



CITY OF GARDINER BOARD OF APPEALS

Meeting Minutes

Wednesday February 9, 2022

6:00 PM

City Council Room Chambers

1. **Call Meeting to Order:** Chair Young called the meeting to order at 6pm and determined that there is a quorum.
2. **Roll Call:** Board members- Guy Ferris, Douglas Baston, Kristen Poremby, Kevin Sullivan, Edward 'Ted' Potter, Chair Lester Young, and Glen Glazier participated via conference calling. Applicants- Mr. and Mrs. Stephen Barron. Angelia Christopher- Board Clerk.
3. **Review of the November 30, 2021 minutes-** Chair Young asked if there were any corrections for the 11/30/2021 minutes. No changes or corrections were reported. Chair Young asked for a motion to accept the minutes as presented. Ted Potter offer a first motion to accept the minutes as presented. Kristen Poremby offered a second motion. Guy Ferris, Glen Glazier, Kristen Poremby, Ted Potter, and Chair Lester Young all in favor of the motion. Douglas Baston and Kevin Sullivan abstained as they were not present for this meeting.
4. **Dimensional Requirements Variance-Public Hearing-** Stephen and Kris Ann Barron are proposing to build a 12'x30' garage at 20 Cedar St. City Tax Map 033 Lot 054-A. The applicants would like request an 8' setback, as opposed to the LUO required 10', for the proposed garage in order to achieve a greater space between the home and the proposed garage in the High Density Residential Zone.

Mr. Barron gives some information about his request. He has approached Gardiner Code Enforcement Officer- Kris McNeill with a permit application for a 12x30 garage next to his home. Mr. Barron is requesting that he build this garage 2' within the required 10' setback. His rational is that this would give him more space between his home and the garage. Mr. Barron states that Kris McNeill has looked at the application and stated that if the BOA approved a variance to the setback, he would approve it. If the garage were built to follow the setback requirements, it would be 32" from their home, which would give them very little room to access their backyard and deck.

Mr. Barron reports that they have lived in this home for 27 years, and plan on retiring there. The 32" that would be between the proposed garage and their home would not allow wheelchair access. Mr. Barron explains that as a self-employed contractor, he follows ADA requirements. If the space between the two buildings did not allow for a wheelchair to fit, they could not access their backyard. This access

point would be the only way that they would be able to get to their back yard, as the topography on the other side of the house would not support a wheelchair. If they were allowed to build 2' within the 10' setback, this issue would be alleviated. Mr. Barron explains that they are just trying to plan for the future.

Chair Young asks what the proposed garage will be used for. Mr. Barron reports that it will be used for storage. Board members asked several questions as to whether or not Mr. Barron had sought other options for building this garage.

The Board proceeded to review the criteria to grant a variance. Board member, Doug Baston explains that the criteria that they will review are state requirements, and have to be met in order for them to grant it.

The Board is ready to vote on the criteria. Chair Young asks if the Board can vote on this without bias. Yes. Abutters were notified and public notice was filed properly.

Based upon the facts stated above and for the reasons that follow, the Board concludes that:

Practical Difficulty Dimensional Variance.

The applicant has not shown that strict application of the ordinance to the applicant's property would cause a practical difficulty.

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

Kristen Poremby moves that there are no unique circumstances to this property. Edward 'Ted' Potter offers a second motion. All Board members present in agreement.

-That the granting of a variance will not alter the essential character or the locality of the property.

Kevin Sullivan moves that the variance will not alter the appearance of the locality. Kristen Poremby seconds. All Board members present in agreement.

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

Kevin Sullivan moves that the hardship is the result of the applicant's action. Kristen Poremby seconds the motion. All Board members present in agreement.

-The granting of the variance will not substantially reduce or impair the use of abutting property.

Kristen Poremby motions that the abutting property owner will not be impaired. Edward 'Ted' Potter offers a second motion. All Board members present in agreement.

-Kevin Sullivan moves that this board denies the variance request based on the fact that all the

Requirements were not met. Kristen Poremby seconds the motion. All members present vote to deny the variance.

Other: The board agreed to leave meeting participation discussion up to the chair and the City Manager for future meetings.

Adjourn: Chair Young asked for a motion to adjourn at 7pm. Ted Potter offered a first motion. Kevin Sullivan offered the second. All in favor.