

**TOWN OF WALDOBORO
BOARD OF APPEALS
Application for a Variance
(Non-Shoreland Areas)
(Please Type or Print)**

Type of Application:

Other

Lot Area

Setback Requirements

Lot coverage

Road/Shore Frontage

Name of Applicant: Norman Whitehill Telephone: 992-4607

Address: 12 Jefferson St. Town: Waldoboro State: Me. Zip: 04572

Property Location: 12 Jefferson St. Waldoboro, Me. Map: U5 Lot: 16

Name of Owner, If not Applicant: _____

Describe the nature of the variance requested. Request for a rear property line setback of 6' to 8' instead of the required 15'.

Please enclose a site plan of the property showing 1) Dimensions and shape of the lot; 2) The size and location of existing structures; 3) Location and dimensions of proposed structures and alterations 4) Any natural or topographic peculiarities of the lot in question. 5) A photograph of the site. 6) A narrative description of how the need for a variance meets each of the requirements of a "Practical Difficulty" below. Provide seven (7) copies of the required documents, with this form as cover by the 1st of the month.

In order for the Board of Appeals to grant a variance, an applicant must prove that each of the following tests are met.

Practical Difficulty -

- 1) Permitted Use. The strict application of this Ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the district in which the property is located.
- 2) Economic Injury. Not granting the variance would result in a significant economic injury.
- 3) Unique circumstances. That the need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- 4) Undesirable Change. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- 5) Action Taken by the Petitioner. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- 6) Other Feasible Alternative. No other feasible alternative to a variance is available to the petitioner;
- 7) Natural Environment. The granting of a variance will not unreasonably adversely affect the natural environment.
- 8) Not in Shoreland Zone. The property is not located in whole or in part within the shoreland areas as described in 38-A MSRA, § 435

Signature (applicant): Norman Whitehill Date: 4-27-18

Title: Owner

April 27, 2018

To Whom it May Concern;

This letter is being written to explain why I am asking for a variance for a garage that I want to build near my back property line bordering Randy and Heather Emerson.

There is already a 14'x 60' cement slab on this site which had a mobile home on it, but was sold and removed a few years ago. The slab is 20' from the back line and I would like to add another 14'x 60' cement slab to the rear of the existing slab, which would put the building about 6' from the rear property line. It would actually be between 6' to 8' as the property line runs on a little angle. I realize that the setback is 15' and I have discussed this project with the abutting neighbors, Randy and Heather Emerson and they have told me that it is okay with them if I want to build a little closer to their property line. They planted a cedar hedge along their side of the property line a few years ago after the mobile home was removed to shield their yard from view of Jefferson Street and also for privacy. The south property line of Abden Simmons would not be affected and would still be 20' from the building.

Another reason I am asking for a variance is to keep the building as far back from Jefferson Street as possible. With 6' to 8' behind the garage it would still give me room to mow and move around in back and still be on my own property. By keeping the garage back, it would prevent the driveway from being any steeper than it already is. This is a small piece of property and I don't have many options, but keeping the building as far away from Jefferson Street as possible would enhance the property and make it look like all the buildings were not crowded together. A setback of 15' would be just wasted space that would be of no use. My house is very close to Jefferson Street so I know what being close to the road can cause for problems. My house has been run into twice over the past years and my garage was run into just last year, which is 65' from the road, causing a lot of damage to the front of the garage and three cars that were inside at the time.

I don't see that granting this variance will cause any problems or changes in the neighborhood or affect property values. My existing garage has been in place for over 40 years and hasn't caused any problems with property values and it is closer to property lines than what I am asking for, but it is also grandfathered. Also the granting of a setback variance will not unreasonably adversely affect the natural environment and the property is not located in whole or in part of a shoreland area.

In closing, I hope that you will look over the information that I have presented to you and agree with me that a variance will do no harm to my neighbors or to the landscape of the area. Thank you again for your time on this matter.

