

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
March 17, 2022

PRESENT: Chairman Bentley Mr. Bishop
 Mr. Lonsberry Mr. Amato
 Mr. Coriddi Mrs. Oliver
 Mr. Goodwin-Alternate

EXCUSED: Mr. Morris

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Goodwin-Alternate will participate and vote on all applications tonight. Mr. Amato made a motion to approve the February 17, 2022, minutes as presented. Mr. Lonsberry seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #21-179, Amy Costanzo, owner of property at 4620 Lake Drive, requests an area variance to build a single family home. Proposed home does not meet the north and south side yard setbacks, the front yard setback, and exceeds the height of 26 feet. Public Hearing 7:00PM to 7:15PM.

The public hearing was opened and the notice as it appeared in the official newspaper of the town was read.

The applicant has made several changes to their application so they are going to reapply with a new application.

Chairman Bentley asked if there was anyone in the public that would like to make a comment on this application. Hearing none the public hearing was closed.

Chairman Bentley made a motion to deny the application as presented. Mr. Coriddi second the motion which carried unanimously.

Application#22-016, Mark Palumbo, owner of property at 4638 & 4636 Mayflower Rd, request an area variance to build a single family home. Proposed home does not meet the rear yard setback. Public Hearing 7:20PM to 7:35PM.

The public hearing was opened and the notice as it appeared in the official newspaper of the town was read.

Logan Rockcastle, Marks Engineering, was present and presented the application to the board.

Mr. Rockcastle stated that there is an existing structure on this site. They are also annexing an adjacent parcel. The variance is 16' for a 9' rear setback. The existing structure sets 8.4 feet from the rear property line.

It was explained that the applicant is owner of one of the lots and part owner of the other lot. At the time they go to the Planning Board for site plan for the new build they will also need to apply for subdivision approval annexing both parcels into one.

Mr. Rockcastle stated that they are increasing the building footprint but having the same setback in the rear.

Mr. Amato asked why they are not moving the home forward to eliminate the need for a variance.

Mr. Rockcastle stated that to stay within the character of that street it is nice to be set back a bit from the street. They would like to keep the site the way it is today with a front yard.

Mr. Amato asked if there were any elevations of the new home.

Mr. Rockcastle stated that there are elevations but he doesn't have them with him but can provide them.

Mr. Amato asked if it was a single story or two story.

Mr. Rockcastle stated that it is a single story. It will have the same character as the home that is there.

Chairman Bentley asked if there was anyone from the public that would like to make a comment on this application.

Kerry Ivers, 4642 Mayflower, stated that they don't have any objections to the application. She would like to see the properties in the area maintain a similar setback along the road. She also is wondering what the elevation is going to look like.

Chairman Bentley asked if there was any more comments from the public. Hearing none, the public hearing was adjourned to be re-opened on April 21, 2022, at 7:30PM in the Gorham Town Hall.

Application #22-017, Paul & Brenda Babitz, owners of property at 3658 Nibawauka Bch, request an area variance to build an 8 x 10 shed. Proposed shed exceeds the lot coverage requirement. Public Hearing 7:40PM to 7:55PM.

The public hearing was opened and the notice as it appeared in the official newspaper of the town was read.

Randall Peacock, Architect was present and presented the application to the board.

Mr. Peacock stated that the Babitz would like to put a shed on their property. They are currently in process of an interior renovation of the property and there was a small storage area which is being made smaller for just a couple of garage cans. They need someplace else to store outdoor equipment and lake things. The shed will be 8' x 10'. With the shed the proposed lot coverage will be 48.84%. The existing lot coverage is 48.09%. This is a .75% increase in lot coverage. The shed will just set on the ground. It will not have any kind of foundation.

Mr. Amato asked if they will be putting it on a pad or gravel.

Mr. Peacock stated no that is not the plan.

Chairman Bentley stated that he will be recusing himself from voting on the application.

James Morse, Code Enforcement Officer, stated that he did receive a call from Rick Herman, the neighboring property owner and he is support of the application.

Chairman Bentley asked if there were any comments from the public.

Martha Steele & Scott Biesaart, neighboring property owners stated that they are good with the application as well.

Chairman Bentley asked if there were any more comments from the public. Hearing none the public hearing was closed.

Chairman Bentley stated for the record although the applicant stated that there is no intent for the shed to be placed on gravel it still requires a lot coverage variance whether they put gravel or not. If the variance is approved and they do put gravel it is still permissible.

After discussing the application and reviewing the questions on the back of the application the following motion [attached hereto] was made: Mr. Lonsberry made a motion to grant a .75% for a lot coverage of 48.84%. Mr. Coriddi seconded the motion. Lonsberry, Coriddi, Amato, Oliver, Bishop, & Goodwin voted AYE. Motion carried.

