

Kennebunkport Zoning Board of Appeals
32 North Street, Village Fire Station
September 16, 2019 @ 7:00 P.M.

A meeting of the Kennebunkport Zoning Board of Appeals was held on Tuesday, September 16th, 2019. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. Paul Cadigan (Chair), April Dufoe, Wayne Fessenden, Kevin McDonnell, Karen Schlegel
Others Present: Matt Philbrick, Asst. Code Enforcement Officer

1. Attendance

Mr. Cadigan opened the meeting and confirmed a quorum for tonight's meeting.

2. Approval of minutes from the September 3, 2019 meeting.

Mr. McDonnell made a motion to approve the minutes from the September 3rd, 2019 Zoning Board of Appeals meeting. Ms. Schlegel seconded the motion and the vote was unanimous.

*3. **Billy and Jennifer Adams** – for approval to create residential rental accommodations within their existing single family home at 48 Mills Road, Assessor's Tax Map 22, Block 9, Lot 60 in the Cape Porpoise East Zone.*

Billy and Jennifer Adams addressed the Board stating they are requesting approval for a short term rental of a 1-bedroom apartment over their new garage that is connected by foundation to their primary residence. Ms. Adams added their guests would park in the carport and enter from the back connector that also goes into the main house. The maximum occupancy is 2 people, Ms. Adams stated, and they are not allowing any pets or children.

Mr. Fessenden asked for clarification on page 2 of their Application where it states the home "is and will be occupied year round by our family". Citing the Land Use Ordinance, Mr. Fessenden commented the regulations require that the owner shall remain in the residence. Ms. Adams responded they intended that statement to mean themselves and their 16 year old son.

Mr. McDonnell asked the Applicant to explain the parking set up. Ms. Adams stated their guests would be directed to park in the carport. Mr. McDonnell then asked how much additional parking the Applicant has on site. Mr. Adams replied probably 5 parking spots, 2 separate spots on the far side of the property and we do have a large driveway now in front of the garage.

Ms. Schlegel commented this is a newly constructed new building above a garage that looks more like an apartment even though there is no kitchen; just a small refrigerator under the counter and a small wet bar but not a stove. Ms. Schlegel then asked the Applicant to explain the entrance for their guests. Ms. Adams replied their guests will be required to enter through the mudroom which is part of their home and then they'll enter through the door which is on the side of the interior stairs up to the rental so they are required to enter through the primary entrance.

Mr. Cadigan commented the structure is attached, sharing a common wall and it does not have separate utilities. Mr. Cadigan also asked if the Applicants have any intention of adding cooking facilities. Ms. Adams replied there will be no cooking facilities added.

Mr. Cadigan opened the Public Hearing. There were no comments or questions from the audience in attendance. Mr. Cadigan closed the Public Hearing.

Ms. Schlegel asked if there will be any signage. Mr. Adams replied no, no signs advertising for the rental.

Mr. Cadigan asked the Assistance Code Enforcement Officer if everything was in compliance with regards to this Application. Mr. Philbrick responded yes everything is in compliance as they have already done an inspection to finish the project up for them. Mr. Cadigan then asked if they would still do an inspection subsequent after approval. Mr. Philbrick replied we can, yes.

Ms. Schlegel asked if the rooms occupied are within the principle structure. Mr. Philbrick explained it is all one contiguous foundation so it's considered part of the structure.

Ms. Dufoe asked the Applicant if they were aware they can only rent this room once a week. The Applicant acknowledged they were aware of that.

Mr. Cadigan acknowledged the Board has heard testimony there will be no separate kitchen or cooking facilities, there will be no sign on the premises, the dwelling does not need to be altered as alterations have been completed and approved as part of the principle structure and will be inspected by the Code Enforcement Office if approval is granted. Mr. Cadigan also noted there is no separate entrance and it is within the principle structure by definition as provided by the Code Officer and the utilities are not separately metered with adequate off-street parking and the owners will remain in the residence. All these items mentioned are part of the 9 criteria under section 7.14 in the Land Use Ordinance, Mr. Cadigan concluded.

Mr. McDonnell made a motion to approve Billy and Jennifer Adams' request to create a Residential Rental Accommodation within their existing single family home at 48 Mill Road, Assessor's Tax Map 22, Block 9, Lot 60 in the Cape Porpoise East Zone. Mr. Cadigan amended Mr. McDonnell's motion to add the Application meets all of the requirements in Article 7.14. Ms. Schlegel seconded the amended motion and the vote was unanimous in favor of the motion.

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

Submitted by: Patricia Saunders, Recording Secretary