

Town of Waterboro, Maine
Zoning Board of Appeals

24 Townhouse Road
East Waterboro, Maine 04030

Telephone: (207) 247-6166 x121

email: ceosec@waterboro-me.gov

APPLICATION FOR UNDUE HARDSHIP VARIANCE APPEAL

Please print LEGIBLY.

Applicant (s): Jade Coppolino

Joe Coppolino

Mailing Address: 3 Trux Lane Best contact number: 207-286-4013

Town/State/Zip: Biddeford, ME 04005

Email: jade-coppolino@aol.com Tax Map# 32 Lot # 21

Physical Address: 44 Amy Lane East Waterboro

Agent Information (if applicable):

Name: N/A

Relationship to Appellant(s): _____

Mailing Address: _____ Town/State/Zip: _____

Best contact number: _____ Email: _____

Please complete this application in its entirety. You may add other information as may be needed to adequately describe the purpose of seeking relief from the Town of Waterboro Zoning Board of Appeals (ZBA). If you need assistance for any unanswered questions, please feel free to contact: Code Enforcement Officer at (207) 247-6166 x121, leave message and you will be called back.

I hereby request that the Town of Waterboro Zoning Board of Appeals consider an application for undue hardship variance appeal. In requesting this variance, I understand that:

◇ I must show that without a variance, undue hardship would result.

◇ I must satisfy the legal test for undue hardship by showing that:

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

B. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; and

C. The granting of a variance will not alter the essential character of the locality; and

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

Owner of Record: Joseph D. Coppolino & Jade L. Coppolino

Deed Information: Book 17886 Page 679 Date of Recording: 1/30/2019

Attach a recorded copy of the deed, sales agreement, or contract that gives you title, right, or interest in this appeal, whichever is most current.

I hereby acknowledge that I have read this application and pertinent sections of the ordinances, and state that the information in this document is to the best of my knowledge true and accurate.

Applicant/Agent Signature: Jaale G. Coppolino
Printed Name(s): Jaale Coppolino
Date(s) Signed: 2/5/2020

Rev 03022018

BE SURE TO COMPLETE the application form(s) and provide the Board with as much evidence in support of your case as you can. In addition to any written material submitted with the application, you may also bring to the hearing any witnesses you wish to have present evidence on your behalf about the property in question, any sworn written statements from individuals with personal knowledge of the property, and any documentation of previous building permits or ordinances.

An administrative appeal must be submitted to the Board of Appeals within 30 days of the issuance of the CEO's or Planning Board's decision in order for the appeal to be heard by the Zoning Board. The Board will not hear your appeal until you have provided them with a complete application. You are also **required** to submit a fee of \$330.00 in order for the application to be judged complete.

The Town will notify property owners of the hearing on your appeal as set forth in Article 9 Section 9.05 of the Zoning Ordinance. You are responsible for the costs of such notice.

In the event you are granted a variance, you must record the variance in the Registry of Deeds within 90 days according to state law in order for the variance to be valid. The Board of Appeals will provide you with the signed form.

Any decision of the Board is subject to reconsideration or appeal within 45 days of the Board's vote.

I have read and understand the above information.

Jade L Coppola
Applicant/Agent Signature

2/5/2020
Date



Town of Waterboro

Code Enforcement Office

24 Townhouse Road
East Waterboro, Maine 04030

(207) 247-6166 x120 ceo@waterboro-me.gov

February 5, 2020

Jade & Joe Coppolino
66 Amy Lane, Map 32 Lot 21
E. Waterboro, ME 04030

Greetings,

This letter clarifies your requirements for complying with Waterboro Shoreland Ordinance, as it pertains to your proposed project on 66 Amy Lane.

The existing conditions survey, supplied by Steven Everett, shows that a portion of the existing structure is within twenty five feet (25) of normal high water. Your lot coverage is 19%. Existing height of the structure is 22.5 feet. We know the existing structure is non-conforming.

Chapter 12, Section C (c) (i): allows you to expand the structure to a limit of 1,000 sq. ft. or 30% of the footprint, whichever is greater. Existing square footage is 773, so you can add 220 square feet. Although, you may not expand towards the lake. In your situation, increasing the height of the structure does not make the structure more non-conforming.

The maximum height shall not be made greater than twenty feet or the height of the existing structure, whichever is greater. The height of the existing structure is 22.5 feet, so this is the maximum height you may increase to. You may file for an appeal if you feel you need height greater than 22.5 feet.

I haven't yet reviewed your plans, pending your decision on appealing to the Zoning Board of Appeals.

Sincerely,

Glenn Charette, CEO, LPI, LHO

"I will place public safety ahead of all other interest"

The property located at 66 Amy Lane East Waterboro, Maine is a 1951 raised ranch situated on Little Ossipee Lake. The property consists of a concrete block foundation with 2 bedrooms and 1 full bath in the Shoreland zone

The Coppolino's are applying for a permit to add a second floor their existing structure. The purpose of this application for a variance is to allow the structure to be exceed the height restriction with the shore zoning. With the current, shoreland zoning, the portion of the building within the 75' must not exceed 20'. At present, the Coppolino's family fit in the 2 bedroom living space. With the addition of another child, the house needs a second floor.

For reasonable bedroom space, the current house is only 773 square feet. By adding the second floor, the building does not become more non-conforming.

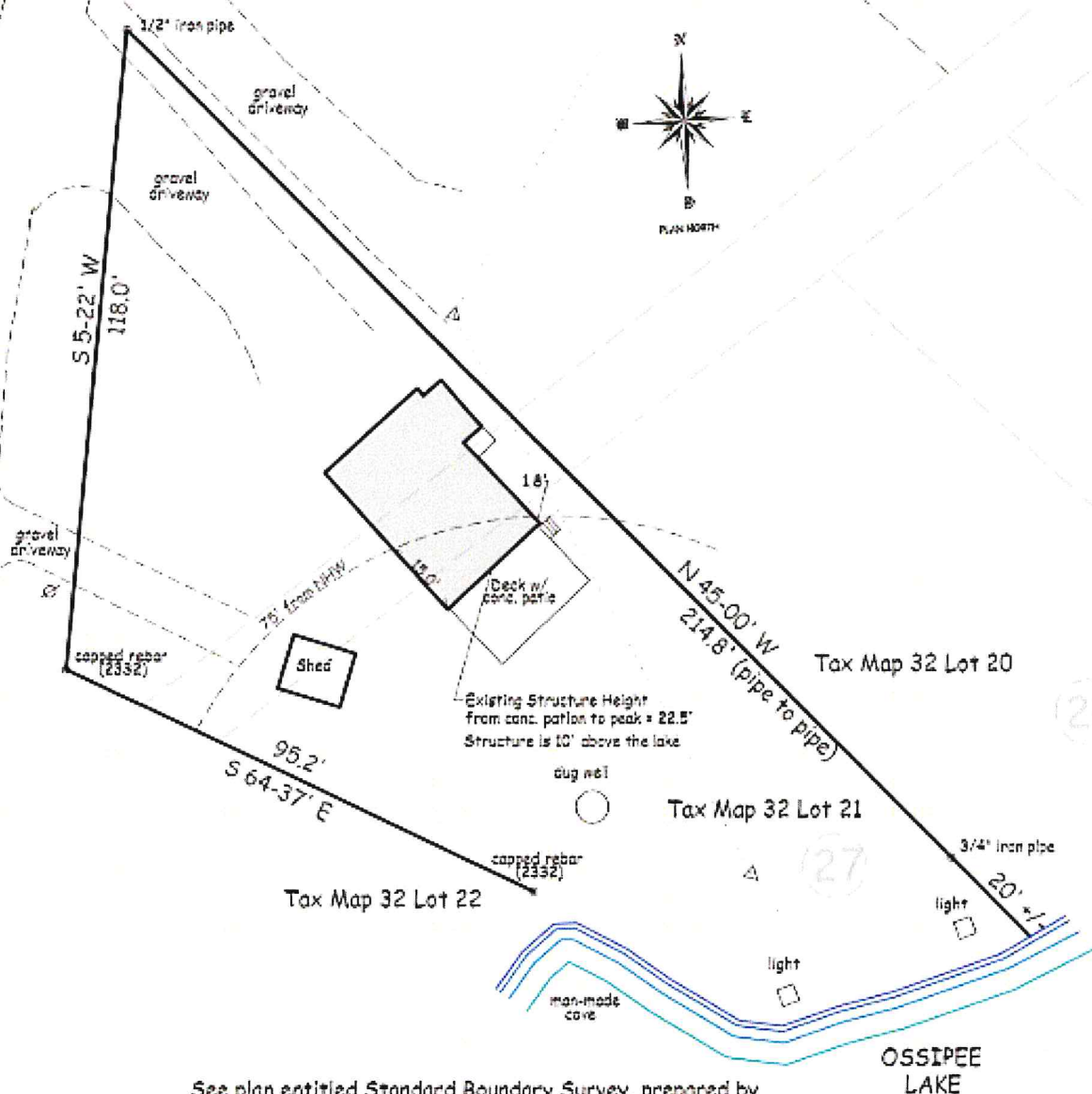


**EXISTING STRUCTURE
MAP 32, LOT 21
.07 ACRES**



75' from the high water mark affects a portion of the existing structure. The lot coverage, setbacks, parking conditions are not changed with addition of a second floor addition. The exact same footprint is retained.

