

**SWANZEY ZONING BOARD OF ADJUSTMENT MEETING
FEBRUARY 11, 2013**

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.

ATTENDANCE William Hutwelker, Chair; Bob Mitchell, Jerry Walker; alternates Jim Vitous, Charles Beauregard, Jr., and Bryan Rudgers. Town Planner Sara Carbonneau also was present.

Chairman Hutwelker called the meeting to order at 7:05 p.m.

MINUTES Motion by Mitchell to approve the minutes of the January 21, 2013 meeting. Second by Vitous. Vote: All in favor.

1. Variance (Public Hearing) -

Applicant: Robert Lotito

Property owner: Robert C. and Patricia E. Lotito

Property location: Tax Map 21, Lot 8

Zoning District(s): Rural/Agricultural

Request: Variance pursuant to Section III.U. to conduct a home occupation in an area that exceeds 300 s.f.

Members seated: Hutwelker, Mitchell, Walker, Vitous (for Charles Beauregard, Sr.), Rudgers (for Keith Thibault).

Representing the application: Robert & Patricia Lotito.

Abutters present: None.

Hutwelker called the public hearing to order at 7:10 p.m.

Board members received a copy of the variance application, as well as a ZBA Application Summary dated February 5, 2013 prepared by Carbonneau.

R. Lotito stated that his customers generally would not come to the site; that he would go to their home or place of business. R. Lotito stated that there may be two customers coming to his property during the course of a week. The customers come by appointment only. He does not anticipate any signage at this time and understands that signage is limited to 4 s.f., must be set back 20 feet from any property lines, and requires a permit from the Planning Board.

It was determined that the proposed space would be approximately 750 s.f. R. Lotito proposes to close-in the "carport" area for inclusion in the structure. R. Lotito stated that the space includes a large conference room, a locked office that P. Lotito would use, and space for file storage and computers. The space currently has power, but no plumbing. R. Lotito stated that he did not intend to install plumbing. However, he did acknowledge that he would provide a bottled water bubbler.

R. Lotito stated that he anticipated that 4 employees (including himself) would be working for the business. Board members noted that a home occupation is limited to 3 employees. R. Lotito stated that only three employees would be working for the business (including himself) and that in the event that he desired a 4th employee, he would seek a variance from the ZBA.

R. Lotito stated that the house is set back approximately 400 to 450 feet from the road. He does not plan any lighting along the driveway; also does not anticipate customers coming during the evening. R. Lotito acknowledges that he needs to obtain a building permit to convert the shed to an office.

Public hearing closed.

Members reviewed the criteria for granting the requested variance.

1. Could the variance be granted without the proposed use being contrary to the public interest?

Members agreed in the affirmative.

2. Would the spirit of the ordinance be observed if the variance is granted?

Members agreed in the affirmative.

3. Would granting the variance do substantial justice?

Members agreed in the affirmative.

4. Could the variance be granted without diminishing surrounding property values?

Members agreed in the affirmative. It was noted that there would be limited customer traffic; that the parcel is relatively large in relation to the district's requirements; that a new building would not be constructed; and that there would be little effect, if any, on surrounding properties.

5. Do special conditions of the property distinguish it from other properties in the area?:

Members agreed in the affirmative.

A. Owing to the property's distinguishing special conditions,
(i) Is there a fair and substantial relationship between the general purposes of the ordinance and the specific application of that provision to the property?

Members agreed in the affirmative, noting that it is close to a gravel operation and trucking business.

AND

(ii) Is the proposed use a reasonable one?

Members agreed in the affirmative.

Motion by Rudgers to re-open the public hearing to clarify the hours of operation. Seconded by Mitchell. Public hearing re-opened. It was established that hours of operation for receiving clients would be Monday through Friday, 8 a.m. to 5 p.m. Public hearing re-closed.

Motion by Rudgers to grant the request for a variance pursuant to III.U. to allow a space no greater than 750 s.f. to be utilized for a home occupation; hours of operation for receiving clients will be limited to Monday through

Friday, 8 a.m. to 5 p.m.; and that there will be no more than three employees (including the property owners). Seconded by Walker. Vote: All in favor.

ADJOURNMENT

Motion by Mitchell to adjourn. Second by Beauregard. All in favor. The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Sara H. Carbonneau
Town Planner and
Recording Secretary