

City of Keene
New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Monday, May 11, 2026

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Edward Guyot, Vice Chair
Tad Schrantz
Adam Burke
Stephen Buckley, Alternate
Michael Zoll, Alternate

Staff Present:

Evan Clements, Planner / Zoning Administrator

Members Not Present:

Richard Clough, Chair
Zach LeRoy

1. Roll Call

Vice Chair Guyot called the meeting to order at 6:30 PM and a roll call was taken. Stephen Buckley and Michael Zoll were invited to join the session as voting members.

2. Minutes of Previous Meeting: March 2, 2026

A motion was made by Adam Burke to approve the March 2, 2026 meeting minutes. The motion was seconded by Stephen Buckley and approved by unanimous roll call vote. Tad Schrantz abstained from the vote as he was not present last month.

3. Hearings:

- a. ZBA-26-3: Petitioner, Matthew Keenan of Monadnock Habitat for Humanity, requests a Variance, for property located at 0 Grove St., Tax Map # 585-057-000-000 and is in the Residential Preservation District. The Petitioner is requesting a Variance to permit encroachment of five feet into the rear setback, per Article 3.2.2 of the Zoning Regulations.**

Mr. Stephen Buckley addressed the Board and stated he had raised concern with staff on this application. He did not believe it was necessary for the ZBA to grant the relief sought with this application. In looking at Section 17 of the Ordinance, it is clear the Planning Board has the sole authority to make decisions related to this use, including the fact that it does not have the required lot area and other set back requirements, which are not being requested tonight. He referred to Table 17-2, which states that a property use of this type; Cottage Court overlay zone has no lot size requirements for front, rear and side setbacks. Mr. Buckley felt hence, it was

entirely within the domain of the Planning Board, to grant a conditional use permit, there is no need for the ZBA to take any action.

Vice-Chair Guyot asked for staff input on this issue. Mr. Clements explained the intent of the Cottage Court Ordinance was not to subvert the underlying zoning of every zoning residential district in the City. The Table Mr. Buckley is referring to refers to an option to utilize the Cottage Court to subdivide fee simple lots. The Cottage Court Subdivision is able to have lots with no minimum lot size, reduced frontage etc. For standalone applications that are not subdividing under cottage court, all the base zoning dimensional requirements still apply.

Mr. Buckley pointed out that Section 17.5.1 clearly indicates the projects can be subdivisions or can be on single lots of land. He felt the purpose of the ordinance was to give the discretion within the Planning Board to grant these approvals. It can be a development for multiple uses on a single lot, such as a subdivision, site plan or on a single lot. The Table that would be applied here calls for 8,000 square feet. He noted this lot does not have 8,000 square feet. It has approximately 4,000 square feet, as well as an outbuilding with no set back and there is no variance sought for that. He felt it was the intent of the ordinance for the Planning Board to grant these dimensional reliefs.

Vice-Chair Guyot asked whether this lot was within the Cottage Court Overlay area. Mr. Evans answered in the affirmative and went on to say the Residential Preservation District is a residential zoning district. It has water and sewer. It is an existing legal, non-conforming use due to its size. It is a lot of record that is buildable. The Table refers to the creation of new lots utilizing the cottage court. It was not intended for existing lots of record to subvert the dimensional requirements.

Regarding the outbuilding; every lot in the City is allowed one utility structure, 125 square feet or less, which is exempt from the setback requirements. When the applicant came in for their pre-submission meeting, their site plan was reviewed initially by staff, and this was something they were directed to be able to do. Vice-Chair Guyot clarified that when the Cottage Court Ordinance was adopted, new lots created versus existing lots seems to be the differentiating factor. Mr. Clements agreed and added another example of this is in the Conservation Residential Development subdivision. There is a data table in that part of the Planning Board regulations that allows for the creation of smaller than traditionally allowed lots utilizing the cluster development innovative land use control.

A motion was made by Stephen Buckley that the ZBA find that the request for relief is not something that the ZBA should address, because the relief that is sought is entirely addressed through the conditional use permit for the cottage court under Section 17 of the Keene Zoning Ordinance.

The motion failed for lack of second.

Mr. Burke stated for clarification that his wife is a consultant for Habitat for Humanity. She does fundraising, community outreach, and volunteer coordination.

Mr. Clements addressed the Board again and stated the subject parcel is an existing .11 acre lot located on the southwestern corner of Water Street and Grove Street across from the Cityside Apartments and Hundred Nights Shelter. The parcel is a former parking lot with approximately 95% impervious surface coverage, previously owned by the City of Keene. The property was the subject of a Request for Purchase (RFP) put out by the City to develop housing on the property. An agreement was made with Monadnock Habitat for Humanity to purchase the property and construct a two-family residence on the lot utilizing the Cottage Court Overlay (CCO) Conditional Use Permit.

