Zoning Board of Adjustment Monday, August 1, 2022 6:30 p.m. City Hall Council Chambers 3 Washington Street, 2nd Floor

AGENDA

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: June 6, 2022
- III. Unfinished Business:
- IV. Hearings:

ZBA 22-12: Petitioner, Les Lynch of SPS Carpentry, LLC, requests a Variance for property located at 121 Davis St., Tax Map #584-046-000-000-000 that is in the Downtown Transition District and owned by Massoud, LLC of 105 Arch St, Keene. The Petitioner requests a Variance to permit the renovation from a single-family dwelling to a multiple family dwelling on an 11,325 sq. ft. lot where 13,400 sq. ft. is required, per Chapter 100, Article 4.6.1 of the Zoning Regulations.

ZBA 22-13: Petitioners, Brian & Amalia Harmon, requests a Variance for property located at 27-29 Center St., Tax Map #568-016-000-000-000 that is in the Downtown Transition District. The Petitioners requests a Variance to permit a multi-family dwelling with three units on a lot with 3,049 sq. ft. where 18,800 is required, per Chapter 100, Article 4.6.1 of the Zoning Regulations.

V. New Business:

Introduction of Community Development Director, Jesse Rounds

- VI. Communications and Miscellaneous:
- VII. Non Public Session: (if required)
- VIII. Adjournment:

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1 2 3		<u>City of Keene</u> New Hampshire			
4 5 6 7	ZONING BOARD OF ADJUSTMENT MEETING MINUTES				
8	Monday, June 6, 2022	6:30 PM	Council Chambers		
0	<u>Members Present:</u> Joshua Gorman, Chair Joseph Hoppock, Vice Chair Jane Taylor Michael Welsh Richard Clough	Staff Present: John Rogers, Zoning A Corinne Marcou, Zoni Michal Hagan, Plans F	ing Clerk		
9 10 11 12 13 14 15	I) <u>Introduction of Board Mem</u> Chair Gorman called the meeting to meeting. Roll call was conducted.	to order at 6:30 PM and explained the	procedures of the		
16 17	II) Minutes of the Previous Me	<u>eeting – May 2, 2022</u>			
17 18 19	Ms. Taylor proposed the following changes to the May 2, 2022 meeting minutes:				
20 21	Line 50 - It should read "copy of tapplication."	the prior applications," instead of "cop	y of <i>what</i> the prior		
22 23	Line 90 – It was noted after "entitl advantage of the Variance.	led to a Variance" that the property ow	vners did not take		
24 25	Line 92 – It should read either "de application."	enied a second Variance application" o	r "denied a new Variance		
26 27 28		ed changes to Lines 90 & 92 will make that on line 1446, the final word of the			
29 30	Mr. Welsh made a motion to accept Mr. Hoppock seconded the motion	pt the May 2, 2022 meeting minutes w n, which passed by a vote of 5-0.	with the amendments.		
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III) <u>Unfinished Business</u>

Chair Gorman asked Staff if there was any unfinished business. John Rogers, ZoningAdministrator, replied no.

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IV) <u>Hearings</u>

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A) <u>ZBA 22-11:</u> Petitioner, Thomas Bogar, represented by Dan Bartlett, of 185 Winchester St., requests a Variance for property located at 94 Key Rd., Tax Map #110-018-000-000 that is in the Commerce District. The Petitioners requests a Variance to permit the construction of an open, rigid canopy structure for customer weather protection 10 feet into the setback where 20 feet is required, per Chapter 100, Article 5.1.2 of the Zoning Regulations.

- 46 Chair Gorman asked to hear from Staff.
- 47

Michael Hagan, Plans Examiner, stated that this building was built in 1965. He continued that it
previously had two other Zoning Board applications, one on December 30, 1969 for a Special
Exception, and was granted to sell new and used cars. Under today's current Ordinance, it is a

51 permitted use and a Special Exception would not be needed. The other one was October 1, 1990, 52 a Variance for paying acthorized which was withdrawn by the Patitionar

a Variance for paving setbacks and coverage, which was withdrawn by the Petitioner.

54 Ms. Taylor stated that she wondered whether the driveway sections of the Code applied to this, 55 because it appears from the drawings that this is a travel throughway between two curb cuts. She 56 continued that she did not know what the regulations were, whether the Zoning ones applied or if 57 it was something else.

58

59 Mr. Hagan replied that providing access around the building, you could still have access from 60 one driveway to the other; it does impede on that. He continued that the Fire Department would 61 review this as well for the height of the canopy for access for emergency vehicles.

62

Mr. Rogers stated that he wants to add that in the Commerce District, the setback for front, side,and rear is 20 feet.

65

66 Mr. Hoppock stated that he is looking at the image that was submitted and trying to understand.

67 He continued that the Board does not have a diagram of the entire building showing where the

68 proposed canopy would be located. The partial site plan is in fact partial, as far as the building is

- 69 concerned. He asked if the Board could see something that shows the canopy in relation to the
- 70 building.
- 71

72 Mr. Rogers replied that they could zoom in on the image. He continued that it still is not

- race showing the whole building, but it shows the section closest to Key Rd. He did not think to ask
- the Applicant for a full site plan. He showed another drawing on the screen and stated that if you

see the long side of the building that faces Key Rd., the canopy would be on the right hand sideof that part of the building.

77

78 Mr. Welsh stated that he has a procedural question. He asked if the particulars of this canopy,

when it is designed, would go before the Planning Board and be subject to Standard 19. Mr.

- 80 Rogers replied that under the new Land Development Code and Planning Board standards, this
- 81 would probably be approved administratively. He continued that it is possible that it could go to
- 82 the Minor Project Review Committee, but until they see more detailed plans, he thinks it would
- 83 most likely be administratively approved.
- 84

Chair Gorman asked if anyone had more questions for Staff. Hearing none, he asked to hearfrom the Applicant.

87

88 Dan Bartlett of DB Architects, 185 Winchester St., stated that frequently, auto dealerships and 89 other businesses receive requests by the parent company, the nationwide franchise entity that 90 makes recommendations or requirements, for building upgrades to keep up with the trends that 91 the company wants to portray. He continued that he has been engaged to be the Architect to 92 upgrade this building, which is something that has not been done for many years, bringing it in 93 line with contemporary architecture and in keeping with the Mazda Autex brand so that 94 customers recognize. Part of the improvement is creating an amenity for service customers who 95 currently pull up in the same location that they will be continuing to use. Currently, customers 96 who bring their vehicles for service when it is raining, park in the parking lot, getting wet as they 97 enter the building. With the proposed project, customers can drive under canopy then enter the 98 building without getting wet. It is a little more comfortable for the patrons.

