



CITY OF GARDINER BOARD OF APPEALS

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VARIANCE APPLICATION

Type of Variance:

- Standard Variance
 Dimensional Requirements Variance
 Disability Variance
 Floodplain
 Historic Preservation Commission
 Shoreland

Applicant Information:

Name: USHER PROPERTIES / DEVIK USHER Tel #: 207-446-0389
 Mailing Address: 8 WOOD DUCK LANE PITTSTON, ME

Property Owner Information

Property Owner as evidenced by deed recorded:

Deed Book Number 10940 Page 0092 Dated 01/13/2012
 Name: A USHER PROPERTIES / DEVIK USHER Tel #: 207-446-0389
 Mailing Address: 8 WOOD DUCK LANE PITTSTON, ME 04345

Property Information:

Location: 556 Water St Gardiner
 City Tax Map: 030 Lot: 113 Zoning District 12
 Lot size (acres): .30 Road frontage: 54' Shoreland frontage: NA'
 Existing use of property: multifamily
 Abutting Property uses:
 North: _____ South: _____
 East: _____ West: _____

Variance Description:

Describe variance request in terms of distance, height, lot coverage, lot area & frontage:
lot coverage, change from 20% to 30%. LOT IS 1,365 SF

Applicant's Signature: [Signature] Dated: 10/20/2021

Property Owner's Signature: [Signature] Dated: 10/20/2021

SECTION 2 ADMINISTRATION AND ENFORCEMENT

2.4.4 Appeal Procedure

2.4.4.1 In all cases, a person aggrieved by a decision of the Code Enforcement Officer or Planning Board shall commence his/her appeal within 30 days after a final decision is made. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

2.4.4.2 Following the filing of an appeal, the Board of Appeals shall hold a public hearing on the appeal within 45 days. The Board of Appeals shall notify the Municipal Officers, Code Enforcement Officer and the Planning Board, at least 14 days in advance, of the time and place of the hearing. The applicant shall publish notice of the hearing not less than 14 days in advance in a newspaper of general circulation in the area.

2.4.4.3 The applicant shall notify the Code Enforcement Officer and by certified mail the owners of all property within 100 feet of the property involved if the property is in a Residential or Central Business district and 200 feet of the property in all other districts, at least 14 days in advance of the hearing, of the within nature of the appeal and of the time and place of the public hearing, and shall furnish proof of such notification.

2.4.4.4 The owners of property shall be considered those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

2.4.4.5 At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause.

2.4.4.6 The Code Enforcement Officer or designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he/she deems appropriate for an understanding of the appeal.

2.4.4.7 The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.

2.4.4.8 Within 20 days of the public hearing, the Board of Appeals shall reach a decision on an appeal and shall inform, in writing, the appellant, the Code Enforcement Officer, the City Manager, the Mayor and the Chairman of the Planning Board.

2.4.4.9 Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall forthwith issue a building permit in accordance with the conditions of the approval.

2.4.4.10 A variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within 1 year of the date on which the appeal is granted, and if the work or change is not substantially completed within 2 years of the date on which the appeal is granted.

2.4.4.11 If a variance expires, to continue work in progress or to commence construction, a person shall apply for a new variance or the person shall be in violation of this Ordinance.

2.4.4.12 A variance granted by the Board of Appeals shall be recorded in the Kennebec Register of Deeds within 90 days of the date of written approval of the variance pursuant to 30-A M.R.S.A. Section 4353, Subsection 5. The variance is not valid until it is recorded.



OPR BK 14181 PGS 267 - 269 09/22/2021 02:03:34 PM
INSTR # 2021027523 # OF PAGES 3
ATTEST: BEVERLY BUSTIN-HATHEWAY
REGISTER OF DEEDS KENNEBEC COUNTY, ME

TRANSFER TAX PAID

WARRANTY DEED

DLN #: 1002140162998

KNOW ALL MEN BY THESE PRESENTS, that we, **DAVID A.C. KNOWLES, SR. and NANCY L. KNOWLES**, with an address of 168 Old Lewiston Road, West Gardiner, Maine 04345, for consideration paid, grant to **DEREK K. USHER, d/b/a USHER PROPERTIES and STACY A. USHER, d/b/a USHER PROPERTIES**, with a mailing address of 8 Wood Duck Lane, Pittston, Maine 04345, with **WARRANTY COVENANTS, as JOINT TENANTS**, a certain lot or parcel of land, together with any buildings thereon, situated in the City of Gardiner, County of Kennebec, and State of Maine, bounded and described as follows:

See Schedule A attached hereto and incorporated herein by reference.

THIS conveyance is made subject to and benefitted by any and all easements, appurtenances and out-conveyances of record, insofar as the same may affect the subject premises.

WITNESS our hands and seals this 22nd day of September, 2021.

Signed, Sealed and Delivered in the presence of:

[Signature]
Witness

[Signature]
David A.C. Knowles, Sr.

[Signature]
Witness

[Signature]
Nancy L. Knowles

STATE OF MAINE
COUNTY OF KENNEBEC

September 22, 2021

Then personally appeared the above-named David A.C. Knowles, Sr. and Nancy L. Knowles and acknowledged the foregoing instrument to be their free act and deed.

Before me,

[Signature]
David M. McCullum, Attorney at Law (3)

Excepting and reserving to said Edith R. Evans a strip of land along the south side of the premises herein conveyed wide enough to give the said Edith R. Evans free and easy access to the rear of her buildings located just southerly of the lot herein conveyed.

BEING the same premises conveyed in a deed from David A.C. Knowles, Sr. to David A.C. Knowles, Sr. and Nancy L. Knowles, dated January 13, 2012, recorded at the Kennebec County Registry of Deeds in Book 10940, Page 92.

DM-6757

CURRENT OWNER KNOWLES DAVID AC SR KNOWLES NANCY L 168 OLD LEWISTON RD	TOPO 4 Rolling	UTILITIES 1 All Public	STRT / ROAD 1 Paved	LOCATION 3 Rural	CURRENT ASSESSMENT Code 1040 Description RESIDENTIAL RES LAND Assessed 66,000 Appraised 66,000 19,400	3510 GARDINER, ME
WEST GARDIN ME 04345	SUPPLEMENTAL DATA Alt Prcl ID TIF CODE USE PROGRA TG ENROLL Y TG PLAN YR LD #1 TYPE GIS ID 030113					VISION

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	QU	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)					
Year	Code	Amount	Description	Number	Amount	Comm Int	Year	Code	Assessed V	Year	Code	Assessed	
		10940 0092	01-13-2012	U	0	1	0	2021	1040	66,000	2020	1040	66,000
		10940 0089	12-15-2011	U	1	1	26,000	2020	1040	19,400	2020	1040	19,400
		4646 0263		U	0	1	0	2020	1040	19,400	2020	1040	19,400
Total		0.00						Total	85400	85400	Total	85400	

EXEMPTIONS
 Description
 Amount
 Total 0.00

OTHER ASSESSMENTS		Description	Number	Amount
Nbhd	0001	ASSESSING NEIGHBORHOOD	B	Tracing
NOTES				

BUILDING PERMIT RECORD		Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments
Exemption										

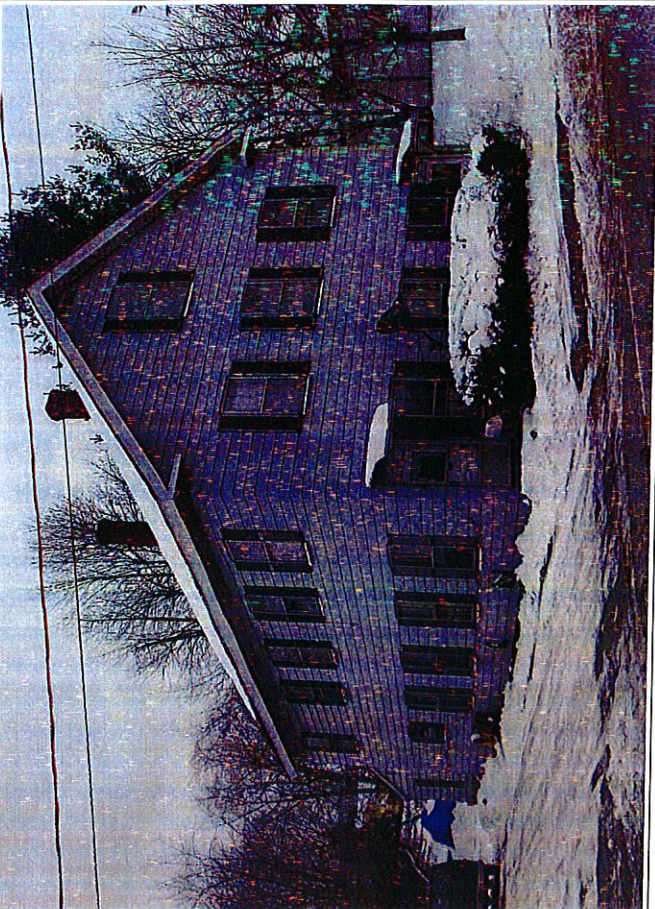
APPRAISED VALUE SUMMARY										
Appraised Bldg. Value (Card) 65,800										
Appraised Xf (B) Value (Bldg) 0										
Appraised Ob (B) Value (Bldg) 200										
Appraised Land Value (Bldg) 19,400										
Special Land Value 0										
Total Appraised Parcel Value 85,400										

LAND LINE VALUATION SECTION																													
B Use Code	1040	Description	TWO FAMILY M	Zone	12	Land Units	13.068 SF	Land Units	0.300 AC	Parcel Total Land Area	0.3000 AC	Nbhd.	20	Cond.	1.00	Site Index	3	Size Adj	1.58	0.75000	Nbhd. Adj	1.250	Notes	Location Adjustment	1.0000	Adj Unit P	1.48	Land Value	19,400
Total Card Land Units											0.300 AC	Parcel Total Land Area		0.3000 AC	Total Land Value		19,400												

VISIT / CHANGE HISTORY																														
Permit Id		Issue Date		Type		Description		Amount		Insp Date		% Comp		Date Comp		Comments														
										02-11-2008				09-06-2007		Field Review Measure + Listed														

This signature acknowledges a visit by a Data Collector or Assessor

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Description	Element	Description
09	2 Unit Apt Bldg		
01	Residential		
03	Average		
2			
2	Aluminum Siding		
03	Gable/Hip		
03	Asph/F Gls/Cmp		
03	Plastered		
09	Pine/Soft Wood		
02	Oil		
05	Hot Water		
01	None		
02	2 Bedrooms		
1			
0			
5			
02	Average/Modern		
02	Average/Modern		



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Element	Description	Element	Description
09	2 Unit Apt Bldg		
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09	Pine/Soft Wood		
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05	Hot Water		
01	None		
02	2 Bedrooms		
1			
0			
5			
02	Average/Modern		
02	Average/Modern		

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)		BUILDING SUB-AREA SUMMARY SECTION	
Code	Description	Living Area	Floor Area
SHD1	SHED FRAME	70	9.00
		2008	2008
			25
			0.00
			200
			0.00
			140,000
			1890
			1960
			F
			48
			5
			1
			47
			65,800

BUILDING SUB-AREA SUMMARY SECTION		BUILDING SUB-AREA SUMMARY SECTION	
Code	Description	Living Area	Floor Area
BAS	First Floor	1,400	1,400
CRL	Crawl Space	0	392
FUS	Upper Story, Finished	1,400	1,400
UAT	Attic, Unfinished	0	1,400
UBM	Basement, Unfinished	0	1,008
UST	Utility, Storage, Unfinished	0	280
Ttl Gross Liv / Lease Area		2,800	5,880
			3,184
			140,001



November 4, 2021

Gardiner, ME

1 inch = 33 Feet



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