

**TOWN OF WALDOBORO
ZONING BOARD OF APPEALS
FEBRUARY 15, 2007**

Present: Sam Chapman, Art Emanuelson, Russel Hansen, Tyler Lupien and Barbara Swiderek.

Staff: John Black, Code Enforcement Officer.

Others Present: Warren Scott, Gloria Scott and Brian Scott.

Minutes: Approve January 18, 2007 Minutes.

Chairman Chapman opened the meeting at 6:35pm, roll call was taken, quorum was established and there are no conflicts of interest on the agenda item.

Chapman outlined the procedure for tonight's meeting.

Warren Scott requests a Road Frontage variance of 170 feet from the 200 foot requirement. His property, located at 484 Goshen Road, contains 30 feet along the road. It is shown on Tax Map R 13, Lot 40D.

Chapman read the Application and accompanying material regarding the request.

Scott explained that he had the property surveyed, pins set, lot improvements made and the mobile home placed all during 1985 on property that belonged to his parents. During 1989 he paid for the 5.12 acres and received and recorded the deed.

On November 5, 1987 the Town passed the Minimum Lot Size Ordinance that required 200 feet of road frontage.

Discussion followed that included the timing of the situation, knowledge of the frontage requirement and the "practical difficulty" provisions. The consensus of the Board was that the request would not meet the "Action Taken By the Petitioner" test and therefore a variance could not be provided.

Hansen noted that Article 10. Non-Conforming Uses, section A. states that "... Non-conforming conditions that existed before the effective date of this Ordinance shall generally be allowed to continue...". Also, that the definition of a Non-Conforming Lot in Article 16 relates to a lot that does not meet the area, *frontage* or width requirements of the Ordinance. The subject parcel meets these conditions and therefore does not need a variance.

After further discussion the Board agreed that a Board of Appeals Decision would be written, signed by the Board and recorded at the Registry of Deeds for future reference. Also that a Building Permit could be issued by the Code Enforcement Officer for the new home that Mr. Scott wishes to place on his property.

The meeting was adjourned at 7:45p.m.

Samuel R. Chapman, Chairman

Arthur Emanuelson

C. Russel Hansen, Jr.

Tyler Lupien

John Black, Code Enforcement Officer

Barbara Swiderek