



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

APPROVED

November 23, 2015

Seventeen Post Rd. LLC
c/o Ryan Amin
845 Hartford Turnpike
Shrewsbury, MA 10545

APPEAL:

On November 9, 2015 the Zoning Board of Appeals (ZBA) of Wells, Maine held a public hearing for a mislocated building (a swimming pool pump house) appeal submitted by Ryan Amin, owner and President of Amin Hotels, Inc., as allowed by Wells Land Use Ordinance Article IX § 145-67.A. (5). The property is located in the General Business & Residential A Districts, and is further identified as Tax Map 102, Lot 5.

Deliberations and discussion took place following close of the public hearing on November 9, 2015.

FINDINGS OF FACT:

1. The ZBA has jurisdiction under Article IX § 145-67.A. (5). No members of the board have conflicts of interest in this case.
2. The subject property is owned by Ryan Amin, is in the General Business & Residential A Districts, and is further identified as Tax Map 102, Lot 5.
3. Revision of the existing Site Plan was approved by the Wells Planning Board in March 2015 with a condition that the location of the pool pump house be addressed. The pump house is within the required 15 foot setback from the lot line of the abutting property to be addressed. The abutting property and the pool pump house are in the RA District. The condition by the Planning Board states, Pool Pump House to be moved to meet the set back requirements by Dec 1, 2015 or may stay in its current location if a mislocated building appeal is granted by the Wells ZBA by Dec 1, 2015.
4. The previous Site Plan was approved in the early 1990s. There is no record of when the pool and building were built.
5. The pump house is rectangular with approximate dimensions of eight feet by three feet. One corner of the building protrudes into the setback by about two or three feet.
6. There is no record of when the subject pool house was erected. Mr. Amin purchased the property in December 2014.
7. Land Use Ordinance §145-67, Powers and Duties, subsection A.(5) states

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 where 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.

8. Land Use Ordinance §145-21. Residential A District, subsection F, Dimensional requirements, in part states:

(7) Setbacks.

(a) All structures shall be at least:

[1] 15 feet from any lot line...

(b) All structures and parking lots shall be at least 200 feet from the high water line of the Merriland River, Webhannet River and the Ogunquit River.

CONCLUSIONS

Based on testimony received on November 9, 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. The appellant has only recently purchased the property containing the mislocated pool house.

DECISION

Based on the above Findings of Fact and Conclusions, on November 23, 2015 the Wells Zoning Board of Appeals decided by a vote of 5 to 0, to **GRANT** your mislocated building appeal for the pump house on Tax Map 102, Lot 5.

Sincerely,

Wilber L. Gosbee Wilber L. Gosbee Date 11/24/2015
Chairman Zoning Board of Appeals