

ZONING BOARD OF APPEALS APPLICATION

Town of Waterboro

24 Townhouse Road
East Waterboro, Maine 04083

Dear Applicant/Agent for an Appeal:

In order for the Board of Appeals to consider a case, the law requires that you present the Board with a complete application. The purpose of this letter is to provide you with instructions on how to meet your responsibilities, so the Board may hear your case in a timely manner.

Before filing an application, you should review the Town's ordinance(s) and make sure you understand why your permit application was denied or any other basis of your appeal to the Zoning Board of Appeals. If you do not know what zoning district your property is in or specific zoning restrictions on the property, you may obtain this information from the Code Enforcement Officer.

Next, you must provide the Board with the information required on the form given to you. You must provide the Board of Appeals with proof that you have a legal interest in the property about which you are bringing an appeal, in addition to information about the property, including any details about its physical characteristics that may be relevant to your appeal.

Then you must decide what kind of appeal you wish to bring. Your options are to bring an administrative appeal or variance appeal. The Code Enforcement Officer may give you some guidance in making this decision, but ultimately it is your decision to make, not the CEO's. What are the differences?

- An administrative appeal is an appeal from a decision of either the CEO or the Planning Board. You may file an administrative appeal if you do not agree with the Town's interpretation of the ordinance or if you think the Town made some administrative error when processing your permit application. On the application you must explain what the decision said, what you want to do with your property, why you think the decision was wrong and relief you are seeking from the Board of Appeals.
- A variance appeal is used when you cannot meet one or more of the dimensional standards of the ordinance, such as setback, lot coverage, or parking space requirements. On the application you must illustrate precisely what dimensional standards you do not meet and exactly how much of a variance you seek. You will need to provide evidence to the Board that you meet all of the standards for the type of variance that you are seeking.

An undue hardship is required for any type of variance in a shoreland zoning district, or any variance other than a dimensional variance, in any other district. The standards for an undue hardship variance are:

1. Before a variance may be issued, the Board must determine, in addition to its finding of undue hardship or practical difficulty, that the granting of a variance would not negatively impact the best interest of the community; and

2. Undue hardship shall not be construed to include: self-imposed hardships; an inability to realize as great an economic gain as would be possible if the variance were granted; or a hardship that is not unique to the applicant's land; and

3. A variance, if granted, should necessitate only a slight departure from the stated requirements of an ordinance, usually not exceeding a fifteen (15) percent increase or decrease from the stated requirements; and

4. A variance, if granted, must not subvert the intent of the Town's Comprehensive Plan, this ordinance or local subdivision regulations as manifested in the language of the Plan or the particular provisions from which the variance is sought; and

5. A variance, if granted, must not have a harmful effect on the use of nearby land and structures insofar as that land is being used in conformity with state and local land use ordinances and regulations. The Board in granting a variance may attach appropriate conditions which will avoid harm to adjacent property owners and the public.

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 10 Section 10.05 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.



(Applicant/Agent Signature)

06/05/2018

Date

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): Robert Leeman

Mailing Address: 189 West Shore Rd Best contact number: 207-233-0750

Town/State/Zip: E. Waterboro ME, 04030

Email: R Leeman1@gmail.com Tax Map# 38 Lot # 39

Physical Address: _____

Agent Information (if applicable):

Name: _____

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: Robert Leeman

Deed Information: Book 17444 Page 64-66 Date of Recording: 3/29/2017

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: _____

Printed Name(s): Robert Leeman

Date(s) Signed: 06/04/2018

REQUEST FOR HARDSHIP VARIANCE

**ROBERT LEEMAN
189 WEST SHORE RD
EAST WATERBORO, ME 04030
MAP 38, LOT 39**

I, Robert Leeman, own property located at 247 West Shore RD where the front of the property borders West Shore Rd and where the rear of the property borders Ossippee Lake. This property is part of a subdivision that was created to provide building lots along the shoreline and provide access to the lake in 1946.

