



Raymond Zoning Board of Appeals
423 Webbs Mills Road
Raymond Broadcast Studio
Minutes
Monday, March 25, 2019
7:00 pm

Chair Joanne Stinson called meeting to order at 07:00pm. Quorum was declared.

Present: Leonard Cirelli, Chair Joanne Stinson, Louise Lester

Absent: Eric Welch, Patricia Beaton

Staff: Code Enforcement Officer Scott Dvorak; Recording Secretary Mary Quirk

Others: Engineer Nancy St. Claire and Surveyor David St. Claire of St. Claire Associates representing the applicant. Applicant: Matt Wright

Approval of Minutes

April 30, 2018
May 21, 2108
June 25, 2018
July 30, 2018
October 01, 2018
October 29, 2018

Chair Joanne Stinson asked for a motion to approve the minutes as presented

MOTION: Leonard Cirelli so moved. Joanne Stinson seconded

DISCUSSION: None

VOTE: 02/0/1 (Louise Lester recused herself due to having not been a board member)

New Business

Public Hearing:

APPLICANT: Wright Properties, LLC

LOCATION: 105 Meadow RD Map: 041 Lot: 110/000 Zone: LRR

REASON: Variance – Lot 50' wide by 160' deep. Former Structure demolished 2007

The board members had no comments regarding the site walk of March 16, 2019

Nancy St. Claire made the initial presentation.

- The applicant is asking for side setback reduction of 6.1 feet, from 20 feet to 13.9 feet. The lot is a non-conforming lot of record, created in 1926. The proposed impervious lot coverage would be within the 15% allowable. The proposed dwelling would be smaller than the previous dwelling, it is consistent with other dwellings, and a curb cut exists. when and why the prior

- The Shoreland Zoning Ordinance Section 16, Part G Appeals, Subpart 2 Variance appeals, subpart f.2. is unclear in its intent regarding the requirement that a residential dwelling must be the principal structure when granting a variance.
- The land cannot yield a reasonable return. The record is vague as to structure was demolished. Hardship is not result of action taken by applicant or a prior owner.

Ms. Stinson opened the meeting to questions from the Board.

When Mr. Wright was purchasing of the property, did any neighbors attempt to buy his lot or did he attempt to buy additional land: Mr. Wright hasn't tried to buy additional land, there are dwellings on all abutting lots. De does not know if any other party expressed interest in acquiring the lot.

In response to an inquiries from the Board

- CEO Scott Dvorak stated he has had no other inquiries.
- The only information regarding the demolition are notes by former CEO Jack Cooper and the assessor's notes suggesting the demolition may have taken place in 2007. There was no information as to why is was demolished.
- The existing well and subsurface waste water system do not meet the new system requirements

Louise Lester reported that the prior dwelling was demolished because it was considered an attractive nuisance

Board members

- proposed and discussed alternative uses for the property in order to realize a reasonable return without changing the character of the neighborhood or create detrimental conditions
- hardship is not due to action of applicant
- lot was created by the developer, not the prior owner
- current owner did not demolish the prior structure

Ms. St. Claire countered

- alternative use is not acceptable. The intent of the purchase is to build a home
- using a tent or RV as suggestion would be inconsistent with the character of the area and would not meet purpose of purchase.
- lot coverage would be less than allowed and less that that of other dwellings
- setback requested would be less than of some similar existing dwellings which are of greater width than proposed dwelling/
- If existing structure hadn't been torn down as an attractive nuisance, the current owner would be requesting a setback reduction. There is no evidence that there wasn't a slab or concrete foundation.

CEO Dvorak reiterated that the records were scant..

Chair Stinson proceeded to addressing the four conditions which must be met in order to grant the variance.

CONDITIONS:

- i. that the land in question cannot yield a reasonable return unless a variance is granted;
- ii. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- iii. that the granting of a variance will not alter the essential character of the locality; and
- iv. that the hardship is not the result of action taken by the applicant or a prior owner.

Condition i. met: **YES:** Ms. Stinson; **NO:** Ms. Lester and Mr. Cirelli

Condition ii. met: **YES:** Ms. Stinson and Mr. Cirelli; **NO:** Ms. Lester

Condition iii. met: **YES:** Ms. Stinson, Mr. Cirelli, Ms. Lester

Condition iv. met: **YES:** Ms. Stinson and Mr. Cirelli; **NO:** Ms. Lester

Ms. Stinson asked for a consensus from the Board to grant or deny the variance. The Board was unanimous to deny.

Ms. St. Claire brought up additional thoughts raised by the discussion.

Chair Stinson asked for a motion to grant the variance:

MOTION: Mr. Cirelli moved that the variance be granted; Ms. Lester seconded

DISCUSSION: None

VOTE: The motion failed (0/3) Variance denied.

Code Enforcement Officer Communications

CEO reported there were two potential appeals a conditional use and a setback reduction. There was nothing for the April meeting.

Adjournment

Chair Stinson asked for a motion

MOTION: Ms. Lester so moved; Mr. Cirelli seconded

DISCUSSION: None

VOTE: Motion carried (3/0)

Chair Stinson adjourned the meeting at 8:23pm