Respectfully Yours,



Norman Whitehill

SITE PLAN/ PLOT PLAN

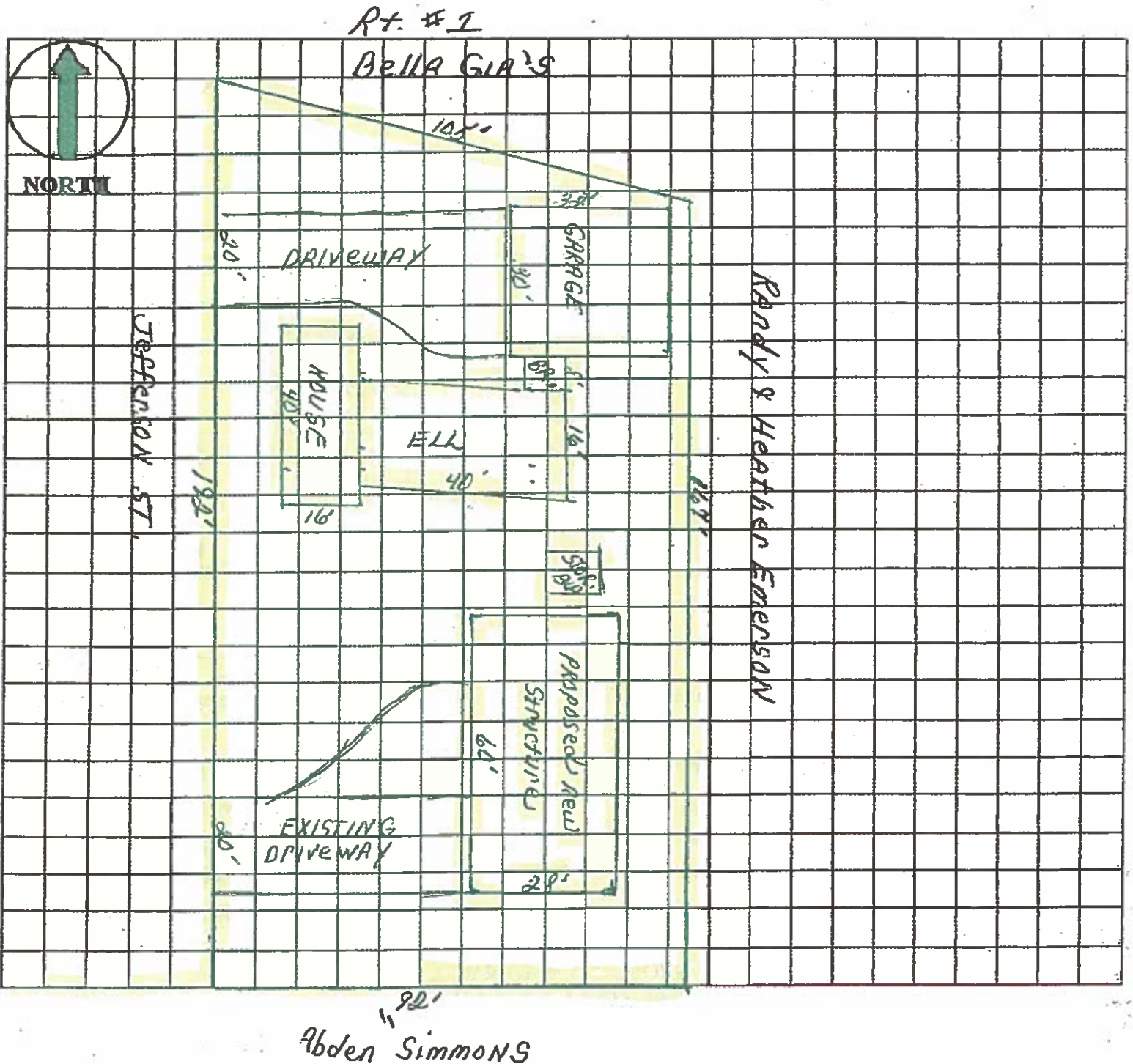
TOWN OF WALDOBORO

Minimum Required Information:

1. Property lines
2. Location of all buildings on the lot
3. Location of proposed structures, showing all setbacks
4. Location of well(s) and septic system(s)
5. Wetlands, brooks, and other water bodies within 100ft of the project

