

Zoning Board of Appeals  
February 25<sup>th</sup>, 2019  
Casco Community Center

Members Present: Geof Hancock, Steve Linne, Terri Linnell & Trevor Tidd

Members Absent: Pat Troy

Staff Present: Alex Sirois, CEO

Staff Absent: Sandy Fredricks, ZBA Administrative Assistant

Public Present: See Attached.

Trevor calls the meeting of the Zoning Board of Appeals to order at 7:00 P.M.

Trevor reads the required information into the record and for those present as follows:

1. Please recognize all statements through the Chair.
2. Please introduce yourself before speaking.
3. This meeting is conducted in two parts, the Evidentiary wherein the applicant is heard and answers questions from the Board and the public may speak. The second part of the meeting is Deliberations wherein the Board discusses their views and then takes the vote.
4. Applicant may stay for the Decision but cannot in any way participate in this part of the meeting unless directly asked a question by the Board.
5. Applicant will receive a written Decision within 7 days of this meeting and has 45 days to appeal to Superior Court.
6. If approved, the applicant will receive a Certificate of Zoning Variance Approval with the Notice of Decision and has 90 days to record it in the Registry of Deeds. If you do not record it within the 90-day limit, the Decision is automatically void and you cannot appeal for one (1) year.
7. 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.

Trevor states we have Minutes of October 15th, 2018 to be approved.

Geof moves to approve the Minutes as written.

Steve seconds.

Any discussion? None.

All in favor? 4 yes - 0 no - 0 abstain.

Trevor states the first item on the Agenda is Colleen Demirs, Trustee of Lake Shore Realty Trust has filed an application for an Administrative Appeal regarding the issuance of a Permit to

allow removal of a tree in the shoreland zone to Mark Tomasino on his property known as Map 23, Lot 17, commonly known as 9 Kane Holmes Lane and is located in an LRR Zone.

Trevor states they just got new information on this and he's trying to review it. He continues by asking Alex if he would speak to this matter and provide the Board with some additional information.

Alex states that what has happened here is you guys have had a lot of discussion on this property about the trees in the easement. After the last time you met, Mark Tomasino who owns 9 Kane Holmes Lane, applied for a permit to remove the dead hazard tree which had nothing to do with the trees in the easement. I issued the permit because it was my understanding that the Decision you made on the prior Administrative Appeal was in regard to the trees in the easement as it was a very contentious situation. Discussions were about what percentages of the trees were located on the abutter's property vs. what percentages were on the permit holder's property and the location for which the permit was issued. He continues that he felt he was safe issuing a permit for the dead hazard tree as it was wholly located on the Tomasino property. The Demirs have filed an appeal of the issuance of this permit.

Trevor asks if the tree has been cut. Alex states he believes it has, yes. Trevor states so the tree has been cut and is totally on the property of the lot owner. He continues that the other matter had to do with trees in the shared driveway with 6' or so on one property and the rest on another. Alex states that is correct and this is completely on Tomasino's property, it is by the water and the shared driveway is as far from the water as you can get. He further states that this solo tree is located by the dock it's still about 5' or 10' from the abutter, but they have the property totally marked out so you can see it is clearly on Tomasino's property. He also states that as far as he could tell the tree was not providing any benefit environmentally as there was no cover or anything. He further states when he met the property owner down there, there were kids playing on the dock and with hazard trees, you don't want to say no and then have it fall on someone. There is an open Building Permit for the site which, I believe, expires in August of this year. He continues that there is a replanting plan as there were quite a few trees removed for the project for septic system, utilities, all the good stuff; and all the vegetation removal will be taken into consideration before final approval. He further states that he wouldn't require replanting of this one except for the location.

Trevor asks if the Board wants to determine if it has jurisdiction over the matter. Steve states he recalls the last Appeal for this was permit was for four trees and we felt since

this one was dead, fine, let it go and we decided to overturn the Permit for the other three.

Terri states this is a separate permit and has nothing to do with the right-of-way. Alex states that is correct, the only thing that is the same is the property location.

Trevor asks if the Board is ready to determine jurisdiction over the cut tree. Geof asks if Colleen Demirs is here. Steve states he feels they do have jurisdiction. He continues that all he had here was pretty brief. Geof explains that it is an Administrative Appeal of a new permit Alex issued.

