

**SWANZEY ZONING BOARD OF ADJUSTMENT MINUTES
OCTOBER 9, 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.]

The October 9, 2006 meeting of the Swanzey Zoning Board of Adjustment was called to order at 5:40 p.m. by Chair Bill Hutwelker. The meeting commenced with a site visit at property owned by William and Sandra Mispel situated at 33 Whitcomb Road, Tax Map 23, Lot 3-15. ZBA members present and seated for the public hearing were: Bill Hutwelker, Bob Mitchell, Jenn Gregory and alternates Marty Geheran and Bob DeRocher. William Mispel, Town Planner Sara Carbonneau and Code Enforcement Officer Jim Weston were also present. No abutters were present. Public hearing opened.

Mispel had staked out the proposed location of the carport, as well as the southerly property line and the well. In addition, Mispel had also staked out where the carport would be located if he had to meet the 20 foot side setback requirements. Also pointed out were the locations of the drainage culvert, tree lines and garage. Site visit concluded at 5:50 p.m. and the meeting was reconvened at Swanzey Town Hall at 6:00 p.m.

Board members reviewed the relief requested, noting that a variance was required as the proposed carport did not meet side setback requirements and that a special exception was needed as the carport would be situated within the flood plain district. Public hearing closed.

The Board reviewed the criteria for granting an area variance. The majority of members felt that the granting of the variance would not diminish surrounding property values, as they felt it was a typical residential use. In addition, most Board members felt that granting the area variance would not be contrary to the public interest, again noting that the carport was a typical residential structure.

Board members did not feel that a variance was needed, as other options were available to site the carport and meet required setbacks. While Board members agreed that the proposed location was perhaps the most aesthetically pleasing location, there were other options available that met setback requirements. Further, Board members felt that there was a reasonably feasible option for the applicant to pursue, as there were other locations on the property where the carport could be erected. In addition, Board members did not feel that granting the area variance

would observe the spirit of the ordinance, nor did they feel that granting the area variance would do substantial justice, in light of the finding that other reasonable options were available.

Motion by Gregory to deny the application for the area variance based on the review of the criteria, specifically noting that other locations in which to site the carport, that would meet setback requirements, were available. Seconded by Mitchell. Vote: All in favor.

The criteria for granting the application for special exception were reviewed. It was noted that based on the information provided by the applicant regarding the floods of October 2005, the property was not prone to flooding. In addition, it was found that the construction of a carport would not result in any increase in flood levels during the occurrence of the 100 year flood. Motion by Mitchell to grant the special exception application. Seconded by Geheran. Vote: All in favor.

Motion by Geheran to adjourn. Seconded by DeRocher. Vote: All in favor. Meeting adjourned at 6:30 p.m.

Submitted by,

Sara H. Carbonneau
Town Planner