

City of Keene
New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Monday, July 7, 2025

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Richard Clough, Chair
Tad Schrantz
Adam Burke

Staff Present:

Evan Clements, Planner, Deputy Zoning
Administrator

Members Not Present:

Edward Guyot, Vice Chair
Zach LeRoy, Alternate

I) Introduction of Board Members

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

II) Minutes of the Previous Meeting: June 2, 2025

Mr. Burke made a motion to approve the meeting minutes of June 2, 2025. Mr. Schrantz seconded the motion, which passed by unanimous vote.

III) Unfinished Business

Chair Clough asked if there was any unfinished business. Evan Clements, Planner, replied no.

IV) Hearings:

- A) ZBA-2025-05: Petitioner, Honeybear Party Boutique, owned by Mark Scherlin, requests a Variance, for property located at 70 Court St., Tax Map # 568- 041-000-000 and is in the Downtown Transition District. The Petitioner is requesting a Variance to permit Artisanal Production in the Downtown Transition District per Article 8.3.5.A of the Zoning Regulations.**

Chair Clough introduced ZBA-2025-05 and asked to hear from staff.

Mr. Clements stated that to clarify, both Variance requests tonight are from the same Petitioner. He continued that the staff report and the applicant's testimony will thus be all-encompassing of the two requests and the Board will deliberate on each individually.

Chair Clough stated that tonight they have a three-person Board. He asked for confirmation that it is alright (with the Petitioner) to proceed with less than five Board members. The Petitioner nodded.

Mr. Clements stated that the subject parcel is an existing .53-acre lot, located on the western side of Court St., approximately 630 feet from Central Square. He continued that the parcel contains an existing approximately 13,000 square foot mixed-use building with tenantable space on the basement, first, and second floors. The parcel contains a parking lot with about 22 parking spaces and a small outbuilding on the southwest corner of the lot. A Variance from the ZBA was granted to this property on November 4, 2024, to allow an animal care business in the form of a dog grooming salon, which is in the basement. A residential use is located on the second floor. The first floor is currently vacant but previously contained the Keene Senior Center. That space includes a commercial kitchen, offices, and a community room.

Mr. Clements continued that the application this evening is to approve two use Variances to accommodate a candy-making and artisan paper craft business. While both uses are incorporated into the single business, each is unique and independent of each other from the perspective of the Zoning Ordinance. The Specialty Food Service use will be contained to the commercial kitchen, and the Artisan Production will be conducted in adjacent floor space. Approximately 750 square feet of the first floor will be utilized for the artisanal party supply creation, and approximately 780 square feet of the floor space will be used for the freeze-dried candy production facility. The remainder of the space will be utilized as accessory storage and includes accessory things like hallways and bathrooms, which are ancillary to the building itself.

Mr. Clements continued that based on the parking requirements in the Zoning Ordinance, the square footage of the floor space, and the fact that while the uses are separate, it is really one business, staff are looking at this with the more restrictive parking requirement. Having more parking per square footage would be appropriate, as opposed to trying to double dip and parse out one or the other. Considering both uses in the parking table in the Zoning Ordinance are per 1,000 square feet and the primary uses are less than, the four parking spaces per 1,000 square feet makes the most sense to staff. Unless the Board considers otherwise, the parking requirement for this business will be four spaces.

Mr. Clements continued that surrounding uses to the property include mixed-use commercial and residential to the north, office to the south, multi-family residential to the east, and additional residential to the west. Downtown Core is to the south, Low Density and High Density are to the north, Downtown Limited is to the east, and Downtown Transition is to the west. The application analysis and relevant definitions from the Zoning Ordinance include the Downtown Transition District itself, which is "*intended to accommodate a variety of residential, open space, and low*

