

Approved: _____
Approved with changes: _____
Unapproved: _____

Effingham Zoning Board of Adjustment
June 6, 2018

Members Present: Mike Cahalane (A), Tom Hart, Dave Strauss, Chuck Fuller, Tim White, Jory Augenti (A)

Members Absent: None

Others Present: Dianne Park, Rebecca Boyden, Sharon Libby, Eva Bouchicas, Steve Scates, John Bloom, George Bouchicas

Meeting called to order at 7:00pm.

Minutes

A motion was made by Tom, seconded by Chuck, to approve the minutes from May 24, 2018 as amended. All were in favor.

Page 2, under ‘Checklists’, change ‘supplicant’ to ‘applicant’

For the purpose of this hearing Mike is a full member in place of Jory Augenti and Jory Augenti is an alternate.

Dave questioned if any member had a conflict to the upcoming public case. Each member confirmed that no conflict existed.

Public Hearing

Case #088 a Special Exception Application for Roland Davis Tax Map 413 Lot 209 of 44 Champion Hill Rd. A Special Exception for a multi-family dwelling unit. Sharon Libby is representing the applicant.

Public Hearing started at 7:15pm.

Each member of the board was roll called by verbal confirmation.

Dave read the rules for the meeting and stated that abutters were notified by certified mail and the postings were by newspaper and town office/website.

The Zoning Enforcement Officer (ZEO) gave background information on a letter she sent to the applicant in October, 2017. The letter informed the applicants that their property had 3 active dwelling units which are in violation of the Effingham Zoning Ordinance. Further stating they needed to come before the ZBA for a Special Exception.

Public Comment

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Sharon gave background information on the multi-family dwelling unit stating the applicant wanted their mother, Eva Bouchicas, age 93, to live in her present apartment until her death or until such time as the house is sold. Further stating Eva cannot do stairs anymore to get to her second floor apartment so they converted a first floor family room into an apartment.

Eva stated she is 93 years old and has lived here since 1976 with no problems. Further stating she loves Effingham and does not want to move. She explained she built the house with her deceased husband.

Steve Scates, Eva's grandson, lives in the second floor apartment and takes care of his grandmother.

John Bloom, abutter who owns the property across the street, was present for the hearing and asked the ZEO how she found out about the multi-family dwelling unit also stating that Champion Hill Rd. is very steep and the property has a blind driveway. John stated he has no problem with these neighbors but does not want the property re-classified as multi-family because of the safety concerns of the road and driveway and any future owner usage as a multi-family.

George Bouchicas, Eva's son, stated there are two homes on the property. One has an apartment upstairs (Steve's apartment) and a family room downstairs that has been converted into an apartment for usage by Eva. The main house is rented to a third party. George stated the dwelling is occupied by family members.

The ZEO said the Effingham Welfare Officer brought the multi-family dwelling units to her attention and also stated she is willing to drop the complaint if it can be verified that only family lives there.

Sharon informed the board the property has 2 septic systems, a new artesian well and a new furnace.

The ZEO asked if the family room unit presently occupied by Eva has cooking facilities and was told yes, it does have a stove. This fact makes the second floor apartment and the first floor family room two separate dwelling units.

Board Questions

Mike asked if someone else was living at this residence and was told yes, a third party was renting the main house. Mike then asked what rooms made up the in-law apartment and was told a kitchen, bedroom and bathroom.

Tom asked when was the septic system put in and was told 10 years ago by Eddy Thurston who has since passed away.

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Dave clarified that there was 3 kitchens, 3 bathrooms and 2 septic systems and further clarified the fact that there is 3 apartments all occupied. He then asked when was the property converted from a single family to multi-family and was told a little over a year ago. He then asked if there was outside lighting and was told yes.

Tom asked how long the stairs have been down the side of the building and was told they have been there a long time.

Mike stated it appears there are 3 dwelling units because of the definition of 'dwelling unit'. He stated he would like to go on a site visit and see the property for himself because he feels there are extenuation circumstances in this case.

John Bloom further stated that he did not think the property should be re-classified as multi-family because of the hazardous hill and driveway. Tim explained whatever we do is not a gateway to a motel but explained there could be younger people living there making more noise than the present occupants. He asked John if he had read the ordinance that pertains to motels and John admitted he had not.

The ZEO said the lot is limited to 4 units but if the multi-family is granted then there could be 4 units rented to un-related people. Mike further explained if the property were to be re-classified as a multi-family then it would have to go before the Planning Board.

Dave explained the rules for closing the hearing and there was a discussion on whether to close the hearing and deliberate or to keep the hearing open and have a site visit. Dave then went over the key points of the case presented:

- All dwelling units are occupied by family
- A handicap person in 1 unit
- All dwelling units have a kitchen and bathroom
- Champion Hill Rd. is a danger
- There are 2 separate houses on the property
- There are 2 septic systems on the property

Dave asked Sharon if the applicant would allow a site visit by the board and was told yes, they would allow the board to make a site visit.

Chuck asked what relationship the renter of the main house was to the family and was told she was the ex-girlfriend of his brother-in-law and was thought of as family but not related by marriage of blood.

A motion was made by Mike, seconded by Tim, to continue the Public Hearing on 6/12/18 at 1:00pm at 44 Champion Hill Rd. for a site visit. All were in favor.

A motion was made by Tom, seconded by Chuck, to adjourn the meeting.
Meeting adjourned at 8:30pm.