



City of Westbrook

ZONING BOARD OF APPEALS

2 York Street Westbrook, Maine 04092 (207) 854-9105 Fax: (866) 559-0642

**CITY OF WESTBROOK
ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING
WESTBROOK HIGH SCHOOL, RM 114
March 13, 2018 7:00 P.M.
AGENDA**

Administrative Agenda

- 1. Approval of November 14, 2017 minutes**
- 2. Approval of the 2017 Zoning Board Chairman's Report**
- 3. Election of Zoning Board of Appeals Officers**

New Business

- 4. Variance Request** – Daniel & Teresa Brady, are requesting a five (5') foot side yard variance and a five (5') foot rear yard variance to allow the moving of a twenty-four (24') x twenty-four (24') two (2) car garage. Tax Map: 025, Lot 086, Zone: Residential Growth Area 1.

Adjourn



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

2 York Street

Westbrook, Maine 04092 (207) 854-0638
(866)559-0642

Fax:

MEMO

DATE: March 8, 2018

TO: Zoning Board of Appeals
FROM: Richard Gouzie, City Code Enforcement Officer

Cc: File

RE: March 13, 2018 Zoning Board Meeting

Items in this memo:

1. Variance Request – Daniel & Teresa Brady

- 2. Agenda Item #1 – Variance Request – Daniel & Teresa Brady, 12 Louise Street, are requesting a five (5') foot side yard variance and a five (5') foot rear yard variance to allow the moving of a twenty-four (24') x twenty-four (24') two (2) car garage from Tax Map: 025, Lot: 084 to 12 Louise Street, Tax Map: 025, Lot 086, Zone: Residential Growth Area 1.**

Project Description:

This is a variance request from Daniel & Teresa Brady – To move a twenty-four (24) x twenty-four (24) two (2) car garage needing a five (5') foot side yard variance and a five (5') foot rear yard variance. A smaller shed almost against the rear property line has been demolished and the new garage would be brought further away from the rear setback line.

For the Board's reference:

Our Land Use Ordinances defines **Practical Difficulty Variance**.

*The Zoning Board of Appeals may grant a variance from the dimensional standards of the zoning ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty **and when the following conditions exist:***

- A. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

- B. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- C. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- D. No other feasible alternative to a variance is available to the petitioner;
- E. The granting of a variance will not unreasonably adversely affect the natural environment; and
- F. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

Staff Comments:

The applicant's request is to move a twenty-four (24') x twenty-four (24') two (2) car garage. Staff is providing comment on each of the tests of the ordinance for the ZBA's consideration in this matter.

- A. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
 - a. Staff finds the proposed location of the garage will be in line with the existing house.
 - b. To push the garage further from the side lot line would be less in keeping with the neighborhood.
- B. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
 - a. Staff sees no issues on this point.
- C. The practical difficulty is not the result of action taken *by the petitioner* or a prior owner;
 - a. Staff finds this test is met for the following reason:
 - i. The property slopes to the right and would require fill that could change the natural drainage off the property.
 - ii. Driveway location was an existing condition.
- D. No other feasible alternative to a variance is available to the petitioner;
 - a. There is no feasible alternative as the property slopes dramatically.
- E. The granting of a variance will not unreasonably adversely affect the natural environment; and
 - a. Staff has no issues on this point.
- F. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.
 - a. Staff sees no issues on this point.

In closing, Staff does support this variance request to move a twenty-four (24') x twenty-four (24') two (2) car garage. To date there have been no abutter concerns received by the Code Department from the neighborhood.