



TOWN GRAY
ZONING BOARD OF APPEALS
AGENDA • MAY 26, 2021

**Zoning Board of
Appeals Regular
Meeting**

Online via Zoom
<https://zoom.us/j/7433264592>

7:00 PM

I. MEETING COMMENCES

Roll Call

II. MINUTES APPROVAL

a. Approval of April 28, 2021 Meeting Minutes

III. NEW BUSINESS: PUBLIC HEARINGS

a. Tibbetts Variance Request:

Daniel Tibbetts is requesting a variance (practical difficulty) to consider front setback reduction to allow for a farmer's porch to be added to a single-family dwelling located at 1 Nolan's Way, as shown on Tax Map 32, Lot 315-78, located in Lake Zoning District. The front setback in the Lake Zoning District is fifty feet (50').

b. DeRice Variance Request:

Andrew DeRice and Julie DeRice are requesting a variance (shoreland) for a front setback reduction for a 24'x26' garage at 164 Lyons Point Road Tax Map 40, Lot 315-43, located in the Limited Residential (Shoreland) Zoning District. The front setback in Limited Residential (shoreland) Zoning District is twenty-five feet (25').

IV. ADJOURNMENT

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

Town of Gray
Zoning Board of Appeals Minutes
April 28, 2021

Regular Meeting

Henry Pennell Municipal Complex

7:00 PM

24 Main Street, Gray, ME 04039

I. Meeting Commenced at 7:04 p.m.

Attendee Name	Title	Status	Arrived
Brad Fogg	Chair	Present	
Lena Reichardt	Vice Chair	Present	
John Swiger	Board Member	Present	
Joshua Sibert	Board Member	Present	
Scott Dvorak	Code Enforcement Officer	Present	
Sharon Young	Town Council Liaison	Present	

This meeting was held virtually.

II. Minutes Approval

- a. Zoning Board of Appeals - Regular Meeting – February 24, 2021

Motion to approve the Minutes of the February 24, 2021 meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lena Reichardt, Vice Chair
SECONDER:	John Swiger, Board Member
AYES:	Fogg, Reichardt, Swiger, Sibert

III. New Business: Public Hearing

The agenda listed a)Hardship Variance and b)Administrative Appeal. During the meeting, the Board acted on the Administrative Appeal first and then then the Hardship Variance, therefore they are reflected in the proper position below).

- a. Conroy Administrative Appeal

Sharline Conroy is requesting an Administrative Appeal for a denied permit under Shoreland Zoning Ordinance 403.12.C.3 for 136 Birchwood Road, Tax Map 18, Lot 307-25, located in the Limited Residential (Shoreland) Zoning District.

Sharline and Dennis Conroy were present. They informed the Board they obtained the engineer’s report from SRG Engineering and had provided a copy which was in the agenda packet. They also submitted letters from three residents expressing their support. Their request was for a height of 11 ft. above the height restriction of 20 ft. They said the CEO visited the property and upon review, an adjustment of 4 ft was identified, leaving them with the need of a 7 ft. variance instead of an 11 ft. variance.

Scott Dvorak explained an updated engineer report was requested since the original one was outdated, and he wondered if the foundation may have become unstable. The new engineer’s report indicates it is fine.

Mr. Conroy explained there will be no obstructed views of the water from behind this small cape house as that lot is unbuildable. He is not asking for setbacks or sidebacks. He explained they put a cap on the foundation in January to protect it. He also explained it is a 10” foundation instead of an 8” foundation. Mrs. Conroy expressed the need for the additional 7 ft. in order to have an upstairs bedroom (loft). They currently plan one bedroom on the main floor but want the additional bedroom upstairs so they can have friends and family visit and stay.

John Swiger asked the applicants if they received copies of the two DEP letters which the Board received. The Conroys stated they had not received the letters. Chair Fogg read one of the letters from Jeffrey Kalinich, Assistant Shoreland Zoning Coordinator of Bureau of Land Resources, during the meeting. Mr. Conroy said they were at a disadvantage as they did not receive these letters.

Josh Sibert expressed his disagreement with DEP, and feels it is insulting that DEP says a hardship doesn’t exist considering the death, fire, and legal complications the applications have dealt with. Lena Reichardt explained that they need to work with the specific definition of hardship of a variance and all four specific criteria would have to be met.

Chair Fogg asked Scott Dvorak if DEP had knowledge of the legal issues that the applicants dealt with and therefore didn’t meet the 18-month requirement due to ownership issues. Mr. Dvorak said that DEP was aware of the history of the property including the fire, that the applicant’s mother passed away, and there were probate court issues.

Board members discussed voting on the Administrative Appeal first as that would determine if they have the ability to rebuild.

MOTION to grant an Administrative Appeal for a denied permit under Shoreland Zoning Ordinance 403.12.C.3 for 136 Birchwood Road, Tax Map 18, Lot 307-25, located in the Limited Residential (Shoreland) Zoning District.

RESULT:	APPROVED [3-1]
MOVER:	Lena Reichardt, Vice Chair
SECONDER:	John Swiger, Board Member
AYES:	Fogg, Reichardt, Sibert
NAY:	Swiger

b. Conroy Hardship Variance (Tabled from January 27, 2021)

Sharline Conroy is requesting a Variance (hardship) to consider height for the reconstruction of a single-family dwelling on an existing foundation located at 136 Birchwood Road, as shown on Tax Map 18, Lot 307-25, located in the Limited Residential (Shoreland) Zoning District. Dwellings within 25-75 feet of the normal high-water line in Limited Residential (Shoreland) Zoning District cannot exceed a 20-foot maximum building height.

John Swiger suggested this be tabled as the applicants didn't have the DEP letters. That would provide time for them to speak to someone about building something different. Chair Fogg asked the applicants if they could do without the loft. Sharline Conroy explained they want the loft area for a bedroom, and it is important to have the peak part of the cape. She explained it would look terrible without it.

Chair Fogg asked if there were comments from the public – there were none.

Josh Sibert stated he felt it was in the spirit of the law to protect the neighbors and feels this would help their values. He said as a realtor, he views that it could make a \$100,000.00 difference in value having one bedroom vs. two. John Swiger didn't think they should consider value for future sale.

Lena Reichardt asked about the dimensions of the foundation and was told it is 26' x 36' for a total of 936 sq. feet. She suggested that is sufficient to have a second bedroom downstairs. Mr. Conroy said the upstairs loft portion was to be 300 sq. feet. Josh Sibert said this reduces their home by 30% without the loft. Mrs. Conroy explained the downstairs is planned with a great room, small office, and one bedroom. She said it will destroy the cute little cottage if they can't do the loft as it is a simple cottage, nothing extravagant.

Brad Fogg stated he didn't think they could grant the hardship. He referenced the letter from DEP, and also that he is aware of many homes with living space under 1000 sq. ft. so therefore there is reasonable floor space in this 936 sq. ft. space.

Lena Reichardt stated it feels like stretching the letter of law already by using the current foundation. She cautioned they be careful, since the ZBA can be overruled by DEP which can be problematic for the town which the Board represents. She asked if the state requires the height restriction or if that is just in Gray. Scott Dvorak said the 2015 state guidelines dictate the height requirement. Josh Sibert stated his wish is to grant this and risk being overruled by DEP. Mrs. Conroy expressed they are not being unreasonable, and it will ruin the cuteness of the home if this isn't granted.

Chair Fogg asked if there were public comments – there were none. After the vote on a), Chair Fogg stated that kills the hardship variance appeal as all four criteria must be met.

a. That the land in question cannot yield a reasonable return unless a variance is granted.

RESULT:	FAILED [1-3]
MOVER:	Lena Reichardt, Vice Chair
SECONDER:	Josh Sibert, Board Member
AYES:	Sibert
NAYS:	Fogg, Reichardt, Swiger

Lena Reichardt said the neighbors are in agreement. Josh Sibert said this isn't good economically for the town if it isn't granted. Chair Fogg explained they can't take economics into account. Mr. Conroy explained his wife had to leave the meeting and is distraught over the situation. Mr. Fogg stated he is empathetic to the applicants but the Supreme Judicial Court doesn't look at emotions; it looks at the law. John Swiger called a Point of Order; since the Chair said the variance cannot pass since a) failed, he wasn't sure they should continue as this discussion is painful to the applicants. Scott Dvorak said they need to go through all of the criteria so there are no questions later. The Board voted on b).

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lena Reichardt, Vice Chair
SECONDER:	Josh Sibert, Board Member
AYES:	Fogg, Reichardt, Swiger, Sibert

Lena Reichardt explained this is similar to b) as there are letters on file from neighbors attesting to the character of the locality, etc. The Board voted on c).

c. That the granting of a variance will not alter the essential character of the locality.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lena Reichardt, Vice Chair
SECONDER:	Brad Fogg, Chair
AYES:	Fogg, Reichardt, Swiger, Sibert

Josh Swiger said this issue was caused by a change in the law, nothing the applicants did. Brad Fogg mentioned they couldn't apply since the property was held up in the state system. Lena Reichardt mentioned that possibly all parties involved might have applied while ownership was being determined but then two other things, the fire and the changing of the law which happened, were beyond the control of the applicants. The Board voted on d).

d. That the hardship is not the result of action taken by the applicant or a prior owner.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brad Fogg, Chair
SECONDER:	Lena Reichardt, Vice Chair
AYES:	Fogg, Reichardt, Swiger, Sibert

The Board then moved on to the main motion. Chair Fogg stated that statutorily speaking, their hands are tied since all four criteria didn't pass, therefore the Board cannot grant the hardship variance.

Motion: The Zoning Board of Appeals grants the Variance (hardship) to allow additional 7 ft. height above 20 ft. height requirement for the reconstruction of a single-family dwelling on an existing foundation located at 136 Birchwood Road, as shown on Tax Map 18, Lot 307-25, located in the Limited Residential (Shoreland) Zoning District. Dwellings within 25-75 feet of the normal high-water line in Limited Residential (Shoreland) Zoning District cannot exceed a 20-foot maximum building height.

RESULT:	FAILED [1-3]
MOVER:	Lena Reichardt, Vice Chair
SECONDER:	Josh Sibert, Board Member
AYES:	Sibert
NAYS:	Fogg, Reichardt, Swiger

IV. Adjournment at 8:24 p.m.

Motion to adjourn at 8:24 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Josh Sibert, Board Member
SECONDER:	Lena Reichardt, Vice Chair

Chair Fogg adjourned the meeting at 8:24 p.m.



VARIANCE APPLICATION - PRACTICAL DIFFICULTY
 ZONING BOARD OF APPEALS
 TOWN OF GRAY MAINE

For Office Use Only
 Date Submitted: 5/20/21
 Tent. Sched. for: 5/26/21
 Amount Paid: \$ 250

PROPERTY INFORMATION

Property Location/Address	1 Nolans Way	Property Map/Lot	32.315.78
Zoning District	Residential	Lot Acreage	1.27
Owner Name	Daniel Tibbetts	Owner Phone Number	207-807-4670
Number of Dwelling Units	1		

APPLICANT

Name (IF different than owner)	Daniel Tibbetts	Email Address	dtibbetts@smrtinc.com
Mailing Address	PO Box 910	Contact Phone Number	207-807-4670
Mailing City/State/Zip	Raymond, ME 04071	Alternate Phone Number	

VARIANCE INFORMATION

Per Gray Zoning Ordinance 402.9.2.B.3:

Practical Difficulty Variance: The Board may grant a variance from the dimensional standards of the Zoning Ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

- a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- b. The granting of a 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;
- c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- d. No other feasible alternative to a variance is available to the petitioner;
- e. The granting of a variance will not unreasonably adversely affect the natural environment; and
- f. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

As used in this subsection, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

Describe request (description may be attached separately- plot plan/site map required to be attached)

Requesting a variance for the front setback. Foundation was poured within the 50' setback requirement seeking a variance for 6 1/2' to allow construction of farmers porch. House and garage meet setback requirements

	Current Requirement	Currently Existing	Proposed
Front Setback	50'	45'	43 1/2'
Rear Setback	25'	135'	135'
Side Setback	50'	114'	114'
Other Setback (describe)	Roadside 50'	53 1/2'	52'
Max. Lot Coverage	35,371 ft ²	25,000 ft ²	25,000 ft ²
Min. Lot Area	90,000 ft ²	55,371 ft ²	55,371 approved as part of sub division
Min. Street Frontage	200'	219'	219'
Other (describe)	NA	NA	NA

CRITERIA- BRIEFLY DESCRIBE HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING:

a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

The current lot is a corner lot that has three 50' setbacks required making placement of home difficult with the current drive installed per approved subdivision plan.

b. The granting of a 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;

The proposed farmers porch will increase value of subject home and surrounding properties.

c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;

House was staked out at a location that met all setback requirements originally, but foundation was moved forward by excavation contractor while digging. Foundation was also poured at front of the ~~note not rear as instructed.~~

d. No other feasible alternative to a variance is available to the petitioner;

Setback violation was not discovered until foundation was poured and main house was framed. Moving the structure at that point was not possible due to the limit of construction loan available.

e. The granting of a variance will not unreasonably adversely affect the natural environment; and

the total disturbed area will not exceed what was originally planned or the amount allowed per subdivision approval.

f. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

Property is not located within shoreland areas.

Per Gray Zoning Ordinance 402.9.2.B.4:

Variance Review Criteria: In hearing variance appeals under this section, the Board of Appeals shall determine that the applicant has demonstrated that all of the undue hardship or practical difficulty criteria in sub-Sections 2 and 3 above have been met. Additionally, the Board shall consider the following criteria in its decision to grant any variances or impose conditions:

- What effect will the proposed variance have on the prevailing character of the area?
- Does the proposed variance require special screening or fencing to separate or protect the property of abutting owners?
- Will the proposed variance create drainage, erosion or flooding problems?
- Will the proposed variance increase water pollution?
- Will the proposed variance generate vehicular traffic, access circulation or parking conditions which create hazardous situations?
- Will granting of the variance violate any of the performance standards of this Ordinance apart from the specific relief authorized by this Section?
- Will the proposed variance create to any degree nuisances to abutting property owners?
- Is the variance request the least modification of the Zoning Regulations necessary to afford relief?
- In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

PLEASE REFER TO THE CURRENT FEE SCHEDULE FOR APPLICABLE FEES TO INCLUDE REQUIRED ADVERTISING AND ABUTTER NOTIFICATIONS

Applicant Signature

Daniel Tibbetts

Printed Name

Daniel Tibbetts

Date

5/2/21

The single-family home located at 1 Nolans Way is currently under construction for the main house and garage. Construction of the farmers porch was stopped after a site survey was conducted by the lender and revealed the farmers porch would be within the 50' front setback required by the approved subdivision plans. I self-reported the violation to code enforcement and was told that a variance would be required before the farmers porch could be built so construction was stopped at that time. I originally staked out the location of the house and garage that exceeded setback requirements, but in the process of the excavator clearing the lot those stakes were removed and the hole for the foundation was not dug in the desired location. The house and garage meet the current setback requirements, but the farmers porch as currently designed would be in violation of the front setback requirement of 50'. I am requesting a variance of 6 ½' to allow construction of the porch including the overhang to match those of the current home. The frost walls for the farmers porch were poured at the same time as the foundation walls for the main house so those are currently in place. In granting the variance none of the following conditions would be created:

- a. The construction of proposed farmers porch would not have any effect on the prevailing character of the area that it is being constructed. All four of the homes currently built in the subdivision currently have porches so constructing the porch will blend in with the homes in the subdivision.
- b. The proposed porch will not require any special screening or fencing to separate or protect it from abutting properties. Lot is a corner lot with one abutting property owner and the home was built with a generous side set back on that side of the lot.
- c. The proposed porch will not create any drainage, erosion or flooding problems for the lot or the surrounding homes in the subdivision.
- d. The construction of the farmers porch will not increase water pollution.
- e. The proposed farmers porch will not generate any vehicle traffic, access circulation or parking conditions that would create a hazardous situation. The current proposed paving shown around the structure in the drive entrance application will remain as proposed.

- f. The granting of this variance will not violate any of the other requirements or performance standards required by the Ordinance or the approved subdivision plan.
- g. The farmers porch will not create any nuisance to the abutting property owners. The porch will help reduce any glare created from the interior lighting of the house.
- h. The variance request is the least modification of the zoning regulations that would be required to construct the farmers porch and allow for over hangs to match the existing 18" over hangs of the current home.
- i. Any reasonable conditions and safeguards that the Board attaches to granting this variance will be strictly adhered to.

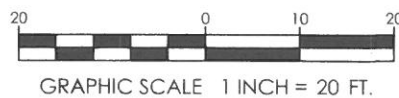
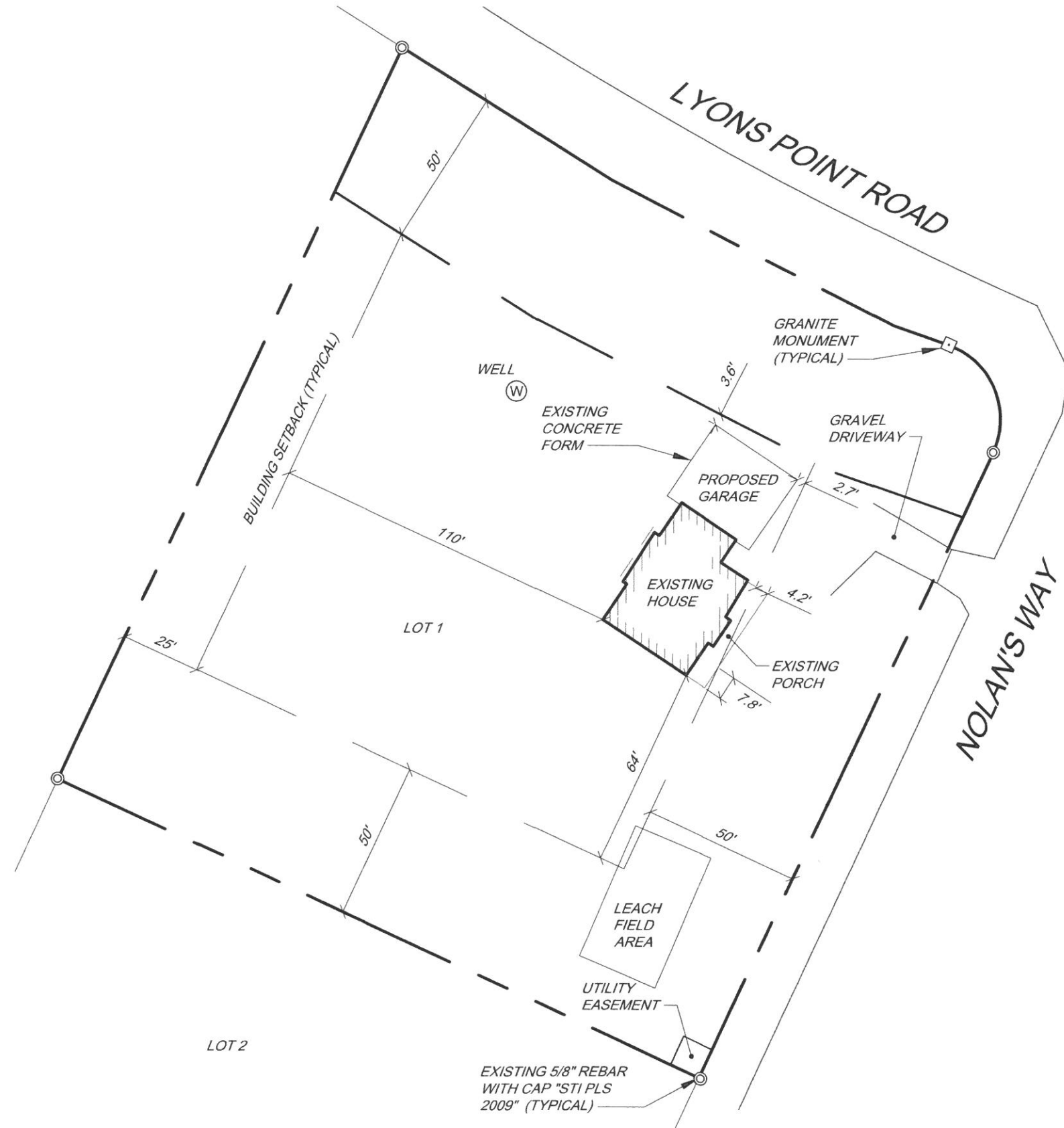
Attached to this application is a current survey from the engineers that did the original subdivision plans showing the current dimensions of the house, garage and proposed farmers porch indicating the actual dimensions from the required setbacks. Also attached is a copy of the original subdivision approval plan.