This property is in the AR zone that requires 75' setback from the front yard and 35' from the side lines. This property is also within the Shoreland zoning that requires a 100' set back from high water line.

Therefore, I am requesting a variance reducing the setbacks from the sideline of 35 feet to a setback of 10 feet, and a reduction in setback from 75 feet to 45 feet from the front where it abuts the right of way (West Shore rd). This setback variance would allow me to build and maintain DEP required 75' setback. This would place the structure further than any abutting structure and a 75' setback from the lake.

1. The ability to build is necessary to yield a reasonable return on the property. I realize that the reasonable return does not mean maximum financial return. The variance will allow this property to have the use that it was originally created for as a building lot and provide only adequate use of the land.
2. The need for the variance is due to the unique circumstances of the property and not the general conditions of the neighborhood. As seen on the attached plot plan, the shape of the lot and the desire to meet the Shore land Zoning 100 foot set back the location of a house on this parcel is difficult. I believe that the proposed location of the building is the BEST possible solution. This variance is needed due to the change in the Zoning and not due to any actions of previous owners of this parcel.

Due to the unique shape of this parcel, it is apparent that any structure would be at an angle to the property lines and the set back lines.

3. The granting of this variance will not alter the essential character of the locality. This area has been developed as a residential area and the proposed building will be on a down slope and will not impede on the view if any other structure that may be built on the lots behind it.
4. Finally, the hardship of this property is not the result of action taken by myself (applicant) or that of the prior owner. The lot has not been altered in any way that created the need for this variance. I have designed a reasonably sized building that is less than the square footage allowed for this zoning area. The proposed building will be situated on the property to the best of my ability to minimize any impact on others and to meet the DEP 75' setback from the lake. Unfortunately, there is no other location on this parcel for a structure that would eliminate the need for a variance.

In summary I, Robert Leeman, am requesting a variance reducing the setbacks as listed:

- Front (road side) from 75' to 45'.
- Sides from 35' to 10'.
- Back from 100' to 75' from the lake.

For the above stated reasons, I am respectfully requesting a Zoning Board of Appeals grant this variance allowing the building to be built in the location of the reduced setbacks.


WARRANTY DEED - SHORT FORM DEEDS ACT
33 M.R.S.A. §§ 761 et seq.

KNOW ALL BY THESE PRESENTS, that I, **Kathleen E. Corricelli**, formerly known as Kathleen E. Manfredi, of North Salem, Hillsborough County, State of New Hampshire, for valuable consideration received, hereby GRANT to **Robert D. Leeman**, of East Waterboro, York County, State of Maine, with WARRANTY COVENANTS, that certain lot or parcel of land, with any improvements thereon, located at 249 West Shore Road, Waterboro, York County, State of Maine as more fully described in Exhibit A attached hereto and fully incorporated herein by reference.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on March 28, 2017.



Witness

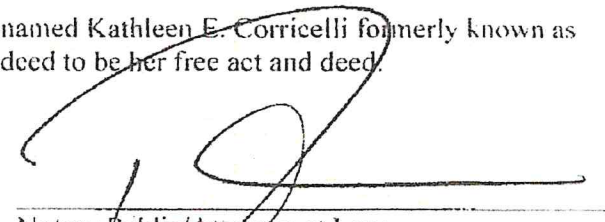


Kathleen E. Corricelli
formerly known as Kathleen E. Manfredi

STATE OF MAINE
Cumberland, ss.:

On March 28, 2017, personally appeared the above-named Kathleen E. Corricelli formerly known as Kathleen E. Manfredi and acknowledged the foregoing deed to be her free act and deed.

