

## GENERAL VARIANCE

### Findings of Fact:

The Appellant is Catherine Chaisson, PO Box 611, South Lancaster, MA 01561.

The property is owned by Catherine Chaisson. The property is located at 20A Street, York, ME 03909, in the Res-7 Limited Shoreland District and is identified as Tax Map 30, Lot 78-B, and contains approximately 3,961 sq. ft...

Copies of the Board of Appeals Application, Warranty Deed, Copy of Permit Application, CEO Letter of Denial, Plot Plan, Site & Variance Exhibit (Map), GIS Maps (annotated), 2016 Assessor's Valuation Record, Email Ltr dated Nov. 25, 2017 from Camelia Donovan, Email Ltr from Thomas Nigro dated Dec 12, 2017, Ltr from Anthony & Holly Malvone, dtd Nov 4, 2017, Email Ltr from Colleen E. Cannon-Kearin dtd Nov 4, 2017, Ltr from Norman & Kathryn LeBlanc, undated, Ltr from Linda C. Cannon, dtd Nov 4, 2017, Ltr from James & Rose Sullivan, Victor and Angela DiModica and Dorothy Kampersal, dtd Nov 8, 2017 are all made part of the record.

The Appellant is requesting a General Variance from the Town of York Code Enforcement decision concerning setbacks.

The decision being appealed is from the Town of York Code Enforcement determination letter dated September 19, 2017 and signed September 19, 2017.

The relevant sections of the Zoning Ordinance are §8.3.11.2, §11.3.2, §18.8.2.3, §18.8.2.4 & §18.8.2.6

Application for a General Variance was filed on October 19, 2017 and was therefore timely.

Appeal was opened for consideration on November 8, 2017, continued to, and heard on December 13, 2017.

**Relevant facts are:** 1.) Appellant is seeking a General Variance of the 100 ft setback required for structures in the Limited Residential Zone from the normal high-water mark of any waterbody, or from the upland edge of any coastal wetland, or of an inland wetland of 10 or more acres in size; 2.) The structure being proposed has a total footprint of 605 sq ft, will be less than 35 feet in height, and the lot in question is 3,961 sq ft. in total size 3.) The CEO denied the permit based upon the requirements of §8.3.2.11. 4.) The structure proposed would be located on an upland area of the lot, but would be locate entirely within the 100 ft shoreland setback. 4.) All other setbacks required by the ordinance are met by the proposed structure. 5.) Zoning Ordinance §11.3.2 for a permitted use allows the necessary wetland fill required for a driveway to cross the wetland. 6.) A culvert installed when the Town did some sewer work leads some runoff into the lot increasing the wetland 7.) To yield a reasonable return, the only practical use for this property is as a house lot. 8.) The property has a unique size and shape and is the only lot in the neighborhood that has not been built upon. 9.) The structure proposed is a modest single-family home that will not alter the character of the neighborhood. 10.) The property has been owned by the same family for an extended period of time, the hardship is due to changing ordinance and setback requirements not to the actions of the property owner or prior owners 11.) Subject property is a non-conforming lot of record. 12.) The variance request meets all of the Standards of Review for Shoreland Permits in Article 18.2.6 a-n. and there is no buffer to protect. 13.) The DEP and the Conservation Commission were notified of hearing and furnished the materials required per §18.8.2.4 in a timely manner.

**MOTION** made by Britton Garon that the General Variance requested by Catherine Chaisson, PO Box 611, South Lancaster, MA 01561 with regards to property located at 20A Street, York, ME Map 30, Lot 78-B be granted, in that the Board has found that all four requirements for the granting of a general variance under §18.8.2.3 to be met, as well as the additional requirement under §18.8.2.4 as applicable to the Shoreland Overlay District and the requirements under §18.8.2.6. **SECOND** by Joseph Carr

**VOTE: 5-0 Motion Passed. (In Favor:** Robert Lascelles, Joseph Carr, Britton Garon, Victor Manougian and John Kraus **Opposed:** None.)

A video recording of the hearing was taken and is to be made part of the official record.

**Judgment on Findings of Fact:**

**Approved:** 24 Jan 2018

**Vote:** 5-0-0

**(In Favor:** Robert Lascelles, Joseph Carr, Britton Garon, Victor Manougian and John Kraus; **Opposed** – None; **Abstained** - None)