Steve moves that the Board has jurisdiction to hear the appeal. Geof seconds.

Any discussion? None.

All in favor? 4 yes - 0 no- 0 abstain

#### EVIDENTIARY

Trevor asks if there is anyone here from the other side that wishes to speak to this because there obviously is another side to it.

Nick Adams addresses the Board on behalf of Mark Tomasino. As you can see there was a letter from the attorney for Tomasino which I believe you received tonight. You do have jurisdiction because Alex issued a permit and this is an Administrative Appeal of that permit. This appeal has nothing to do with the other permit issued for the trees in the easement and that is in Court; this is for a dead tree by the water on the Tomasino property. If you see in the letter, there is some information that the appellant, who isn't even here tonight so I don't know how they could have standing, didn't even file the appeal correctly. Other than the fact that they didn't file the appeal correctly and if they did have standing they're not here we request the Board deny this appeal. Nick further states that this is a civil matter between two property owners and one keeps filing appeals. He further states this has nothing to do with the trees in the easement. Geof asks if there is anyone here who filed this appeal. No, there is not.

Trevor closes Evidentiary.

Trevor opens Deliberations.

#### DELIBERATIONS

Geof states the permit was issued for a dead tree, the tree was on the permit holder's property and the appellant isn't here to defend their reasoning on the appeal. The Board is ready to vote.

Geof moves to accept the Administrative Appeal filed by Colleen Demirs of Lake Shore Realty Trust against Alex.

Trevor seconds.

Any further discussion? None.

All in favor? 0 yes - 4 no - 0 abstain

Trevor states the next item on the Agenda is David & Joanna Littlefield have filed an application for variance to allow a 35' front setback reduction from 50' to 15' and allow a 19' side setback reduction from 25' to 6'. The variance is requested to allow construction of an 8' x 12' wooden storage unit on property known as Map 19, Lot 32, commonly known as 3 Morningside Lane and located in LRR and Residential Zones.

Trevor asks if the Board feels they have jurisdiction. Geof states it is for a variance to obtain a permit and he believes the Board has jurisdiction. Trevor asks if everyone agrees; all concur.

#### EVIDENTIARY

Trevor asks if someone wishes to address the Board on this application. Joanna Littlefield introduces herself to the Board. She explains they are year-round residents and need some place outside to store things like a snow blower, lawnmower, tools, some things for summer use, etc. Geof asks if they went for a permit. Joanna states yes didn't apply for a permit so he hasn't denied anything. Joanna states they were told they needed a variance. Trevor states he is going to throw this to Alex. Trevor states that we have a way to permit a small storage shed which looks like it should fit under there. Alex states he is allowed to issue a permit for he believes an 80 s.f. storage building, but they still need a variance there's a heavy backstory with this property, which I'd like to tell you because you're going to hear some stuff in a minute.

Alex begins to give history by stating the previous Code Officer issued a permit to the Littlefields to demolish the existing camp and rebuild a new structure. That permit allowed for an approximate 200% expansion. This is a very small lot, about 60' wide he believe and there was quite a bit of clearing because it is a large structure which altered the character of the neighborhood and the neighbors are not happy with it. Because of the fact that they maxed out the expansion they have also maxed out the impervious cover, so there isn't anything he can do. If they want an additional structure, they are going to have to make the impervious work; so that's why they are here tonight to get the setbacks reduced and then we would have to figure out ways to reduce the impervious. He continues that for example they could revegetate part of the driveway to reduce the impervious.

Trevor asks if they could do the small size. Alex states they would still need a variance because of the width of the lot.

The Board discusses the setback requirements and where the reductions are allowed. Alex states this background gives you the information of how they are in this pickle. He further states that they obviously want to get gas cans and such out of the elements. He continues that with the lot configuration, size of the house, septic location, it's very difficult.

Joanna states she has a picture of where the snow blower and things are showing they can't get at it. Alex states that the Littlefields have been really good with the Town. The permit issued by Don never should have been issued; he worked with the architect for the Littlefields and they didn't have any idea of the regulations. He continues that the architect came to the office one day, waited a couple of hours for Don and Don said yeah, sure and issued the permit. They have been good about not going any further than what they said they were going to do and they are doing replantings and working with the Town.

