

Planning Office
Town of Skowhegan
225 Water Street
Skowhegan, ME 04976



Appeals Board

Phone: (207) 474-6904
Fax: (207) 474-9413

January 23rd, 2023

Stephen W. Gould
Sackett and Brake Survey
PO Box 207
Skowhegan, ME 04976

RE: SHORELAND ZONING VARIANCE APPEAL – WOODCOCK LANE, SKOWHEGAN

The Skowhegan Appeals Board has acted on your Variance Appeal to a Shoreland Zoning Permit Application as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

**Town of Skowhegan
Notice of Variance Appeal Decision**

Findings of Fact

1. The owner(s) of the property are Suzanne Reider, 43 Larch Court, Fishkill, NY, 12524.
2. The property is located at Woodcock Lane, Skowhegan identified as Assessor's Map 39, Lot 6 and containing 0.12 acres.
3. The Appellant is Suzanne Reider, 43 Larch Court, Fishkill, NY, 12524.
4. The appellants authorized Representative is Stephen W. Gould, Sackett and Brake Survey, PO Box 207, Skowhegan, ME 04976.
5. A request for appeal was submitted on December 5th, 2022.
6. A public hearing was held on January 12th, 2022.
7. The relevant sections of the Skowhegan Shoreland Zoning Ordinance are Section 15 E 2.
8. Other relevant facts are:
 - a. Lot is already non-conforming due to its dimensions. The Reider parcel was first created in a deed from Baulah M. Richardson to Gloria Ford et. al. dated July 16, 1954, and recorded in the Somerset County Registry of Deeds in Book 545, Page 504. The Ford Family and members within the Ford family held title until the Reider conveyance. The lot creation preceded the mandatory Shoreland Zoning Rules.
 - b. The appellants are seeking a variance from the dimensional requirements, to place

Notice of Variance Appeal Decision

a gravel pad for parking and placement of and RV within 100 feet of Oak Pond, which does not meet the setback requirements of the towns Shoreland Zoning Ordinance and was denied by the Planning Board on September 6th, 2022.

- c. There is no right for the landowner to park any vehicles on the private road of Woodcock Lane.
- d. Only a very small portion of the entire lot is beyond the 100-foot setback. This parcel has never been built on and no past development within the parcel is evident. The parcel is a forest of larger softwood trees, mostly hemlocks. This nature of the site as it exists allows for no vehicular or boat access to the site.
- e. On each side of the Reider parcel are full time residences, developed from existing seasonal cottages, each built within the last twenty years. The Richardson residence was built within the past 2 years, with several trees being cleared within the 100' shoreland zone setback. The Siren residence was built in the early 2000's, trees were cut within the 100' shoreland zoning setback. The Richardson's and the Sirens each received proper permits for their construction and development.
- f. The Appeals Board members separately visited the site to familiarize themselves with a real world understanding of the sites location, dimensions and character etc. No more than 2 members were on site at any one time.

Conclusions

Based upon the above stated facts and the provisions of the ordinance cited the Board concludes the following:

There is a requirement to demonstrate to the Board of Appeals that the strict application of the terms of the zoning ordinance would cause undue hardship. The four criteria, are met as follows:

1. The property in question cannot yield a reasonable return unless a variance is granted.

Without this permit being issued, the property owner cannot have any reasonable access to the property by vehicle or boat. Therefore a gravel pad is reasonable and does not maximize return in anyway, merely providing a minimum standard of being able to enjoy the property.

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Due to the dimensions of the lot along a private roadway and the existing forest and the majority of the lot being within the 100ft setback, there is no other reasonable place for a gravel pad to be placed, and its location as proposed conforms to all setback requirements to the greatest practical extent.

3. The granting of a variance will not alter the essential character of the locality.

The gravel pad as proposed will not alter the essential character of the locality as there is no permanent structure and tree removal will meet all applicable standards of the shoreland zoning rules.

4. The hardship is not a result of action taken by the applicant or prior owners.

The lot was created before the existing setback and dimensional requirements and the current landowner has taken no other action which has lead to any non-conformity.

Based on the above stated facts and the provisions of the ordinance cited, the Board concludes that the applicant has met the undue hardship criteria and the variance should be granted to allow the gravel pad within the 100ft setback. All other standards of the shoreland zoning ordinance are unaffected and must be adhered to.

Decision

Based on the above facts and conclusions, on **January 12th, 2023** the Appeals Board voted to **APPROVE** your variance request / appeal.

If Denied you can:

- 1.) If you are unhappy with this decision you may request a reconsideration by the Board within 30 days of the date of this decision.
The reasons for reconsideration shall be for, but not limited to, one of the following:
 - a) The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based on.
 - b) The Board misinterpreted the Ordinance, followed improper procedures, or acted beyond its jurisdiction.
- 2.) You may file an appeal in the Superior Court within 45 days of the date of this decision. decision within thirty (30) days of its prior decision.

Sincerely,

Garrett Quinn
Board of Appeals, Chairman

Cc: Code Enforcement Officer
Municipal Officers