

TOWN OF GRAY
ZONING BOARD OF APPEALS
AGENDA • SEPTEMBER 28, 2022

**Zoning Board of
Appeals Regular
Meeting**



7:00 PM

I. MEETING COMMENCES

Roll Call

II. MINUTES APPROVAL

a. August 24, 2022 ZBA Minutes

III. NEW BUSINESS: PUBLIC HEARINGS

a. O'Brien Variance Request:

Michael & Ann O'Brien are requesting a practical difficulty variance for a 25-foot reduction of a 50-foot front line setback to construct a 24-foot by 28-foot garage on their property located at 44 North Shore Drive, Gray Tax Map 3, Lot 5-265-4, in a Lake Zoning District.

b. Pew/Bourgeois Variance Request:

Elek Pew & Julie Bourgeois are requesting a practical difficulty variance for a 8 - foot and a 3 - foot reduction of a 25 - foot side line setback to reconstruct an existing shed attached to their existing single family dwelling on their property at 23 Mountain View Road, Gray Tax Map 049- lot 013-041, in a Rural Residential & Agricultural Zoning District and is subject to a Consent Agreement that requires applicable setbacks be met unless a variance is granted.

c. Bennett Variance Request:

Eric & Mollie Bennett have filed an administrative appeal regarding the exclusion of right-of-way being included in the calculations of minimum lot area as defined in chapter 402 of the Gray Town Ordinance for a proposed lot split for the construction of a duplex and its applicability to their lot located at 23 Woodcock Road, Gray Tax Map 44, Lot 32-7-5, located in a Medium Density Zoning District.

d. Babbitt Variance Request:

Robert M. Babbitt is requesting a hardship variance for relief from Chapter 402 Gray Town Ordinance Section 402.7.9 Accessory Apartments Section 2 (f) and/or Section 5 minimum lot size for approximately 5,000sf on his property located at 51 North Raymond Road, Gray Tax Map 13, lot 107-38, located in a Lake Zoning District, Rural Residential & Agricultural District, and a Shoreland 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.*

**TOWN OF GRAY
GRAY ZONING BOARD OF APPEALS
MINUTES – August 24, 2024**

Gray ZBA	Henry Pennell Municipal Complex	7:00 PM
Regular Meeting	24 Main Street, Gray, ME 04039	

I. MEETING COMMENCED AT 7:00 PM

This meeting took place in-person at the Town Office.

Roll Call:

Attendee Name	Title	Status
Brad Fogg	Chair	Present (In-Person)
John Swiger	Regular Board Member – Co-Chair	Present (In-Person)
Georgia Woodbury	Regular Board Member	Present (In-Person)
Tammy Munson	Code Enforcement Officer	Present (In-Person)

II. June 22, 2022, and July 27, 2022, MINUTES APPROVAL: 3-0 (passed)

MOTION: *by John Swiger, seconded by Georgia Woodbury, to hear the Public Hearing request by Margo Fournier for a Practical Difficulty Variance at 3 Crescent Lane.*

VOTED: *3-0 (Passed).*

MOTION: *By John Swiger, seconded by Georgia Woodbury, to hear the Public Hearing request by Margo Fournier for a Practical Difficulty Variance at 3 Crescent Lane.*

III. NEW BUSINESS: PUBLIC HEARINGS:

Fournier Practical Difficulty Variance Appeal: *Margo Fournier is requesting a practical difficulty variance for a 48.5 and a 44.25-foot reduction of a 50-foot rear line setback to construct a 10-foot by 12-foot shed on her property located at 3 Crescent Lane, Gray Tax Map 24, lot 313-93, in a Lake Zoning District.*

MOTION: *by John Swiger, seconded by Georgi Woodbury, that the need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.*

VOTED: *3-0 (Passed).*

MOTION: *by Georgia Woodbury, seconded by John Swiger, that 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.*

VOTED: *3-0 (Passed).*

MOTION: *by Georgia Woodbury, seconded by Brad Fogg, that the practical difficulty is not the result of action taken by the petitioner or a prior owner.*

VOTED: *3-0 (Passed).*

MOTION: *by Georgia Woodbury, seconded by John Swiger, that no other feasible alternative is available to the petitioner.*

VOTED: *3-0 (Passed).*

MOTION: *by Georgia Woodbury, seconded by John Swiger, that the granting of a variance will not unreasonably adversely affect the natural environment.*

VOTED: *3-0 (Passed).*

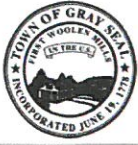
MOTION: *by Georgia Woodbury, seconded by Brad Fogg, that the property is not located in whole or in part within shoreland areas, as described in Title 38, Section 435.*

VOTED: *3-0 (Passed).*

MOTION: *by Brad Fogg, seconded by John Swiger, to grant the request for the Practical Difficulty Variance submitted by Margo Fournier requesting a practical difficulty variance for a 48.5 and a 44.25-foot reduction of a 50-foot rear line setback to construct a 10-foot by 12-foot shed on her property located at 3 Crescent Lane, Gray Tax Map 24, **lot 313-93, in a Lake Zoning District.***

VOTED: *3-0 (passed)*

IV. ADJOURNMENT: The meeting adjourned at 7:57 pm.



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

For Office Use Only
Date Submitted: 8/10/22
Tent. Sched. for: 9/28/22
Amount Paid: \$1300

PROPERTY INFORMATION

Property Location/Address	44 North Shore Dr., Gray, ME	Property Map/Lot	003 . 005 . 265 . 004
Zoning District	Lake	Lot Acreage	5.15
Owner Name	Michael & Anne O'Brien	Owner Phone Number	207-650-3119
Number of Dwelling Units	One		

APPLICANT

Name (<u>IF</u> different than owner)		Email Address	mobrien@rowleyagency.com
Mailing Address	44 North Shore Dr.	Contact Phone Number	207-650-3119
Mailing City/State/Zip	Gray, ME 04039	Alternate Phone Number	207-756-5757

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)

	Current Requirement	Currently Existing	Proposed
Front Setback	50'	N/A	25'
Rear Setback	50'	N/A	N/A
Side Setback	25'	N/A	N/A
Other Setback (describe)	N/A	N/A	N/A
Max. Lot Coverage	20%	N/A	N/A
Min. Lot Area	80,000 SF	N/A	N/A
Min. Street Frontage	200'	N/A	N/A
Other (describe)	N/A	N/A	N/A

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 property is not level, it drops off steeply towards the woods. Ledge is located throughout the property.

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 garage will add value to the property given a permanent structure would be build rather than a temporary shelter being used +

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

The lot is narrow and falls steeply from the road. The driveway is level and our cars are currently parked where a garage would be built.

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

With the septic system on the left of the house and a well on the right, the garage will be situated in the most feasible location.

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

Without a variance, the land would be negatively impacted due to additional tree removal and major excavation work needed to comply with the 50' setback requirements.

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

The property lies on the east side of the road, away from Notched Pond.

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 <i>Michael & Anne O'Brien</i>	Printed Name Michael & Anne O'Brien	Date August 8, 2022
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August 1, 2022

Zoning Board of Appeals
Henry Pennell Municipal Complex
24 Main St.
Gray, ME 04039

Re: 44 North Shore Dr. request for zoning variance

Dear Members of the Zoning Board of Appeals:

We are writing to request a set-back variance to build a detached, 2-car garage for our home located at 44 North Shore Drive in Gray. While the current zoning regulation states a 50' front setback requirement, we are requesting to build the garage with a 25' front setback. As the property is presently landscaped with large rocks, we already park our cars on the driveway which is within the proposed 25' setback location. We simply want to build a garage where we currently park our cars and sincerely urge your support for this building.

We are seeking a variance for several reasons. If we were to build a garage within the 50' setback the water supply line from our well would have to be relocated, adding additional cost to this project. In addition to the well supply line, the lot drops off drastically to the east of the driveway and the house; the slope is anywhere from 22 – 30+ degrees. The current soil composition is unsuitable to build upon. Building the garage within the 50' setback would require significant excavation of the unsuitable soils and substantial loads of fill to create an area in which to build a solid foundation. The cost associated with this would be prohibitive. Given the topography, this location would cut off safe access to the back of our lot. Our septic system is located on the other side of the house, so we are precluded from building a garage on that side. There is no other feasible alternative given the practical difficulty related to the points previously mentioned. To adhere to a 50' setback requirement would add considerable and prohibitive costs to the project.

A garage built on the requested level land would be more reliable and more feasible for us as we plan to live in this house for many years. In the fall, Michael is scheduled to undergo a total hip replacement due to arthritis. The setback variance would permit us to continue to park on flat, level terrain that is easily accessed, especially during long winters with snow and ice.