The CCO allows for some flexibility in density and building form beyond what is allowed in the base zoning district by right. This includes the two-family use with reduced front yard setback that matches the existing building form along Water Street. The purpose of this application is to seek relief from the 20-foot rear yard setback requirement to allow for 5 feet of encroachment into the setback. The proposed encroachment is located at the southwest corner of the proposed two-family residence. The project is scheduled for the May 26, 2026 Planning Board meeting for a Conditional Use Permit.

Surrounding uses of this parcel include multifamily residential, single family residential, as well as two family residential. Mr. Clements noted there is some information in the staff report related to definitions for setbacks and build to dimensions. The applicant, as part of their site design, completed a study of the existing front setback building pattern and placed the residence in line with that.

Because this parcel is a corner lot, the side yard located at the corner of the two public right of way is 10 feet greater than what is normally allowed. There is one detached utility building of less than 125 square feet included in the list of structures that are exempt from the side setback requirements which is located in Article 1 of the Land Development Code.

Mr. Clements stated staff is not recommending any conditions related to this application if the Board chooses to grant the relief.

Having no questions for Mr. Clements, Vice-Chair Guyot requested Mr. Matt Keenan, President of the Board of Directors for Monadnock Habitat for Humanity, to address the Board. Mr. Keenan thanked the Board and Staff for helping to keep the project on schedule, as well as for the Mayor for his efforts with this proposal and Benson Wood for their contribution to the project. Mr. Keenan turned the presentation over to the consultants.

Ms. Liza Sargent, of SVE Associates, addressed the Board and referred to this site on a plan. The duplex will be located in the center of the site. The shed would be dual purpose for garden storage and electrical equipment for solar panels. She noted to where the encroachment would be, which is five feet into the setback.

Ms. Sargent next reviewed the Criteria:

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

Ms. Sargent stated this project would make the lot more conforming for the zone. Instead of being a parking lot, it would be a residence in the Residential Preservation District. It would also decrease the amount of overall impervious surface area from 95% to 60%.

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

Ms. Sargent stated that granting the variance would create a safe residence for two families within the City of Keene. The vision of Habitat for Humanity is a world where everyone has a decent place to live. Their quest has created safe living space for over 17 families in the City of Keene and Monadnock area. For the Land Development Code, the Residential Preservation District promotes moderately dense residences to return to this area of the City and to neighborhoods that promote walking and bike riding. The spirit of the ordinance would be observed by removing the parking lot and replacing it with a duplex.

3. Granting the variance would do substantial justice.

Ms. Sargent stated that the parcel in question, at the corner of Water and Grove Street, is only 0.11 acres. Such a small lot makes it difficult to construct a proposed residence. Granting the variance would make the footprint of the duplex both aesthetically and functionally pleasing for the residents in the neighborhood.

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

Ms. Sargent described that there would be a new residence instead of a vacant paved parking lot. The new residence would add green space, which would be an asset to the neighborhood, helping with stormwater runoff and reducing radiant heat in the summer.

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 – Ms. Sargent stated the very small corner lot is limited in size and conforming to the rear setback would greatly impact the aesthetics of the home.

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: of the lot size and the current amount of pervious surface area.

and

ii. The proposed use is a reasonable one. Ms. Sargent stated it would reduce the amount of impervious surface area on the lot and provide a duplex in the residential preservation district.

She went on to say because the parcel is very small in size, the property cannot reasonably be used in strict conformance with the ordinance because the residents cannot fit within the average building lines on Grove and Water Streets and still have enough square footage to function as residences.

Mr. William Holtz, Architect with Benson Wood addressed structure design of the project next. Mr. Holtz stated that as far as the structural design, the duplex is two-stories, with three bedrooms in each unit. First floor would have a living room, dining room and kitchen. It is designed to be a high-performance home where the walls are thicker than average and thicker than minimum code requirements for energy performance, which pushes the size of the building slightly larger but keeps the living area inside in compliance with the building footprint requirements for the site.

The detached structure is intended for garden accessories and perhaps for future solar equipment should there ever be panels put on the roof, which would address net zero or better performance of the building in terms of energy efficiency.

This concluded with the applicants' comments.

Mr. Buckley clarified the structure, given its energy-efficiency design has greater width of walls and in order to maintain the interior space it pushes the building line out a little further, making the necessity for the setback they are requesting. Mr. Holtz answered in the affirmative and added otherwise they would have to constrain the interior living space, which would create some dysfunction for a three-bedroom occupancy.