intensity uses in a mixed-use environment of attached and detached structures. Development within the Downtown Transition District is intended to complement and transition from existing residential neighborhoods adjacent to downtown Keene.” Specialty Food Service is defined as, “a service including the preparation, processing, canning, or packaging of food products, where all processing is completely enclosed and there are no outside impacts. Such business specializes in the sale of specific food products (e.g. bakery, candy maker, meat market, catering business, cheese monger, coffee roaster, fishmonger) and may include space for retail sales or restaurant uses that serve the products processed on site.” Artisanal Production is, “The on-site production of hand-fabricated or hand-manufactured artisanal, custom, or craft goods (e.g. small-scale metalworking, glassblowing, and furniture making, etc.). Showrooms and the ancillary sales of goods produced on-site are permitted. Artisanal production does not include micro-breweries, micro-distilleries, and micro-wineries.” Mr. Clements continued that there are some use standards specific to this use, which are relevant: “Outside storage is prohibited, unless located in the Industrial District. All manufacturing or production activities shall be conducted entirely within a building sufficiently insulated to confine noise, flashing, fumes, and odors to the premises, unless located in the Industrial District.”

Mr. Clements continued that he also added a condition of approval for this, if the Board feels it is appropriate to consider limiting the type of artisanal production allowed as part of this application. Tailoring the approval to the applicant’s handcrafted paper production is an option. He does not want to further encumber a use on a property unless absolutely necessary, so he recommends the Board deliberate on whether a limiting condition is truly needed in this application. Lastly, he has a draft motion for the Board chooses to approve ZBA-2025-05, with the condition he just talked about, which the Board could feel free to strike. There is then a draft motion for ZBA-2025-06 as well.

Chair Clough asked if the Board had any questions for Mr. Clements. Hearing none, he asked to hear from the Petitioner.

Mark Scherlin introduced himself and his wife, Amanda. He continued that they are the owners of Honey Bear Party Boutique and have been doing this since 2018. They started with party and event decorations. Their products are also used for window displays in stores and as photo props. They have done some work for bigger companies, such as Jack Daniels, Ralph Lauren, and the show The Masked Singer. He and his wife bought a freeze dryer for their own personal use, and then their daughter encouraged them to try (freeze-drying) candy, which she had seen on TikTok. His wife thought they could do that and “it has just blown up from there.” They have some large customers, such as Yankee Candle, Vermont Country Store, and stores in places like Rutland, Hampton Beach, North Conway, and other local stores like Toy City. He personally makes all the deliveries. It has been a fun adventure, but they have been doing all of it from their home, which is 1,450 square feet. With four children, their house is getting small, and they are looking to expand.

Ms. Scherlin stated that they do not want to live where they work anymore. They want that space (to work) and they need space for supplies. Their basement has many cases of cardstock paper, and it could be better utilized. They have a lot of paper, ribbons, scissors, and all that goes in with the custom party supplies. They can do the personalized party supplies that people want. The candy has really taken off as well. That is a component that they wholesale to many different locations.

Chair Clough thanked the Petitioners for their excellent background information. He asked them to address the five Variance criteria, to help the Board with their deliberations.

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

Mr. Scherlin stated that granting the Variance would not be contrary to the public interest because the proposed use is consistent with the general character of the surrounding area. He continued that it will not alter the essential nature of the neighborhood. The property at 70 Court St. is located in a mixed-use zone with a combination of residential, professional, and light commercial activity. Their business operations, focused on freeze-dried products and party supplies, have a low impact with limited noise and traffic and no hazardous or disruptive activity. The freeze dryers are about the size of a mini fridge. They are not loud, similar to a quiet vacuum, at the most. Any deliveries will still be delivered to their house, and he will bring the materials to work in his truck. Deliveries come at all hours, and he would not want items to be sitting out. Ms. Scherlin stated that they do not want \$1,000 worth of candy on the front porch delivered at 8:00 PM at night.

Mr. Scherlin stated that repurposing the space for a locally owned, community-focused business will enhance the vitality and diversity of the area. He continued that it would support local commerce and bring new life into a property that would otherwise remain underutilized. Their commitment to cleanliness, safety, and respectful operations ensures that the use will not interfere with the public health, safety, or welfare. They emphasize cleanliness and appearance. People always ask where their work is located, and they would love to say, "Keene, NH." Many people know Keene because of its history. He and his wife are history collectors and have an original Keene Coca Cola bottle. Even before they lived in Spofford, they frequently came to Keene. They want to be part of that and add to it.