Amy Lane

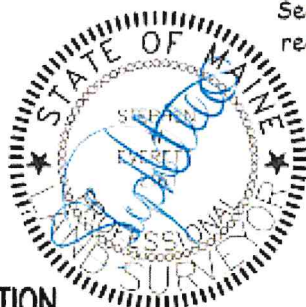


See plan entitled Standard Boundary Survey, prepared by
Dove & Coulombe Inc., for Larochelle, dated Jan. 10, 1992.
recorded in York County Registry of Deeds in Plan Bk. 207 Page 34.

LEGEND

- Survey Marker Found
- ▷ Survey Control Point
- Deed Line
- Lot Lines

Johnson Lots



CERTIFICATION

I hereby certify to Jade Coppolino that this survey meets all the requirements of the Board of Licensure for Land Surveyors of the State of Maine, for its expressed purpose, to the best of my knowledge and belief.

See plan entitled Johnson Lots on Ossipee Lake in Waterboro, Maine,
recorded in York County Registry of Deeds in Plan Bk. 11 Page 119.

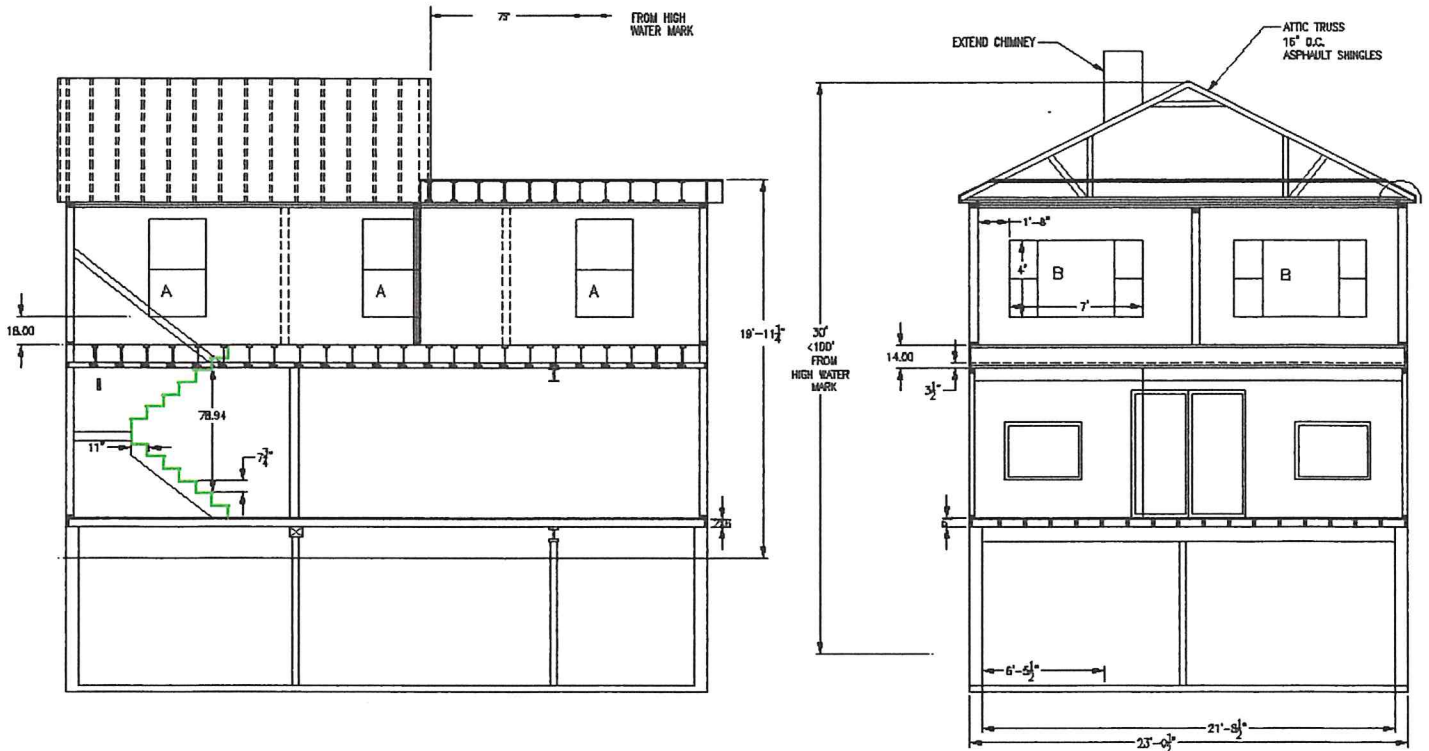
Existing Conditions Survey

66 Amy Lane
East Waterboro, Maine
for

Jade Coppolino

Scale 1"=30' Jan. 30, 2020
Prepared by Stephen W. Everett PLS 2161

#1. That the land in question cannot yield a reasonable return unless the variance is granted.



NEW ADDITION PER CURRENT ZONING

The Coppolino's need to expand their home with a second floor addition for an expanding family. The physical foot print of the building would remain the same. All dimensional setbacks would be retained. As the building is sited, the 75' setback from the High water line is approximately one third thru the house. As you can see on the attached survey with the new shore land zoning rules, half of the second floor addition would be 25' median height tall beyond 75' setback. This would mean a pitched roof with trusses. The remaining building within 75' would be 20' median height in and would need to be a flat roof to retain a permit.

With the addition of another child, we cannot live in the house as it exists today. We've been on the lake since January 2019 and have enjoyed our lives here. Raising a child in the confines of a 773sf home has been challenging with only a stand-up shower. There isn't enough space to add a tub/shower for the children. We need the second floor so that each child has their own bedrooms and play space as well as a full bathroom for bathing children. I've, (Jade,) have been on Ossipee Lake since a child at my grandfather's camp and I want my kids to have the same childhood. With the addition of the second floor, a reasonable return can be obtained

#2 The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.

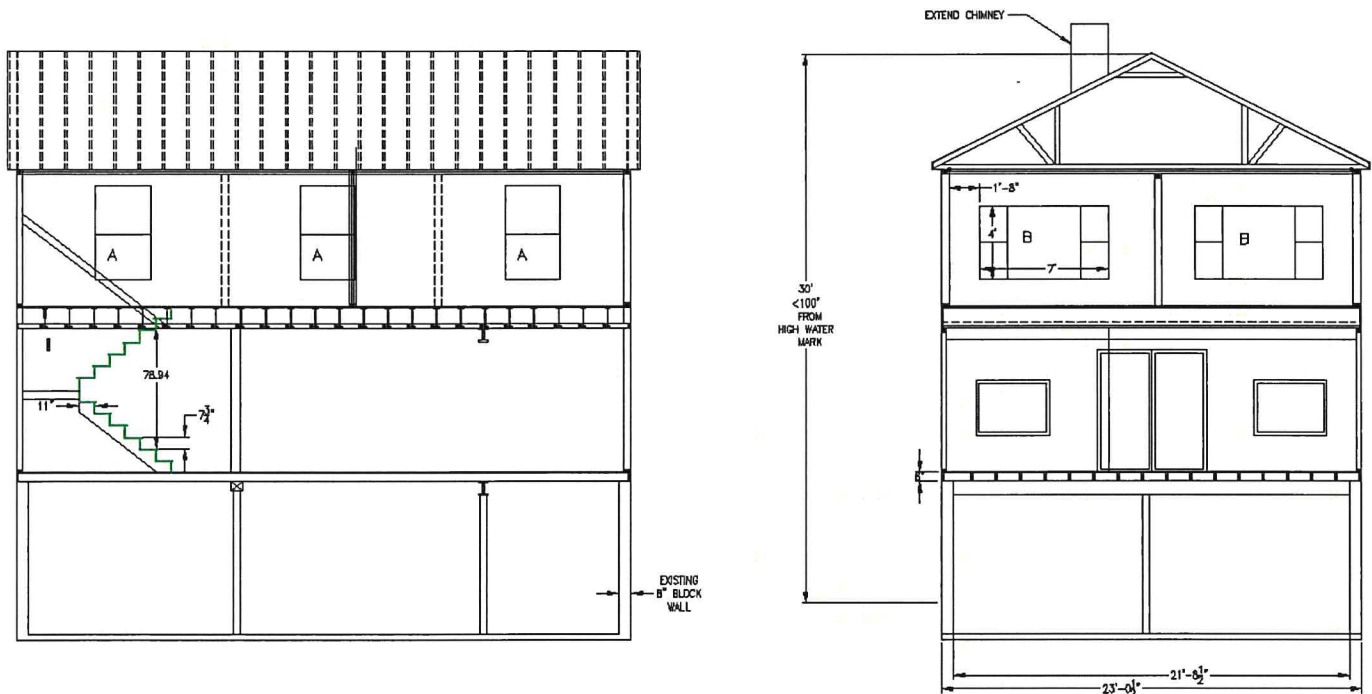
The shape of the property and the fact there was a man-made cove by the neighbor in previous years is not part of the natural shoreline of Ossipee Lake. This created a Unique situation and the burden of not meeting the new criteria of 75' setback from the high water line.

#3. The granting of a variance will not alter the essential character of the locality.

With a variance allowed, the building will retain the character of the neighborhood .

The variance in height will allow for better construction, less opportunities for water leaks, and more natural fit in the community. The height variance would not obstruct any neighbors view.

With the granting of a variance, this will not alter the essential character of the locality.



NEW ADDITION WITH VARIANCE WITH HEIGHT VARIANCE

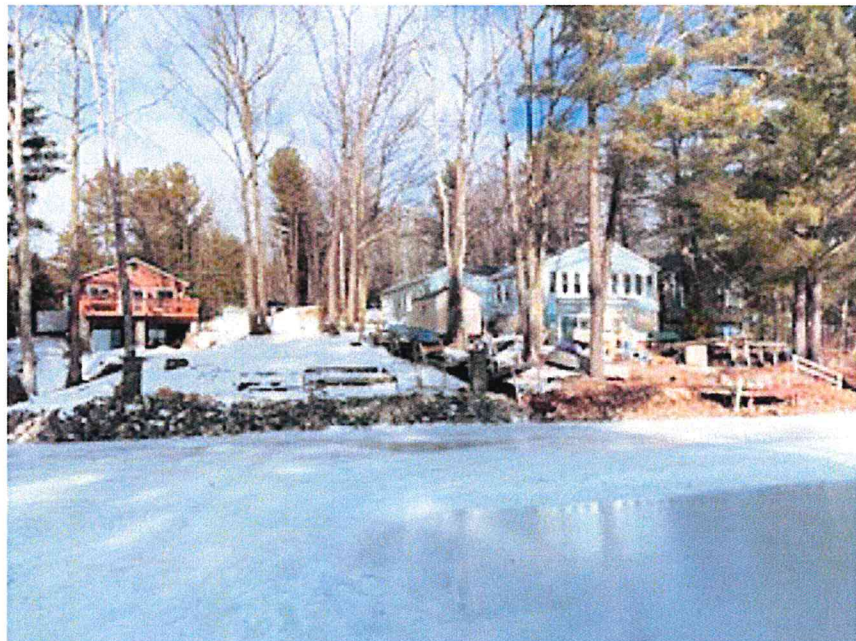
The Variance is needed since the structure with the addition of a second floor will not appear to be consistent with other properties in the area. Flat roofs are not a typical structure found on the water's edge. Most properties are situated as a raised ranch with pitched roof.

The property was built in 1951. Over the years, the property has been renovated and maintained in good condition. At present, the Coppolino's family fit in the 2 bedroom living space. With the addition of another child, the house needs a second floor for additional bedroom and living space.

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

History:

Johnson Park was created in 1932 thereof recorded in the York County Registry of Deeds in Plan Book 11, Page 119. Lot numbered #27. At some point in history, the neighboring property created a man-made cove to provide themselves waterfront access. Therefore the hardship is not the result of any action taken by the applicant or prior owner.



Properties in the area are raised ranches with pitched roofs. The new addition will fit into the local.

Variance Requested

Jade & Joseph Coppolino are requesting a Variance:

Requesting a variance for an additional 9'6" in height on the original building height of 22.5'. Total height of 32'



For all the things you value.

ALL PROPERTY LINES OF BUSINESS

RISK SELECTION STANDARDS & COMPANY PROCEDURES

Eligible Property:

- exhibits pride of ownership (well maintained, good housekeeping and better than average condition)
- property under construction **if:**
 - it will be completed and occupied within nine months
 - it is being constructed by a licensed and insured independent contractor (not the insured)

Please indicate above information on application.