Terri asks if there is a full basement. Joanna says yes, but they can't get around to where the storage is because we've had to put in steps and plantings. Geof asks if the storage under the overhang is working. Joanna states it is not, the picture shows they cannot get to it.

Trevor asks if there is anyone present who wishes to speak in opposition to the application.

Badri Hunold and I am the next door neighbor. I have the opinion that this application is misleading. I have pictures that you see the house, the land, the situation. None of the pictures submitted to you show how the house really is. The Board looks at the photos and discusses locations. She states it is a four floor house and it should be torn down. The land is not enough to have another thing. She continues that it is not even correct that after building such a big house, a monster at the lake that they should ask for more; for all the neighbors the picture all of the landscape is gone for the Sebago Lake.

Dave Tiernan, 5 Morningside Lane states he opposes the variance because the house was way over-built, it is a non-conforming structure that meets none of the setback rules; there were things put in like a 9' x 16' cement pad that was never issued an EPA permit and then they connected that to the overhanging deck of the first floor. This house started out as a 544 s.f. house. Now it is 736 s.f. per floor, first floor has a 208 s.f. deck; second floor 736 s.f. plus 144 s.f. deck, second floor has 480 s.f. of volume with 18' ceilings; the ceiling drops down to 11' at the bathroom; this house was way over-built. Setbacks and all of your waterfront codes are blown apart completely. This house isn't supposed to have a roof higher than 28' from the closest point to the ground so it really upsets me to see

these people wanting more. He continues there were two bump outs on each side of the building that Alex had to oversee them being removed. It is just not right. They can put the snow blower under one of the two walkways into the house, all they have to do is put a hinged door. There is no lawn to mow, there is nothing else. It is 2985 s.f. including volume, decks and everything; there should be nothing else put on it. He further states he has a picture of what used to be there and shows it to the Board. He continues they also put a generator in on a cement pad about 19" from the property line it is inside the 100' line; there is no permit from EPA and it has to be permitted by EPA not the Town of Casco. Steve asks if the generator was permitted. Alex states this is the first he's heard of it so not that he is aware. Steve asks what our requirements are. Alex states it would be treated as a structure because of the concrete pad. Steve states so it is an illegal structure at this time. Dave Tiernan states he complained about the generator over a year ago; Alex states he does not recall that. Trevor states we will move past that for now.

Yvonne Michaud states she is expressing her opposition and concern around this particular owner of this property who she believes past behavior is predictive of future behavior. She continues last year they got copies of the permit and original structure plan. We saw a rather primitive pencil drawing that would conform with the neighborhood. As you can see this is no way in conforming with the lifestyle and structures on Sebago Lake. My concern around permitting this variance is once again people who do not conform to DPE (sic), Town and shoreland regulations will certainly not continue to comply. The pictures submitted did not in any way show what the house looks like. I ask the Board to deny the application because they do not comply with the rules and regulations of the Town of the State.

Joanna readdressed the Board stating everything they did, they did through the Town of Casco. We hired an architect and we spoke with Don. We didn't do anything underhanded and they are talking about us like we are bad neighbors; we are good neighbors; everything we've done, we've done nothing to bother the neighbors. Dave and Yvonne's house is almost on our property and we've never said anything; the neighbors on the other side her storage unit is again close to our property boundary; we're not telling them to do anything. She continues she didn't know she had to defend her home when she came here, she would have brought pictures. She states they are not trying to do anything underhanded here when they gave in the paperwork. They just want a small storage area; and she is nervous when she saw the neighbors here. She continues that there is one neighbor who swears at people when they pull in the parking lot. She further states that they are correct that there was a bump out that was put in by mistake and it was removed; the DEP said they need to replant, they've replanted and will replant more.

Badri tells Joanna it is not personal, it is not about bad neighbors it is about Maine and now you have a monster house. She doesn't know who in Maine allowed this. She continues that as far as her garage it is under grandfather.

Trevor closes Evidentiary.  
Trevor opens Deliberations.

### DELIBERATIONS

Steve states he will make this about the storage shed and not the house. He continues that applicants have to meet certain criteria in the Shoreland Zone and they can get use and enjoyment out of their property, they have value out of their property and therefore cannot meet the first hardship criteria; there is no hardship.

