



# 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: *Mastway Development LLC*    Tel #: *207-441-1538*  
Mailing Address: *2 Beech St. Suite 1B Hallowell, ME 04347*

### Property Owner Information



Property Owner as evidenced by deed recorded: *City of Gardiner*  
Deed Book Number *2135/0338*    Page *12228/0018*    Dated *02/18/2016*  
Name: *City of Gardiner*    Tel #: *207-582-4200*  
Mailing Address: *6 Church St. Gardiner ME 04345*

### Property Information:

Location: *1 Summer St. and 2 Highland Ave.*  
City Tax Map: *037*    Lot: *019/019A*    Zoning District- *Cobbossee Corridor*  
Lot size (acres): *.058 acres*    Road frontage: *+/-415'*    Shoreland frontage: *0'*  
Existing use of property: *vacant lot*  
Abutting Property uses:  
North: *Residential/Commercial*    South: *Commercial*  
East: *Commercial*    West: *Residential*

### Variance Description:

Describe variance request in terms of distance, height, lot coverage, lot area & frontage:  
*Reduction in minimum road setback on Summer Street from 15' to 10'. The setback on the West property line will be reduced to 0' for parking spaces only.*

Applicant's Signature:     Dated: *1/9/20*  
Property Owner's Signature:     Dated: *1/11/24*

## STANDARD VARIANCE

The Board of Appeals shall hear and decide, upon appeal, in specific cases where a relaxation of the requirements of this Ordinance would not be contrary to the public interest and where a literal enforcement of this Ordinance would result in undue hardship.

Please give evidence below that your request for a variance meets each of the four criteria for undue hardship. An undue hardship shall mean:

- 1.) That the land in question cannot yield a reasonable return unless a variance is granted; and-

*The optimal use for this property is for housing in order to make this feasible we need to maximize the number of units and parking that this lot can support. The present plan achieves the minimum units/parking needed.*

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

*This is an odd-shaped parcel with challenging terrain. In order to feasibly develop this lot as housing, the requested variance is necessary.*

- 3.) That the granting of a variance will not alter the essential character or the locality; and-

*Currently and historically most structures and parking are in close proximity to the right of way.*

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

*This is currently a city owned lot. The need for a variance is due to the intended use and shape of the lot.*

A financial hardship shall not constitute grounds for granting a variance. A variance shall not be justified unless all four elements of an undue hardship are present in the case. As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.