Thank you for your time in considering this request for a variance based on Practical Difficulty

Daniel Tibbetts 5/2/21

Daniel Tibbetts

Homeowner 1 Nolans Way



NOTES:

1. THE INFORMATION DEPICTED HEREON IS BASED ON A FIELD SURVEY PERFORMED BY SEBAGO TECHNICS, INC. ON APRIL 6, 2021.
2. THE RECORD OWNERS OF THE PROPERTY ARE DANIEL TIBBETTS AND AMANDA THOMES BY VIRTUE OF A DEED DATED FEBRUARY 10, 2021 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS (CCRD) IN BOOK 37815, PAGE 243.
3. THE PROPERTY IS IDENTIFIED AS LOT 315-78 ON GRAY TAX MAP 32.
4. THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF THE EXISTING HOUSE AND PROPOSED GARAGE IN RELATION TO THE SETBACKS.
3. THE EXISTING PORCH ENCROACHES INTO THE FRONT YARD SETBACK AS DEPICTED HEREON.
4. PROPERTY LINE INFORMATION IS AS DEPICTED ON A PLAN TITLED "SUBDIVISION PLAN OF LYONS POINT ESTATES SUBDIVISION, LYONS POINT ROAD, GRAY, MAINE 04039 FOR RECORD OWNER: ROBERT J. COLE, ET AL, P.O. BOX 156, GRAY, MAINE 04039" DATED MARCH 2, 2011 BY SEBAGO TECHNICS, INC. THIS PLAN IS RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 212, PAGE 128.



CHARLES D. MARCHESE, PLS 2009
APRIL 7, 2021

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

SEBAGO
TECHNICS

WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

AS-BUILT SURVEY

OF: LOT 1 - NOLAN'S WAY

NOLAN'S WAY
GRAY, MAINE

FOR RECORD OWNER:

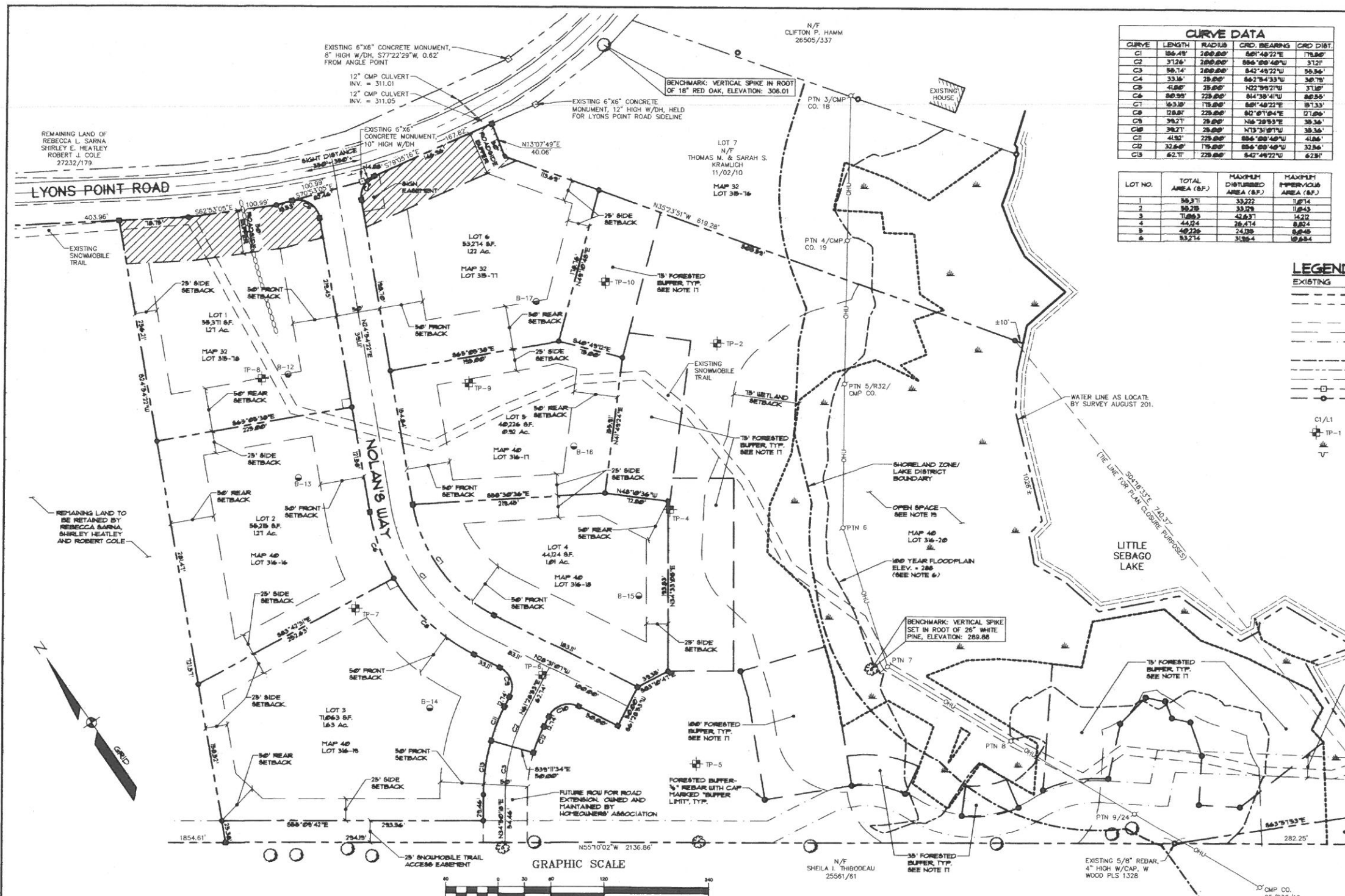
DANIEL TIBBETTS AND AMANDA THOMES

37 CROCKET ROAD
RAYMOND, MAINE 04071

DRAWN	DESIGNED
OLK/CDM	N/A
DATE	CHECKED
04-07-2021	JIB
PROJECT NO.	SCALE
09428	1" = 20'

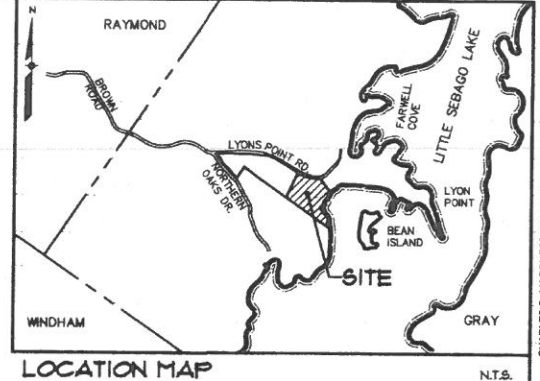
SHEET 1 OF 1

09428ML1.dwg, TAB: MLI



CURVE DATA				
CURVE	LENGTH	RADIUS	CRD BEARING	CRD DIST.
C1	186.45'	200.00'	80°48'22"E	178.80'
C2	372.90'	200.00'	88°00'48"W	372.90'
C3	58.74'	200.00'	84°48'22"W	58.74'
C4	33.16'	20.00'	86°30'43"W	30.70'
C5	41.80'	25.00'	102°58'21"W	37.80'
C6	80.95'	25.00'	84°38'41"W	80.95'
C7	63.39'	175.00'	80°48'22"E	181.33'
C8	28.81'	25.00'	80°01'04"E	27.86'
C9	39.21'	25.00'	118°28'53"E	38.36'
C10	38.21'	25.00'	113°31'07"W	38.36'
C11	41.80'	25.00'	88°00'48"W	41.80'
C12	32.60'	175.00'	88°00'48"W	32.60'
C13	62.11'	25.00'	84°48'22"W	62.11'

LOT NO.	TOTAL AREA (S.F.)	MAXIMUM DISTURBED AREA (S.F.)	MAXIMUM IMPERVIOUS AREA (S.F.)
1	56,371	33,222	10,274
2	56,371	33,222	10,274
3	1,063	4,637	1,427
4	4,714	26,474	8,624
5	48,226	24,336	8,624
6	53,274	31,884	10,274



LEGEND			
EXISTING	DESCRIPTION	PROPOSED	DESCRIPTION
---	BOUNDARY LINE/ROW	---	EDGE WETLAND
---	ADJUTER LINE/ROW	---	STREET
---	DEED LINE/ROW	---	EDGE PAVEMENT
---	TIE LINE	---	GRAVEL ROAD
---	SETBACK	---	EDGE WATER
---	EASEMENT	---	TREELINE
---	BUFFER	---	CONTOURS
---	FLOODPLAIN	---	DECIDUOUS TREE
---	FLOODWAY	---	CONIFEROUS TREE
---	CENTERLINE	---	CULVERT
---	MONUMENT	---	OVERHEAD UTILITY
---	IRON PIPE/ROD	---	UNDERGROUND UTILITY
---	BUFFER LIMIT PIN	---	CURVE/LINE NO.
---	TEST PIT	---	TP-1
---	WETLANDS	---	UPLAND

NET RESIDENTIAL DENSITY CALCULATION	
TOTAL AREA OF SUBDIVISION	18,04 AC.
A. 100% DEDUCTIONS: LAND WITHIN 100' TR FLOOD PLANS	-3.67 AC.
B. 50% REDUCTION: POORLY OR SOMEWHAT POORLY DRAINED SOILS	-1.07 AC.
SD TOTAL	13.30 AC.
C. 8% REDUCTIONS (TOTAL AREA TIMES 8%): ROADS & RIGHT-OF-WAYS	-1.00 AC.
TOTAL	12.30 AC.
TOTAL NET RESIDENTIAL AREA (NRA)	12.30 AC.
12.30 AC x 43.868 SF/AC	539,366 SF.
MIN LOT SIZE:	80,000 SF.
ALLOWABLE NO. OF LOTS	6.74 LOTS
NRA / MIN LOT SIZE:	6.74 LOTS
PROPOSED NO. OF LOTS:	6 LOTS

APPROVED WAIVERS:
 ORDINANCE SECTION 4613.02 - FLOODING STANDARD IS NOT REQUIRED SINCE THE PROJECT DOES NOT REQUIRE A DEEP SITE LOCATION OF DEVELOPMENT PERMIT AND GREATER THAN 10% OF THE IMPERVIOUS AND DEVELOPED AREAS FOR BOTH THE LOTS AND INFRASTRUCTURE ARE TREATED THROUGH THE USE OF BUFFERS IN ACCORDANCE WITH CHAPTER 506.

GENERAL NOTES:

- THE RECORD OWNERS OF THE PARCEL ARE REBECCA L. SARNA, SHIRLEY E. HEATLEY AND ROBERT J. COLE BY DEED DATED AUGUST 31, 2009 AND RECORDED AT THE CLUMBERLAND COUNTY REGISTRY OF DEEDS (CCRD) IN BOOK 2732 PAGE 175.
- THE PROPERTY IS SHOWN AS LOT 1-I ON THE TOWN OF GRAY TAX MAP 31. THE PROPERTY IS LOCATED IN THE LAKE DISTRICT (LD) AND THE SHORELAND ZONE.
- SPACE AND BULK CRITERIA FOR THE LAKE DISTRICT AND SHORELAND OVERLAY ZONE ARE AS FOLLOWS:

	LD	SHORELAND	PROPOSED
MIN. LOT SIZE:	80,000 SF.	80,000 SF.	80,000 SF.
MIN. STREET FRONTAGE:	250 FEET	250 FEET	250 FEET
MIN. FRONT YARD:	50 FEET	50 FEET	50 FEET
MIN. SIDE YARD:	25 FEET	25 FEET	25 FEET
MIN. REAR YARD:	50 FEET	50 FEET	50 FEET
MAX. BUILDING HEIGHT:	35 FEET	35 FEET	N/A
MAX. LOT COVERAGE:	20%	20%	N/A
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS, INC. IN AUGUST 2010.
- PLAN REFERENCES:
 - PLAN OF THE TOWN OF GRAY, ME, DATED MAY 6, 1988, RETRACED MARCH 1932 AND RECORDED AT THE CCRD IN PLAN BOOK 24, PAGE 6.
 - PLAN OF LAND IN GRAY, MAINE, SOUTH SHORE OF LYONS POINT, SURVEYED FOR HOWARD I. COLE BY E.A. BAUNDERS, C.E., DATED OCTOBER 4, 1960 AND RECORDED AT THE CCRD IN PLAN BOOK 84, PAGE 68.
 - PLAN SHOWING A STANDARD BOUNDARY SURVEY FOR JOHN D. PHINNEY (GERRY LOT), GRAY, MAINE, DATED MAY 2, 1999 BY JOHN A. BELDING.
 - PLAN OF LAND ON NORTHERN OAKS DRIVE, GRAY, MAINE FOR STEVE THIBODEAU, 23 CAMELOT ROAD, RAYMOND, ME 04471, DATED DECEMBER 2001 BY WAYNE T. WOOD 1 CO., JOB NO. 21666.
- A PORTION OF THE LOCUS PROPERTY AS DEPICTED HEREON DOES FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR GRAY, MAINE, CLUMBERLAND COUNTY, COMMUNITY PANEL NUMBER 230948 (SHEET A), HAVING AN EFFECTIVE DATE OF JANUARY 6, 1982. THE LOCUS FALLS WITHIN AN AREA IDENTIFIED AS ZONE A1 100-YEAR FLOOD, HAVING A FLOOD ELEVATION OF 288 FEET NAVD83 SAID BEING APPROXIMATELY 28.6 FEET NAVD83. THE REMAINDER OF THE PROPERTY LIES WITHIN ZONE C, AREAS OF MINIMAL FLOODING.
- A WETLAND DELINEATION WAS PERFORMED ON THIS PROJECT SITE DURING AUGUST 2010 BY GARY FULLERTON, SOILS SCIENTIST OF SEBAGO TECHNICS, INC. AND LOCATED BY GRAY SURVEY. THIS DELINEATION CONFORMS TO THE STANDARDS AND METHODS OUTLINED IN THE 1987 WETLANDS DELINEATION MANUAL AUTHORED AND PUBLISHED BY THE U.S. ARMY CORPS OF ENGINEERS.
- NEW RESIDENCES WILL BE EQUIPPED WITH SPRINKLER FIRE SUPPRESSION SYSTEMS. SPRINKLER PLANS SHALL BE SUBMITTED TO THE GRAY FIRE DEPARTMENT FOR REVIEW AND PERMITTING. THE PLANS SHALL BE SUBMITTED AT LEAST TWO WEEKS PRIOR TO THE START OF INSTALLATION OF THE SYSTEM. SPRINKLER TEST PIPES WILL BE REQUIRED BEFORE THE ISSUING OF A CERTIFICATE OF OCCUPANCY.
- ALL ROADS IN THIS SUBDIVISION SHALL REMAIN PRIVATE ROADS TO BE MAINTAINED BY THE DEVELOPER OR THE LOT OWNERS AND SHALL NOT BE ACCEPTED OR MAINTAINED BY THE TOWN, EXCEPT FOR ROADS THAT MEET REQUIREMENTS FOR WINTER MAINTENANCE UNDER A PUBLIC EASEMENT.
- LOT 1 IS DEPICTED ON THIS PLAN AS THE LAND THAT WAS CONVEYED WITHIN THE FIVE YEARS PREVIOUS TO THE PROPOSED SUBDIVISION. HOWEVER, LOT 1 IS NOT A PARCEL OF THE SUBDIVISION, IS NOT SUBJECT TO THE CONDITIONS OF THIS PLAN, IS NOT A MEMBER OF THE HOMEOWNERS' ASSOCIATION AND IS NOT IMPACTED BY THE FUTURE AMENDMENTS TO THE SUBDIVISION PLAN.
- A MAXIMUM OF 60% OF EACH LOT AREA MAY BE CLEARED OF EXISTING VEGETATION.
- AS PART OF THIS PLANNING BOARD APPROVAL, THE BOARD APPROVES THE USE OF THE COMMON OPEN SPACE INCLUDING THE SHORELAND ACCESS AS SHOWN ON THE PLAN AND IN THE HOMEOWNERS' ASSOCIATION DOCUMENTS FOR THE SIX LOTS SHOWN ON THIS PLAN. THE PLANNING BOARD INTENDS THAT ANY FUTURE LOT THAT MAY BE CREATED AND WILL HAVE RIGHTS TO UTILIZE THE SHORELAND ZONE ACCESS DRIVE, PARKING AREA AND DOCK. WOULD ONLY BE FUTURE LOTS CREATED FROM THE REMAINING 28.58 ACRES PARCEL, WHICH IS IDENTIFIED AS A PORTION OF THE LAND REMAINING FROM THE ORIGINAL 48.56 ACRES PARCEL. (AFTER THE SIX LOTS AND COMMON LAND PART OF THIS SUBDIVISION ARE SOLD) AS SHOWN ON THE PARCEL IDENTIFIED ON THE SOUTHERLY SIDE OF LYONS POINT ROAD AND NORTHEASTLY OF NORTHERN OAKS DRIVE AS SHOWN ON SHEET NO. 2 OF 2 DATED SEPTEMBER 16, 2009 (UPDATED OCTOBER 20, 2009) AND DRAFTED BY JETER AND BOUNDARY BOUNDARY IDENTIFIED BOUNDARY/EXISTING CONDITIONS SURVEY PREPARED BY SEBAGO TECHNICS, INC.
- THE FORESTED BUFFERS ARE STORM-WATER MANAGEMENT BUFFERS THAT ARE DEED RESTRICTED. REFER TO THE DECLARATION OF RESTRICTIONS FOR MORE INFORMATION REGARDING ACTIVITIES PERMITTED WITHIN THE BUFFERS.
- CLUSTER DEVELOPMENT CALCULATIONS:

TOTAL AREA OF DEVELOPMENT:	126,856 SF. (3.64 AC.)
AREA OF LOTS AND ROWS:	36,750 SF. (0.84 AC.)
AREA OF POSSIBLE FUTURE ROWS:	5,340 SF. (0.12 AC.)
AREA OF OPEN SPACE (INCLUDING ANTI-TREE):	43,486 SF. (1.01 AC., 34.1% OF TOTAL)
AREA OF WETLANDS WITHIN OPEN SPACE:	139,296 SF. (3.18 AC., 32.2% OF OPEN SPACE)
AREA TO BE RETAINED BY COLE FAMILY:	1,061 SF. (0.02 AC.)
AREA OF REMAINING LAND:	173,598 SF. (3.98 AC.)
- REFERENCE IS MADE TO THE GRADING AND UTILITY PLANS (SHEETS 6 AND 7) FOR THE DETAILS OF ACCESS WITHIN THE SHORELAND ZONE.
- THE SHORELAND ZONE ACCESS DEPICTED ON THE GRADING AND UTILITY PLANS (SHEETS 6 & 7) IS SEASONAL AND SHALL NOT BE FLOODED.
- THE HOMEOWNERS' ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE FORESTED BUFFERS, WHICH ARE PART OF THE STORM-WATER PLAN. THE MAINTENANCE REQUIREMENTS/RESTRICTIONS ARE CONTAINED IN THE HOMEOWNERS' ASSOCIATION DOCUMENTS. PLACARDS ARE TO BE PLACED AT EACH CORNER AND/OR ANGLE POINT OF EACH BUFFER AND THESE PLACARDS SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
- ALL DRIVEWAY LOCATIONS ARE FIXED UNLESS THE PROPERTY OWNER OR APPLICANT FOR A BUILDING PERMIT EMPLOYS THE SERVICES OF A PROFESSIONAL ENGINEER TO REDESIGN A PROPOSED NEW DRIVEWAY LOCATION IN ACCORDANCE WITH APPLICABLE STANDARDS INCLUDING THOSE IN THIS SUBDIVISION ORDINANCE. ANY DRIVEWAY MOVED WOULD NEED TO BE APPROVED BY THE CODE ENFORCEMENT OFFICER AND DOES NOT NEED TO RETURN TO THE PLANNING BOARD. ALL DRIVEWAYS SHALL BE GRADED TO ENSURE THAT SHEET FLOW SHALL BE DIRECTED SUCH THAT IT DOES NOT ENTER ONTO THE ROADWAY OR SHOULDER.
- FURTHER SUBDIVISION OF THE OPEN SPACE AND ITS USE FOR OTHER THAN NON-COMMERCIAL RECREATION, AGRICULTURE OR CONSERVATION PURPOSES IS PROHIBITED.
- THE DRILLED WELLS FOR LOTS 1, 2, AND 3, SHALL BE LOCATED A MINIMUM OF 50 FEET FROM NOLAN'S WAY. THE DRILLED WELLS FOR LOTS 4, 5, AND 6 SHALL BE LOCATED A MINIMUM OF 100 FEET FROM NOLAN'S WAY. IN ADDITION, ALL WELLS SHALL BE LOCATED A MINIMUM OF 100 FEET FROM ANY SUBSURFACE SEWAGE DISPOSAL SYSTEM.
- IN ACCORDANCE WITH THE PLANNING BOARD'S AUTHORITY REGARDING USE OF THE COMMON OPEN SPACE AS AUTHORIZED IN CHAPTER 4613.02 (MAINTENANCE OF OPEN SPACE AND COMMON LAND) AND 4613.03 (CLUSTER DEVELOPMENT), THE TOWN OF GRAY SHALL ONLY ISSUE ONE (1) DOCK PERMIT FOR THE COMMON DOCK IN ACCORDANCE WITH APPLICABLE STANDARDS. THE TOWN OF GRAY SHALL NOT ISSUE INDIVIDUAL DOCK PERMITS ON ANY PARCEL WITHIN THIS SUBDIVISION INCLUDING COMMONLY OWNED LAND, OTHER THAN THE ONE COMMON DOCK ASSOCIATED WITH THIS SUBDIVISION.
- THE CONVEYANCE OF INTEREST IN ANY LOT IN THIS SUBDIVISION AND/OR OBTAINING BUILDING PERMITS FOR THE CONSTRUCTION OF ANY DWELLING IS SPECIFICALLY PROHIBITED UNLESS ALL STANDARDS HAVE BEEN MET IN ACCORDANCE WITH ARTICLE II OF THE TOWN OF GRAY SUBDIVISION ORDINANCE AS INDICATED BY A WRITTEN CERTIFICATE OF COMPLETION DULY SIGNED BY THE GRAY CODE ENFORCEMENT OFFICER AND RECORDED IN THE CLUMBERLAND COUNTY REGISTRY OF DEEDS, AS REFERENCED IN NOTE NO. 1 OF SAID DOCUMENT ENTITLED "LAND SUBDIVISIONS CONDITIONAL AGREEMENT IN LIEU OF POSTING PERFORMANCE GUARANTEES" ALSO RECORDED AT THE CLUMBERLAND COUNTY REGISTRY OF DEEDS.
- REGARDLESS OF ANY LANGUAGE CONTAINED IN THE HOMEOWNERS' ASSOCIATION COVENANTS & RESTRICTIONS, OR ANY CIVIL DOCUMENTS REGULATING THE AUTHORITY OF LOT OWNERS REGARDING LAND USE MATTERS WITHIN THE SUBDIVISION, THE FOLLOWING LIMITATIONS ARE SPECIFICALLY INCLUDED AS PART OF THE TOWN OF GRAY PLANNING BOARD'S (PB) APPROVAL OF THIS SUBDIVISION AND SHALL NOT BE CHANGED WITHOUT THE PB'S EXPLICIT WRITTEN CONSENT:
 - A MAXIMUM OF ONE (1) BOAT SLIP AT THE COMMON DOCK FOR EACH PB APPROVED LOT.
 - A MAXIMUM OF ONE (1) WATERCRAFT PER BOAT SLIP.
 - ONLY OCCUPANTS OF HOUSES WITH OCCUPANCY PERMITS ISSUED BY THE GRAY CEO LOCATED ON A LOT APPROVED BY THE PB IN THIS SUBDIVISION SHALL BE ENTITLED TO USE THEIR ONE (1) BOAT SLIP.
 - LOT OWNERS LIVING IN HOUSES IN THIS SUBDIVISION THAT HAVE RIGHTS TO THEIR ONE (1) BOAT SLIP ARE SPECIFICALLY PROHIBITED FROM TRANSFERING OR ASSIGNING ANY RIGHTS REGARDING THE USE OF THEIR ONE (1) BOAT SLIP TO ANY OTHER PARTY.
 - AFTER SIX LOTS IN THIS SUBDIVISION ARE SOLD AND PRIOR TO ADDITIONAL PB APPROVED LOTS, THE DEVELOPER IS ENTITLED TO ONE (1) VOTE IN THE HOMEOWNERS ASSOCIATION DUE TO THE REMAINING LAND.
- PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM WEST ZONE 1827-NAD83. ELEVATIONS DEPICTED HEREON ARE NAVD83, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.

APPROVAL - TOWN OF GRAY PLANNING BOARD

4/12/12 DATE

[Signature] CHAIRPERSON

[Signature]

[Signature]

STATE OF MAINE
 CLUMBERLAND COUNTY SS. REGISTRY OF DEEDS
 RECEIVED *May 9 2012*
 AT 11:45 AM AND RECORDED IN
 PLAN BOOK 274 PAGE 108

ATTEST: *[Signature]* REGISTRAR

SEBAGO TECHNICS
 ENGINEERING EXPERTISE YOU CAN BUILD ON.
 250 CROOKED ROAD - SUITE B
 WINDHAM, MAINE 05093
 TEL: (207) 855-0277
 WWW.SEBAGOTECHNICS.COM

PROJECT NO. 09426
 FIELD BOOK: 865
 DESIGN: SMF
 CHECK: SMF
 DRAWN: JKS

ISSUED FINAL SUBDIVISION TO TOWN
 DATE: 04-12-12
 STATUS: []
 BY: []
 REVISION: []

RECORD OWNERS:
 ROBERT J. COLE, ET AL
 P.O. BOX 156
 GRAY, MAINE 04039

09426(12) (REV. 7/05) 745-SB

LYONS POINT ESTATES SUBDIVISION
 LYONS POINT ROAD
 GRAY, MAINE 04039

DATE: 3/2/11 SCALE: 1" = 60'

SHEET 4 OF 11



**VARIANCE APPLICATION-SHORELAND
ZONING BOARD OF APPEALS
TOWN OF GRAY MAINE**

For Office Use Only
 Date Submitted: 10/7/20
 Tent. Sched. for: 5/26/21
 Amount Paid: 250

PROPERTY INFORMATION

Property Location/Address	164 Lyons Point Rd	Property Map/Lot	40 . 315 . 43 .
Zoning District	Limited Residential;	Lot Acreage	14,724 sq ft.
Owner Name	Andrew DeRice/Julie DeRice	Owner Phone Number	(207) 776-1542
Number of Dwelling Units	1		

APPLICANT

Name (IF different than owner)		Email Address	jderice@aol.com
Mailing Address	164 Lyons Point Rd	Contact Phone Number	(207) 776-1542
Mailing City/State/Zip	Raymond, ME 04071	Alternate Phone Number	

VARIANCE INFORMATION

Per Shoreland Zoning Ordinance 403.16.H.2: Variance Appeals:
 Except as provided in subsection 2-A, Variances may be permitted only under the following conditions:

- Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- The Board shall not grant a variance unless it finds that:
 - The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - The strict application of the terms of this Ordinance would result in undue hardship.
- The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

Describe request (description may be attached separately). Survey of property required to be attached.

	Current Requirement	Currently Existing	Proposed
Road Setback	25'	40' (House)	12.3'
Rear Setback	25'		
Side Setback	10'	15' and 50'	no change
Water Setback	100'		100'
Max. Lot Coverage	20%	1,872.3 sq ft	987 sq ft 19.4%
Min. Lot	80,000 sq ft	14,724	no change
Min. Street Frontage	200'	112.65	no change
Other (describe)			

PLEASE RESPOND TO EACH REQUIREMENT: (YOU'RE ENCOURAGED TO ATTACH SEPERATELY)

a. That the land in question cannot yield a reasonable return unless a variance is granted;
Storage for vehicle and large items needed.