Geof states it is a big setback, we aren't talking about a half a foot or a foot. He continues in a small lot area there are buildings closer to the line but that was under a different time; zoning changes, regulations change. I always encourage people to come to Town Meeting and be involved in the government to make the Town how you want it to be. The zoning we have now is different and the zoning laws change what can be done.

Steve states that another thing that gets him is the impervious surface especially with the shoreland zoning.

Geof moves to accept the application for a variance by David and Joanna Littlefield.

Steve seconds.

Any further discussion? No.

All in favor? 0 yes - 4 no - 0 abstain.

Trevor states the next application is Garrison Consulting, Mathew Winch & SGC Engineering Eric Williams have filed an application for variance to permit a 50' reduction to lot frontage requirement from 150' to 100' for property owned by Spurwink known as Map 43, Lot 23 located in the Village and LCR Zones commonly known as 1002 Meadow Road. The portion of the lot requesting variance is wholly located in the Village Zone. This frontage request is made to permit division of lot and sale of one of the newly created lots to an abutter to be combined with abutter's existing lot.

Trevor discusses the issue of jurisdiction.

Geof moves to hear the appeal.

Steve seconds.

Any discussion? None.

All in favor? 4 yes - 0 no - 0 abstain

Trevor states there is one other piece of this he'd like to throw out there and that is that he is one of the people notified within 500' and would like to abstain from the vote on

this application. He further states that since there will still be 3 Board Members to so that would work out fine. The Board concurs that Trevor may abstain.

### EVIDENTIARY

Matthew winch introduces himself and speaks on behalf of Spurwink. He gives background of Spurwink and that sale of property has not taken place even after trying to sell at auction. Spurwink tried to see how else they could utilize the property and recently acquired another non-profit that has a series of adult residential programs and one of the buildings on this property fit a need to house some of the adults in that program. These are all adults over 18 who need various assistance services for their daily living. Geof asks if that is the newer building. Matthew states that is what in Spurwink's world is called the Vo-Tech building. If you are standing with your back to the lake it is the one on the left. He continues, we began discussions with Alex over the summer to see what needed to be done to make sure we met the needs and standards for zoning site laws and building codes. We applied for a building permit in October, Alex can correct if that isn't close. In that period of time Spurwink was contacted by its immediate abutter, Hancock Lumber, about purchasing some or all of the property and didn't know that Spurwink had already started renovating. We met with Kevin Hancock and talked about a way of subdividing this property, but not a true subdivision because we don't have enough frontage for that. We were looking at ways to be able to accomplish a division and by combining a portion of the Spurwink lot with the Hancock lot it works. In order to do this we needed to get the Spurwink property out of the shoreland by reducing the street frontage from 150' to 100'.

Steve asks for clarification that if any portion of a property is in shoreland, the shoreland standards apply for the entire lot. That is correct. Matthew explains that by doing this they are taking the Spurwink property out of shoreland and it will be wholly in the Village Zone and will meet all standards other than the 150' frontage on Meadow Road.

Geof asks if there is a Purchase & Sale Agreement. Matthew states they are negotiating with Hancock Lumber and if they wish to speak to this they are present. Spurwink and Hancock are fine with making the Variance conditioned upon completion of the sale.

Steve asks if there is a problem only because of Geof's last name ... Geof states there is no financial connection, the only connection is everyone is related to everyone else.

Alex explains that this makes a non-conforming lot a conforming lot. There were about 4 ways of trying to do things and this is the best because you are taking the non-conforming lot and a

bunch of non-conforming structures and really improving it. He continues that lot size is probably a bigger factor than the reduced frontage as long as you have a 60' wide right-of-way into a property then that's sufficient for a lot of development. We have a lot of backlots developed off a 60' of frontage, they just put a right-of-way in. We just don't want a lot of spaghetti lots and that isn't what they are doing here. Alex continues that clearly this is to keep it out of the Shoreland Zone so you don't have to do the 80,000 s.f. twice.

Matthew states the curb-cuts are already there, there is a driveway and we are not looking to alter any of the site features; the only site feature we are looking to alter is the property line to create the lot shown here to be recorded in the Registry of Deeds. Alex asks if we can get into the use at all. He feels they discussed a lot of things and there is a lot of structures in one area. The Board discusses which parcel is Hancock, which will be added to that lot and what will be Spurwink.

