



City of Keene Zoning Board of Adjustment

AGENDA

Tuesday, September 3, 2024

6:30 p.m.

City Hall, 2nd Floor Council Chambers

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: August 5, 2024
- III. Unfinished Business:
- IV. Hearings:

Continued ZBA-2024-19: Petitioner, Timothy Sampson, of Sampson Architects, PLLC, requests a variance for property located at 143 Main St., Tax Map #584-061-000. This property is in the Downtown Core District and is owned by 143 Main St., LLC, of West Swanzey. The Petitioner requests a variance to permit a two family/duplex where not permitted per Table 4-1 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, August 5, 2024**

6:30 PM

**Council Chamber,
City Hall**

Members Present:

Joseph Hoppock, Chair
Jane Taylor, Vice Chair
Richard Clough

Staff Present:

Corinne Marcou, Zoning Clerk
Evan Clements, Planner/Deputy Zoning
Administrator

Members Not Present:

Edward Guyot

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

13 Chair Hoppock 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 – June 3, 2024**
17

18 Ms. Taylor noted the following corrections to the June 3, 2024 meeting minutes:
19

20 Line 929: A verb is missing. She suggests adding “is” so it reads, “...different properties of how
21 this is discussed.”

22 Line 1323: An errant “t” should be deleted.

23 Line 1505: In the middle of the line, the word “of” should be deleted.
24

25 Ms. Taylor made a motion to approve the meeting minutes of June 3, 2024 as amended. Mr.
26 Clough seconded the motion, which passed by unanimous vote.
27

28 **III) Unfinished Business**
29

30 Chair Hoppock stated that he is not aware of any unfinished business.
31

32 **IV) Hearings**
33

34 Chair Hoppock stated that there are some adjustments to tonight's agenda. He continued that the
35 Petitioner for ZBA-2024-19 wants to continue until the September meeting, because tonight
36 there is only a three-member Board. The Petitioners for ZBA-2024-17 and ZBA-2024-18 want to
37 move forward with a three-member Board. Zoning Clerk Corinne Marcou replied that is correct.
38

39 **A) ZBA-2024-17: Petitioner, Gina DeSantis, Executive Director at Stonewall**
40 **Farms, requests a variance for property located at 243 Chesterfield Rd., Tax Map**
41 **#237-027-000 and is in the Agricultural District. The Petitioner requests a variance**
42 **for two additional apartments converted from an existing office on 36 acres where**
43 **40 acres are required per Article 7.2.2 and to permit four total apartments where**
44 **only two are allowed per Article 7.2.5 of the Zoning Regulations.**
45

46 Chair Hoppock introduced ZBA-2024-17 and asked to hear from staff.
47

48 Evan Clements, Planner/Deputy Zoning Administrator, stated that the subject property, Lot 27, is
49 part of an existing agricultural use called Stonewall Farm. He continued that the Farm consists of
50 three parcels totaling approximately 129 acres. Much of the Farm's land area is subject to a
51 conservation easement to the benefit of The Society For The Protection of NH Forests and
52 depicted on a plat dated March 16, 1999. The two largest parcels of the Farm are Lot 27, the
53 subject parcel, and Lot 23, separated by Chesterfield Rd. Grimes Brook is located on Lot 23 and
54 further separates the two parcels. Lot 24, also part of the Farm, is separated by Chesterfield Rd.
55 and is located to the south.
56

57 Mr. Clements continued that the subject property is surrounded by the Rural Zone to the north
58 and west, and the Agricultural Zone to the south and east. The entire Farm operation is
59 surrounded by the Rural Zone to the north, south, east, and west. All uses in the surrounding
60 Rural Zone parcels are either residential or undeveloped. Archway Farm is located to the
61 northeast and is also zoned Agricultural. A portion of the rail trail, owned and maintained by the
62 State of NH, separates the two farms. Staff reviewed the records of the Zoning Board of
63 Adjustment and found no actions for this property.
64

65 Chair Hoppock asked for clarification on whether they are dealing with two Variances, one for a
66 conversation from office space to two additional apartments, and a second for those two
67 additional apartments, where only two are permitted. He asked if that is correct. Mr. Clements
68 replied that his understanding is that the office is ancillary to the building itself. He continued
69 that it is a room that was used as an office and is now proposed to be converted to a dwelling
70 unit.
71

72 Chair Hoppock asked if, when the Board goes through the Variance criteria, they are evaluating
73 one Variance or two. He continued that he read this as two possible applications rolled into one.
74 Mr. Clements replied that his understanding is that the petition is to allow four total apartments
75 on the property when they only have enough area for three. The Agricultural Zone allows one

76 dwelling unit per 10 acres. The parcel has 36 acres, so they are allowed three apartments and are
77 seeking four.

78
79 Ms. Taylor stated that she agrees with Chair Hoppock, and the second question is about how the
80 Ordinance allows for two-family dwellings and they want to have a four-family dwelling. That is
81 the way she read the application. Mr. Clements replied that appears to be correct. He continued
82 that the allowed residential uses are dwelling above ground floor, dwelling – single family, and
83 dwelling – two-family duplex. Dwelling above ground floor allows for more than two, as long as
84 they are above the ground floor.

85
86 Ms. Taylor asked how “ground floor” is defined. She continued that she assumes it means not a
87 basement. Mr. Clements replied that is correct. Ms. Taylor replied that maybe that makes her
88 more confused, because her understanding is that you are allowed to have either a single- or a
89 two-family dwelling. She continued that it does not read that dwellings above the ground floor
90 can be unlimited.

91
92 Mr. Clements stated that a dwelling above ground floor is (defined in the Land Development
93 Code as) *“A dwelling unit that is located on the second story or higher of a building that is*
94 *above ground.”* He continued that it is staff’s understanding that the density factor will limit for
95 above-ground dwellings, as opposed to a single-family or a two-family. Ms. Taylor replied that
96 that is a new interpretation. Mr. Clements replied that they allow it in the Downtown Core, for
97 example. They allow dwellings above ground floor in the Downtown Core, but they do not set a
98 limit for how many dwelling units a building can have above the ground floor. Ms. Taylor
99 replied that that is a different Zone with different density requirements. Mr. Clements replied
100 yes, but the definition for the use is the same.

101
102 Chair Hoppock asked if anyone else had questions for staff. Hearing none, he asked to hear from
103 the Petitioner.

104
105 Gina DeSantis, Executive Director of Stonewall Farm, and Pete DeSantis introduced themselves.
106 Mr. DeSantis stated that he is here for moral support, and he did the drawings for the apartments.

107
108 Ms. DeSantis stated that the purpose of the proposed Variance is to convert the historic
109 farmhouse on the property from its current use as office space, approximately 1,500 square feet
110 on the first floor, into two residential apartments. She continued that the office space has been
111 vacant since the offices were located to the new education center in 1996. This conversion will
112 allow Stonewall Farm to better utilize the space within the historic farmhouse and provide much
113 needed housing in the area. The additional revenue generated from these apartments will allow
114 Stonewall Farm to further its mission to serve as a community hub for agricultural education
115 events and workshops that promote sustainable farming practices.

116
117 Ms. DeSantis continued that the effect of granting this Variance will be multi-faceted and highly
118 beneficial to both Stonewall Farm and the broader community. By accommodating the new

119 apartments, Stonewall Farm will be able to enhance its operational efficiency, bring livestock
120 back to the farm, and expand its education and outreach programs. The farmhouse will continue
121 to blend seamlessly with the existing rural landscape, preserving the aesthetic integrity of the
122 area while enhancing the Farm’s functionality. Regarding improved utilization of the historic
123 property, the historic farmhouse will be preserved and maintained through adaptive reuse,
124 ensuring that it continues to be a valuable asset to the property. The conversion will add two
125 residential units to the housing market, addressing a critical need for housing in the Keene area.
126 Regarding enhanced community engagement, by providing housing onsite, Stonewall Farm can
127 attract and retain seasonal interns or residents who are committed to the Farm’s mission,
128 fostering a closer-knit community.

129
130 Ms. DeSantis continued that the justification for the proposed Variance is based on several key
131 points. One is the preservation of historic property. Converting the farmhouse into residential
132 units ensures its preservation and continued use. Adaptive reuse of historic buildings is often
133 necessary to maintain their structural integrity and historic significance. The proposed
134 conversion aligns with best practices for historic preservation. Keene, like many communities,
135 faces a shortage of affordable and diverse housing options. The creation of two new apartments
136 will help address this shortage, providing much needed housing for residents or seasonal interns
137 associated with Stonewall Farm. Regarding operational efficiency, currently the farmhouse is
138 underutilized as office space. Converting it to residential use allows Stonewall Farm to make
139 more efficient use of its existing buildings, reducing the need for new construction and
140 associated costs. Regarding community and economic benefits, the additional housing can
141 support local economic growth by attracting new residents to the area. Residents living onsite
142 might also contribute to the Farm’s operations and community activities, enhancing the overall
143 sustainability of Stonewall Farm’s mission and programs.

144
145 Ms. DeSantis continued that regarding the environmental considerations, utilizing the existing
146 farmhouse for residential purposes is an environmentally sustainable use. It minimizes the need
147 for new construction, reduces waste, and promotes the efficient use of existing resources. The
148 farmhouse represents more than two and a half centuries of agrarian history in Keene. The land it
149 sits on can be traced back to Samuel Daniels, who first started farming in 1759. Stonewall Farm
150 is a non-profit organization and unlike for-profit businesses or privately owned investment
151 properties, it is not motivated by profit. The proposed Variance to convert the historic farmhouse
152 from office space to two residential apartments is a well-justified and necessary adjustment. It
153 will preserve a valuable historic structure, addressing local housing needs and supporting the
154 mission of Stonewall Farm. They respectfully request the ZBA approve this Variance,
155 recognizing the significant positive impact it will have on the property, the community, and the
156 Farm’s long-term sustainability.

157
158 Mr. Clements stated that he has a question for the applicant. He asked if there are two existing
159 dwellings. Ms. DeSantis replied yes. Mr. Clements stated that based on the applicant’s
160 explanation, he believes the petition is to allow four dwelling units, when the density factor only
161 allows three, and to allow multi-family on the Agricultural lot where multi-family is not

162 normally allowed. “Multi-family” is defined in the LDC by “C. Dwelling, Multi-Family” under
163 Article 8.3.1 – Residential Uses.

164
165 Chair Hoppock stated that “four dwelling units where the density only allows three” is one
166 Variance. He asked what the other one was again. Mr. Clements replied to allow a permitted use
167 in the Agricultural Zone for multi-family, when multi-family is not normally permitted. He
168 believes that was the intent of the note on Article 7.2.5, which is the use table for the
169 Agricultural District in the LDC. Chair Hoppock replied that he thinks that clears up many
170 things.

171
172 Chair Hoppock stated that he is uncertain about the Unnecessary Hardship factor, which he does
173 not think Ms. DeSantis addressed.

174
175 Ms. DeSantis stated that the Zoning Ordinance provision aims to ensure that land use is
176 consistent with the overall planning goals of the community, maintaining orderly development,
177 protecting property values, and preserving community character. She continued that however, in
178 the case of Stonewall Farm, there is no fair or substantial relationship between these general
179 public purposes and the specific application of the Ordinance to this property, for several
180 reasons. First, its historical and unique use. Stonewall Farm’s farmhouse has historically been
181 used for residential purposes, including housing boarders and farm workers. This longstanding
182 use predates current zoning ordinances and aligns with the Farm’s operational needs. Denying
183 the Variance to allow residential use disregards the historical context and unique characteristics
184 of the property, which do not pose any threat to the community’s orderly development or
185 character. The conversion of the farmhouse into apartments restores its historical function and
186 respects its historical significance.

187
188 Second, Ms. DeSantis continued, is the alignment with community goals. The general public
189 purposes of the Zoning Ordinance include supporting community goals such as sustainability,
190 education, and preservation of open space. Stonewall Farm’s mission to promote sustainable
191 agriculture and provide educational opportunities directly aligns with these goals. Allowing the
192 Variance would support the Farm’s mission, thereby advancing rather than detracting from the
193 community’s broader objectives. The specific application of the Zoning provision to prohibit this
194 conversion does not align with the Farm’s beneficial contributions to the community. Granting
195 the Variance to convert the farmhouse into residential apartments will have minimal impact on
196 the surrounding properties. The proposed use is compatible with the agricultural and educational
197 activities of Stonewall Farm and does not introduce any disruptive elements to the neighborhood.
198 The Variance will not lead to increased traffic, noise, or other nuisances that zoning ordinances
199 typically aim to control. Therefore, the specific application of the provision is not necessary to
200 protect the interests of the surrounding properties.

201
202 Ms. DeSantis continued that regarding supporting economic viability, Stonewall Farm relies on
203 diverse revenue streams, including those generated by onsite activities and programs. By
204 allowing residential use of the farmhouse, the Farm can better support its staff and enhance its

205 operational efficiency. The economic viability is crucial for the Farm to continue its educational
206 and community programs. The specific application of the Zoning provision to prohibit the
207 residential use undermines the Farm’s financial stability and consequently, its ability to serve the
208 community. Stonewall Farm is a unique property that does not fit neatly into conventional
209 Zoning categories. It serves multiple roles, including agricultural production, education, and
210 historic preservation. The general public purposes of the Zoning Ordinance do not adequately
211 account for such multi-faceted properties. The specific application of the provision, in this case,
212 imposes unnecessary restrictions that fail to recognize the unique nature and needs of Stonewall
213 Farm.

214
215 Ms. DeSantis stated that in conclusion, no fair and substantial relationship exists between the
216 general public purposes of the Zoning Ordinance provision and the specific application of that
217 provision to Stonewall Farm. The property’s historical use, alignment with community goals,
218 minimal impact on surrounding properties, support for economic viability, and unique
219 characteristics all demonstrate that the Variance is reasonable and justified. She respectfully
220 requests the ZBA approve this Variance, acknowledging that its denial would impose
221 unnecessary hardship without serving the intended public purposes of the Ordinance.

222
223 Chair Hoppock asked for a reminder of the acreage. Ms. DeSantis replied that in total, for all of
224 Stonewall Farm, it is 129 acres. She continued that this tract is 36 acres.

225
226 Ms. Taylor asked for clarification on how many units there currently are. She continued that for
227 some reason, she thought it was three, not two. She asked Ms. DeSantis to explain roughly where
228 these four units will exist within the overall building, if they have elements such as separate
229 entrances. Ms. DeSantis replied that currently there are two units, a two-bedroom apartment on
230 the second floor and a three-bedroom apartment that spans the first and second floor. The two-
231 bedroom apartment is in use, and the three-bedroom one just became vacant and Stonewall Farm
232 is renovating it.

233
234 Ms. Taylor asked if it is correct that they are asking for two additional units to those three units.
235 Ms. DeSantis replied that it is one farmhouse building, and the first floor is currently unoccupied
236 because it was used as office space, although there is a kitchen and bathroom there. She
237 continued that that space has been empty since 1996. The other two dwellings that are currently
238 occupied, one of which just became vacant, are the two- and three-bedroom units on the second
239 floor of the building.

240
241 Mr. DeSantis stated that to clarify, the three-bedroom unit is rather separate from the main
242 building. He continued that it is an L off the main structure, and it is two floors, but one
243 apartment. The second apartment is on the second floor of the main building. They are
244 requesting to convert the first floor of the building, which was the Farm offices, into two one-
245 bedroom apartments.

246

247 Ms. Taylor asked if it is correct that overall, the entire structure, the main building and the L, will
248 have a total of five apartments. Mr. DeSantis replied no, a total of four. Ms. Taylor asked if they
249 count the L as part of building. Mr. DeSantis replied yes, that is one apartment, and then there
250 will be three in the main building. He continued that the L apartment is two floors. There is no
251 penetration of the wall between the main building and the two-story apartment. There is no
252 physical connection through the building. Ms. Taylor replied that she did not look it up in the
253 Assessing database to see if it was one building. Mr. DeSantis indicated the location of the two-
254 story apartment in the L, in the photo. He continued that regarding the main building, the first
255 floor would be the two one-bedroom apartments, and there is an existing one-bedroom above, for
256 a total of four. Ms. Taylor replied that she supposes it is a matter of semantics, because she
257 considers the L as part of the building. Mr. DeSantis replied yes, it is all part of the building, but
258 you cannot get to it from (inside) the main building, only from outside. No hallway or stairway
259 connects them.

260

261 Ms. Taylor asked if there is enough septic capacity for five units in total on the property. Mr.
262 DeSantis replied yes, and he used to be a septic system designer. He continued that the septic
263 system was designed for seven bedrooms, which is exactly what they will wind up with. It is a
264 total of about 900 gallons a day discharge, which would easily take care of seven bedrooms.

