

**Appeals Board Meeting  
June 4, 2018 – 7:00 PM  
Town Office Conference Room**



**Meeting Materials**

Town of Poland, Maine  
Board of Appeals  
1231 Maine Street  
Poland, Maine 04274

## Application for Variance Appeal Standard Variance

Appellant(s): <u>Elizabeth Carr</u>		
Mail Address: <u>189 Watson Rd</u>	Work Phone: _____	
Town/State/Zip: <u>Poland, Me</u>	Home Phone: <u>207-240-0468</u>	
Road Location: <u>54/56 Watson</u>		
Map # <u>5</u>	Lot # <u>16</u>	Sub-lot # <u>B-7</u>

A Variance Appeal is being sought for the relaxation of the Comprehensive Land Use Code. I/we believe that this would not be contrary to the public interest and a literal enforcement of this Code would result in undue hardship.

Indicate the section(s) of the ordinance that you believe is/are relevant to your appeal:

Chapter <u>509</u> , Section <u>11C</u> , Page <u>125</u> Chapter <u>509</u> , Section <u>11M</u> , Page <u>127</u>	Chapter _____, Section _____, Page _____ Chapter _____, Section _____, Page _____
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1. Attach a statement detailing the facts concerning your appeal. (see reverse side)
2. Attach copy of deed, sales agreement, or contract that gives you title, right, or interest in this appeal.
3. Attach copy of a sketch plan of the property showing lot dimensions and shape, existing structures, setbacks, natural features on the lot, and indicate the area of proposed location of structures.
4. Attach a copy of any other relevant papers (applications, Planning Board and/or CEO decisions, etc.) concerning the appeal.
5. Optional – attach photos of the area.

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.

Elizabeth Carr  
Appellant's Signature

David Carr  
Co-Appellant's Signature

4/23/18  
Date

## STANDARD VARIANCE APPEAL

### **Detailed Description:**

In order for a variance to be granted the appellant must demonstrate to the Board of Appeals that the strict application of the Comprehensive Land Use Code would cause undue hardship. The Code section shown below lists the criteria that must be met before the BOA can find that a hardship exists. In your statement detailing the facts, please include numbered comments addressing each of these subsections.

### **Section 304.2.d.2**

2. Variance Appeals - To hear and decide upon appeal in specific cases where a relaxation of the terms of this Code would not be contrary to the public interest and a literal enforcement of this Code would result in undue hardship.
  - d. The Board shall not grant a variance in locations outside the Shoreland Area and one hundred (100) year floodplain unless it finds that:
    - (1) The proposed structure or use would meet the performance standards of this Code except for the specific provision which has created the nonconformity and from which relief is sought; and
    - (2) The strict application of this Code to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:
      - (a) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
      - (b) That the granting of the 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;
      - (c) That the practical difficulty is not the result of action taken by the petitioner or a prior owner;
      - (d) No other feasible alternative to a variance is available to the petitioner;
      - (e) That the granting of the variance will not unreasonably adversely affect the natural environment; and
      - (f) That the structure or land area for which a variance is sought is not located in whole or in part within the Shoreland Area and/or one hundred (100) year flood plain.

MEMORANDAUM

TO: APPEALS BOARD

FROM: ELIZABETH AND DAVID CARR

DATE: APRIL 20, 2018

RE: GARAGE AT 54 WATSON ROAD

We have received a letter from the Code Enforcement Office that instructs us to move a 24 x 24 garage with metal roof and vinyl siding that is located on a concrete slab from the premises on or before July 1, 2018. This garage was permitted by the Code Enforcement officer on June 11, 2008 with full knowledge that we could not meet the minimum set back from the right-of-way according to code, however, there was no other logical or practical place on this property to locate a garage due to the slope of the land, location of the leach field, location of driveway and door to lower apartment. After the slab was poured, the CEO came by to inspect and approved of same.

We are asking for the Board to waive the setbacks in this case due to the fact the the Town of Poland required we make improvements to the existing right-of way to create a back lot driveway. This improvement brought the ditches within 3.2 feet of the existing garage.

