

Town of Cape Elizabeth
Minutes of the March 22, 2022
Zoning Board of Appeals Meeting
Zoom Meeting ID: 812 2576 2584

As a result of the COVID-19 virus, the Zoning Board of Appeals conducted the meeting via Zoom meeting remote access, as provided by Maine law. Zoom allowed all Zoning Board members, applicants, and members of the public to hear all discussion and hear votes, which were taken by roll call, as required by law. Information to access the meeting by video/audio or audio only was provided to the public in advance.

Participating Members of the Board:

Kevin Justh	Katherine Kerkam	Colin Powers
Michael Tadema-Wielandt	Michael Vaillancourt	Adam Webster

The Code Enforcement Officer (CEO), Benjamin McDougal participated in the webinar. The Recording Secretary, Carmen Weatherbie, was logged on. Applicant and property owner Paul Hunt was logged on.

A. Call to Order: Chairman Vaillancourt called the meeting to order at 7:01 p.m.

B. Approval of Minutes: Approval of the Minutes for January 25, 2022: A motion to approve the minutes was made by Mr. Powers; seconded by Mr. Justh. Vote: 6 - 0.

C. Old Business: None.

D. New Business:

1. To hear the request of Paul Hunt and Pat Red, owners of the property at 3 Bridle Path Way, Map U06 Lot 67, to create an Accessory Dwelling Unit in the basement of their home.

Chairman Vaillancourt asked CEO McDougal for the background. The CEO stated that the applicants have had a finished basement for many years and they would like to use a portion of that basement for an ADU. The lot size is a little over 16,000 sq. ft.. It is in the RC Zone.

Paul Hunt stated they have lived in the house four or five years. It's just the two of them. Their two daughters have lived there off and on. Mr. Hunt said their parents are older and decided they would be proactive and update the bathroom and add a small kitchen area in case a parent came to live with them. They unknowingly modified the basement into an ADU. He apologized and was here to seek approval. They had a boundary survey done; the lot is over 16,000 sq. ft..

The CEO stated he did not receive any formal public comments; just a couple of general telephone inquiries without comments.

Colin O'Brien, of 7 Bridal Path Way, expressed his support and that of other neighbors.

Finding no other public participants logged in at the time, Chairman Vaillancourt closed the floor.

Board members discussed the application and asked several questions.

- Mr. Hunt replied there was an interior door with access from the ADU to the house.
- There are currently friends staying in the ADU.
- The addition is a 3-season room; it has no foundation, but is insulated and heated and was included in the square feet of the house.

- CEO replied rule of thumb is that basement space 50% above grade is considered living space.

Calculation of floor area was discussed. The CEO will verify the measurement the square footage to ensure ADU does not occupy more than 25%.

Mr. Justh moved to approve the request of Paul Hunt and Pat Red, owners of the property at 3 Bridle Path Way, Map U06 Lot 67, to create an Accessory Dwelling Unit in the basement of their home, pending CEO verification of measurements prior to signing the ADU permit. Mr. Powers seconded. Motion was approved by a roll call vote: 6 – 0. All were in favor.

Findings of Fact:

1. This is a request for a Conditional Use Permit to create an Accessory Dwelling Unit in proposed single family dwelling based on Sections 19-5-5 and 19-7-5 of the Zoning Ordinance.
2. The subject property is 3 Bridle Path Way (Map U06 Lot 67).
3. The subject property is a nonconforming lot in the RC Zone. A single family dwelling is currently on the lot. The lot area is 16,084 sq. ft. according to the survey submitted.
4. Paul Hunt and Pat Red are the owners of the property.

Additional Findings of Fact:

1. The proposed use will not create hazardous traffic conditions when added to existing and foreseeable traffic in its vicinity. One parking space shall be provided for the accessory dwelling unit in addition to the parking for the single family detached dwelling.
2. The proposed use will not create unsanitary conditions by reason of sewage disposal, emissions to the air, or other aspects of its design or operation.
3. The proposed use will not adversely affect the value of adjacent properties.

4. The proposed site plan and layout are compatible with adjacent property uses and with the Comprehensive Plan.

5. The design and external appearance of any proposed building will constitute an attractive and compatible addition to its neighborhood, although it need not have a similar design appearance or architecture.

6. The applicant has demonstrated compliance with the requirements in Section 19-7-5.B of the Zoning Ordinance, subject to the CEO verifying measurements of the ADU and noting the existence of an interior door.

Mr. Powers moved to approve the Findings of Fact and Additional Findings of Fact; Mr. Tadema-Wielandt seconded. Motion was approved by a roll call vote: 6 – 0. All were in favor.

E. Communications: None.

F. Adjournment: Chairman Vaillancourt adjourned the meeting at 8:06 p.m.