



January 6, 2021

Joanne Stinson, ZBA Chair
Alex Sirois, Code Enforcement Officer
Town of Raymond, Maine
401 Webbs Mills Road
Raymond, Maine 04071
(207) 655-4742 ext. 161
ceo@raymondmaine.org

RE: 584 Webbs Mills Road - Variance Request

Dear Joanne, Alex and Members of the Zoning Board,

Pursuant to our December 29, 2020 Zoom meeting and presentation, we offer the attached revised plan and following clarifications for our request for variances.

LOT SUMMARY

The property is located in the LRR1 Zoning District, Tax Map 09, Lot 58 and in the tax card as a Residential Family Duplex, 2 Unit. The lot is approximately 8,588 square feet in size and the current structure on the lot is approximately 4,324 square feet.

PROPOSAL

The applicants are proposing to remove the existing church structure and build a new residential duplex structure. The proposed building size is very similar in size and feel with the existing neighborhood. Space for 4 cars will be provided on-site and will have an internal turn-around area to avoid backing out onto Webbs Mills Road. An entrance permit for 2 driveways has been granted by the MeDOT and submitted with our previous application.

Although the tax card shows this property as a Residential Family Duplex, (2 Unit), it is our understanding that this was based on a previous, 2018 ZBA approval that has since expired. The applicants were told because that previous variance expired, the land automatically reverted back to commercial use.

VARIANCES NEEDED

1. Change of use variance from Commercial to Residential.

The assessors tax card shows this property as a Residential Family Duplex. It is our understanding that this was based on a previous 2018 ZBA approval that has since expired. Because that previous variance expired, the land automatically reverted back to commercial use.

We are now asking for a new variance to convert the property to LLR1 Residential Zone. We feel this variance is consistent with the surrounding residential neighborhood and land uses and is consistent with the Town's Comprehensive Plan.

2. Minimum lot size and road frontage variance.

Although the assessors tax card shows this property as a Residential Family Duplex, (2 Unit), it is our understanding that this is also incorrect or expired when the change of use variance expired. It is our understanding that in order for the applicant to build a duplex on the property, they would need a variance for the minimum lot size and minimum road frontage. According to the Ordinance requirements, a duplex would require 2 times the minimum lot size of 2 acres and 2 times the minimum road frontage of 225'.

The existing lot is 8,712 s.f. or .2 acres and the road frontage is 109.8'

Additionally, because the property is within the 250' Shoreland Zone of Crescent Lake, the variance request has to be reviewed by the Department of Environmental Protection (DEP). Following the December 29, 2020 ZBA meeting, we submitted the proposed plan and relevant information to the DEP for review and comment. In summary, it was confirmed that the lot and building are considered grandfathered and can be repaired or replaced as long as the building to property line setbacks do not decrease and the impervious (non-vegetated) surfaces do not increase. The current existing non-vegetated surface on the lot = 4,474 s.f. The proposed plan, attached with this submission shows approximately 4,145 s.f. of non-vegetated surface including buildings, walks and patios and driveway areas. These calculations will have to be confirmed with the final design of the duplex and exterior spaces.

Undue Hardship Criteria

The following text (***in bold italics***) was copied from the official Application Form Variance Criteria, Justification of Variance. Our response follows in normal type.

b. Justification of variance: In order to be granted, the Appellant MUST DEMONSTRATE to the Board of Appeals that the strict application of the zoning ordinance would cause UNDUE HARDSHIP. MAINE STATE LAW REQUIRES FOUR CRITERIA, WHICH MUST BE MET before the Board of Appeals can find that the hardship exists. Please explain how your situation meets EACH of these criteria listed below: (If these are not answered, the appeal will not be scheduled.)

1. The land in question cannot yield a reasonable return unless the variance is granted.

The applicant's purchased this parcel based on their initial review of the Official Zoning Map and information gathered from the Town Assessor tax card and parcel description. The tax card classifies this property as a Residential Family Duplex, (2 Unit). It is our understanding that this was based on a previous ZBA approval that has since expired. Because that previous variance expired, the land automatically reverted back to commercial use. This was not reflected or noted anywhere in the town records.

A commercial use and operation on this property is not feasible, due to very limited off-street parking.

Due to the sale price, the recent increases in cost of home building, and the cost to remove the existing structure, the applicant's feel that they could only yield a reasonable return by the construction of a duplex home.

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.

Although our intent is to make this property more conforming to the neighborhood, we feel the hardship results from conditions that are specifically peculiar to this property. Unlike any other circumstance in the town, the property is already shown on the official zoning map as residential (LRR1) zoning district and the Assessors tax card classifies this property as a Residential Family Duplex.

The applicants purchased this property in good faith based on the Town's official Zoning Map and Tax Assessor information on file at the time of the property purchase. The applicants feel a variance to allow a duplex building would provide substantial justice and fairness from a situation not created by them. Additionally, because this Board recently approved a duplex

structure on this lot, the applicants feel they are not creating an unlawful or precedent-setting situation. The variance request is based on a previously approved variance where nothing has changed except for the owners. In fact, the new proposed duplex building is much smaller and more conforming to the Ordinance.

3. *The granting of the variance will not alter the essential character of the locality.*

We feel the allowance of a residential duplex home on this property will not negatively alter the locality or neighborhood but will enhance the character.

- The existing commercial type structure is out of scale and character to the neighborhood and is becoming a safety concern.
- The re-granting of the variances will be more appropriate to the surrounding residential homes and community.
- The new proposed duplex building is much smaller and more conforming to the Ordinance than what was approved by the Zoning Board in 2018.
- The granting of the variance's will be consistent with the current Zoning Map and tax information already on file in Town documents.
- The granting of the variances will bring the lot and proposed structure in more conformance with the Zoning Ordinance.

4. *The hardship is not the result of action taken by the appellant or a prior owner.*

The hardship is not a self-created hardship. As mentioned, the applicant's purchased this land with understanding, based on the zoning map and the tax information that they could build a residential duplex structure.

The prior owner was granted a variance for the change of use and the the ability to build a duplex 2-unit structure. The new applicants are asking to extend that original approval or to reissue the same approval.

Other points to consider:

- The total footprint of our proposed duplex building and exterior hardscape surfaces will be less than what currently exist or what was previously proposed as a duplex structure.
- The proposed duplex is 65% smaller than the existing structure and can be built within the limits of the existing footprint, making it significantly more conforming to the Ordinance.
- A subsurface disposal (septic) field has been designed for the duplex, allowing only 2 bedrooms per unit.
- The proposed footprint for the duplex is 52' x 28', 1,456 s.f. total or 728 s.f. per floor per unit. The applicants are proposing a very modest sized duplex.

Along with this cover letter, this submission includes the following:

- 11" x 17" copy of the proposed Conceptual Site Plan
- Copy of Town Tax Card, showing the property classified as Residential, 2 Unit Duplex

Thank you for your review and consideration. We look forward to discussing our application further at the January 26 meeting.

Best,

A handwritten signature in black ink, appearing to read "Tom Farmer", with a stylized flourish at the end.

Tom Farmer
Landscape Architect
22 Abby Lane
Yarmouth, ME 04096

**TOWN OF RAYMOND
APPLICATION TO THE BOARD OF APPEALS**

Staff Use Only:		Received Date
Application Fee	\$ 75.00	
Recording Fee	\$	
Notice Fee	\$	
\$8.00/abutter		
Publishing Fee	\$ 600.00	
Escrow-if required	\$	

Name of Applicant Laura Cigri Valami Ly
Mailing Address 13 Cottage Street, Freeport ME 04032
Primary Phone 207 751-6320 ☒ H ☐ W ☐ email lcigri@yahoo.com
Date property acquired: (month and year) Sept. 18, 2020

Name of Owner (if different than applicant) Same

Mailing Address _____

Town: _____ State _____ Zip Code _____

Primary Phone _____ C ☐ H ☐ W ☐ email _____

Property Address (street number and name): 584 Webbs Mills Rd.