- log homes must be prefabricated or kit only

Not Eligible Property:

- dwelling vacant and/or unoccupied dwelling
- dwelling under extensive renovation
- dwelling with flat roofs (exception DP1 only)
- dwelling with asbestos siding
- dwellings owned and deeded to Limited Liability Company (LLC) or Realty Trust
- dwellings with wooden roof shingles if wood burning exists
- dwelling of ornate or unusual construction
- dwelling with student occupied rental units
- dwelling with roomers or boarder situations
- dwelling regularly rented or leased under a formal home sharing agreement or mutual exchange of services

Photographs:

- A photograph is required of:
 - front and back of the dwelling
 - one (1) photo of all Other Structures \$20,000 or greater value
 - front and back of any dwelling to which liability is extended

DLN: 1001940049350

After recording return to:

Joseph L. Coppolino
66 Amy Lane
East Waterboro, ME 04030

(space above is reserved for recording information)

WARRANTY DEED
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, That I, **RICHARD ALBERT**, having a mailing address of 5 Trix Lane, Biddeford, Maine 04005 for consideration paid, grant to **JOSEPH D. COPPOLINO** and **JADE L. COPPOLINO**, both having a mailing address of 66 Amy Lane, East Waterboro, Maine, 04030 with **WARRANTY COVENANTS, as joint tenants**, the land in Waterboro, in the County of York and State of Maine, described as follows:

A certain lot or parcel of land, together with the buildings thereon, situated in Waterboro, in the County of York and State of Maine, on the southerly shoreline of Ossipee Lake, and being Lot Numbered Twenty-Seven (27) in Johnson Park, so-called, as shown on a Plan thereof recorded in the York County Registry of Deeds in Plan Book 11, Page 119.

This conveyance is made together with the right to the use of all streets and avenues as shown on said Plan as well as the fee interest in and to any adjacent streets and ways shown on said plan whether currently laid out and improved or not.

ALSO, another certain lot or parcel of land, situated northwesterly of the parcel aforesaid in said Waterboro and more particularly described as follows:

BEGINNING at a point on the easterly side of a camp road near Ossipee Lake at the most westerly corner of land now or formerly of Alge Klimas near a point marked by an old iron pipe driven into the ground;

THENCE generally southerly along the easterly sideline of said camp road, as now travelled, which leads to lot numbered 18 and other lots shown on Plan of Lots entitled "Johnson Lots on Ossipee Lake in Waterboro, York County, Maine" as recorded in the Plan Book 11, Page 119 in the York County Registry of Deeds, for a distance of approximately 140 feet to a point;

THENCE N 50° E a distance of 110 feet, more or less, to a point in the sideline of said Klimas Land;

THENCE N 45° W by said Klimas land a distance of 100 feet to the point and place of beginning.

Maine R.E. Transfer Tax Paid

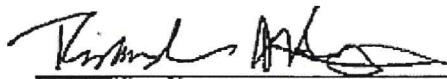
Also conveying those premises described in Confirmatory Quit Claim Deed of Nancy Marie Macolini to Harvey G. Larochelle and Ruth V. Larochelle dated August 13, 2018, and recorded in York Registry of Deeds in Book 17782, page 172.

EXCEPTING and reserving herefrom, however, those premises set forth in Confirmatory Quit Deed of Harvey G. Larochelle and Ruth V. Larochelle to Nancy Marie Macolini dated August 16, 2018 and recorded in York Registry of Deeds in Book 17782, page 174.

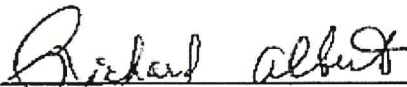
Being the same premises conveyed by Harvey G. Larochelle and Ruth V. Larochelle to Richard Albert by virtue of a deed being dated August 16, 2018, and recorded in the York County Registry of Deeds in Book 17782, page 176.

WITNESS my hand this 30th day of January, 2019.

SIGNED, SEALED AND DELIVERED
IN PRESENCE OF:



Witness



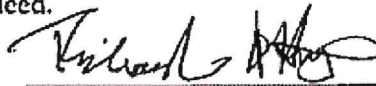
Richard Albert

STATE OF MAINE
York, ss.

January 30, 2019

Personally appeared the above named **Richard Albert** and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public/Maine Attorney-At-Law

Print Name **Richard A. Hull III**
Maine Attorney-at-law

Bar No. **000964**
My Commission Expires