

Effingham Zoning Board of Adjustment
Meeting Minutes
March 1, 2023
Effingham Town Hall

Members Present: Jim Pittman (Chair), Tim White (Vice Chair), Mike Cahalane, Lawrence Edwards, Alan Taylor

Others Present: Nate Fogg (Land Use Clerk), Ken and Pam McGovern – Case 103 Applicants, Nathan Ames – abutter to the McGoverns, Brian and Carol Taylor from Freedom

Meeting called to order: 7:00 PM

Review of Agenda: No changes or additions were made to the agenda.

Review of Minutes of the February 1, 2023, meeting: Mr. Cahalane noted that on page 2, paragraph 2, that the word “non-permitted” was used where the proper term should be “prohibited”.

Mr. White observed that that on page 1 under “Review of Minutes of January 4, 2023” the correction to an attendee’s name resulted in it appearing as “Fhay” where the proper spelling is “Fahy”. He also noted that on page 2, last paragraph, that the word “complemented” should be “complimented”.

Mr. White moved to accept the minutes as corrected, with the motion seconded by Mr. Cahalane. The motion passed unanimously.

Thank you to Board Members: The Chair thanked the Board members for their service, particularly to departing members Mr. Cahalane and Mr. White.

Public Hearing, Case 103: Request for a Variance under Article 4, Section 402 for reduction of a side setback, by Kenneth and Pam McGovern at 30 Henry Drive, Map # 404, Lot # 43 in the Rural Agricultural District

The Public Hearing began at 7:15 PM.

The Chair briefly described the rules of procedure for the hearing. He noted that Mr. Ames had previously provided a letter of support for the applicants.

Mr. McGovern presented the Board with their case for being granted a variance regarding their residence at 30 Henry Drive, Map 404, Lot 43, requesting relief from a side setback, from 30 feet to 17 feet, to build a garage. He noted the shape of the property was a parallelogram with irregular angles that he contended would not be allowed by the current zoning ordinance, but that the lots had been configured prior to the existence of the ordinance.

Mr. McGovern offered that he is a disabled veteran and needed to have the garage for storage of property maintenance equipment. He referenced Mr. Ames’ letter, and the Chair invited him to comment. Mr. Ames stated that reducing the setback relative to that part of his lot would not be problematic for him as he had no plans to develop that section for similar limits of lot configuration as the McGoverns.

Mr. Cahalane noted, that based on the supplied information, and his own familiarity with the McGovern’s lot, that the slope up their driveway was quite steep. Mr. McGovern estimated that it was about a 40-foot rise on a 120-foot driveway.

The Chair observed that he felt there was no impervious-surface impact based on the conforming lot size of slightly more than two acres and the size of the existing structure.

Mr. Cahalane offered that there appeared to be no alternate placement for the garage because of the lot's shape and slope.

Mr. White opined that the placement of the current residence was probably the best possible choice at the time the building was constructed.

The Chair questioned whether moving the garage towards the road so as to improve the setback distance was feasible. Mr. Lawrence observed that pulling the garage further ahead would necessitate significant site work to make the access grade to the garage at all possible. It was agreed that this was not an acceptable solution.

The Chair offered that it appeared all five criteria could be met for the variance, particularly as relates to the Hardship requirement owing to the conditions of the lot. Mr. Cahalane and Mr. White both agreed.

Mr. Taylor moved, and Mr. White seconded, to grant the variance as requested, and without any conditions. The motion passed unanimously.

The Chair reminded the applicants that they still needed to obtain a Building Permit, which had not yet been applied for based on communication from the Zoning Enforcement Officer.

Adjournment

Motion to adjourn made by Mr. White. Seconded by Mr. Cahalane. All in favor.

Meeting adjourned at 7:38 PM.