Structural Data: Width: 28' Length: 60' Height: 24'

Scale 1 box = 8'





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(Non-Shoreland Areas)
(Please Type or Print)

Type of Application: Lot Area Lot coverage
 Other Setback Requirements Road/Shore Frontage

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Signature (applicant) : Norman Whitehill Date: 4-27-18

Title: Owner

April 27, 2018

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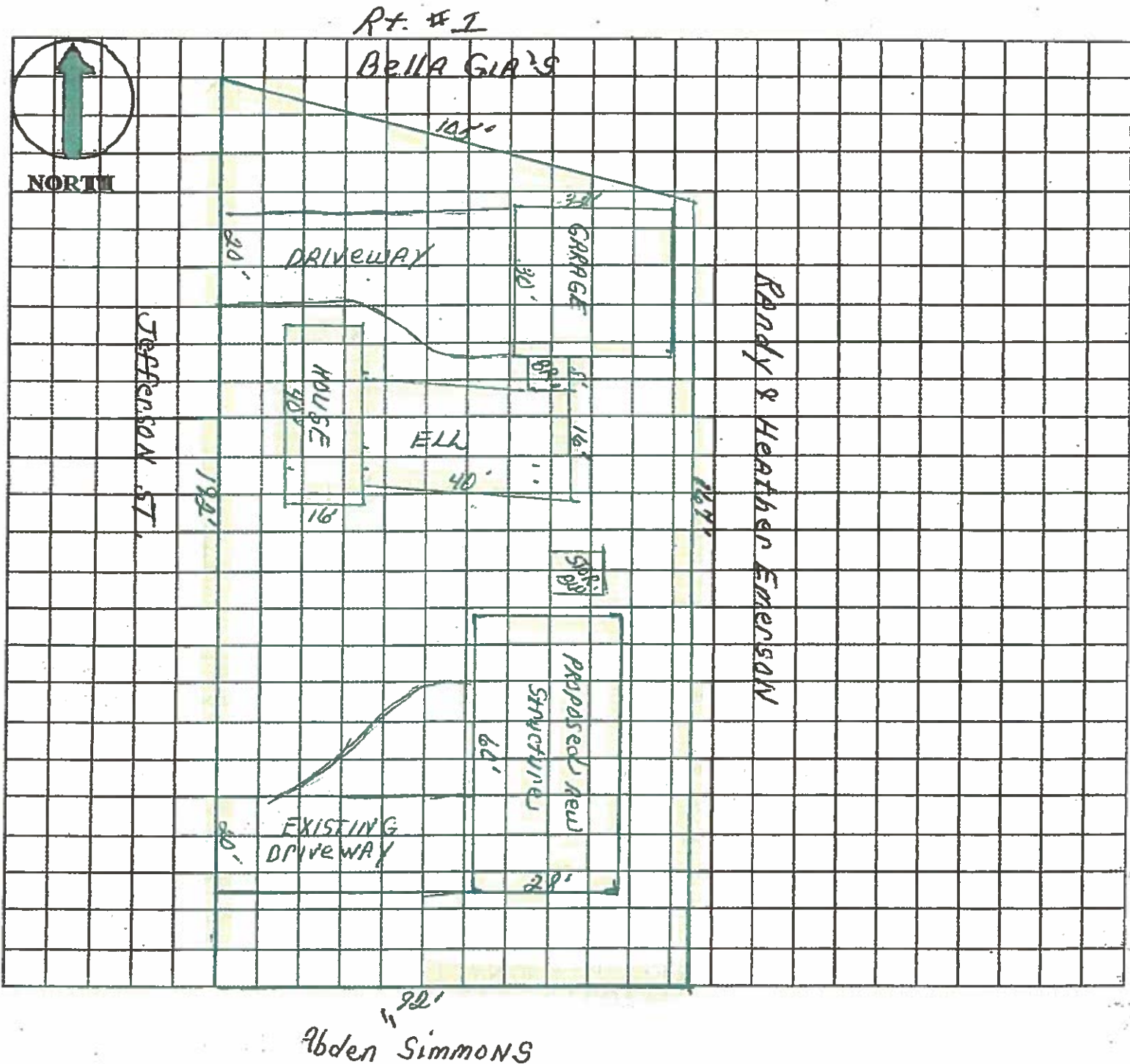
TOWN OF WALDOBORO

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Type of Application:

Other

Lot Area

Setback Requirements

Lot coverage

Road/Shore Frontage

Name of Applicant: Kasey Berner

Telephone: 207-350-9860

Address: 3400 Friendship Rd. Town: Waldoboro

State: ME Zip: 04572

Property Location: 3376 Friendship Rd. Waldoboro ME

Map: R/D Lot: 40

Name of Owner, If not Applicant: _____

Describe the nature of the variance requested. request setback for southerly end of property line of 10' instead of the required 30'.

Please enclose a site plan of the property showing 1) Dimensions and shape of the lot; 2) The size and location of existing structures; 3) Location and dimensions of proposed structures and alterations 4) Any natural or topographic peculiarities of the lot in question. 5) A photograph of the site. 6) A narrative description of how the need for a variance meets each of the requirements of a "Practical Difficulty" below. Provide seven (7) copies of the required documents, with this form as cover by the 1st of the month.

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- 7) Natural Environment. The granting of a variance will not unreasonably adversely affect the natural environment.
- 8) Not in Shoreland Zone. The property is not located in whole or in part within the shoreland areas as described in 38-A MSRA, § 435

Signature (applicant): Kasey Berner

Date: 6/11/18

Title: owner

June 11, 2018

To Whom It May Concern;

I am writing this letter to explain and express my need for a variance to build my house bordering the property line of the heirs of Ralph Benner Sr.

There is a 30' setback in place in this zone of Waldoboro. I am requesting a 10' setback on the south end of the property line in order to eliminate the need for blasting to sufficiently place a foundation. The lot is on a slope and due to difficulties that would arise from runoff drainage as well as ledge; there is only one spot suitable for a foundation. If I were granted a variance, the need for blasting would be eliminated. Blasting is economically expensive and is a blow to the natural environment. It is worth noting that the abutting property is heir property, which cannot be developed. Closer to the road there is a small lot of land owned by Dyann Peters which is also an abutting property that includes two sheds. This property would absolutely not be affected by the variance because the house would ideally be set back farther in the woods. The owner of that small lot has been notified about future building of a house and she had no issues with building as close as necessary to the property line.

Over the past several months I have worked with my contractor and the man doing my groundwork to find a suitable place for a foundation. We have exhausted our options with repositioning the house in ways that will work. The only way that will work without being economically irresponsible requires this variance. If I move the house down the hill to avoid ledge, that requires blasting, the amount of fill needed to avoid drainage issues would be a massive expense. We were unable to move the house closer to the north (away from the property line), as well as closer to the road, which is east, due to substantial ledge. We have attempted to make this work without requesting a variance but due to financial cost as well as unnecessary blasting, thus adverse effects to natural environment it would behoove me to appeal.

Granting this variance would not affect the value of abutting properties or cause any issues with neighbors because there aren't any neighbors and the abutting property cannot be developed. My immediate family is essentially the only people that use this land, or the abutting heir property, so I cannot see how it would negatively affect it in any way.

The granting of this variance will only positively effect the natural environment as it will set the house back further from the road as well as eliminate the need for blasting and excessive fill. This property is not located in a shoreland zone.

Due to the uniqueness of this situation and property, I can only see how this variance would have positive effects. As stated above, I have exhausted all other options and to be honest, this seems like the most appropriate one.

I hope that you will consider my appeal for a variance so that I can build my house in an economically and environmentally friendly manner without negatively affecting abutting property. Thank you for your time and consideration.

Sincerely,

Kasey Benner



SITE PLAN/ PLOT PLAN

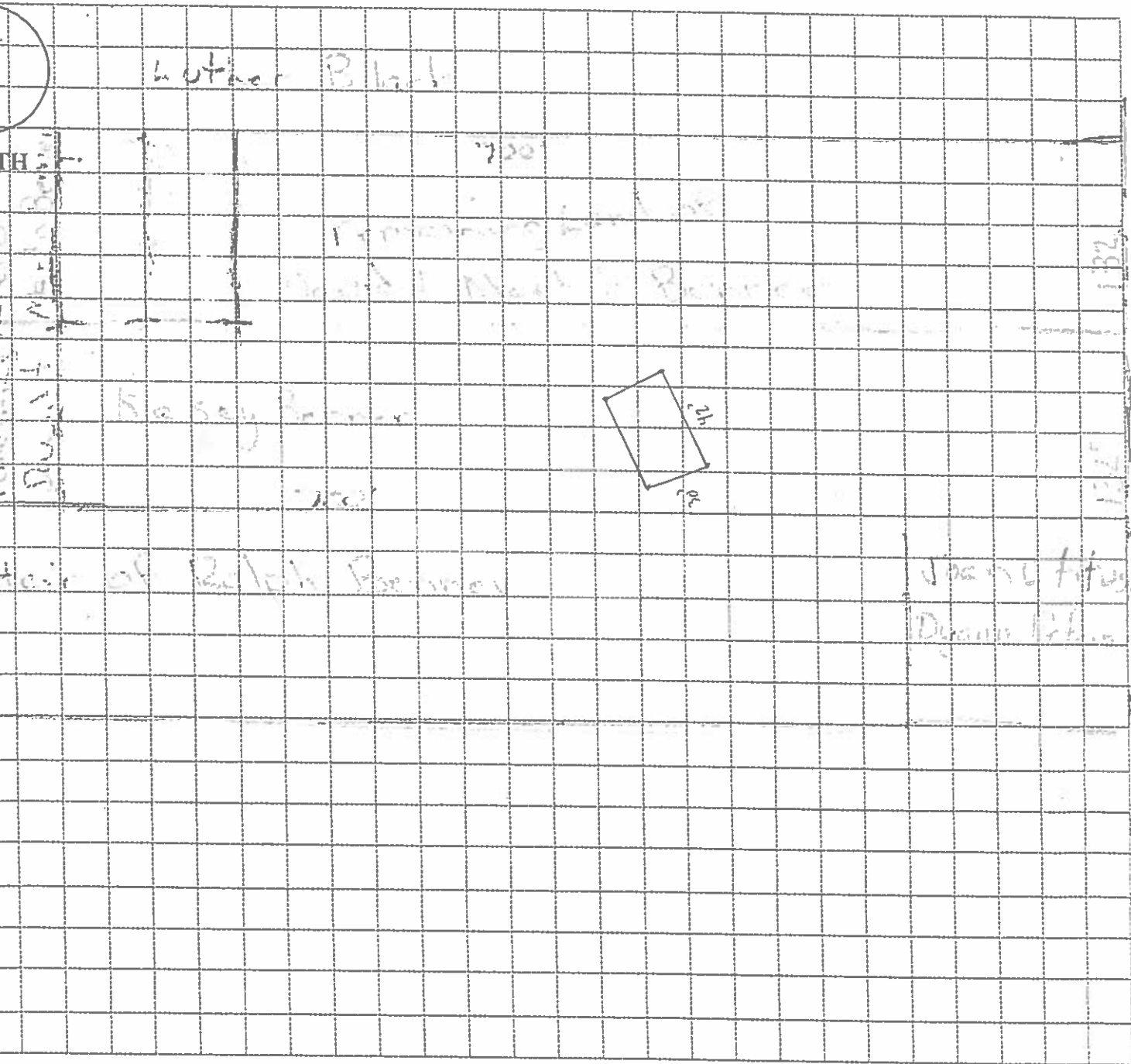
TOWN OF WALDOBORO

Minimum Required Information:

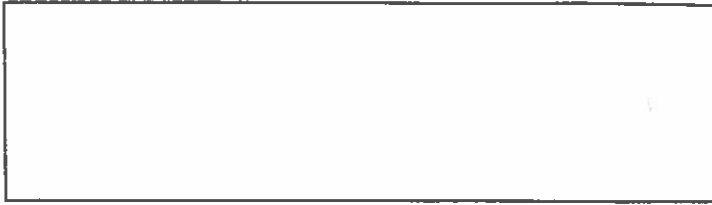
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2. Location of all buildings on the lot
3. Location of proposed structures, showing all setbacks
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5. Wetlands, brooks, and other water bodies within 100ft of the project

Structural Data: Width: _____ Length: _____ Height: _____

Scale: 1 box = 30'



Friendship Rd



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that we, Martin O. Benner and Deborah J. Benner whose mailing address is 3400 Friendship Road, Waldoboro, Maine 04572 and David E. Benner, whose mailing address is 111 Bradford Point Road, Friendship, Maine 04547, for consideration paid, grant to Kasey Benner whose mailing address is 3400 Friendship Road, Waldoboro, Maine 04572, with **WARRANTY COVENANTS**, a certain lot or parcel of land situated on the westerly side of Friendship Road (Route 220) approximately 0.6 miles northeasterly along Friendship Road from the Waldoboro/Friendship Town Line in the Town of Waldoboro, County of Lincoln, State of Maine, being more particularly bounded and described as follows:

BEGINNING at a 5/8 inch iron rod set on the assumed westerly right of way line of Friendship Road (Route 220) at the northeasterly corner of the herein described parcel; said iron rod lying S 21°54'22" W a distance of one hundred thirty-one and forty-six hundredths (131.46) feet from a 5/8 inch re-bar found on the assumed westerly right of way line of Friendship Road (Route 220) on the southerly boundary of land of Luther F. Black as described in a deed recorded in Book 1222, Page 139 at the Lincoln County Registry of Deeds (LCRD) as shown on a survey plan entitled "LAND SURVEYED FOR LUTHER F. BLACK, LINCOLN COUNTY, WALDOBORO, MAINE" by D. Richards, dated March 1994, as recorded in Plan Book 54, Page 75 at the LCRD:

THENCE N 81°30'00" W a distance of seven hundred and no hundredths (700.00) feet to a 5/8 inch iron rod set;

THENCE S 22°51'36" W a distance of one hundred thirty-two (132) feet, more or less, to the northerly boundary of land of the heirs of Ralph Benner;

THENCE easterly along said land of the heirs of Ralph Benner and land of Joan C. Titus and Dyann K. Peters as described in a deed recorded in Book 2263, Page 62 at the LCRD a distance of seven hundred (700) feet, more or less, to the westerly right of way line of Friendship Road (Route 220);

THENCE N 22°51'36" E along the westerly right of way line of Friendship Road (Route 220) a distance of one hundred thirty-two (132) feet, more or less, to the point of beginning.

EXCEPTING AND RESERVING from the above described parcel a thirty (30) foot wide by two hundred (200) foot long right of way for ingress and egress and utilities along the northerly boundary of the above described parcel.

THE ABOVE DESCRIBED PARCEL CONTAINING 2 acres of land, more or less, and being the second parcel in a deed of Judith M. Benner to Martin O. Benner & Deborah J. Benner, dated September 6, 1985 and recorded in Book 1260, Page 277 at the LCRD and a portion of the property described in a deed of Judith M. Benner to Martin O. Benner and David E. Benner, dated April 3, 1996 and recorded in Book 2135, Page 117 at the LCRD.

All bearings are referenced to magnetic north 1979 as indicated on the before reference survey plan by D. Richards.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 11 day of June, 2018.

[Signature]
Witness

Martin O. Benner
Martin O. Benner

[Signature]
Witness

Deborah J. Benner
Deborah J. Benner

[Signature]
Witness

David E. Benner
David E. Benner

STATE OF MAINE

County of Lincoln

June 11, 2018

Personally appeared the above named Martin O. Benner, Deborah J. Benner and David E. Benner and acknowledged the foregoing instrument to be their free act and deed.

Before me,

[Signature]
Notary Public/Attorney at Law

Robert B. Cramer, esq