Before me,



Notary Public/Attorney at Law
THOMAS W. COWGER
Type or Print Name
Commission Expires:

MAINE R.E. TRANSFER TAX PAID

File No. R16020

EXHIBIT A
Legal Description of Property in York County
247 West Shore Road, Waterboro, Maine 04030

Tax Map 38. Lot 39 (Lot 16)

A certain lot or parcel of land, together with any improvements thereon, situated in the Town of Waterboro, County of York and State of Maine, and being bounded and described as follows:

Beginning at an iron pipe driven in the ground on the shore of Little Ossipee Lake at the northeasterly corner of the parcel herein conveyed and the northwesterly corner of Lot 15 as the same is depicted on plan entitled "Hillcrest" dated September 1, 1946 and recorded in the York County Registry of Deeds at Plan Book 21, Page 6; thence running S 52° W by said Lot 15 a distance of 145 feet to an iron marker in the ground at or beside the right of way shown as Westwood Road on said plan; thence running westerly by said road a distance of 75 feet, more or less, to an iron marker and Lot 17 as shown on said plan; thence running N 52° E by said Lot 17 a distance of 193 feet to an iron pipe on the shore of said lake; thence running southeasterly along the shore of said lake to the point of beginning. Being Lot 16 as depicted on said plan.

Also conveyed herewith is the full and free right to pass or repass, with or without vehicles, along and over a certain right of way leading from said Westwood Road to State Highway #5.

Being a portion of the premises conveyed to Anthony J. Manfredi and Kathleen E. Manfredi by deed of Edward P. O'Rourke and Sharlene M. O'Rourke dated May 22, 2002 and recorded in the York County Registry of Deeds in Book 11646, Page 184; reference is made to deed from Anthony J. Manfredi and Kathleen A. Corricelli, formerly known as Kathleen E. Manfredi to Kathleen A. Corricelli dated February 17, 2017 and February 21, 2017, to be recorded prior hereto.

ALSO conveying herewith a certain lot or parcel of land located southerly of, but not adjacent thereto, the southerly shore of Little Ossipee Lake, so-called, in the Town of Waterboro, County of York and State of Maine and shown as Lot "L" on the plan titled "Standard Boundary Survey Plan Land of Frank Edward Carll West Shore Road Waterboro, Maine" for Paul Tebbetts dated October, 2003 as revised through July 18, 2006 by Berry Huff McDonald Milligan, Inc. to be recorded; said parcel being more particularly described as follows:

Beginning at a capped iron rod to be set (PLS # 2190) at the southeasterly corner of land now or formerly of Charlene A. and Richard K. Hall and the southwesterly corner of land now or formerly of Anthony J. and Kathleen E. Manfredi (Grantees) as shown on aforesaid plan:

Thence South 74° 31' 22" East along the land of said Anthony J. and Kathleen E. Manfredi a distance of 118.98 feet to a capped iron rod to be set (PLS # 2190) and the parcel to be conveyed to David P. and Denise C. Marine:

Thence South 12° 40' 55" West along the parcel to be conveyed to David P. and Denise C. Marine a distance of 96.29 feet to a capped iron rod to be set (PLS # 2190) and remaining land of Frank Edward Carll:

Thence North 77° 19' 05" West along the remaining land of Frank Edward Carll a distance of 118.83 feet to a capped iron rod to be set (PLS # 2190) and parcel to be conveyed to Charlene A. and Richard K. Hall:

Thence North 12° 40' 55" East along the parcel to be conveyed to Charlene A. and Richard K. Hall a distance of 102.09 feet to the point of beginning.

The above-described parcel contains 11,787 s.f. All bearings refer to Magnetic North as observed in 2000.

The above-described parcel is subject to a 50-foot wide right of way for ingress and egress and the installation of utilities and located along the southerly boundary of the above-described parcel as shown on aforesaid plan.

Also, together with a 50-foot wide right of way known as West Shore Road (new location) for ingress and egress and the installation of utilities and being located along the northerly sideline of the remaining land of Frank Edward Carll as shown on aforesaid plan.

Meaning and intending to convey and hereby conveying that lot or parcel of land conveyed by Paul J. and Donna L. Tebbetts to Anthony J. Manfredi and Kathleen E. Manfredi by deed dated September 1, 2006 and recorded in the York County Registry of Deeds in Book 14952, Page 378.

EXCEPTING herefrom that lot or parcel of land conveyed by Anthony J. Manfredi and Kathleen A. Manfredi, a/k/a Kathleen E. Manfredi to Richard K. Hall and Charlene A. Hall in deed dated April, 2007 and recorded on April 30, 2007 in the York County Registry of Deeds in Book 15144, Page 574.

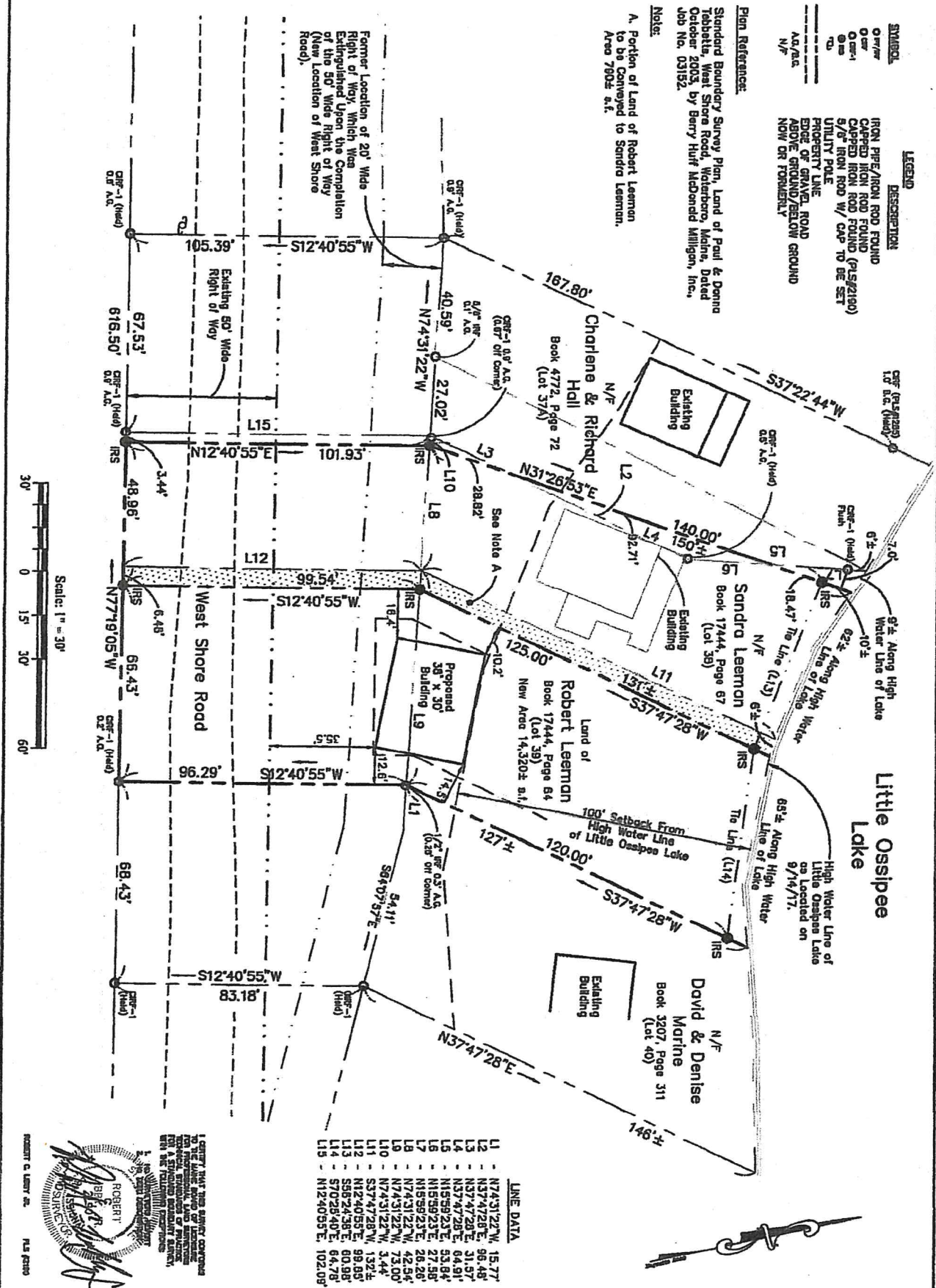
Subject to and with benefit of the effects of an exchange of deeds between Richard K. Hall and Charlene A. Hall and Edward P. O'Rourke and Sharlene M. O'Rourke by two deeds each dated July 9, 1988 and recorded in the York County Registry of Deeds in Book 4772, Page 301 and Book 4772, Page 302, respectively.

E
3ff
FIRST TITLE OF MAINE
465 CONGRESS ST. 8TH FLOOR
PORTLAND, MAINE 04101

SYMBOL	DESCRIPTION
○ w/r	IRON PIPE/IRON ROD FOUND
○ w/r	CAPPED IRON ROD FOUND (P/S&2190)
○ w/r	5/8" IRON ROD W/ CAP TO BE SET
○	UTILITY POLE
---	PROPERTY LINE
---	EDGE OF GRAVEL ROAD
---	ABOVE GROUND/BELOW GROUND
N/F	NOW OR FORMERLY

Plan Reference:
Standard Boundary Survey Plan, Land of Paul & Donna Tobetta, West Shore Road, Watersboro, Maine, Dated October 2003, by Barry Huff McDonald Milligan, Inc., Job No. 03152.

Note:
A. Portion of Land of Robert Leeman to be conveyed to Sandra Leeman. Area 780± a.k.



BOUNDARY SURVEY PLAN

DATE OF SURVEY: 10/20/03

BY: ROBERT LEEMAN

FOR: SANDRA LEEMAN

BH2M

Barry Huff McDonald Milligan, Inc.

Engineers, Surveyors

21 Elm Street
Coffey, Maine 04930

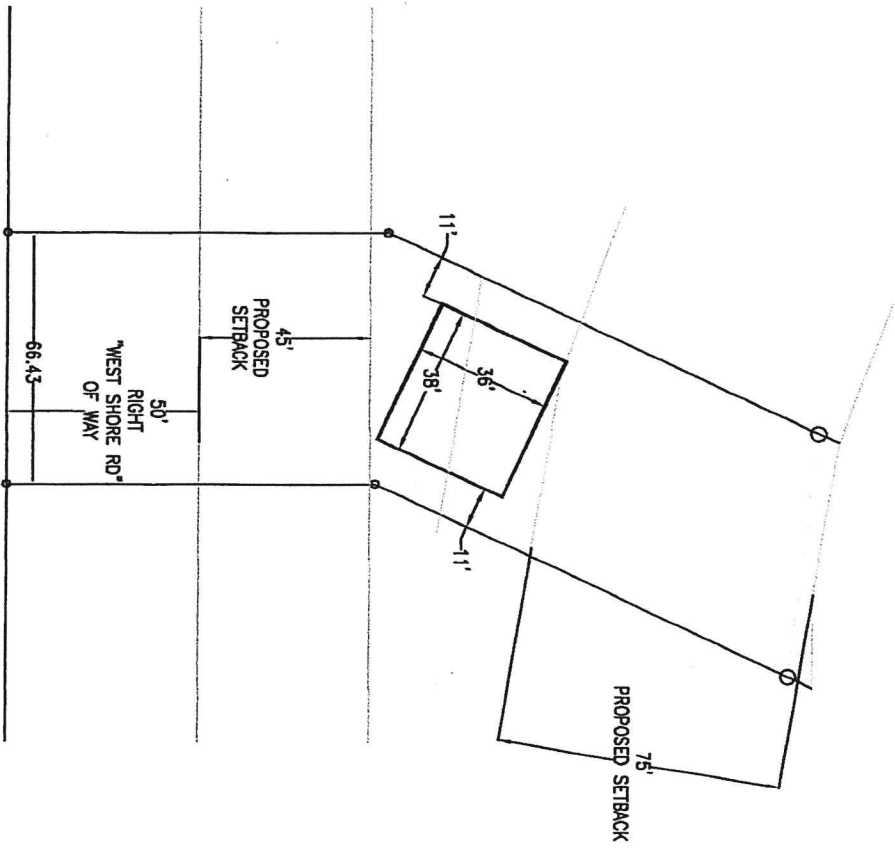
Tel: (207) 899-3771
Fax: (207) 899-3720

1. CERTIFY THAT THIS SURVEY CONFORMS TO THE STATE OF MAINE, CHAPTER 113, § 113-A, AND THE RULES OF THE BOARD OF SURVEYORS AND MAPS, CHAPTER 113, § 113-B.

ROBERT C. LEEMAN, JR.

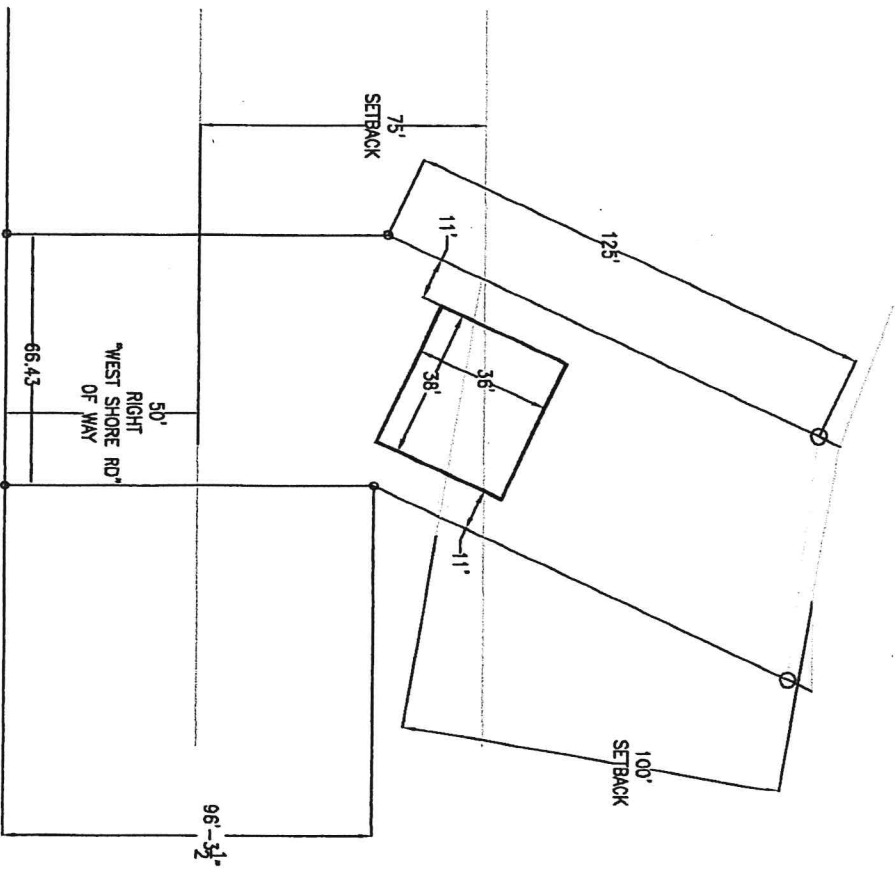
PLS. 02100

PROPOSED SETBACKS



247 West Shore rd

EXISTING SETBACKS



247 West Shore rd



