TOWN OF GRAY

ZONING BOARD OF APPEALS

AGENDA • MARCH 22, 2023

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 - October 26, 2022

a. Approval of 10-26-22 ZBA Meeting Minutes

III. NEW BUSINESS: PUBLIC HEARINGS

a. **Wyman Variance:**

Sarah Wyman is requesting a practical difficulty variance for a 30-foot reduction of a 50-foot front line setback to an existing 8-foot by 10-foot shed located on her property at 104 Johnson Road, Gray Maine Tax Map 17, lot 3-13-3, located in a Lake Zoning District.

b. **Goetz Variance:**

Debi and Andreas Goetz have filed an administrative appeal regarding a proposed five-bedroom short term lodging facility. The definition of a bed and breakfast in Section 402.2.2 establishes a three-bedroom maximum and the definition of a hotel/motel allows for five or more rooms but is not permitted on their property per chapter 402 of the Gray Town Ordinance for their lot located at 14 Yarmouth Road, Gray Tax Map 43, lot 405-30, located in a Village Center Proper Zoning District.

c. **EAC, LLC Variance:**

Neokraft Signs on behalf of EAC, LLC is requesting a waiver appeal of the standards established in the sign ordinance to install an additional free-standing sign located on their property at 21 Portland Road, Gray Tax Map 043- Lot 404-171-000, in a Village Center 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.

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

For Office Use Only
Date Submitted: 1/19/23
Tent. Sched. for: 2/22/23
Amount Paid: $ 300

PROPERTY INFORMATION

Property Location/Address	104 Johnson Road	Property Map/Lot	017 . 003 . 013 . 003
Zoning District	Water	Lot Acreage	2.21
Owner Name	Sarah Wyman	Owner Phone Number	207-838-6600
Number of Dwelling Units	1		

APPLICANT

Name (IF different than owner)	n/a	Email Address	sarahaimee88@gmail.com
Mailing Address	104 Johnson Road	Contact Phone Number	207-838-6600
Mailing City/State/Zip	Gray, ME 04039	Alternate Phone Number	n/a

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 seperately- plot plan/site map required to be attached)

Request to give leniency regarding the front setback requirement for an 8'x10' storage shed. The shed falls short of the front setback. Please see additional details in attached description along with plot map. Thanks.

	Current Requirement	Currently Existing	Proposed
Front Setback	50'	20' / 30' to road	remain as-is
Rear Setback	50'	>50'	Meets Setback Requirement
Side Setback	25'	>25'	Meets Setback Requiremtn
Other Setback (describe)			
Max. Lot Coverage			
Min. Lot Area			
Min. Street Frontage			
Other (describe)			

COMMUNITY DEVELOPMENT DEPARTMENT • HENRY PENNELL MUNICIPAL COMPLEX • 24 MAIN STREET • GRAY MAINE 04039 • (207) 657-3112• FAX (207) 657-2149

CRITERIA- BRIEFLY DECRIBE 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 shed is the storage location of the water source for this property. The portable 275 gallon tank within the shed is filled with water that is hand carried onto the property. There is no well on site. The shed's structural integrity will not survive a relocation.

Neighbors owning abutting land at front setback have no issue. They own the private road frontage, letter attached.

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;

This is a simple, 8'x10' wooden shed. The setback line is the neighbor's property line at 107 Johnson Road (they own the road in front of my property). They do not have issue with the location of the shed.

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

The shed cannot practically be relocated without risking the structural integrity. It is the only water storage for this property and home.

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

No. The shed cannot practically be relocated without risking the structural integrity. It is the only water storage for this property and home

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

The structure will have no effect on the envirmonment or neighborhood. It will simply allow a space to hold a water tank to hand carry water onto the property and store it, as the property currently does not have a well or any water source.

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

This property is not in or on shoreland area.

☺ Thank you!

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	Date
	Sarah Wyman	**1/12/23**

Jodie Kandel / William Reny
107 Johnson Road
Gray ME 04039
207-356-5658 / 207-841-8223

January 13, 2023

Town of Gray

To Whom it May Concern:

We would like to submit this letter as an acknowledgment of the shed that is located on Sarah Wyman's property at 104 Johnson Road.

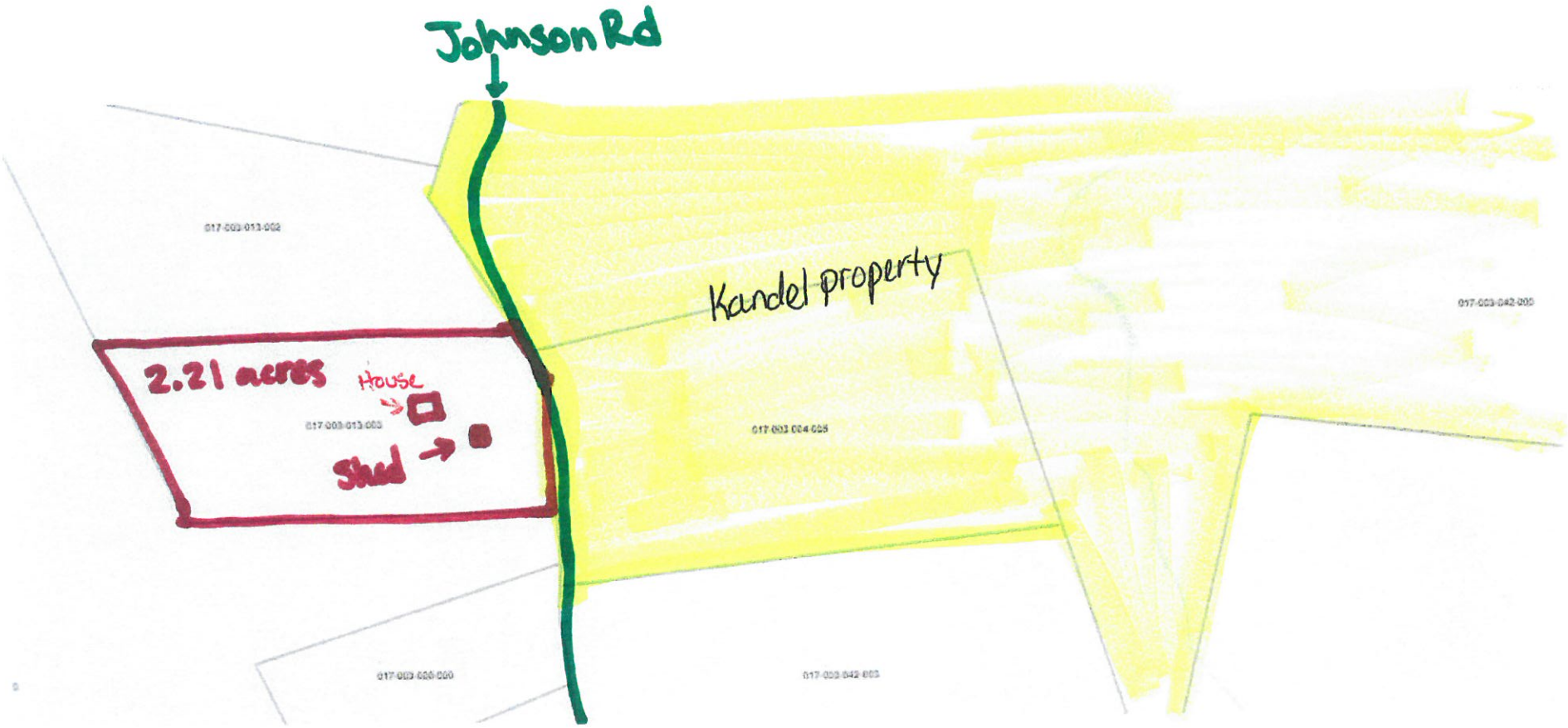
This property abuts the front of our primary residence which is located across the road. We do not have an issue with where the shed is located.

Please let us know if any questions or concerns.

Sincerely,

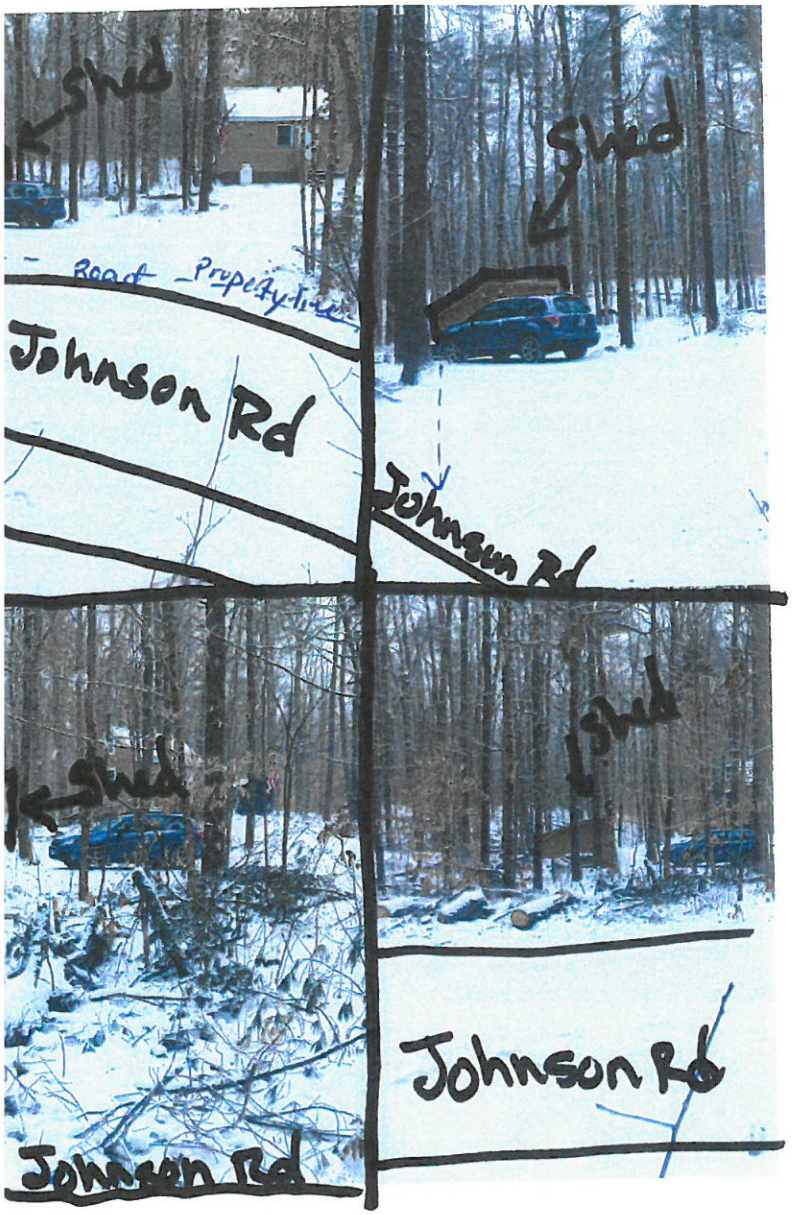
Jodie Kandel

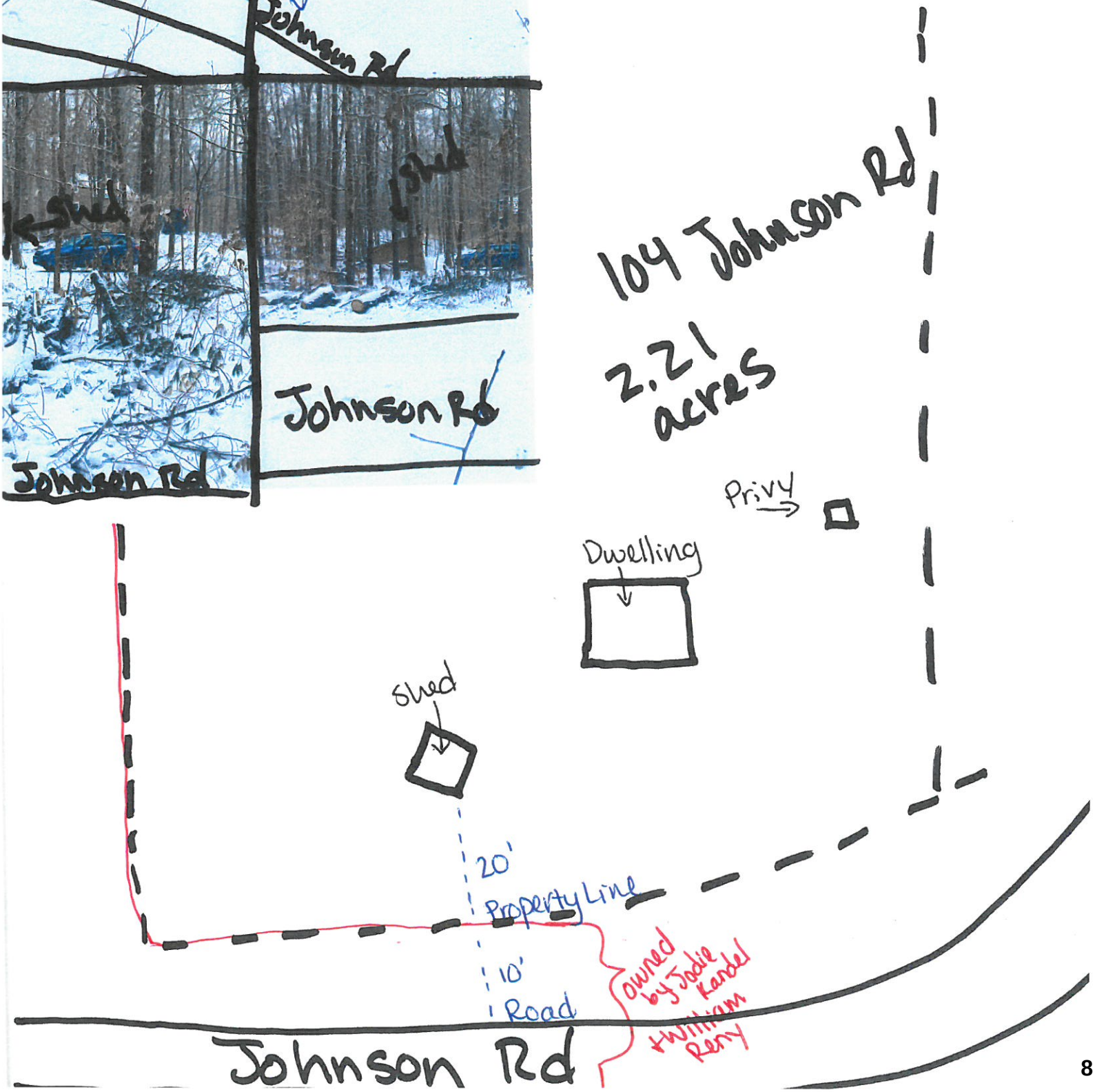
William Reny


Johnson Rd
017-003-013-002
2.21 acres
House
017-003-013-003
Shed
Kandel property
017-003-004-005
017-003-042-000
017-003-020-000
017-003-042-003

104 Johnson Rd

Shed close-up


Shed
Shed
Road Property line
Johnson Rd
Johnson Rd
Shed
Shed
Johnson Rd
Johnson Rd


104 Johnson Rd
2.21 acres
Privy
Dwelling
Shed
20'
Property Line
10'
Road
owned by Jodie Randel
Johnson Rd

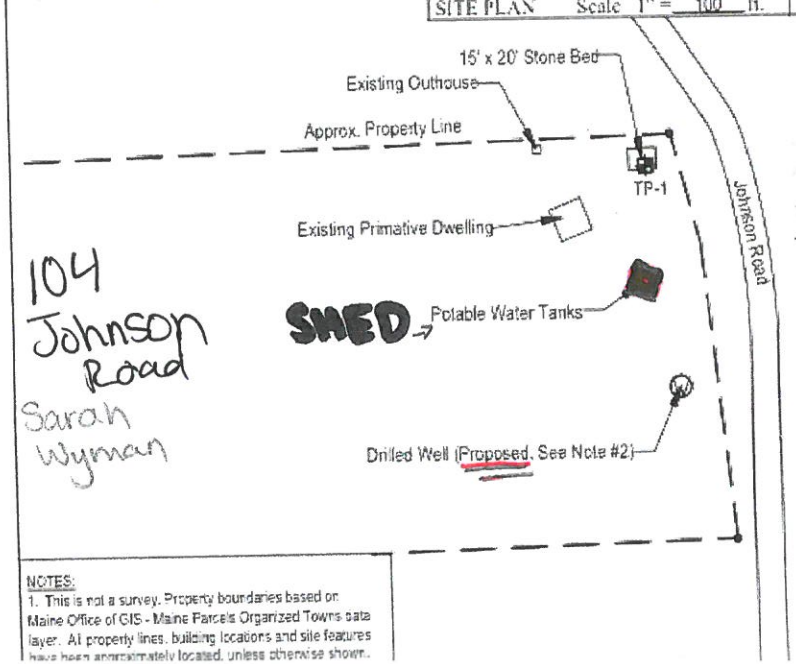
SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Town, City, Plantation: Gray

Street, Road, Subdivision: 104 Johnson Road

Owner or Applicant Name: Sarah Wyman

SITE PLAN Scale 1" = 100 ft.



SITE LOCATION PLAN

NOTES:
1. This is not a survey. Property boundaries based on Maine Office of GIS - Maine Parcels Organized Towns data layer. All property lines, building locations and site features have been approximately located, unless otherwise shown.

Neighbor at 107 Johnson Rd owns the Road and front setback area at/infront of my property line

104 Johnson Rd.

View from my driveway (top of driveway)

104 Johnson Rd

owned by Jodie Kandel + Bill Reny

View from Directly across street standing in the woods.

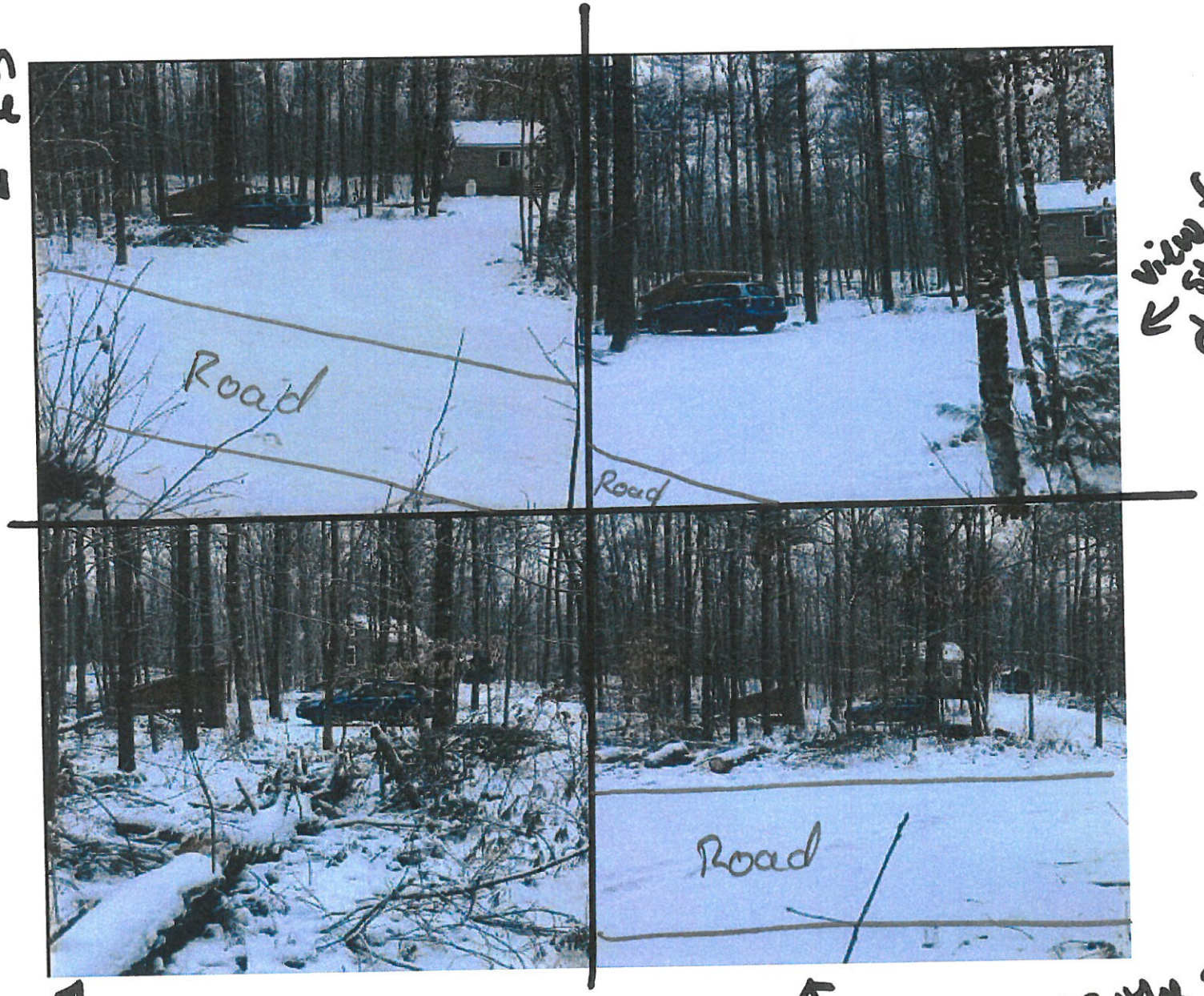
104 Johnson Rd

owned by Jodie Kandel + Bill Remy

view from neighbor's yard across the road (the neighbors own the road)

104 Johnson Rd

view from across the street



view from start of driveway

View from front setback

view from across the street

104 Johnson Rd

close-up of roadside view of shed →

standing in turnaround space of my driveway

← view from my front steps of house

view from my side yard →

← view from behind shed facing road

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

For Office Use Only
Date Submitted: 1/24/22
Date Paid/Initials: RJL
Amount Paid: $300

CONTACT INFORMATION

Name	Debi Goetz	E-Mail Address	debigoetz84@gmail.com
Street Address	14 Yarmouth Road	City/State/Zip	04039
Phone Number	207 -894-4819	Work Phone	
Name of owner on property which is subject to appeal:		Debi & Andy Goetz	

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.

We are the new owners of 14 Yarmouth Rd in Gray. We have plans to renovated the property into a Bed & Breakfast. We clarified the properties potential before purchase. However, upon researching permits and planning our renovation, we were told that the property may not have more than 3 bedrooms offered for lodging. Additionally, that we need to be full time residents on the property to run a B&B. The property has 4 existing bedrooms with the potential of 5. Our hopes would be to offer 5 bedrooms for lodging and to create 2 full- time work positions. The property will also be our office location for our landscaping company. We live on our farm in Raymond and are lucky enough to be here from Switzerland. We are here on E2 visas and one of the conditions of our investment visa is to provide 2 full- time positions for American citizens. Our landscaping company does not offer enough work for those positions, therefore, we purchased the property in hopes to create more jobs. I have extensive background in hospitality, having worked as a manager for a restaurant chain in Canada and I feel like we are well prepared for this adventure. We are more than ready to follow all code, health and safety guidelines to equip the property. We would happily share our plans with the town and work together with the fire marshal, food inspector, health and safety officers, etc. We were advised by Tammy Monson to make an appeal in order to clarify what our options are. Through her research, she was unable to clarify if we are allowed to operate with 5 rooms or less. The text described 3 rooms or less, or 5 rooms and more, that would classify as a hotel. We would definitely like to move forward as a bed & breakfast and are prepared to work together to outline what is allowed. Thank you for taking the time to read our wishes and we look forward to clarifying the situation and working together!
Kindly, Debi Goetz / Goetz LLC

CERTIFICATION

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

Applicant Signature		Date	Jan. 21. 2023

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

For Office Use Only
Date Submitted: 2/24/23
Tent. Sched. for: 3/22/23
Amount Paid: ~~$300~~

PROPERTY INFORMATION

Property Location/Address	21 Portland Rd	Property Map/Lot	43.404.171.
Zoning District		Lot Acreage	
Owner Name	Gray Plaza	Owner Phone Number	
Number of Dwelling Units			

APPLICANT

Name (IF different than owner)	Neokraft Signs	Email Address	Clay@Neokraft.com
Mailing Address	647 pleasant St	Contact Phone Number	207-576-3893
Mailing City/State/Zip	Lewiston Me 04240	Alternate Phone Number	207-782-9654

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:

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

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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 seperately- plot plan/site map required to be attached)

	Current Requirement	Currently Existing	Proposed
Front Setback			
Rear Setback			
Side Setback			
Other Setback (describe)			
Max. Lot Coverage			
Min. Lot Area			
Min. Street Frontage			
Other (describe)			

CRITERIA- BRIEFLY DECRIBE 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;

property is on edge of Village District but is commercial

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;

This Project will Clean up & Beautify the area with New signs

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

This would be approved if in a different area/zone

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

True

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

No, in fact it will look better

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

NO

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:

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f. Will granting of the variance violate any of the performance standards of this Ordinance apart from the specific relief authorized by this Section?
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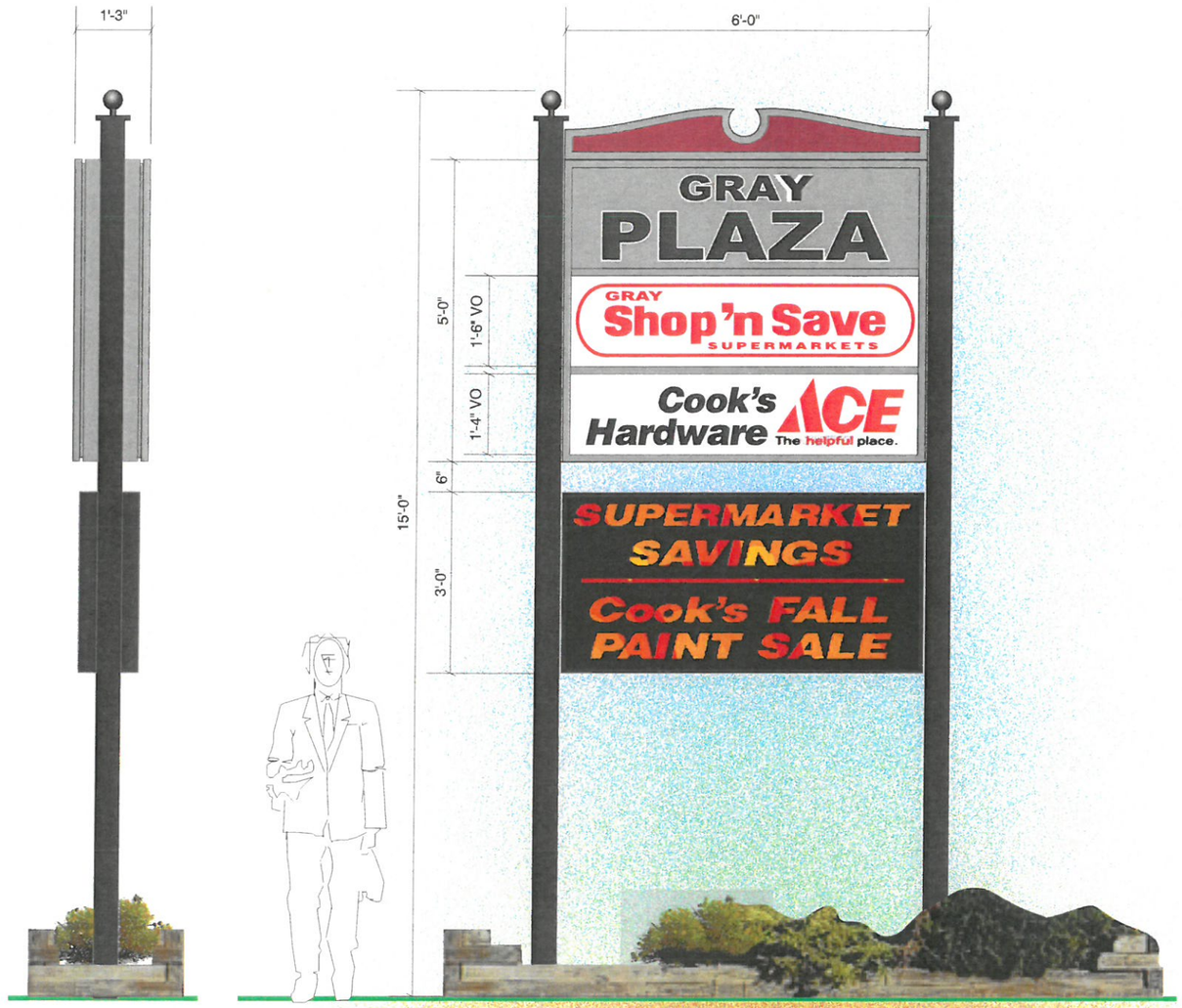
h. Is the variance request the least modification of the Zoning Regulations necessary to afford relief?
i. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

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

Applicant Signature	Printed Name	Date
Clay Bublak	Clay Bublak	1/31/23



END VIEW

DOUBLE FACE INT.-ILLUM. DIRECTORY/EMC PYLON ID

SCALE: ½"=1'-0" (1) REQUIRED

ALUMINUM HEADER FIN, PAINTED GRAY WITH BURGUNDY VINYL FIELD

ALUMINUM CABINET, PAINTED GRAY (PMS 430C), WHITE 'LED' ILLUMINATION

WHITE ACRYLIC FACES WITH VINYL GRAPHICS, 'GRAY PLAZA' - SILVER GRAY TRANSL. (230-51) MATTE BLACK, DARK GRAY SHADE

'SHOP 'N SAVE' - DARK RED TRANSL.(230-73)

'COOKS' - RED TRANSL. (230-33), MATTE BLACK

5" SQUARE STEEL POLES, SET IN CONCRETE CAPPED WITH 4" BALL FINIALS, PAINTED BLACK

CIRRUS DOUBLE-FACE 9 mm FULL-COLOR DISPLAYS

ELECTRICAL TO SIGN LOCATION BY CUSTOMER: (1) 20A 120V + (1) 20A 240V CIRCUITS

NEOKRAFT SIGNS

Neokraft Signs, Inc.
647 Pleasant Street
Lewiston, Maine 04240
207.782.9654 | 800.339.2258
neokraft.com

Custom Sign Fabrication

These plans are the exclusive property of Neokraft Signs, Inc. and are the result of the original work of its employees. They are submitted to Neokraft's client for the sole purpose of consideration of whether to purchase these plans or to purchase from Neokraft a sign manufactured according to these plans.

Distribution or exhibition of these plans to anyone other than employees of said client, or use of these plans to construct a sign similar to the one embodied herein, is expressly forbidden. In the event that such exhibition or construction occurs, Neokraft expects to be reimbursed $1500 in compensation for time and effort entailed in creating these plans.

PRESENTATION

GRAY MARKET PLACE
@4142

LOCATION:	GRAY PLAZA
	GRAY, MAINE
DRAWING NO.:	1 OF 1
DRAWN BY:	BK REP.: CB
DATE:	12.11.2017
REVISED:	07.22.2022 DS
QUOTE:	@4142
GEN REF.:	

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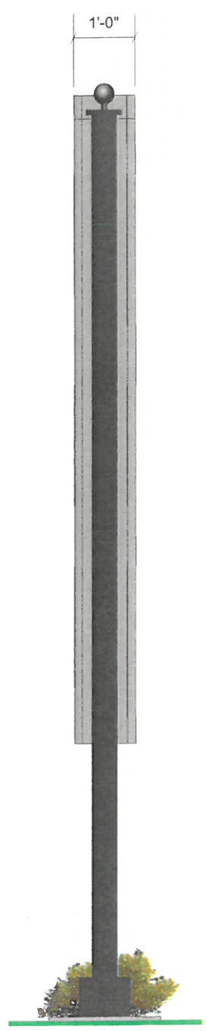

END VIEW

FACE ELEVATION

DOUBLE FACE INT.-ILLUM. DIRECTORY ID PYLON

SCALE: ½"=1'-0" (1) REQUIRED

ALUMINUM CABINET WITH CUSTOM TOP, PAINTED GRAY (PMS 430C), WHITE 'LED' ILLUMINATION

WHITE ACRYLIC FACES, VINYL GRAPHICS, 'GRAY PLAZA:' BURGUNDY TRANSL. BACKGROUND, KNOCK-OUT GRAPHICS

SHOP 'N SAVE: 3M 'DARK RED' TRANSL [73], WHITE OPAQUE BACKGROUND

COOKS: 3M 'RED' TRANSL [33], PERFORATED BLACK VINYL, WHITE OPAQUE BACKGROUND

SUB TENANTS: VINYL GRAPHICS AS SHOWN (ALL OPAQUE BACKGROUNDS)

EXISTING 4" SQUARE STEEL POLES

CAP POLES INCLUDING NEW 4" BALL FINIALS, PAINTED BLACK

ELECTRICAL TO SIGN LOCATION BY CUSTOMER

SIZE COMPARISON

Illumination of Sign:
Per Zoning By-Laws
Internal illumination to not exceed 50 additional foot candle from ambient light when sign is illuminated from 100 lineal feet from the face of the sign.
Height of the measurement at 100 feet is not defined.

NEOKRAFT SIGNS

Neokraft Signs, Inc.
647 Pleasant Street
Lewiston, Maine 04240
207.782.9654 | 800.339.2258
neokraft.com

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PRESENTATION

GRAY MARKET PLACE
@4143

ACCOUNT ID:	002310
LOCATION:	GRAY PLAZA
	GRAY, MAINE
DRAWING NO.:	1 OF 2
DRAWN BY:	BK REP.: CB
DATE:	04.17.2018
REVISED:	07.22.2022 DS
QUOTE:	@4143
GEN REF.:	

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SITE PLAN NTS

NEOKRAFT SIGNS

Neokraft Signs, Inc.
647 Pleasant Street
Lewiston, Maine 04240
207.782.9654 | 800.339.2258
neokraft.com

Custom Sign Fabrication

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PRESENTATION

GRAY MARKET PLACE
@4143

ACCOUNT ID:	002310
LOCATION:	GRAY PLAZA GRAY, MAINE
DRAWING NO.:	2 OF 2
DRAWN BY:	BK REP.: CB
DATE:	04.17.2018
REVISED:	07.22.2022 DS
QUOTE:	@4143
GEN REF.:	

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Google Maps 19 Portland Rd

Imagery ©2023 Google, Imagery ©2023 CNES / Airbus, Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2023 50 ft