265

266 Ms. Taylor asked if the new apartments will each have two bedrooms. Mr. DeSantis replied no,
267 one bedroom each. He continued that they did submit plans. Very little construction is needed in
268 the building to accomplish this. They have to build about 20 feet of wall and close in three or
269 four door openings.

270

271 Ms. Taylor asked if each apartment would have its own entrance. Mr. DeSantis replied yes, each
272 apartment has its own entrance from the exterior. Ms. Taylor asked about the upstairs one. Mr.
273 DeSantis replied it is already separate. Ms. Taylor asked if they have a stairway. Mr. DeSantis
274 replied yes.

275

276 Chair Hoppock asked if there were any further questions. Mr. DeSantis replied that he has one
277 more thing to add. He continued that part of the application asks what makes this property
278 unique, and back in the early 1990's, Mike Kidder worked for about two years to get a special
279 carve-out in the Agricultural Zone to have an educational use in that zone, which is what
280 Stonewall Farm became. In essence, its existence identifies it as a unique property in the
281 Agricultural Zone.

282

283 Chair Hoppock asked how long it has been an educational use. Mr. DeSantis replied that he
284 thinks since 1992.

285

286 Chair Hoppock asked for public comment in favor of the application. Hearing none, he asked if
287 anyone wanted to speak in opposition. Hearing none, Chair Hoppock closed the public hearing
288 and asked the Board to deliberate.

289

- 290 5. *Unnecessary Hardship*
291 A. *Owing to special conditions of the property that distinguish it from other properties*
292 *in the area, denial of the variance would result in unnecessary hardship because:*
293 i. *No fair and substantial relationship exists between the general public*
294 *purposes of the ordinance provision and the specific application of that*
295 *provision to the property because:*
296 *and*
297 ii. *The proposed use is a reasonable one.*
298

299 Chair Hoppock stated that working backwards (in the criteria), he does think this is a unique
300 property, given its overall size and the educational use to which it has been put for the last 20 or
301 30 years, and its long-standing presence on that property with the same or a similar use. He
302 continued that certainly, it has been a farm for a long time. The purpose of these dwelling unit
303 restrictions, and restricting multi-family dwellings in an agricultural zone, is to control density
304 and population size. He does not see, given those special features, how its application to this
305 property makes sense. He thinks this criterion is satisfied.
306

- 307 4. *If the Variance were granted, the values of the surrounding properties would not be*
308 *diminished.*
309

310 Chair Hoppock stated that from a commonsense perspective, he does not see any impact on
311 property values in the area, because it will improve this property a great deal and make it more
312 efficient, and that will not overflow negatively on anyone else's property in the area. The map in
313 the agenda packet shows there is not much close by.
314

- 315 3. *Granting the Variance would do substantial justice.*
316

317 Chair Hoppock stated that when they talk about substantial justice, they talk about weighing
318 harms and gains. The question is what the gain to the public would be if this were granted. The
319 gain to the public is increased housing, a more efficient educational institution, and a place for
320 workers to live. The harm to the property owners if they cannot (have the Variance) would be the
321 opposite of efficient operation. They have a vacant space that they could rent out. The
322 community needs housing, and (the applicant) has an idea that helps. He sees this as a gain for
323 the applicant and a gain for the community, if the Variance is approved.
324

- 325 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*
326

327 Chair Hoppock stated that there are two methods for determining whether granting a Variance
328 violates the Ordinance's basic zoning objectives. First is looking at whether granting the
329 Variance would alter the essential character of the neighborhood. This is a multi-family use in an
330 agricultural zone, but in his view, it will not alter the essential character of the neighborhood.
331 They are looking for two one-bedroom apartments. (Tenants) may or may not work on Stonewall
332 Farm. They might be students, or anyone. That does not alter the essential character of the
333 neighborhood. Nothing about this application would threaten the public health, safety, or
334 welfare. They will not increase the property by 100 apartments. They will not have a parking
335 problem. Fire and Police protection will not be an issue, because they will not change anything

336 on the outside. They will convert a large office into two small, one-bedroom apartments. He does
337 not see that as an issue.

338

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

340

341 Chair Hoppock stated that this is not contrary to; it is consistent *with* the public interest, and in
342 fact enhances it. He continued that he already talked about housing (in other criteria). He is in
343 favor of approving this application.

344

345 Ms. Taylor stated that she agrees with everything Chair Hoppock said, and she will not repeat it
346 all. She continued that regarding unnecessary hardship, the characteristics of the building and the
347 property itself stand out to her. Even though originally, this building was used as part of the
348 educational purpose and it has morphed over time, she thinks it is a historic building that would
349 be in danger of “going the way of a lot of historic, rural buildings have gone in the last 10 years
350 in Keene.” Personally, she would hang her hat on its unique characteristic, not just in its setting,
351 but also to the city itself. Therefore, she thinks that the application of the Zoning Ordinance to
352 this particular property is not appropriate. She also thinks it is a very reasonable use for a
353 building of its nature, size, and setting.

354

355 Chair Hoppock stated that he agrees with everything Ms. Taylor just said.

356

357 Mr. Clough stated that based on the criteria, if it had four more acres that would have taken care
358 of one of the Variance issues. He continued that regarding the other issue, looking at a map of
359 the conservation easements and the way this property is used, he thinks it is a harmonious use of
360 this building. It is not altering the outside of the building at all, so people driving by will still see
361 this as a farm. There is plenty of parking, so there will not be any issues there. He understands
362 how they are doing the layout for the (apartments), and yes, it is extremely concise and simple. It
363 is a very good use of both where existing elements are and how to alter the other ones. There is
364 plenty of entrance and egress for all the units. Many of the things the ZBA would have to nitpick
365 over with other cases are not an issue here.

366

367 Chair Hoppock stated that he agrees with what Mr. Clough said.

368

369 Mr. Clough made a motion to approve ZBA-2024-17, a Variance for property located at 243
370 Chesterfield Rd., Tax Map #237-027-000, in the Agricultural District, for two additional
371 apartments converted from an existing office on 36 acres where 40 acres are required per Article
372 7.2.2 and to permit four total apartments where only two are allowed per Article 7.2.5 of the
373 Zoning Regulations. Ms. Taylor seconded the motion.

374

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

376

377 Met with a vote of 3-0.

378

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

380

381 Met with a vote of 3-0.

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

383

384 Met with a vote of 3-0.

385

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

388

389 Met with a vote of 3-0.

390

391 *5.Unnecessary Hardship*

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

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

398 *and*

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

400

401 Met with a vote of 3-0.

402

403 The motion passed with a vote of 3-0.

404

405 **B) ZBA-2024-18: Petitioner, Robert Parisi of RK Parisi Enterprises, Inc.,**
406 **Keene, requests a variance for properties located at 78 Railroad St. and 17 93rd. St.,**
407 **Tax Map #574-011-000 and 574-012-000. These properties are in the Downtown**
408 **Core District and are owned by Monadnock Community Service Centers, Inc. The**
409 **Petitioner requests a variance to permit residential use on the ground floor per**
410 **Article 8.3.1.C.2.b of the Zoning Regulations.**

411

412 Chair Hoppock introduced ZBA-2024-18 and asked to hear from staff.

413

414 Mr. Clements stated that the subject properties, Lots 11 and 12, contain an existing one-story
415 office building with a 2.5-story addition and a combined approximate 16,400 square feet of
416 living space. He continued that Lot 11 is approximately .31 acres in size, and Lot 12 is
417 approximately .08 acres. The third parcel, Lot 13, contains a parking area of approximately 37
418 parking spaces. It serves the existing office use and is approximately .26 acres. The original
419 building was constructed in 1920 and the addition was added in 1989 and sits on two lots. Both
420 lots are zoned Downtown Core, which permits residential as long as the dwellings are located
421 above the ground floor.

422

423 Mr. Clements continued that the property has street access from Railroad St. to a parking area
424 located on the east of the building. The subject properties are surrounded by Downtown Core to
425 the north and west, Downtown Edge to the east, and Downtown Growth to the south.

426 Surrounding uses include hotels and hospitality to the south, church and religious uses to the

427 west, apartments/residential to the north and east, and a private club lodge to the northeast.
428 Zoning actions on record for this property include ZBA-88-62 and ZBA-88-63, which were a
429 Special Exception and a waiver of off-street parking in order to construct that 2.5-story addition.
430 The applicant came back the following year, and ZBA-89-22 and ZBA-89-23 were for the same
431 Special Exception and waiver requests. From his reading of the meeting minutes, it appears that
432 the design of that proposed addition changed. Originally, it appeared to be a standalone building
433 that ultimately became attached to the original 1920 structure, and that is how it sits today.

434
435 Chair Hoppock asked what the underlying rationale is behind the rule of the Downtown Core
436 where no living spaces can be permitted on the ground floor. Mr. Clements replied that the intent
437 is to have mercantile, retail, and service uses at the pedestrian level/ground floor, and allow for
438 residential uses above. Chair Hoppock asked if the idea is for the traffic to be pedestrian traffic.
439 Mr. Clements replied yes, to activate space and usability in the Downtown Core.

440
441 Chair Hoppock asked if there is any retail immediately around the (subject property). Mr.
442 Clements replied that the office building is parallel with Community Way. He continued that
443 going into the Railroad land, the Monadnock Food Co-op is there, and on Railroad St., moving
444 westerly toward Main St., is the Wells St. parking deck. A condominium building is to the west
445 of that with the first floor is off-street parking. As you get to the intersection of Railroad and
446 Main St., there are first-floor retail and services at 64 Main St., and he believes there are condos
447 above. Directly to the south of that is the building where Local Burger is. Chair Hoppock asked
448 if it is correct that there is no retail within about 200 feet of the (subject property), other than the
449 Co-op. Mr. Clements replied that that would be fair to say.

450
451 Ms. Taylor stated that this is three parcels. She continued that given the ever-changing status of
452 merger laws, she wants to know if Mr. Clements has any understanding of why Lots 11 and 12,
453 at least, were not merged. Mr. Clements replied that he does not have knowledge about why
454 those remain separate parcels. Ms. Taylor replied that it seems strange, because the building
455 straddles the parcel line. She wondered if there was any background. Mr. Clements replied not
456 that he could figure out. He continued that there are no impervious surface setbacks in
457 Downtown Core, so it does not propose a Zoning irregularity.

458
459 Chair Hoppock asked if there were any further questions. Hearing none, he asked to hear from
460 the Petitioner.

461
462 Robert Parisi of RK Parisi Enterprises, Inc. stated that they are looking to help create housing out
463 of underutilized properties. He continued that they feel compelled to use the first floor of this
464 structure if possible, for limited access or accessible apartments, since there is handicapped
465 parking and it is in close proximity to, for example, the Co-op and downtown. The property,
466 including its doors, is well set up for accessibility, given that it was previously owned and
467 operated by Monadnock Family Services (MFS). They felt compelled to use this opportunity to
468 make units available there. It would be great for the community.

469 Mr. Parisi stated that the Variance would help because of the need for housing, and because the
470 downtown does not have much handicapped accessible housing or units with accessible parking
471 close by. He continued that to his knowledge, it is rare to have a (unit with) handicapped parking
472 spaces, push-button doors, and other accessibility elements. As mentioned, there is not a lot of
473 retail (near) this property, this is more of a residential area.
474

475 Mr. Parisi stated that if they are able to (get) this (Variance), rather than just having more office
476 use in a sea of offices, they want to create easy-access apartments for people who have mobility
477 issues, with an accessible kitchen and bath, which is helpful for people who do not have those
478 elements offered in other apartments. They feel that in this environment it would be easier to
479 manage a completely residential building, instead of one that is a mix of commercial and
480 residential uses. When they convert the building, it would be easier to just have everything up to
481 residential standards. It is fully sprinklered, has an elevator, has HVACs for each unit, and is in
482 very good repair as well as is very conveniently located.
483

484 Mr. Parisi continued that regarding merging multiple lots, they would be open, upon acquiring it,
485 to converting it to one parcel. They were confused, as was their lender. They (RK Parisi
486 Enterprises) are working on acquiring the property at 64 Main St., and thinks the two properties
487 shared some parking together. He believes that as long as the same owner owns both, there is
488 that accessibility of parking, where some of the staff members would park at 17^{93rd} St. lot, then
489 walk to 64 Main St. They are “sister” properties that have been owned together for a long time,
490 although he does not know what the records would be.
491

492 Chair Hoppock asked what they propose ,if it would be one apartment unit. Mr. Parisi replied
493 that the ground floor would have five or six. He continued that they are still in the final stages of
494 selecting the architect as they secure the financing for the property. Whether this would be
495 possible was an important question for them to know, because the repairs and the setup for those
496 to be handicapped accessible units and have accessible showers, wide doors, (and so on and so
497 forth) is a good investment. They wanted to know if it would be feasible or allowed with the
498 Zone.
499

500 Ms. Taylor asked if Mr. Parisi is buying the property. Mr. Parisi replied yes, it is under contract,
501 and they hope to close by the end of the month. Ms. Taylor replied that she did not know if he
502 applied for the Variance on behalf of another party. Mr. Parisi replied yes, they are working on
503 acquiring it.
504

505 Ms. Taylor asked if the upstairs is currently apartments. Mr. Parisi replied that upstairs is
506 currently empty office. He continued that MFS have had different operations and have recently
507 acquired the property at Avon St. that was Antioch. All parties are working together as the
508 transitions are made.
509

510 Ms. Taylor stated that she realizes Mr. Parisi’s proposal is for being able to have residential units
511 on the ground floor, but her question is whether he also proposes having residential units on the
512 second floor. Mr. Parisi replied yes, that is the hope. He continued that there would be a couple
513 on the third floor, six to eight on the second floor, depending on the designs, and five or six on

514 the first floor. They have not fully engaged the architect yet. They would present those plans as
515 normal, but they are trying to get through the Variance to be able to understand the project.

516
517 Ms. Taylor asked how many parking spaces exist. Mr. Parisi replied that the total is between 47
518 and 53. He continued that what was compelling to him to this property is that many of those
519 spaces are large accessible ones, the door has a push button and an easy ramp, with a good,
520 covered area that would be great for someone who uses a wheelchair. His PoshHaus business
521 sells handicapped showers and bathtubs where they will try and make some of the (apartments)
522 very “user-friendly” for people who have handicaps or limited mobility, because many times
523 they get left behind or have very limited options for (housing that has) something like a walk-in
524 bathtub or shower without a big curb. This property has been empty for a long time, so they
525 would like to see it fully used.

526
527 Chair Hoppock asked if MFS is still occupying the space. Mr. Parisi replied that they have been
528 winding down operations there for at least 6 to 12 months. He continued that he thinks it has
529 been listed for close to a year. It is a good, healthy structure, and they want to put it to good use.
530 It is within 250 feet of the Co-op, so a tenant here has a good place to eat.

531
532 Chair Hoppock asked how Mr. Parisi would characterize the special conditions of the property or
533 the building. Mr. Parisi replied that it is office right now, which is the toughest class to rent,
534 maintain, or occupy. He continued that the city has thousands of feet of unoccupied office, with a
535 housing shortage of a couple thousand units. Thus, they felt that converting it (to residential) in
536 this good location would make it a thriving property. It is partially historic, and underutilized. He
537 does not know how any owner would fill it with office uses. There is just not that kind of
538 demand. It has, again, elevators, sprinklers, and HVAC units for each suite for climate control. In
539 some of the plans, they are trying to modernize it with maybe some solar or other elements to
540 make sure the property is in top shape. Since they do not have to build a new building from the
541 ground up, they can keep it reasonably affordable. The cost of that structure alone, from the
542 ground up, is probably double the purchase price.

543
544 Chair Hoppock asked if the Board had further questions. Hearing none, he asked for public
545 comment in support of or in opposition to the application.

546
547 Kat Scott stated that she is a real estate agent and definitely in favor of housing. She continued
548 that it is impressive how many people want to move to this area, but (she) consistently (sees) on
549 social media that they have nowhere to go. It is exciting that Mr. Parisi has a project that could
550 bring quite a bit of housing right to the downtown area, with many accessibility features already
551 in place for people who need those features. She understands it is a Variance, but it would be
552 amazing to fill those houses with people who need them.

