

**Town of Farmington
Board of Appeals
November 12, 2014**

Board of Appeals members present were Galen Dalrymple, Peter Tracy, Dennis O'Neil and Sally Clark-Utans. Mr. Deschenes and Mr. Yorks were unable to attend.

Other present were Town Manager, Richard Davis; Code Enforcement Officer, Steve Kaiser; Code Enforcement Assistant, Jane Ford; and applicant John Evans.

1. Swear in Testifiers

Mr. Dalrymple swore in Mr. Evans and Mr. Kaiser

2. Review Variance Application #14-AB-02

Applicant: John Evans
PO Box 182
Strong, ME 04983
Project Location: 1126 Fairbanks Road
(Map R15 Lot 017-A)

Request for eight foot variance of the standard 50' front setback [§11-8.9.E of the Town of Farmington Zoning Ordinance] per §3-1.8.D.1 of the Town of Farmington Board of Appeals ordinance, for the relocation of an existing non-conforming 24' x 40' garage due to limitations from the septic system drain field.

Mr. Dalrymple asked Mr. Kaiser for a brief synopsis and Mr. Kaiser began by stating that Mr. Evans called him quite a while ago regarding this project and what he wanted to do. Mr. Kaiser said he tried to package this proposal under the 30% non-conformance expansion allowance that the Planning Board has the authority to grant. He said he went out to measure the location and prepared sketches but the site was too tight due to the location of the septic system so the other option was to apply for a variance from the Board of Appeals.

Mr. Kaiser said, compared to the other zoning districts in town, this particular zone, Residential Light Commercial, has quite a deep front setback of 50' vs. 35' as in Residential or Farm & Forest, and 20' in Village Residential. He added the site is hard to deal with due to the slope and the septic drain field.

Mr. Dalrymple asked Mr. Evans to explain his plan.

Mr. Evans said his original plan was to pick up the garage and move it across the driveway, but due to heavy snow last winter the roof collapsed. He said he wants to pour a slab, move the garage walls in sections, put on a new roof, and the size will stay the same. Mr. Evans said he filled in the subject area a few years back, and called the Code Office this fall and found out about the setbacks.

Mr. Kaiser said he added a second sketch sheet to the application which shows the comparison between existing non-conformance vs. proposed non-conformance.

Mr. O'Neil said he looked at the site and it appears to be located in the middle of nowhere, therefore there shouldn't be any impact on neighbors. He added that he has no problem with this project and doesn't see any encroachment.

Mr. Dalrymple asked how close the garage would be to the drain field.

Mr. Kaiser said about 10' from components of the field, and about half that to the toe of the slope.

Mr. Tracy asked Mr. Evans if he started construction and at what point did he go to Mr. Kaiser.

Mr. Evans said he filed a Building Notification with the Assessor and the Assessor told him to go to the Code Department for setback information. He said that was back in October, he said he has not started construction on the garage, but because of the weather he has already graded some gravel. Mr. Evans said when they install the slab he may put in a drain but that is not certain.

Mr. O'Neil made a motion to approve the variance request based on D. (1) b, & c of the Board of Appeals Ordinance: that the need for a variance is due to the unique circumstance(s) of the property and not to the general conditions in the neighborhood; and that the granting of a variance will not alter the essential character of the locality.

Mrs. Utans seconded the motion.

VOTE: 4 – Affirmative None opposed.
Motion carried.

3. Other Business

Mrs. Ford said that while she was writing the Code Department's report for the Annual Town Report, she noticed that the Board of Appeals' Annual Administrative Meeting was not held this past July and asked if the election could take place at this meeting. Mr. O'Neil made a motion to re-elect Mr. Dalrymple as Chairman.

Mr. Tracy seconded the motion.

VOTE: 4 – Affirmative None opposed.
Motion carried.

There being no further business, the meeting adjourned at 6:17 p.m.

Minutes respectfully submitted by Jane Ford.