

Town of Cape Elizabeth
DRAFT Minutes of the June 23, 2020
Zoning Board of Appeals Meeting
Zoom Webinar ID: 968 3233 0815

As a result of the COVID-19 virus, the Zoning Board conducted the meeting via Zoom meeting remote access, as provided by Maine law. Zoom allowed all Zoning Board members, applicants, and members of the public to hear all discussion and hear votes, which were taken by roll call, as required by law. Information to access the meeting by video/audio or audio only was provided to the public in advance.

Participating Members of the Board:

Joseph Barbieri	Matthew Caton	Kevin Justh
Aaron Mosher	Colin Powers	Michael Tadema-Wielandt
	Michael Vaillancourt	

The Code Enforcement Officer (CEO), Benjamin McDougal, participated in the webinar. The Recording Secretary, Carmen Weatherbie, was logged on.

A. Call to Order: Chair Michael Vaillancourt called the meeting to order at 7:03 p.m.

B. Approval of Minutes:

1. Approval of the Minutes for May 26, 2020: A motion to approve the minutes was made by Mr. Justh; seconded by Mr. Barbieri. Minutes were approved by a roll call vote: 6 – 0. Mr. Caton abstained.

C. Old Business: None.

D. New Business:

1. To hear the request of Spencer Christie, owner of the property at 1084 Sawyer Road, Map R4 Lot 46, to expand a nonconforming single-family dwelling based on Section 19-4-3.B.4 of the Zoning Ordinance.

Chairman Vaillancourt asked CEO McDougal for the background. The CEO stated that he saw Mr. Christie several months ago concerning an addition on his house. The way his house lays out, it makes more sense to add to the front of the house, rather than the rear of the house, going parallel with the road. The house was built about one hundred years ago prior to any setbacks existing. The house is 16 feet from the front property line. He would like to maintain that setback, not get any closer to the front property line but expand his existing nonconforming house in the manner show in the application. It's a conforming lot in the RA Zone.

The CEO said he did not receive any correspondence concerning this application.

Mr. Christie said the plan is for a bump out to make a first floor master bedroom/ bathroom. They plan on staying in the house for a long time and would like a master bedroom on the first floor. The stairs are from the 1920's and very steep. This would change the house from a two bedroom, two bath to a three bedroom, three bath.

The CEO stated that there was a new septic system installed a few years ago. It is a three bedroom septic. The CEO inspected and approved it.

In response to questions from Mr. Barbieri, the CEO confirmed the front road setback is 40 feet. Mr. Christie replied the new addition would be fully in the setback area. Other considerations were to build up above the sunroom, which wasn't feasible, was less desirable and more expensive. A contractor suggested a bump out in the front.

In response to questions from Mr. Justh, Mr. Christie said the Portico currently exists. Mr. McDougal said the plans show the setback is 11 feet to the Portico and 15 feet to the existing house. Mr. Justh stated that the 16 feet of the addition is not increasing the non-conformity.

The chair noted there were no members of the public logged in to the webinar.

The board discussed interpretation of increasing the non-conformity. Ben referred the board to the definition "Increase in nonconformity of a structure" in the Zoning Ordinance, on page 17. This is what this section was designed for.

Mr. Mosher moved to approve the request of Spencer Christie, owner of the property at 1084 Sawyer Road, Map R4 Lot 46, to expand a nonconforming single-family dwelling based on Section 19-4-3.B.4 of the Zoning Ordinance. The motion was seconded by Mr. Powers. Motion was approved by a roll call vote: 7 – 0.

Findings of Fact:

1. The property is a conforming lot in the RA zone. There is an existing single-family dwelling on the property that is nonconforming.
2. The existing house, built in the 1920's, doesn't meet the required front setback. The owner would like to expand the house without getting closer to the front property line.

Additional Findings of Fact:

1. The Zoning Board of Appeals has considered the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system, and the impact on views.
2. The proposed structure will not increase the nonconformity of the existing structure.
3. The proposed structure is in compliance with the setback requirement to the greatest practical extent.

4. The building reconstruction meets the setback to the greatest practical extent based on the criteria in Section 19-4-3.B.2 in the Zoning Ordinance.

Mr. Justh moved to approve the Findings of Fact and Additional Findings of Fact; Mr. Powers seconded. Motion was approved by a roll call vote: 7 – 0.

E. Communications: None.

F. Adjournment: Chairman Vaillancourt adjourned the meeting 7:37p.m.