

Approved: _____

Approved with changes: _____

Effingham Zoning Board of Adjustment
Meeting Minutes
June 15, 2021
In Person and Zoom

Members Present: Theresa Swanick (chair), Tim White (vice chair), Jim Pittman, Knute Ogren, Nate Williams.

Others Present: Nate Fogg, Edward Duggan, Mike Cahalane, Erik Jones, and Rebecca Boyden (Ms Boyden via Zoom).

Meeting called to order at 6:30pm.

Board Business:

Election of Officers

Knute Ogren nominated Theresa Swanick as chair of the ZBA. Tim White seconded the nomination. Theresa Swanick noted that she was willing to serve again. There were no further nominations. A vote was taken, and the nomination carried by a vote of 5-0.

Knute Ogren nominated Tim White as the vice-chair of the ZBA. Jim Pittman seconded the nomination. Time noted that he was willing to serve again. Three were no further nominations. A vote was taken, and the nomination carried by a vote of 5-0.

Theresa Swanick noted that Leonard Fitzgerald who had been serving on the ZBA had not signed up in time to be on the 2021 ballot. He sent a letter of interest to serve as an alternate.

Tim White made a motion to accept Leonard Fitzgerald's letter of interest to serve as an alternate. Jim Pittman seconded the motion. A vote was taken, and the motion carried by a vote of 5-0.

Mike Cahalane was present and is also willing to serve as an alternate to the ZBA. He noted that he has served on the ZBA previously.

Knute Ogren made a motion to appoint Mike Cahalane as an alternate to the ZBA. Tim White seconded the motion. A vote was taken, and the motion carried by a vote of 5-0.

Minutes:

The ZBA reviewed the minutes from March 29, 2021. Theresa Swanick added quite a bit of detail to the minutes from the recording. The ZBA discussed the level of detail needed in the minutes.

Knute Ogren made a motion to accept the March 29, 2021, ZBA minutes as written. Jim Pittman seconded the motion. A vote was taken, and the motion carried by a vote of 5-0.

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Duggan Variance Application Public Hearing

The ZBA reviewed the application. Nate Fogg reviewed the checklist. All was complete although the sketch did not show a house layout on the parcel. The ZBA discussed whether or not there was enough information on the sketch to move forward. Mr. Duggan noted that he had a septic designer ready to provide a design pending a decision of this variance application.

Tim White made a motion to accept the Duggan Variance Application. Jim Pittman seconded the motion. A vote was taken, and the motion carried by a vote of 5-0.

The applicant, with property on a corner lot, discussed the desire to have a driveway on Bailey Road rather than Province Lake Road. That would be a safer choice for access and would better match the other developed lots on Bailey Road. The zoning ordinance states that a corner lot shall be treated as having two front yards, the lot fronting on two roads. The literal application of setbacks (a 50-foot setback for front and rear lot lines) result in a 8-foot strip left of buildable area down the middle of the long narrow lot. Mr Duggan would like the setback to be 30-feet on each side to give them some flexibility in house placement.

The applicant and ZBA discussed the future house (no structure is on the property) and septic locations. Mr Duggan noted that his lot is very close to the Province Lake District (PLD) smaller lots where there are shorter setbacks. This parcel is located in the Rural/ Agricultural zone.

Existing PLD smaller parcels can have 30-foot setbacks; however, they must meet zoning ordinance sections 402 and 603.

Mike Cahalane noted that is the ZBA allowed 30-foot setbacks all around in the PLD. Here, it would provide approximately 9,120 square feet of buildable area to build within. The parcel will be limited to 5,400 square feet to meet Section 708 of the zoning ordinance for 20% lot density.

Erik Jones asked if the parcel was becoming more non-conforming.

Rebecca Boyden (via Zoom) noted that she felt the setback to Province Lake Road should remain at 50 feet to keep the house away from the road. Chair Swanick agreed.

Mike Cahalane suggested that the ZBA consider the 5 criteria of the variance.

Chair Swanick closed the public input part of the hearing at 7:53pm.

The ZBA felt that they were comfortable with the five criteria.

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The ZBA discussed whether to give 30 setbacks on all 4 sides.

The ZBA members felt comfortable with leaving the setback to Province Lake Road at 50 feet and reducing the other 3 setbacks to 30 feet.

Specifically defining the setbacks as follows: 1. 50-foot setback to Province Lake Road; 2. 30-foot setback to Bailey Road; 3. 30-foot setback to lot 103-28; 4. 30-foot setback to lot 103-26.

The parcel would be limited by Section 708 to 20% maximum building coverage of structures.

Tim White made a motion to approve the Variance from Section 402 (setbacks) as noted above and subject to the building density limit of Section 708, as the application satisfies the five variance criteria. Knute Ogren seconded the motion. A vote was taken, the motion carried by a vote of 5-0, and the variance was approved.

Next Meeting:

A variance application from Meena, LLC is scheduled for June 29th at 7:00pm. The ZBA will meet with town counsel at 6:00pm.

Adjournment

Knute Ogren made a motion to adjourn the meeting. Jim Pittman seconded the motion. A vote was taken, the motion carried by a vote of 5-0, and the variance was approved.

The meeting adjourned at 8:12pm.