

Town of Swanzey, New Hampshire
Swanzey Zoning Board of Adjustment
Meeting Minutes – July 20, 2015

Note: Draft Minutes are subject to review, correction and approval by the Board. Review and approval of Minutes generally takes place at the next regularly scheduled meeting of the Board.

A meeting of the Swanzey Zoning Board of Adjustment (ZBA) was called to order at 7:00 p.m. by Chair W. William Hutwelker, III. Present were Chair Hutwelker, Bob Mitchell, Bryan Rudgers, Sarah Tatro, Alternate Shane Bryant and Beverly Bernard, Recording Secretary. The Recording Secretary called the roll and the Agenda for the meeting.

Absent: Vice Chair Keith Thibault, Alternate Marty Geheran, and Alternate Charles Beauregard, Sr.

Others Present: Director of Planning and Community Development Sara Carbonneau, and Jason Sevene.

Minutes:

- Meeting Minutes for May 18, 2015 were considered. **Motion** was made by Rudgers to approve the meeting minutes of May 18, 2015. There was a second to the motion by Tatro. No further discussion was held and all were in favor. The ***motion passed.***

PUBLIC HEARINGS

Public Hearing (Variance Applications)

1. **Variance Applications** - – Jason Sevene requests variances from Section VI.1.e. and XI.B.1. to permit the construction of a deck that does not meet required setbacks and expands a non-conforming structure. The property is located at 38 Forest Avenue and is situated in the Commercial/Industrial District. The property is shown at Tax Map 73, Lot 31.

The Chair seated himself, Thibault, Mitchell, Rudgers, Tatro, and Bryant for Keith Thibault for the Public Hearing.

Public Hearing opened at 7:03 p.m.

Carbonneau provided the application summary and she spoke to notices that were provided to the public, to abutters and to Department Heads. She said she received no responses or concerns from anyone.

A brief discussion occurred regarding the Commercial/Industrial district location relative to the location of the property under consideration.

Sevene was present and Hutwelker invited him to speak about his plan for his home. He said he wants to build a 10' x 25' foot deck to be built on the right side of the house, no closer to the road. It was noted that given the current zoning ordinances the building is supposed to be 75 feet from Forest Avenue and it is 51 feet from Forest Avenue and therefore is non-conforming. Sevene said that he feels that the deck would enhance the appearance of the home.

The Board examined a drawing of the house and the proposed location of the proposed deck. Carbonneau noted the assessing card photo to locate the deck for the Board. Sevene said he thought the deck would beautify the property. Hutwelker asked about impact on a nearby well; Sevene said he has a good neighbor who does not feel the deck would pose any problem for the well.

Mitchell noted that the variance is needed for the front of the building because of the building being 51 feet from the road versus the required 75 feet. He said there would be no additional non-conformance with a deck built to the left, right, or rear of the building. He noted that the property is nonconforming due to a zoning change in the past.

Hutwelker asked for questions and comments from the Board. He noted a deck would increase the size of the structure.

Public Hearing closed at 7:10 p.m.

It was agreed by the Board that both variances would be considered at the same time: variance for meeting required setbacks and expansion of a non-conforming structure.

Chair Hutwelker asked the Board members to consider the request of Jason Sevene for variances from Section VI.1.e. and XI.B.1. to permit the construction of a deck that does not meet required setbacks and expands a non-conforming structure. The property is located at 38 Forest Avenue and is situated in the Commercial/Industrial District. The property is shown at Tax Map 73, Lot 31.

1. *Could the variances be granted without being contrary to the public interest?*
Members said: all said "yes"
2. *Would the spirit of the ordinance be observed if the variances were granted?*
Members said: Mitchell said "yes" because in this case there was a subsequent change to the zoning of residence and this addition has minimal impact, not changing the frontage of the property.
3. *Would the granting the variances do substantial justice?*
Members said: all said "yes"
4. *Could the variances be granted without diminishing surrounding property values?*
Members said: all said "yes"
5. *Do special conditions of the property exist that distinguish it from other properties in the area?*
Members said: "yes", it is small compared to other properties in the area.
 - a. *Owing to the special conditions of the property that distinguish it from other property in the area, there is not a fair and substantial relationship between the general public purpose of the ordinance*

and the specific application of the provision to the property? **Members said: "yes"**
b. Are the proposed uses a reasonable one? **Members said: "yes"**

6. *If the criteria in subparagraph a. and b. are not met, an 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 a variance is necessary to enable a reasonable use of the property*

The Chair reported that **"yes"** prevailed and he entertained a motion to grant the request for Variance from Section VI.1.e. and XI.B.1.

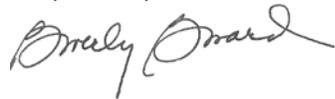
Motion was made by Mitchell to grant the request of Jason Sevene for variances from Section VI.1.e. and XI.B.1. to permit the construction of a deck that does not meet required setbacks and expands a non-conforming structure on property located at 38 Forest Avenue and situated in the Commercial/Industrial District and shown at Tax Map 73, Lot 31. There was a second by Rudgers and no further discussion. All were in favor. **Motion passed.**

DISCUSSION/OTHER MATTERS

There were none.

Motion to adjourn was made by Mitchell, seconded by Rudgers and all were in favor. **Motion passed.** Adjournment occurred at 7:14 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary