

Effingham Zoning Board of Adjustment Meeting Minutes August 7, 2013

- 5 Present: Jory Augenti, Tim White, Mike Cahalane, Jim Pittman, Fran Marchand
Guests: Mr. Brian Thompson
Minutes prepared by Barbara Thompson

The meeting was called to order at 7:03 pm.

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Minutes: Fran moved and Mike seconded to accept the July minutes with corrections. The motion passed. "Variance" was added after Special Exception. Line 41, "recording secretary" was added after Barbara's name.

- 15 Public Comment: none

Correspondence: None

- 20 Old Business: Jory reported the Planning Board is not going to make any changes regarding side and rear setbacks relative to the 30% rule.

Public Hearing: 7:15 pm

Case #071

Special Exception

- 25 **Brian Thompson & Michele Pope**
Map 103, Lot 30

- 30 Mr. Thompson explained the current conditions re: the application. They discovered the foundation was unacceptable and determined the easiest way to proceed would be to demolish the house which has already been gutted and rebuild. A 12' x 14' space located on a slab will remain.

Jory has no issue with the special exception but would like to make the approval subject to conditions.

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Discussion concerned which articles and sections were really being addressed and determined sections 709 (Voluntary Demolition/Removal and Replacement of Non-Conforming Structure) and 1021 (Non-Conforming Structure (Voluntary Demolition/Removal and Replacement)) were the best representation of the facts.

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Fran read that section 1021 requires a certified survey to accompany the application, but expressed that he nor any other member of the board feels compelled to require a survey.

Jory moved and Fran seconded to grant the special exception with the following conditions:

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1. Six (6) corner pins on the 24' x 16' and 12' x 10' area being demolished and the new area replaced to the exact dimensions.
 2. Verification that the new structure is the same.
 3. Any cost relative to the Code Enforcement Officer will be borne by the by the applicant.

50 Discussion on the motion: In order to clarify the motion, Fran moved to amend the motion to include reference to sections 709 and 1021 to the motion, and to have the Code Enforcement Officer (CEO) verify pre-demolition and post construction measurements. Condition #2 is amended to read:

55 2. In lieu of a certified plot plan, pins for the existing structure will be placed prior to demolition, verified by the Code Enforcement Officer and re-verified (by the CEO in lieu of a certified plot plan) for the replacement structure once the footings are in place.

60 The amendment passed.

The amended motion now reads: Jory moved and Fran seconded to grant the special exception per sections 709 and 1021 with the following conditions:

- 65 1. Six (6) corner pins on the 24' x 16' and 12' x 10' areas being demolished and the new structure replaced to the exact dimensions.
2. In lieu of a certified plot plan, pins for the existing structure will be placed prior to demolition, verified by the Code Enforcement Officer and re-verified (by the CEO in lieu of a certified plot plan) for the replacement structure once the footings are in place.
- 70 3. Any cost relative to the Code Enforcement Officer will be borne by the by the applicant.

The motion passed and the special exception was granted.

The hearing was closed at 8:10 pm

Public Hearing: 8:10 pm

75 **Case #072**

Variance

Brian Thompson & Michele Pope

Map 103, Lot 30

80 During the review of the application it was noted the application did not have a description of the relief requested. Jory moved and Fran seconded to recess for 15 minutes. The motion passed and the recess began at 8:13 pm.

85 The hearing reconvened at 8:28 pm. A review of the five criteria from the application was done followed by a re-iteration of Mr. Thompson's plan for construction.

90 Mike questioned Mr. Thompson's statement regarding the size of the lot as not being reflective of the town tax maps. Mr. Thompson explained he took the stated size of the lot from the property card (.26 acre) times 44,000 sq ft (square feet in an acre) to get his figure. Fran said any impact from incorrect figures would be minimal as the proposed expansion is less than 10% and other parts of the building will be closer to the setbacks.

95 Jory said that his criteria #5 relating to hardship is satisfied as far as he is concerned. The well on one side of the house and the septic on the other side preclude the addition can only be located as proposed.

Fran moved that the variance be granted with the condition that the proposed addition is no closer than 19' on the left side and no closer than 42' to the rear. Jory seconded. The motion passed.

Approved _____
Approved with changes _____
Unapproved _____

100 Jim moved on to the vote on the criteria. All members voted to grant relief on all five criteria with the above condition. The variance was granted.

105 Tim moved and Mike seconded to adjourn the meeting. The motion passed and the meeting adjourned at 8:50 pm.

110 *These minutes are considered draft until approved at a future regular meeting of the ZBA. Any changes or corrections will be noted in the next meeting minutes.*