



Town of Chebeague Island

192 North Road
Chebeague Island, ME 04017
codeoffice@chebeague.net
www.townofchebeagueisland.org

Date: December 2, 2016

To: Applicant, Appeals Board Members, Code Enforcement Officer, and Abutters of Map I-04 Lot 059

From: Peter Rice, Chairman Board of Adjustment and Appeals

RE: Administrative Appeal for Map I-04, Lot 059

Located at: 5 Ben Webber Road

Zoning District: Limited Residential/Island Residential

The Board of Adjustment and Appeals will hold a public hearing for:

A request for an administrative appeal by, Joseph R. Chamberlain, for a building permit that issued for a shed on Map I-04, Lot 059, located at 5 Ben Webber Road for Alexandra Christina Zaugg-Swafford. The Public Hearing will be conducted on Monday, December 12, 2016 at 6:00 PM, at the Chebeague Island Hall, Located at 247 South Road, Chebeague Island, Maine.

All Abutters who receive this notice are invited to attend. A copy of the Meeting materials may be viewed at townofchebeagueisland.org or at the Chebeague Island Town Office, Located at 192 North Road.

Application for Administrative Appeal to Board of Appeals

1. Name of Appellant Joseph R. Chamberlin
2. Mailing Address 1601 Old Springs Ct., Snellville, GA 30078
3. Telephone 770 736 4288
4. Name of Owner of Property Which is Subject of Appeal
Alexandra Zangg-Swafford
5. Please describe in detail the facts surrounding this appeal, what you think is wrong about the decision which you are appealing, and what action you want the board of appeals to take in this matter. If additional space is needed, please continue on a separate sheet of paper and attach it to this application.

Please see attached document

I certify that the information contained in this application is true to the best of my knowledge and belief.

Date November 25, 2016

Joseph R Chamberlin POA
Signature of Appellant

November 25, 2016

Subject: Appeal of building permit for shed at 5 Ben Webber Rd., Chebeague Island, Maine

To: Board of Appeals, Town of Chebeague Island, ME

Dear Board of Appeals Members

I am contacting you as financial power of attorney for my father J. Lockwood Chamberlin, who is one of owners of a summer cottage at 4 Artist Point Rd., Chebeague Island, ME. My purpose in contacting you is to appeal the permit granted by the Town of Chebeague on October 28 to Alexandra Zaugg-Swofford for a shed at 5 Ben Webber Rd which is immediately adjacent to the property at 4 Artist Pt. Rd.

My reasons for appealing the building permit are as follows:

1. Based on the attached building permit issued to Ms. Zaugg-Swofford, which was provided to me by the Chebeague code enforcement officer Nick Adams, the Town of Chebeague granted a permit for a shed. However, Ms. Zaugg-Swofford has verbally communicated to several of her neighbors that she intends to use the "shed" as a single car garage. She has also stated this in writing to one of the other owners of the cottage at 4 Artist Pt. Rd. Based on discussions with the Chebeague Code Enforcement Office, it is my understanding that a permit for a shed would not apply to a garage due to different building codes.
2. Based on the attached survey provided by Ms. Zaugg-Swofford to the Town of Chebeague in support of her permit request, the shed will be sited in violation of the required 15 feet setback from our property based on a survey the Chamberlin family had conducted in 2011. Our survey was provided to the Town of Chebeague in fall 2015. There is a discrepancy between the two surveys over the location of one end of the legal boundary line between the Chamberlin and Zaugg-Swofford properties (next to Capp's driveway). Ms. Zaugg-Swofford's surveyor made her aware of this discrepancy, but Ms. Zaugg-Swofford still elected to request a permit for her shed in a location that created the potential for future litigation over the location of the property line. I would like to avoid litigation.
3. Based on the building permit approved by the Town of Chebeague, the building will significantly block the view of Hamilton Cove from our property. This will decrease our property value and also negatively impact the view by several of her neighbors.
4. The 12 ft x 24 ft (almost 300 sqft) dimensions of the building approved by the Town of Chebeague seem excessive for a storage "shed". These dimensions are more appropriate for a single car garage.

Although perhaps not grounds for appeal, construction of this shed in the approved location and at the approved size will create ill will with several of Ms. Zaugg-Swofford's immediate neighbors who are

opposed to its construction. They have verbally communicated their opposition to me, and I believe they have *politely* tried to inform Ms. Zaugg-Swafford about their concerns. Based on my discussions with her, I do not believe that Ms. Zaugg-Swafford recognizes the degree to which construction of this building at its current location and size will damage her relationships with my family and her other neighbors.

For the above reasons, I am requesting that the Board of Appeals reject the building permit granted by the Town of Chebeague to Ms. Zaugg-Swafford at 5 Ben Webber Rd..

I do not wish to prevent Ms. Zaugg-Swafford from constructing a storage shed on her property. However, I do not believe that she requires a 12' X 24' building if its only purpose is to serve as a storage shed, or that it needs to be in the permitted location. Given the size of her property, I think that with a little effort, Ms. Zaugg-Swafford could site a reasonably sized storage shed in a location that would not create the potential for a building code violation or a property line dispute, decrease the value of her neighbor's property or damage relationships with her neighbors.

Sincerely,

A handwritten signature in black ink that reads "Joseph R. Chamberlin POA". The signature is written in a cursive style with a large initial "J" and "R".

Joseph R. Chamberlin, POA
1601 Old Springs Ct.
Snellville, GA 30078

RECEIVED DEC 05 2016 *ms*

Elizabeth H. Gaston

55 Highwood Drive – Manchester, NH – 03104-4102

518-577-7603

betspg628@comcast.net

November 30, 2016

Mr. Nick Adams
Code Enforcement Officer
Town of Chebeague
192 North Road
Chebeague Island, ME 04017

Dear Mr. Adams,

I am writing as trustee of the Gaston Family Island Trust, 57 Capps Road, Chebeague, to present our Application for Administrative Appeal to the Board of Appeals, appealing the Residential Building Permit for a shed at 5 Ben Webber Road, Chebeague. See attached documents. Also enclosed is my check for \$100.00 which I understand is needed to file this appeal.

Will you please notify me by phone or email (see above) when the date and time are set for the appeal? My sister Emily Gaston Muller and I want to attend the Board of Appeals meeting where this appeal is addressed, if at all possible.

Thank you for your assistance.

Sincerely,

Elizabeth H. Gaston, Trustee

Elizabeth H. Gaston, Trustee
Gaston Family Island Trust

Response to Number 5 of Application for Administrative Appeal to Board of Appeals

Alexandra Christina Zaugg-Swofford obtained a Residential Building Permit on October 28, 2016. This permit is for installing a 12' X 24" Shed, of which "no part of the shed shall be located on any portion of the subsurface wastewater disposal system". She has hedged the truth in several applications to the town about the use of this proposed building.

From the time Ms. Zaugg-Swofford purchased the property she has talked about building a garage for her car. The size of the proposed shed should be a clear indication to the Town she intends to garage her car in this building, although she did not mention in her application that she was building a garage for her car. This is a known fact in the neighborhood. We are also told the driveway for this shed will cross the back of her lawn between the tree on the corner and the subsurface wastewater disposal system. Even if the garage does not impinge on this system, we believe it bears looking into whether or not the drive will impinge on it.

We understand the Town of Chebeague has different building codes for a shed and a garage. We are led to believe Ms. Zaugg-Swofford's most important purpose for this so-called "shed" is to garage her vehicle. If this is so, the requirements for a garage need to be imposed, if this matter proceeds further.

There is no mention of the proposed height of the "shed". Ms. Zaugg-Swofford has informed the neighbors that it will resemble in height and purpose the two story garage built on the Bradish/Paul property. What is the purpose of the second floor?

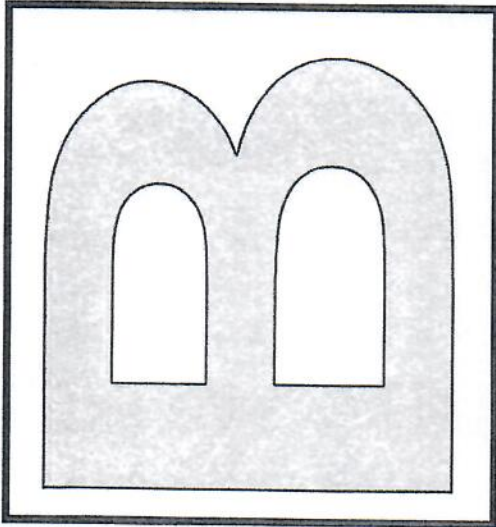
Ms. Zaugg-Swofford has alleged in previous applications before the town that the proposed building would "maximally preserve the neighborhood view 'corridors'". Circling the proposed site for the building, one sees several interruptions of the view corridors if this building were allowed to be built. From our property, our view of the Tubbesing/Merchant cottage and the stone wall would be eliminated, as well as a portion of our view of water between the Zaugg-Swofford and Tubbesing/Merchant properties. This is a significant loss of view for our cottage, and will cause us constant emotional turmoil from having a two story garage block our view. From the Chamberlin property and for those traversing the private driveway, the proposed building would totally eliminate a view across Zaugg-Swofford land to Hamilton Beach and the anchorage in the cove. From the Tubbesing/Merchant Cottage, the proposed building would block their view of our house and other views down Capps Road. For those using Ben Webber Road, the building would block current views. From the J. Hubbell and Reade properties, the proposed building would block views toward the coast and the Tubbesing/Merchant property.

There is a scenic vista at the end of Capps Road, which road is used and which view is appreciated by pedestrians, bikers, and motor vehicles alike. The scenic vista would be forever altered by the siting of this large, utilitarian building on Ms. Zaugg-Swofford's land.

The disruption of the view through the addition of this building could cause economic hardship to the abutting properties.

Ms. Zaugg-Swofford has refused over the years to even consider other possible options for a shed if that is what she is building. She could expand the existing tool shed on the corner of the original house, remodel the area under the front porch, or remodel the breezeway between the two existing buildings.

For these reasons the Grantor and Grantees of the Gaston Family Trust appeal the granting of this Residential Building Permit.




Permit #: 16-B-37

Land Owner: Alexandra Christina Zaugg-Swaffc
Parcel Id: 104-059
Road Location: 5 Ben Webber Road
Contractor: Geoff Summa



This permit is approved on the basis of information provided by the applicant regarding his ownership and boundary locations. The applicant has the burden of ensuring that he has legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues.



Building Inspector

DATE 10/28/2016

Code Enforcement Office
 Town of Chebeague Island
 192 North Road
 Chebeague Island, Maine 04017
 Tel: (207) 846-3148

Office Use Only	
Date Posted	10/28/16
TRIO Receipt	1258-1
Cash	check
Teller	GLW

Residential Building Permit

Parcel Id: 104-059	Permit # 16-B-37
Road Location: 5 Ben Webber Road	

Land Owner: Alexandra Christina Zaugg-Swofford	Phone: 408-356-0904
Mailing Address: 104 Bond Court, Los Gatos, CA 95030	
Applicant/Contractor: Geoff Summa	Phone: 207-712-8413
Mailing Address: 105 Roy Hill Rd, Chebeague Island, ME 04017	

Est. Cost	\$17,000.00	Floor Space (Sq Ft)	Permit Rates	Required Setbacks:
Lot Size	0.44	Finished	\$0.25 / Sq Ft	25' Front, 15' Rear and Sides
Use Group	U	Unfinished	\$0.10 / Sq Ft	
Type Const	5B	Renovation	\$10.00 per \$1,000	Application Building Permit \$25.00
Bedrooms	n/a	Deck/Shed < 400	\$25.00	
Stories	1	Deck/Shed > 400	\$0.10 / Sq Ft	
		Demo	\$25.00	
Location				
District	IR/LR			
Shoreland	YES			
Flood Zone	NO			
Growth	NO			
			TOTAL DUE	\$25.00

I understand that this permit is valid only for the use specified above. Any changes must be approved by the permitting authority. I hereby acknowledge that I have read this application and STATE that the above information is correct, and AGREE to comply with ALL Municipal Ordinances and State Laws regulating activities covered by this permit.

