

Zoning Board of Appeals  
October 18, 2010  
Casco Community Center

Members Present: John Devereux; Robert Doucette and Lawrence Sawyer,  
Chair

Members Absent: Terri Linnell; Sue Durkee

Staff Present: Elwin Thorpe, CEO and Sandy Fredricks, Secretary

Public Present: Pat Troy, Wayne Paradis, Nancy Cullins, Richard Cullins, Mary  
Bennett, Andrea B. Dickson, Dianne Brazier, Edward Brazier and Russell  
Hawkes

7:00 PM

Larry Sawyer calls the Meeting of the Zoning Board of Appeals to order.

Agenda:

Larry states we have two variance requests on the Agenda. The first request is by Richard A. and Nancy M. Cullins for a General Variance to permit 15' reduction in the side setback requirement, to permit removal of the existing storage building currently located on the property line of Map 53, Lot 71, and to allow construction of a new 16' x 20' addition to the garage. The property is located at 159 Watkins Shores Road and is also known as Map 53, Lot 69 and is located in a Limited Residential Recreational District. The second request is by John & Barbara Ebbrecht for a General Variance to permit 7' reduction to the front setback requirement and 5' reduction in the side setback requirement to permit construction of a 24' x 24' garage. The property is located at 5 Upper Shore Drive and is also known as Map 55, Lot 21 and is located in a Limited Residential Recreational District.

Chairman Sawyer states the following information the record:

1. Please recognize all statements through him.
2. Please introduce yourself before speaking.
3. Applicant will receive a written Decision within 7 days of this meeting and has 45 days to appeal to Superior Court.
4. Applicant may stay for the Decision but cannot in any way participate in this part of the meeting.
5. If approved, the applicant will receive a Certificate of Zoning Variance Approval with the Notice of Decision and has 90 days to record it the Registry of Deeds. If you do not meet the 90-day limit, the Decision is automatically void and you cannot appeal for one (1) year.
6. A permit secured by vote of the Zoning Board of Appeals under the provisions of this Ordinance shall expire if the work or change involved is

not commenced within one (1) year of the date on which the appeal is granted, and if the work or change is not substantially completed within eighteen (18) months of the date on which such appeal is granted.

The Chair also informs all those present that any decision made at this particular meeting must be a unanimous decision because there are only the three of them present. The vote must be a majority of the Board not the majority of those present.

Bob moves to approve the June 21, 2010 Minutes as written.

John seconds.

Any discussion? None.

All in favor? 3 yes – 0 no

Larry states he will move forward and address the application of Richard and Nancy Cullins.

### **EVIDENTIARY**

Larry states the Board has before it the Application, a sketch of the property, photos, revised drawing submitted on 9-15-10 which shows the existing shed on the property line, letter of opposition from the Bennetts, updated drawing dated 10-12-10 showing all structures and measurements, letter from Steve Matza supporting the application, email from Ruth Guarnera supporting the application and a letter from Dick & Sigrid Detwiler supporting the application.

Larry asks Mr. & Mrs. Cullins if they have anything additional to say in support of their application. Richard Cullins states he has several lawn mowers and things to store and has out grown the existing shed. He continues they would like to put an addition on the existing structure to provide the needed storage. As show on the submitted information, the addition would be on a cement foundation or pad with the same kind of siding as on the house now and placement of this addition would increase the distance from the property line.

The Board reviews the drawings submitted at length with the applicant. Richard has new pictures he has taken and passes them around for the Board to view. Larry asks if they are glass French style doors. Richard says they are. Larry asks if this addition is for living space; Richard states it is not, it is only to make it look nicer and give easier access to store the 4-wheeler and other items. Richard states there is also a 12' – 15' wide driveway between the houses. The Board and the Bennetts discuss the distance between the houses at length and all agree it is less than 20'.

There is further discussion between the Bennetts and the applicants regarding the location of the current shed relative to the property line.

Mary Bennett states she has been at that property since 1966 and the Brighams were her neighbors for years. When the Brighams wanted a variance to put the shed on the property, they asked her if she would allow it to be done and she gave them permission to do so. She continues that she did not realize this would happen when Brighams sold the property. Bob asks if this was a variance granted for the shed or just worked out between the neighbors at that time. Elwin states he could not find anything on the shed in his files or past Appeals Board files.

Bob states his understanding is that the garage was added by the previous owners and would like confirmation of this. Elwin states the garage put on by the Brighams went through the variance process and reviews the drawing submitted by the Brighams at that time with this Board. Elwin states he is not sure of the time frame of the garage variance and construction of the shed. Andrea Bennett Dickson states she believes the garage predates the shed. Mary Bennett states she believes the Brighams moved the garage.

Larry asks if this will involve cutting of any vegetation. Richard Cullins states it will not.

Richard Cullins states, in their letter, the Bennetts say the current shed sits beside the lakeside edge of the house. He continues, as the Board can see from the pictures presented, it does not come past the corner of the house. Larry asks how tall the existing shed is. Richard states he believes it is about 10'; it is a 10' x 10' shed.

Larry asks the Bennetts if something could be worked out, would they prefer it be moved from the property line. Andrea states they don't want to see a larger building, but would not object to a 10' x 10' structure attached directly to the house, but an addition of the size shown on the drawings is too much and opens it up to multiple uses.

Larry asks Richard if the addition will be used for anything other than storage. Richard states he would be using his table saw and drill in there. Larry asks if there is any reason for the height other than the pitch off the roof. Richard states it is just for the pitch.

Bob Dickson states part of the problem is that when the property is sold it may have different use than what the Cullins' are asking for. Andrea states this addition will be right under their bedroom and she is also concerned about runoff in the Spring.

Larry asks where Steve Matza lives in relation to the Cullins' house. Richard states Steve is 3 doors down from them. Richard states he doesn't see how the runoff could be an issue with the Bennett property as he gets most of the runoff due to his location. Larry asks where Ruth Guarnera lives. Richard

states she is on the opposite side from them. Larry asks where the Detwiler property is in relation to the applicant. Richard states they are 4 or 5 doors down on the corner.

Larry asks the Bennetts if they have any other concerns. Andrea states that the structure will be 10' closer to the water and depending which way they are looking, they will see the addition. Richard states he would think seeing the addition would be nicer than looking at the shed.

Larry asks how tall the garage is and perhaps there is some storage space there. Richard states the bedrooms are over the garage plus they have an overhead door on the garage that goes up leaving no space there.

Pat Troy states that in granting of variances, part of the process requires applicants to prove hardship without a variance and the criteria are listed in the Zoning Ordinance. She continues that she is concerned that there is no hardship being met. Pat further states that while she is unfamiliar with the property of the applicants and abutters and she is not on the Board, it just seems what she is hearing, the variance, if granted, would be adverse to the Bennetts. Further, Pat states the variance should be turned down as the addition would be larger and would affect the character of the area as well as the direct abutters.

Andrea states that these are not large lots and the Brighams' addition of the garage made a larger footprint. This addition would more than triple the size of the existing shed.

Larry asks what is on the other side of the garage. Nancy Cullins states there is a walkway up to the house and a fence.

Pat states that the Board hasn't done a sitewalk and it seems this issue is mostly about layout of the applicant's property and the abutters' property and she is wondering if any of the Board members have gone to see the properties. Bob states he went down there to view the area and it looks like what is in the pictures presented. Nancy states Elwin has been there several times. Elwin states it looks like the pictures. Elwin continues the only problem he sees is that he would like to see the shed moved from the property line as it shouldn't be there in the first place because no one knows how it got there. He continues that he wouldn't have a problem if he was the neighbor if was cut down in width. Elwin asks what if the addition was pushed to the back of the garage rather than the side of it. Richard states it is on the road side of the garage and goes 20'.

Mary states that Mr. Cullins said this addition will have his tools in it and he would be using them which make it a workshop. Andrea states in the summer the lawn furniture will be outside and it was represented to them as storage.

Richard states he has had the tools for years and used them in the garage and the yard. He continues that he is sure the number of times he would be using them wouldn't be a noise issue.

Larry asks if they have a full foundation under the house. Richard states they do. Larry asks what about under the garage for storage. Richard states that is taken up by his wife's business.

Larry asks the Board how they wish to proceed, do they want to close the evidentiary portion and move to deliberations. The consensus of the Board is to close evidentiary and move to deliberations.

### **DELIBERATION**

Larry asks what the Board members' feelings are at this time. John states his problem with the variance is that the setbacks are there for a reason especially in a small community. Bob states he feels they could allow an additional 3-1/2 feet from the property line if the existing shed wasn't there. Larry states he feels the existing shed is non-conforming already.

Larry informs the Cullins that at this point it doesn't look good for approval under the existing proposal and informs them they can request the Board to table the request to allow them to revise it and come back with something less imposing or the Board can vote and if it doesn't pass, then the applicant cannot come back for a year with a new proposal.

Richard asks if they cut it down to 12' x 20' would that be okay. Larry states that it would be best for the applicant to speak with their neighbors outside and come back with an amended application.

Richard asks if, since the existing shed is grandfathered, could it be added on to. Elwin states they can add a second story to the shed but not expand the footprint at all.

Larry asks the applicants if they wish to continue at this time. Richard states he would like time to work something out with the Bennets.

Larry moves to continue this matter to allow the Cullinses time to amend their proposal and come back at a subsequent date.

John seconds.

Any discussion? None.

All in favor? 3 yes – 0 no

Larry states we will now address the second application, and opens the evidentiary portion of the Ebbrecht matter.

## **EVIDENTIARY**

Larry reviews the items submitted to the Board; application, sketch showing where the garage will be and a letter from Tim Tindall in support of the application.

Wayne Paradis states he is presenting the matter to the Board on behalf of the Ebbrechts. He continues that this is a very tight lot and while the applicants are proposing a 24' x 24' garage to accommodate two vehicles, they are bringing the corner down by tipping it so as to maintain the character of the area.

Larry asks if there will be storage above the garage. Wayne states there will be as the Ebbrechts will be selling their condo and will need the area above the garage for storage.

Larry asks if the property can be used year round. Wayne states it is a year round dwelling.

John asks how tight the turn is to get into the garage. Wayne states it is a very tight turn.

Larry states it looks like this is the only spot they can utilize for the structure. Wayne states it really is the only spot and at that there are a few trees in the front that he wants to try to save, which also is a reason it has to go in this spot.

Larry asks if it is a paved driveway. Wayne states it is not; it is a dirt driveway and it is steep.

Larry closed the evidentiary portion of this application and immediately opens the deliberations.

## **DELIBERATION**

Larry states that due to the facts of how little space there is for the garage as well as the fact that they are removing the shed; he feels if the Board adds the restriction of no living space over the garage and no commercial use of the space, he sees no problem with granting the application. The Board seems to agree.

Larry moves to grant the variance as presented to permit a 7' reduction of the front setback from 50' to 43' and to permit a 5' reduction to the side setback from 25' to 20' to permit construction of a 24' x 24' garage conditions to include no living area or commercial use of any portion of said structure.

Bob seconds.  
Any discussion? None.  
All in favor? 3 yes - 0 no

Larry moves to adjourn.  
Bob seconds.  
Any discussion? None.  
All in favor? 3 yes - 0 no