We would request the board refer to 509.11 C requiring a minimum 20' setback and make use of 509.11M to waive this requirement because of the high cost of removal, loss of use and the very fact that it has been there for 10 years without incident. It is not in any way harmful to public health, safety or welfare of any person. It is not in shoreline zoning. All abutting neighbors have no objections to the location and are willing to write letters, if necessary, stating that they have no objections.

Please grant the petition due to the above stated reasons.

Sincerely,

David and Elizabeth Carr





## Code Enforcement Office

1231 Maine Street  
Poland, Maine 04274

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**Date: January 2, 2018**

**Owner: Elizabeth Carr**

**Parcel ID: 0005-0016-B-1A**

**Located at: off Watson Rd.**

**Zoning District: Rural Residential II**

Dear Mrs. Carr,

As per our conversation, in regards to the existing garage located 3.5 feet from the (60) sixty foot the right of way for the back- lot driveway. Your offer to move the garage down to the next lot of your future retirement home has been accepted. The setbacks in Rural Residential 2. The minimum accessory structure setbacks shall be as follows:

- a) Front 50 feet from the Lot Lines.
- b) Rear 40 feet
- c) Side 20 feet

(1) A Building permit must be obtained for the new location.

(2) The existing slab must be removed.

(3) The relocation of the garage must be completed by July 1, 2018

(4) If the garage is not relocated by July 1, 2018 I will be required to write a violation.

Thank you in advance for your cooperation, please contact me if you have any Questions. (207) 998-4604 rfolsom@polandtownoffice.org

Sincerely,

Robert Folsom Sr.

**Town of Poland**  
**Code Enforcement Office**  
 1231 Maine Street  
 Poland, Maine 04274-7328  
 Tel: (207) 998-4601

## BUILDING PERMIT

Map # \_\_\_\_\_ 5 Lot # \_\_\_\_\_ 16 Sublot # B-7 Permit # 2008-143  
 Road Location: 54 Watson Road Expiration DATE June 11, 2010

Land Owner Betsy & Dave Carr Tel. # \_\_\_\_\_ 240-0468  
 Mailing Address: 189 Watson Road, Poland, Maine \_\_\_\_\_ 04274  
 Applicant/Contractor: Betsy & Dave Carr Tel. # \_\_\_\_\_ 240-0468  
 Mailing Address: 189 Watson Road, Poland, Maine \_\_\_\_\_ 04274  
 Project Description: \_\_\_\_\_

Build a 24' x 24' one story garage to the rear of the existing dwelling.

Certificate of Occupancy is required before use of any structure may begin.

Est. Value	\$ 27,337	Floor Space (Sq Ft)	Permit Rates	Location
Lot Size	2.1 Ac	Basement	- \$ 0.103 /Sq Ft	District
Buildings	1	First	- \$ 0.200 /Sq Ft	Shoreland
Type Const.	S-2, V-B	Second	- \$ 0.200 /Sq Ft	Flood Zone
Bedrooms	0	Attic	- \$ 0.103 /Sq Ft	Commercial
Stories	1	Garage	576 \$ 0.129 /Sq Ft	
Electricity	yes	Carport	- \$ 0.115 /Sq Ft	
Plumbing	no	Pool	- \$ 0.110 /Sq Ft	
Heating	no	Deck	- \$ 0.103 /Sq Ft	
Fireplace	no	Patio/Porch	- \$ 0.103 /Sq Ft	
Woodstove	no	Shed	- \$ 0.112 /Sq Ft	
		Barn	- \$ 0.115 /Sq Ft	
		576 Total Sq Ft		

REQUIRED SETBACKS	
50 FEET FROM EDGE OF RIGHT OF WAY	
40 FEET FROM SIDE AND REAR LINES	

FEES:	
Application	\$ 50.00
Building Permit	\$ 74.00
Septic Permit	\$ -
Interior Plumbing	\$ -
Electrical	\$ 32.00
Road Entry	\$ -
Demolition	\$ -
<b>TOTAL</b>	<b>\$ 156.00</b>

I understand that this permit is valid only for the use specified above. Any changes must be approved by the permitting authority.

I hereby acknowledge that I have read this application and STATE that the above information is correct, and AGREE to comply with ALL Municipal Ordinances and State Laws regulating activities covered by this permit.

Applicant's signature \_\_\_\_\_

Date \_\_\_\_\_

This permit is approved on the basis of information provided by the applicant regarding his ownership and boundary locations. The applicant has the burden of ensuring that he has legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues.

PERMIT ISSUED BY: \_\_\_\_\_

Code Enforcement Officer

DATE 11-Jun-08

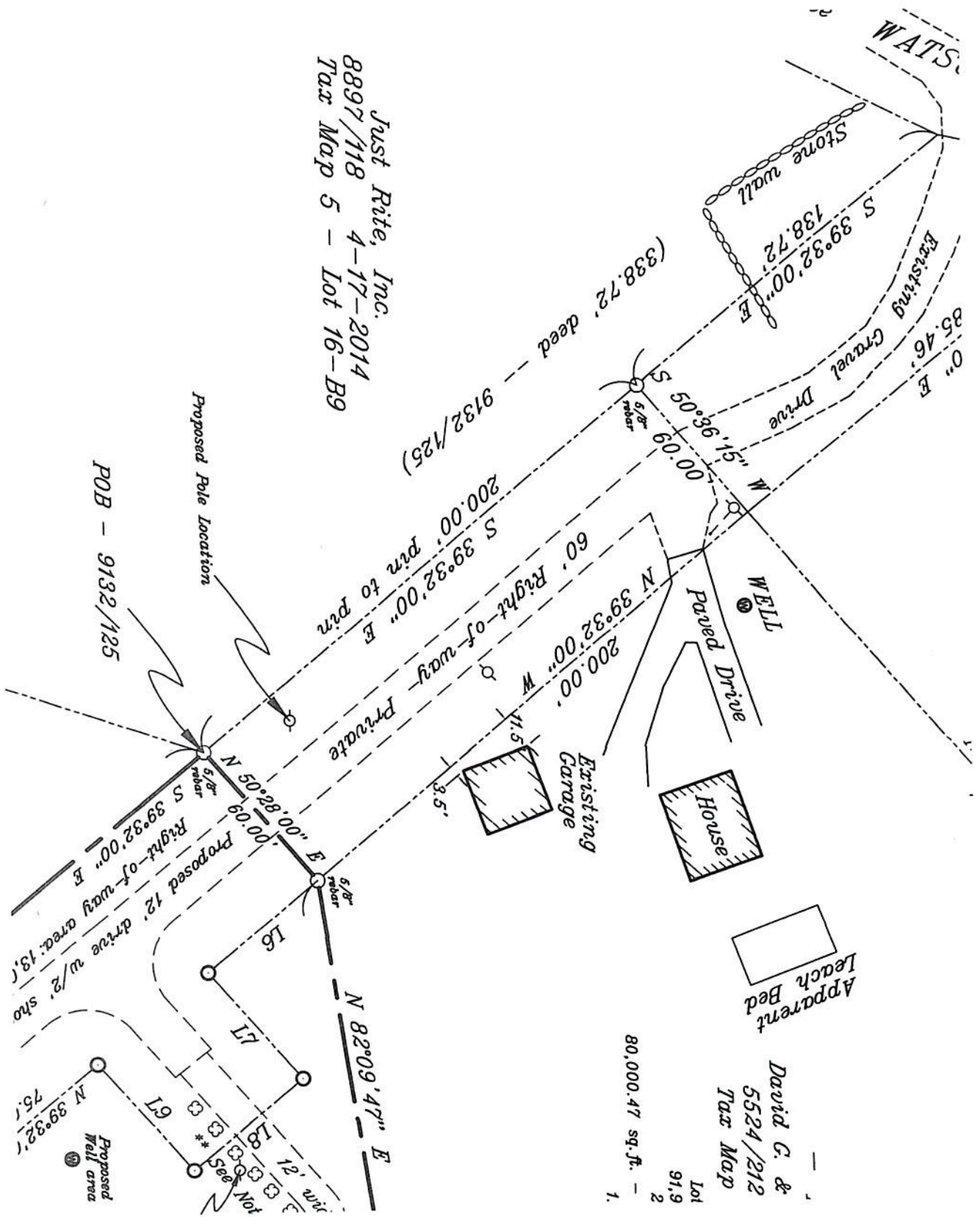
ALL STRUCTURES MUST MEET AT LEAST THE ICC'S 2000 IRC or IBC STANDARDS FOR CONSTRUCTION

Construction Must be Substantially Started Within Six Months Of Being Issued Or Permit Becomes Void.

David C. &  
5524/212  
Tax Map

5524/212  
Tax Map

Apparent  
Leach Bed





#54/56

Bk 5524 Pg 212 #21536  
07-21-2003 @ 11:12a

WARRANTY DEED

KNOW ALL PERSON BE THESE PRESENTS,

That we, Robert B. Finn and Merelie R. Finn of Apopka, Florida and David G. Carr and Elizabeth J. Carr of Poland, Maine grant to David G. Carr and Elizabeth J. Carr of Poland, Maine as joint tenants, a certain parcel of land designated on Map 5, Lot 16-B7 in the Town of Poland and more particularly described in Exhibit A attached hereto and made a part hereof.

To have and to hold the aforegranted land, with all privileges and appurtenances thereof, to the said David G. Carr and Elizabeth J. Carr their heirs and assigns for their use and behoof forever.

And we do covenant with the said Grantees, and their heirs and assigns, that we are lawfully seized in fee of the premises, that they are free of all encumbrances that we have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that we and our heirs shall and will warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

Witness his/her and seal this 15<sup>th</sup> day of June, 2003.

Robert B. Finn  
Robert B. Finn

Merelie R. Finn  
Merelie R. Finn

David G. Carr  
David G. Carr

Elizabeth J. Carr  
Elizabeth J. Carr

Then personally appeared the above named Robert B. Finn and Merelie R. Finn and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Tina L. Colby  
Notary Public

TINA L. COLBY  
NOTARY PUBLIC, STATE OF MAINE  
MY COMMISSION EXPIRES OCT. 31, 2009

Then personally appeared the above named David G. Carr and Elizabeth J. Carr and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Tina L. Colby  
Notary Public

TINA L. COLBY  
NOTARY PUBLIC, STATE OF MAINE  
MY COMMISSION EXPIRES OCT. 31, 2009

SEAL



DESCRIPTION OF PROPERTY LOCATED EASTERLY OF, BUT NOT ADJACENT TO,  
WATSON ROAD IN THE TOWN OF POLAND

EXHIBIT A

(Lot 3)

A certain parcel of land situated easterly of, but not adjacent to, Watson Road in the Town of Poland, County of Androscoggin, State of Maine and being more particularly described as follows:

BEGINNING at a point on the northeast side line of land now or formerly of James A. Burdick as described in a deed dated February 26, 1992 and recorded in the Androscoggin County Registry of Deeds in Book 2803, Page 325. Said point also being S39° 32' 00" E a distance of one hundred thirty-eight and 72/100 feet (138.72') from a 5/8" capped rebar inscribed PLS 1252 found at the northeast corner of said Burdick and on the southeast side line of the Watson road;

thence, S 39° 32' 00" E along said Burdick a distance of two hundred and 00/100 feet (200.00') to a point;

thence, N50° 28' 00" E a distance of sixty and 00/100 feet (60.00') to a point;

thence, N82° 09' 47" E a distance of three hundred twenty-eight and 15/100 feet (328.15') to a point in the westerly sideline of land now or formerly of William W. Leonard as described in a deed dated March 13, 1973 and recorded in said Registry in Book 1070, Page 670.

thence, N 39° 32' 00" W along said Leonard a distance of two hundred forty-two and 34/100 feet (242.34') to a point;

thence, N 37° 12' 00" W along said Leonard a distance of fifty-one and 27/100 feet (51.27') to a point;

thence, N 39° 23' 45" W along said Leonard a distance of seventy-eight and 03/100 feet (78.03') to a point;

thence S 50° 36' 15" W a distance of two hundred eighty-one and 48/100 feet (281.48') to the POINT OF BEGINNING.

TOGETHER with and SUBJECT TO a sixty foot (60.00') right of way and easement for vehicular ingress and egress, utilities and the maintenance thereon over the parcel above described. Said right of way being more particularly described as follows:

Beginning at a 5/8" capped rebar inscribed PLS 1252 found on the southeast side line of said Watson Road and at the northeast corner of land now or formerly of James A. Burdick as described in a deed dated February 26, 1992 and recorded in said Registry in Book 2803, Page 325;

thence, S 39° 32' 00" E along said Burdick a distance of three hundred thirty-eight and 72/100 feet (338.72') to a point;

thence, N 50° 28' 00" E a distance of sixty and 00/100 feet (60.00') to a point;

Bk 5524 Pg214 #21536

thence, N 39° 32' 00" W a distance of three hundred eighty-five and 32/100 feet (385.32') to a point on the easterly side line of said Watson Road;

thence, S 06° 45' 00" W by the assumed easterly side line of said Watson Road a distance of thirty-two and 14/100 feet (32.14') to a point of curvature;

thence, southwesterly by the assumed easterly side line of said Watson Road on a curve to the right having a radius of one hundred twenty-five and 00/100 feet (125.00') and an arc distance of forty-four and 35/100 feet (44.35') to the **POINT OF BEGINNING**.

The above described parcel of land contains 2.11 acres more or less. The bearings above referred to are referenced to Magnetic North as observed August 1991. This description is prepared pursuant to a survey by JKL Land Surveying with the following exception: No pins set at the time this description was prepared as requested by the client, Elizabeth Carr.

Meaning and intending to convey the land as described in a deed to Robert B. Finn and Merelie R. Finn from Lloyd Flint and Nada Flint dated July 9, 1999. and recorded in said Registry in Book 4301, Page .

Also conveying all rights, easements and appurtenances belonging to the above described premises.

ANDROSCOGGIN COUNTY

*Jeanine H. Bergeron*

REGISTER OF DEEDS

ANDROSCOGGIN COUNTY

*Tina M. Charnard*

REGISTER OF DEEDS



## Board of Appeals

1231 Maine Street,  
Poland, Maine 04274

May 18, 2018

Elizabeth Carr  
189 Watson Rd.  
Poland, ME 04274

VIA: Certified USPS Mail and First Class Mail  
Certified Receipt No: 9171999991703346950229

Dear Mrs. Carr,

**Re: Administrative Appeal – Map 0005, Lot 16-B7**

This letter is to confirm that on April 24, 2018 the Town of Poland received your request for a Variance Appeal. Your scheduled hearing date is **Monday, June 4, 2017 at 7:00 PM** in the Town Office Conference Room.

If you have any questions, please contact me at 998-4604.

Sincerely,

Mark Hyland, Chairman  
Board of Appeals





## Board of Appeals

1231 Maine Street,  
Poland, Maine 04274

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### BOARD OF APPEALS

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**TO:** APPEALS BOARD MEMBERS, CODE ENFORCEMENT OFFICER, PLANNING BOARD,  
APPLICANT, AND ABUTTERS TO MAP 5, LOT 16-B7

**FROM:** MARK HYLAND, APPEALS BOARD CHAIRMAN

**RE:** ADMINISTRATIVE APPEAL – MAP 0005, LOT 0016-B7

**DATE:** MAY 18, 2017

THE APPEALS BOARD WILL HOLD A PUBLIC HEARING FOR:

A VARIANCE APPEAL BY ELIZABETH CARR, FOR MAP 05, LOT 16-B7. THE HEARING WILL BE CONDUCTED ON **MONDAY, JUNE 4, 2018 AT 7:00 PM** IN THE POLAND TOWN OFFICE CONFERENCE ROOM. ALL ABUTTERS WHO RECEIVE THIS NOTICE ARE INVITED TO ATTEND.

RESPECTFULLY YOURS,

MARK HYLAND, CHAIRMAN  
POLAND BOARD OF APPEALS