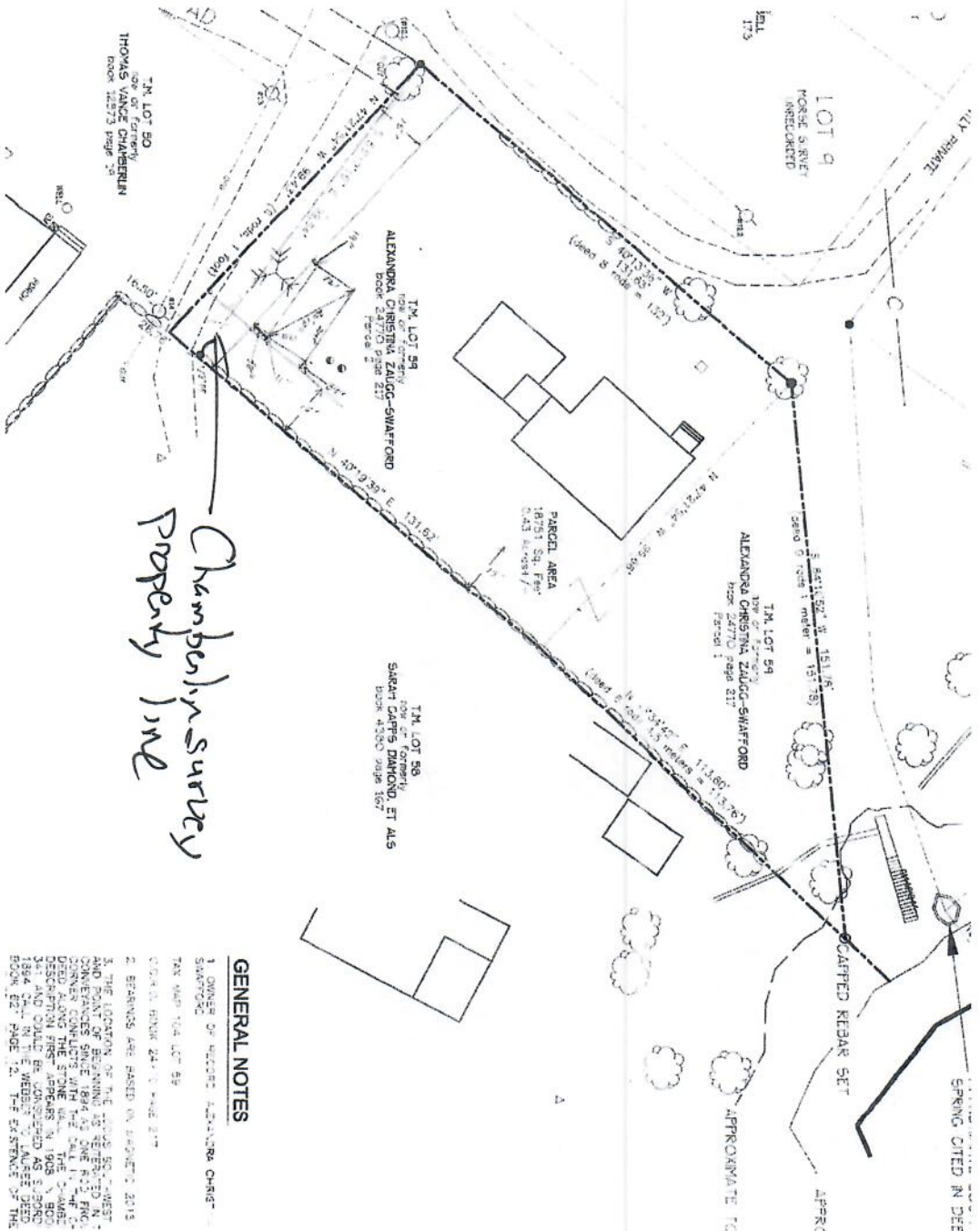
Applicant's Signature _____

Date _____

This permit is approved on the basis of information provided by the applicant regarding his ownership and boundary locations. The applicant has the burden of ensuring that he has legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues.

PERMIT ISSUED BY: Nicholas L. Adams/Code Enforcement Officer

ALL STRUCTURES MUST MEET THE REQUIREMENTS OF THE MAINE UNIFORM BUILDING AND ENERGY CODE. Construction must be substantially started within six months of permit being issued or permit becomes void.



