

TOWN OF GRAY
ZONING BOARD OF APPEALS
AGENDA • JULY 27, 2022

**Zoning Board of
Appeals Regular
Meeting**

Henry Pennell Municipal Complex
24 Main Street
Gray, Maine

7:00 PM

I. MEETING COMMENCES

Roll Call

II. MINUTES APPROVAL

Zoning Board of Appeals - Regular Meeting June 22, 2022

III. NEW BUSINESS: PUBLIC HEARINGS

a. Piirainen Variance Request:

April Piirainen is requesting a practical difficulty variance for a 11.7-foot reduction of a 50-foot front line (road) setback and a 0.75% increase in allowable lot coverage to construct a 700 square foot addition to the existing dwelling on her property located at 5 Chris Lane, Gray Tax Map 29, lot 47-30, in a Rural Residential & Agricultural Zoning District.

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.*



N/F
SUSAN L. FRANCIS
 BOOK 29298, PAGE 221 JANUARY 23, 2012
 TM 27 LOT 47-31

N/F
RALPH & WILMA GORDON
 BOOK 2981, PAGE 591 DECEMBER 01, 1966
 TM 27 LOT 47-24

N/F
CHRISTINE G. & RYAN R. PARLIN
 BOOK 32463, PAGE 73 JULY 24, 2015
 TM 27 LOT 47-25

N/F
LEAH M. & MICHAEL A. POTTLE
 BOOK 34598, PAGE 235 NOVEMBER 30, 2017
 TM 27 LOT 47-29

LEGEND:

- IRON PIPE FOUND (3/4" hollow pipe unless noted)
- IRON PIN SET (5/8" rebar with yellow cap inscribed JKL Land Surveying, PLS 2216)
- N/F NOW OR FORMERLY
- LOT 27 PLAN LOT NUMBER
- UTILITY POLE
- HARDWOOD TREE
- ✱ SOFTWOOD TREE
- RIGHT OF WAY LIMITS
- == EDGE OF PAVEMENT
- ~ TREE LINE

NOTES:

- 1) BEARINGS ARE REFERENCED TO GRID NORTH, MSPC WEST NAD 83.
- 2) DEED REFERENCES ARE MADE TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS - PORTLAND, MAINE.
- 3) ELEVATIONS ARE NAVD 88 AND DERIVED BY GPS OBSERVATIONS TAKEN IN THE FIELD. BENCH MARK IS TOP OF SLAB AT CENTER OF GARAGE ENTRY. BM ELEV = 297.66'
- 4) PROPERTY IS IN THE RURAL, RESIDENTIAL & AGRICULTURAL ZONE SETBACKS:
 FRONT = 50 FEET
 SIDE = 15 FEET
 REAR = 50 FEET
 ALLOWED LOT COVERAGE = 10%
 EXISTING LOT COVERAGE = 5.8%
 PROPOSED LOT COVERAGE = 9.0%

REFERENCES:

- 1) PLAN OF PROPERTY IN GRAY MAINE FOR FREDERICK W. ADLER - EVERGREEN GROVE (LOTS 21-34), DATED SEPTEMBER 26, 1966 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEED IN PLAN BOOK 75, PAGE 34.
- 2) PLAN OF PROPERTY IN GRAY MAINE FOR FREDERICK W. ADLER - EVERGREEN GROVE (LOTS 21-34), DATED DECEMBER 17, 1964 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEED IN PLAN BOOK 68, PAGE 30.

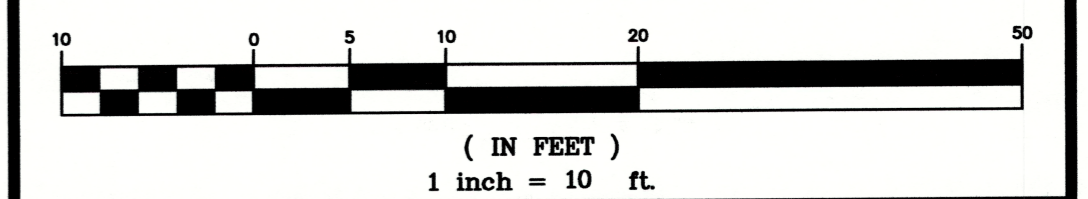
TOTAL AREA:

20,250.00 Sq. Feet or 0.46 Acres

OWNER OF RECORD:

APRIL T. PIIRAINEN
 BOOK 32838, PAGE 154 DECEMBER 28, 2015

GRAPHIC SCALE



PLAN OF PROPERTY
 TYPE IN LOCATION OF PROPERTY

MADE FOR
APRIL T. PIIRAINEN
 5 CHRIS LANE - GRAY, MAINE 04039

JKL LAND SURVEYING

370 MAIN STREET - ROUTE 26 - OXFORD, MAINE 04270
 (207) 539-5048 - Web Site: jklandsurveying.com
 BOOK: 192 FILE: 2018 JOB NO.: 22019 DISC: SURVEY 2022
 MAY 31, 2022
 PROVIDING "DIRECTIONS" FOR THE FUTURE

APPROVAL:

TOWN OF GRAY BOARD OF APPEALS

Signed: _____

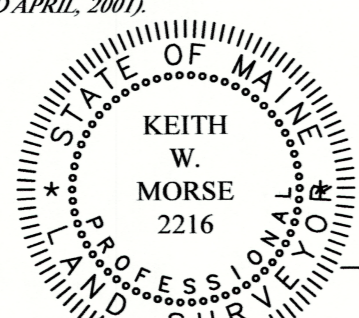
Date: _____
 *Signature required for validation of approval for variance for Practical Difficulty

CERTIFICATION:

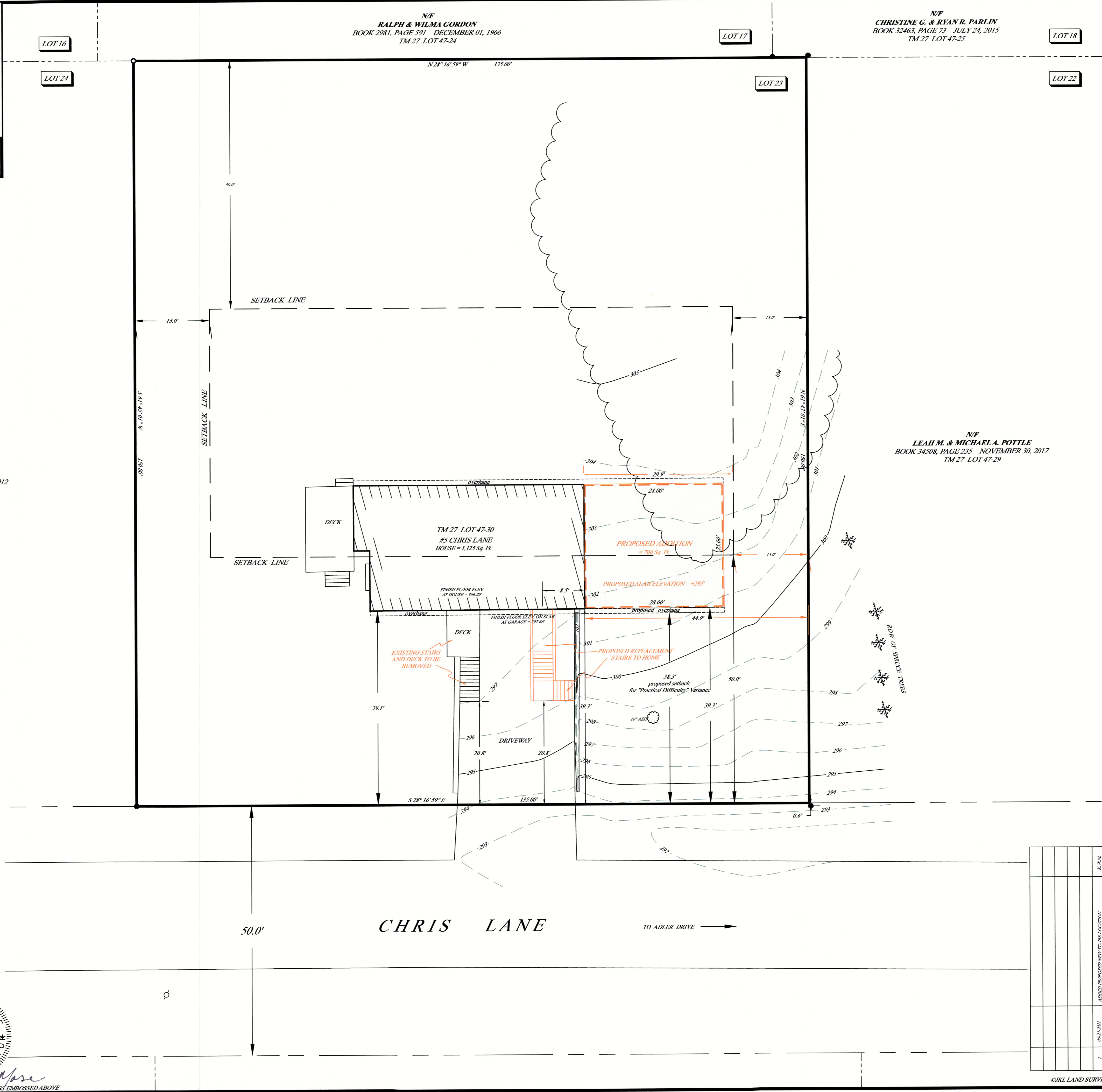
TO THE BEST OF MY KNOWLEDGE, I HAVE USED ORDINARY AND PRUDENT CONDUCT EXPECTED OF PROFESSIONAL LAND SURVEYORS AND THE RESULTS SHOWN HERE REPRESENT THE LICENSEES RESPONSIBILITY TO THE PUBLIC AS REQUIRED UNDER THE STANDARDS OF PRACTICE AS DEFINED BY THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS (M.R.S.A. TITLE 32, CHAPTER 121 DATED APRIL, 2001).

- EXCEPT AS FOLLOWS:
- 1) NO WRITTEN REPORT TO DATE.
 - 2) NO DEED DESCRIPTION TO DATE.

PLAN PREPARED BY: K.W.M.
 PLAN CHECKED BY: _____



THIS PLAN IS NOT VALID UNLESS EMBOSSED ABOVE



NO.	DATE	DESCRIPTION	BY
1	05-31-2022	ADDED PROPOSED NEW HOUSE LOCATION	K.W.M.



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

For Office Use Only
 Date Submitted: 6/24/22
 Tent. Sched. for: 7/27/22
 Amount Paid: \$300

PROPERTY INFORMATION

Property Location/Address	5 Chris Ln, Gray ME.	Property Map/Lot	27.47.30
Zoning District	Rural residential + agricultural	Lot Acreage	0.46 Acres
Owner Name	April Piirainen	Owner Phone Number	207-754-5534
Number of Dwelling Units	One		

APPLICANT

Name (IF different than owner)		Email Address	april.piirainen@gmail.com
Mailing Address	5 Chris Ln	Contact Phone Number	207-754-5534
Mailing City/State/Zip	Gray, ME. 04039	Alternate Phone Number	207-839-7892 (work)

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:

- The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- 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 practical difficulty is not the result of action taken by the petitioner or a prior owner;
- No other feasible alternative to a variance is available to the petitioner;
- The granting of a variance will not unreasonably adversely affect the natural environment; and
- 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)

	Current Requirement	Currently Existing	Proposed
Front Setback	50 feet	39.1 feet	39.1' (38.3' with overhang)
Rear Setback	50 feet	50'	NA
Side Setback	15 feet	15'	NA
Other Setback (describe)			
Max. Lot Coverage	10%	5.8%	9.0%
Min. Lot Area	80,000 sq ft.	20,250 grandfathered	20,250 grandfathered
Min. Street Frontage	200 ft.	200 ft	200 ft
Other (describe)			

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;
- 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.

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:

- a. What effect will be proposed variance have on the prevailing character of the area?
- b. Does the proposed variance require special screening or fencing to separate or protect the property of abutting owners?
- c. Will the proposed variance create drainage, erosion or flooding problems?
- d. Will the proposed variance increase water pollution?
- e. Will the proposed variance generate vehicular traffic, access circulation or parking conditions which create hazardous situations?
- f. Will granting of the variance violate any of the performance standards of this Ordinance apart from the specific relief authorized by this Section?
- g. Will the proposed variance create to any degree nuisances to abutting property owners?
- h. Is the variance request the least modification of the Zoning Regulations necessary to afford relief?
- i. 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:



Printed Name

April Piirainen

Date

6/24/22

Variance Application - Practical Difficulty
Zoning Board of Appeals
Town of Gray Maine

Describe Request:

We have a 50' front setback from the road. Our house was built 39.1' from the road (38.3' with overhang). We are requesting a practical difficulty variance in order to add an addition onto our current home at 39.1' from the road (38.3' with proposed overhang). Our house is built into a hill and in order to add an addition we have to excavate into that hill. The vertical height from the street to top of the hill is approximately 12 feet. In order to add the addition 50' from the road it would take an additional 11' of excavation to remove the hill. This is not practical and would cause financial difficulty. Please reference our plot plan/site map.

Criteria:

A. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood; Our house is a raised ranch built in a hill. The need for a variance is due to the hill. Our house was built prior to the fifty-foot (50') street setback requirements.

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 of market value of abutting properties; The variance if granted would simply extend our current home at 39.1' from the road (while staying within the side setback). Ninety percent of the houses in the neighborhood are built at approximately the same distance from the street as ours, being less than today's minimum requirement of fifty-feet now in effect. Therefore, this variance would not affect the use or market value of abutting properties. By extending our home we are adding value to our home and thus the neighborhood.

C. The practical difficulty is not the result of action taken by the petitioner or a prior owner; The practical difficulty is the land. Our house was built into a hill at a time when setback requirements were less than the fifty-foot (50') requirements today.

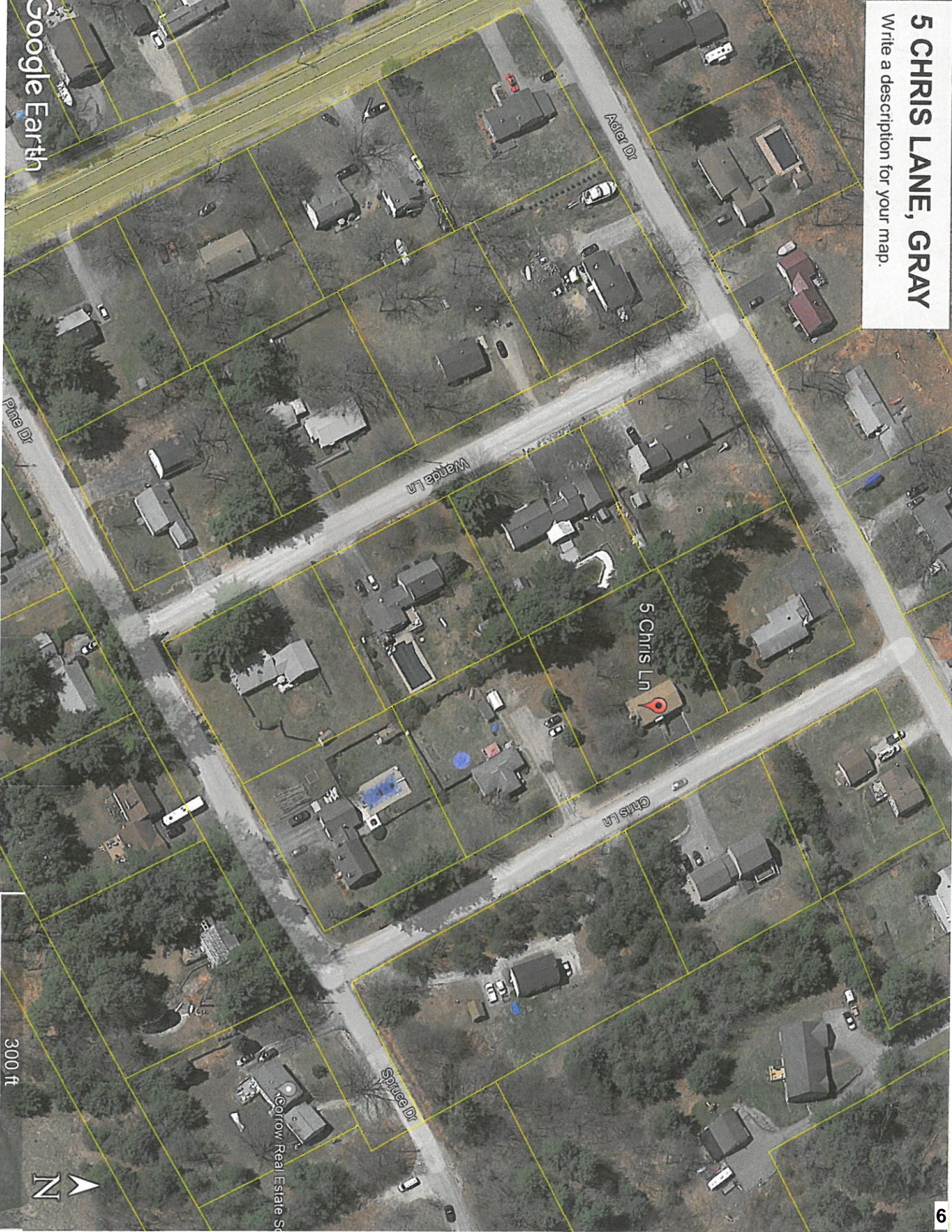
D. No other feasible alternative to a variance is available to the petitioner; There is no other feasible alternative.

E. The granting of a variance will not unreasonably adversely affect the natural environment; By extending our current home we will not be unreasonably adversely affecting the natural environment. In Fact, by moving the new addition, the extra 11 feet away from the street would require removing more trees and vegetation than necessary, causing more harm to the environment.

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

5 CHRIS LANE, GRAY

Write a description for your map.



Google Earth

Pine Dr

Adler Dr

Wanda Ln

5 Chris Ln

Chris Ln

Spruce Dr

Corrow Real Estate So

300 ft





April Piirainen - 5 Chris Lane, Gray ME. 04039
Variance Application for Practical Difficulty



CORNERSTONE

BUILDERS & CONTRACTORS

Estimate

Date	Estimate #
6/28/2022	22-04

Name / Address
Dominic Cloutier and April Piirainen 5 Chris Lane Gray, ME

Project

Garage Addition w/ Living Space Above

Description	Qty	Rate	Total
<p>EXCAVATION / FOUNDATION COST -VARIANCE GRANTED</p> <p>Excavate for 26'x28' home addition - daylight garage and living above. Install foundation - 9' walls with 10" footings and prep 4" floor with 3/4" stone. Backfill with suitable fill and compaction. All suitable fill from excavation will be used as "fill" in old driveway/garage entrance. 4" perimeter drain will be installed. Take down and dispose of 1 large pine tree and 1 maple tree in new driveway area. Take down and dispose of 10 large trees at rear of excavation site. Break down existing concrete walls in "fill" Install new driveway 14' wide by 50' with 18" gravel. Loam, seed & hay all disturbed work area.</p>		56,200.00	56,200.00
<p>ADDITIONAL COSTS IF NO VARIANCE IS GRANTED</p> <ul style="list-style-type: none"> - Excavate additional 12' to meet set back - Additional tree work and trucking - 12ft additional driveway <p>(all labor & materials included)</p>		11,650.00	11,650.00
Total			\$67,850.00