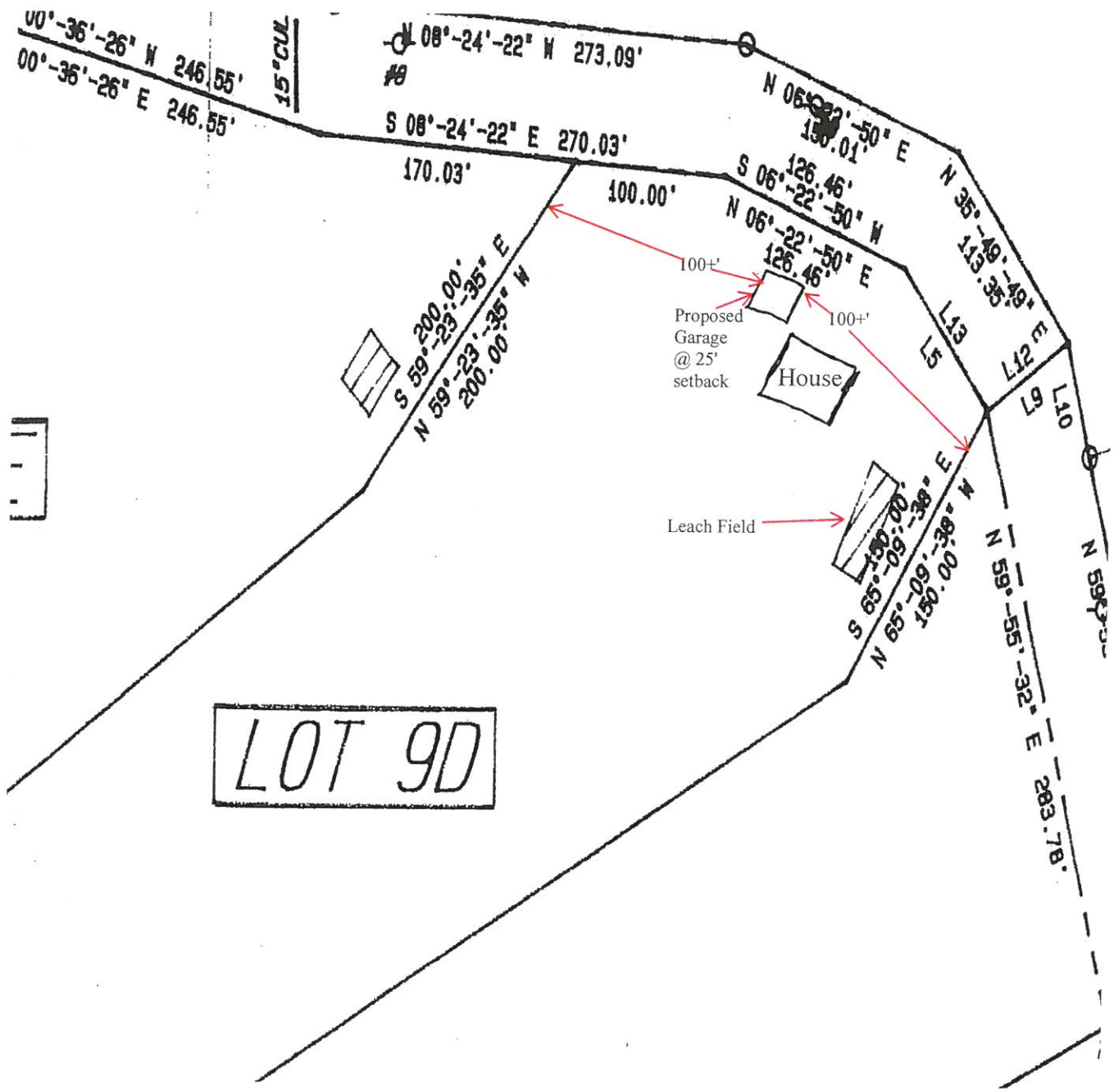
Our neighbors, Matthew and Abbey Ball and Ashley Merrill, are supportive of our request. We have contacted the Notched Pond Estates LOA and informed them of our intention to request a variance. The single story 24'X28' garage will complement the existing colonial structure. A garage will add to the property value of our home as well as protect our vehicles. It will not cause any vehicle hazards to the association, nor will it adversely affect the neighboring homes. Adding the garage at our proposed location will impact the environment the least compared to other areas within our property.

We believe that this proposal would make an aesthetically appropriate addition, if not an upgrade to our neighborhood. This location is the best and only option available to us. Please do not hesitate to contact us if you have any questions. We can be reached at amobrien4@outlook.com or 207-650-3119. Thank you for taking the time to examine and consider our request.

Respectfully submitted,

Anne & Michael O'Brien

Anne and Michael O'Brien



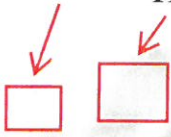
N Shore Rd

001-003-265-000

N Shore Rd

N Shore Rd

Garage House



Slope

003-005-265-002

003-005-265-003

003-005-265-004

003-005-265-005

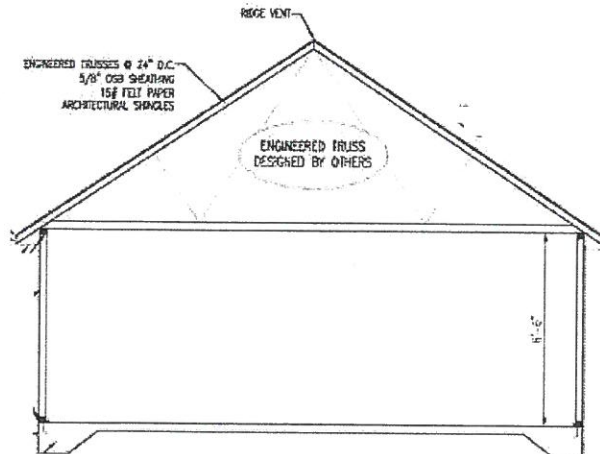
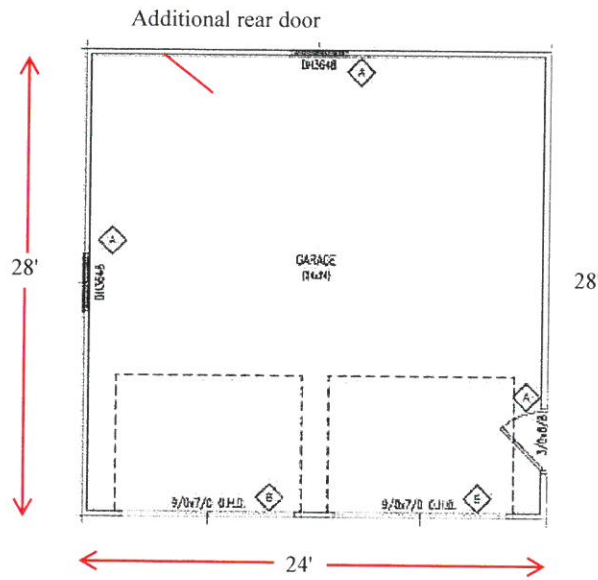
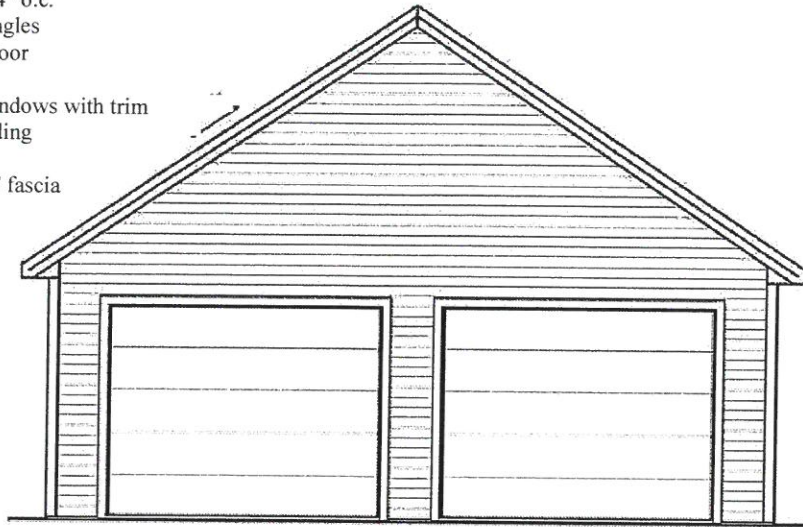
N Shore Rd

Shore Rd

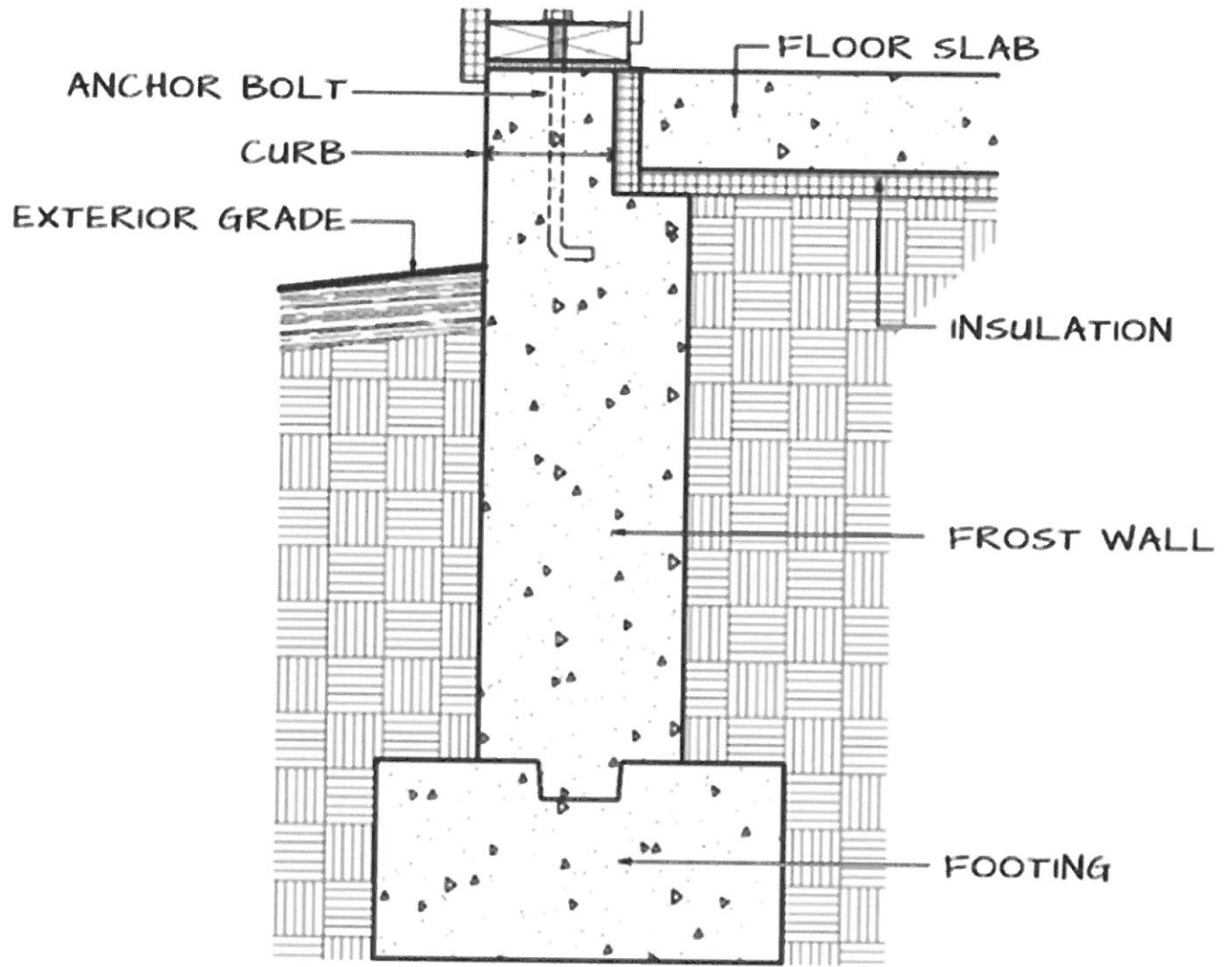
not not not not

Walls 8' - 2"x4", 16" o.c.
 Roof: with attic truss - 24" o.c.
 30 year architectural shingles
 36" fiberglass entrance door
 2- 9'x7' overhead doors
 3- 30"x36" aluminum windows with trim
 Exterior siding: Vinyl siding
 Ridge vent
 12" overhangs with 1"x6' fascia

24x28 single story garage



Frost wall and footing to be used if possible; depending on ledge



Proposed garage foundation detail.