Terri asks about the septic system. Matthew states the septic will be abandoned in place and Spurwink has filed and HHE-200 for expansion of their existing septic system; that has not been completed yet because when this opportunity arose it made most sense because of the age of the existing system to look at a replacement system now than having to replace it in the future, soils evaluator said 10 years at best, Spurwink has another HHE-200 to submit for a new system.

John Esposito, 995 Meadow Road. He states he has a few questions about the use; what is the intended use of the existing rehabilitation building and then the other property you have Lot A & B, can you talk about that. Paul Wainman, CFO of Hancock, first we do have a Purchase & Sale Agreement with Spurwink pending the approval of this plan. At this point they don't have any definitive plans for this property. He continues that as probably everybody knows Hancock is building a new administrative office on Route 11 and everyone at this building will be moving there. The company and the family are very keen to be sure it is developed to be beneficial to the Town of Casco. He continues that it may be commercial, may be residential or may be green space; they do not have any definitive plan at this time.

Trevor asks if anyone else wishes to speak to this; being no one, he closes evidentiary and opens deliberations.

#### **DELIBERATIONS**

Trevor states he will let the other members deliberate.

Geof asks if Lot C, the buildings there, can they be inhabited again once they are abandoned. Alex states technically it is a commercial building but you could, theoretically, convert it

back to a residence but you couldn't do much more. It could stay in the commercial realm, but they would have to do some things to the structure. The reason he brought up the uses was because essentially the Spurwink structure becomes a single family home at that point and not much more than that, so to make those buildings something that could be useable in the commercial world it's going to require some site plan stuff, an overall site plan with the existing commercial and the structures that are part of Spurwink now; there would be a lot to go into that after today.

Steve states he is confused that you can't be Limited Commercial and the Village Zone. Alex explains that Limited Commercial is a shoreland zone basically 250' from the water. The Village is everything else around it. Alex directs the Board to the Zoning Map for clarification. Geof asks if B & C were combined would they have any kind of grandfathering or would it all have to meet the current zoning. Alex states a little of both; he explains that because the buildings already exists non-conforming so they do carry some rights there, but moving forward they have to kind of mold the two. He continues that the structures are allowed to be where they are, they will still be using it for storage. Paul states that they most likely will be demolishing those buildings with the exception of the garage on Hancock's property. He continues that definitely the Spurwink buildings will be demolished although he is not completely certain of demolition of their existing offices. Geof states so then they would have to meet current standards going forward. Alex states that that is helpful. He continues that Spurwink basically pulled all the newer structures when they closed the facility. They are retaining the Vo-Tech building and making improvements to that for use as a residential facility. He continues they are making a conforming lot which will make it easier for any development.

Steve states so this variance is just for Lot A and has nothing to do with combining B & C. Alex states that is correct. If the variance is approved they would have to combine B & C. Matthew states that it is not a subdivision it would be a conveyance from one abutter to another and under Maine Law you cannot make a non-conforming conveyance. Alex explains how the process will work to combine the lots and deeds needed etc.

Terri states that was her question that without the Hancock lot they couldn't do it; because you can convey to an abutter without it being a conforming lot, so couldn't they sell less to Hancock. Alex states they could, but that gets them into most likely having to be in the Shoreland Zone because that line - they had a couple different plans and they are making that Hancock lot more conforming. Terri asks if a square footage variance would make more sense. Alex states that's up to the Board. Matthew explains they would have to request two variances in that instance. Steve asks if they have had it

surveyed and are sure about how much they have for road frontage. Matthew states it has been surveyed, yes.

Steve moves that the Board accept the application for a variance on the road frontage for Lot B as presented in the application by Spurwink for a variance.

Terri seconds.

Any further discussion? None.

All in favor? 3 yes (Geof/Steve/Terri) - 0 no - 1 abstain (Trevor)

Trevor states the next item is Kirt Bell has filed an application for a General/Dimensional Variance to allow a 7.5' reduction of side setbacks from 25' to 17.5' on each side of property known as Map 18, Lot 2 located on Lakewood Road. The variance is requested to permit a viable building envelope on the property. The property is located in a Residential Zone.