99

100 Mr. Bartlett continued that the canopy has to be in that location because that is where the service 101 department is. They are not interested in redesigning the building to such a degree that the whole 102 flow would be disrupted. They talked about putting the canopy elsewhere but it was just a non-103 starter to consider. This location works best for the existing building and for the new proposed 104 improvements as this area is paved and the new canopy would go entirely within a that paved 105 area. They are not changing site drainage or permeable surface area; they are simply requesting 106 for the construction of the canopy. This amenity is consistent with the image the company wants 107 to project.

108

Mr. Bartlett continued that the clearance is about nine feet. There is vehicular emergency access from driveways on both sides. He cannot imagine a scenario that would require pulling under that canopy, when there is a lot of access all around the building otherwise. As Mr. Hagan alluded to, the Fire Department would rightfully have a concern about that. He went to a presubmission meeting with the Planners from the Community Development Department with the Fire Department where they raised the question but did not reject it or ask for anything different.

presentation and turn it over to the next step. Chair Gorman asked if Mr. Bartlett wanted to go

118 through the criteria, specifically, or just leave it at that. Mr. Bartlett replied that he is happy to

- 119 leave it at that. He continued that he wanted to point out that there is another slide showing the
- 120 street. Regarding setbacks, the intent is to keep the street line clean. Setbacks are often about
- 121 light and air, circulation, visibility, and so on and so forth, and he wanted to point out that this 122 street edge, right where the canopy is going to go, is somewhat confused. He would argue that
- 123 there is not a strong street edge along Key Rd. There is a KFC restaurant very close to the road
- 124 and then parking lots. If you view this canopy as you are entering Key Rd, it does not obstruct
- 125 the street edge, because the background of that view is just another building. That function of
- 126 the setback requirements, he would say, is probably less valid. He thinks it has been
- 127 acknowledged already that where the canopy is going is right where the street comes closest to
- 128 the building, but he would argue that the street pulls away from the encroachment in both
- 129 directions, so it is just a very finite moment that the encroachment has any kind of impact. It
- 130 says it is a 10-foot encroachment, but it is really just a point that is at 10 feet. The rest of it
- recedes away from the road just as the road recedes away from the encroachment. 131
- 132
- 133 Chair Gorman asked if the Board had questions for the Applicant.
- 134

135 Ms. Taylor stated that one of the points made was that it does not change any of the run-off. She 136 continued that this area is notorious for getting a couple inches or more of standing water every

- 137 time there is a downpour. They are not changing the impervious surface, but still, with a roof
- 138 there, she believes that would change the flow. She asked how that would be addressed.
- 139

140 Mr. Bartlett replied that they have to get the water off of the roof of the canopy, so that will go,

- 141 presumably, into a subsurface drainage system that is already in place if there is one, or it would
- 142 just go to surface run-off. He continued that in other words, instead of the rain coming down in a
- 143 certain location, the rain would get concentrated in a different place, or out on the grass
- 144 somewhere. He has not detailed this yet on the architectural plan, but yes, they need to deal with
- 145 the water. It will change the way the water gets to the pavement and then to wherever it needs to
- 146 go. The point is that it is impervious material right now and putting a roof over an impervious surface does not increase the amount of impervious area on the lot. Ms. Taylor replied that it
- 147
 - 148 might change where the water actually goes. Mr. Bartlett replied yes, he thinks they could say 149 that.
- 150

151 Ms. Taylor stated that on the picture of proposal, it looked like there is a one-way area. She 152 asked if that would be a one- or two-lane canopy, asking for further details. Mr. Bartlett replied 153 that it is wide enough for two vehicles to pass side by side. He continued that he is not aware of 154 any signage that would restrict the direction of traffic. The owner was unable to be here tonight 155 due to business out of state, and he would probably be able to address that more accurately, but 156 his understanding is that the drivers enter "this way", as that is how it lays out best. However, if 157 there was another driver who wanted to get through there, they could; it is wide enough for two 158 vehicles.

159

160 Chair Gorman stated that ultimately, it would be fair to say that that is basically a pull-up, and

161 then you will enter the service area, a Technician will come take your vehicle, bring it to a

service bay, and any traffic leaving the service bays behind would go around or out. Mr. Bartlett

163 replied that is correct, because the cars are headed to the garage bays anyway, and then come out

of the bays, then exit. He continued that he thinks it is a de facto one-way route, regardless ofthe signage.

166

Mr. Hoppock stated that if he is reading the partial plan correctly, the side facing the road is the north side. Mr. Bartlett replied that is correct. Mr. Hoppock asked if there will be a wall or any kind of solid structure between the top of the canopy and the ground, or it will be all open. Mr. Bartlett replied that there are two pillars, but otherwise it is open. Mr. Hoppock asked if it is correct that you can pretty much see through it. Mr. Bartlett replied absolutely, all three sides.

172

173 Mr. Welsh stated that for a while he was wondering what the motivation was adding the canopy

and he was thinking that customers were just regularly getting out in the rain and it was getting

to be a problem, but it does not sound like that is really the motivation. He continued that it

sounds like Mazda wants a renovation like this to keep up with an industry standard or corporate

177 look, and that is the beginning point of this. Mr. Bartlett replied that he is coming to that

178 conclusion on his own; no one has said to him specifically. They presented this, so he is figuring

that similar to how gas stations have canopies, most dealerships are directed this way, too. He

180 figured that it was something they wanted to provide for their customers. Whether it is crucial to 181 the look or not is conjecture.

182

Mr. Clough stated that on the line drawing, the surveying one, it looks like there are two parking
spaces perpendicular to the building, with one possibly being a handicapped space. He asked if
those are expected to stay. It is odd to have two parking spaces there when you are trying to
have people drive through, which would restrict it.

187

188 Mr. Bartlett replied that this person surveyed what was there and then placed the canopy over it, 180 and it does seem like there are parking spaces there, but he cannot imagine that they are used

and it does seem like there are parking spaces there, but he cannot imagine that they are used,

because the way it works now is just as he described. They are not disrupting anything and there

191 is ample parking and sufficient ADA parking elsewhere. If those spaces that Mr. Clough is

referring to are there, and being deleted, it does not affect the required parking. He has never

193 seen anyone parked there, because it is not a place to park, but he guesses that it was striped that

194 way at one point and the paint is still there. Mr. Clough replied that now that they have seen the

195 picture of what it looks like, it does not make sense that there would be any sort of parking,

196 especially in that configuration.

197

198 Chair Gorman asked if the City photo that was taken for this application shows the location he is

199 referencing. He continued that it shows an ADA parking space, with a Jeep parked next to it in

200 what would be the second parking space. Mr. Bartlett replied yes. He continued that those

201 parking spaces would be relocated. Chair Gorman replied that his take would be that anything

202 the Board approves tonight would be contingent upon parking requirements.

203 Mr. Rogers replied that certainly, when the building permit documentation is submitted, that 204 would be a review that staff would take, especially regarding the ADA space. The State 205 Building Code will dictate how many ADA spaces are required based on the overall number of 206 parking spaces and if one is eliminated, then that one might have to be recreated elsewhere. 207 208 Mr. Hoppock asked what the size of the "red triangle" is. Mr. Bartlett replied that he knew 209 someone would ask that tonight but he did not get that calculation yet. He continued that it is 11 210 times 16, divided by two. Chair Gorman replied that is 85 square feet. 211 212 Chair Gorman asked if there were any more questions for the Applicant. Hearing none, he 213 closed the public hearing and asked the Board to deliberate. Mr. Hoppock stated that for the 214 record, there are no members of the public present, and thus no one to speak for or against this. 215 216 1. Granting the Variance would not be contrary to the public interest. 217 218 Ms. Taylor stated that she does not believe it would be contrary to the public interest, 219 differentiated from some of the other applications the Board has had. She continued that given 220 the way the curve is on Key Rd., it does not create any line of sight issues for the traveling public 221 on Key Rd. This probably is in the public interest. 222 223 Mr. Hoppock stated that he would add that there would be blockage on the northern side of the 224 canopy; that the canopy is only encroaching 9.2 feet; and there is no line of sight issues around 225 the curve, he agrees that it is not contrary to the public interest. 226 227 2. If the Variance were granted, the spirit of the Ordinance would be observed. 228 229 Mr. Hoppock stated that he does not see anything in the application, nor did he hear anything in 230 what the Applicant said, that would lead him to believe that granting this Variance would alter 231 the essential character of the neighborhood. He continued that in fact, it would be consistent 232 with the neighborhood, given what is across the street and next door. He continued that there is 233 nothing that would threaten the public health, safety, or welfare. 234 235 Chair Gorman stated that he agrees with Mr. Hoppock. 236 237 3. Granting the Variance would do substantial justice. 238 239 Chair Gorman stated that he thinks the advantage to the Applicant does outweigh any potential 240 harm to the general public, and that the intent here is certainly an upgrade. He continued that the 241 picture the Board is seeing is certainly an improvement from what sits there today. It is a 242 reasonable request to keep up with the industry, and he does not see any adverse impacts to 243 anyone else. 244

245 246 247 248	Ms. Taylor stated that she thinks this is one of those rare situations where it is almost a wash. She continued that she thinks it is a rather even advantage to the public and advantage to the property owner.				
249 250 251 252	Mr. Hoppock stated that denying this Variance does not really benefit the public. He continued that given the configuration of the road and other factors that are relevant to the hardship criterion, he does not think there is any basis for denying it based on this criterion.				
253 254 255	4. If the Variance were granted, the values of the surrounding properties would not be diminished.				
256 257 258 259	Mr. Welsh stated that he does not think the Board has heard testimony or discussion along these lines, but he thinks it is a safe argument that this will increase the value of the surrounding properties, or at the very least not diminish them.				
260 261 262 263 264 265	 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 and 				
266 267	<i>ii.</i> The proposed use is a reasonable one.				
268 269 270 271 272 273	Mr. Hoppock stated that the first question for this one is identifying the unique features of the property, and as Ms. Taylor mentioned already the curve of the road is one feature, and following the curve of the road is the setback line. That feature, along with the juxtaposition of the building with that curving line, and the location within the building of what the Applicant wants to attend to, all combine together to make this a unique setting, in his opinion.				
274 275	Chair Gorman stated that he agrees with Mr. Hoppock.				
276 277 278	Mr. Hoppock stated that based on that unique siting, applying the Ordinance to this situation creates an unnecessary hardship if the Board does not grant the Variance.				
 279 280 281 282 283 	Chair Gorman stated that in addition, he thinks the proposed use is a reasonable one, given that cars are probably already pulling up there to park anyway. Something that is already happening will just be done in more of an aesthetic fashion or a customer service-oriented atmosphere, which benefits the public. For those reasons, he thinks the request is reasonable.				
284 285	Chair Gorman asked if the Board had more comments. Hearing none, he asked for a motion.				
286 287	Mr. Hoppock stated that he does not see a need for conditions, but would entertain the idea if another Board member felt differently. There was no response.				

288 289	Mr. Hoppock made a motion to approve ZBA 22-11. Ms. Taylor seconded the motion.				
290	Chair Gorman stated that the motion is to approve without conditions, knowing that the parking				
291	will be taken care of through the permitting process. He went through the criteria.				
292					
293	1.	Granting the Variance would not be contrary to the public interest.			
294					
295	Met w	ith a vote of 5-0.			
296					
297	2.	If the Variance were granted, the spirit of the Ordinance would be observed.			
298					
299	Met w	ith a vote of 5-0.			
300					
301	3.	Granting the Variance would do substantial justice.			
302					
303	Met w	ith a vote of 5-0.			
304					
305	4.	If the Variance were granted, the values of the surrounding properties would not be			
306	dimini				
307					
308	Met w	ith a vote of 5-0.			
309					
310	5.	Unnecessary Hardship			
311	А.	Owing to special conditions of the property that distinguish it from other properties in the			
312		lenial of the variance would result in unnecessary hardship because:			
313	i. No fair and substantial relationship exists between the general public purposes of the				
314	ordinance provision and the specific application of that provision to the property				
315	and				
316	ii.	The proposed use is a reasonable one.			
317					
318	Met w	ith a vote of 5-0.			
319					
320	The m	otion to approve ZBA 22-11 passed with a vote of 5-0.			
321					
322	V)	New Business			
323	,				
324	Chair (Gorman asked if there was any new business. Mr. Rogers replied that Staff did not have			
325		w business.			
326	5				
327	VI)	Communications and Miscellaneous			
328	,				
329	VII)	Non-public Session (if required)			
330)				
-					

331 VIII) Adjournment

- 332
- 333 There being no further business, Chair Gorman adjourned the meeting at 7:06 PM.
- 334
- 335 Respectfully submitted by,
- 336 Britta Reida, Minute Taker
- 337
- 338 Reviewed and edited by,
- 339 Corinne Marcou, Zoning Clerk

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121 DAVIS ST. ZBA 22—12



Petitioner requests a the renovation of a single-family dwelling to a multi-family dwelling on an 11,325 sq. ft. lot where 13,400 sq. ft. is required per Chapter 100, Article 4.6.1 of the Zoning Regulations.



NOTICE OF HEARING

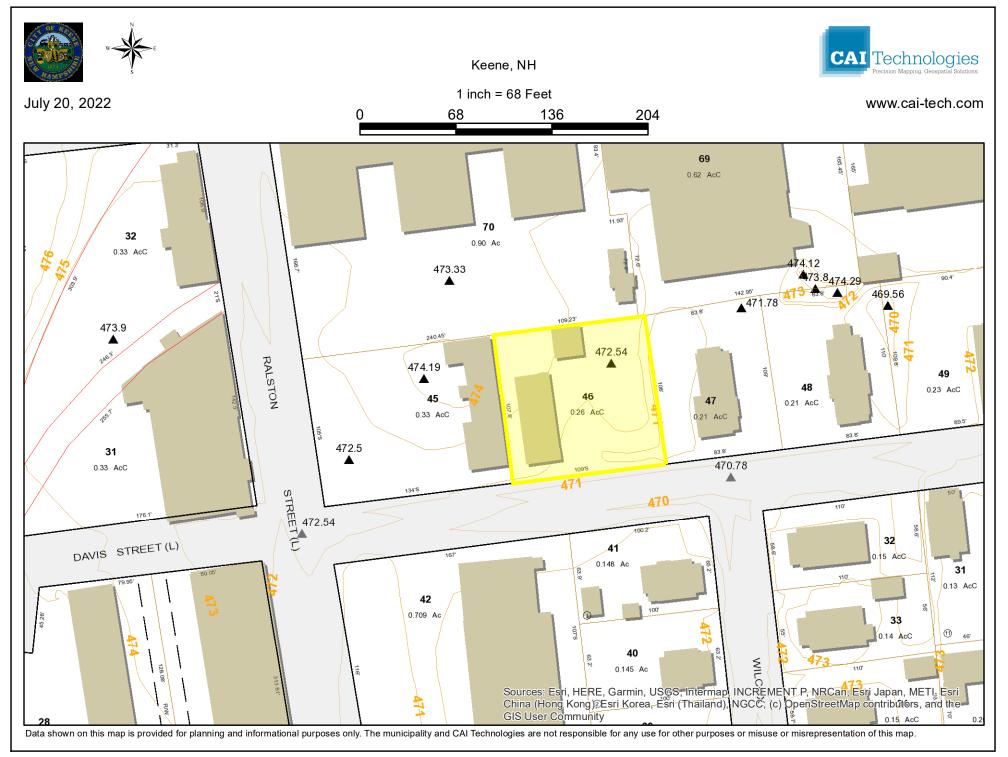
ZBA 22-12

A meeting of the Zoning Board of Adjustment will be held on Monday, August 6, 2022, at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, Les Lynch of SPS Carpentry, LLC, requests a Variance for property located at 121 Davis St., Tax Map #584-046-000-000-000 that is in the Downtown Transition District and owned by Massoud, LLC of 105 Arch St, Keene. The Petitioner requests a Variance to permit the renovation from a single-family dwelling to a multiple family dwelling on an 11,325 sq. ft. lot where 13,400 sq. ft. is required, per Chapter 100, Article 4.6.1 of the Zoning Regulations.

This application is available for public review in the Community Development Department at City Hall, 3 Washington Street, Keene, NH 03431 between the hours of 8:00 am and 4:30 pm. or online at https://keenenh.gov/zoning-board-adjustment

Corinne Marcou, Zoning Clerk Notice issuance date July 21, 2022

City of Keene • 3 Washington Street • Keene, NH • 03431-3191 • www.keenenh.gov



Page 15 of 37

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use	Only:	
Case No. 26	A22-12	
Date Filled 7	11122	
Rec'd By		
Pageo	f <u>, 9</u>	
Rev'd by	H	

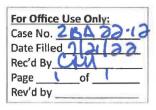
If you have questions on how to complete this form, please call: (603) 352-5440 or email: communitydevelopment@keenenh.gov

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: Massoud LLC
MAILING ADDRESS: 105 Arch St. / Keene, NH
PHONE: (978) 616-7703
EMAIL: massoudllc@gmail.com
SIGNATURE:
PRINTED NAME: Amjad Massoud
APPLICANT (if different than Owner/Applicant)
NAME/COMPANY: SPS Carpentry LLC
MAILING ADDRESS: PO Box 516 / Walpole, NH 03608
PHONE: (603) 313-2294
EMAIL: les.spscarpentry@gmail.com
SIGNATURE:
PRINTED NAME: Les Lynch
AUTHORIZED AGENT (if different than Owner/Applicant)
NAME/COMPANY:
MAILING ADDRESS:
PHONE:
EMAIL:
SIGNATURE:
PRINTED NAME:

City of Keene, NH

Zoning Board of Adjustment Variance Application





If you have questions on how to complete this form, please call: (603) 352-5440 or email: communitydevelopment@keenenh.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: Massoud LLC
MAILING ADDRESS: 105 Arch St. Keene
PHONE: (978) 616-7703
EMAIL: massoudllc@gmail.com
SIGNATURE: 07/21/2022
PRINTED NAME: Amjad Massoud
APPLICANT (if different than Owner/Applicant)
NAME/COMPANY:
MAILING ADDRESS:
PHONE:
EMAIL:
SIGNATURE:
PRINTED NAME:
AUTHORIZED AGENT (if different than Owner/Applicant)
NAME/COMPANY:
MAILING ADDRESS:
PHONE:
EMAIL:
SIGNATURE:
PRINTED NAME:

	SECTION 2: F	ROPERTY INFORM	ATION	
Property Address: 121 Da	vis Street			
Tax Map Parcel Number: 584-	046-000-0	000-000		
Zoning District: Medium Density	Downtown	Transition		-
Lot Dimensions: Front: 105	Rear: 105	Side: 108	Side: 108	
Lot Area: Acres: .26	Square Feet: 11	,325 ft^2		
% of Lot Covered by Structures (bu	iildings, garages, poo	ls, decks, etc): Existing	19.54% Prop	^{osed:} 19.57%
% of Impervious Coverage (structu	res plus driveways a	nd/or parking areas, et	c): Existing: 33.2%	Proposed: 38.76%
Present Use: Single fam	nily resider	itial rental		

Proposed Use: Multi family residental rental

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.

The house, sitting near the Ralston St intersection of Davis Street, currently exists as a 6 bedroom tenant dwelling catering to college kids. It had an open layout and 1.5 bathrooms, with all functional non-bedrooms being used as communal to the tenants. The proposed project from the new owners would divide the home at a structural wall off the primary kitchen, creating a smaller single bedroom apartment on the first floor. It would leave a 4 bedroom living space with its current unchanged layout.

Current ordinances in Keene require a minimuim lot size to host a duplex, and the current lot is insufficient for the purpose. We are hoping that a variance will be granted to allow the building to be divided and repurposed for a more gainful use of the home in a rental capacity. A six bedroom college rental is illogical given the limits on non-familial tenants in a single home. Since only four of those can rented out, we would like to repurpose the additional space for a more private single person rental that would an available alternative to the communal space. It would not increase the strain on the property as our only footprint adjustments would come with the addition of more parking for the additional tenant.

SECTION 4: APPLICANTION CRITERIA

A Variance is requested from Article (s) 4.6.1 (1) of the Zoning Regulations to permit:

Current lot size: 11,325 Required lot size: 13,400

non-conforming variance - single to multiple family

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:

The existing home's footpring will not be changed and the general upkeep and appearance of the home will be greatly improved. The spirit of the ordinance is to minimize the residential sprawl and avoid stacking tenants; the addition of a single private aprtment lessens the previous capacity and provides a viable aternative to the multi-tenant home rentals primarily available in the area. Furthermore, as detailed below, a large renovation of the property is underway including cosmetic and functional upgrades to the interior, exterior, and services. The apartment would be done properly and purposefully to offer a quality lodging opportunity for the right tenant.

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

The new owners have already begun with a plan to greatly upgrade the property both aesthetically and functionally, as mentioned above. The stable and desirable residential opportunity that they are hoping to offer to prospective tenants would seem to the be the exact spirit of the ordinance as a whole. The medium density location, being so close to the college, would certainly be appropriate for 5 plausible tenants in the previously 6 bedroom home. They are doing their best to do everything with the utmost care and adherance to all of the cities local ordinances - a variance here would allow them to complete the renovation as desired while still being completely in accordance.

3. Granting the variance would do substantial justice because:

The ordinances limiting non-familial tenants to four renders a six bedroom home inoperable in its current state, in hopes of adhering to other existing ordinances. A previous owner was less adherent to those same ordinances with the six bedrooms, but that is obviously not a direction the new owners want to take. Dividing into the two sections would allow them to still utilize the full square footage of the home in a beneficial but also legal manner.

There are additional properties on Davis St that carry a multi-family (duplex) lot designation with similar size limitations of the lot, allowing them to maximize utilize their rental properties more succesfully than the Massouds would be able to under the current ordinance.

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

The value of the surrounding properties should, if nothing else, be increased. The overhaul that includes upgrading the interior and exterior of the property and reconstruction (eventual) of the dilapidated detached garage will certainly increase the value of the property and lot, which generally will positively affect the values of the home around it. A four person rental with a divided single person unit would also reflect more positively on its surroundings than the 6 person communal college living that preceded it. While the Massouds are certainly not against renting to college kids, and likely will do so many times over the coming years, the overall approach of the home will be far different than what it has been previously. My company is expecting to put 70-80k worth of improvements into the property (including the apartment division) which should obviously be reflected in the property value.

Furthermore, the Massouds have made it clear that they plan to be diligent and proactive in maintaining the upkeep of the property (and ideally others that would follow). Any surrounding homes should benefit proactively from a more well kept neighboring property, especially one with the updates they are planning.

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 provi sion and the specific application of that provision to the property because:

The home, in keeping with compliance of the ordinance governing non-familial tenants, has a layout that is impractical and wasteful. As a 6 bedroom apartment, it has little use to the owners or to the community with its current layout. A 4 bedroom home with a divided single tenant apartment would be a much more practical and proper use of the home's existing layout.

As mentioned before, other homes on the same street are listed as multi-family (duplex) lots despite having the same lot space in square footage.

Given its proximity to campus and to the Ralston St intersection, there would be a negligble effect from the extra person's presence, while the improvements in the building and living situation would certainly outweigh any of the negative aspects that the ordinance is attempting to prevent.

and

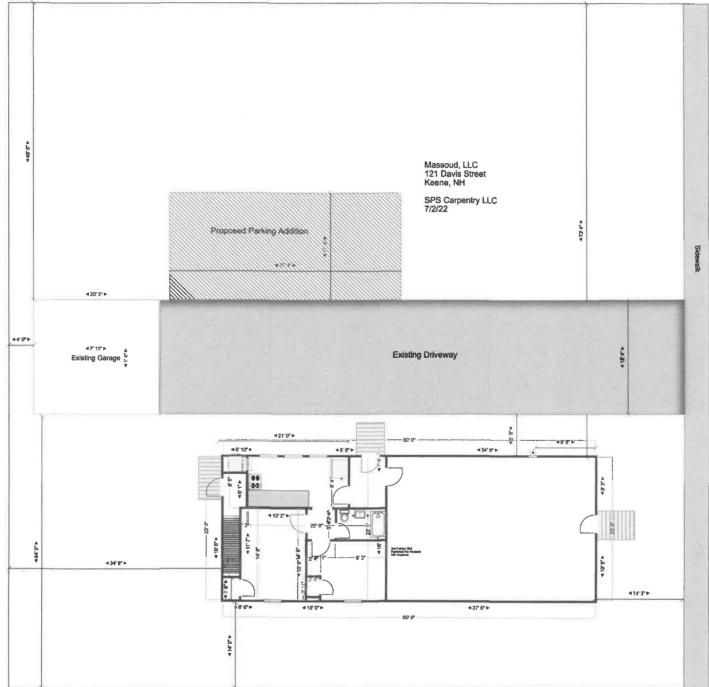
ii. The proposed use is a reasonable one because:

At its base, the improvement does far more good than harm to the surrounding community. It also presents the owners with the same benefits other homes on Davis St. enjoy in being considered applicable for a Multi-Resident (duplex) - per their Vision database listings.