Town of Raymond Map 09 Lot 58 Zone LRR1 (2 acres)

Registry of Deeds Book 58743 Doc. 37196 pg. 24

The undersigned applies for the following:

- ☐ 1. ADMINISTRATIVE APPEAL. Applicant requests relief from the decision, or lack of decision, of the Code Enforcement Officer. The undersigned believes that (check one)
 - ☐ An error was made in the denial of the permit
 - ☐ Denial of the permit was based on the misinterpretation of the ordinance
 - ☐ The permit was not approved or denied within a reasonable period of time
 - ☐ Other: _____
- ☒ 2. VARIANCE (the information listed on the following page must be submitted)
- ☐ 3. CONDITIONAL USE PERMIT For _____ (use) in _____ Zone
- ☒ 4. VARIANCE PROVISION(S) FOR NON-CONFORMING Lot ☒ Structure ☐ Use ☐
- ☐ 5. SETBACK REDUCTION

I have read, understand and agree to the above instructions and conditions. I also authorize any Board Member or other Town Officials to enter onto the site. I certify that the information contained in this application and its supplement is true and correct.

Date: 11.27.2020

Appellant: Laura Cigri

Date: _____

Property Owner: Same

VARIANCE CRITERIA

- a. Nature of variance: Describe the nature of the variance.

Refer to cover letter

NOTE: Eight (8) copies of a sketch plan of the property **must** accompany this application showing the dimensions and shape of the lot, the size, setbacks and location of **existing** buildings, the location and dimensions of proposed buildings or alterations, the location of any buildings within 100 feet of the lot, and any natural or topographic peculiarities of the lot in question.

- b. Justification of variance: In order to be granted, the Appellant **MUST DEMONSTRATE** to the Board of Appeals that the strict application of the zoning ordinance would cause **UNDUE HARDSHIP**. **MAINE STATE LAW REQUIRES FOUR CRITERIA, WHICH MUST BE MET** before the Board of Appeals can find that the hardship exists. Please explain how your situation meets **EACH** of these criteria listed below: (If these are not answered, the appeal will not be scheduled.)

1. The land in question cannot yield a reasonable return unless the variance is granted.

Due to sale price of land & cost of construction it is only financially feasible to construct 2 smaller resi. units rather than one large structure, as currently exists.

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.

Correct. The neighborhood has many smaller residential units. We feel our proposal will compliment and be similar and bring value to the surrounding neighborhood. Lot sizes are similar.

3. The granting of the variance will not alter the essential character of the locality.

We feel 2 units, residential will be more appropriate than what has historically been the use. We feel residential is more appropriate than a commercial structure & use.

4. The hardship is not the result of action taken by the appellant or a prior owner.

Correct. No previous or current action is requiring this request. The existing building has been vacant for years and is becoming unsightly to the area.

APPEALS BOARD APPLICATION FEES

Residential Appeal _____	\$75.00
Non-Residential Appeal (Commerical-Industrial) _____ NA	\$235.00
Abutter Notice Fee _____	\$8.00 per Abutter (to be determined by staff)
Publishing Fee _____	\$600.00
For Variances and Setback Reductions – Recording Fee (if required) _____	\$15.00

Escrow Account Requirements

If the Appeals Board or the Code Enforcement Officer requests professional review or advice, the Applicant shall establish an escrow account in the amount of \$1,500.00 before the advice is requested. The Town shall provide the Applicant with an account of how the funds are spent. Those monies deposited by the Applicant and not spent by the Town in the course of the Towns review shall be returned to the Applicant within 45 days after the decision on the application is final.

If the escrow account established for Appeals Board review drops below 50% of the amount deposited, the Board will not take any action, including any meetings on the project, until the account has been brought back up to the original balance. The applicant shall pay any amount outstanding within 45 days of the billing date by the Town.