50' setback location

Well



Slope up to 30+ degrees



50' setback location

Proposed Garage Location





Front Property Line

25' setback location

Well location



Front Property Line

25' Setback Location



25' Setback Location

Front Property Line



25' Setback Location

Town of Gray
Receipt

NE



07

2022 REAL ESTATE TAX BILL

CURRENT BILLING INFORMATION

LAND VALUE	\$68,300.00
BUILDING VALUE	\$212,400.00
TOTAL: LAND & BLDG	\$280,700.00
FURNITURE & FIXTURES	\$0.00
MACHINERY & EQUIPMENT	\$0.00
COMPUTER EQUIPMENT	\$0.00
MISCELLANEOUS	\$0.00
TOTAL PER. PROPERTY	\$0.00
HOMESTEAD EXEMPTION	\$25,000.00
OTHER EXEMPTION	\$6,000.00
NET ASSESSMENT	\$249,700.00
TOTAL TAX	\$3,648.12
LESS PAID TO DATE	\$0.00
TOTAL DUE →	\$3,648.12

**THIS IS THE ONLY BILL
YOU WILL RECEIVE**

04/20/22 8:56 AM ID:KEH #4411
 TYPE----- REF--- AMOUNT
 Real Estate 189-2022
 Principal 1,824.06
 Interest 5.70
 Total: 1,829.76
 Paid By: O'BRIEN, ANNE M K & O'ERI
 Remaining Balance: 0.00
 Have a great day!
 Check: 1,829.76
 120 - 1,829.76

1829.76

ACCOUNT: 000189 RE
 MIL RATE: 14.61
 LOCATION: 44 NORTH SHORE DR
 BOOK/PAGE: B34477P320 11/21/2017

ACREAGE: 5.15
 MAP/LOT: 003-005-265-004

JULY 1, 2021 - DECEMBER 31, 2021
 1ST HALF DUE: 10/01/2021 **\$1,824.06**
 JANUARY 1, 2022 - JUNE 30, 2022
 2ND HALF DUE: 04/01/2022 **\$1,824.06**

TAXPAYER'S NOTICE

PLEASE READ.

Interest at 6% per annum charged after 10/01/2021 and 04/01/2022. If you have an escrow account or have sold your property after 04/01/2021, please forward a copy of this bill to your mortgage holder or new owner.

INFORMATION

The Town's certified assessment ratio for Fiscal Year 2022 is 100%.

If you have questions regarding your valuation, please contact the Assessor at (207) 657-3339, ext. 112.

For information regarding payments, interest, cost changes, and/or refunds, please call 657-3339 extension 103.

As a result of the money our municipality receives from the state legislature through the State Municipal Revenue Sharing Program, Homestead Exemption Reimbursement, and State Aid to Education, your property tax bill has already been reduced by 28.85%

The total bonded indebtedness of the Town of Gray as of September 9, 2021 is \$9,104,570.

If you would like to receive general tax information by e-mail, sign up at www.graymaine.org/subscribe for Urgent Alerts: Finance.

CURRENT BILLING DISTRIBUTION

School	\$2,199.82	60.30%
Municipal	\$1,142.96	31.33%
County	\$159.06	4.36%
TIF	\$146.29	4.01%
TOTAL	\$3,648.12	100.00%

REMITTANCE INSTRUCTIONS

Please make check or money order payable to
TOWN OF GRAY and mail to:

**TOWN OF GRAY
 24 MAIN ST
 GRAY, ME 04039-9407**

Any payments received by mail postmarked after the due date will be subject to interest.

TOWN OF GRAY, 24 MAIN ST, GRAY, ME 04039-9407

2022 REAL ESTATE TAX BILL

ACCOUNT: 000189 RE
 NAME: DOWLING-SCHMITT, MIRIAM C
 MAP/LOT: 003-005-265-004
 LOCATION: 44 NORTH SHORE DR
 ACREAGE: 5.15



INTEREST BEGINS ON 04/02/2022

DUE DATE	AMOUNT DUE	AMOUNT PAID
04/01/2022	\$1,824.06	

PLEASE REMIT THIS PORTION WITH YOUR SECOND PAYMENT

TOWN OF GRAY, 24 MAIN ST, GRAY, ME 04039-9407

2022 REAL ESTATE TAX BILL

ACCOUNT: 000189 RE
 NAME: DOWLING-SCHMITT, MIRIAM C
 MAP/LOT: 003-005-265-004
 LOCATION: 44 NORTH SHORE DR
 ACREAGE: 5.15



INTEREST BEGINS ON 10/02/2021

DUE DATE	AMOUNT DUE	AMOUNT PAID
10/01/2021	\$1,824.06	

PLEASE REMIT THIS PORTION WITH YOUR FIRST PAYMENT



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

For Office Use Only
Date Submitted: 8/11/22
Tent. Sched. for: 9/28/22
Amount Paid: \$ 300

PROPERTY INFORMATION

Property Location/Address	23 Mountain View Rd	Property Map/Lot	<u>Map . 49 .Lot 17 . 60</u>
Zoning District	RRA	Lot Acreage	2
Owner Name	Elek Pew & Julie Bourgeois	Owner Phone Number	2078903711
Number of Dwelling Units	1		

APPLICANT

Name (IF different than owner)		Email Address	elekpew@gmail.com
Mailing Address	23 Mountain View Rd	Contact Phone Number	207-890-3711
Mailing City/State/Zip	Gray, ME, 04039	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)

Description attached separately along with current pictures, plot plan of current/future structure, & letter of support from abutting property owners at 17 Mountain View Rd.

	Current Requirement	Currently Existing	Proposed
Front Setback	50'	100+'	
Rear Setback	50'	100+'	
Side Setback	25'	18.4-22.9'	18.4-22.9' (for a portion) & 25'
Other Setback (describe)			
Max. Lot Coverage	10%		
Min. Lot Area	80,000 sqft		
Min. Street Frontage	200'		
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;

A shed was built on the property in 1999 that did not conform with the 25' side setback. This was uncovered in 2013 and a consent agreement was signed between the current owner & the town so the shed could remain when the property changed ownership.

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 new structure builds on a footprint that has existed for over 20 years. It will make the neighborhood more desirable because the current shed/carport is rotting. The owners of the abutting property are supportive of building on the existing footprint.

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

To have a wide enough area where we can open a car door without hitting the other car (as happens under the carport today) we must build on the existing footprint of the carport + shed to have a wider structure.

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

This is the only location where we can build an attached garage given the substantial slope of our driveway. Additionally, adding a 2nd floor on the existing footprint also gives us enough room to add an additional bathroom, which would otherwise be cost prohibitive in any other section of the house given the location of existing plumbing/septic pipes.

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

There has been a structure on this footprint for over 20 years, so it would not adversely impact the natural environment in any new way.

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

The property is over a mile from any shoreland areas (address is 23 Mountain View Road in Gray, ME)

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

Elek Pew & Julie Bourgeois

Date

7/20/22

To: Town of Gray, Maine
Zoning Board of Appeals

To Whom it May Concern,

Thank you for considering our request. Our names are Elek Pew & Julie Bourgeois and we live at 23 Mountain View Rd in Gray. We are both life-long Mainers who purchased our home in late 2020 with the intention of spending the foreseeable future here. While the current home is large enough for the two of us, as we look to expand our family there are certain renovations we need to make. Specifically, we are looking to convert the existing carport and dilapidated shed into an attached garage with living space on a new 2nd floor that would include two offices (we work remotely), an additional bedroom and bathroom to support a growing family.

We were originally looking to purchase a home with a garage, however we compromised when buying our home given that we would be able to convert the existing carport/shed into a finished area. As we began the planning process for this renovation we had a survey completed that shows the current footprint of the shed is within the 25' side setbacks by 3' to 6.5' (depending on the corner of the shed because the property line runs at an angle). It was our understanding that the existing shed was built originally with the house in 1978, and therefore we would be able to build a new structure on top of the existing footprint, however when meeting with Tammy Munson in Code Enforcement on July 18, 2022 we were made aware of a Consent Agreement between previous owners of the property and the Town of Gray that was signed in October 2013 indicating this was not the case. This Consent Agreement showed that the shed was actually built in 1999 and was identified as being nonconforming as part of an mortgage and inspection process for selling the house. We were not made aware of the consent agreement when purchasing the home in 2020.

The current carport is so narrow we cannot open car doors without hitting the other vehicle, and we can only enter vehicles on one side of the structure. If we can build a wider garage that encapsulates the footprint of the existing shed then this issue will be solved. We would be able to make up for this shed space by expanding the footprint on the front and rear, all of which would be within 25' of the property line. Additionally, we would be able to construct new living space above the garage, which is the only feasible place where we could build a new bathroom given existing plumbing infrastructure. In the end, all we are asking is that we be allowed to build on the existing footprint of the home which has now existed for over 20 years. We are hopeful you will allow this & thank you for your time considering our request.

Respectfully,
Elek Pew & Julie Bourgeois



From:
Andrew and Eliza Watson
17 Mountain View Rd
Gray, ME 04039

To:
Zoning Board of Appeals
Town of Gray, Maine

To Whom It May Concern,

July 20, 2022

Our abutting neighbors, Elek Pew and Julie Bourgeois of 23 Mountain View Rd, Gray, have requested our support for the proposal to build out their existing carport as an enclosed garage with a full second floor. While we understand the existing building envelope falls within the 25 foot offset buffer allowed in our zoning ordinance, this offset does not currently, and would not after the proposed project, interfere with our family's use of our property next door. The setback of our own home at 17 Mountain View Road, Gray, and usable yard is such that we have no concerns about proximity of the proposed structure.

We very much appreciate Elek and Julie's courtesy by informing us of their plan and we are happy to support their proposed project. If you have any questions, please contact us: Eliza (207-272-4175) or Andrew (718-938-0328).

Best Regards,
Andrew and Eliza Watson

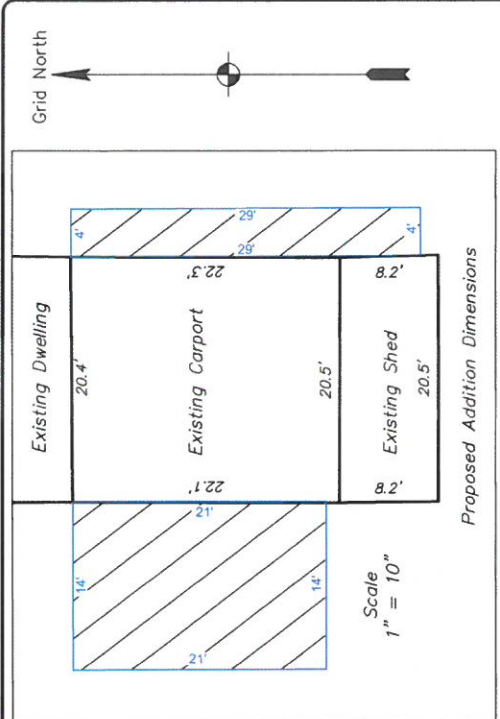
Revised By Note
06/28/22 NR JCC Issued to client for review

41 CAMPUS DRIVE
SUITE 301
NEW GLOUCESTER, ME 04260
OFFICE: (207) 928-5111 FAX: (207) 221-1317
www.terradynconsultants.com

TERRADYN
CONSULTANTS, LLC

Plot Plan
of
Gregor Parcel
23 Mountain View Road
Gray, Maine
Prepared for
Julie Bourgeois & Elek Pew
23 Mountain View Road
Gray, ME 04039

Project # 22-86
Date: 06/28/22
Scale: 1" = 60'
Sheet No. 1 OF 1



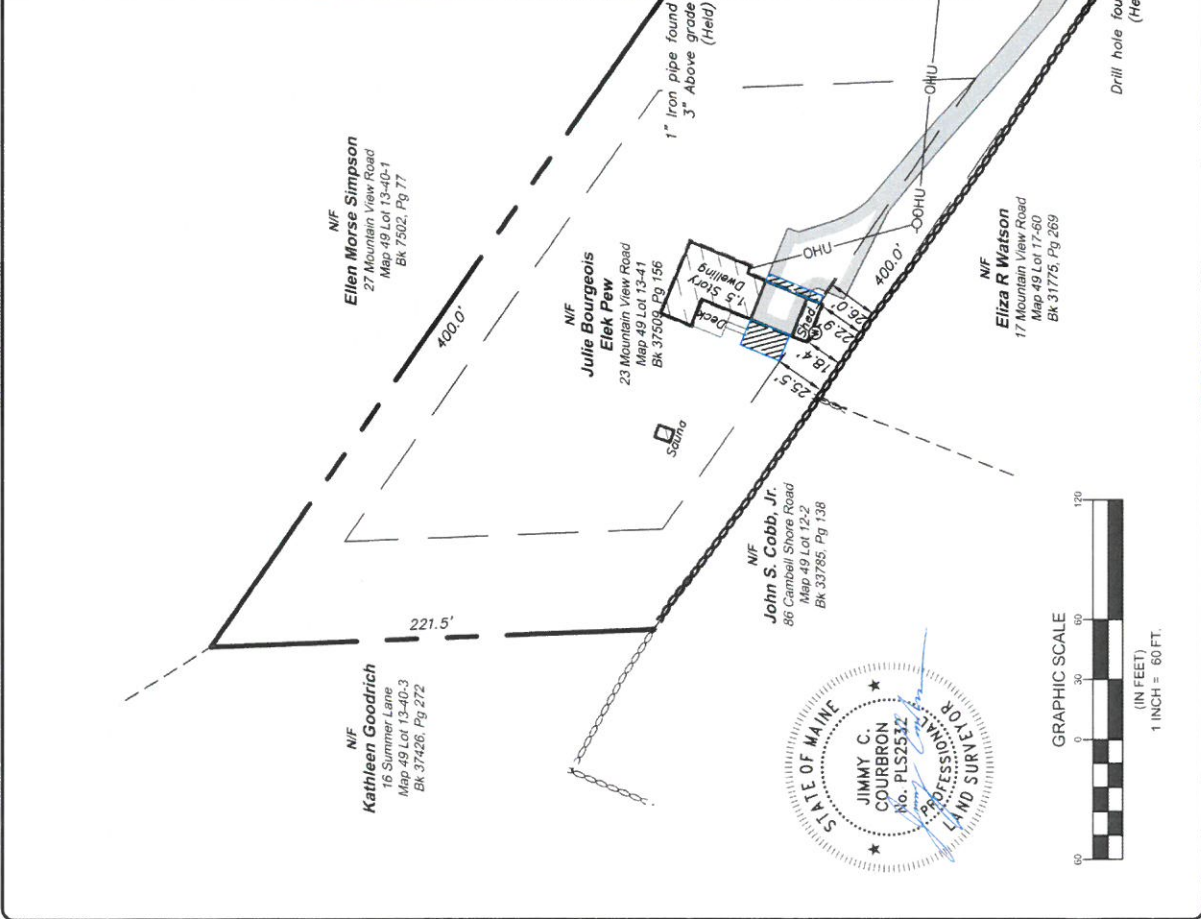
General Notes:

- This is not a boundary survey. The sole purpose of this sketch is to serve as a visual aid in the review of certain proposed elements for assistance in obtaining a building permit. Only the current deed to the property noted in General Note 3 and the plans noted in General Note 6 were reviewed. No other records research was performed. No representation or warranty is made as to the location of boundaries or other points of reference. This plan shall not be used for the purchase or conveyance of land.
- All Book and Page numbers refer to the Cumberland County Registry of Deeds, unless otherwise noted.
- The record owner of the subject parcel is Julie Bourgeois & Elek Pew by a deed dated Nov. 30, 2020 and recorded in Book 37509 Page 156.
- The subject parcel is shown on the Town of Gray Tax Map 49 as Lot 13-40 and is located in the Rural Residential and Agricultural District.
- Space and bulk standards for the Rural Residential and Agricultural District as of the date of this plan are as follows:

Min. Lot Size:	80,000 sq ft
Min. Frontage:	200 ft
Min. Front Setback:	50 ft
Min. Side Setback:	25 ft
Min. Rear Setback:	50 ft
Max. Building Height:	35 ft
Max. Lot Coverage:	10%

6. Plan References:

- "Subdivision for Jere S. Pierre in Gray, Maine," prepared by Joh D. Palmier, R.L.S. #1057, dated June 1975 and recorded in Plan Book 107, Page 40.
- "Standard Boundary Survey, Amended Property Plan of Lot Division, 8 Summer Lane, Gray, Maine, made for Pine Ridge Farm Corp.," prepared by John D. Palmier, PLS 1057, dated November 7, 2007 and recorded in Plan Book 207, Page 730.



CONSENT AGREEMENT BETWEEN
GREGG A. COHEN and CATHY M. JANELLE AND
THE TOWN OF GRAY and its CEO
(23 Mountain View Road, Gray-Tax Map 049-013-041-000)

THIS AGREEMENT is entered into this 1st day of October, 2013, between and among GREGG A. COHEN and CATHY M. JANELLE, residents of Gray, Maine (the "Property Owners"), and the TOWN OF GRAY, a municipal corporation organized and existing under the laws of the State of Maine, located in the County of Cumberland, State of Maine, and THOMAS MARKLEY, in his capacity as the Code Enforcement Officer for the Town of Gray (collectively, hereinafter the "Town").

WHEREAS, the Town and the Property Owners agree on the following facts:

1. The Town is a municipal corporation organized under the laws of the State of Maine.
2. Thomas Markley is the duly appointed Code Enforcement Officer ("CEO") of the Town of Gray, authorized under law to administer and enforce the provisions of the Town's land use ordinances, including, without limitation, the Gray Zoning Ordinance (the "Ordinance").
3. The Property Owners own certain property located at or about 23 Mountain View Road in Gray, Cumberland County, Maine (the "Property").

The Property is described in a deed to the Property Owners, recorded January 3, 2001, and recorded in the Cumberland County Registry of Deeds in Book 15939, Page 114.

4. A single-family structure was constructed on the Property in 1999, and the Property Owners purchased it in its current as-built shape and size in 2000.
5. The Property is located in the Rural Residential and Agricultural Zoning District, which at all relevant times required a twenty-five foot (25') side yard setback for structures.
6. The Property Owners are currently in the process of selling the Property. As part of the sale process, a mortgage loan inspection plan of the Property was prepared by Livingston-Hughes, Professional Land Surveyors.
7. According to the mortgage loan inspection plan, the single family house on the Property is set back only twenty feet (20') from the Property's southeasterly sideline.

8. That apparent sideline setback does not comply with either current or prior zoning requirements under the Ordinance.

9. The Town has determined that the violation was inadvertent, is minor, and does not present any threat to public health, safety and welfare.

NOW, THEREFORE, based on the above findings, the Town and the Property Owners have and do agree as follows:

a. The existing single-family structure on the Property, as of the date of this Consent Agreement, shall be allowed to remain and continue in its current location notwithstanding the setback violation identified herein. The location of the structure is shown on Exhibit A of this Consent Agreement.

b. The structure is not, and so shall not be treated as, a "lawful nonconforming structure" under the provisions of the Ordinance that provides beneficial treatment thereof, but rather the encroaching portion of the building will simply be allowed to remain as is.

c. The Property Owners shall be responsible for recording a copy of this Consent Agreement in the Cumberland County Registry of Deeds within thirty (30) days of the date of this Consent Agreement and shall provide a copy, with recording information printed thereon, to the CEO. The Property Owners shall be responsible for all recording costs.

d. The Town agrees to waive any enforcement action it might have taken against the Property Owners for this apparent violation, as long as there is no violation of the terms of this Consent Agreement.

e. All of the provisions of this Consent Agreement shall run with the land and shall be binding upon the Property Owners, their heirs and assigns.

f. If the Property Owners, their heirs or assigns, fail to comply with any provision of this Agreement, the Town may seek to enforce its provisions in any appropriate legal or equitable action. If there is any subsequent violation of the requirements of the Ordinance, the Town may bring an enforcement action pursuant to 30-A M.R.S.A. § 4452, or as otherwise provided by law.

At a formal and properly called meeting of the Gray Town Council on October 1, 2013, the said Town Council approved this Consent Agreement on behalf of the Town and its CEO and authorized the Town Manager and the CEO to execute it on their behalf.

Dated: 10/2, 2013

Gregg A. Cohen
Gregg A. Cohen

Dated: 10/2, 2013

Cathy M. Janelle
Cathy M. Janelle

STATE OF MAINE
Cumberland, ss.

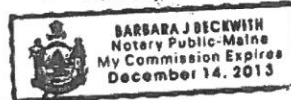
October 2, 2013

Then personally appeared the above-named Gregg A. Cohen and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Barbara J. Beckwith
Attorney at Law/Notary Public

Printed Name: Barbara J. Beckwith
Commission Expires:



STATE OF MAINE
Cumberland, ss.

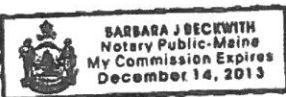
October 2, 2013

Then personally appeared the above-named Cathy M Janelle and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Barbara J. Beckwith
Attorney at Law/Notary Public

Printed Name: Barbara J. Beckwith
Commission Expires:



TOWN OF GRAY

Dated: 10/2, 2013

Deborah Cabana
Deborah Cabana, Its Town Manager,
thereunto duly authorized

Dated: 10/2, 2013

Thomas Markley
Thomas Markley, Its CEO,
thereunto duly authorized

STATE OF MAINE
Cumberland, ss.

10/2, 2013

Then personally appeared the above-named Deborah Cabana, in her capacity as Town Manager of the Town of Gray, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of the Town of Gray.

Before me,

Barbara J. Beckwith
Attorney at Law/Notary Public

Printed Name: Barbara J. Beckwith

Commission Expiration:

SEAL



Received
Recorded Register of Deeds
Oct 07, 2013 09:04:49A
Cumberland County
Pamela E. Lavley



**APPLICATION FOR ADMINISTRATIVE APPEAL
ZONING BOARD OF APPEALS
TOWN OF GRAY MAINE**

For Office Use Only 8/25/22
 Date Submitted: 8/25/22
 Date Paid/Initials: 8/25/22
 Amount Paid: \$ 300

CONTACT INFORMATION

Name	George Theborge	E-Mail Address	geotheb1@gmail.com
Street Address	358 Middle Rd	City/State/Zip	Falmouth, Maine 04105
Phone Number	207-310-0882	Work Phone	
Name of owner on property which is subject to appeal:	Eric Bennett		

APPEAL

Please describe in detail the facts surrounding this appeal, what you think is wrong about the decision which you are appealing, and what actions you want the board of appeals to take in this matter. If additional space is needed, please continue on a separate sheet of paper and attach it to this application.

Eric and Mollie Bennett own a duplex home on Woodcock Drive and are attempting to split their lot to create a home site for his brother Isaac Bennett who is getting married this year. The lot is located in the Medium Density District which was created by the Town in order to promote development in a designated growth area of the Comprehensive Plan. Where public water is available, the MD requires a minimum lot size of 40,000 sq. ft. and a minimum area per dwelling unit of 20,000 sq. ft.

The Bennett lot contains 90,000 sq. ft. based on the prior zoning in effect at the time the lot was created and contains enough lot area for the proposed split and the resulting second buildable lot under the new zoning. The problem is that the original conveyance done by a developer retained a 60-foot easement for future access and utilities along the southwest property line of the lot. That easement was effectively abandoned when the developer accessed the abutting land through the extension of Woodcock Drive to create the adjacent Stillwater Pines Subdivision that was approved by the Gray Planning Board on July 8, 2021. That approved plan established permanent open space along the entire southeast property line where the easement ends. Thus, the easement was effectively abandoned with the approval of that subdivision.

Our attorney prepared the attached release for the "lapsed" easement, but the developer of the subdivision was unwilling to sign the release and the Code Officer has directed us to file a variance application. We believe that the Board of Appeals has authority to grant administrative relief through interpretation and application of the zoning provisions to not require deduction of abandoned and lapsed easements that "lead to nowhere."

CERTIFICATION

I certify that the information contained in this application is true to the best of my knowledge and belief.

Applicant Signature	<i>George N. Theborge</i>	Date	August 25, 2022
---------------------	---------------------------	------	-----------------

PERMISSION TO REPRESENT PROPERTY OWNER

PROPERTY & OWNER INFO

Property Location/Address	23 Woodcock Drive	Property Map/Lot	044 . 032 . 007 . 006
Zoning District	Medium Density	Lot Acreage	90,000 sq. ft.
Number of Dwelling Units	2	Deed Reference	Bk 34501 Pg 280
Owner Name	Eric Bennett	Owner Phone Number	207-749-1446

I **Eric Bennett**, residing at **23 Woodcock Drive, Apt B**
 _____, am the deeded owner of the above referenced property.

I authorize **George Thebarg** to represent me & the above referenced property regarding application for **23 Woodcock Drive**

Authorization extended to: (Check all that apply)

- Submit application for the Zoning Board of Appeals
- Present case at the scheduled Zoning Board of Appeals / Planning Board Meeting
- Other (please describe) _____

REPRESENTATIVE INFO

Name of Individual	George Thebarg	Email Address	geotheb1@gmail.com
Company Name (if applicable)		Primary Phone Number	207-310-0882
Mailing Address	358 Middle Rd	Alternate Phone Number	
Mailing City/State/Zip	Falmouth, Maine 04105	Other?	

Eric Bennett

Printed Name

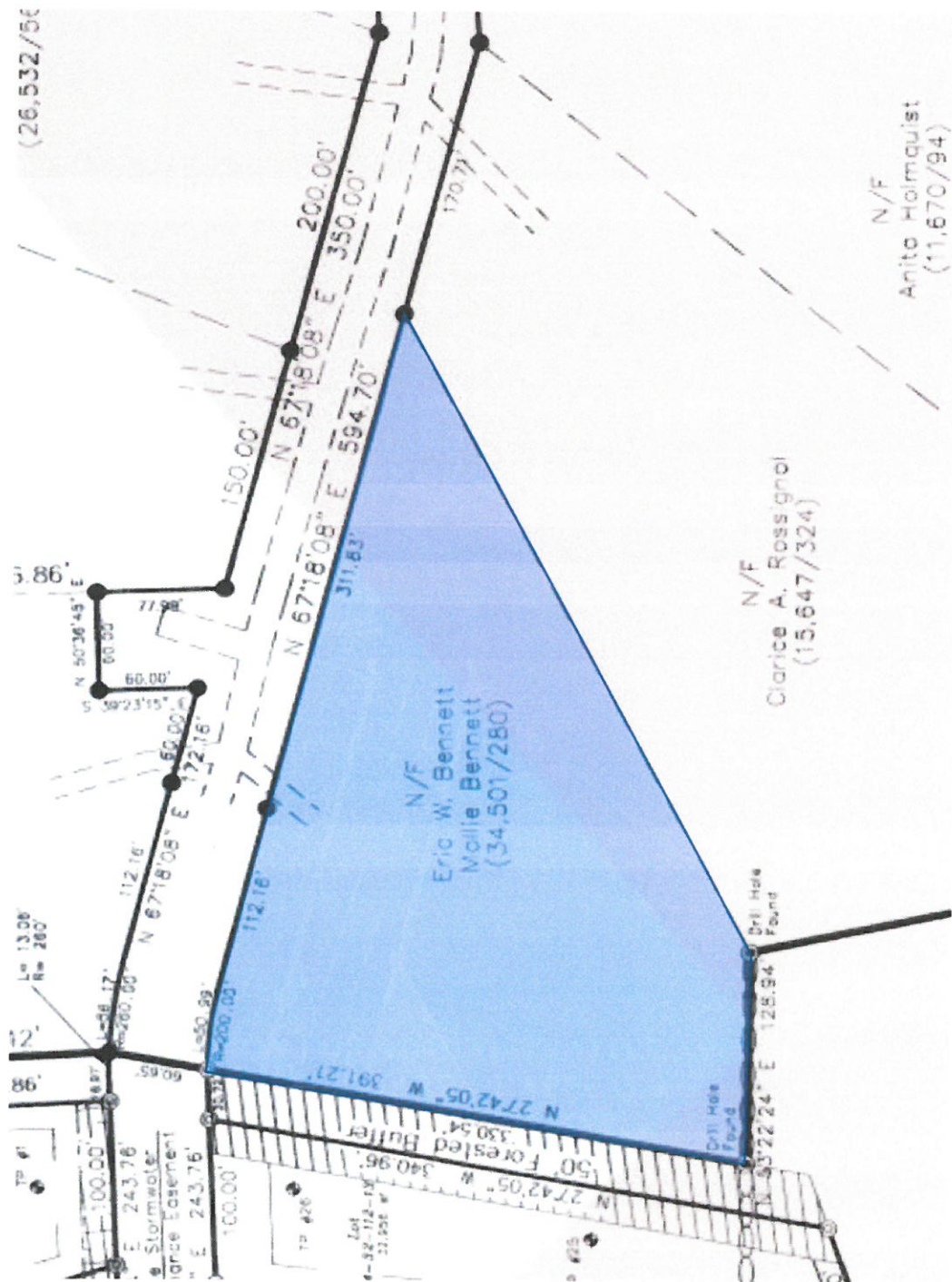


Signature

August 25, 2022

Date

23 Woodcock Drive, Gray Maine



402.5.4 Districts Dimensional Requirements

Lots and structures in all districts shall meet or exceed the following minimum requirements.

TABLE 402.5.4 A - LOT DIMENSION & DENSITY STANDARDS					
ZONING DISTRICT	Minimum Lot Area	Minimum Street Frontage ^c	Minimum Area Per Dwelling Unit (Town Water)	Minimum Area Per Dwelling Unit (Private Well)	Maximum Impervious Surface
RRA	80,000 sq. ft.	200 ft.	40,000 sq. ft.	40,000 sq. ft.	N/A
LD	80,000 sq. ft.	200 ft.	N/A	80,000 sq. ft.	N/A
MD	40,000 sq. ft. ^a (80,000)	150 ft.	20,000 sq. ft.	40,000 sq. ft.	N/A

^a Lots in MD District not served by public water require 80,000 square feet of lot area.

^b Impervious surface and lot coverage in BT-2, WH-1, & WH-2 Districts can be increased to 30% of lot with Planning Board approval subject to the requirements of Section 402.8.4.L for recharge protection.

^c In accordance with Tables 402.5.4.A & B of the Zoning Ordinance, the Planning Board shall have the authority to reduce the minimum street frontage to fifty (50) percent of the required frontage but in no case less than sixty (60) feet of street frontage, whichever is greater, for lots in a Planning Board approved residential subdivision for one or more lots having street frontage only on a cul-de-sac. In such instances, street frontage shall be measured along the outside radius of the cul-de-sac. Lots which have any street frontage not on a cul-de-sac radius as well as lots in a commercial subdivision shall not be eligible for reduced street frontage.

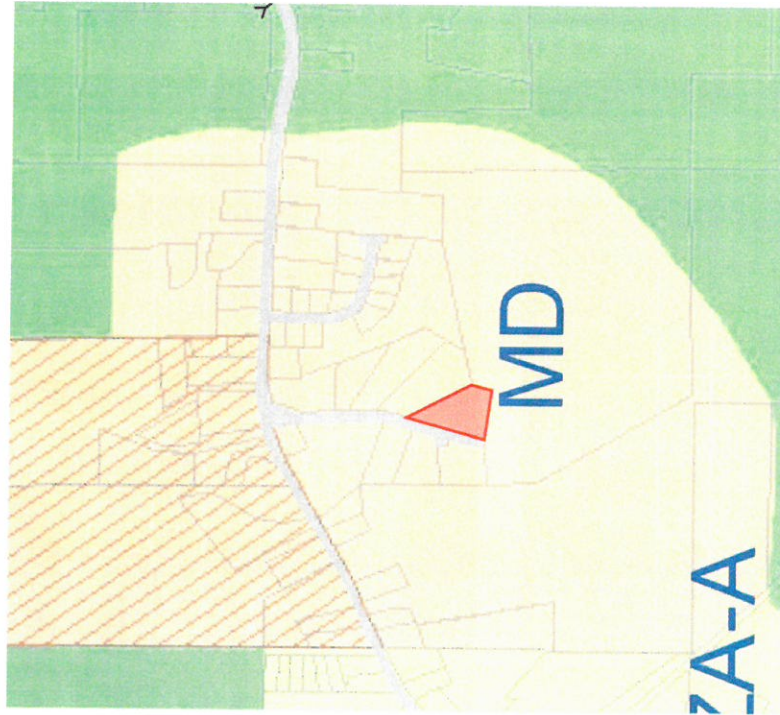


TABLE 402.5.4 B - BUILDING CONSTRUCTION SPATIAL STANDARDS

ZONING DISTRICT	Maximum Lot Coverage	Minimum Lot Line Setback Front	Minimum Lot Line Setback Side	Minimum Lot Line Setback Rear	Maximum Building Height
RRA	10 %	50 ft.	± 25 (15) ft.	50 ft.	35 ft.
LD	20 %	50 ft.	± 25 (15) ft.	50 ft.	35 ft.
MD	15 %	50 ft.	± 20 (15) ft.	20 ft.	35 ft.

^a Height requirements do not apply to flagpoles, chimneys, transmission towers, steeples, windmills or similar structures usually erected at a greater height than the principal building, however such accessory structures or appurtenances require a lot line setback distance of no less than its height.

^b Side setback for non-conforming lots of record in RRA, LD, MD, BD-1, WH-1, & WH-2 Districts is 1.5 feet.

^c Maximum building height in BD-1, BD-2, and C is 5.5 feet if public water is available and at least two sides of the building are accessible by fire apparatus.

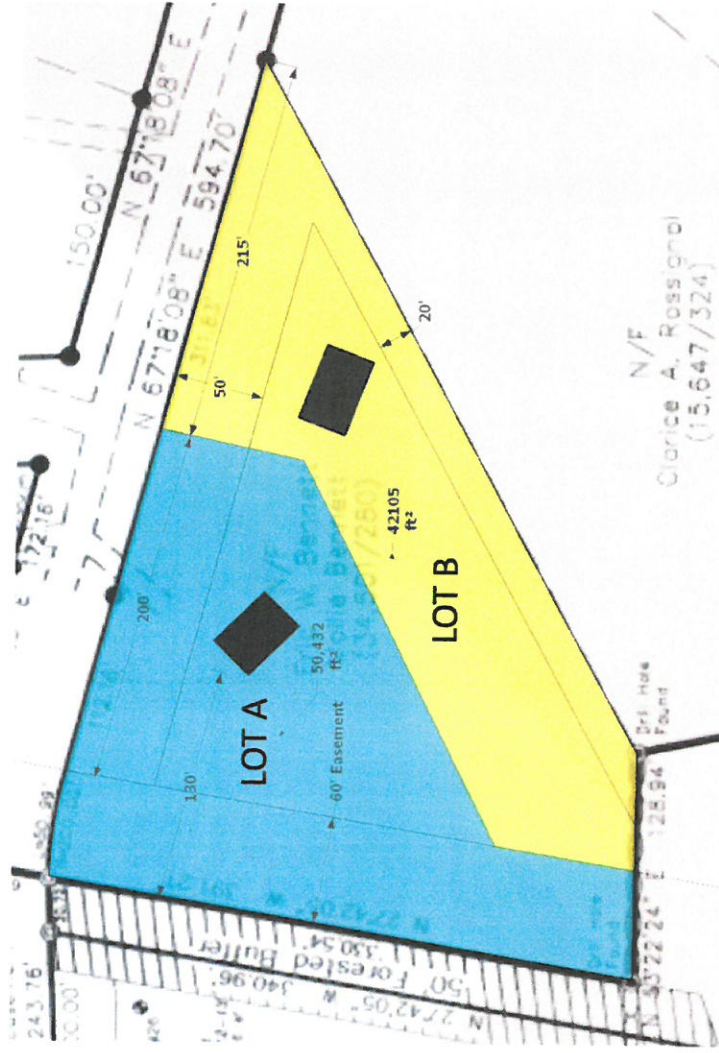
^d Side setback in BT Districts is 10 feet if not abutting a residential property.

^e For any lot in a BD-2 District, the setback for any property line(s) that abuts another district, including BD-1, shall meet the minimum setback(s) for either the abutting district or BD-1, whichever is less restrictive.

402.2.2 Definitions

Minimum Lot Area: The land area of a parcel, not including the area of any land which is: beneath roads or driveways serving more than two lots, and areas which are part of a right of way for a street or easement, such as but not limited to, surface drainage easements or traveled rights of way (but not including utility easements servicing that lot).

- LOT A – Total Area = 50,000 sq ft +/-
- Area inside Easement = 20,000 sq ft +/-
- Area outside Easement = 30,000 sq ft +/-



Release of Lapsed Right of Way

This Release is given by and between Birchpoint Properties, LLC, a Maine limited liability company, and AHGrover, Inc., a Maine business corporation (hereinafter, collectively, "Developer"), and Eric W. Bennett and Mollie Bennett, of Gray, Maine, with a mailing address of _____, (hereinafter, collectively, "Bennett").

WHEREAS, Developer is the owner and developer of the Stillwater Pines Subdivision, a 13- lot subdivision, with potential additional phased development, situated in Gray, Maine and depicted on that certain subdivision plan of "Stillwater Pines Subdivision on Woodcock Drive, Gray, Maine" approved July 8, 2021 recorded at the Cumberland County Registry of Deeds (CCRD) in Plan Book 221, Page 432 ("Stillwater Pines Subdivision"); and

WHEREAS, Bennett is the owner of certain real estate, abutting and shown on said plan of Stillwater Pines Subdivision, more particularly described in a deed from Ronald A. Nevers et al dated November 30, 2017 recorded at the CCRD in Book 34501, Page 280 (the "Bennett Parcel"); and

WHEREAS, the Bennett Parcel is subject to a 60' easement for access and utilities along its entire southwesterly sideline, by virtue of a reservation made in a deed from Wade B. Trudel to Pole Star Properties, LLC dated January 12, 2005 and recorded at the CCRD in Book 22234, Page (the "Lapsed Right of Way"); and

WHEREAS, land formerly of said Wade B. Trudel that would have benefitted from the Lapsed Right of Way is now part of the Stillwater Pines Subdivision; and

WHEREAS, although the Lapsed Right of Way was reserved in 2005, upon information and belief it was never expressly conveyed thereafter for the benefit of any parcel, nor was it ever improved or developed in any way, nor depicted or referenced on the plan of Stillwater Pines Subdivision; and

WHEREAS, access and utilities from Woodcock Road to Stillwater Pines subdivision is not provided via the Lapsed Right of Way, but rather via an extension of Woodcock Road, as shown on said plan of Stillwater Pines Subdivision; and

WHEREAS, the Stillwater Pines Subdivision terms and conditions of approval call for 3.09 acres of "Open Space" at the southerly sideline of the Bennett Parcel where the Lapsed Right of Way would have terminated if developed, making development of the Lapsed Right of Way impossible; and

WHEREAS, the existence of the reservation of the Lapsed Right of Way in the description of the Bennett Parcel creates a cloud on title; and

WHEREAS, as the owner of the Stillwater Pines subdivision, Developer is the party who may hold inchoate and inexercisable rights in the Lapsed Right of Way;

NOW THEREFORE,

Birchpoint Properties, LLC and AHGrover, Inc. hereby release to Eric W. Bennett and Mollie Bennett, any and all right, title, interest, and development rights in and to that certain 60' easement that was reserved for purposes of ingress and egress and installation of utilities, along the entire Southwesterly side line of the parcel described in that deed dated November 31, 2017 recorded at the CCRD in Book 34501, Page 280.

IN WITNESS WHEREOF, the Birchpoint Properties, LLC and AHGrover, Inc. have caused this instrument to be signed and sealed, this _____ day of _____, 2021

BIRCHPOINT PROPERTIES, LLC

Witness

By:
Its:

AHGrover, Inc.

Witness

By:
Its:

STATE OF MAINE
COUNTY OF CUMBERLAND

Date:

Personally appeared before me the above-named _____ in his/her capacity as _____ of the company and acknowledged the foregoing instrument to be his/her own free act and deed and the free act and deed of the company.

Notary Public
Print Name:
My commission expires:

SCH, LLC
87A OCEAN STREET
SOUTH PORTLAND, MAINE 04106
(207) 805-1332

March 28, 2022

Via Email: ewbennett57@gmail.com

Eric Bennett
23 Woodcock Road
Gray, Maine 04039

RE: Unused Easement at 23 Woodcock Road Gray

Dear Eric:

You asked me to review and provide some analysis regarding a vaguely drafted, unused easement referenced in your deed to 23 Woodcock Road, Gray that appears to have been abandoned. Your lot now contains in excess of 90,000 square feet and sufficient frontage to divide it to build another residential structure, but only if you can include the area subject to this unused easement in your calculations. Your plans to develop your lot do not include building within the easement area, but you need to count the square footage for density purposes.

This letter does not constitute a zoning or legal opinion letter, nor a title opinion, but reflects my review and analysis of the problematic title history and practical implications of the current development of the properties involved, which could indicate that the easement was abandoned. I did not conduct a title search, but reviewed the relevant deeds in your chain of title provided by your surveyor, including the recorded subdivision plan called, "Stillwater Pines Subdivision on Woodcock Drive, Gray, Maine" approved in July 2021 and recorded at the Cumberland County Registry of Deeds (CCRD) in Plan Book 221, Page 432 (the "Stillwater Pines" plan).

The easement clouding your title seems to have first been reserved in a 2005 deed from Wade B. Trudel to Pole Star Properties LLC recorded at the CCRD in Book 22234, Page 59. A cursory look at the registry index for Mr. Trudel during this time frame reveals that he was an active property developer and was conveying and reserving many lots and parcels of land at that time. The easement in your deed is not specific, does not identify the benefitted parcel, and, because does not appear to have been affirmatively granted in a dominant estate's chain of title, arguably may have been abandoned by Mr. Trudel at some point, replaced by other options. Further, unlike other rights of way created by Mr. Trudel in this time frame, the easement in your deed does not include the right to pave or improve for purposes of meeting any specific town road standards, nor does it give an indication of the number or type of potential users. As such, its intended utility is unclear.

It's placement is also problematic. We can place the approximate location of this easement because it is described as running "along the entire Southwesterly sideline of [your property] from the said Woodcock Road to the stone wall and land of the said Taylor." (Your deed recorded at CCRD Book 34501, Page 286). I did not do any title work to determine where the land of Taylor lied, but Stillwater Pines abuts

your property along these side lines and that plan shows that there is now a "50' Forested Buffer" along the southwesterly sideline of your lot and 3.09 acres of permanently dedicated "Open Space" along the southerly boundary where this easement would otherwise terminate. Notes on the Stillwater Pines subdivision plan indicate that, as a condition of approval for the 13 lots thereon, its developer restricted the location of trails and rights of way within the buffer zones (Note 21 on said plan) and restricted the use of the "Open Space" to those uses set out in Section 401.13.13 of the Town of Gray zoning ordinances (Note 22 on said plan.) While the definition of "Open Space" in the zoning ordinance does allow some community use, like playgrounds or ball fields, there is no reservation or indication made on the Stillwater Pines plan that access to that Open Space would be over an abutter's lot. Rather, the Stillwater Pines plan depicts an extension of Woodcock Road as the natural and practical way to provide access to any further phases or developments at this subdivision.

The history of nonuse, non-inclusion in dominant parcel deeds, coupled with its omission from the Stillwater Pines plan *and* the surrender and permanent dedication of surrounding property to open space are indications that the easement in your deed may have been abandoned. Further, abandoned or not, in a practical sense, it seems unlikely that the easement in your deed would – or could – be improved without additional town approvals, revisions to the subdivision plans, and possibly consents from the lot owners, if it is possible at all. In short, to the extent that any inchoate rights to use or develop this easement did exist, those rights might have been surrendered when the only possible interested holder permanently dedicated the surrounding land to forested and open space uses.

All of this is not to say that I think your title can be cleared of this encumbrance without an express release or a court order. However, I would hope that the history and state of facts as they are now, would constitute color of title in that easement area, sufficient for the limited purposes of including its area when calculating acreage to meet space and bulk zoning requirements.

I hope this is helpful and please do not hesitate to contact me if I can provide any further explanation or information.

Sincerely,

Susan Hasson

Susan Hasson, JD



VARIANCE APPLICATION-HARDSHIP
ZONING BOARD OF APPEALS
TOWN OF GRAY MAINE

For Office Use Only
Date Submitted: 9/1/22
Tent. Sched. for: 9/28/22
Amount Paid: \$300

PROPERTY INFORMATION

Property Location/Address	51 North Raymond Rd.	Property Map/Lot	13 . 107 . 38 .
Zoning District	LR/LAKE/RRA	Lot Acreage	1.26 A
Owner Name	Robert Babbitt	Owner Phone Number	207-415-3662
Number of Dwelling Units	1 w/ proposed Accy Apt		

APPLICANT

Name (IF different than owner)		Email Address	
Mailing Address	P.O. Box 10248	Contact Phone Number	
Mailing City/State/Zip	Portland ME. 04104	Alternate Phone Number	

VARIANCE INFORMATION

Per Gray Zoning Ordinance 402.9.2.B.2:

Variance Appeals: To hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A variance may be granted by the Board only where strict application of the Ordinance, or a provision thereof, to the petitioner and his/her property would cause undue hardship. The words "undue hardship" mean:

- That the land in question cannot yield a reasonable return unless a variance is granted;
- That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- That the granting of a variance will not alter the essential character of the locality; and
- That the hardship is not the result of action taken by the applicant or a prior owner.

Establishment or expansion of a use or structure otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts. The Board of Appeals shall grant a variance only by concurring vote of at least three (3) members and in so doing may prescribe conditions and safeguards as are appropriate under this Ordinance.

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

	Current Requirement			Currently Existing			Proposed		
Front Setback (LR)	25			25			25		
Rear Setback (RRA LAKE)	50			50			50		
Side Setback LR/LAKE	10	25		10	25		10	25	
Other Setback (describe)	STRUCTURES OUTSIDE			SHORELAND ZONE -			250' FROM NHWL		
Max. Lot Coverage	LR	LAKE	RRA	LR	LAKE	RRA	LR	LAKE	RRA
	20%	20%	10%	NO CHANGE	±6%	NO CHANGE	NO CHANGE	±7%	NO CHANGE
Max. Impervious Surface	LR	LAKE	RRA	LR	LAKE	RRA	LR	LAKE	RRA
	20%	N/A	N/A	NO CHANGE	N/A	N/A	NO CHANGE	N/A	N/A
Min. Lot Area	30,000			± 54,886			± 54,886		
Min. Street Frontage	200'			± 115'			± 115'		
Other (describe)	N/A			N/A			N/A		

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

- a. That the land in question cannot yield a reasonable return unless a variance is granted;
- 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;
- c. That the granting of a variance will not alter the essential character of the locality; and
- d. That the hardship is not the result of action taken by the applicant or a prior owner.

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

Robert Babbitt

Date

8-7-22

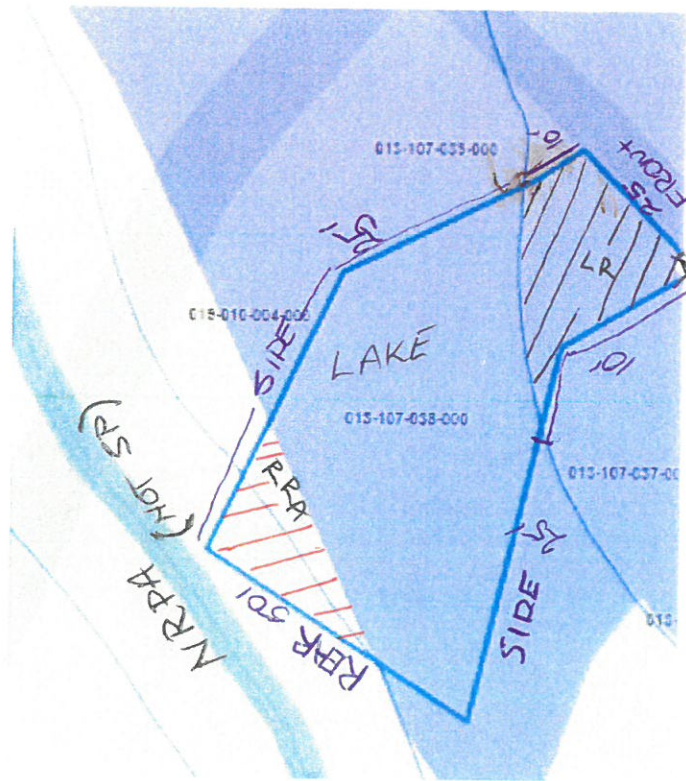
1. The hardship variance is being requested because the variance through practical difficulty is not allowed on a lot with partial shoreland zoning per state law.
2. Though the property only consists of 1.26 acres it is located in three different zones and is a non-conforming lot.
3. The proposed building is located on the back side of the house and will not even be seen from the road. See proposed garage on exhibit A.
4. The property is a non-conforming lot and does not contain the appropriate square footage.

54,886 SF

1.26 A.

60,000 = 75%
of 80,000

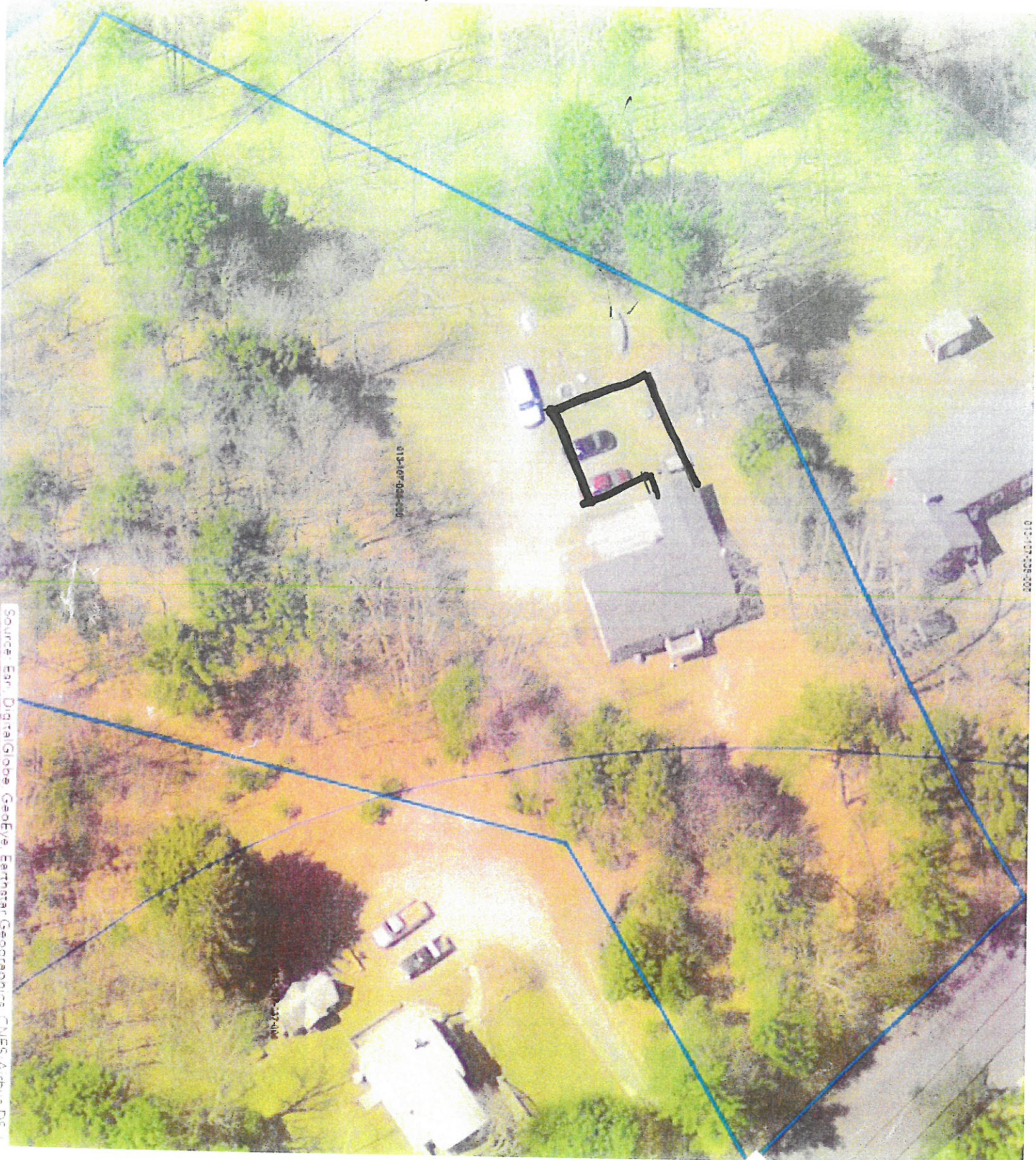
51 N. RAYMOND



Acey Dwelling Unit



Proposed
Apt + Garage 20x24



013-107-024-530

013-107-028-002

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS

THIS IS NOT A BOUNDARY SURVEY

MORTGAGE INSPECTION OF: DEED BOOK 9761 PAGE 4 COUNTY Cumberland
 PLAN BOOK --- PAGE --- LOT ---

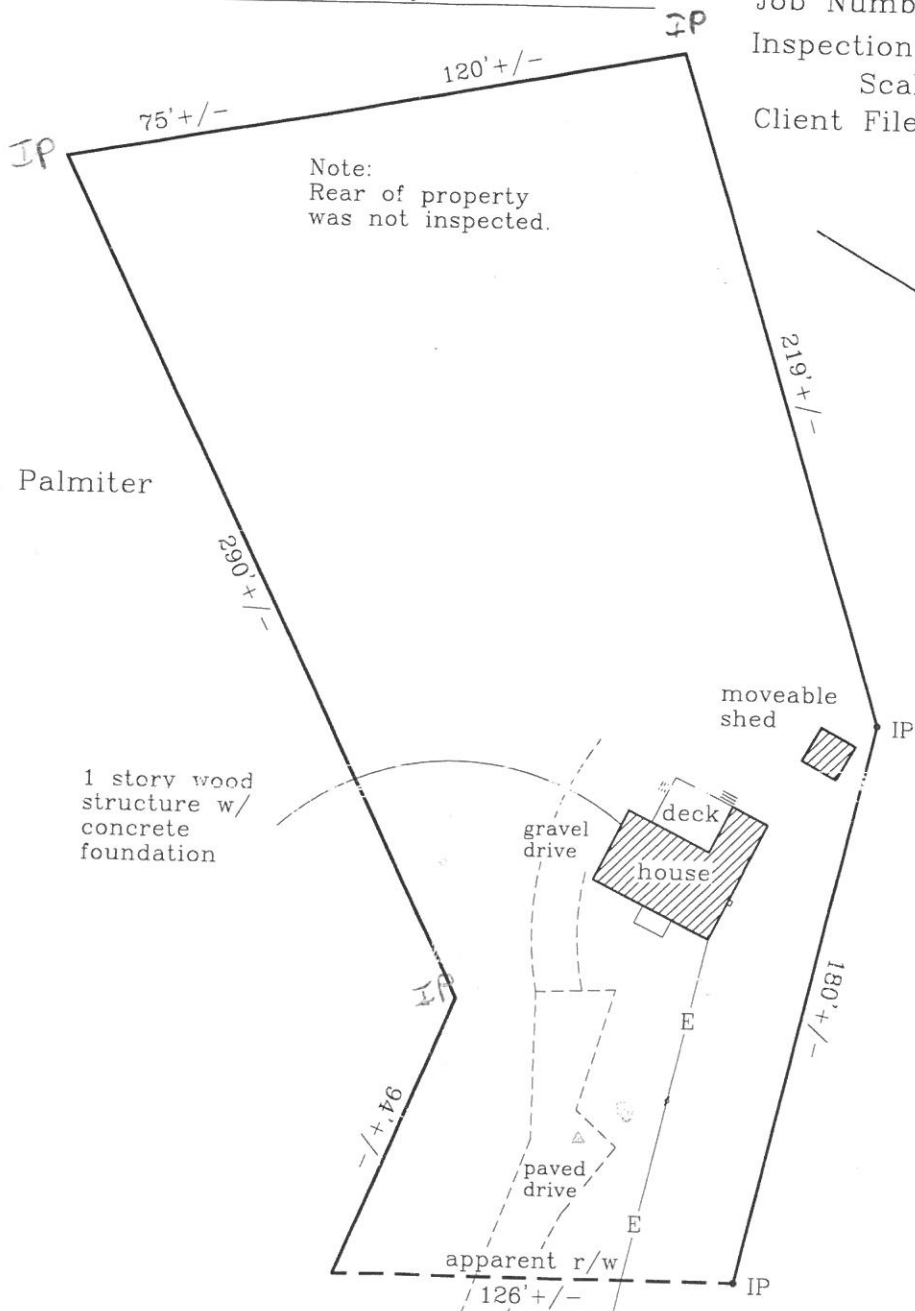
ADDRESS: 51 North Raymond Road, Gray, Maine

Job Number: 283-70

Inspection Date: 6-08-00

Scale: 1" = 60'

Client File#: 00030542



Owners: Tami J. Palmiter

[Handwritten Signature]
to Rte. 26

No. Raymond Rd.

I HEREBY CERTIFY TO: Northeast Land Title; Coastal Bank
and its title insurer.

- Monuments found did not conflict with the deed description.
- The dwelling setbacks do not violate town zoning requirements.
- As delineated on the Federal Emergency Management Agency Community Panel: 230048-0005 A
- The structure does not fall within the special flood hazard zone.
- The land does not fall within the special flood hazard zone.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

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Livingston - Hughes
 Professional Land Surveyors
 88 Guinea Road
 Kennebunkport - Maine 04046
 207-967-9761 phone/fax

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY