



TOWN OF WELLS, MAINE
ZONING BOARD OF APPEALS
P. O. Box 398, Wells, Maine 04090
Website: www@wellstown.org

APPROVED

July 27, 2015

JANRAJ LLC
20 Walker Street Route 103E
Kittery, Maine 03904

APPEAL:

On June 22, 2015 the Zoning Board of Appeals (ZBA) of Wells, Maine opened and then continued the public hearing to July 27, 2015 for a mislocated building appeal submitted by Michael Kelso, representative for JANRAJ LLC as allowed by Wells Land Use Ordinance § 145-67.A.(5). The property is located at 231 Post Rd. in the General Business District, and is further identified as Assessor's Tax Map 108 Lot 36.

On July 27, 2015 deliberations and discussion took place following close of the public hearing.

FINDINGS OF FACT:

1. The subject property is owned by JANRAJ LLC, in the General Business District, and is further identified as Tax Map 108 Lot 36.
2. A Mortgage Inspection Plan of the subject property by Middle Branch LLC Professional Land Surveyors, File Number M2159889, indicates the existing storage building to be within the required 15 foot setback from the abutting property, which is identified as Assessor's Tax Map 108 Lot 34A.
3. The abutting property (Assessor's Tax Map 108 Lot 34A) is in the General Business District.
4. Land Use Ordinance §145-67, Powers and Duties, subsection A.(5)

Mislocated Building Appeal: To hear and decide upon appeal in specific cases where existing buildings are found to be in violation of the setback requirements and where such location of buildings will not be contrary to the public interest whether an appeal should be granted. In order to grant a mislocated building appeal the Board must find that there was no willful or premeditated action (or gross negligence) to build within the setback.

5. The subject structure was erected in 1989 and acquired by the current owner on 05/27/2015.

6. Land Use Ordinance Article V §145-26 General Business District, subsection F, Dimensional requirements, in part:

(6) Setbacks.

(a) All structures shall be at least:

[1] Fifteen feet from any lot line.

[2] Twenty-five feet from the boundary of any cemetery.

[3] Twenty-five feet from any lot line abutting any street right-of-way.

[4] Forty feet from any lot line abutting the right-of-way of any state highway.

CONCLUSIONS

1. Based on testimony received on July 27, 2015 it is the conclusion of the Zoning Board of Appeals that no willful or premeditated action (or gross negligence) was taken by the appellant to build within the setback.

DECISION

Based on the above Findings of Fact and Conclusions, on July 27, 2015, the Wells Zoning Board of Appeals decided by a vote of 4 to 0, to GRANT your mislocated building appeal for the existing building at 231 Post Rd.

Sincerely

Wilber L. Gosbee Wilber L. Gosbee Date 7/28/2015
Chairman Zoning Board of Appeals