



## WRITTEN ZONING INTERPRETATION

**Applicant:** Jared Goodell  
**Code Reference(s):** Article 1, Section 1.3.3.E and Article 4, Section 4.4.1  
**Date of Decision:** April 14, 2025  
**Subject:** ZBA-2025-03 Relating to the application of the “Build-to Zone” dimensional requirement to multiple structures on a lot.

Dear Mr. Goodell,

We are in receipt of your request for a written interpretation of the City of Keene Zoning Regulations. Your request asks for an interpretation of Section 4.4.1 of Article 4 of the Land Development Code (LDC) relating to the “Dimensions and Siting” requirements for properties in the Downtown Edge (DT-E) District. Specifically, you would like to know whether all structures built in this zoning district must comply with the front setback requirement in sub-section C, which requires a 0–20-foot Build-to Zone.

The City of Keene Zoning Regulations utilize both conventional setback requirements and “build-to” requirements in different contexts in order to regulate where buildings and structures may be located on a parcel of land. Defined in Article 1, Section 1.3.3 of the LDC, Setbacks and Build-To Dimensions encourage different kinds of building forms and development patterns and are applied to different areas of the City where a specific development form and pattern is desired. Setbacks encourage a development pattern with spacing between buildings and the street. Build-To Dimensions encourage a development pattern that forms a relationship between a building or structure and the public right-of-way by requiring the building façade to be located close to, or on, a property line. Both measurement tools are fundamentally linked as part of the Dimensions & Siting regulations.

As stated in the Purpose section of Article 4, “Downtown Zoning Districts,” the intent of the dimension and siting requirements for the downtown zoning districts are “*To facilitate development that reinforces and enhances existing varied character areas, and encourages creative, innovative development within downtown Keene*” and “*Allow for new development that is creative, innovative, and sustainable, and that reinforces the vibrancy, human scale, and pedestrian-orientation of downtown.*” The Build-to dimensions require building placement that promotes greater interaction between pedestrian users in the public right-of-way and ensures that the pattern of development is consistent with the character of the area in terms of building massing, scale, and placement on a lot.

The definitions for Setbacks and Build-To Dimensions both refer to “...a building or structure...,” and provide additional clarification on where a building or structure can be located on a lot. The indefinite article “a” is used as a function word before a singular noun followed by a restrictive modifier. In the case of the Build-To Zone definition in Section 1.3.3.E of the LDC, “A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which a

structure must locate." According to the online Merriam Webster Dictionary definition of "a," the use of the indefinite article in this manner means "any." The phrase, "A building or structure to be placed on a lot subject to the Build-To Zone Dimensions & Siting regulations must locate in the Build-To Zone," is the same as saying, "Any building or structure to be placed on a lot subject to the Build-To Zone Dimensions & Siting regulations must locate in the Build-To Zone." It is worth noting that in Article 29, "Defined Terms" of the LDC, the definition for Setback refers to "...any building or structure..." instead of, "a building or structure." Based on the grammatical analysis above, the use of "any" or "a" is functionally the same and does not change the overall application of the Dimensions & Siting regulations.

The administration of this rule of measurement applies to every parcel of land within the City. When a building or structure is proposed to be located on a lot, it must be placed on that lot in accordance with the Dimensions & Siting requirements of the LDC for the Zoning District that lot is located in. Each instance of a building or structure proposed to be placed on a lot must be evaluated to determine if it meets all the requirements of the LDC. This evaluation is independent of a project that proposes to construct multiple buildings at the same time, or if there are existing buildings or structures already placed on the lot.

Furthermore, the Dimensions & Siting requirements are not satisfied for all buildings or structures on a lot if only one building or structure is placed to meet the requirements, as the placement of each building or structure is a unique occurrence that shall be evaluated accordingly.

**In accordance with NH RSA 676:5 and Section 27.2 of the LDC, any aggrieved party may appeal this administrative decision to the Zoning Board of Adjustment within 30 days of the date of decision.**

If you have any questions about this decision, please do not hesitate to contact me at (603) 352-5440.

Thank you,

A handwritten signature in cursive script, appearing to read "Mari Brunner".

Mari Brunner  
Acting Zoning Administrator/ Senior Planner