



# 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  
August 14, 2018 7:00 P.M.  
AGENDA**

### **Administrative Agenda**

- 1. Approval of July 10, 2018 minutes**

### **New Business**

- 2. Variance Request** – Bruce Sampson, 10 Pioneer Road, is requesting a forty-two (42”) inch side yard variance to allow the building of a twelve (12’) x forty (40’) and sixteen (16’) x twenty-four (24’) foot “L” shaped addition on the existing garage. Tax Map: 052, Lot 153, Zone: Residential Growth Area 2.
- 3. Variance Request** – Reid Stevenson, 432 Cumberland Street, is requesting a three (3) foot side yard variance to allow the construction of an eight (8’) x six (6’) foot shed. Tax Map: 043, Lot: 305, Zone: RGA 1

### **Adjourn**



# City of Westbrook

## DEPARTMENT OF PLANNING & CODE ENFORCEMENT

Street

Westbrook, Maine 04092 (207) 854-0638

2 York  
Fax:

(866)559-0642

### MEMO

DATE: August 9, 2018

TO: Zoning Board of Appeals  
FROM: David Finocchietti, City Code Enforcement Officer

Cc: File

RE: August 14, 2018 Zoning Board Meeting

Items in this memo:

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#### 1. Variance Request — Bruce T. Sampson

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2. Agenda Item #2 — **Variance Request** — Bruce T. Sampson, 10 Pioneer Road, is requesting a forty-two (42") inch side yard variance to allow the building of a sixteen (16') x thirty-six (36') x forty (40') L shaped garage addition from Tax Map: 052, Lot: 153 Zone: Residential Growth Area 2.

#### **Project Description:**

This is a variance request from Bruce T. Sampson — To build a sixteen (16') x thirty-six (36') x forty (40') L shaped garage addition needing a forty-two (42") inch side yard variance.

#### **For the Boards 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 sixteen (16') x thirty-six (36') x forty (40') L shaped garage addition. 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 addition will be in line with the existing house.
- 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. House location was an existing condition. House was built in 1971 and existing garage was built in 1976.
- 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 to build a sixteen (16') x thirty-six (36') x forty (40') garage addition. To date there have been no abutter concerns received by the Code Department from the neighborhood.



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TO: Zoning Board of Appeals  
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Cc: File

RE: August 14, 2018 Zoning Board Meeting

Items in this memo:

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#### 1. Variance Request — Reid Stevenson

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2. Agenda Item #2 — **Variance Request** — Reid Stevenson, 432 Cumberland Street, is requesting a three (8') foot side yard variance to allow the building of an eight (8') x six (6') shed from Tax Map: 043, Lot: 305 Zone: Residential Growth Area 1.

#### **Project Description:**

This is a variance request from Reid Stevenson — To build an eight (8) x six (6) shed needing a three (8') foot side yard variance.

#### **For the Boards 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 eight (8') x six (6') shed. 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 shed would be in line with the use that the owner is proposing.
  - b. The size of the lot makes it very difficult to find any suitable location for a shed.
- 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 has not been met. The original owner built the primary structure in 2011 and large enough to bring the structure into close proximity of the setbacks
- D. No other feasible alternative to a variance is available to the petitioner; a. The shed could be located off from the rear corner of the property and meet the five (5') foot setbacks (side, front, rear) allowed for sheds 140 square feet or less.
- 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 not support this variance request to build an eight (8') x six (6') shed as proposed. To date there have been no abutter concerns received by the Code Department from the neighborhood.