553
554 Chair Hoppock asked Ms. Scott if the accessibility features are unique to this property, in
555 comparison with others in the area. Ms. Scott replied that because it was a city/government
556 building, the (units) were built to very high specifications, unlike other properties in the area.
557 Mr. Parisi stated that the hallways, elevator, low-angled ramp, and push-button entrance door are
558 some features he rarely sees in other properties. He continued that the segment of renters (with

559 accessibility needs) seems to get left out. If you try to help someone, it is very rare to find
560 anything accessible. Many (units) are converted homes, such as the farmhouse in the previous
561 (application), whereas this was a facility with, for example, five or six large, handicapped
562 parking spaces. It seems compelling and is a good opportunity to get (some accessible housing).
563

564 Chair Hoppock asked if there was any more public comment. Hearing none, he closed the public
565 hearing and asked the Board to deliberate.
566

567 1. *Granting the Variance would not be contrary to the public interest.*
568

569 Ms. Taylor stated that she thinks this Variance is in the public interest, because while there is
570 somewhat of a conflict with the Ordinance, which is why the applicant is here, it does not
571 threaten public health, safety, or welfare. She continued that it does not alter the essential
572 character of the neighborhood, and in fact, it probably enhances the public health, safety, and
573 welfare due to its unique nature of having so many ADA features already there.
574

575 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*
576

577 Ms. Taylor stated that she thinks this does uphold the spirit of the Ordinance, not necessarily for
578 the Downtown Core, but for the overall downtown district, in having more residential dwelling
579 units that are accessible to the downtown.
580

581 3. *Granting the Variance would do substantial justice.*
582

583 Ms. Taylor stated that looking at whether the benefit to the applicant is outweighed by harm to
584 the general public, she thinks there is probably benefit to the general public as well as benefit to
585 the applicant.
586

587 4. *If the Variance were granted, the values of the surrounding properties would not be*
588 *diminished.*
589

590 Ms. Taylor stated that you do not get much value from a vacant building. She continued that it is
591 similar in residential nature. When she looked at this, and looked at the maps, she was amazed by
592 how much residential property there is within this two- or three-block area. She does not think
593 the Variance would hurt the values of surrounding properties, even though they have not heard
594 any specific testimony on it.
595

596 5. *Unnecessary Hardship*

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

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

603 and

604 iii. *The proposed use is a reasonable one.*

605 Ms. Taylor stated that the ZBA keeps getting applications for unique buildings, and she thinks
606 this is one of them. She continued that she thinks literal enforcement of the Ordinance does not
607 have much relationship to the facts on the ground. Limiting this particular structure, which looks
608 like a residential house, to only having residential units above the ground floor does not make
609 much sense, especially with the unique nature of the building, going back to its accessible nature
610 and the benefits it could provide. She believes the use is eminently reasonable.

611
612 Chair Hoppock stated that he agrees with everything Ms. Taylor said, and would add, regarding
613 the unnecessary hardship criteria, that the literal enforcement of this Ordinance in light of the
614 rationale for the restriction on residential dwellings on ground floors, does not make any sense in
615 light of the building, its location, and the existing amenities. He thinks that in this instance, the
616 criterion that is usually the hardest is the most easily resolved and he will not repeat what Ms.
617 Taylor just said regarding all the other criteria that are satisfied. He is on board with (approving)
618 this.

619
620 Mr. Clough stated that he agrees that the unnecessary hardship in some ways is the easiest
621 criterion. He continued that because this was built to rather stringent criteria for use when the
622 building was MFS and MDS, you would actually have to “unbuild” it if you were going to use it
623 for anything else, which would be ridiculous. It is already built strongly, with ADA-accessible
624 doors and features like ramps at correct grade, so to not make use of those features would be a
625 ridiculous waste and agrees that it is an extremely good use. You would not be able to put retail
626 in this building; it would make no sense. He agrees that there is a glut of office space (in the
627 city), so it is a hardship to try to keep it for an office.

628
629 Mr. Clough made a motion to approve ZBA-2024-18, a Variance for property located at 78
630 Railroad St. and 17 93rd St., Tax Map #574-011-000 and #574-012-000. The properties are in the
631 Downtown Core District, owned by Monadnock Community Service Centers, Inc. The Variance
632 is to permit residential use on the ground floor, per Article 8.3.1.C.2.b of the Zoning regulations.
633 Ms. Taylor seconded the motion.

634
635 1. *Granting the Variance would not be contrary to the public interest.*

636
637 Met with a vote of 3-0.

638
639 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

640
641 Met with a vote of 3-0.

642
643 3. *Granting the Variance would do substantial justice*

644
645 Met with a vote of 3-0.

646
647 4. *If the Variance were granted, the values of the surrounding properties would not be*
648 *diminished.*

649 Met with a vote of 3-0.

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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*
- iv. *The proposed use is a reasonable one.*

Met with a vote of 3-0.

The motion passed with a vote of 3-0.

C) ZBA-2024-19: Petitioner, Timothy Sampson, of Sampson Architects, PLLC, requests a variance for property located at 143 Main St., Tax Map #584-061-000. This property is in the Downtown Core District and is owned by 143 Main St., LLC, of West Swanzey. The Petitioner requests a variance to permit a two family/duplex where not permitted per Table 4-1 of the Zoning Regulations.

Chair Hoppock introduced ZBA-2024-19 and stated that the applicant wants to present when the ZBA has a four- or five-member Board. Ms. Marcou replied that is correct.

Chair Hoppock made a motion to continue ZBA-2024-19 to the next regularly scheduled Zoning Board of Adjustment meeting on September 3, 2024. Ms. Taylor seconded the motion, which passed by unanimous vote.

Chair Hoppock asked what happens with the other (applications on tonight’s agenda). Mr. Clements replied that the ZBA cannot act on the last three, so they will see if they can do a special meeting of the ZBA to address those this month, or have those applicants come to the September meeting. The City will have to re-notice those hearings. Chair Hoppock asked if everyone knows he is (recusing himself) from those. Mr. Clements replied yes.

Ms. Taylor asked if that means the ZBA is continuing those three hearings, because she thought they had to continue to a date certain. Mr. Clements replied that the ZBA cannot act on them tonight. He continued that the City will have to re-notice abutters, put the notices back in the paper, and basically treat those hearings as if they had not been on tonight’s agenda.

V) New Business

Chair Hoppock stated that that the Board has new printed copies of the LDC in front of them. He asked what they should do with them. Ms. Marcou replied that those are for the Board members to take home to replace the copies of the LDC they have in their three-ring binders. She

693 continued that this new copy is a total re-print, with added Article 29, which is the new Cottage
694 Court Overlay.

695

696 Ms. Taylor stated that Ms. Marcou mentioned earlier that the Cottage Court Overlay is the new
697 Article 17. She asked if the rest of the (Articles) were just moved down one, which is how they
698 get to Article 29. Ms. Marcou replied yes, and staff thought it would be best to do a full re-print
699 of everything, starting from the beginning of the LDC. Mr. Clements stated that there are many
700 references to later sections. For example, the application procedures used to be Article 25, and
701 now it is Article 26. There are some things earlier than Article 17 that have been changed as
702 well, but they are so mixed throughout the document that it was just easier to start all over.

703

704 Chair Hoppock asked if there was any other new business.

705

706 **VI) Communications and Miscellaneous**

707

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

709

710 **VIII) Adjournment**

711

712 There being no further business, Chair Hoppock adjourned the meeting at 7:45 PM.

713

714 Respectfully submitted by,
715 Britta Reida, Minute Taker

716

717 Reviewed and edited by,
718 Corinne Marcou, Clerk

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143 MAIN ST. ZBA-2024-19



Petitioner requests a Variance for a two family/duplex per Table 4-1 of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2024-19

A meeting of the Zoning Board of Adjustment will be held on **Tuesday, September 3, 2024, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

Continued ZBA-2024-19: Timothy Sampson, of Sampson Architects, PLLC, requests a variance for property located at 143 Main St., Tax Map #584-061-000. This property is in the Downtown Core District and is owned by 143 Main St., LLC, of West Swanzey. The Petitioner requests a variance to permit a two family/duplex where not permitted per Table 4-1 of the Zoning Regulations.

You are receiving notice of this hearing as an abutter to or owner of property within 200-ft. of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Please be advised that this may be the only certified notice you will receive. You are encouraged to review future Zoning Board of Adjustment agendas for the status of this application at keenenh.gov/zoning-board-adjustment. If you have any questions, please contact me at the Community Development Department at (603) 352-5440.