After the previous owners renting practices, the new owners are attempting to adhere to proper compliant channels and maximize the usefulness of the property and the service its providing to the community. Taking the time to go thru the process hopefully illustrates their intentions moving forward.

The surrounding area is populated entirely with other multi tenant rentals and the addition of a single tenant to the home would not affect the nature of the neighborhood.

B. Explain how, if the criterial 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.



Page 23 of 37



200 foot Abutters List Report Keene, NH July 11, 2022

Subject Property:

Parcel Number:	584-046-000	Mailing Address:	MASSOUD LLC
CAMA Number:	584-046-000-000-000		159 MAIN ST. STE. 100
Property Address:	121 DAVIS ST.		NASHUA, NH 03060
Abutters:			
Parcel Number: CAMA Number: Property Address:	583-030-000 583-030-000-000-000 55 RALSTON ST.	Mailing Address:	PARODY DAVID F. REV. AGREEMENT OF TRUST 61 ALDRICH RD. KEENE, NH 03431
Parcel Number:	583-031-000	Mailing Address:	BRADEN PROPERTY HOLDINGS LLC
CAMA Number:	583-031-000-000-000		2810 WEST FRESCO DR.
Property Address:	19 RALSTON ST.		AUSTIN, TX 78731
Parcel Number:	583-032-000	Mailing Address:	SHALLDU LTD
CAMA Number:	583-032-000-000-000		262 CENTRAL PARK WEST APT, 8B
Property Address:	1 RALSTON ST.		NEW YORK, NY 10024
Parcel Number:	583-033-001	Mailing Address:	CITY OF KEENE
CAMA Number:	583-033-001-000-000		3 WASHINGTON ST.
Property Address:	0 EMERALD ST.		KEENE, NH 03431
Parcel Number:	583-033-001	Mailing Address:	TOUSLEY TOBY D.
CAMA Number:	583-033-001-001-000		PO BOX 626
Property Address:	0 EMERALD ST.		KEENE, NH 03431
Parcel Number:	584-031-000	Mailing Address:	GRAUER ALBERT F. GRAUER LISA S.
CAMA Number:	584-031-000-000-000		268 ROWLAND RD.
Property Address:	94 DAVIS ST.		FAIRFIELD, CT 06824
Parcel Number:	584-032-000	Mailing Address:	PERRY MICHAEL PERRY JACKIE
CAMA Number:	584-032-000-000-000		59 BOW CENTER RD.
Property Address:	2 WILCOX TERR.		BOW, NH 03304
Parcel Number:	584-033-000	Mailing Address:	8 WILCOX TERRACE LLC
CAMA Number:	584-033-000-000-000		268 ROWLAND RD.
Property Address:	8 WILCOX TERR.		FAIRFIELD, CT 06824
Parcel Number:	584-034-000	Mailing Address:	KNIGHT, KEITH H. KNIGHT JAMIE E.
CAMA Number:	584-034-000-000-000		196 2ND NH TPKE.
Property Address:	14 WILCOX TERR.		NEW BOSTON, NH 03070
Parcel Number:	584-039-000	Mailing Address:	15 WILCOX TERRACE LLC
CAMA Number:	584-039-000-000-000		268 ROWLAND RD.
Property Address:	15 WILCOX TERR.		FAIRFIELD, CT 06824

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Page 1 of 2



200 foot Abutters List Report Keene, NH July 11, 2022

CALINE CONTRACTOR			
Parcel Number:	584-040-000	Mailing Address:	GRAUER ALBERT F. GRAUER LISA S.
CAMA Number:	584-040-000-000-000		268 ROWLAND RD.
Property Address:	9 WILCOX TERR.		FAIRFIELD, CT 06824
Parcel Number: CAMA Number: Property Address:	584-041-000 584-041-000-000-000 1 WILCOX TERR.	Mailing Address:	GRAUER ALBERT F. JR. GRAUER LISA S. 268 ROWLAND RD. FAIRFIELD, CT 06824
Parcel Number:	584-042-000	Mailing Address:	134 DAVIS ST SUITES LLC
CAMA Number:	584-042-000-000-000		134 DAVIS ST.
Property Address:	134 DAVIS ST.		KEENE, NH 03431
Parcel Number:	584-045-000	Mailing Address:	MGJ REALTY LLC
CAMA Number:	584-045-000-000-000		PO BOX 562
Property Address:	125 DAVIS ST.		KEENE, NH 03431
Parcel Number:	584-047-000	Mailing Address:	TOUSLEY FAMILY REV. TRUST
CAMA Number:	584-047-000-000-000		184 TALBOT HILL RD.
Property Address:	107 DAVIS ST.		SWANZEY, NH 03446
Parcel Number:	584-048-000	Mailing Address:	FORTE DONNA J.
CAMA Number:	584-048-000-000-000		23 RALSTON ST.
Property Address:	97 DAVIS ST.		KEENE, NH 03431-3643
Parcel Number: CAMA Number: Property Address:	584-049-000 584-049-000-000-000 87 DAVIS ST.	Mailing Address:	BALLARO JODIE GREENWALD MITCHELL PO BOX 361 KEENE, NH 03431
Parcel Number: CAMA Number: Property Address:	584-068-000 584-068-000-000-000 80 EMERALD ST.	Mailing Address:	GREENWALD MITCHELL H. REVOCABLE TRUST GREENWALD ERIKA REVOCABLE TRUST PO BOX 361 KEENE, NH 03431
Parcel Number:	584-069-000	Mailing Address:	RK PARISI ENTERPRISES INC.
CAMA Number:	584-069-000-000-000		310 MARLBORO ST.
Property Address:	104 EMERALD ST.		KEENE, NH 03431
Parcel Number:	584-070-000	Mailing Address:	120 EMERALD STREET LLC
CAMA Number:	584-070-000-000-000		135 SOUTH RD. #1
Property Address:	120 EMERALD ST.		FARMINGTON, CT 06032



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27-29 CENTER ST. ZBA 22-13



Petitioner requests a Variance to permit three dwelling units on a 3,049 sq. ft. lot where 18,800 sq. ft. is required per Chapter 100, per Article 4.6.1 of the Zoning Regulations.



NOTICE OF HEARING

ZBA 22-13

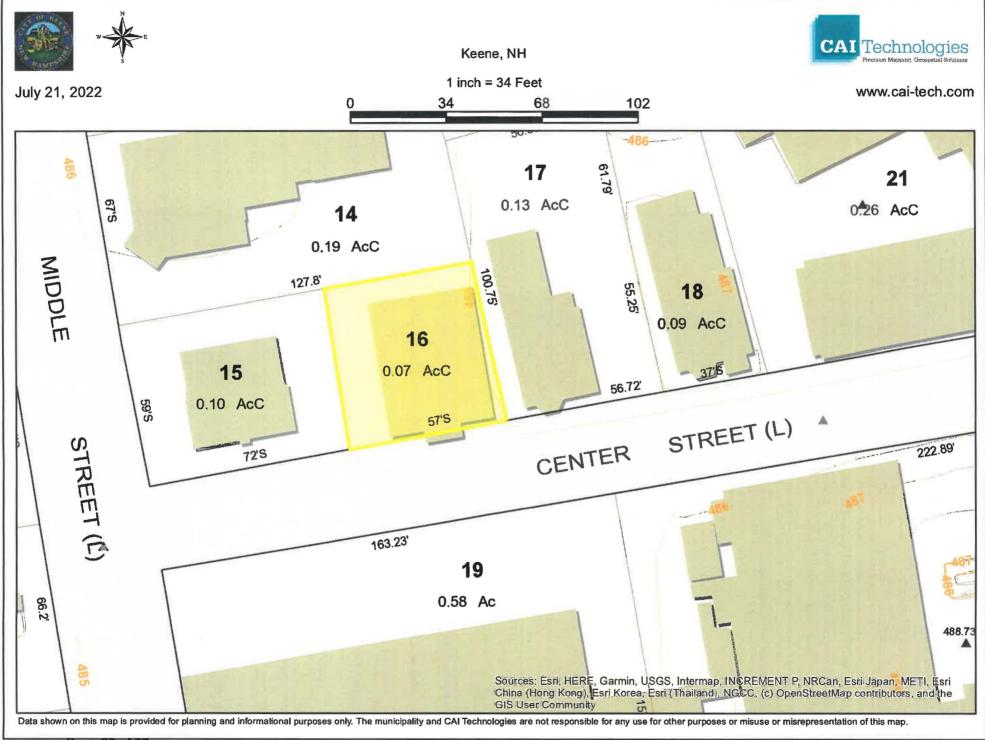
A meeting of the Zoning Board of Adjustment will be held on Monday, August 6, 2022, at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioners, Brian & Amalia Harmon, requests a Variance for property located at 27-29 Center St., Tax Map #568-016-000-000-000 that is in the Downtown Transition District. The Petitioners requests a Variance to permit a multi-family dwelling with three units on a lot with 3,049 sq. ft. where 18,800 sq. ft. is required, per Chapter 100, Article 4.6.1 of the Zoning Regulations.

This application is available for public review in the Community Development Department at City Hall, 3 Washington Street, Keene, NH 03431 between the hours of 8:00 am and 4:30 pm. or online at https://keenenh.gov/zoning-board-adjustment

Mmil Laz

Corinne Marcou, Zoning Clerk Notice issuance date July 21, 2022

City of Keene • 3 Washington Street • Keene, NH • 03431-3191 • www.keenenh.gov



Zoning Board of Adjustment Variance Application



For O	ffice l	Jse Only:
Case	No.2	BA22-13
Date	Filled	7/21/22
Rec'd	By C	SM .
Page	1	of
Rev'd	by	

If you have questions on how to complete this form, please call: (603) 352-5440 or email: communitydevelopment@keenenh.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: Brian and Amalia Harmon
MAILING ADDRESS'
PHONE: 617 201-6008 603 216 7348
EMAIL: maiosconstructing @ amail.com analia 1529@ mailes
SIGNATURE: Signature Amalia Zharmon
PRINTED NAME: BRIAN HARMON Amalia L. Harmon
APPLICANT (if different than Owner/Applicant)
NAME/COMPANY:
MAILING ADDRESS:
PHONE:
EMAIL:
SIGNATURE:
PRINTED NAME:
AUTHORIZED AGENT (if different than Owner/Applicant)
NAME/COMPANY:
MAILING ADDRESS:
PHONE:
EMAIL:
SIGNATURE:
PRINTED NAME:

SECTION 2: PROPERTY INFORMATION
Property Address: 27-29 CENTER ST.
Tax Map Parcel Number: 568-016-000
Zoning District: Zoning Districts OFFICE Down-town Transition
Lot Dimensions: Front: 57 Rear: 54.1 Side: 59 Side: 58.1
Lot Area: Acres: , 07 Square Feet: 3049.2
% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 70 Proposed: $n/4$
% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 90 Proposed: 14
Present Use: OFFICE
Proposed Use: RESIDENTIAL
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.
A request to add an additional unit to 2239 Center Street, Keene, NH property. We, my husband Brian and I have awred the propety since March of 2021, Construction began shortly after May and now is haultest due to the increase of construction materials and lack of work force in the field. The purpose of this request is to apply for the new grant program Invest NH which Gov Samuna first recently launched. The grant program is designed specifically for projects like ours, He wants to expand & accelerate horising and construction dry incentioning with such grant to alleviate our horis shortage. However the program requires applicants to have at least Bunits. We would be able to han form this building into 3 bunits very easily. There is play of room
to page 30 of 37 Have safe, fanctional and affordabledwellings for this community, Page 2 of 9

SECTION 4: APPLICANTION CRITERIA

A Variance is requested from Article (s) $4.6 \cdot 1$ of the Zoning Regulations to permit:

We are bequesting the meded veriance to add a third unit to our existing two unit. Though the downtown Transition Zoning reques 18,800 s.F. and we only have 3,0495.F.

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:

Granting the variance would not be contrary to The public interest because Keene is currently experiencing a housing shortage crisis. A This would allow three dwelling units to provide the much needed affordable housing. The essential character of the neighborhood would not be altered, Thereare any residential units in the area, a few multiunit.

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

The spirit of the ordinance would be observed because this proposed change (additional unit) is necessary to continue construction on this Property. Inflation has impacted our ability to more bound on our own. In order to accelerate the completion, this grout is needed - the grant requires 3 units bon application submittel bon INVEST NH Hansing Fund. "This uses bederal american Rescue flan Act dollars to get at one of the state's most critical neede: More workbaroe having to help support businesses in need of more warkers." MANCHESTER INKLINK . COM 3. Granting the variance would do substantial justice because:

Dranting the variance would do substantial justice because it would supply keene with 3 living units to hance the much needed work force. Governer Samunu " predicts the money will go a long way to help ease the hansing Crunch The state is now facing.