584 WEBBS MILLS RD

Location	584 WEBBS MILLS RD	Mblu	009/ 058/ 000/ 000/
Acct#	R1160R	Owner	HAYWARD JUSTIN L
Assessment	\$79,700	Appraisal	\$79,700
PID	624	Building Count	1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$54,200	\$25,500	\$79,700
Assessment			
Valuation Year	Improvements	Land	Total
2018	\$54,200	\$25,500	\$79,700

Owner of Record		Sale Price	\$79,500
Owner	HAYWARD JUSTIN L	Certificate	
Co-Owner		Book & Page	34651/0329
Address	89 JOHNSON RD GRAY, ME 04039	Sale Date	02/12/2018
		Instrument	00

Ownership History

Ownership					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HAYWARD JUSTIN L	\$79,500		34651/0329	00	02/12/2018
VESTPROP INC	\$59,500		34468/0096	00	11/09/2017
ROMAN CATHOLIC BISHOP	\$0		2108/0495		

Building Information

Building 1 : Section 1	
Year Built:	1960
Living Area:	4,114
Replacement Cost:	\$180,576
Building Percent Good:	30

Replacement Cost
Less Depreciation:
654,000

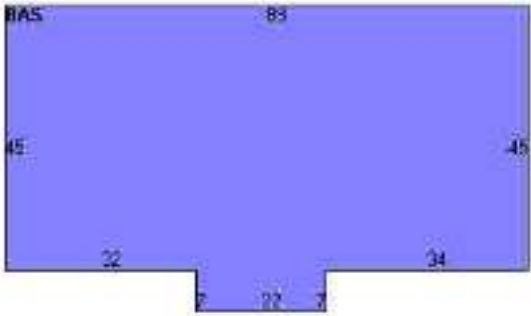
Building	
Field	Description
Style	Family Duplex
Model	Residential
Grade:	Below Average
Stories:	1
Occupancy	
Exterior Wall 1	Board & Batten
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Minim/Masonry
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Coal/ Wood/Non
Heat Type:	None
AC Type:	None
Total Bedrooms:	
Total Bthrms:	0
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Num Kitchens	
Cndtn	
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	
Usrflid 108	
Usrflid 101	
Usrflid 102	
Usrflid 100	
Usrflid 300	

Building Photo



(<http://images.vgsi.com/photos/RaymondMEPhotos/\00\00\22\77.jpg>)

Building Layout



(http://images.vgsi.com/photos/RaymondMEPhotos//Sketches/624_624.jpg)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	4,114	4,114
		4,114	4,114

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use	Land Line Valuation
Use Code 1040 Description Two Unit Zone LRR1 Neighborhood Alt Land Appr No Category	Size (Sqr Feet) 8712 Frontage Depth Assessed Value \$25,500 Appraised Value \$25,500