Corinne Marcou, Zoning Clerk
Notice issuance date August 23, 2024



City of Keene

New Hampshire

NOTICE OF DECISION

ZONING BOARD OF ADJUSTMENT

CASE NUMBER: ZBA 20-07
Property Address: 143 Main St.
Zone: Central Business Limited
Owner: 143 Main St., LLC
Petitioner: Tim Sampson, Architect
Date of Decision: April 6, 2020

Notification of Decision:

Petitioner, Tim Sampson, Architect of 103 Roxbury St., Suite 203, Keene, NH, request a Change of a Nonconforming Use for property located at 143 Main St., Keene, Tax Maps #584-061-000-000-000, which is in the Central Business Limited District. The Petition, which requested a Change of a Nonconforming Use to permit a two-family dwelling with office use from a single-family dwelling, was approved 4-1 with a condition.

Condition: 1. The parking requirements from Section 102-978 of the Zoning Ordinance for the Central Business Limited District are satisfied through the procedures of the Community Development Department.


Corinne Marcou, Clerk

Any person directly affected has a right to appeal this Decision. 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 be filed not later than 30 days after the first date following the referenced Date of Decision. The Motion must fully set forth every ground upon which it is claimed that the decision is unlawful or unreasonable. See New Hampshire RSA Chapter 677, et seq.

cc: Planning Dept.
Assessing Dept.
City Attorney
File Copy

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	_____
Date Filled	_____
Rec'd By	_____
Page _____ 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: 143 Main LLC

MAILING ADDRESS: PO Box 575 West Swanzey NH 03469

PHONE:

EMAIL: Pappascontracting@yahoo.com

SIGNATURE: *M Pappas*

PRINTED NAME: Micheal Pappas

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS: SAME

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: Timothy Sampson Sampson Architects PLLC

MAILING ADDRESS: 11 King Ct Suite 112 Keene NH 03431

PHONE: 603 769 7736

EMAIL: Tim@SampsonArchitects.com

SIGNATURE: *Tim P*

PRINTED NAME: Timothy Sampson

SECTION 2: PROPERTY INFORMATION

Property Address: 143 Main St

Tax Map Parcel Number: 584-061-000

Zoning District DTC

Lot Dimensions: Front: 52.86 Rear: 51.23 Side: 175.74 Side: 175.88

Lot Area: Acres: .21 Square Feet: 6700

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 43% Proposed: 43%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 60% Proposed: 60%

Present Use: Single Family

Proposed Use: Dwelling - Two Family

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 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.

[Empty response area for item B]

Section 3

Written Narrative:

The property is located at 143 Main Street and is owned by 143 Main St LLC. The owner seeks to redevelop the property as a two family dwelling. The property is currently a single family home. Neither a single family or a two family dwelling are allowed in the Downtown Core district. The proposed two family dwelling is more in line with the current ordinance and is consistent with other properties within close proximity.

Section 4

Application Criteria:

A Variance is requested from Article Table 4-1: Downtown Districts Permitted Uses to allow the Dwelling, Two Family / Duplex where one is not permitted in the Downtown Core district.

1. Granting a variance would not be contrary to the public interest because:
 - a. The structure is currently non-conforming as a single family residence. Allow a two family dwelling is more consistent with the current zoning and would allow the owner to easily renovate the building with no changes to the exterior appearance. The two residential units would be consistent with other properties in this neighborhood.
2. If the variance were granted, the spirit of the ordinance would be observed because:
 - a. The current ordinance allows for multifamily developments. The current use is only a single family residence. Allowing the development of a two family residence is a more consistent use. Given the location of the structure in the Downtown Core a two family residence
3. Granting the variance would do substantial justice because:
 - a. This two family development can be easily achieved with no changes to the exterior of the building. Not changing the exterior of the building is important as it is ranked as a primary resource in the Historic District Resource Ranking. Complying with zoning, developing the property as a multifamily, would require changes to the exterior of the structure.
4. If the variance were granted, the values of the surrounding properties would not be diminished because:
 - a. The proposed use would be similar to the use of neighboring properties. The two family use will not be injurious, obnoxious or offensive to neighboring 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:

The structure is unique due to its age and construction. The fact that it is listed as a primary historic resource make it difficult to renovate the structure in a manner that complies with current zoning. Allowing a two family residence development will allow the owner to bring the structure to more closely align with zoning within any impact to the historic exterior of the building.

1. 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:
 - a. The proposed use exists within the neighborhood and the proposed two family development is more in keeping with the spirit of the ordinance than the existing use. The proposed use is also consistent with other uses which are allowed. The proposed two family is simply a less dense residential use.
 2. The proposed use is a reasonable one because:
 - a. The proposed use is similar to other residential uses which are allowed in the Downtown Core. Granting the variance would allow the development of a unique property to more closely align with current zoning. Given the unique and historic nature of the structure a two family residence is a reasonable approach to renovating the building to be consistent with the neighborhood and zoning requirements.
- B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if an only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property can not be reasonably used in strict conformance with the ordinance and a variance is therefor necessary to enable aa reasonable use of it:
- a. Given the ranking of the structure as a primary historic resource, the development of the structure into a use that is allowed by current zoning would be difficult as it would require significant changes to the exterior of the building. Given the location in the downtown core and the way the structure is situated on the small site it is not a desirable single family residence.

Parcel Number: 584-060-000-000-000 147-151 MAIN STREET LLC PO BOX 575 WEST SWANZEY, NH 03469	Parcel Number: 584-057-000-000-000 CHESHIRE PROPERTIES LLC 61 HILLTOP DR. KEENE, NH 03431	Parcel Number: 584-002-000-000-000 OBSIDIAN ML 7 LLC C/O EG AMERICA 165 FLANDERS RD WESTBOROUGH, MA 01581
Parcel Number: 584-058-000-000-000 21 DAVIS STREET LLC 11 RIVER ST. SUITE 300 WELLESLEY, MA 02481-2021	Parcel Number: 575-005-000-001-102 CORY, DEBORAH J. PO BOX 372 JACKSONVILLE, VT 05342	Parcel Number: 584-006-000-000-000 ROMAN CATHOLIC BISHOP OF 153 ASH ST. MANCHESTER, NH 03104
Parcel Number: 584-056-000-000-000 37 DAVIS STREET LLC 268 ROWLAND RD. FAIRFIELD, CT 06824	Parcel Number: 584-055-000-000-000 DAVIS STREET LLC 2 NORTHSIDE PIERS APT. 23L BROOKLYN, NY 11249	Parcel Number: 584-066-000-000-000 SANEL REALTY COMPANY INC PO BOX 504 CONCORD, NH 03302
Parcel Number: 575-005-000-000-995 7 EMERALD STREET LLC 7 EMERALD ST KEENE, NH 03431	Parcel Number: 575-005-000-001-205 DUTEAU COURTNEY DUTEAU AUGUSTA 7 EMERALD ST. #205 KEENE, NH 03431-3661	Parcel Number: 575-005-000-001-201 SCHUMANN REINHARD 7 EMERALD ST #201 KEENE, NH 03431
Parcel Number: 575-005-000-001-104 7 EMERALD STREET LLC 7 EMERALD ST KEENE, NH 03431	Parcel Number: 584-001-000-000-000 ELLIS ROBERTSON CORP PO BOX 188 CHESTERFIELD, NH 03443	Parcel Number: 575-005-000-001-204 TORSELLI MARK 7 EMERALD ST. #204 KEENE, NH 03431-3661
Parcel Number: 584-063-000-000-000 ADELPHIA INC 133 MAIN ST. KEENE, NH 03431	Parcel Number: 575-005-000-001-202 GILLESPIE, BEAU 122 BRICKYARD RD. NELSON, NH 03457	
Parcel Number: 575-005-000-001-103 ALBERTINI JOANN S. 7 EMERALD ST. #103 KEENE, NH 03431-3661	Parcel Number: 575-005-000-001-101 LACOMBE SYLVIA CHAPPELL 7 EMERALD ST. UNIT #101 KEENE, NH 03431	
Parcel Number: 584-064-000-000-000 ANOPOLIS-G LLC 133 MAIN ST. KEENE, NH 03431	Parcel Number: 575-005-000-001-203 MALKIN JUSTIN 7 EMERALD ST #203 KEENE, NH 03431	
Parcel Number: 584-062-000-000-000 ATHENS PIZZA HOUSE INC 133 MAIN ST. KEENE, NH 03431	Parcel Number: 575-006-000-000-000 MCGREER HOLDINGS LLC 115 MAIN ST. KEENE, NH 03431	
Parcel Number: 585-003-000-000-000 BEAUREGARD FAMILY REV. TR 127 WASHINGTON ST. KEENE, NH 03431-3106	Parcel Number: 584-065-000-000-000 MONADNOCK AFFORDABLE HOUS 831 COURT ST. KEENE, NH 03431	

Parcel Number: 584-060-000-000-000
147-151 MAIN STREET LLC
PO BOX 575
WEST SWANZEY, NH 03469

Parcel Number: 584-057-000-000-000
CHESHIRE PROPERTIES LLC
61 HILLTOP DR.
KEENE, NH 03431

Parcel Number: 584-002-000-000-000
OBSIDIAN ML 7 LLC
C/O EG AMERICA
165 FLANDERS RD
WESTBOROUGH, MA 01581

Parcel Number: 584-058-000-000-000
21 DAVIS STREET LLC
11 RIVER ST. SUITE 300
WELLESLEY, MA 02481-2021

Parcel Number: 575-005-000-001-102
CORY, DEBORAH J.
PO BOX 372
JACKSONVILLE, VT 05342

Parcel Number: 584-006-000-000-000
ROMAN CATHOLIC BISHOP OF
153 ASH ST.
MANCHESTER, NH 03104

Parcel Number: 584-056-000-000-000
37 DAVIS STREET LLC
268 ROWLAND RD.
FAIRFIELD, CT 06824

Parcel Number: 584-055-000-000-000
DAVIS STREET LLC
2 NORTHSIDE PIERS APT. 23L
BROOKLYN, NY 11249

Parcel Number: 584-066-000-000-000
SANEL REALTY COMPANY INC
PO BOX 504
CONCORD, NH 03302

Parcel Number: 575-005-000-000-995
7 EMERALD STREET LLC
7 EMERALD ST
KEENE, NH 03431

Parcel Number: 575-005-000-001-205
DUTEAU COURTNEY
DUTEAU AUGUSTA
7 EMERALD ST. #205
KEENE, NH 03431-3661

Parcel Number: 575-005-000-001-201
SCHUMANN REINHARD
7 EMERALD ST #201
KEENE, NH 03431

Parcel Number: 575-005-000-001-104
7 EMERALD STREET LLC
7 EMERALD ST
KEENE, NH 03431

Parcel Number: 584-001-000-000-000
ELLIS ROBERTSON CORP
PO BOX 188
CHESTERFIELD, NH 03443

Parcel Number: 575-005-000-001-204
TORSELLI MARK
7 EMERALD ST. #204
KEENE, NH 03431-3661

Parcel Number: 584-063-000-000-000
ADELPHIA INC
133 MAIN ST.
KEENE, NH 03431

Parcel Number: 575-005-000-001-202
GILLESPIE, BEAU
122 BRICKYARD RD.
NELSON, NH 03457

Parcel Number: 575-005-000-001-103
ALBERTINI JOANN S.
7 EMERALD ST. #103
KEENE, NH 03431-3661

Parcel Number: 575-005-000-001-101
LACOMBE SYLVIA CHAPPELL
7 EMERALD ST. UNIT #101
KEENE, NH 03431

Parcel Number: 584-064-000-000-000
ANOPOLIS-G LLC
133 MAIN ST.
KEENE, NH 03431

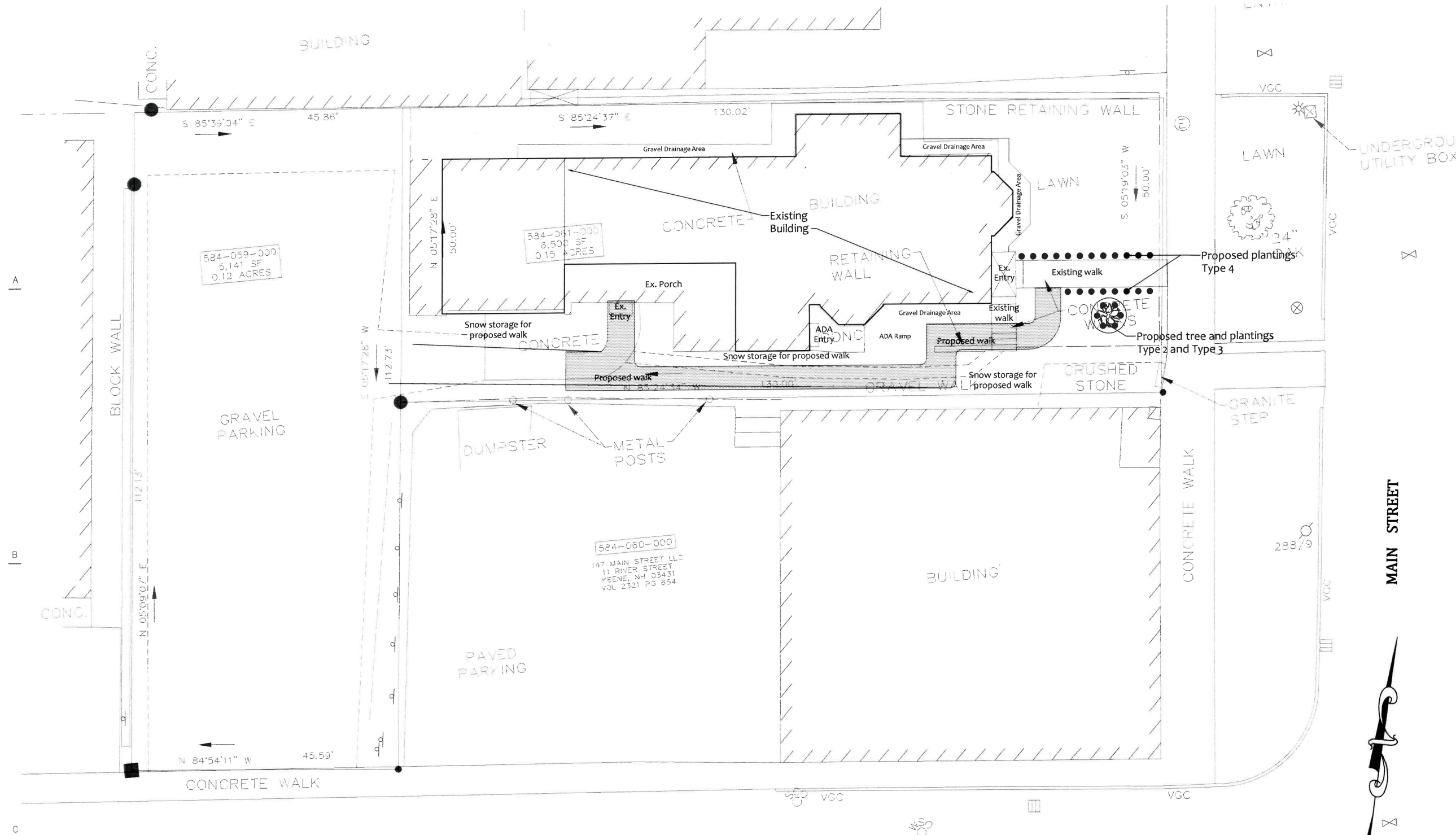
Parcel Number: 575-005-000-001-203
MALKIN JUSTIN
7 EMERALD ST #203
KEENE, NH 03431

Parcel Number: 584-062-000-000-000
ATHENS PIZZA HOUSE INC
133 MAIN ST.
KEENE, NH 03431

Parcel Number: 575-006-000-000-000
MCGREER HOLDINGS LLC
115 MAIN ST.
KEENE, NH 03431

Parcel Number: 585-003-000-000-000
BEAUREGARD FAMILY REV. TR
127 WASHINGTON ST.
KEENE, NH 03431-3106

Parcel Number: 584-065-000-000-000
MONADNOCK AFFORDABLE HOUS
831 COURT ST.
KEENE, NH 03431



These drawings are LIMITED SCOPE and are intended only to describe general design intent, scale, overall spatial relationships and material where indicated. These drawings shall be considered preliminary for purposes of design review, comment, or budget pricing only, unless expressly released for other purposes as indicated in the issue log. The architect assumes responsibility for errors in the information provided, and not for omissions.