Kirt Bell addresses the Board and gives history of the property. He states his parents owned house across the road and sold lot to him 20-25 years ago. Met with previous CEO to make sure he could build a small cottage on the lot and it was all okay. He met with Alex about 8-9 months ago and that wasn't the case anymore; the 10' setbacks had been hardcore and that's what you got. He states that he's been taxed on this \$85,000 and for not being shoreline, there are views but you aren't going to sell it for that. He continues he met with Alex to see what he could do and Alex said he really didn't know and that is why he is here for the variance.

There are neighbors present to ask questions. Judy Craig says they bought property from Kirt's parents 23 years ago and the backlot didn't come with it. They had property on Little Sebago and had a huge backlot that they let go with the lakeside house. Mrs. Bell had told her that they were letting their son have the backlot and if he was going to sell it, she would get in touch. Judy continues that she wasn't interested because she felt they were in deep enough buying the house on the water. A For Sale sign went up and then neighbors were asking her why she wanted to sell the backlot already. She told them that they didn't own that part. She doesn't understand why they are abutters. She asked if the neighbors on either side of him were going to sell him the 7.5'.

Geof explains to Judy that there is no sale of additional property involved with this variance; he is asking for his side setbacks to his property lines be allowed to be 7.5. Geof goes on to explain how Judy would be considered an abutter even though their property lines don't abut Kirt's, they are within 500' of the parcel. He continues that the applicant isn't asking for more property. Mr. Craig asks for confirmation it will still be the same size lot as it is now. Judy further inquires where there will be space for a well and septic.

Steve asks Kirt if he has measured from his proposed well and septic to the neighbors' wells to be sure he is 100' from them. Kirt states he has. Kirt replies further, but it is inaudible.

Steve, Geof and Kirt discuss the drawings submitted. Trevor asks Kirt to come up. Kirt states he has been taxed at \$85,000 for years and at 10' you won't sell anything for that. Steve states that is for Assessing. Kirt states he believes he can fit a well, septic and a small building package that can work.

Terri asks what the minimum lot size is. Alex states this is a legally existing lot, it was created in he believes this subdivision was in 1942 and this lot was combined with another some time back as they had been 30' wide lots. He continues that the status of the lot is fine; the Ordinance states you can build on if it's non-conforming in size as long as you can meet the other requirements without a variance of setbacks, lot coverage and all that good stuff. He can get a permit for something as far as that is concerned, but you need a variance if you can't meet that and that where is lot coverage come in. Steve asks where the applicant would be with lot coverage. Alex states he has 6,969.6 s.f. so he would be allowed to cover 1,393.92 s.f. Geof states that includes the driveway. Alex states that is correct. Alex continues that in the Residential Zone you can cover the lot with 20% structure and that doesn't include any of the impervious surface while in Shoreland you can cover 20% impervious surface and that includes driveways and structures. This parcel is part in Residential and part in shoreland. Steve asks Alex where the shoreland runs. Alex states he can give a rough idea off GIS. Geof states it pretty much splits it. Alex states he is looking at building pretty much in the middle. Alex also states he needs a front reduction. The Board states that they don't see a request for that. Geof asks if Kirt has had a plan done showing the well, septic and building; he is doing this first to see if it can be done, correct. Kirt says that is correct.

An abutter states that how does a road crossing the property affect it for an abutter. Geof explains they are only talking about the one lot. The speaker states it looks like it makes it smaller. Alex states he it seems the speaker is talking about the road is only probably 14' wide, the right-of-way is larger so if you are trying to build something 20' from the road, you're probably only 5' or 6' from the front property line. Alex states you're right he doesn't mention the front setback in the application, but it is in the drawing.

Trevor closes evidentiary and opens deliberations.

#### **DELIBERATIONS**

Trevor states he is going to throw some things out here. It looks like a pretty big setback all the way around. Every time we have an issue it seems to be on these small lots. There are

concerns about wells and septics being too close. The idea he's been assessed at \$85,000 should probably be addressed with the Assessor right away. Geof states that without a survey to see how it would be laid out well, septic etc., it is too hard to tell. Steve states the septic doesn't need to be setback it only has to be 100' from a well. Alex states actually the septic has to be 10' from a property line.