Outbuildings

No Data for Outbuildings

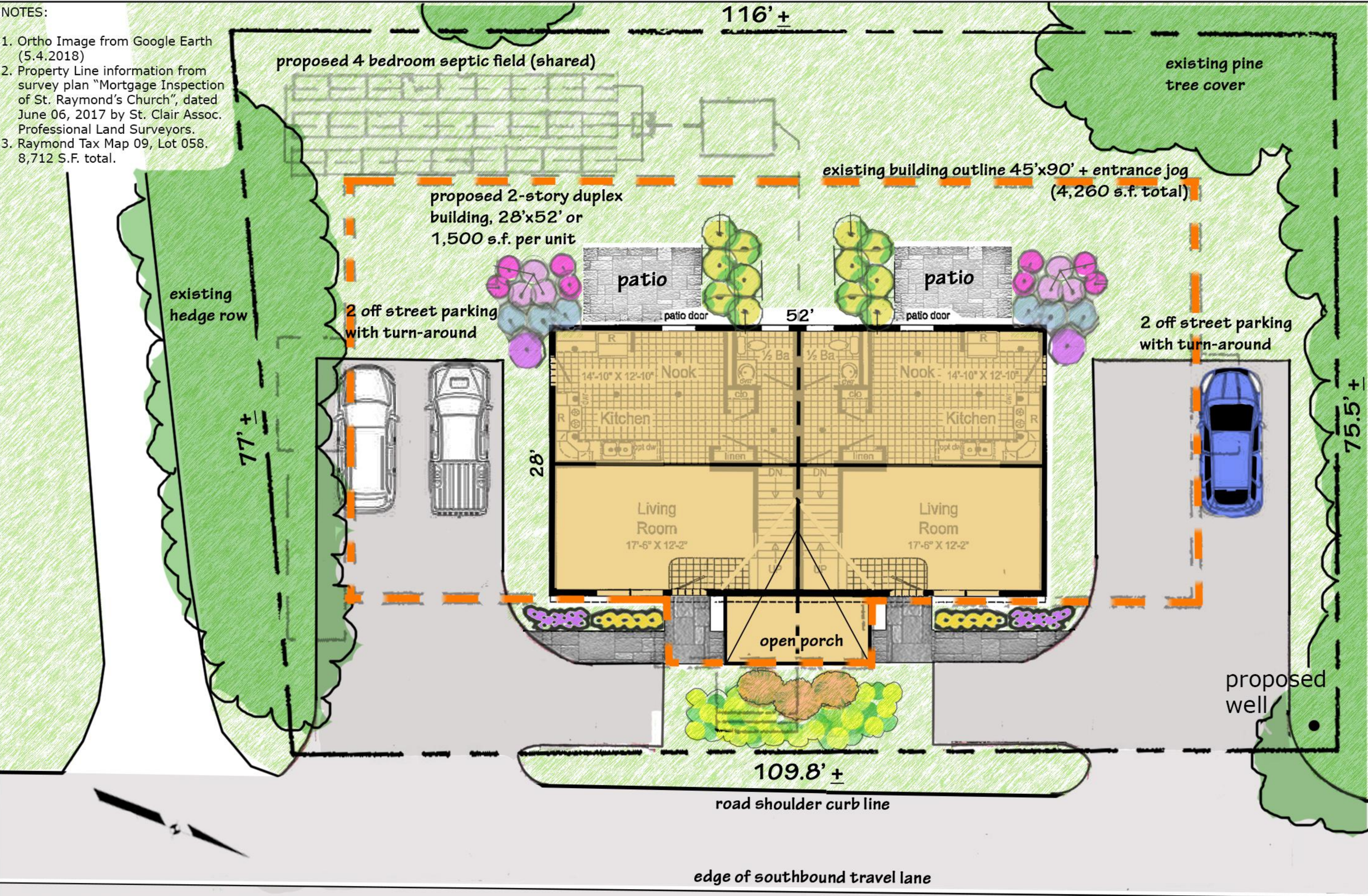
Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$139,200	\$25,500	\$164,700
2017	\$139,200	\$25,500	\$164,700
2016	\$139,200	\$25,500	\$164,700

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$139,200	\$25,500	\$164,700
2017	\$139,200	\$25,500	\$164,700
2016	\$139,200	\$25,500	\$164,700

NOTES:

- 1. Ortho Image from Google Earth (5.4.2018)
- 2. Property Line information from survey plan "Mortgage Inspection of St. Raymond's Church", dated June 06, 2017 by St. Clair Assoc. Professional Land Surveyors.
- 3. Raymond Tax Map 09, Lot 058, 8,712 S.F. total.



GRAPHIC SCALE: 1" = 10' (on 11" x 17" sheet)



WEBB'S MILLS ROAD

TOM FARMER
LANDSCAPE
ARCHITECTURE

Tom Farmer, Landscape Architect
22 Abby Lane, Yarmouth, ME 04096
tsffarmer@gmail.com
p. 207.749.4032

CONCEPTUAL SITE PLAN
for a Residential Duplex Structure
LV Properties, LLC
584 Webb's Mills Road
Raymond, ME

Date:
Dec. 30, 2020