

Town of Cape Elizabeth
Minutes of the August 23, 2016
Zoning Board of Appeals Meeting

Present:

Josh Carver
Michael Tadema-Wielandt

Matthew Caton
Michael Vaillancourt

John Craford
Stanley Wisniewski

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

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

B. Approval of Minutes:

1. Mr. Vaillancourt moved to approve the minutes of June 28, 2016, seconded by Mr. Wisniewski. The members in attendance at that meeting were in favor. Vote: 5 – 0. Mr. Tadema-Wielandt abstained.

C. Old Business: None.

D. New Business: To hear the request of Jack and Bobbi Lucas, owners of the property at 7 Lighthouse Point Road, Map U14 Lot 36G, to have an Accessory Dwelling Unit above their garage.

Mr. Lucas came to the podium and explained that they would like to turn the “Flex Room” above their garage, accessible from the Mud Room, into an Accessory Dwelling Unit.

In response to questions, Mr. Lucas stated their intent is so that someone can stay at the house, without actually being in the main living area, while they are away during the winter. They envision it as being similar to a mother-in-law apartment or a guest room with a separate entrance. They were not sure who would use the unit - family or renter. The home has a bedroom that is used for a personal office; it is not a business office. They are not requesting additional parking; there are two spaces outside, two spaces inside the garage and the 248-foot driveway has room.

The CEO stated that no comments had been received.

There were two public commenters: Tom Egan, Manager of an LLC that owns an unbuildable lot that abuts this property and another property with the Sunrise Drive right-of-way that abuts this property, and Susan Johnston of 2 Lighthouse Point Road. Both expressed the same concern about this being a neighborhood of year-round homes and the increasing concern about rental properties in the neighborhood. The

Ordinance should be observed, the law should not be abused and since this property is listed for sale, that the successors comply.

CEO McDougal commented that an Accessory Dwelling Unit would not qualify for rental. By definition it should be used by family or close personal friend. The CEO would not give a permit for short-term rental of an Accessory Dwelling Unit. If an issue arose a Notice of Violation would be given.

Board members cautioned the Lucases about the marketing of the property in regard to rental potential. Board members agreed that the application met all the requirements of the Ordinance. Mr. Vaillancourt moved to approve the request of Jack and Bobbi Lucas, owners of the property at 7 Lighthouse Point Road, Map U14 Lot 36G, to have an Accessory Dwelling Unit above their garage at that property. Mr. Tadema-Wielandt seconded. All were in favor. Vote: 6 – 0.

Findings of Fact:

1. This is a request for a Conditional Use Permit to create an Accessory Dwelling Unit above the garage in an existing single family dwelling per Section 19-7-5 of the Zoning Ordinance.
2. The subject property is 7 Lighthouse Point Road (Map U14 Lot 36G). Jack and Bobbi Lucas are the owners of record and currently reside in the house.
3. No expansion or exterior changes are proposed for the house.

Additional Findings of Fact:

1. The proposed use will not create hazardous traffic conditions when added to existing and foreseeable traffic in its vicinity.
2. The proposed use will not create unsanitary conditions by reason of sewage disposal, emissions to the air, or other aspects of its design or operation.
3. The proposed use will not adversely affect the value of adjacent properties.
4. The proposed site plan and layout are compatible with adjacent property uses and with the Comprehensive Plan.
5. The applicant has demonstrated compliance with the requirements in Section 19-7-5 of the Zoning Ordinance.

All were in favor of the Findings of Fact and Additional Findings of Fact. Vote: 6 – 0.

F. Adjournment: Mr. Wisniewski moved to adjourn. All were in favor. Vote: 6 – 0. Chairman Carver adjourned the meeting at 7:26 p.m.