

Town of Cape Elizabeth
Minutes of the December 7, 2016
Zoning Board of Appeals Meeting

Present:

Josh Carver
Aaron Mosher
Stanley Wisniewski

Matthew Caton
Michael Tadema-Wielandt

John Craford
Michael Vaillancourt

The Code Enforcement Officer (CEO), Benjamin McDougal, and Recording Secretary, Carmen Weatherbie, were also present. With a quorum present, Aaron Mosher was excused.

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

B. Approval of Minutes: Mr. Wisniewski moved to approve the minutes of September 27, 2016, seconded by Mr. Vaillancourt. The members in attendance at that meeting were in favor. Vote: 5 – 0. Chairman Carver abstained.

C. Old Business: None.

D. New Business:

1. To hear the request of Erik R. Kruger and Maureen P. Quinlan to expand a nonconforming portion of their house by adding a second story addition based on Section 19-4-4.B.4 of the Zoning Ordinance. The subject property is 33 Beach Bluff Terrace, Map U10 Lot 26.

Mr. Kruger said they have lived in this house for 20 years, this coming August. This was their second time submitting this request; the first was withdrawn while the pertinent section of the Ordinance was being rewritten. In the mean time they completed Phase I on the first floor: expanding the kitchen into the space that was the den and raising the ceiling. Now they would like to add a den, bathroom and closets on a second floor over the kitchen.

In response to questions Mr. Kruger replied it was nonconforming because it doesn't meet setbacks. There is 28 feet to the West and 16 feet to the East - the side of 29 Beach Buff Terrace. They are just building up on the same footprint. The survey was done last winter.

Chairman Carver stated that this now falls under the new Ordinance Section 19-4-3.B.4, Enlargement versus B.3, Reconstruction.

There was no public comment.

Mr. Vaillancourt moved to approve the request of Erik R. Kruger and Maureen P. Quinlan, owners of the property at 33 Beach Bluff Terrace, Map U10 Lot 26, to expand a portion of their house vertically over existing living space based on Section 19-4-3.B.4 of the Zoning Ordinance. Mr. Craford seconded. All were in favor. Vote: 6 – 0.

Findings of Fact:

1. This is a request of Eric R. Kruger and Maureen P. Quinlan, owners of the property at 33 Beach Bluff Terrace, Map U10 Lot 26, to expand a portion of their house vertically over existing living space based on Section 19-4-3.B.4 of the Zoning Ordinance.

2. The subject lot is a nonconforming lot in the RA Zone.

Additional Findings of Fact:

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

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

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

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

New Business 2. The 2017 meeting schedule was discussed. The November and December meetings will be combined on a date to be determined.

F. Adjournment: Mr. Wisniewski moved to adjourn. All were in favor. Vote: 6 – 0. Chairman Carver adjourned the meeting at 7:16 p.m.