

Effingham Zoning Board of Adjustment
Meeting Minutes February 4, 2015

5 Present: Jory Augenti, Tim White, Mike Cahalane, Jim Pittman, Paul Bartoswicz
Guests: Joseph and Lucy Spezzano
Minutes prepared by Barbara Thompson

The meeting was called to order at 7:02 pm.

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Approval of Minutes:

Paul moved and Mike seconded to accept the minutes of the January 7th as presented.
The motion passed.

15 **Correspondence:** None

Public Comment: None

New Business: None

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Old Business: None

Public Hearing 7:18 PM

Case #078

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Joseph Spezzano

Application for Variance re: Sect 402 - Relief from setback

Tax Map 103, Lot 22

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Jim opened the hearing with roll call, an explanation of the procedure the board will follow and a reading of the application. Jim noted for the record that two certified return cards had not been received in time for the hearing: Carol Spezzano and LSRB.

Public Comment and Discussion

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It became apparent this was an after the fact case when Mr. Spezzano explained that he had already replaced the existing deck and steps which had been updated on the property card. The previous deck was 5' x 5' and the steps faced the road. The current deck is 8' x 10' and the steps face towards the driveway. He said the previous set up had become dangerous as the steps were deteriorating and the deck was too small to accommodate a walker. He explained there was no additional encroachment on the setback. He also explained the original steps and deck were constructed 17 years ago before zoning.

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Jim said he felt the construction was a repair and not new construction. Jory agreed to the idea of this being a repair with expansion within the existing setback.

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Jim closed public comment at 7:23 pm.

Deliberation

50 Everyone agreed sufficient discussion had taken place and that a deliberative session was not needed.

Motion

Jory moved and Mike seconded to have a vote on the 5 criteria. The motion passed.

55 **Poll of Criteria**

1. Not contrary to public interest. All voted yes.
2. Not contrary to the spirit of the ordinance. All voted yes.
3. Granting variance will do substantial justice. All voted yes.
4. Value of surrounding properties is not diminished. All voted yes.
- 60 5. Literal enforcement of the provisions of the ordinance will result in an unnecessary hardship. All voted yes.

Results: unanimous on all 5 criteria by all members. The variance was granted.

65 Jim will prepare the Notice of Decision and have it ready for distribution for Monday, February 9th.

Jim cautioned Mr. Spezzano to check with the code enforcement officer before making any further repairs or remodeling.

70 Jim closed the Public Hearing at 7:42 pm.

Other Business

75 Mike gave a synopsis of the BOS meeting re: an application flow chart for all the boards. Mike suggested the BOS steer everyone to the code enforcement officer who will direct applicants to the proper boards in the proper order. Rebecca said during the meeting that she would be agreeable. Mike suggested it would be too hard to cover all scenarios in a flow chart. Jim suggested the board table any further discussion of the flow chart until the March meeting.

80 As a result of the Spezzano case where the original measurements of the deck and stairs were not available from the property card, Jory suggested talking with Gwen to see if she can forward any property card updates to the board that might result in action by the code enforcement officer. Barbara will talk with her about this.

85 Jory moved and Mike seconded to adjourn the meeting. The motion passed and the meeting adjourned at 7:50 pm.

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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.