

**SWANZEY ZONING BOARD OF ADJUSTMENT
MINUTES FROM SITE VISIT – JULY 15, 2006**

[Note: Minutes are not final until reviewed and approved by the Board. Review and approval of minutes generally takes place at the next regularly scheduled meeting of the Board.]

A site visit was conducted on Saturday, July 15, 2006 at 9:00 a.m. on property owned by Arthur and Ellen Brnger situated at 103 Old Homestead Highway and shown at Tax Map 37, Lot 10 situated in the Business Zoning District. Board members present: Chair Bill Hutwelker, Keith Thibault, Jenn Gregory, Bob Mitchell, Charles Beauregard, Sr. and alternate Bob DeRocher. Present on behalf of the applicant were Arthur and Ellen Brnger. Town Planner Sara Carbonneau, Code Enforcement Officer Jim Weston and Vince Hanscom on behalf of the City of Keene were also present.

The site visit/public hearing was opened at 9:00 a.m. Attending parties viewed the site, noting location of various structures, the pool and fencing. Board members also viewed the interior of the carport, as well as the existing garage. Property lines were viewed, using a survey prepared by the City of Keene as a guide. Code Enforcement Officer Weston determined that the carport, as currently setup, is located 12 feet from the property line. Other distances from structures to the property lines were noted by the Board. Brnger provided the Board with a photograph taken prior to the erection of the carport. At 9:40 a.m. the Board left the Brnger property to continue the public hearing at Swanzey Town Hall.

Seated for the public hearing were: Gregory, Thibault, DeRocher, Hutwelker and Beauregard. Mitchell was present, but was not seated.

Vince Hanscom spoke on behalf of the City of Keene, noting the City's opposition to the granting of the variance. Hanscom stated that granting the variance could potentially negatively impact the City's future development of its property in the area. In addition, Hanscom stated that the FAA requires the City of Keene to pursue property rights to the fullest extent possible.

Code Enforcement Officer Weston noted that the current location of the carport is the best possible location for it to be sited on the property, stating that the location is in line with the existing garage door to the rear of the existing garage and that it is not visible from the road.

A. Brnger noted that there are similar carport structures located in the area and all over town. A. Brnger stated that this carport would provide him with the opportunity to store his classic vehicles on the property.

Board members inquired how the carport was set on the property. Weston stated that it is a metal carport set on 4 x 4 rails and anchored with ¾" re-bar. A. Brnger acknowledged that the carport is a temporary, movable structure.

Hutwelker stated that there is currently intensive use of the property. Thibault noted that the property consists of .23 acres. Hutwelker stated that there are currently 3 garages on the property. E. Brnger noted that the lot is smaller than required in the district and does not provide as many areas for storage as a conforming lot consisting of 1 acre would provide. Public hearing closed.

The criteria for granting an area variance were reviewed. Most Board members felt that there would be no diminution of surrounding property values should the variance be granted. Most Board members felt that the variance could not be granted without being contrary to the public interest, citing the City of Keene's argument regarding the potential impact on its future use of its property. Most Board members felt that there were no special conditions that would result in unnecessary hardship should the variance be denied, noting that the carport was movable and could be erected on the property in a location that would meet setback requirements. Also, most Board members felt that the spirit of the ordinance would not be observed and would not do substantial justice should the variance be granted.

Motion by Gregory to deny the variance application as the applicants did not meet criteria 2, 3, 4 and 5, noting that the applicants have the option of siting the carport on the property in a location that would meet setbacks, as well as citing the potential negative impact on the property owned by the City of Keene. Seconded by DeRocher. Vote: Gregory, Hutwelker, DeRocher and Beauregard in favor of the motion to deny the variance. Opposed: Thibault. Application for the variance was denied.

Motion by Thibault to adjourn. Seconded by Beauregard. Vote: All in favor. Meeting adjourned at 10:45 a.m.

Submitted by,

Sara H. Carbonneau
Town Planner