

**TOWN OF GORHAM
BOARD OF APPEALS
MEETING MINUTES
February 20, 2014**

The Gorham Zoning Board of Appeals held a regular meeting on February 20, 2014 at 7pm in the Council Chambers at the Gorham Municipal Center.

Present; Chairman Mark Curtis, Board Members; Charles Haws, Alton Shurtleff, Jared Clark. Code Enforcement Officer Freeman Abbott, Assistant Town Clerk Paula Nystrom
Absent; Board Members Joshua Kaufman, Stephen Scontras

Moved by Charles Haws, seconded by Jared Clark and VOTED to approve the December 19, 2013 meeting minutes as printed and distributed. 4 yeas.

Appeal #14-01 The appeal of Joshua Oxley and Poonsri Sawangjaneng, seeking a single family side-yard setback variance of one foot for the property located at 10 Hawkes Way (Map 111, Lot 99.003). The subject property is located in the Urban Residential – Manufactured Housing and Shoreland Zoning-Resource Protection (UR-MH and SZ-RP) zoning district.

Comments by Code Enforcement Officer, Freeman Abbott. Freeman stated that applicant is trying to sell her house and after doing a mortgage survey found out that one side of her house needed a one foot side yard setback from 15 feet to 14 feet.

Comments by applicant. Poonsri Sawangjaneng stated that her house was bought by her ex-husband before they were married. She is now trying to sell her house and needs the variance to do so.

No questions from board.

Public Hearing. No comments from public. Public hearing closed.

Discussion from Board Members.

Jared Clark stated that the appeal seems straight forward and recommends going through and reading the findings and dealing with a final motion.

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood. The house was built 15 years ago and the violation existed then. Moved by Charles Haws, seconded by Jared Clark. 4 yeas.
2. The granting of a variance will not alter the essential character of the locality. The staff recommendation is that it won't alter the character of the locality. Moved by Charles Haws, seconded by Alton Shurtleff. 4 yeas.
3. The hardship is not the result of action taken by the applicant or a prior owner. The result was due to the builder who constructed the house in 1999. Moved by Charles Haws, seconded by Jared Clark. 4 yeas.

4. The granting of the variance will not substantially reduce or impair the use of abutting property. Based on the recommendation of staff it will not impair the abutting property. Moved by Charles Haws, seconded by Alton Shurtleff. 4 yeas.
5. The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available. The staff has seen the situation before and the only remedy would be major remodeling. Moved by Charles Haws, seconded by Alton Shurtleff. 4 yeas.

On the basis of the above findings of fact and conclusions of law, the Board of Appeals VOTED to grant the application for variance, subject to the following conditions of approval, if any. Moved by Jared Clark, seconded by Charles Haws. 4 yeas.

Motion to adjourn meeting. Moved by Jared Clark, seconded by Charles Haws. 4 yeas.

Meeting adjourned 7:30pm

A True Record of Meeting

ATTEST:

Paula Nystrom, Assistant Town Clerk