The building is beautiful historic, an asset to the neighborhood. Cities prosper and succeed by attracting young professionals wark force to the area. This will increase the value of surrounding properties and improve the security and longevity of Keene's economy.

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 provi sion and the specific application of that provision to the property because:

1. This building does not impact the general public.

and

The proposed use is reasonable because !.

"NH housing shortage won't be going dway soon" Local New 56/3/21 Casey MC Dermott NH public radio reported "New Hampshire's housing landscape is pretty brutal" " ... apartment vacancy rates are low and the pandenic has exacerbated many aspects of a pre-existing housing crisis" - article of 1/5/5020 - Time is of the essence to apply for the grant. The Grant requires the additional unit to this property for acceptance. The third unit is much needed by the community. Commissioner Taylor Caswell said the percent of available two bedroom rentals in the State is below I percent and consider unhealthy from the business community's

B. Explain how, if the criterial 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.

If the cuteria in sub para A are not established an unnecessary handship will be deemed to exist in that the interit of creating/ constructing crucially needed housing may not be tangible. The building will sit ampty and the fore weater we cannot maintain an empty building without financial hardship as well as a negator impact on the neighborhood,





200 foot Abutters List Report Keene, NH July 20, 2022

Subject Property:

Parcel Number: 568-016-000 CAMA Number: 568-016-000-000-000 Property Address: 27-29 CENTER ST.

Mailing Address: HARMON BRIAN HARMON AMALIA 184 COLBY RD. DANVILLE, NH 03819

Abutters:

 Parcel Number:
 568-010-000

 CAMA Number:
 568-010-000-000

 Property Address:
 8 MIDDLE ST.

 Parcel Number:
 568-011-000

 CAMA Number:
 568-011-000-000-000

 Property Address:
 16 MIDDLE ST.

 Parcel Number:
 568-012-000

 CAMA Number:
 568-012-000-000-000

 Property Address:
 22 MIDDLE ST.

 Parcel Number:
 568-013-000

 CAMA Number:
 568-013-000-000

 Property Address:
 28 MIDDLE ST.

Parcel Number:568-014-000CAMA Number:568-014-000-000-000Property Address:29 MIDDLE ST.

 Parcel Number:
 568-015-000

 CAMA Number:
 568-015-000-000-000

 Property Address:
 33 CENTER ST.

Parcel Number:568-017-000CAMA Number:568-017-000-000-000Property Address:23 CENTER ST.

Parcel Number:568-018-000CAMA Number:568-018-000-000-000Property Address:17 CENTER ST.

Parcel Number:568-019-000CAMA Number:568-019-000-000Property Address:33 WINTER ST.

 Parcel Number:
 568-020-000

 CAMA Number:
 568-020-000-000-000

 Property Address:
 12 COURT ST.

Mailing Address: PLANNED PARENTHOOD OF NORTHERN NEW ENGLAND 784 HERCULES DR. SUITE 110 COLCHESTER, VT 05446-8049

Mailing Address: POLLOCK, CAITLIN M. 43 PLEASANT HILL AVE. #34 MATTAPAN, MA 02126

Mailing Address: SOUSA PAULA NOLAN 22 MIDDLE ST. KEENE, NH 03431

Mailing Address: 28 MIDDLE STREET REALTY LLC 99 VALLEY PARK DR. SPOFFORD, NH 03462

Mailing Address: ESPIEFS PETER S. REV. TRUST 29 MIDDLE ST. KEENE, NH 03431

Mailing Address: BLUE SPRUCE OCEAN HOLDINGS LLC PO BOX 1347 HAMPTON, NH 03843

Mailing Address: MONADNOCK UNITED FUND 23 CENTER ST. KEENE, NH 03431

Mailing Address: MGJ REALTY LLC PO BOX 562 KEENE, NH 03431

Mailing Address: CHESHIRE COUNTY 33 WINTER ST. KEENE, NH 03431

Mailing Address: COUNTY OF CHESHIRE 12 COURT ST. KEENE, NH 03431

CAUTechnylogues

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Page 1 of 2



200 foot Abutters List Report Keene, NH July 20, 2022

Parcel Number:	568-021-000	Mailing Address:	MGJ REALTY LLC
CAMA Number:	568-021-000-000-000		PO BOX 562
Property Address:	26 COURT ST.		KEENE, NH 03431
Parcel Number:	568-022-000	Mailing Address:	34 COURT LLC
CAMA Number:	568-022-000-000-000		63 EMERALD ST. #468
Property Address:	34 COURT ST.		KEENE, NH 03431-3626
Parcel Number: CAMA Number: Property Address:	568-023-000 568-023-000-000-000 42-44 COURT ST.	Mailing Address:	EIGHTY-EIGHT LAMBERT AVENUE NOMINEE TRUST 17 ROXBURY ST. KEENE, NH 03431
Parcel Number:	568-024-000	Mailing Address:	ZOLL, MICHAEL J. ZOLL JENNIFER L.
CAMA Number:	568-024-000-000-000		18 SUMMER ST.
Property Address:	18 SUMMER ST.		KEENE, NH 03431
Parcel Number:	568-025-000	Mailing Address:	LEACH JODY A. LEACH KRISTEN
CAMA Number:	568-025-000-000-000		37 MIDDLE ST.
Property Address:	37 MIDDLE ST.		KEENE, NH 03431
Parcel Number:	568-026-000	Mailing Address:	BERGERON, JOHN GROISS LINDA
CAMA Number:	568-026-000-000-000		38 MIDDLE ST.
Property Address:	38 MIDDLE ST.		KEENE, NH 03431
Parcel Number:	568-038-000	Mailing Address:	ARRUDA MEGAN E. ARRUDA JOHN G.
CAMA Number:	568-038-000-000-000		31 SUMMER ST.
Property Address:	31 SUMMER ST.		KEENE, NH 03431
Parcel Number:	568-039-000	Mailing Address:	CUNHA-VASCONCELOS SOFIA C.
CAMA Number:	568-039-000-000-000		21 SUMMER ST.
Property Address:	21 SUMMER ST.		KEENE, NH 03431
Parcel Number:	568-040-000	Mailing Address:	BURK NANCY E.
CAMA Number:	568-040-000-000-000		PO BOX 413
Property Address:	56 COURT ST.		KEENE, NH 03431



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