

Kennebunkport Zoning Board of Appeals
32 North Street, Village Fire Station
March 25, 2019 @ 7:00 P.M.

A meeting of the Kennebunkport Zoning Board of Appeals was held on Monday, March 25, 2019. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. Paul Cadigan (Chair), Wayne Fessenden, April Dufoe, James Fitzgerald, Kevin McDonnell, Karen Schlegel

Others Present: Matt Philbrick Asst. Code Enforcement Officer, Werner Gilliam, Dir. of Code Enforcement & Planning

Mr. Cadigan welcomed new member Kevin McDonnell to the Zoning Board of Appeals.

1. Attendance

Mr. Cadigan performed a roll call and confirmed a quorum for tonight's meeting.

2. Approval of any minutes not previously approved.

Mr. Fitzgerald noted a typographical error on the August 20th, 2018 Zoning Board of Appeals Meeting Minutes. Mr. Fessenden, Mr. Fitzgerald, Ms. Dufoe, and Ms. Schlegel are eligible to vote approval of said minutes. Mr. Fitzgerald made a motion to approve the corrected minutes of the August 20th, 2018 Zoning Board of Appeals meeting. Ms. Schlegel seconded the motion and the vote was unanimous of the eligible voters.

Mr. Cadigan, Mr. Fitzgerald, and Ms. Dufoe are eligible for voting on the July 23, 2018 Meeting Minutes. Mr. Fitzgerald made a motion to approve said minutes. Ms. Dufoe seconded the motion and the vote was unanimous of the eligible voters.

Mr. Cadigan, Mr. Fitzgerald, Ms. Schlegel, Ms. Dufoe and Mr. Fessenden are eligible for voting on the July 24, 2017 Meeting Minutes. Mr. Fitzgerald made a motion to approve said minutes. Ms. Schlegel seconded the motion and the vote was unanimous of the eligible voters.

Before reviewing the Agenda items, Mr. Cadigan noted there is a reference to Article 5.10 of the Land Use Ordinance on the town's Application for a Home Occupation form. Mr. Cadigan stated section 5.10 of the Land Use Ordinance contains standards for parking spaces and has nothing to do with the Zoning Board of Appeals review. Mr. Gilliam confirmed the reference to Article 5.10 of the Land Use Ordinance in the Home Occupation Application is erroneous and suggested some town staff members go over the Application to make sure there are no other incorrect references. Mr. Gilliam also added in his opinion it would be appropriate for the Board to strike the reference to Article 5.10 and would prefer the Application just refers to the performance standards within the Application, specifically the standards within Article 9 of the Land Use Ordinance, Board of Appeals.

The Board members had a brief discussion regarding Mr. Gilliam's suggestion. Mr. Cadigan made a motion with regard to this Application and until the Application form may be modified for future Applications, on page 2, Item #5, the reference to Article 5.10 be removed and replaced with Article 9.2.H.2. Ms. Schlegel seconded the motion and the vote was unanimous.

*3. **Deborah R. Bauman** - The Applicant is seeking a Residential Rental Accommodations approval for her existing single family home. The property is located at 14 Harbor Drive, Tax Map 21, Block 10, Lot 4 in the Village Residential East Zone.*

Mr. Cadigan introduced the Agenda item and asked the Applicant to provide a brief summary of her Application.

Ms. Deborah Bauman of 14 Harbor Drive addressed the Board stating her house is in the Lands End Subdivision and she is seeking approval to rent 2 rooms in her home.

Mr. Cadigan asked the Board members if they had any questions for the Applicant.

Noting this home is on a private road with a homeowners association, Ms. Schlegel asked if this Application has been approved by them. Ms. Bauman replied she did not think to ask the road commissioner of her homeowners association for permission because there is nothing in the by-laws that states she needs to. Mr. Cadigan commented it does not affect the Zoning Board's approval whether or not an Applicant needs approval from their homeowners association.

Mr. Cadigan noted the Applicant is requesting to rent 2 rooms and asked if she was aware of the restrictions. Ms. Bauman replied yes, she is aware she can rent each room 1 time per week.

Mr. Cadigan asked when she hoped to commence renting. Ms. Bauman responded she would probably rent mostly seasonally in the summer and perhaps during Prelude.

Mr. Cadigan asked if the parking spaces on the Applicant's property meet the required size as stated in the town Ordinances. Ms. Bauman replied yes they are actually a little bit wider than required.

There were no further questions from the Board.

Mr. Cadigan opened the Public Hearing. There were comments or questions from the audience in attendance. Mr. Cadigan closed the Public Hearing.

Mr. Cadigan read through each Performance Standard in Section 7.14 of the Land Use Ordinance.

Mr. Fitzgerald made a motion to accept this request for a Residential Rental Accommodation by Deborah Bauman at 14 Harbor Drive, Kennebunkport. Mr. Cadigan added to Mr. Fitzgerald's motion that this approval be subject to approval by the Code Enforcement Office. Ms. Schlegel seconded the amended motion and the vote was unanimous in favor of the motion.

4. ***Deborah R. Bauman*** – *The Applicant is seeking Home Occupation approval for her existing single family home. The property is located at 14 Harbor Drive, Tax Map 21, Block 10, Lot 4 in the Village Residential East Zone.*

Mr. Cadigan introduced the Agenda item.

Ms. Deborah Bauman addressed the Board stating she is the sole proprietor of a residential design business and has an office set up in a portion of her house. Ms. Bauman added she has no employees and has discussed this with the Code Enforcement Office prior to this meeting.

Referring to the condition that a home occupation cannot comprise of more than 20% of the total floor space, Ms. Dufoe asked how much space is used for the business. Ms. Bauman responded it is 160 square feet which is 13.6% of the total space.

Ms. Schlegel asked if there will be any signage for the business. Ms. Bauman replied there are no signs.

Ms. Bauman also noted she almost always meets her clients at the job site and will only have a client come to her house maybe 2 times a year.

Mr. Cadigan asked the Applicant to explain the parking for the home occupation and the room rental. Ms. Bauman stated one of her cars will go in the single-car garage and there are 2 spaces designated for the residential room accommodation, 2 spaces for the home occupation and one additional space for the household.

Mr. Cadigan asked if all of the uses on this property are compatible in terms of the number of uses the property will be supporting. Mr. Philbrick replied he believes so, yes. Mr. Gilliam added the residential rental accommodation and the home occupation are all defined as accessory to a single family use so it doesn't require any additional lot size requirements.

The Board members had no further questions for the Applicant or the Code Enforcement Officers.

Mr. Fitzgerald made a motion to waive reading all of the requirements of Article 7.6 Home Occupation in the Land Use Ordinance. Ms. Schlegel seconded the motion and all Board members agreed.

Mr. Cadigan briefly read through Article 10.10.B.1.a thru h and the Board members had no questions or comments.

Mr. Fitzgerald made a motion to accept the Home Occupation Application for 14 Harbor Drive as presented by Deborah Bauman. Ms. Schlegel seconded the motion and the vote was unanimous.

Adjournment: A motion was made to adjourn, it was seconded and the vote was unanimous.

Submitted by: Patricia Saunders, Recording Secretary