Architect:
Sampson Architects
 11 King Ct Suite 1E
 Keene, NH 03431
 603 769 7736

Engineer:

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 2018 WO# 18-033

Prepared For
143 Main St LLC
 143 Main Street
 Keene, NH 03431

PROJECT
Renovations to 143 Main Street
 Keene, NH 03431

TITLE
Site Plan

Date:	Revisions:
7.25.18	Planning /HDC
8.9.18	Planning /HDC R1
10.30.18	Planning Board
3.18.20	HDC Submission
6.14.24	Variance Application

SCALE as noted

DATE 6.14.24

SHEET NUMBER

A1

584-060-000
 147 MAIN STREET LLC
 11 RIVER STREET
 KEENE, NH 03431
 VOL 2321 PG 854

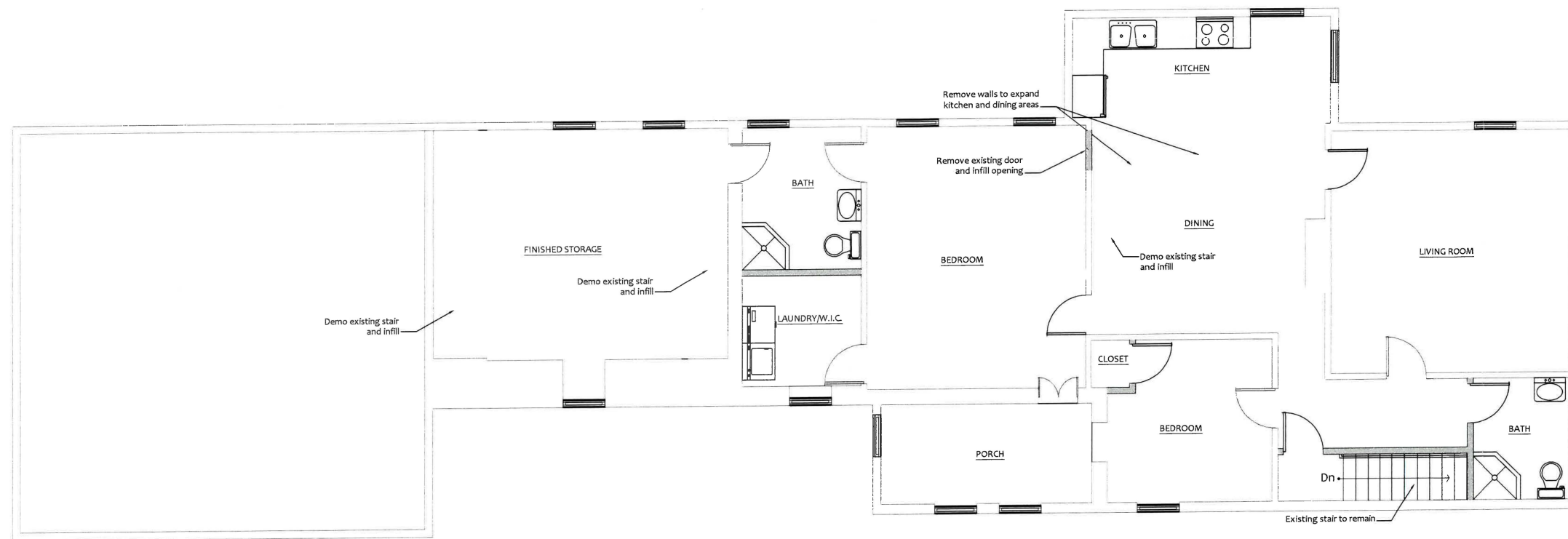
584-041-000
 6,500 SF
 0.15 ACRES

584-059-000
 5,141 SF
 0.12 ACRES

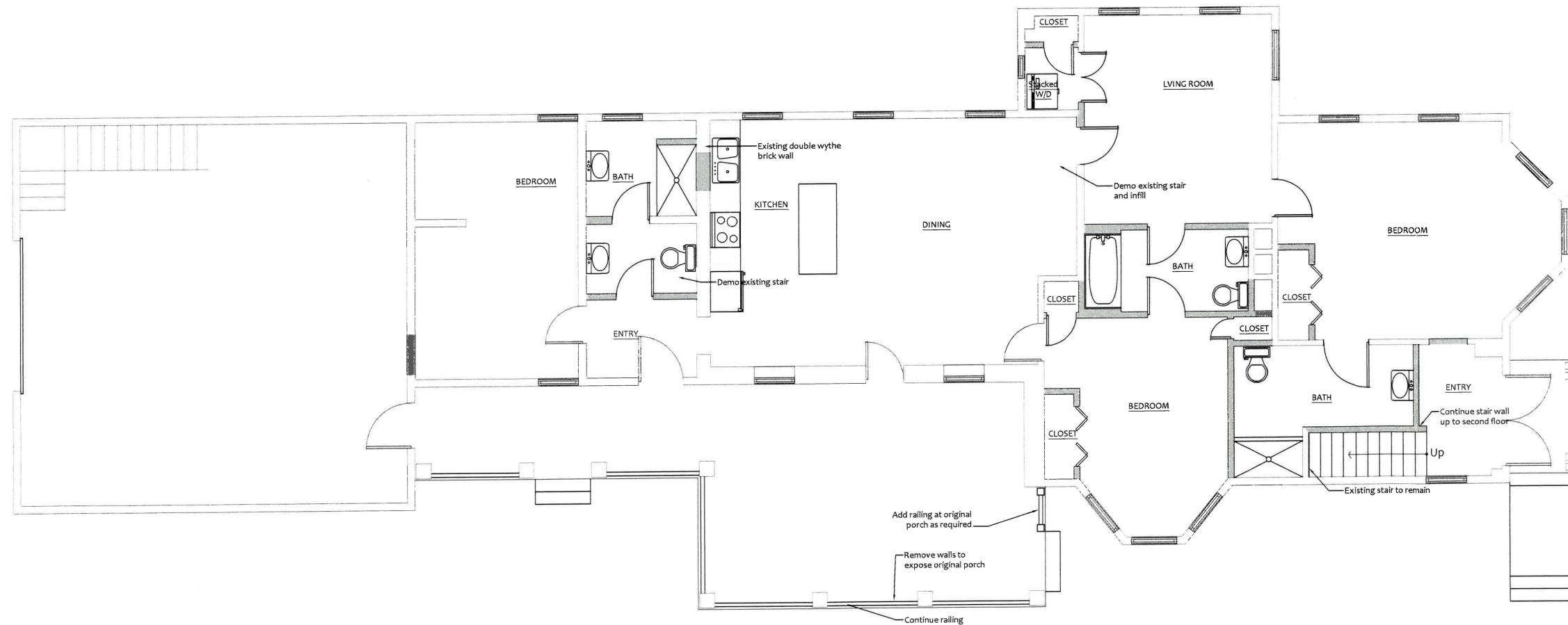
Zoning Data:
 Parcel ID: Tax Map 584-060-000
 Owner: 143 Main St LLC
 Zoning: Downtown Core
 Lot Area: .21 Acres / 6,200 sf +/-

	Required	Existing Structure	Proposed Structure
Structure 1:	00 sf +/-	00 sf +/-	00 sf +/-
Structure 2:	00 sf +/-	00 sf +/-	00 sf +/-
Total Building SF:	00 sf	00 sf	00 sf
Max. Building Height:	4 Stories / 55 feet	3 Story / 30 +/- feet	3 Story / 30 +/- feet
Min. Lot Area:	10,000 SF	6,200 SF +/-	6,200 SF +/-
Frontage:	None	45' +/-	45' +/-
Min. front setback:	20'	25' +/-	25' +/-
Min. side setback:	20'	27' +/-	27' +/-
Min. rear setback:	20'	5' +/-	5' +/-
Maximum percentage of lot occupied by structures:	60%	43%	43%
Maximum percentage of lot covered by impermeable materials (including building):	80%	60%	60%
Minimum percentage of green/ open space:	20%	40%	40%





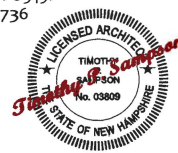
Second Floor Plan
Scale: 1/4" = 1'-0"



First Floor Plan
Scale: 1/4" = 1'-0"

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Architect:
Sampson Architects
11 King Ct Suite 1E
Keene, NH 03431
603 769 7736



Engineer:

SAMPSON ARCHITECTS
2018 WO#18-033

Prepared For
143 Main St LLC
143 Main Street
Keene, NH 03431

PROJECT
**Renovations to
143 Main Street**
Keene, NH 03431

TITLE
**Preliminary
Floor Plans**

Date:	Revisions:
7.25.18	Planning /HDC
8.9.18	Planning / HDC R1
10.30.18	Planning Board
3.18.20	HDC Submission
6.14.24	Variance Application

SCALE as noted

DATE 6.14.24

SHEET NUMBER

A2