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Approved with changes: _____
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Effingham Zoning Board of Adjustment
April 18, 2018

Members Present: Mike Cahalane (alternate), Dave Strauss, Chuck Fuller (alternate), John Davis, Tim White

Members Absent: Jory Augenti, Tom Hart

Others Present: Dianne Park, Rebecca Boyden

Meeting called to order at 7:00pm.

Mike Cahalane is a full member in place of Jory Augenti.
Chuck Fuller is a full member in place of Tom Hart.

Dave announced that Dianne is now the full time recording secretary.

Minutes

A motion was made by Tim, seconded by Mike, to approve the minutes from April 4, 2018 as amended. All were in favor.

Change any reference to Code Enforcement Officer (CEO) to Zoning Enforcement Officer (ZEO)

Page 1, under 'Public Hearing' change 'Log 26' to 'Lot 26'

Page 1, under 'Public Hearing', seventh statement down, change 'Cutter's' to 'Cutters'

Page 1, under 'Public Hearing', eighth statement down, change the paragraph from 'The CEO detailed that she received a note from the Tax Assessors Office stating they did not have a building permit for the concrete pad and deck. The Code Enforcement Officer (CEO) then sent a letter to the applicant asking for their building permit. Albert then sent the CEO a copy of the building permit. The CEO then responded back to the applicant stating the project did not meet the side and rear setbacks further stating she was denying the permit explaining they would have to come before the Zoning Board of Adjustment (ZBA) and apply for a variance for the side & rear set-backs.' to 'The ZEO detailed that she received a note from the Tax Assessors Office stating they did not have a building permit for the concrete pad and deck. The Zoning Enforcement Officer (ZEO) then sent a letter to the applicant asking for their building permit application. Albert then sent the ZEO a building permit application. The ZEO then responded back to the applicant stating the project did not meet the side and rear setbacks further stating she was denying the permit explaining they would have to come before the Zoning Board of Adjustment (ZBA) and apply for a variance for the side & rear set-backs.'

Page 2, first sentence, change 'Dave read the required setbacks of Zoning Ordinance Section 402 which is front setback of 50 feet and side setback of 30 feet.' to 'Dave read the required setbacks

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of Zoning Ordinance Section 402 which is front and rear setback of 50 feet and side setback of 30 feet.’

Page 2, under ‘Board Comments’, last sentence, change ‘Albert said yes he knew he needed a building permit further stating that when he received the letter from the CEO asking for a copy of their building permit, he then went out and obtained one.’ to ‘Albert said yes he knew he needed a building permit further stating that when he received the letter from the ZEO asking for their building permit application he then went out and obtained one.’

Page 2, under ‘Board Comments’, change ‘Historical Data’ to ‘historical data’

Page 2, under ‘Board Comments’, change ‘The shed was removed and re-built on the same footprint.’ To ‘The house was removed and re-built on the same footprint per special exception.’

Page 3, under ‘Points Deliberated’, last point, change from ‘- Using the Province Lake set-back figures to calculate the 20% coverage rule the lot with the deck would be under 20%.’ to ‘- Using the Province Lake District set-back might be a fair standard for this case.’

Page 3, in the chart; change the fourth point from ‘Values of Surrounding Property not Diminished’, to ‘Values of Surrounding Properties not Diminished’.

Page 3, in the chart, change the fifth point from ‘Literal Enforcement of Ordinance will Result in a Hardship’ to ‘Literal Enforcement of Ordinance will Result in Unnecessary Hardship.’

Hearing Continued from April 4, 2018

Case #087-Albert & Susan Cutter of 14 Bailey Rd., Effingham, NH, Tax Map 103/Lot 26 – Applicant seeks a variance from Section 402 of the Zoning Ordinance (Lot Requirements).

A discussion continued on point #5 ‘Literal Enforcement of the Provisions of the Ordinance Would Result in Unnecessary Hardship.’ Points discussed:

- What the town has in other places specifically targeting small lots
- Reasonable decision
- Reasonable standard
- Purpose of the Ordinance
- Is the proposed use reasonable
- Uniqueness

Michael asked board members if anyone would like to change the way they voted in the original straw poll. The answer was no, everyone was fine with the way they originally voted. A motion was made by Mike, seconded by Dave, to accept the original straw poll as tonight’s vote on the criteria. All were in favor and Chuck abstained. The board explained to Chuck that he could vote on the acceptance of the application. He explained he would participate in discussions but

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would abstain because of not hearing the full application. The Zoning Enforcement Officer explained a recording of the hearing is available.

Conditions

The board decided conditions were not necessary.

A motion was made by Dave, seconded by John, to approve the applicant's request for a variance from Section 402 of the Zoning Ordinance to permit the existing constructed deck that is located twenty feet from the northerly rear line of the land shown on Tax Map 103 Lot 26 when fifty feet is required, and 19 feet from the easterly side line when 30 feet is required, in accordance with a plot plan as drawn by home owner Susan and Albert Cutter, dated November 13, 2017, and submitted by the applicant as part of this hearing. All were in favor and Chuck abstained.

Notice of Decision

The board discussed the wording of the Notice of Decision. A discussion on the flow of paperwork followed. A Notice of Decision will be sent to all appropriate parties and posted where necessary.

Review

The board reviewed Case 088, the Davis's, Tax Map 413 Lot 209. A public hearing is scheduled for May 2, 2018. They are before the board for a Special Exception. Documents for review are the Permitted Use Chart, and Article 9 of the Zoning Ordinance. The ZEO gave general information on future cases.

A motion was made by Tim, seconded by Chuck, to adjourn the meeting.
Meeting adjourned at 9:35pm.