

TOWN OF CAPE ELIZABETH
MINUTES OF THE ZONING BOARD

MAY 22, 2007

7:00 PM TOWN HALL

MEMBERS PRESENT:

JAY CHATMAS
JOHNSON

DAVID

LEN GULINO
HOWE

PETER

PETER BLACK

ABSENT: JIM WALSH

Mr. Gulino opened the meeting with the first order of business.

OLD BUSINESS: To hear the request of Sharalyn & David Andrews, 15 Grover Road, Tax Map U20, Lot 6F for a right side property line variance of fourteen (14) feet from the required twenty-five (25) feet to construct a 28' x 28' garage with storage above at eleven (11) feet from said line.

Mr. Gulino asked the applicant to approach the podium to present the application.

Mrs. Andrews came forth and gave an overview of the application from the previous month in which she did not have the comparables to allow a variance. After closer inspection of the properties, they determined that 101 Fowler Road setbacks were 9' 11", which would give her the amount of comparables needed for a variance.

Mr. Gulino thanked the applicant and opened Board discussion.

The Board verified that it was 101 Fowler Road, Map U20, Lot 6A, that had the amended setbacks that would give the applicant the necessary comparables.

Mr. Gulino suggested that since this was the only item that had been questioned from the prior meeting, the Board vote on the item.

CONCLUSIONS

1. The proposed variance is not a substantial departure from the intent of the Ordinance.
6 in favor, 0 opposed, 0 abstained
2. A literal enforcement of the Ordinance would cause a practical difficulty.
6 in favor, 0 opposed, 0 abstained
3. The need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.
6 in favor, 0 opposed, 0 abstained

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties.
6 in favor, 0 opposed, 0 abstained
5. The practical difficulty is not the result of action taken by the applicant or a prior owner.
6 in favor, 0 opposed, 0 abstained
6. No other feasible alternative to a variance is available to the petitioner.
6 in favor, 0 opposed, 0 abstained
7. The granting of a variance will not unreasonably adversely affect the natural environment.
6 in favor, 0 opposed, 0 abstained
8. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.
6 in favor, 0 opposed, 0 abstained

JUDGEMENT

A motion was made by Mr. Chatmas to approve the variance appeal and seconded by Mr. Black.

6 in favor, 0 opposed, 0 abstained.

With no further business, Mr. Gulino asked for a motion to adjourn.

Mr. Black made a motion to adjourn, and Mr. Howe seconded the motion.

Meeting adjourned at 7:20pm

Respectfully submitted,

Laurie Palanza

