



**TOWN OF WELLS, MAINE  
ZONING BOARD OF APPEALS**

P. O. Box 398, Wells, Maine 04090

Website: [www@wellstown.org](http://www@wellstown.org)

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August 10, 2015

Beverly I. & James R. Bylund  
55 Fleetwood Drive  
Wells, Maine 04090

**APPEAL:**

On August 10, 2015 the Zoning Board of Appeals (ZBA) of Wells, Maine held a public hearing for a mislocated building appeal submitted by Beverly & James Bylund as allowed by Wells Land Use Ordinance § 145-67.A.(5). The property is located at 55 Fleetwood Drive, in the Residential A District, and is further identified as Tax Map 35, Lot 4-22.

Deliberations and discussion took place following close of the public hearing.

**FINDINGS OF FACT:**

1. The subject property is owned by Beverly & James Bylund, in the Residential A District, and is further identified as Tax Map 35, Lot 4-22.
2. The subject property is located in a clustered subdivision.
3. A Mortgage Inspection Plan of the subject property was done by Livingston Hughes Professional Land Surveyors (David Hughes #2234), File Number 2015-4565, dated 07-06-2015 and indicates the room enclosure to be 2± feet within the required 20 foot setback from the front property line.
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 2006 by the current owner.
6. Land Use Ordinance §145-21, Residential A District, subsection F. Dimensional requirements do not apply for setbacks, in this instance, as the parcel is located in an approved clustered subdivision.
7. In this case Land Use Ordinance §145-49, Residential cluster development C. Dimensional requirements (2) required setbacks apply.

The required setbacks from lot lines and from street rights-of-way within the cluster development may be reduced, but no structure shall be located within 15 feet of any lot line or within 20 feet of any street right-of-way within the cluster development.

(2) Setbacks.

(a) All structures shall be at least:

[1] 15 from any lot line.

[2] 20 from any lot line abutting any street right-of-way.

[3] 40 from any lot line abutting the right-of-way of any state highway.

[4] 25 from the boundary of any cemetery.

**CONCLUSIONS**

Based on testimony received on August 10, 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 August 10, 2015, the Wells Zoning Board of Appeals decided by a vote of 4 to 0, to **GRANT** your mislocated building appeal for the existing home at 55 Fleetwood Drive.

Sincerely

Wilber L. Gosbee Wilber L. Gosbee Date 8/11/2015

Chairman Zoning Board of Appeals