



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
June 12, 2018 7:00 P.M.
AGENDA**

Administrative Agenda

- 1. Approval of March 13, 2018 minutes**

New Business

- 2. Variance Request** – Thomas F. Haskell, 48 Haskell Street, is requesting a five (5') foot side yard variance to allow the building of a twelve (12') x twelve (12') deck. Tax Map: 034, Lot 166, 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: May 30, 2018

TO: Zoning Board of Appeals

FROM: David Finocchietti, City Code Enforcement Officer

Cc: File

RE: June 12, 2018 Zoning Board Meeting

Items in this memo:

1. Variance Request – Thomas F. Haskell

- 2. Agenda Item #1 – Variance Request** – Thomas F. Haskell, 48 Haskell Street, is requesting a five (5') foot side yard variance to allow the building of a twelve (12') x twelve (12') deck from Tax Map: 034, Lot: 165 Zone: Residential Growth Area 1.

Project Description:

This is a variance request from Thomas F. Haskell – To build a twelve (12) x twelve (12) deck needing a five (5') foot side yard variance.

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 build a twelve (12') x twelve (12') two (2) deck. 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 deck will be in line with the existing house. To push the deck 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 House is closer to the property line than the proposed deck would be and placing the deck at five (5') would be more in line with the House.
 - ii. House 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 house location is existing.
- 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 build a twelve (12') x twelve (12') deck. To date there have been no abutter concerns received by the Code Department from the neighborhood.

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