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

Mr. Scherlin stated that the proposed use maintains the intent and purpose of the Zoning Ordinance, to promote compatible land uses, protect neighborhood character, and support orderly growth. Their business will operate in a manner that is consistent with the low-intensity, small-scale commercial activity envisioned in this area. They will not be receiving any deliveries. Typically, only two or three deliveries come to their house. Whenever there is anything larger than a regular UPS or FedEx delivery, he has met the tractor trailer in the adjacent parking lot, because they live on Rt. 9 and cannot stop a truck there. They will continue that.

Mr. Scherlin continued that although Zoning does not explicitly list their business type as a permitted use, the actual impact on the neighborhood is minimal. They will not create excess noise, traffic, or parking issues. Their operations will be limited to the standard, daytime business hours. Thus, the essential goals of the Ordinance – preserving neighborhood integrity, safety, and harmony – will be fully upheld. Additionally, the adaptive use of the building for a local, community-oriented enterprise supports Keene’s long-standing values in sustainability, economic resilience, and small business empowerment. This approach reflects the true spirit of the Ordinance, even if it requires a small deviation in form.

Mr. Scherlin stated that the space was brought to their attention by the owner of the dog-grooming business, who recommended they check it out. He and his wife contacted the building’s owner and are working out the details with him. They are fine with having a dog-groomer downstairs.

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

Mr. Scherlin stated that granting the Variance would do substantial justice because it allows an established business to continue serving the community in a safe, efficient, and sustainable manner, while causing no harm to the public or surrounding properties. Denying the Variance would create a significant burden on their business, by preventing them from growing into a space that meets the operational needs even though the use poses no adverse impact to the neighborhood. The benefit to the applicant, their small business, outweighs any potential harm to the public, which in this case is nonexistent. The Variance supports local entrepreneurship, helps preserve and revitalize an existing building, and provides a service that is appreciated by the Keene community. In this light, justice is best served by allowing the reasonable and appropriate use of the property.

Mr. Scherlin continued that he and his wife have done work with Hannah Grimes in the past as well. He asked if Ms. Scherlin wanted to add anything. Ms. Scherlin stated that this particular space, with the commercial kitchen, which they need to have to produce the freeze-dried candy, is something they cannot find anywhere else. She continued that they do not need a restaurant to go with it, and do not need seating for customers, but they need the commercial kitchen with the three-bay sink, to be able to produce in a commercial location. This allows them to do that and has adequate shelving for many rows of candy. Mr. Scherlin stated that this has a nice large oven, but they do not need a restaurant with various ovens and cookers. They need the three-bay sink, the separate sink for handwashing, and a mop sink. Finding those elements in an established location is difficult.

Mr. Clements stated that what the Petitioners just said addresses the fifth criterion, regarding the uniqueness of the property.

Ms. Scherlin stated that if someone is making cookies or baked goods, they can use a shared kitchen space, but they have six freeze dryers, which are about \$4,000 each. They would need to have (a space) wired appropriately to run them, and they do not want to put the freeze dryers in a shared space, given the cost. They would like to have their own location. This (property) is a unique situation. It has a maze of hallways in the center of it, with tiny rooms that would be great for storage for her and her husband, and not much else. It benefits them, because their intent is to have the party supply creation in the front of the building, and have the food processing in the back. By the commercial kitchen is an abutting room that would be perfect for the freeze dryers. It is like it is made to be.

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

Mr. Scherlin stated that the proposed use is low-impact, professional, and fully compatible with the character of the neighborhood. He continued that their freeze-dried and party supply business does not involve heavy traffic, industrial noise, or unsightly modifications to the property. In fact, occupying and maintaining the building at 70 Court St. will likely improve the property's condition and appearance, potentially enhancing the appeal of the surrounding area. Their operations are clean, orderly, and conducted during regular business hours with a focus on maintaining a friendly, community-oriented presence. By revitalizing this space with an activity, a locally owned small business, the area benefits from increased activity and upkeep, which can have a positive influence on nearby property values, rather than a negative one.

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.*

Chair Clough stated that he thinks the Petitioners answered the fifth criterion well (during their comments about the third criterion). He asked if the Board had questions.

Mr. Schrantz stated that he has a question about parking. He asked how many employees the business has, and how many people will be at the facility daily. Ms. Scherlin replied it is her and her husband, their oldest daughter, and one other person.

Mr. Schrantz asked if it is correct that the building has two uses currently, the dog grooming, and residential on the top floor. Ms. Scherlin replied yes. Mr. Schrantz asked for clarity on the two apartments and how they might be impacted by the business. He continued that that would be

appropriate to discuss, because mixing what sounds like a production facility next to residential uses is something he wants more clarity on.

Mr. Scherlin replied that the freeze-dry machines are fairly quiet, like a vacuum. He continued that their cutting machines are small, about the size of a home printer, with noise similar to a copy machine. They are not loud at all. The freeze-dry machines and the cutting machines are the loudest pieces of equipment; everything else is hand-manufactured, like paper posters that are hand-glued.

Mr. Schrantz replied that that is helpful. He asked if it is correct that the business will operate during regular business hours, such as 8:00 AM to 5:00 PM, so there is no concern about nighttime operation. Mr. Scherlin replied that is correct.

Mr. Schrantz asked if there is any retail component to the business and if they would have a retail storefront for selling their goods. Mr. Scherlin replied possibly someday, but they are not there. Ms. Scherlin replied that everything they do is online and wholesale, and they have a lot of orders. She continued that they cannot even make the party supplies fast enough to send them into Amazon Prime. What they send to Amazon sells out before they can get the next batch in. (If they had a retail storefront), they would be talking way in the future. Mr. Scherlin stated that they currently deliver to 20 stores. Ms. Scherlin added that she regularly comes up with more locations to talk with. Mr. Scherlin stated that Walmart has been reaching out to them, too. Ms. Scherlin stated that taking on a retail storefront would not be feasible right now. She does not see it for this location. They would not be able to grow into something that would be able to do that and burnish a whole store. The only location in the building where you could have a store would be the very front, and that is where she will be creating the party supplies, if the ZBA allows, so there is not a spot (for retail), unless they moved the party supply part out of that facility. But that is not something they want. The answer to Mr. Schrantz's question is "no."

Mr. Schrantz stated that it sounds like the retail component is not possible, but because it is allowed by zoning, from a parking standpoint, they would still be covered by the number of spaces required for that space, based on the square footage. Mr. Clements replied that that is correct. He continued that if they wanted to expand into a retail component, there would be an element of modifying the space. Staff would be made aware of the changes to the building, and then they would do a reevaluation of the parking requirement, based on the expansion of the use.

Mr. Schrantz stated that his last question is about the recommended staff's motion. He continued that it talks about limiting the Petitioners to only doing certain things in their business. He asked if they have a vision or plan to expand their product line, that such a restriction from the ZBA would impede, or if it seems like a reasonable approach at this time. Ms. Scherlin asked if he means outside of party supplies. Mr. Schrantz replied that maybe Mr. Clements can speak to this better than he can, but there are other uses that are allowed (in this zone).

Mr. Clements stated that “Artisanal Production” is broad. He continued that examples (in the code) are furniture-making and things like that, things that might not necessarily apply to the Petitioners’ business. For the consideration, this Variance will follow the land, not the tenant, so unless there is a real need to protect the neighborhood by limiting the scope of what is allowed, he would caution a limiting condition to this Variance, because it would potentially challenge the property owner from finding a new tenant in the future. At the same time, it is worth considering, because the Board members should be looking holistically at all future (uses) that might take place with this Variance approval.

Ms. Scherlin stated that to answer Mr. Schrantz’s question, no, the freeze-dried candy and the party supplies are what they will be doing, and they will not take on additional (production). Neither of them will go into metalworking, furniture-making, or anything along those lines.

Mr. Clements stated that to reiterate, the use standards for Artisanal Production put some guardrails on that. For example, it cannot be a nuisance to surrounding properties, and cannot be outside, unless in the Industrial District. Thus, even if a glassblower were to move into this space, they would still be beholden to those basic rules, even if there were not specific, additional restrictions put on this application this evening.

Chair Clough asked if Mr. Burke had questions. Mr. Burke replied that his question was about the condition that staff added in the draft motion, around paper party supplies and handcrafted paper displays. He continued that (his question is what would happen if), say, vinyl decals were in the future. He asked if that was something the Petitioners were thinking about. Mr. Scherlin replied yes, they have done some vinyl stuff, but mostly for personal use. Ms. Scherlin stated that they can cut the (vinyl) decals and put them on party cups to match a theme. She continued that they also do banners, garlands, centerpieces, confetti, cupcake toppers, and cake toppers, and they do not have many (employees), so they can only do so much.

Mr. Burke asked if (the condition to limit the Variance to) “paper party supplies and other handcrafted paper displays” would prohibit them from doing such vinyl decal work. Mr. Clements replied that it certainly would not be the intent of the language he used. He continued that that was just supposed to be an example. He is not strongly in support of putting a condition on this Variance; he is the opposite, especially considering there is no one from the neighborhood who seems to be concerned about this application. The Community Development Department has not received any questions, no correspondence from abutters, or anything like that, speaking one way or the other about either of these Variance requests.

Chair Clough stated that he does not have any questions. He continued that Mr. Burke and Mr. Schrantz covered the questions he had. He continued that this would be the time when he would ask if members of the public had comments in opposition or in support, but he does not see anyone in the audience. He closed the public hearing and asked the Board to deliberate on ZBA-2025-05, the Variance for Artisanal Production.

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

Mr. Burke stated that he would say the condition is met. He continued that it is a low-impact operation, and it is compatible with the surrounding area. The business works in daytime hours, and there is no disruption to surrounding tenants.

Chair Clough stated that he does not see anything that would be contrary (to the public interest), in terms of the zoning. Mr. Schrantz stated that he agrees.

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

Chair Clough stated that he thinks the spirit of the Ordinance would be observed. He continued that he does not think this is such a wild swing. It seems to be a continuation of what they see on Main St. and West St., of niche businesses. In this case, it is wholesale, which is positive, because it does not generate foot traffic or anything else, and that is what the Ordinance is trying to protect – not having too much of a business thing on Court St.

Mr. Schrantz stated that those points resonate with him. Mr. Burke replied that he agrees.

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

Chair Clough stated that he does not see anything in the Variance that would impact someone negatively. He continued that from everything they have heard from the applicants, this would improve their business, and it would not be a detriment to anyone else.

Mr. Schrantz stated that he thinks that is right. He continued that based on the lack of input from abutters or other people who would be concerned about the use, he would agree. Mr. Burke replied that he agrees.

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

Mr. Burke stated that this criterion has also been met. He continued that (a business with) low traffic and daytime use only will probably add value to the surrounding areas, because they are bringing in additional use for the building. He imagines it will be fully occupied after this.

Mr. Schrantz replied that “fully occupied” was the term he was going to use. He continued that it is always good for space to be utilized and not sit empty.

Chair Clough replied that he agrees. He continued that the applicants will not be changing anything on the exterior that would be in any way negative. He agrees with this, too.

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:*

Chair Clough stated that regarding what the applicants said about the kitchen, that is unique, maybe in all of Keene – a kitchen that can do much more, but is not quite of restaurant quality, so a restaurant would not be able to move in there. He continued that it is almost custom-made for this type of business. The applicants only have to augment it with some of their additional equipment. In addition, it has plenty of square footage for storage. That and the kitchen make it unique, in his mind. He does not think there is anywhere else on Court St. or in Keene that provides that.

Mr. Schrantz stated that that is a good question, and those are good comments. He continued that he is not fully qualified to say whether there is another location, but he thinks the applicants have done the research and have looked for a location that will satisfy their business needs, and they have concluded that this is the place. Therefore, based on the unique characteristics of the building and of the business, he agrees.

Mr. Burke replied that he agrees, too. He continued that “uniquely suited to their line of business” is a great way to put it, and he thinks they would have a hard time finding another place in Keene that would be suited the way this property is.

Chair Clough stated that he was in the building several times when it was the Senior Center, and he can totally picture how the applicants would be able to use it. He continued that yes, there are other things you could do with that (building), but there are certain parts of it he believes would not be utilized fully. This (business) would do that. He would be hard-pressed to find another type of activity that would fit there like that. Mr. Schrantz added, or at least not without major renovation. Chair Clough replied yes, exactly; it is walk-in ready for the applicants’ business, with very little adjustment.

and

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

Chair Clough stated that he thinks the proposed use is reasonable. He continued that he would entertain other comments. Mr. Schrantz replied that he thinks they have covered this, and based on the information the Board received, it certainly seems (reasonable). Mr. Burke replied that he agrees.

Chair Clough stated that lastly, they should discuss whether they want to place any conditions. He continued that based on how they addressed the questions about it, he tends to agree with Mr. Clements that they could just make a straightforward (approval), and they would be able to use it appropriately and it would not impact someone else using it in a fairly similar fashion in the future. He asked for others' thoughts.

Mr. Schrantz stated that this is one he struggles with, and he appreciates all the feedback and comments. He continued that regarding the allowable uses of the zoning, a couple of them potentially come with another nuisance. He thinks Mr. Clements answered his question, which was that if they wanted to change the use, they would have to confirm that there would not be a nuisance associated with it. For example, a fishmonger would create an odor and might have an impact on the residential component upstairs. That is why he wanted to discuss that piece a little more. He is not fully there yet and would like to hear others' thoughts.

Mr. Burke stated that he would probably recommend approving this without condition, because there is a broad definition for Artisanal Use, and there are limiting components to it. He continued that for example; it cannot be a micro-brewery or micro-winery. He thinks Mr. Schrantz's point is good, though – if someone changed the use and started doing metalworking there, or brought in something that caused odors, that would affect the tenants in the building. He does not know what the recourse is for changing the use, if the ZBA were to approve this without condition.

Mr. Clements replied that the easiest way to envision this might be to get dramatic. Say the business was so successful that they outgrow the space and need to go somewhere else, and a new tenant wants to come in with a glassblowing operation. He continued that the Fire Marshall would be (scrutinizing it intently) right (away). It is a mixed-use building, so there would be greater thresholds they would need to meet for life safety protection. A glassblowing operation creates toxic gases, and that use would need to figure out how to safely and effectively mitigate that. The question (for the) Zoning Ordinance is always, "Can I do it?" They are saying this piece of property is unique enough that they would like to see more uses there, so the answer would be yes, but the (glassblower) would still need to figure out and show how they would operate safely and respectfully to other tenants in the building and to the surrounding neighborhood. All of that would still be reviewed. It (the Variance) is not like a blank check.

Mr. Schrantz stated that (it sounds like) there are other checks and balances that will make sure future uses are looked at. Mr. Clements replied yes. Mr. Schrantz replied that with that explanation, then, he is comfortable with not putting any restrictions on the use.

Mr. Burke made a motion to approve ZBA-2025-05, for the Use Variance to permit Artisanal Production, for property located at 70 Court St., Tax Map #568-041-000-000 as shown in the application and supporting materials, received on June 24, 2025, with no conditions. Mr. Schrantz seconded the motion.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

The motion to approve ZBA-2025-05 passed with a vote of 3-0.

B) ZBA-2025-06: Petitioner, Honeybear Party Boutique, owned by Mark Scherlin, requests a Variance, for property located at 70 Court St., Tax Map # 568-041-000-000 and is in the Downtown Transition District. The Petitioner is requesting a Variance to permit Specialty Food Services in the Downtown Transition District per Article 8.3.2.AI of the Zoning Regulations.

Chair Clough introduced ZBA-2025-06. He asked if Mr. Clements had anything to add about this one, or if they should hear from the Petitioner. Mr. Clements replied that he does not have anything to add. He continued that if the Petitioner has more to say, that is fine, but the applications for ZBA-2025-05 and ZBA-2025-06 are identical. It is up to the Board to decide if

they have received enough information about this specific aspect, before they move into deliberation and the public hearing.

Chair Clough asked the Board what they think. He asked if the Board could say that they acknowledge the information from before (in ZBA-2025-05), and there is still nobody here (from the public) to speak for or against the application and they can thus move right into deliberation, or if they want more information. Mr. Schrantz and Mr. Burke replied that they think the Board covered both applications in the discussion they have already had, so they can move forward.

Chair Clough stated that since there is no one in the audience to speak for or against the application, he will close the public hearing. He asked the Board to deliberate.

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

Mr. Burke and Mr. Schrantz stated that they agree.

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

Mr. Burke and Mr. Schrantz stated that they agree.

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

Mr. Burke and Mr. Schrantz stated that they agree.

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

Mr. Burke and Mr. Schrantz stated that they agree.

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.*

Mr. Schrantz stated that because these two businesses are “joined at the hip,” the space, and using them with the kitchen, seems completely appropriate.

Mr. Schrantz made a motion to approve ZBA-2025-06, for the Use Variance to permit Specialty Food Services, for property located at 70 Court St., Tax Map # 568-041-000-000 as shown in the application and supporting materials, received on June 24, 2025, with no conditions. Mr. Burke seconded the motion.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

The motion to approve ZBA-2025-06 passed with a vote of 3-0.

V) New Business

Chair Clough asked if any Board members had new business. (No).

VI) Staff Updates

A) Master Plan

B) Board Data Collection

C) Annual City Council Report

Chair Clough stated that at some point staff will be getting him a draft of a letter to present (to the City Council), updating the information. He continued that he has been on the Board for about four years now and can say that the ZBA has substantially fewer applications coming to them than before. They are at #6 for the year, and he thinks last year, they ended up with 25. Some meetings have had five or six. Thus, there has been a decrease, and he personally thinks it is good, because it means there is less need, which means that what people wish to do falls more in line with how the zoning is. He knows the City is continually modifying the zoning based on discussions here in ZBA meetings. He considers that a good thing. If any ZBA members have anything to add to the City Council report, he welcomes that. It still has not been determined whether it will be a letter or if he will present in person. The ZBA has not given such an update to the City Council in the three or four years he has been here, but it had been done previously.

Mr. Schrantz stated that that is the interesting thing about it – it is an opportunity to provide an update that has not been done in a long time. He continued that it is great that Chair Clough has been here for four years, and the continuity will hopefully give him some insight.

Mr. Clements stated that he does not have anything to add right now. He continued that he knows Corinne Marcou sent Chair Clough some numbers today. He and Ms. Marcou talked with the City Manager the other day, and the letter to the City Council does not need to be acted on; it is more informal. Once Chair Clough is good with the letter, he can look it over, or he (Chair Clough) can just sign it and send it, and he (Mr. Clements) will take it to the City Clerk's Office. Chair Clough replied that he thought Ms. Marcou said she had a previous iteration of a letter and could send him sort of a template, instead of him writing it from scratch.

Mr. Clements stated that he and Ms. Marcou had been investigating to see if there has been a drop in the number of applications since the new Land Development Code (LDC) was adopted, and she said the average is about 26 cases per year, with no real reduction since the adoption of the LDC in 2021. That number is a little “fluffed,” and tonight is a perfect example of that. The ZBA technically did two cases tonight, but it was one applicant. Chair Clough replied yes, and last year, there was one applicant with about five applications. Mr. Clements replied yes, some years it is like that, with perhaps fewer projects, but the projects that do come before the ZBA need multiple relief. Or sometimes there are multiple one-offs. Chair Clough stated that for his first two or three years on the ZBA, there were no months off; the Board had something pending every single month. He continued that they have had a couple of months off this year already, which is a little bit different. Technically, tonight was their 6th hearing of the year. It might be an aberration, but even last year, it started to feel like it was slowing down a little bit.

Mr. Clements replied that he is speculating, but (in the past), people looking to add dwelling units to their properties were being told they needed a Variance because their lot was too small. He continued that in the past, there were many Variance actions related to that, and in the last year or so, that barrier has been removed, when it comes to housing. During the past week and a

half, he has seen two properties that would have needed Variances to add units that now have a different path to approval without having to come to the ZBA. Chair Clough replied that a couple of years ago, the ZBA had a couple of ADU-type questions coming up. He continued that off-street parking was the issue with one. These are small things, but they have been addressed. Some of these are not going to come up again, because changes have been made to the code, making things a little bit easier.

VII) Communications and Miscellaneous

VIII) Non-Public Session (if required)

IX) Adjournment

There being no further business, Chair Clough adjourned the meeting at 7:33 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Reviewed and edited by,
Corinne Marcou, Board Clerk