MISCELLANEOUS:

Application #21-190, Sandhya Khurana, owner of property at 4124 Torrey Bch, requests an area variance to build a single family home. Proposed home does not meet the north and south side yard setbacks, the rear yard setback, exceeds lot coverage, and exceeds the height of 22 feet.

Paul Morabito was present and presented the application to the board.

Vivek Kaul & Sandy Khurana, owners of the property were also present.

Mr. Morabito stated that they have reduced the deck. They have gotten the lot coverage on the lake side down below the 50% requirement to 49.6%. The height has been reduced to 23'6" going with a 4 in 12 pitched roof.

Mr. Lonsberry asked if the first floor has been lowered down to 8 feet.

Mr. Morabito stated no, his clients do not desire it to be lowered to 8 feet so the first floor is at 9 feet.

Mr. Lonsberry stated that they would only need a 6" variance if they lowered the ceiling height to 8 feet.

Mr. Lonsberry stated that he commends them for getting the house down so that they are under the 50% lot coverage. But he is still concerned about the height of the building.

Mr. Morabito stated that with the height there is no view that will be block. This house in that neighborhood will not look taller than the other homes in that area.

Mr. Lonsberry stated that the code states 22 feet in height.

Mr. Morabito stated that is why we are asking for a variance.

Mr. Amato stated that it is the job of the board to give only the minimum variance necessary.

Mr. Morabito stated that the footprint of the house is so small that the extra height is going to help in the kitchen for extra storage.

Ms. Khurana expressed that with the house being so small the desire is to have 9' ceilings on the first floor.

Mr. Amato stated that he has noticed that they haven't done anything across the street to reduce the gravel parking lot and move the shed off of the property line.

Mr. Morabito stated that there have been no changes on that side of the street. They heard from the neighbors that the gravel parking area is helpful with mitigating some water issues.

Mr. Kaul stated that with having no garage the shed is their only storage.

Mr. Amato asked if the shed was right on the property line.

Mr. Kaul stated that it has been moved off of the property line. Since they have owned the property they have moved it off of the property line. The shed is moveable.

Mr. Lonsberry stated that the shed only needs to be 5 feet from the property line.

Chairman Bentley stated that if they moved it so that it was 5 feet from the property line it would be in the middle of the lawn area. But in reality they could move it to the end of the gravel.

Mr. Kaul stated that is the only parking space that they have.

Chairman Bentley asked how many cars they could park there.

Mr. Kaul stated that they can only park two there.

Mr. Lonsberry asked how many bedrooms they are planning upstairs.

Mr. Kaul stated most likely two. They haven't gotten that far yet.

Mr. Coriddi asked if they were leaving part of the existing deck.

Mr. Morabito stated that they are leaving the post and the framing and will be putting on new deck boards. The proposed deck will be one level.

Chairman Bentley stated that as he recalls there is going to be no heating or cooling unit outside the end walls.

Mr. Kaul stated that there will be nothing beyond the eaves.

Mr. Amato and Mr. Lonsberry both indicated that they still have a concern with the height.

Chairman Bentley stated that he thinks they have done a phenomenal job getting the requests to a respectable place to be voted on.

Mr. Bishop stated that he feels that if there is any parcel where a variance is needed for height that is acceptable it would be this parcel. Especially since it is not affecting anyone across the street.

Mrs. Oliver stated that she agrees and also the neighboring home is substantially taller.

Mr. Coriddi stated that he also agrees since there is nothing behind this house.

Mr. Amato stated that he would like the shed moved to fit within the required setbacks.

After discussing the application and reviewing the questions on the back of the application the following motion [attached hereto] was made: Chairman Bentley made a motion to grant a front yard setback variance from the high water mark to the house of 6.9' for a 23.1' setback in addition to the variance a deck of 11.7' x 24.3' can be added given an 18.6' variance for a 11.4' setback. A north yard variance of 9.9' on the northwest corner and a 10' variance on the northeast corner as presented on the plan of the 3/17/2022 meeting.

A rear yard variance of 7' for a setback of 23'. A south side yard variance of 9.2' for a setback of 5.8' on the southwest side and a 10' variance for a 5' setback on the southeast side. Total lot coverage on the lake side is 49.6%. The total lot coverage for both lots cannot exceed 56.2%. No further structures can be added to the property. The shed is to be brought into compliance of 5 feet off the rear and side property lines. A height variance of 18" for a height of 23'6". Mr. Coriddi seconded the motion. Roll Call was read with Bentley, Coriddi, Amato, Oliver, Bishop, & Goodwin voting AYE. Lonsberry voting NAY. Motion carried (6-1).

Chairman Bentley made a motion to adjourn the meeting at 8:01PM. Mr. Lonsberry seconded the motion, which carried unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary