



## Effingham Zoning Board of Adjustment

### Notice of Decision

Case No: # 103

Map # 404, Lot # 43 – Rural Agricultural District

Applicant Name: Kenneth & Pam McGovern  
Address: 30 Henry Drive, Effingham, NH 03882

You are hereby notified that a **Variance** under Effingham Zoning Ordinance Article 4, Section 402, regarding a reduction of a side setback to adjoining lot # 42 from 30 feet to 17 feet for the purposes of building a 24-foot X 24-foot garage, has been **Granted** by the Zoning Board of Adjustment, pursuant to the following condition(s): None.

The variance was granted by a unanimous vote of the five members of the ZBA.

#### **Reasons for granting the Variance. The five criteria:**

- 1 – The variance will not be contrary to the public interest.** There are no apparent negative impacts to abutting properties or the community.
- 2- The spirit of the ordinance is observed.** The request is a reasonable accommodation.
- 3 – Substantial justice is done.** The interests and rights of the property owners are maintained.
- 4 – The values of surrounding properties are not diminished.** The addition of the garage is consistent with accessory buildings on neighboring properties and can reasonably be assumed to have a neutral, or potentially positive, effect.
- 5 - Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.** Because of the lot shape, and considerable slope, there is no practical alternative location that would meet the literal requirements of the ordinance regarding the side setback.

Signed



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James Pittman,  
Chair, Zoning Board of Adjustment  
Date: March 7, 2023

Special Exceptions and Variances authorized under RSA 674:33 shall be valid if exercised within 2 years from the date of final approval. Note: The Select Board, any party to the action, or any person directly affected has a right to appeal this decision. See New Hampshire Revised Statutes Annotated (NHRSA), Chapter 677, available at Effingham Municipal Office Building. This notice has been placed on file and made available for public inspection in the records of the ZBA and on the Town of Effingham website at [effinghamnh.net](http://effinghamnh.net) on March 7, 2023. Copies of this notice have been distributed to: The Applicant, Planning Board, Select Board and Zoning Enforcement Officer.