Mr. Schrantz referred to the site plan and setback – he noted it appears the rear property line is not parallel to the front property line and it appears to be what is causing this challenge with regards to the setback. He asked whether the southwestern corner is the only location that is actually encroaching on the setback. Ms. Sargent agreed it was. Mr. Schrantz asked whether it was a full five feet of encroachment. Ms. Sargent stated it was.

The Vice-Chair asked for comments from the public in favor of this application,

Mr. Keith Tebo of Southwest Community Services addressed the Board and stated Southwest Community Services needed relief to construct the City owned property at this location and because of a variance, they were able to construct 24 units on just over 1/3 of an acre. He noted they also obtained a variance to reduce the number of parking spaces because they knew what they needed and just last week, of the 36 parking spaces available, only 19 were filled. Mr. Tebo noted this neighborhood is an eclectic mix of various single and multifamily properties of varying sizes and felt this property would fit in well.

Mr. Ken Kost of 51 Railroad Street stated he has seen many unused lots in the City. He stated he was part of the Master Plan Steering Committee and was constantly advocating for housing, and felt this proposal supports the Master Plan. He stated he is in support of the energy efficiency being incorporated in this design, which is going to create a vision of what could be constructed in Keene.

No-one spoke in opposition.

Mr. Ted Schrantz asked how the parking that existed on this site would be handled. Ms. Sargent stated it is an existing parking lot with jersey barriers at the entry currently and no one should be using it right now. Mr. Buckley added there are also no parking signs.

With no further public comment, the Vice-Chair closed the public hearing.

The Board reviewed the waiver criteria:

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

Mr. Buckley stated it would not be contrary to the public interest.

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

Mr. Buckley agreed the spirit of the ordinance is being observed.

3. *Granting the variance would do substantial justice –*

Mr. Schrantz stated the ability to add housing to the downtown area is much needed and substantial justice is being served.

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

Vice-Chair Guyot stated in his mind, this is very straightforward. He stated he sees no declining impact. If anything, it would tend to raise property values for the abutters in that area.

Mr. Buckley felt it would improve the off-site drainage issues and the City's infrastructure will be less impacted

5. *Unnecessary hardship:*

A. Owing to the 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 exist between the general public purpose of the ordinance provided provisions and the specific application of that provision to the property.

Vice-Chair Guyot stated there are a number of special factors; size and shape of lot, the encroachment is minimal and is within the lot. He added that he likes the design criteria that has been developed with the offset to make it parallel and reasonable to the abutters.

Mr. Buckley stated there are clearly special conditions that affect this property that are unique to its location, given its orientation to the adjacent streets and in trying to locate a building on this site to ensure it fits harmoniously into the neighborhood. To make this work the variance is

required. Dimensions of the lot and its orientation are reasonable reasons why the Board can find there are special conditions that justify finding a hardship does exist for the property.

Vice-Chair Guyot added that as was stated earlier, the energy efficiency size of the walls creates, or at least contributes to, the encroachment factor.

Mr. Schrantz stated it was important to recognize that the architect and the team have tried to respect the setbacks as much as possible. If the Board required them to stay out of the setback, it may require them to create an angle on a wall, which then becomes very inefficient and much more costly which would create a hardship on the project.

and

ii. The proposed use is reasonable because:

Vice-Chair Guyot stated that his observation is that the impervious surface change and bringing in a duplex on this small lot is definitely beneficial.

Mr. Buckley stated this property is located in a densely developed residential area, many of which are duplexes and multi-family units and felt it was consistent with what exists in the neighborhood and therefore, would be considered a reasonable use of the property.

5.

B. If they criterion subparagraph a are not established and unnecessary hardship will be deemed to exist if and only if, owing to the 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 the variances therefore necessary to enable a reasonable use of it.

Vice-Chair Guyot noted this issue has already been covered. The unique shape, size etc. would push it into an affirmative on criteria 5.B.1

A motion was made by Adam Burke that the Zoning Board of Adjustment approve ZBA-26-3 to permit the encroachment of 5 ft into the 20 ft rear yard setback per section 3.2.2 of the zoning regulations as shown on the plan titled "Setback Variance" prepared by SVE Associates at a scale of 1"=10' dated March 31, 2026 and in the application and supporting materials received on March 31, 2026 with no conditions.

The motion was seconded by Michael Zoll.

1. *Granting the variance would not be contrary to the public interest* – Criteria carried on a unanimous roll call vote.

2. *If the variance were granted, the spirit of the ordinance would be observed* - Criteria carried on a unanimous roll call vote.