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
Applicant is in need of storage for automobile and large items such as ladders, kyacks, tools, wheelbarrows, small utility trailer, outdoor furniture, etc. Applicant is having to store personal vehicle in an off site location seasonally. Sloping contour of property down to the waterfront does not provide safe access to move large items to basement. Current basement does not provide convenient or adequate space to store large items. All other properties on Lyons Point Rd have either two or three car garages. Abutters and property directly across the road have setbacks from the road less than the current required setback.


c. That the granting of a variance will not alter the essential character of the locality; and
See Attached Sheet

d. That the hardship is not the result of action taken by the applicant or a prior owner.
Subject property is a non-conforming lot under-sized by todays required standards. Road frontage of property has an extreme elevation earth berm from current driveway along front heading NW. (See photo A) Property is heavily vegetated with large trees. (See photo B) In order to keep all construction behind the 100' set-back from the water, stay within the required maximum 20% impervious service coverage retrictions and preserve the existing trees there is no other possible location for this garage.

Per 403.16.H.5 b.: Decision by Board of Appeals
(i) A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
(ii) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
(iii) The person filing the appeal shall have the burden of proof.
(iv) The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
(v) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

Per 403.16.H.6.: Appeal to Superior Court
Any party may take an appeal, within forty five (45) days of the date of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before Superior Court must be without a jury.

PLEASE REFER TO THE CURRENT FEE SCHEDULE FOR APPLICABLE FEES TO INCLUDE REQUIRED ADVERTISING AND ABUTTER NOTIFICATIONS

Applicant Signature 	Printed Name Julie DeRice	Date 10-7-2020
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C. That the granting of a variance will not alter the essential character of the locality; and

The garage will not alter the essential character of the locality. All properties in this area of Lyons Point are large well-developed residential homes all with either two or three car garages. All of the garages were built under much earlier setback restrictions. Unlike proposed garage, all surrounding garages enter directly onto the road right of way as shown on survey. Applicant's proposed garage will be turned 90 degrees to road. Set back requirements were at one time zero in the private easement. Set-backs were later changed to require a 10' road set back. Due to snow and accident concerns with cars directly parked and exiting small drives the set-back was then changed to 25'. This change to setback has prohibited subject property from construction of a garage thus requiring a request for a variance. Applicant is requesting set-back down to 12.3', not to previous 10'. There will be no addition hazard created by this construction. This area of Lyons Point has little traffic as it is the dead-end area to the point. Construction of the proposed garage will make the subject property more in conformance to the neighborhood.

May 10, 2021

Town of Gray Maine
Zoning Board of Appeals

To whom it may concern,

My wife and I are asking the Zoning Board of Appeals to grant us a variance allowing us to reduce the current road setback requirement from 25' down to 12.3' in order to construct a two-car garage. This garage will be 24' x 26' and will be constructed with the garage doors entering 90 degrees to the road and utilizing the existing driveway opening. This will not change any existing curb cuts to Lyons Point Rd. There is a street line berm which will remain untouched and will partially hide the view of the garage from the road.

The road set-back requirements on this private way were near zero many years prior. They were later increased to 10'. During this period, many of the other existing garages in the area were built. We are the only property without a garage. The current set back of 25' was established a few years ago over concerns of snow removal and not wanting short driveways to the road for safety reasons. The character of this area of Lyons Point is a single lane asphalted dead end road with very little traffic. This proposed construction will not create any additional safety concerns.

There are no other additional issues requiring a variance to be considered for this proposed construction. The proposed garage is to be built back beyond the 100' high water set back line and will not exceed the impervious surface limits.

The subject property is heavily treed and the proposed garage has been positioned to require minimal tree removal.

The character of this neighborhood on the lake consists of all large two or three bedroom residential style homes, all of which have either a two or three car garages. The home directly across from us had previously been granted a variance to construct their three- car garage on the road frontage and they also have a two- car garage attached to their home. The neighbor to our west side also has a two-car garage closer to the road and nearly at our side property line. The property to our east has an attached two car garage.

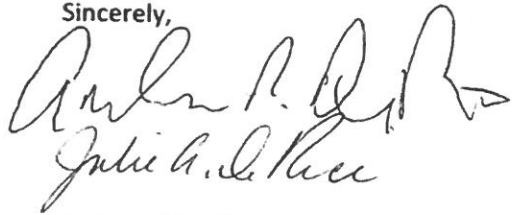
We feel that this construction will actually make us much more conforming in nature to our surrounding neighbors. Our home is a cedar gambrel. The proposed garage will also be a gambrel style. The previous owners of this property had left it extremely rustic and uncared for. Brush was never removed and gave the appearance of neglect.

We are retired, in our late sixties and spend nearly six month's a year at this location. We plan to retain this property solely for our own summer use. The topography of this property is substantially sloped toward the water and can be very challenging. As we age, we are finding it more difficult to bring items up and down the slope to store for the winter. It is next to impossible to get anything large in and out of our basement which has 5' sliding doors only allowing an opening of just over 2'. It is nearly impossible for anyone to get items of any size into the basement.

We are currently having to store our car and boat seasonally at an off-site location in Portland at a property that we own. Since we are retiring, we are selling the property in Portland and will no longer have this for use. We had substantial damage done to our car last year in a wind storm from the numerous oak trees and acorn drop. We really need easy access storage for kayaks, ladders, yard equipment, lake toys not to mention our car, small utility trailer and boat.

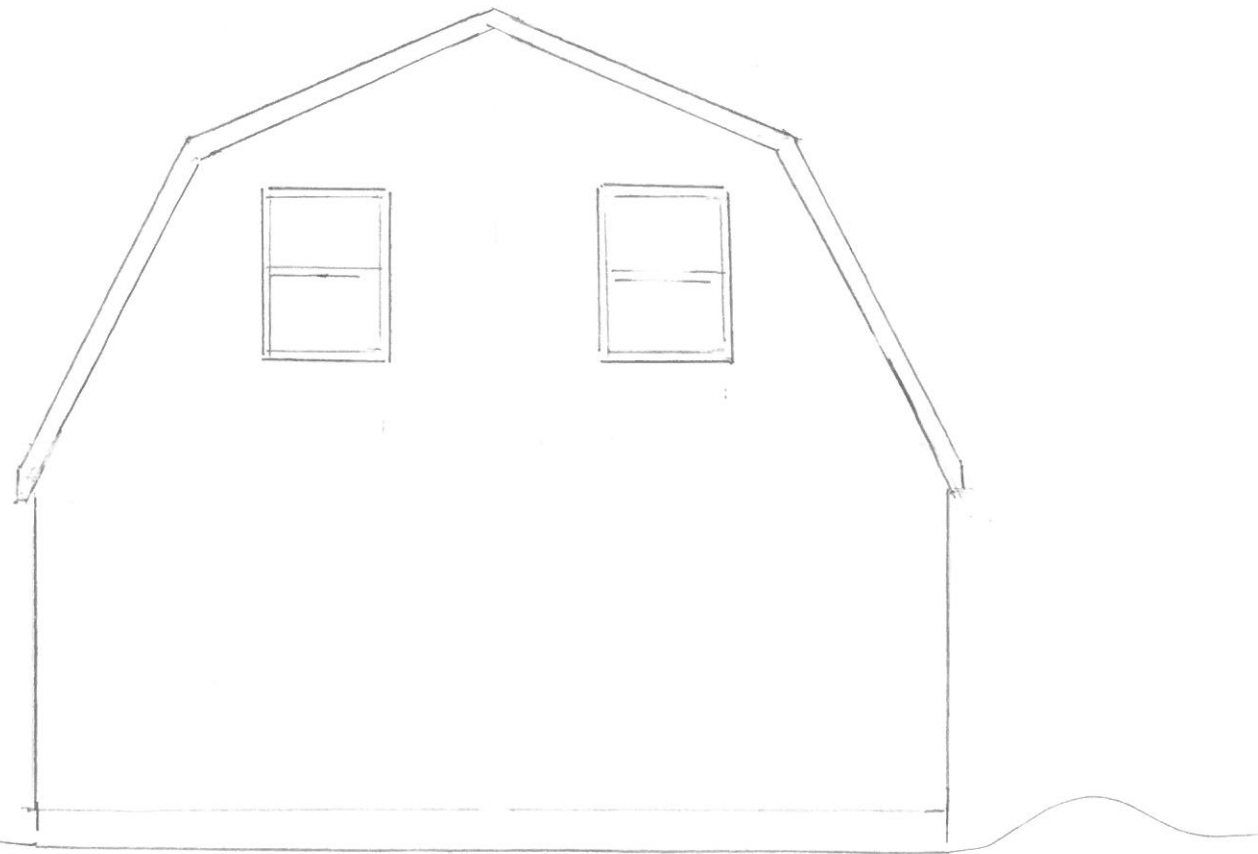
We respectfully request that you consider granting us this variance.

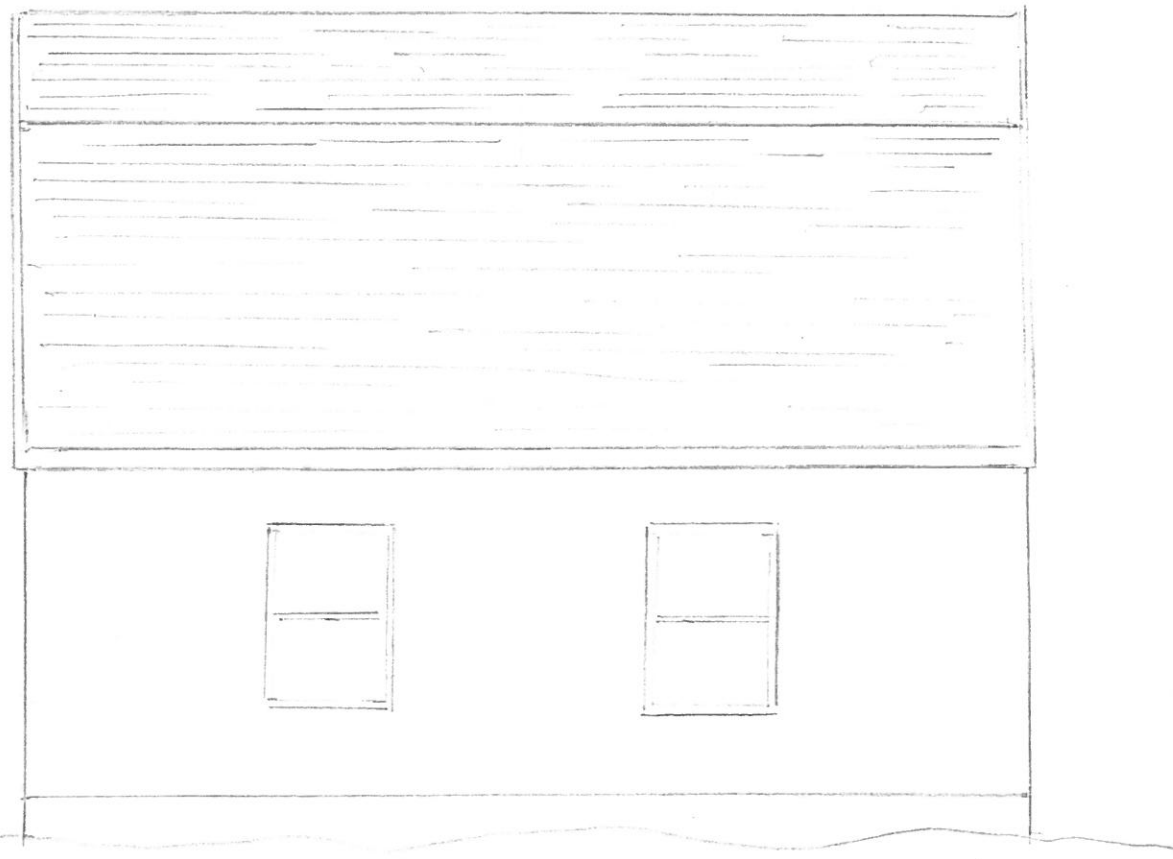
Sincerely,

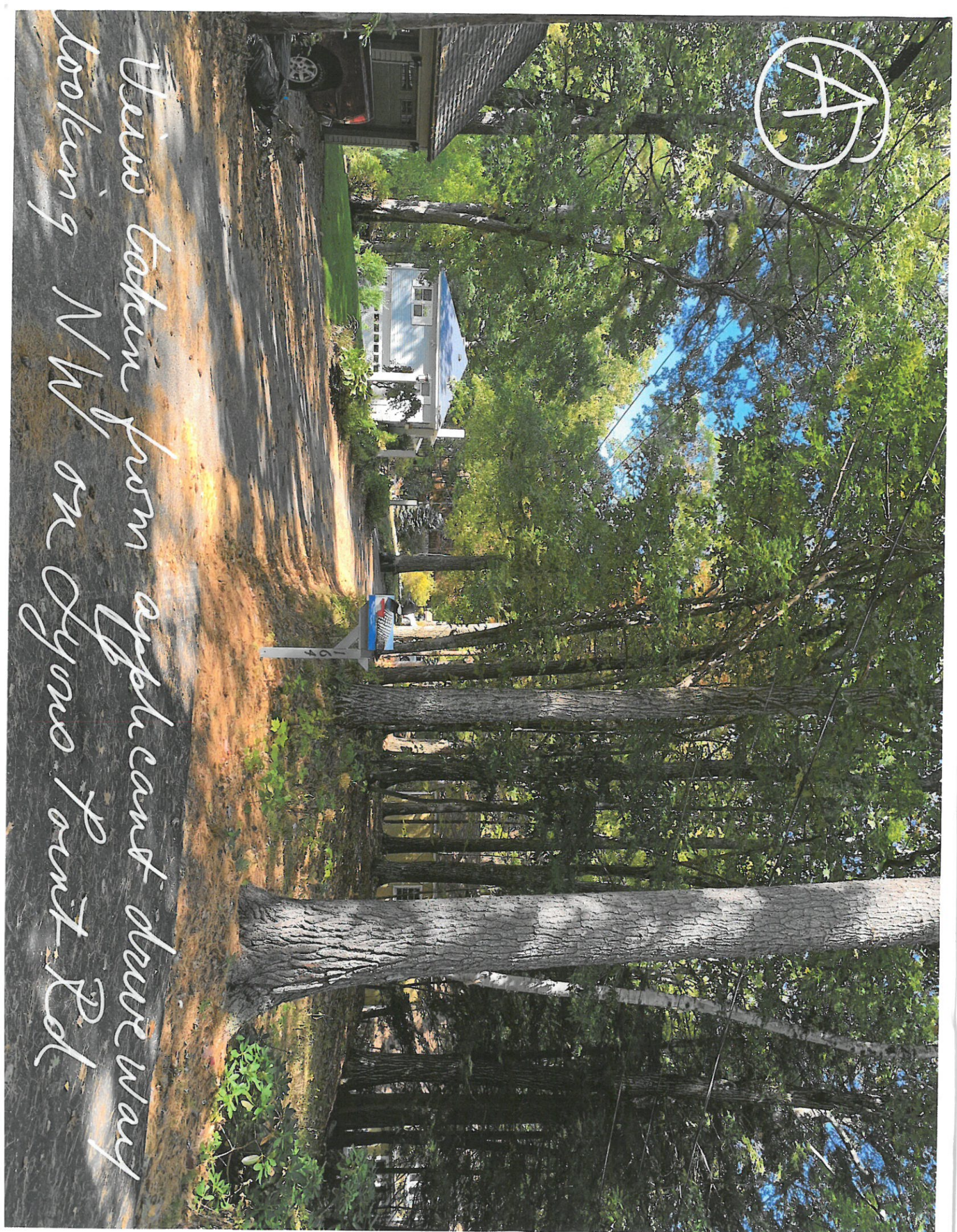
Handwritten signatures of Andrew R. De Rice and Julie A. De Rice. Andrew's signature is in cursive and includes a checkmark at the end. Julie's signature is also in cursive.

Andrew R De Rice

Julie A. De Rice







Views taken from apartment drive way looking NW on Lyons Court Rd





Magnetic 2020

Tax Map 40, Lot 315-42
Alice MacNeil
Book 23590, Page 169

Little Sebago Lake

General Notes

1. The record owner of the subject parcel is Andrew R. DeRice & Julie A. DeRice, per Book 35336, Page 275.
2. Bearings are based on magnetic north as observed on September 14, 2020.
3. Deed and plan references are to the Cumberland County Registry of Deeds.
4. The property includes the use of all roads and right of ways, in common with others as deeded and more particularly set forth on the plan of Lyons Point Development, North Shore.
5. This survey does not include a written report or a new property description.
6. The area between the normal high water line and normal low water line of the lake is subject to a public easement for fishing, fowling and navigation.
7. The purpose of this survey is to provide the property owner with a Boundary Survey that can be used to determine the potential size and location of a new detached garage.
8. An opinion from a Title Attorney is recommended to determine the extent of fee title ownership.
9. Plan references 2 and 3 appear to intend to show the subject parcel as lot 1. There are inconsistencies between the operative deed description for the subject parcel and lot 1 as shown on plan references 2 and 3 with regards to the location of the right of way and existing irons found.

Plan References

1. "Lyons Point Development, North Shore" dated September 1954 and recorded in Plan Book 42, Page 1 on September 17, 1954.
2. "Kincaid Point Development" dated July 1968 and recorded in Plan Book 78, Page 6 on October 31, 1968.
3. "Plan of Kincaid Point Development" dated November 11, 1972 and recorded in Plan Book 93, Page 15 on November 20, 1972.
4. "Plan of Howard Cole Property" dated 1970 and recorded in Plan Book 86, Page 30 on July 8, 1971. Also referred to as "Plan of South Shore of Lyons Point Plan B".

Area Table

Existing Improvements	
Dwelling	738 sqft.
Patio	191 sqft.
Crushed Stone	275 sqft.
Concrete Cover	7.3 sqft.
Shed	21 sqft.
Paved Driveway	640 sqft.
Wood Decks and Wood Steps	N/A
Retaining Wall by Lake	N/A
Total	1872.3 sqft.
Proposed Improvements	
24' by 26' Garage	624 sqft.
Added Paved Driveway	363 sqft.
Total	987 sqft.

Legend

IRF	Iron Rod Found
CIRS	Capped Iron Rod Set
IPF	Iron Pipe Found
AG	Above Grade
BG	Below Grade
N/F	Now or Formerly
WP	Wood platform
(100' more or less)	Record distance
---	Boundary line
---	Record lines ±
---	Edge of pavement
---	100' setback line
---	Normal high water line

Total Areas	
Existing & Proposed Improvements	2859.3 sqft.
Subject Parcel	14724 sqft.
Total percentage of lot coverage = 19.4 %	

Tax Map 40, Lot 315-44
Linda J. Tillman and
Portland Trust Company
as Co-Trustees of the Family Trust
Book 36092, Page 229

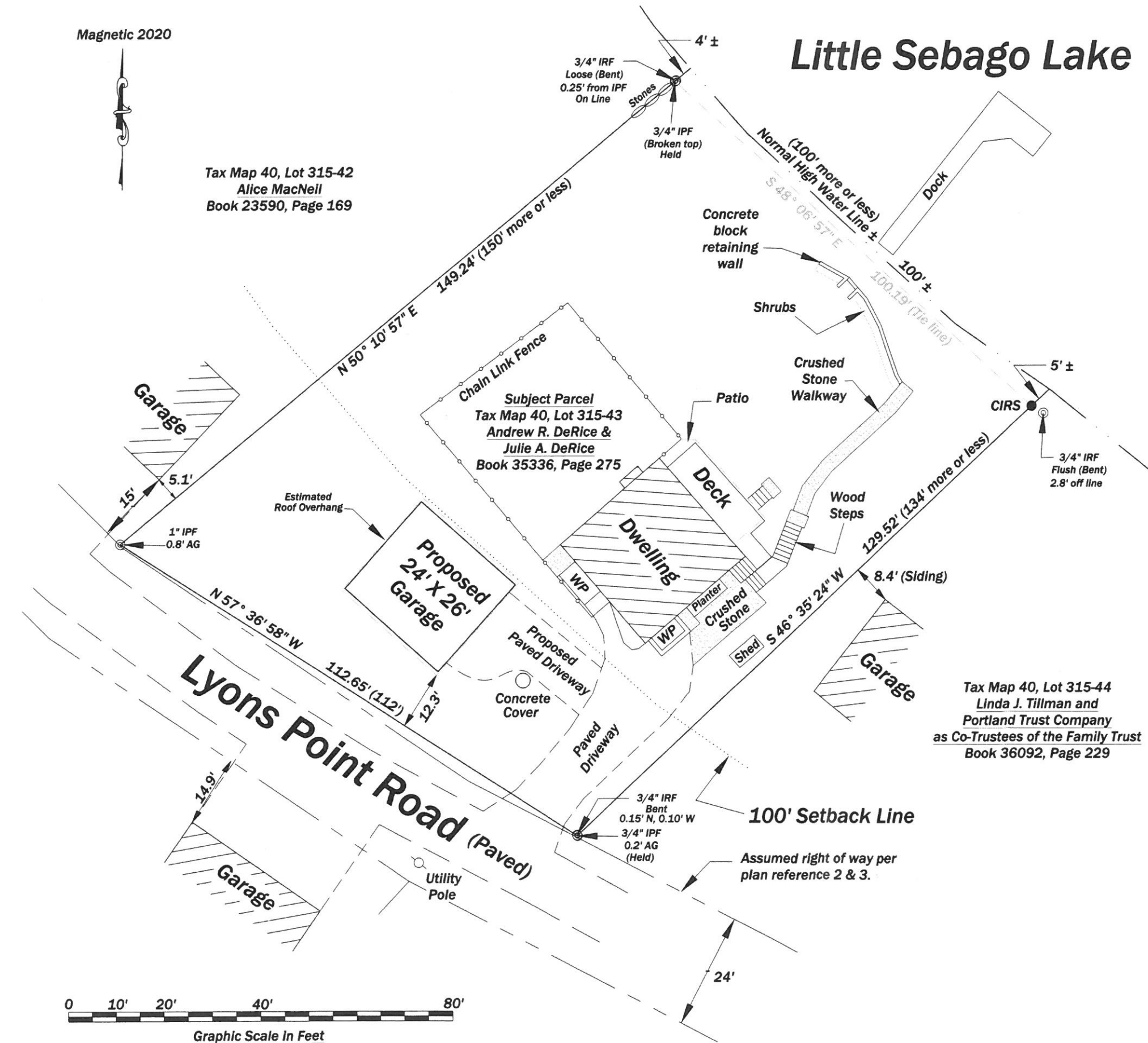
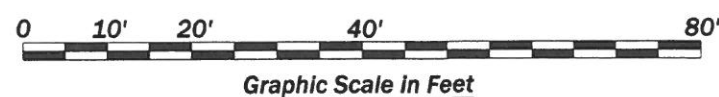
Boundary Survey
164 Lyons Point Road
Gray, Maine

Record Owner: Andrew R. DeRice & Julie A. DeRice
3700 Casey Key Road
Nokomis, FL 34275

Scale: 1" = 10' Date: September 2020

Prepared by
FLYNN LAND SURVEYING, LLC
136 Plains Road
Raymond, Maine 04071
207 329-9913

CLW
10-2-2020
Seal
Christopher J. Flynn PLS 2291
Note: Capped iron rod not set as of 10/2/2020.



Peter and Deb Gellerson
1 Brads Way
Raymond, ME 04071

May 7, 2021

Town of Gray
Zoning Board of Appeals

To Whom It May Concern:

We are writing in regards to the application filed by Julie and Andrew DeRice who own a property on Lyons Point Road. This property is situated 2 lots down from our residence where we have lived for 42 years.

We feel that the location and design of the garage that Julie and Andy are proposing will not negatively impact the neighborhood in any way. Their land along the roadside has an existing berm which would remain in place. The design does not require an additional driveway opening as they are going to use their existing driveway for entrance and exit.

This garage will not be a hindrance to driving safety, plowing concerns, restrictive views or the character of the neighborhood. Thank you for your positive consideration of this permit.

We can be reached at peterpaver@aol.com should you have any questions.

Kind regards,



Pete and Deb Gellerson
207-239-7993

Scott Dvorak

From: Bridget Carpenter <bacarp1023@me.com>
Sent: Monday, May 10, 2021 2:40 PM
To: Scott Dvorak
Subject: Re: DeRice garage

Dear Mr. Dvorak,

I am writing to you in support of Julie and Andy DeRice's request to build a garage on their property at 164 Lyons Point Rd, Gray, ME. As an abutting neighbor, we have no objections.

Thank you,
Bridget Carpenter
166 Lyons Point Rd

Sent from my iPhone

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

May 11, 2021

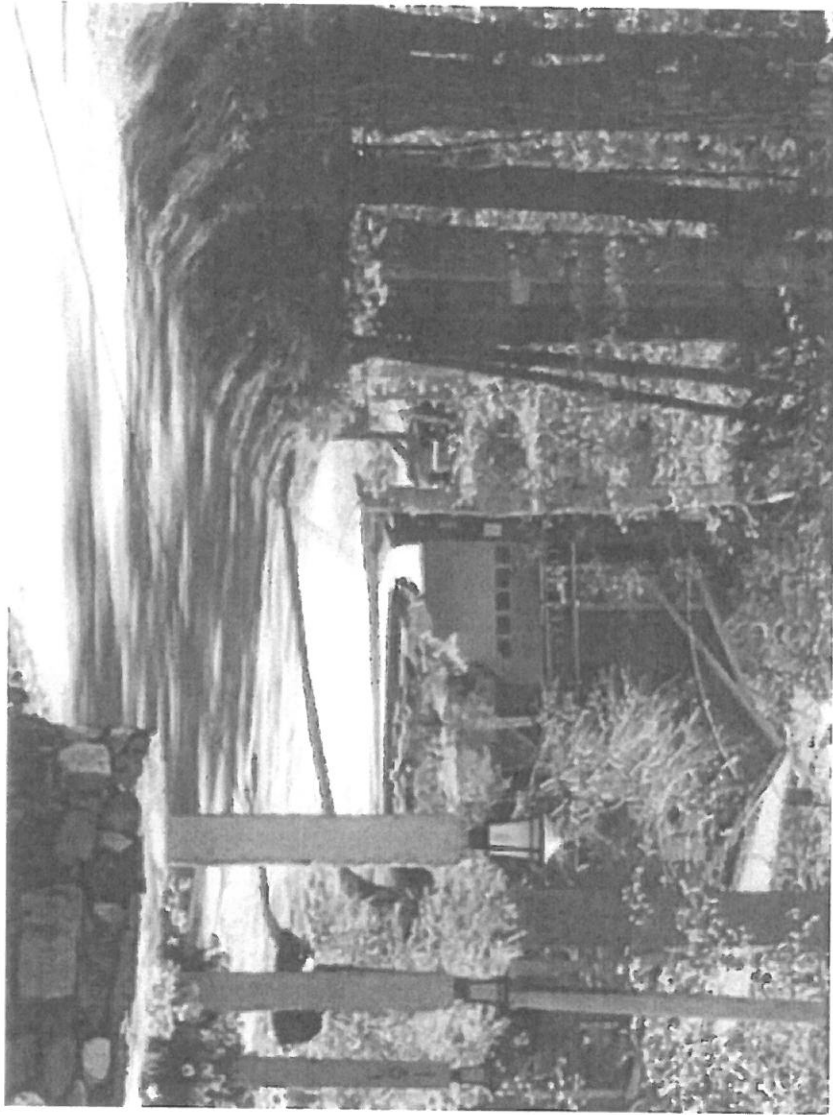
Zoning Board of Appeals
Town of Gray
24 Main Street
Gray, ME 04039

Dear Members of the Zoning Board of Appeals:

I am writing concerning the application for a zoning variance on Lyons Point Road made by the owners of 164 Lyons Point Road. I ask the Board of Appeals to reject the application and respect the zoning requirements that are in place. The road at this point is very narrow and a driveway here can be a problem. This is a lake-front property and therefore in an ecologically sensitive area. Zoning rules should be respected, particularly around lake front properties. In addition, I was told by the property owner last summer that the garage was needed to store business equipment for business which is done in Portland (not Gray). Granting a variance in an ecologically sensitive residential area with a narrow road for a business is inappropriate and not in the best interests of the Town of Gray. Even if the business is not operating now, there are zoning rules in place to protect roads, the environment and to respect the property values of neighboring properties. Attached to this email is a picture of the area. The area shaded by the trees is the area where the variance would apply.

Please respect the current zoning for Lyons Point Road.

Sincerely,
Susan McGaulley
161 Lyons Point Road
Raymond, ME 04071



May 11, 2021

Zoning Board of Appeals
Town of Gray
24 Main Street
Gray, ME 04039

Dear Zoning Board of Appeals,

I am writing concerning the application for a zoning variance on Lyons Point Road made by the owners of 164 Lyons Point Road. I ask the Board of Appeals to reject the application and respect the zoning requirements that are in place. Zoning rules should be respected, particularly around lake front properties.

A handwritten signature in cursive script that reads "Alice MacNeil".

Sincerely,
Alice MacNeil
162 Lyons Point Road
Raymond, ME 04071