

ACTIONS REPORT - BOARD OF APPEALS – JULY 27, 2016
Council Chambers in City Hall, City of South Portland, Maine
7 p.m.

Members Present

Cara Biddings, Chairman
Alex Anastasoff
David Bourke
Ryan Cyr
Dan Fortin
Ted Kelleher
Bob Whyte

Staff Present

Patricia Doucette, Director of Code Enforcement
& Deputy Director of Planning & Development
Cathy Counts, Secretary to the Board of Appeals

1. Acceptance of the minutes from the April 27, 2016 meeting

Mr. Whyte moved and Mr. Bourke seconded to approve the minutes, unanimous 7-0.

2. Acceptance of attendance report

Mr. Bourke moved and Mr. Cyr seconded to accept the attendance report, unanimous 7-0.

3. Approved request of Andrew Parker and Margaret Kendricks – 117 Osborne Av – Map 25 Lot 201 – G Residential Zone - (2016-10)

*The applicants seek permission to enclose their existing front porch for additional living space. This porch is two (2) feet from the front property line. The applicants request **an eighteen (18) foot front property line setback variance**. This property is located within seventy-five (75) feet of Anthoine Creek and is in the Stream Protection Overlay Subdistrict 1 zone. The Board will hear this request based on the “hardship” criteria. Proponents and opponents must address the request for a variance based on the “hardship” criteria.*

Following the applicants’ address, reading of letters in support from two neighbors, and the ensuing discussion, the Board proceeded to vote separately on each of the undue hardship criteria for variances requests located wholly or in part within a shoreland area.

- 1) *That the land in question cannot yield a reasonable return unless a variance is granted:* Ms. Biddings moved, Mr. Kelleher seconded, approved 6-1 (Mr. Whyte opposed).
- 2) *That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood:* Ms. Biddings moved, Mr. Whyte seconded, approved 7-0.
- 3) *That the granting of a variance will not alter the essential character of the locality:* Ms. Biddings moved, Mr. Fortin seconded, approved 7-0.
- 4) *That the hardship is not the result of action taken by the applicant or a prior owner:* Ms. Biddings moved, Mr. Cyr seconded, approved 7-0.

Mrs. Doucette read the Findings of Fact for this variance approval, with a motion for acceptance by Mr. Bourke, seconded by Mr. Cyr, unanimous 7-0. (2016-10)

4. Discussion of old and new business.

No one had any old or new business to discuss.

5. Adjournment 8:05 p.m.

Mr. Whyte moved and Mr. Bourke seconded to adjourn at 8:05 p.m.

Thus far, no appeals have come forward for the next regularly scheduled Board meeting in August. Unless no applications come in before the deadline, the next regularly scheduled Board of Appeals meeting will be held Wednesday, August 24, 2016. Deadline for applications is Thursday, August 4, 2016. The September meeting will be held Wednesday, September 28, 2016, with an application deadline of Thursday, September 8, 2016.

Respectfully submitted,

Cathy Counts
Secretary to the Board