



APPROVED

TOWN OF WELLS, MAINE ZONING BOARD OF APPEALS

September 21, 2015

Kristen & Vikram Mansharamani
23 Douglas Rd.
Lexington, MA 02420

APPEAL:

On August 24, 2015 the Zoning Board of Appeals (ZBA) of Wells, Maine held a public hearing to hear an appeal for a variation in nonconformance according to Article III, Section 145-13.E related to a proposal to relocate a residence currently situated on the property known as 11 Cable Street, Wells, Maine. Kristen & Vikram Mansharamani are the owners of the property. The property is located in the Residential A District and further identified as Tax Assessor's Map 105 Lot 65.

Deliberations and discussion took place on August 24, 2015, following the close of the public hearing.

FINDINGS OF FACT:

1. The record owners of the subject property are Kristen & Vikram Mansharamani.
2. The property is known as 11 Cable St. Wells, Maine and is further identified as Tax Assessor's Map 105 Lot 65.
3. The subject property is comprised of two (2) separately deeded lots, which are further identified as Lots 23 and 24 in the Bourne Pines Subdivision Plan, as recorded in the York County Registry of Deeds on December 13, 1950, Book 22 Page 77.
4. The Bourne Pines Subdivision was established prior to the adoption of the Wells Land Use Ordinance and features lots that are smaller than the minimum permitted under the Ordinance.
5. Kristen & Vikram Mansharamani acquired ownership of the property on December 23, 2003.
6. The property is improved with a residence and a detached garage that were both constructed in such a manner as to straddle the two lots.
7. The appellants propose to remove the garage and relocate the residence so that it sits solely on Lot 24, which would then allow the construction of another residence on Lot 23.

8. §145-21. Residential A District, establishes the following setbacks in §145-21.F. (7)
 - (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*
9. The relocated residence would *not* meet the required 25-foot setback from the right-of-way for Sassafrass Street; it would be slightly more than 10 feet from the right-of-way.
10. The relocated residence *would* meet the required setbacks from Cable Street and from the two abutting lots (Lot 1 and Lot 22 of the Bourne Pines Subdivision).
11. The residence and garage, as they now stand, straddle Lots 23 and 24, thus encroaching into the required setback for each lot. The residence also encroaches into the setback of the southerly abutter (Lot 1 of the Bourne Pines Subdivision).
12. §145-13. E. states: *“A nonconforming structure may be relocated on the lot on which the structure is now located if the relocated structure conforms to all setback requirements to the greatest practical extent as determined by the Zoning Board of Appeals. In no case shall the encroachments into the required setbacks be increased in area or in distance. In determining whether the building relocation meets the setbacks to the greatest practical extent, the Zoning Board of Appeals shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the lot and on adjacent lots, the location of the septic system and other on-site soils suitable for septic systems and the amount of vegetation to be removed.”*
13. The proposed removal of the garage and relocation of the residence onto Lot 24 would eliminate the encroachment caused by the structures straddling the lot-line and would eliminate the encroachment on the lot-line with the southerly abutter (Lot 1).
14. A new residence could then be constructed on Lot 23 that fully conforms to the dimensional requirements of the Ordinance.

DISCUSSION:

The members of the Board acknowledge that the current location of the residence and garage creates a significant area of non-conformity because both structures straddle the lot-line between Lots 23 and 24 and because the residence encroaches on the lot-line setback of the southerly abutter (Lot 1). The relocated residence will encroach into the setback for the right-of-way for Sassafrass Street; however, the members of the Board agree that the area of encroachment would be less and the situation would be less objectionable than the current encroachment into the setback from the lot-lines.

CONCLUSION:

The members of the Board conclude that the relocation of the residence at 11 Cable Street onto Lot 24 and removal of the garage would reduce the area of non-conformity and conform to the setback requirements of the Residential A District to the greatest practical extent.

DECISION:

Based on the Findings of Fact and the Conclusions, the Wells Zoning Board of Appeals determined on September 21, 2015 by a vote of 5 to 0 that the Appellant's request for a variation in nonconformance would reduce the area of non-conformity and conform to the setback requirements of the Residential A District to the greatest practical extent.

Based on the Findings of Fact and the Conclusions, the Wells Zoning Board of Appeals decided on September 21, 2015 by a vote of 5 to 0 to grant your request for a variation in nonconformance.

Sincerely,

Wilber L. Gosbee

Wilber L. Gosbee

Chairman Zoning Board of Appeals

9/23/2015
Date