



CITY OF GARDINER BOARD OF APPEALS

REGULAR MONTHLY MINUTES

October 16, 2002

Roll Call: Peter Johnson – Chair - Present
Frank Hillman – Vice Chair – Present
William Ebert - Present
Deborah Felder - Present
Patricia McLaughlin – Present

Also present: Jeffrey Hinderliter – Code Enforcement Officer
Janet Slade Marion D. A. Slade
Edwin Pritchard

- 1.) Meeting to order at 6:30 PM by Chair Peter Johnson followed by the Pledge of Allegiance.
- 2.) Roll call taken.
- 3.) Consideration of the July 17, 2002 meeting minutes. William Ebert made a motion to accept the July 17, 2002 minutes as submitted. Patricia McLaughlin seconded the motion.
Vote: 5 in favor. 0 opposed. Motion passed.
- 4.) **Setback Variance Application review for Daniel and Janet Slade. Proposal: To seek a variance for the purpose of decreasing the side setback from a proposed garage addition. Proposed side setback: 8' and 11'. Zoning District: Moderate Density Residential. Location: 20 Fairview Street, Map 28, Lot 70. Title 31, Chapter 7, Section 3204, 2. c. (3).**

Chair Johnson read the Variance Application request submitted by Janet and Daniel Slade. He asked the Applicants if they would like to address the Board and present their proposal.

Janet Slade said that they would like to add a bay to the existing garage, which would add another 10'.

Chair Johnson asked what percentage associated with the expansion of building would the addition be. Jeffrey Hinderliter, Planner/CEO said less than 20%.

Chair Johnson asked the audience if there were any comments. No one spoke up.

Patricia McLaughlin asked if the other person attending, was an abutter. Janet said yes, Edwin Pritchard, the only abutter to the addition side of the property. Patricia asked him if he had any objections. Mr. Pritchard said no.

Chair Johnson read the Applicant's responses to the four-part Hardship Criteria and asked Board members if they had any questions or comments. None were made.

Patricia McLaughlin made a motion to grant the variance. William Ebert seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Chair Johnson asked each Board member to give their rationale for their vote.

Patricia McLaughlin said it's perfectly clear that there is no way they can build the garage without getting a variance. It seems that their abutter doesn't object to them coming close to the line. I see no reason not to grant it.

Deborah Felder said it's just a differential of two feet and it's due to old conditions in the neighborhood so I think it makes sense.

Frank Hillman said that the Criteria, the land in question not yielding a reasonable return unless the variance is granted – that I would question. The garage that they want to add onto is for their own personal needs so without that garage it would not yield

a reasonable return, I question that. The need for a variance due to the unique circumstances of the property, I agree. They need a variance to do that. The granting of a variance will not alter the neighborhood, I agree with that. The hardship is not the responsibility of the prior owners and I agree with that. I figure variance number one is questionable. Two, three and four definitely is a yes. Without the variance, these needs would not be met in their behalf. Therefore I did vote yes for the variance.

William Ebert said I voted yes basically because it is an older neighborhood, it's a single location and we're only talking about difference of a couple of feet here. That's why I voted to grant the variance.

Peter Johnson said the way he voted was he felt that it fit the intent of the changes that we had placed years ago and the fact that we were allowing this because of the traditional way in which houses were set on property lines at that time. It's not going beyond those bounds, and so therefore, that's the way I voted.

He thanked the Applicants and apologized for the delay.

5.) Other Business

Jeffrey Hinderliter shared with the Board members an update on the status of the new zoning ordinance. He said that part of that new zoning ordinance is some changes in the variance criteria. There are two changes. One reflects on the 20%. The 20% criteria stands, but it's still the traditional Four-Part Hardship Criteria and the first one is really difficult to meet. He said the variance that the Comprehensive Plan Committee would like the City to adopt is the Practical Difficulty Variance that has the 20% and is a 6-part criteria, but the number one doesn't exist. Another is a Disability Variance where folks that need a ramp that might go into the setback; it allows relaxation in terms of the zoning ordinance. When someone with a disability, an owner occupied building needs a variance from some of those standards, we don't have that traditional, Four-Part Hardship Criteria to work with. He said hopefully it would be ready by the end of the year.

Peter Johnson discussed with the Board members the status of the Apostolic Faith Ministry.

Deborah Felder asked about the status of new members. Jeffrey Hinderliter said that he had notified the appropriate people of the situation and forwarded some names for consideration.

6.) Adjourn

William Ebert made a motion to adjourn the meeting. Frank Hillman seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed

7:02 PM Meeting adjourned.