



CITY OF GARDINER BOARD OF APPEALS

www.gardinermaine.com

VARIANCE APPLICATION

Type of Variance:

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

Applicant Information:

Name: *John Donohoe* Tel #: 207-680-0331
 Mailing Address: 521 Water St. Gardiner ME 04345

Property Owner Information

Property Owner as evidenced by deed recorded:
 Deed Book Number 12985 Page 75 Dated 08/03/2018
 Name: *John Donohoe* Tel #: 207-680-0331
 Mailing Address: 521 Water St. Gardiner ME 04345

Property Information:

Location: 728 River Ave. Gardiner ME 04345
 City Tax Map: 040 Lot: 048 Zoning District HDR
 Lot size (acres): .07 Road frontage: 75' Shoreland frontage: N/A'
 Existing use of property: currently vacant

Abutting Property uses:

North: _____ South: _____
 East: _____ West: _____

Variance Description:

Describe variance request in terms of distance, height, lot coverage, lot area & frontage: to build a 28'x38' Cape Style home. Edge of house 50' from center of road. 11' from abutting neighbor

Applicant's Signature: _____ Dated: 8-2-21
 Property Owner's Signature: _____ Dated: 8-2-21

DIMENSIONAL REQUIREMENTS VARIANCE

The Board of Appeals may grant a variance from the dimensional requirements of the zoning ordinance when strict application of the ordinance to the petitioner and petitioner's property would cause a practical difficulty and when the following conditions exist.

Please give evidence below that your request for a variance meets each of the six criteria listed below.

- 1.) The need for a variance is due to the unique circumstances of the property and not the general condition of the neighborhood;

The current setback would not allow this to be a buildable lot.

- 2.) The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

The design of the home was carefully done to fit into the neighborhood. Elevations were set to allow a more aesthetic view for the neighborhood.

- 3.) The practical difficulty is not the result of action taken by the petitioner or prior owner;

The issue is strictly about the size and shape of the lot.

- 4.) No other feasible alternative to a variance is available to the petitioner;

None- size/ shape prohibition.

- 5.) The granting of a variance will not unreasonably adversely affect the natural environment; and

As stated in #2 the earthwork was done to look better, as well as allow a natural run off, opposed to a low area.

- 6.) The property is not located in whole or in part within the Shoreland areas as described in 38 M.R.S.A. Section 435.

As used in Section 2 of the Gardiner Land Use Ordinance, "dimensional requirements" means and is limited to zoning ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

As used in Section 2 of the Gardiner Land Use Ordinance, "practical difficulty" means the strict application of the ordinance to the property precludes the ability of the petitioner to

pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

Existing, nonconforming buildings within the Cobbossee Corridor District shall not be required to meet the dimensional standards contained in the Gardiner Land Use Ordinance due to change of use or other circumstances requiring review by the City or the Planning Board. Existing buildings cannot be made more nonconforming.

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 lot would be non-buildable, lowering the value to strictly vacant lot.

- 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

Size and shape of lot.

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

The structure is designed to fit in with the existing structures in the area, and increase neighbor's values

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

Size and shape of lot are what caused this.

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.

47

00

75'

48

70'

31'

30

28

2



CITY OF GARDINER BOARD OF APPEALS

www.gardinermaine.com

VARIANCE APPLICATION

Type of Variance:

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

Applicant Information:

Name: John Donohue Tel #: 207-680-0331
Mailing Address: 521 Water Street Gardiner ME 04845

Property Owner Information

Property Owner as evidenced by deed recorded:

Deed Book Number 12985 Page 75 Dated 8-3-2018
Name: John Donohue Tel #: 207-680-0331
Mailing Address: 521 Water St. Gardiner

Property Information:

Location: 728 River Ave Gardiner ME
City Tax Map: 0411 Lot: 0048 Zoning District HDR
Lot size (acres): .07 Road frontage: 75 Shoreland frontage:

Existing use of property: _____

Abutting Property uses:

North: _____ South: _____

East: _____ West: _____

Variance Description:

Describe variance request in terms of distance, height, lot coverage, lot area & frontage:

To Build a 28x38 Cape Style home. 8' from house
50' from G.O.R. Road 11' from Abutting Property

Applicant's Signature: _____ Dated: 2-9-21

Property Owner's Signature: _____ Dated: 2-9-21

Standard Variance:

- 1) The lot would be Non buildable lowering the value to a vacant lot under .25 acre
- 2) Size and Shape of the lot
- 3) The structure was designed thoughtfully to fit in with existing houses in the neighborhood and increase the neighborhood values
- 4) Size and shape of lot, the actual last deed description dated 2006 differs from the city lay out

Dimensional Requirements Variance

- 1) The current setbacks would not allow this to be a buildable lot
- 2) The structure was designed thoughtfully to fit in with existing houses in the neighborhood and increase the neighborhood values
- 3) The issue is strictly a lot size/shape
- 4) None, Size and shape prohibitive
- 5) the earth work was done to look better as well as allow a natural run off opposed to a low area
- 6) -