

ADMINISTRATIVE APPEAL

Findings of Fact:

The appellant is Thomas Costa, 135 Yankee Peddler Drive, Somerset MA 02726. The property in question is located at 105 Long Beach Avenue, York ME, identified as Map 31, Lot 105 and is in the Res-7 Limited Residential District.

Copies of application for administrative appeal, letter of denial dated March 7, 2017, shoreland/building/use permit application, site plan, Town of York assessor's tax card, release deed from Stout Street Fund I, LP to Thomas J. Costa and Kathleen R. Ferris-Costa, proposed building relocation plan prepared by Anderson Livingston Engineers, letter from Domenic Carcieri to the Board of Appeals dated April 2, 2017, letter from Paula Herlihy to the Board of Appeals dated April 3, 2017, photograph of buildings & parking are all made part of the record.

The appellant requests an Administrative Appeal in regards to a decision by the Town of York Code Enforcement Office concerning setbacks. There were no conflicts of interest on the Board. The appeal was timely filed on March 28, 2017. The appellant has standing as the property owner.

The relevant sections of the Zoning Ordinance are §18.8.2.1, §17.3.4, §17.2.5 and §17.3.4.3.

The appeal was heard on April 26, 2017. A video recording of the meeting was made as part of the official record.

Relevant facts are: 1) The foundation and basement walls are failing and need to be replaced in order to save the house. 2) The house is currently situated on the property line and is non-conforming on the north side. 3) The appellant would like to move the house so it is 2' off the south line and 5 ½' off the north line. 4) There is no way to make the structure conforming on that lot which is only 30' wide. 5) The abutters have no objection to relocating the house. 6) According to Article 17, the house could be demolished and rebuilt, but not moved. 7) The property is located in the flood zone and this move is necessary to save the building. 8) Granting the appeal would move the structure off the property line and reduce the non-conformity.

MOTION:

Motion by Mr. Carr, seconded by Mr. Moulton, to grant the appeal in that the Code Officer erred in applying §17.3.4.3, with the condition that an engineer will put the setbacks on the plan and certify the relocation. The building can be no more non-conforming in the new location.

VOTE: Passed 4-1 (Mr. Mottola, Mr. Carr, Mr. Lascelles and Mr. Moulton FOR).



Opposed: Mr. Swant

Judgment on Findings of Fact: June 28, 2017

Approved: 4-0-1

(In Favor: (Mr. Swant, Mr. Mottola, Mr. Moulton, Mr. Lascelles; **Opposed:** None; **Abstained due to absence:** Mr. Carr)

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