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Town of Cape Elizabeth Minutes of the August 26, 2014 Zoning Board of Appeals Meeting

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Present:

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Josh Carver	Matthew Caton	Michael Tadema-Wielandt
John Thibodeau	Michael Vaillancourt	

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The Code Enforcement Officer (CEO), Benjamin McDougal, and the Recording Secretary, Carmen Weatherbie, were also present.

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A. Call to Order: Chairman Josh Carver called the meeting to order at 7:00 p.m.

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B. Approval of Minutes:

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1. Approval of the Minutes for July 22, 2014: A motion to approve the minutes was made by Mr. Thibodeau; seconded by Mr. Vaillancourt. All were in favor. Vote: 5 – 0.

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C. Old Business: None.

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D. New Business:

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1. To hear the request of Louise Bilodeau, the owner of the property at 1114 Sawyer Road (Map R04, Lot 49A) to create an Accessory Dwelling Unit in the basement of an existing single family dwelling.

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Michael Bomser and Louise Bilodeau came to the podium. Ms. Bilodeau stated they live at 1114 Sawyer Road and are seeking permission to create an in-law apartment in an existing space in their house. Mr. Bomser stated the house was purchased early this spring. They thought that the layout and walkout basement was suitable for an in-law apartment for immediate family, specifically Louise's mother and father. In preparation for the application, the land has been surveyed, the septic system has been inspected, and calculations made to properly scale an apartment to the house.

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In response to questions, Mr. Bomser said the septic system is sound. It is a three-bedroom house with a four-bedroom septic.

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The CEO stated the septic meets state code requirements and explained the process to permit an expansion the septic system, which they have done. They are in compliance with Ordinance Section 19-7-5 B-1.

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In response to questions, Mr. Bomser said that the path to the apartment would be part of the renovation. It would be an extension of the existing brick walkway. It would comply with the conditional use permit and be directly off the parking area. There is parking for three cars side-by-side.

1 CEO McDougal stated they comply with all regulations for a conditional use permit. He
2 had received no correspondence from the public.

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4 Finding no public comment, Chairman Carver closed the floor.

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6 Mr. Vaillancourt moved to approve the request for a Conditional Use Permit to create an
7 Accessory Dwelling Unit in part of the basement of an existing single family dwelling at
8 1114 Sawyer Road. Mr. Thibodeau seconded. All were in favor. Vote 5 – 0.

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10 **Findings of Fact:**

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12 1. This is a request for a Conditional Use Permit to create an Accessory Dwelling Unit
13 in part of the basement of an existing single family dwelling per Section 19-7-5 of the
14 Zoning Ordinance.

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16 2. The subject property is 1114 Sawyer Road (Map R04, Lot 49A). Louise Bilodeau is
17 the owner of record.

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19 3. No expansion or exterior changes are proposed for the house.

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21 **Additional Findings of Fact:**

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23 1. The proposed use will not create hazardous traffic conditions when added to existing
24 and foreseeable traffic in its vicinity.

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26 2. The proposed use will not create unsanitary conditions by reason of sewage
27 disposal, emissions to the air, or other aspects of its design or operation.

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29 3. The proposed use will not adversely affect the value of adjacent properties.

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31 4. The proposed site plan and layout are compatible with adjacent property uses and
32 with the Comprehensive Plan.

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34 5. The design and external appearance of any proposed building will constitute an
35 attractive and compatible addition to its neighborhood, although it need not have a
36 similar design, appearance or architecture.

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38 6. The applicant has demonstrated compliance with the requirements in Section 19-7-
39 5.B of the Zoning Ordinance.

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41 All were in favor of the Findings of Fact and Additional Findings of Fact. Vote 5– 0.

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44 2. To hear the request David Matero Architecture to replace and expand an existing
45 non-conforming garage at 20 Woodland Road (Map U1, Lot 23) based on Section 19-4-
46 3.B.3. of the Zoning Ordinance.

1 John and Nancy Norton came to the podium. Mr. Norton stated they were the owners
2 of 20 Woodland Road. They have lived there since 1981 and they intend to continue
3 living there. They want to do some renovations to the house and the garage to prepare
4 for aging in place. They want to lengthen the garage to put in a staircase to the second
5 floor to replace the current pull-down stairs.

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7 David Matero stated he was an architect from Bath. He explained the expansion of the
8 20 square foot garage structure to accommodate the stairs. They do not want to raise
9 the roof, but wish to add dormers on both sides. The domers would not go to the wall
10 but would allow increased headroom upstairs. The garage would be four feet longer,
11 toward Woodland Avenue. It would not encroach any further on the side lots. It would
12 not increase the height or non-conformity of the structure; it would be going parallel to
13 the lot line. And to do that, the garage will need to be rotated about one degree.

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15 The CEO mentioned that the definition of increasing non-conformity is in the Zoning
16 Ordinance. He stated this would not be increasing the non-conformity by definition
17 because it is not getting closer to the property line.

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19 In response to questions, Mr. Matero said it was expending the original footprint and
20 increasing floor area. Mr. Matero explained the photos in the package. He said this
21 would have no impact on neighbors. It is a 1929 garage. The old slab would be
22 removed and replaced.

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24 CEO McDougal said no correspondence was received concerning this request.

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26 Finding no public comment, Chairman Carver closed the floor.

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28 Board discussion addressed the reconstruction and Ordinance Section 19-4-3 B.3. The
29 setback being met to the greatest practical extent and the extension/expansion not
30 increasing the non-conformity.

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32 Mr. Tadema-Wielandt amended his motion to the following: to grant the request of
33 David Matero Architecture to replace and expand an existing non-conforming garage at
34 20 Woodland Road (Map U1, Lot 23) based on Section 19-4-3.B.3. of the Zoning
35 Ordinance. Mr. Vaillancourt seconded. All were in favor. Vote 5– 0.

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37 **Findings of Fact:**

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39 1. This is a request of David Matero Architecture, representing Nancy Norton, to
40 reconstruct and enlarge a non-conforming garage structure per Section 19-4-3.B.3. of
41 the Zoning Ordinance.
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43 2. The subject property is 20 Woodland Road (Map U01, Lot 23). Nancy Norton is the
44 owner of record for the subject property.
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46 3. 20 Woodland Road is a nonconforming lot in the RC Zone. There is currently a
47 nonconforming detached garage structure along with a single family dwelling on the lot.
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1 **Additional Findings of Fact:**

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3 1. The Zoning Board of Appeals has considered the size of the lot, the slope of the
4 land, the potential for soil erosion, the location of other structures on the property and
5 on adjacent properties, the location of the septic system and other on-site soils suitable
6 for septic systems, the impact on views, and the type and amount of vegetation to be
7 removed to accomplish the relocation.

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9 2. The proposed structure will not increase the nonconformity of the existing structure.

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11 3. The proposed structure is in compliance with the setback requirement to the greatest
12 practical extent.

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14 All were in favor of the Findings of Fact and Additional Findings of Fact. Vote 5 – 0.

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16 **E. Communications:** None.

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18 **F. Adjournment:** Mr. Thibodeau moved to adjourn; Mr. Vaillancourt seconded. All
19 were in favor. Vote 5 – 0. Chairman Carver adjourned the meeting 7:38 p.m.