

Bucksport Board of Appeals
7:00 P.M., Tuesday, September 14, 2010
Bucksport Town Office
50 Main Street

AGENDA

1. Call to Order

2. Roll Call

Jeremy Daigle, Chairman
 Richard Tennant
 Emery Deabay

Louis Levasseur
 W. Kim Delbridge

3. Review and Acceptance of Minutes: Minutes from the July 13, 2010 meeting.

4. Unfinished Business

5. New Business:

- A. A variance appeal to allow the construction of a garage at 789 Millvale Road. The applicants request a reduction in the required sideline setback in the R1DCR District.
Applicants: David & Michelle Adams

6. Other Business

7. Adjournment

**Bucksport Board of Appeals
7:00 P.M., Tuesday, September 14, 2010
Bucksport Town Office
50 Main Street**

MINUTES

1. Call to Order: 7:00pm by Chair Emery Deabay

2. Roll Call

Jeremy Daigle
 Richard Tennant
 Emery Deabay, Chairman

Louis Levasseur
 W. Kim Delbridge

3. Review and Acceptance of Minutes: Minutes from the July 13, 2010 meeting. The board reviewed the minutes and noted no errors.

MOTION (Daigle): To approve the July 13, 2010 minutes as submitted.

SECOND (Tennant)

DISCUSSION: None

VOTE: 5-0 motion adopted.

4. Unfinished Business: None

5. New Business:

A. A variance appeal to allow the construction of a garage at 789 Millvale Road. The applicants request a reduction in the required sideline setback in the R1DCR District.

Applicants: David & Michele Adams

David and Michele Adams were present. The CEO conducted a brief presentation. Pictures of the property were shown and ordinance requirements were explained. The board asked general questions about the property, and considered if any other location for the garage was practical. No location was identified. The applicant requested a reduction of the 25 foot minimum sideline setback to 5 feet.

The Chair opened the public hearing at 7:40pm. No comments were submitted. The public hearing was closed at 7:40pm.

The board then considered if the applicant met the criteria for an undue hardship variance. The first criterion states that:

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

The board conducted a lengthy discussion about what constitutes a reasonable return. It was noted that a reasonable return does not mean a maximum return. Does a reasonable return in this case include a garage? Upon conclusion of the discussion, a motion was made:

MOTION (Daigle): To find that Criterion 1 has been met.

SECOND (Delbridge)

DISCUSSION: None

VOTE: 3-2 motion adopted. (Delbridge and Levasseur opposed)

The second criterion states that:

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

The board noted that the lot was steep with considerable ledge present. Extensive terraced landscaping improvements were made over time, with a planned location for the garage which would have presented no setback concerns prior to the adoption of setbacks in 2010. Upon conclusion of the discussion, a motion was made:

MOTION (Daigle): To find that Criterion 2 has been met.

SECOND (Delbridge)

DISCUSSION: None

VOTE: 5-0 motion adopted.

The third criterion states that:

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

The board noted that the neighborhood is rural and developed with single-family homes, many of which include garages and other outbuildings. Upon conclusion of the discussion, a motion was made:

MOTION (Daigle): To find that Criterion 3 has been met.

SECOND (Levasseur)

DISCUSSION: None

VOTE: 5-0 motion adopted.

The fourth criterion states that:

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

The board noted that the applicant planned the garage location many years prior to the adoption of setbacks. The garage could have been constructed without a variance just last year. Upon conclusion of the discussion, a motion was made:

MOTION (Delbridge): To find that Criterion 4 has been met.

SECOND (Tennant)

DISCUSSION: None

VOTE: 5-0 motion adopted.

Upon conclusion of the board's criteria review and findings, a motion to act on the application was made:

MOTION (Daigle): To grant the variance allowing the construction of a garage no less than 5 feet from the side property line.

SECOND (Levasseur)

DISCUSSION: None

VOTE: 5-0 motion adopted.

- 6. Other Business:** The Chair expressed concern that the new setback requirements are causing a burden on property owners, and should be removed from the land use ordinance. Board members supported the Chair's interest in bringing this concern to the attention of the town council.