3. *Granting the variance would do substantial justice* - Criteria carried on a unanimous roll call vote.

4. *If the variance were granted, the values of the surrounding properties would not be diminished* - Criteria carried on a unanimous roll call vote.

5. *Unnecessary Hardship*

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

- i. No fair and substantial relationship exists between the general public purpose of the ordinance provisions and the specific application of that provision to the property - Criteria carried on a unanimous roll call vote.

The proposed use is reasonable - Criteria carried on a unanimous roll call vote.

B. If they criterion subparagraph a are not established and unnecessary hardship will be deemed to exist if and only if, owing to the 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 the variances therefore necessary to enable a reasonable use of it - Criteria carried on a unanimous roll call vote.

The motion to approve carried on a unanimous roll call vote.

A motion was made by Stephen Buckley that the ZBA make a finding of fact that the orientation of the lot in relation to Grove Street and Water Street dictate the necessity for the setback to be granted, because this creates special conditions without which the building would have to have an angled building line which would diminish the amount of internal floor space and also as indicated by the applicant, the way in which the building is achieving higher energy efficiency is by building wider walls, and this pushes the building envelope out a little bit more into the set back, but it creates the benefit of keeping the internal space appropriate for the proposed use and also achieving higher energy efficiency, and that these are all appropriate findings of special conditions that justify granting the variance.

The motion was seconded by Ted Schrantz and carried on a unanimous roll call vote.

4. Staff Updates:

a. OpenGov

Mr. Clements stated the City has adopted new permitting software, which will be used by all Regulatory Boards, and all permitting. He indicated this would change the filing system slightly. Staff is still in the process of figuring out how to output all application information without printing a report that is difficult to decipher. Vice-Chair Guyot asked whether all applicants would be required to use this new software to generate applications for ZBA. Mr. Clements answered in the affirmative.

5. New Business:
a. Findings of Fact

Mr. Clements stated he heard back from the City Attorney and the Deputy City Attorney who have done some research into Mr. Buckley's suggestion and are comfortable in how the Board is currently completing this process as it relates to State Statute and they don't see an issue with completing the following Findings of Fact motion. It is ultimately up to the Board how they would like to do this. He felt a conversation could be conducted when the Chair returns next month.

Mr. Schrantz asked how Mr. Buckley crafted his language for the Motion for Findings of Fact. Mr. Buckley stated he uses salient language used during the presentation to craft the motion. He felt this motion did not have to be too complicated; just simple facts. He indicated what a Court would ultimately look for are things that are critical to a specific application. He noted RSA 676:3 outlines this issue.

Vice-Chair Guyot stated when the Board has voted in favor of the five criteria, this means that the applicant has succeeded but the findings of fact are almost like the executive summary of what was just deliberated and how a decision was made.

Mr. Schrantz clarified once the Board has voted on the five criteria the application has been approved and asked where the Findings of Fact fall in the application process.

Mr. Buckley referred to RSA 676:3 "*The decision shall include specific written findings of fact that support the decision. Failure of the Board to make specific written Findings of Facts supporting a disapproval shall be grounds for automatic reversal.*" He explained that the real jeopardy is when the Board disapproves an application. The applicant has a right to know why the Board did not vote in favor and could at that point ask for a rehearing or it is a foundation for a further appeal. If the application is denied and the applicant is told why, they might come back with a different application and address those concerns; you are telling them what they need to fix. He continued that consistency in process is critical.

Mr. Burke asked whether it was better to address the Findings of Fact when the Board reviews the five criteria. Mr. Buckley stated it can be done in that manner, and he has seen Boards take that approach but felt that method can be more complicated because you can't really have a summary of the key facts at the end. Vice-Chair Guyot stated he likes the executive summary approach.

Mr. Clements stated the Courts look at the entire record of the application. They go into the minutes to see how the Board addressed this application and hence, having very clear distinct decisions and rationale easily read by the Courts, helps uphold the decision of the Zoning Board. With the chance of appeal, a strong approval is just as important as a strong denial; it protects the decision and it protects the applicant. Mr. Buckley stated the Courts don't like to review minutes; they want to see a clear notice of decision signed by the Chair or staff.

b. Office of Planning & Zoning Spring 2026 Conference May 9, 2026

Mr. Clements stated the live option to attend this conference is not available anymore. However, they were recorded and are available on their website.

6. Adjournment:

There being no further business, Vice Chair Guyot adjourned the meeting at 7:41 PM.

Respectfully submitted by,
Krishen Pahl, Minute Taker

Reviewed and edited by,
Corinne Chaisson, Board Clerk