

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
June 20, 2019

PRESENT: Chairman Bentley Mr. Lonsberry
 Mrs. Oliver Mr. Coriddi
 Mr. Burley Mr. Amato
 Mr. Bishop

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mrs. Oliver made a motion to approve the minutes of the April 18, 2019, meeting. Mr. Lonsberry seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #19-030, Pierre & Karen Heroux, owners of property at 3780 Meadow View Dr., requests an area variance to build a single family home with attached garage. Proposed home and garage does not meet the north and south side and front yard setbacks and exceeds lot coverage.

Applicant has not submitted anything new for the board's consideration.

There was no one from the public here to comment on the application.

The public hearing was adjourned to be re-opened on July 18, 2019, at 7:00 PM.

Brad and Dolores Kruchten, owners of property at 4124 Torrey Bch, request a rehearing on Application 19-012 for area variances to build a single family home and relocate an existing shed.

Chairman Bentley opened the public hearing and the notice as it appeared in the official newspaper of the Town was read.

Brad and Dolores Kruchten and Scott Harter, Engineer and there architect were present and presented the application to the board.

Chairman Bentley explained that they will be re-discussing application 19-012 because the Zoning Board of Appeals made an error and did not specify that the 2.2 foot setback was for the deck. So by legality the house could be built on the seawall. So they need to modify the decision based on the code.

Chairman Bentley stated that he understands that the Kruchten's want to move the home towards the back about 8 feet to accommodate the view for the neighbors. He went on to explain that in order to do this it will require another public hearing.

Chairman Bentley read from the Zoning Local Law of the Town of Gorham 31.5.4 NON-CONFORMING STRUCTURE OR BUILDING. A building or structure that is conforming in use, but does not conform as to the height, yard, parking, loading or land coverage requirements of this Local Law, shall not be enlarged so as to increase the extent of its non-conformity. However, enlargement of a non-conforming structure shall be permitted, without need for a variance if the enlargement is not located in the Lakefront Overlay zoning district. This parcel is located in the Lakefront Overlay District.

Mr. Kruchten stated that they are not enlarging the deck.

Chairman Bentley stated that they are enlarging it because they are tearing it down and rebuilding it. There is another piece in the zoning that reads. "Does not result in construction closer to the front or side setback than at least 50% of the current building footprint." The town Zoning/Code Enforcement Officer could further explain this better.

Mrs. Kruchten asked what would be considered a tear down. If they were to take the planks off and modify the elevation is that a tear down?

Mr. Bentley stated that they can replace the planks but cannot change the elevation. The footprint is changing as well.

Mr. Kruchten stated that they are changing the footprint to be smaller.

Mrs. Kruchten stated that they are changing the footprint and making it smaller but how they are doing this is making it one elevation. Can a variance be granted for this or are you saying there's no variance for that at all?

Mr. Bentley stated that it can only be done with a variance.

The existing deck is three tiers and the proposed is one tier.

Chairman Bentley stated that they will now discuss the shed.

Mr. Harter stated that the owners would like to have a shed in order to keep their outdoor equipment in an easily accessible area. The shed in its existing condition where it is off of the property line and that is an error that they wish to correct. Which is why they show the shed in a re-located position that they think is reasonable. It is tucked in the corner and there are other sheds along Torrey Beach that are similar in terms of placement. When you apply the setbacks to this little parcel you arrive at a very small plot of land that will enable the shed to be put there unless it was a micro shed they really couldn't fit it in and even if we did it would be right in the center and that's not a very good place to put it. In terms of traffic circulation and cars and that sort of thing might hit it. From a practical perspective they think the shed where shown is reasonable and with going through the approval process they would like to move the shed to that location.

Mr. Kruchten stated that the thought of having them just leave all of their lawn equipment outside is not attractive to the neighbors to not have a shed and leave the wheel barrel and the lawn mower and everything else just sitting outside. They think it is better for the neighborhood to have a shed so they can put everything away verses all the stuff just lying on the grass. The shed is movable. It is on tubes that roll so the shed can be moved back and forth. It's not permanent and is not fixed to the ground at all.

Mrs. Oliver took a picture of the existing shed while she was visiting the site and presented the picture to the board. The picture showed that there are bushes and trees behind the shed.

Mr. Harter stated that when they apply the setbacks that are published and take into consideration the sanitary sewer easement they end up with a very small area to put the shed.

The neighbors to the north stated that any of the variances on the east side that they can offer some kind of solution, some kind of easement so that the shed could move over.

It was found that the shed is less than 144 sq. ft. so the side setback requirement is 5 feet and the rear is 20 feet. With the proposed placement of the shed only a rear yard variance needs to be requested.

Mr. Amato questioned the existing conditions-coverage calculations. He questioned if the steps on the deck were figured in the calculations.

Mr. Harter stated that at this time he is unsure what calculation he included the steps in but can assure the board that they were included in the calculations.

Mr. Bentley stated that the proposed sq. ft. of the home is 78 sq. ft. less than the existing.

Mr. Harter stated that the reason the house is getting smaller is because the current house does not comply with the town's side setbacks and the proposed house setbacks are further from the lot line and is taken to the eaves. The house is also moved forward making the proposed deck smaller.

Mr. Amato questioned whether they were going to still have a gravel parking area.

Mr. Harter stated that they were going to put in pavers that offer a 50% reduction, which is shown in the proposed conditions.

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

Mrs. Madara stated that she submitted a letter to the town of Gorham expressing a concern with obstructing their view to the south. She presented photos of the current view from their window and deck and a photo representing what they would see of the home was built in the proposed location. The letter and photos will be kept in the file.

Mrs. Madara stated that they are happy to do what they can do to help. They are more than neighbors they are friends and they want the Kruchten's to have the house that would give them the most enjoyment for their family at the lake and we want the same for ourselves and hope that's the resolution that will come, that they are allowed variances here.

Mr. Madara stated that they have discussed this with Carol Stern the neighbor to the south and she is completely behind accommodating the needs in a reasonable respectful fashion also.

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

After discussing the application and reviewing the questions on the back of the application the following motion was made [attached hereto]: Chairman Bentley made a motion to annul the 10 foot variance on the north and south side for a 5 foot setback. Annul the 27.8 foot variance for a 2.2 foot setback from the high water mark. Annul 3.4 foot variance for a 26.6 foot setback from the road right of way. Annul 50% lot coverage maximum on the lakeside and annul the total lot coverage not to exceed 50%. Mr. Amato seconded the motion, which carried unanimously. Chairman Bentley made a motion to grant a 15 foot variance for a 5 foot setback from the rear yard of the non-lake side for the placement of a shed. Mr. Lonsberry seconded the motion, which carried unanimously.

Mr. Lonsberry made a motion to adjourn the meeting at 8:34. Mr. Coriddi seconded the motion, which carried unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary