-000
Property Address: 0 EMERALD ST.

Mailing Address: TOUSLEY TOBY D.
PO BOX 626
KEENE, NH 03431

Parcel Number: 584-031-000
CAMA Number: 584-031-000-000-000
Property Address: 94 DAVIS ST.

Mailing Address: GRAUER ALBERT F. GRAUER LISA S.
268 ROWLAND RD.
FAIRFIELD, CT 06824

Parcel Number: 584-032-000
CAMA Number: 584-032-000-000-000
Property Address: 2 WILCOX TERR.

Mailing Address: PERRY MICHAEL PERRY JACKIE
59 BOW CENTER RD.
BOW, NH 03304

Parcel Number: 584-033-000
CAMA Number: 584-033-000-000-000
Property Address: 8 WILCOX TERR.

Mailing Address: 8 WILCOX TERRACE LLC
268 ROWLAND RD.
FAIRFIELD, CT 06824

Parcel Number: 584-034-000
CAMA Number: 584-034-000-000-000
Property Address: 14 WILCOX TERR.

Mailing Address: KNIGHT, KEITH H. KNIGHT JAMIE E.
196 2ND NH TPKE.
NEW BOSTON, NH 03070

Parcel Number: 584-039-000
CAMA Number: 584-039-000-000-000
Property Address: 15 WILCOX TERR.

Mailing Address: 15 WILCOX TERRACE LLC
268 ROWLAND RD.
FAIRFIELD, CT 06824



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200 foot Abutters List Report

Keene, NH
July 11, 2022

Parcel Number: 584-040-000
CAMA Number: 584-040-000-000-000
Property Address: 9 WILCOX TERR.

Mailing Address: GRAUER ALBERT F. GRAUER LISA S.
268 ROWLAND RD.
FAIRFIELD, CT 06824

Parcel Number: 584-041-000
CAMA Number: 584-041-000-000-000
Property Address: 1 WILCOX TERR.

Mailing Address: GRAUER ALBERT F. JR. GRAUER LISA S.
268 ROWLAND RD.
FAIRFIELD, CT 06824

Parcel Number: 584-042-000
CAMA Number: 584-042-000-000-000
Property Address: 134 DAVIS ST.

Mailing Address: 134 DAVIS ST SUITES LLC
134 DAVIS ST.
KEENE, NH 03431

Parcel Number: 584-045-000
CAMA Number: 584-045-000-000-000
Property Address: 125 DAVIS ST.

Mailing Address: MGJ REALTY LLC
PO BOX 562
KEENE, NH 03431

Parcel Number: 584-047-000
CAMA Number: 584-047-000-000-000
Property Address: 107 DAVIS ST.

Mailing Address: TOUSLEY FAMILY REV. TRUST
184 TALBOT HILL RD.
SWANZEY, NH 03446

Parcel Number: 584-048-000
CAMA Number: 584-048-000-000-000
Property Address: 97 DAVIS ST.

Mailing Address: FORTE DONNA J.
23 RALSTON ST.
KEENE, NH 03431-3643

Parcel Number: 584-049-000
CAMA Number: 584-049-000-000-000
Property Address: 87 DAVIS ST.

Mailing Address: BALLARO JODIE GREENWALD MITCHELL
PO BOX 361
KEENE, NH 03431

Parcel Number: 584-068-000
CAMA Number: 584-068-000-000-000
Property Address: 80 EMERALD ST.

Mailing Address: GREENWALD MITCHELL H. REVOCABLE TRUST GREENWALD ERIKA REVOCABLE TRUST
PO BOX 361
KEENE, NH 03431

Parcel Number: 584-069-000
CAMA Number: 584-069-000-000-000
Property Address: 104 EMERALD ST.

Mailing Address: RK PARISI ENTERPRISES INC.
310 MARLBORO ST.
KEENE, NH 03431

Parcel Number: 584-070-000
CAMA Number: 584-070-000-000-000
Property Address: 120 EMERALD ST.

Mailing Address: 120 EMERALD STREET LLC
135 SOUTH RD. #1
FARMINGTON, CT 06032



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7/11/2022

Page 2 of 2

27-29 CENTER ST. ZBA 22-13



Petitioner requests a Variance to permit three dwelling units on a 3,049 sq. ft. lot where 18,800 sq. ft. is required per Chapter 100, per Article 4.6.1 of the Zoning Regulations.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 22-13

A meeting of the Zoning Board of Adjustment will be held on Monday, August 6, 2022, at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioners, Brian & Amalia Harmon, requests a Variance for property located at 27-29 Center St., Tax Map #568-016-000-000-000 that is in the Downtown Transition District. The Petitioners requests a Variance to permit a multi-family dwelling with three units on a lot with 3,049 sq. ft. where 18,800 sq. ft. is required, per Chapter 100, Article 4.6.1 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 July 21, 2022



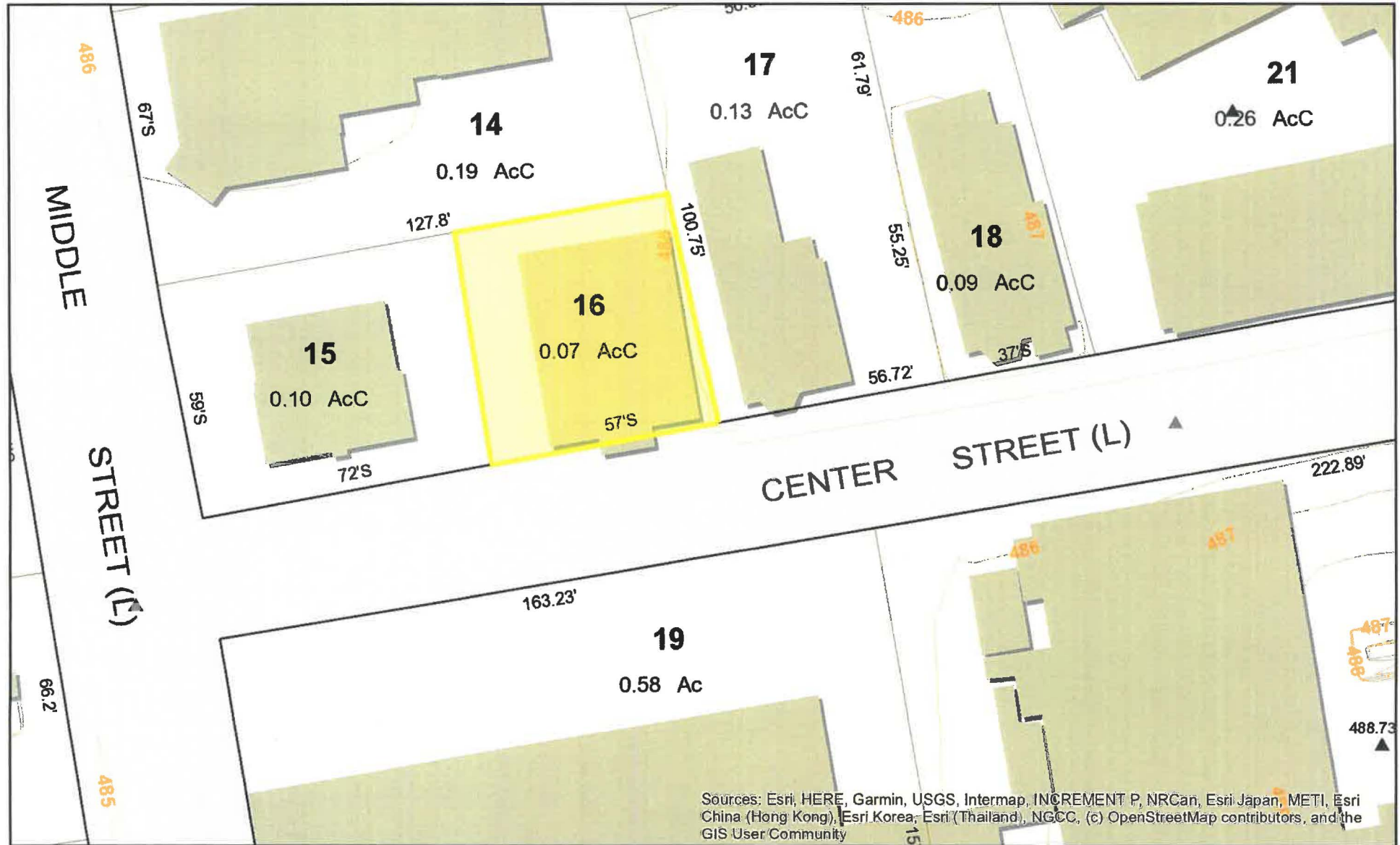
Keene, NH



July 21, 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.	2BA22-13
Date Filled	7/21/22
Rec'd By	CM
Page	1 of
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: Brian and Amalia Harmon

MAILING ADDRESS: 184 Colby Rd, Danville, NH 03819

PHONE: 617 201-6008 603 216 7348

EMAIL: majorconstructinc@gmail.com amalia1529@gmail.com

SIGNATURE: *[Signature]* *[Signature]*

PRINTED NAME: BRIAN HARMON Amalia L. Harmon

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:	27-29 CENTER ST.		
Tax Map Parcel Number:	568-016-000		
Zoning District:	Zoning Districts	OFFICE DOWNTOWN Transition	
Lot Dimensions:	Front: 57	Rear: 54.1	Side: 59 Side: 58.1
Lot Area:	Acres: .07	Square Feet:	3049.2
% of Lot Covered by Structures (buildings, garages, pools, decks, etc):	Existing: 70	Proposed:	N/A
% of Impervious Coverage (structures plus driveways and/or parking areas, etc):	Existing: 90	Proposed:	N/A
Present Use:	OFFICE		
Proposed Use:	RESIDENTIAL		

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.

A request to add an additional unit to 27-29 Center Street, Keene, NH property. We, my husband Brian and I have owned the property since March of 2021, Construction began shortly after May and now is halted due to the increase of construction materials and lack of work force in the field. The purpose of this request is to apply for the new grant program Invest NH which Gov Sanura just recently launched. The grant program is designed specifically for projects like ours. He wants to expand & accelerate housing and construction by incentivizing with such grants to alleviate our housing shortage. However the program requires applicants to have at least 3 units. We would be able to transform this building into 3 units very easily. There is plenty of room to create three safe, functional and affordable dwellings for this community.

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 4.6.1 of the Zoning Regulations to permit:

We are requesting the needed variance to add a third unit to our existing two unit. Though the downtown transition zoning requires 18,800 s.f. and we only have 3,049 s.f.

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:

Granting the variance would not be contrary to the public interest because Keene is currently experiencing a housing shortage crisis. This would allow three dwelling units to provide the much needed affordable housing. The essential character of the neighborhood would not be altered. There are ~~many~~ residential units in the area, a few multi-unit.

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

The spirit of the ordinance would be observed because this proposed change (additional unit) is necessary to continue construction on this property. Inflation has impacted our ability to move forward on our own. In order to accelerate the completion, this grant is needed - the grant requires 3 units for application submittal for INVEST NH Housing Fund. "This uses federal American Rescue Plan Act dollars to get at one of the state's most critical needs: more workforce housing to help support businesses in need of more workers."

MANCHESTERINKLINK.COM

3. Granting the variance would do substantial justice because:

Granting the variance would do substantial justice because it would supply Keene with 3 living units to house the much needed work force. Governor Sununu "predicts the money will go a long way to help ease the housing crunch the state is now facing."

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

The building is beautiful, historic, an asset to the neighborhood. Cities prosper and succeed by attracting young professionals/work force to the area. This will increase the value of surrounding properties and improve the security and longevity of Keene's economy.

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:

i. This building does not impact the general public.

and

ii. The proposed use is a reasonable one because:

The proposed use is reasonable because:

"NH housing shortage won't be going away soon" Local news 6/3/21
Casey McDermott NH public radio reported "New Hampshire's housing landscape is pretty brutal" "... apartment vacancy rates are low and the pandemic has exacerbated many aspects of a pre-existing housing crisis" - article 11/7/2020 ^{sentinal source}

- Time is of the essence to apply for the grant. The Grant requires the additional unit to this property for acceptance. The third unit is much needed by the community. Commissioner Taylor Caswell said the percent of available two bedroom rentals in the state is below 1 percent and consider unhealthy from the business community's perspective.

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

If the criteria in sub para A are not established an unnecessary hardship will be deemed to exist in that the intent of creating/constructing crucially needed housing may not be tangible. The building will sit empty and ~~therefore create~~ we cannot maintain an empty building without financial hardship as well as a negative impact on the neighborhood.



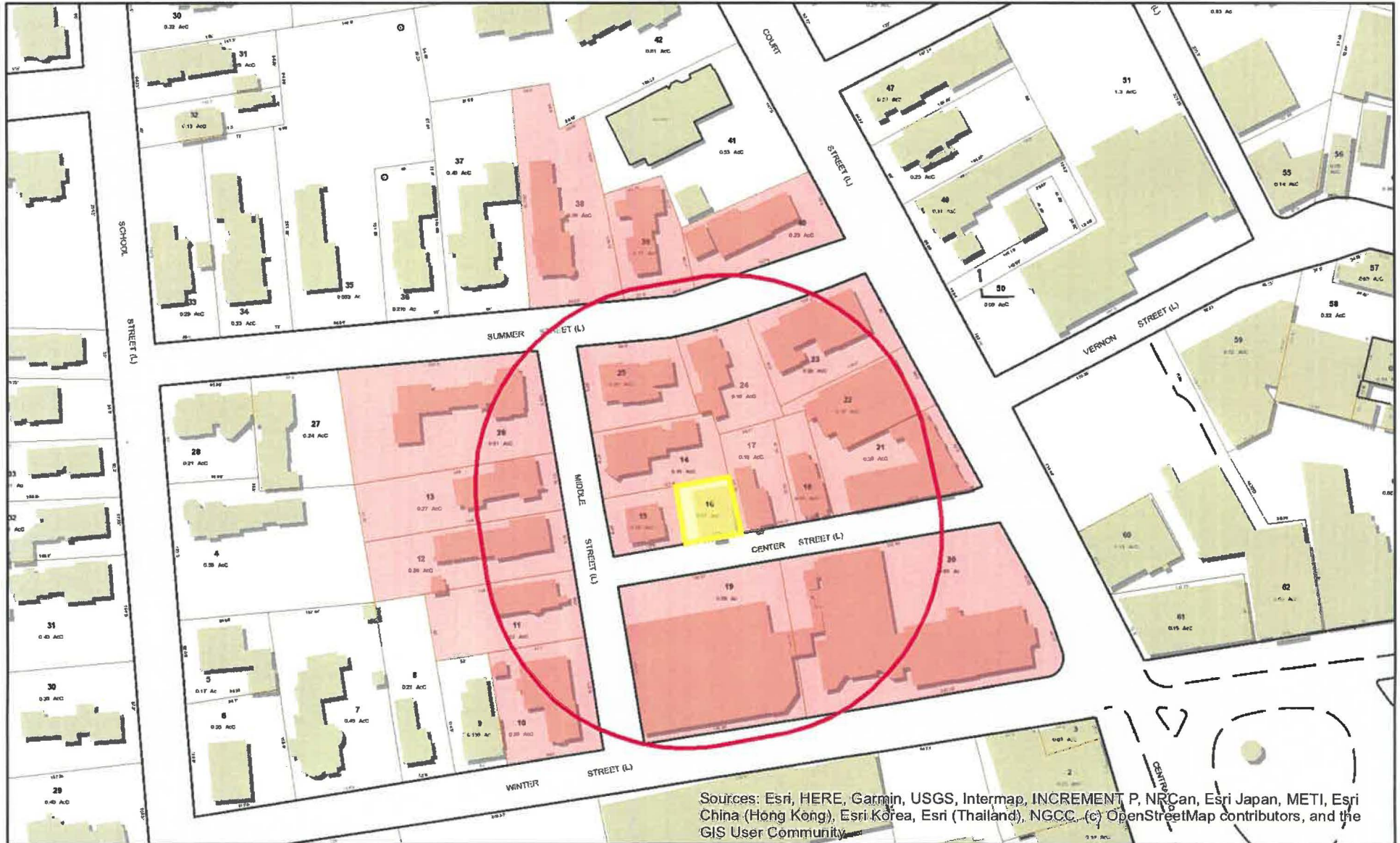
Keene, NH



July 20, 2022

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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200 foot Abutters List Report

Keene, NH
July 20, 2022

Subject Property:

Parcel Number: 568-016-000
CAMA Number: 568-016-000-000-000
Property Address: 27-29 CENTER ST.

Mailing Address: HARMON BRIAN HARMON AMALIA
184 COLBY RD.
DANVILLE, NH 03819

Abutters:

Parcel Number: 568-010-000
CAMA Number: 568-010-000-000-000
Property Address: 8 MIDDLE ST.

Mailing Address: PLANNED PARENTHOOD OF
NORTHERN NEW ENGLAND
784 HERCULES DR. SUITE 110
COLCHESTER, VT 05446-8049

Parcel Number: 568-011-000
CAMA Number: 568-011-000-000-000
Property Address: 16 MIDDLE ST.

Mailing Address: POLLOCK, CAITLIN M.
43 PLEASANT HILL AVE. #34
MATTAPAN, MA 02126

Parcel Number: 568-012-000
CAMA Number: 568-012-000-000-000
Property Address: 22 MIDDLE ST.

Mailing Address: SOUSA PAULA NOLAN
22 MIDDLE ST.
KEENE, NH 03431

Parcel Number: 568-013-000
CAMA Number: 568-013-000-000-000
Property Address: 28 MIDDLE ST.

Mailing Address: 28 MIDDLE STREET REALTY LLC
99 VALLEY PARK DR.
SPOFFORD, NH 03462

Parcel Number: 568-014-000
CAMA Number: 568-014-000-000-000
Property Address: 29 MIDDLE ST.

Mailing Address: ESPIEFS PETER S. REV. TRUST
29 MIDDLE ST.
KEENE, NH 03431

Parcel Number: 568-015-000
CAMA Number: 568-015-000-000-000
Property Address: 33 CENTER ST.

Mailing Address: BLUE SPRUCE OCEAN HOLDINGS LLC
PO BOX 1347
HAMPTON, NH 03843

Parcel Number: 568-017-000
CAMA Number: 568-017-000-000-000
Property Address: 23 CENTER ST.

Mailing Address: MONADNOCK UNITED FUND
23 CENTER ST.
KEENE, NH 03431

Parcel Number: 568-018-000
CAMA Number: 568-018-000-000-000
Property Address: 17 CENTER ST.

Mailing Address: MGJ REALTY LLC
PO BOX 562
KEENE, NH 03431

Parcel Number: 568-019-000
CAMA Number: 568-019-000-000-000
Property Address: 33 WINTER ST.

Mailing Address: CHESHIRE COUNTY
33 WINTER ST.
KEENE, NH 03431

Parcel Number: 568-020-000
CAMA Number: 568-020-000-000-000
Property Address: 12 COURT ST.

Mailing Address: COUNTY OF CHESHIRE
12 COURT ST.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
July 20, 2022

Parcel Number: 568-021-000
CAMA Number: 568-021-000-000-000
Property Address: 26 COURT ST.

Mailing Address: MGJ REALTY LLC
PO BOX 562
KEENE, NH 03431

Parcel Number: 568-022-000
CAMA Number: 568-022-000-000-000
Property Address: 34 COURT ST.

Mailing Address: 34 COURT LLC
63 EMERALD ST. #468
KEENE, NH 03431-3626

Parcel Number: 568-023-000
CAMA Number: 568-023-000-000-000
Property Address: 42-44 COURT ST.

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

Parcel Number: 568-024-000
CAMA Number: 568-024-000-000-000
Property Address: 18 SUMMER ST.

Mailing Address: ZOLL, MICHAEL J. ZOLL JENNIFER L.
18 SUMMER ST.
KEENE, NH 03431

Parcel Number: 568-025-000
CAMA Number: 568-025-000-000-000
Property Address: 37 MIDDLE ST.

Mailing Address: LEACH JODY A. LEACH KRISTEN
37 MIDDLE ST.
KEENE, NH 03431

Parcel Number: 568-026-000
CAMA Number: 568-026-000-000-000
Property Address: 38 MIDDLE ST.

Mailing Address: BERGERON, JOHN GROISS LINDA
38 MIDDLE ST.
KEENE, NH 03431

Parcel Number: 568-038-000
CAMA Number: 568-038-000-000-000
Property Address: 31 SUMMER ST.

Mailing Address: ARRUDA MEGAN E. ARRUDA JOHN G.
31 SUMMER ST.
KEENE, NH 03431

Parcel Number: 568-039-000
CAMA Number: 568-039-000-000-000
Property Address: 21 SUMMER ST.

Mailing Address: CUNHA-VASCONCELOS SOFIA C.
21 SUMMER ST.
KEENE, NH 03431

Parcel Number: 568-040-000
CAMA Number: 568-040-000-000-000
Property Address: 56 COURT ST.

Mailing Address: BURK NANCY E.
PO BOX 413
KEENE, NH 03431



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