



October 3, 2023

Brickstone Land Use Consultants LLC
c/o: Mr. James Phippard
185 Winchester Street
Keene, NH 03431

RE: Written Zoning Interpretation for 143 Main Street

Dear Mr. Phippard,

Article 25.9 of the City of Keene's Land Development Code provides anyone with the ability to request a written interpretation of the Zoning Regulations. The owner of the parcel at 143 Main Street and you, as their representative, have submitted a request for an interpretation of dimensional standards impacting potential development on the property.

The subject parcel is 0.15 acres in size and is located at 143 Main Street (TMP #584-061-000) in the Downtown Core (DT-C) Zoning District. The existing two-story structure on the property with an attached barn was constructed in the 1700s as a single-family home and is currently unoccupied. A parking area at the rear of the lot is accessed by crossing an abutting parcel to the west at 0 Davis St (TMP #584-059-000). Both of these parcels are owned by the same entity, 143 Main LLC. The owner of these lots and another adjacent lot is proposing to reconfigure the lot lines to create two separate lots where there are currently three lots. As a result, the owner would like to establish a driveway at 143 Main Street that would allow access onto the lot from Main Street. This would result in a driveway and parking surface with no setback from the property line between the properties at 143 and 147 Main Street.

Article 9 of the Land Development Code (LDC) sets parking and travel surface setbacks throughout the city. With an approximate parking area of under 10,000 square feet, the setback from the front, side, and rear property lines would be set at 8 feet (See Article 9.4.2 and Table 9.2). The proposed access and parking area for 143 Main Street would have no setback from the side or rear property lines, so the applicant is requesting an interpretation of the Zoning Code to determine whether the dimensional requirements of Article 9.4.2 apply in the DT-C Zoning District.

The DT-C district is one of the districts within the City's downtown that shifted from traditional zoning to form-based zoning with the adoption of the Land Development Code. This change was intended to increase flexibility for proposed uses while still protecting the character of the downtown. Form-based codes provide specific dimensional and design requirements to protect form without impacting uses. In the LDC, the DT-C District standards are outlined in Article 4.2 with Article 4.2.1 providing the dimensional requirements for this district. For every building dimension, the LDC either requires or allows a 0-foot setback; however, there is no dimension given in this section for parking areas or drive aisles.

Prior to the adoption of the LDC, the property was located within the Central Business-Limited District. At the time the drive aisle and parking area setback was 5 feet. With the introduction of the LDC, previous dimensional standards no longer apply.



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Due to the intent of form-based codes and the existing dimensional requirements in the Land Development Code, it is my interpretation that no setback is required for either the parking area or drive aisles at 143 Main Street. While the LDC includes guidance in Article 9.4.2, applying these dimensional standards to the DT-C would be overly restrictive to development of the character expected in this district.

Sincerely,



John Rogers
City of Keene Building Official, Zoning Administrator, Health Official

CC: 143 Main LLC
Jesse Rounds Community Development Director
Mari Brunner, Senior Planner