



TOWN OF WELLS, MAINE
ZONING BOARD OF APPEALS
208 Sanford Rd, Wells, Maine 04090
Website: www@wellstown.org

APPROVED

November 13, 2017

L & M Holdings, LLC
1150 Post Rd.
Wells, Maine 04090

APPEAL:

On October 23, 2017 the Zoning Board of Appeals (ZBA) of Wells, Maine held a public hearing for a mislocated building appeal submitted by Geoffrey Aleva, of Civil Consultants and agent for L & M Holdings LLC. as allowed by Wells Land Use Ordinance § 145-67.A. (5). The property is located at 1150 Post Rd. in the General Business District, and is further identified as Tax Map 123, Lot 61.

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

FINDINGS OF FACT:

1. The subject property is owned by L & M Holdings LLC, in the General Business District, and is further identified as Tax Map 123, Lot 61.
2. The subject structure was moved to the property in 2013.
3. 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.

4. Land Use Ordinance §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.*

5. § 145-48. Multifamily developments [Amended 11-6-2001]

A. *Multifamily developments are allowed subject to the following performance standards in addition to the requirements of the districts in which the developments are located:*

(1) A landscaped buffer at least 25 feet in width along all lot boundaries shall be required. The buffer strip shall not contain parking areas or structures, but may contain a perpendicular access driveway(s) or road(s) to connect with existing streets.

CONCLUSIONS

1. Based on testimony received on October 23, 2017 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

1. The Zoning Board of Appeals concluded by a vote of **5** to **0** that no willful or premeditated action was taken by the appellant.

2. Based on the above Findings of Fact and Conclusions, on November 13, 2017, the Wells Zoning Board of Appeals decided by a vote of **5** to **0**, to **GRANT** your mislocated building appeal for the existing home at 1150 Post Rd.

Sincerely



Date 11/14/2017

Dr. Louis S. Cohen
Vice Chairman Zoning Board of Appeals