Terri states she thinks they need a better plan. Steve states that this is the one time he feels he does meet the hardship because he can't get any value out of his land. Steve states that if he met the setbacks, it would be a 10' x 10' structure and he isn't going to get value out of that. Terri states that he could propose a smaller structure, it doesn't have to be 40' x 25'. Steve states he's going to need variances of some sort. Geof states that without a better plan and the abutting properties where everything is, we can't make a determination, they're asking for too much and it's a little unclear.

Trevor states that we could table this and give him more time to get a better plan, but we should discuss it so he doesn't invest a lot of money into this and then we are like our guts are telling us it's too much for this place and he'd waste his time and money; I don't want to do that. Geof states a 10' x 25' would be the biggest it could be but if you do two stories it would be 500 s.f. Alex states that would include roof overhang, steps any deck, porches anything like that. Terri asks what the front setback is; Alex states 50'. Terri states so he is looking for 30' reduction in the front. Alex states he didn't ask for anything on the back.

Trevor asks the Board where they want to go with this; do they want to table it; do they want to allow the gentleman to speak again or do they want to vote.

Terri states she feels they should let him speak again. The Board members concur.

Kirt states he is looking for exactly what they said and he doesn't need 7.5 on the sides you can build something first floor, second floor you got a great place. He doesn't mind it being minimized a little. He continues that a few years ago it was okay and now it isn't doesn't seem right. Terri states that information then wasn't correct. Kirt states that he thinks something could be done.

Steve states that the first hardship requirement is almost impossible to meet and he feels this is the first time it actually is met; and that's a positive statement. He continues that going through these A-F addressing them in more detail would be a huge difference to the Board. Seeing where the neighbors' septics and wells are is helpful so that if you get a soils test and you can't put the septic where you thought, you

know where everything is located. Kirt states that this is just about getting the variance approved.

Trevor states he agrees with Steve about the hardship. Steve states the only question is would it change the character of the neighborhood. Geof states the neighbor was concerned about that; Steve states he didn't hear that, he heard they thought the lot was too small to build a house, but if we grant a variance it isn't. He continues that it is not the result of action taken by the previous owner or the applicant, it is a result of a subdivision back in the '40s and I don't see any other feasible alternative. Trevor states other than a smaller structure, which Kirt has agreed to, he agrees.

Terri states he didn't ask for the front variance.

Trevor states he feels it best to table this; Terri and Geof agree.

Alex explains that the filing deadline was actually today (2/25/19), but if they are tabling it and he gets something in right away, it can be at the next meeting. He continues that perhaps the Board should give the applicant an idea of what they consider reasonable. He continues that 30' reduction in front is a lot, maybe he asks for a 20' reduction in the back and a 5' from the front; it would be helpful for him to know before he goes through all that and brings something you still think is too much. Terri states that she agrees, perhaps a smaller structure, a little reduction in the back so the front isn't quite so excessive. Trevor asks Kirt to come up and speak with them. He continues that he believes they are going to table and talk about it another time. Kirt states he understands that but he doesn't get the part about the 20'. Trevor states that he is asking for a lot and he doesn't think he wants to go smaller than 25' for the house. Kirt asks what is 50'. Terri states the front setback requirement. Kirt states that isn't what he and Alex talked about or did he mess that up. Alex states the front setback. Geof states that right now he's at 20' so perhaps that can be a little less of a reduction if he takes some from the back. Trevor asks if the house was 30' x 25' is that enough. Geof states that that would include overhangs, stairs, decks, porches so you are really thinking about a 20' building with all that. Steve states that he is thinking that splitting that front setback with the back could be good. Kirt states that he thinks it will interfere with the septic. Trevor states that he could live with a 30' x 25' envelope. Geof states that we have been in this situation before and while we don't set precedence, it seems hard spot.

Steve moves to table the application for a variance by Kirt Bell pending more information and redesign for the next meeting. Geof seconds.

Any further discussion? None.

All in favor? 4 yes - 0 no - 0 abstain

Geof moves to adjourn the February 25<sup>th</sup>, 2019 Zoning Board of Appeals meeting.

Steve seconds.

Any further discussion? None.

All in favor? 4 yes - 0 no - 0 abstain