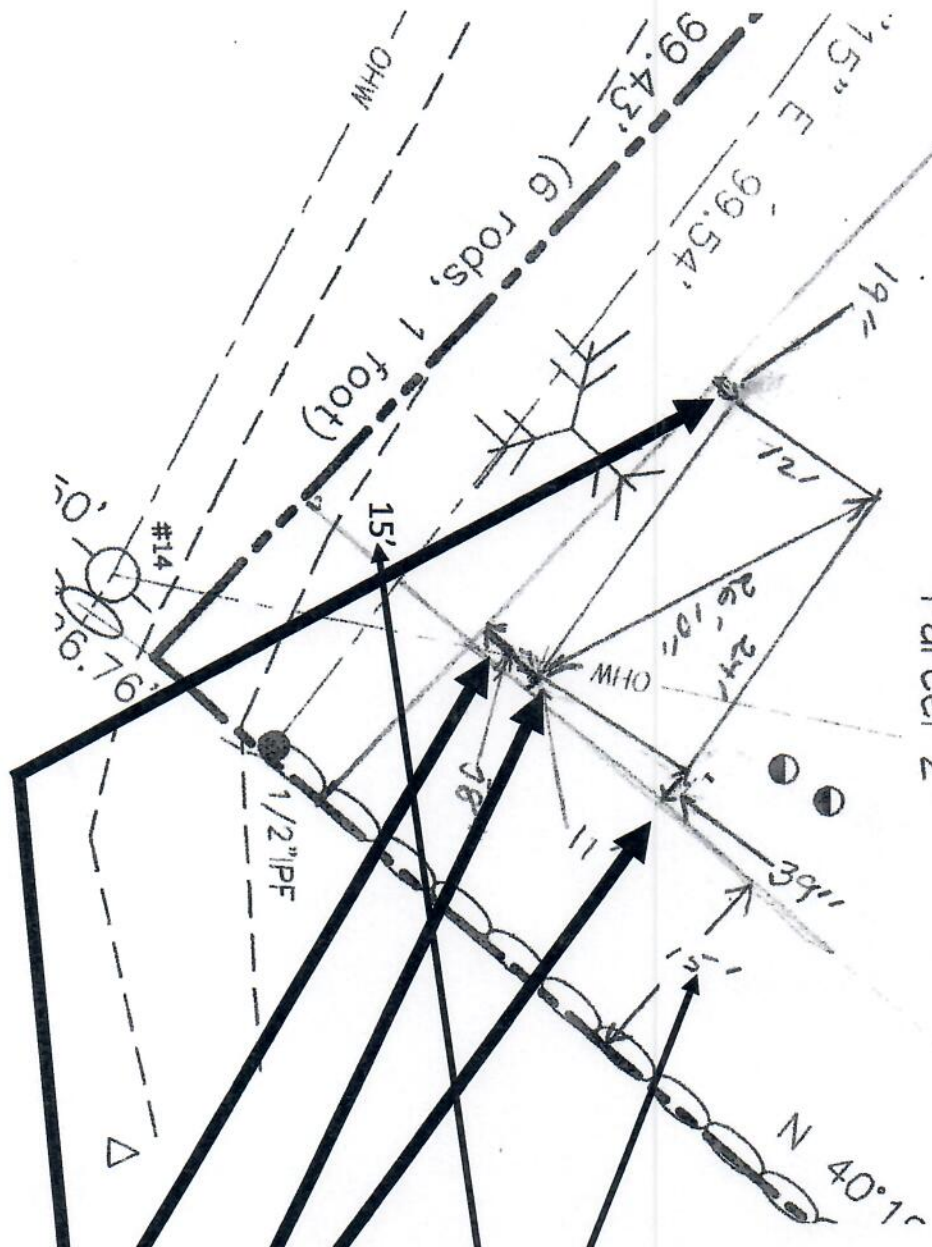
*Chamberlin Survey
Property Line*

5 Ben Webber Road Chebeague Island Overview

GENERAL NOTES

1. OWNER OF RECORD: ALEXANDRA CHRISTINA ZALGOC-SWAFFORD
2. BEARINGS ARE BASED ON MONUMENT 2013
3. THE ADJACENT LOT TO THE SOUTH, SOUTH-WEST CORNER OF SECTION 15, TOWNSHIP 13 NORTH, RANGE 12 WEST, COUNTY OF CAMDEN, NEW JERSEY, IS OWNED BY SARAH CAPRI DIAMOND, ET AL. A CONNER CONFLICT WITH THE CALL TO THE CORNER DESCRIBED ALONG THE STONE WALL. THE CHANGE DESCRIPTION FIRST APPEARS IN 1908 V. BOGGS, 186A AND DATE BEING RECORDED AS 1908 V. BOGGS, 186A AND DATE BEING RECORDED AS 1908 V. BOGGS, 186A. THE DISTANCE OF THE STONE WALL TO THE EAST LINE OF THE

ALCANTARA UTRISILINA LAUGG-SWAFFORD
 book 24770 page 217
 Parcel 2



DETAIL

Shed size: 12' x 24'
 Diagonals: 26' 10"

- Setback from Capps Boundary: 15'
- Setback from Chamberlain Boundary: 15'
- Distances from Setbacks"
 - Capps Setback" 39"
 - 11"
- Chamberlain Setback
 - 58"
 - 19"