APPROVED

Brunswick Zoning Board of Appeals
Meeting Minutes
May 17, 2012

Members Present: William Lamb, David Giles, Shirley Chase, John Poutree, and Sandy Updegraph

Staff Present: Jeffrey Hutchinson, Codes Enforcement Officer

A meeting of the Brunswick Zoning Board of Appeals was held on Thursday, May 17, 2012 at the Hawthorne School Meeting Facility at 46 Federal Street. Chairman William Lamb called the meeting to order at 7:30 P.M.

Codes Enforcement Officer, Jeff Hutchinson reviewed the staff's comments for the board and cited the criteria for a variance by reviewing his Zoning Board of Appeals Application Review dated May 9, 2012.

Case #2326 – Cecilia Nolan

1. In accordance with Section 703.2.C of the Brunswick Zoning Ordinance; Cecilia Nolan, 6 Katherine Street, Brunswick, Maine is requesting a dimensional variance of ten (10) on the right side property line to reduce the side setback from fifteen (15) feet to five (5) feet, to build a 14' X 24' single-story one-car attached garage on the property located at 6 Katherine Street, Map U06, Lot 67 in the Town Residential 4 (TR4) zoning district.

COMMENTS:

The minimum requirement for a side setback in the TR4 zoning district is fifteen (15) feet. Cecilia Nolan, 6 Katherine, Brunswick, Maine is requesting a dimensional variance of ten (10) on the right side property line to reduce the side setback from fifteen (15) feet to five (5) feet, to build a 14' X 24' single-story one-car attached garage on the property located at 6 Katherine Street. When hearing this appeal application, the ***Board*** *should refer to* ***Section 703.2 Variances C …Setback Variance for Single-Family Dwellings****. The Zoning Board Appeals may grant a setback variance for a single-family dwelling only when strict application of this Ordinance to the applicant and the applicant's property would cause undue hardship. The term "undue hardship" as used in this subsection means:*

1. *The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.*

2. *The granting of a variance will not alter the essential character of the locality.*

3. *The hardship is not the result of action taken by the applicant or prior owner.*

4. *The granting of the variance will not substantially reduce or impair the use of abutting property.*

5. *The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.*

Under this subsection, the Zoning Board may only grant a variance from a setback requirement for a single family dwelling that is the primary year-round residence of the applicant. A variance under this

section may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage, provided, however, a variance under this subsection may exceed 20% of the set-back requirement if the applicant has obtained the written consent of an affected abutting landowner.

The Proposal will exceed the setback requirements by 67% along the right side property line therefore, the abutter's written consent is required and has been submitted.

William Lamb opened the Public Hearing.

William Lamb asked the applicant, Cecilia Nolan of 6 Katherine Street to state her case or add any additional information that may be necessary to make the proper decision. Cecilia stated that she is requesting this variance for the construction of a 14 X 24" single story, attached garage for her daughter who has recently had an above knee amputation; the garage is mainly for inclement weather to access the house and car.

James George, neighbor and resident of 4 Katherine Street stated that he was in favor of the variance and thinks that this request for a variance is needed.

William Lamb closed the Public Hearing.

John Poutree stated that he had no objections to the proposal.

Sandy Updegraph stated that she is in support of the appellants request and stated that all 5 (five) criteria have been met. She stated that she was pleased to see a letter from the neighbor in support of the request and a letter from the applicant's daughter's doctor as they were not required.

David Giles stated that he too agrees and approves.

Shirley Chase stated that she approves of this variance request.

William Lamb stated that he is sympathetic to this request and its need; he has no objections to the request for this variance.

David Giles read the variance criteria:

1. *That the need for this variance is due to unique circumstances of the property and not to the general conditions in the neighborhood.*

   This motion carried unanimously 5-0

2. *That the granting of the variance will not alter the essential character of the locality.*

   This motion carried unanimously 5-0

3. *That the hardship is not the result of action taken by the applicant or a prior owner.*

   This motion carried unanimously 5-0

4. The granting of the variance will not substantially reduce or impair the use of abutting property.

This motion carried unanimously 5-0

5. The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

This motion carried unanimously 5-0

Minutes
MOTION BY JOHN POUTREE TO APPROVE THE MINUTES OF MARCH 15, 2012. SECONDED BY SANDY UPDEGRAPH, APPROVED UNANIMOUSLY.

The meeting was adjourned at 7:45 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary