

TOWN OF CAPE ELIZABETH  
MINUTES OF THE ZONING BOARD

MEMBERS PRESENT:

JAY CHATMAS

PETER HOWE

LEN GULINO

JIM WALSH

PETER BLACK

MALCOLM WEATHERBIE

Mr. Gulino opened the meeting with the first order of business being approval of the last the April & May 2007 minutes.

Mr. Chatmas made a motion to accept both months as written. Voted unanimously.

OLD BUSINESS: None

NEW BUSINESS: To hear the request of Matthew Faulkner, 61 Beach Bluff Terrace, Tax Map U10, Lot 20A for a front property line variance of six (6) feet from the required twenty-five (25) feet and a right side property line variance of six (6) feet from the required twenty-five (25) to construct a new two story dwelling at nineteen (19)ft at both the front and right side property lines.

Mr. Gulino asked the applicant to approach the podium to present the application. He also congratulated the applicant on such a well presented application.

Mr. Faulkner stated he would answer any questions presented from the Board .

The Board questioned why the decks couldn't be adjusted to correct setback problems.

Mr. Smith stated that the decks meet the setback so they only need to address the building.

The Board questioned if all the residents on the street signed their approval of the application and the measurements of the neighbors that meet setbacks.

Mr. Faulkner confirmed all the neighbors with the exception of an elderly neighbor signed the application.

Ann Rand, 61 Beach Bluff Terrace confirmed that in the application the properties in red are for setback against the deck, which is not needed, and the bold are less than the required 25ft setback.

Mr. Chatmas stated that the square footage could be an issue. He asked the applicant if they had any alternatives.

Mr. Faulkner stated that they could scale it back immediately to 1800 sq.ft. to be in compliance.

The Board questioned lots 28,30, & 31 as they were not included in the application.

Mr. Faulkner stated that Northeast Civil Solutions, that helped create the application, only used what was needed for a variance.

Mr. Gulino closed the presentation and asked questions from the Board.

Mr. Gulino confirmed that the applicant was willing to modify their request from 36' x 26' to 36' x 25'.

He stated that with the reduction they meet the abutter requirements.

Mr. Gulino confirmed that the application could be approved as amended with Mr. Smith.

Mr. Smith confirmed that.

Mr. Gulino asked the Board if they were willing to vote. Hearing yes, he proceeded to vote.

#### 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. Black to approve the variance appeal as amended.

Mr. Gulino asked to clarify the motion by moving to approve the appeal of Matthew Faulkner from the Zoning Ordinance Sec. 9-6-1, that the applicant request a front property line variance of six (6) feet from the required twenty-five (25) feet and a right side property line variance of six (6) feet from the required twenty-five (25) to construct a new two story dwelling at nineteen (19)ft at both the front and right side property lines. The request has been amended that the proposed structure will not exceed 1800 sq. ft. and this will be accomplished by limiting the structure to 36' x 25'.

Mr. Walsh seconded the motion.

Mr. Gulino asked if there was any more business for the evening. Hearing none, he asked for a motion to adjourn.

Mr. Black made a motion to adjourn.

Meeting adjourned at 7:35 p.m.

Respectfully submitted,  
Laurie