

**TOWN OF CHEBEAGUE ISLAND
BOARD OF ADJUSTMENT AND APPEALS
VARIANCE APPLICATION FORM
PRACTICAL DIFFICULTY**

I. BACKGROUND INFORMATION

- A. Applicant Name: Jennifer Hubbell
- B. Applicant Address: 274 W Main St., Yarmouth, ME 04096
- C. Applicant Phone Number: 207-671-2453 or 207-671-3647
- D. Address of Property for which variance is sought: 52 Capps Rd.,
Chebeague Island, ME
- E. Tax Map and Lot Number of Subject Property: 104-046 and 047
- F. Zoning District in which Subject Property is located: Island Residential
- G. Zoning restriction(s) sought to be varied: Side set back of 20'; proposed
addition would be a minimum of 10', which is 3' more than set back
of existing structure.

II. VARIANCES IN GENERAL

Pursuant to 30-A M.R.S.A. §4353(4-C), the Board of Adjustment and Appeals may grant a variance only when strict application of the ordinance to the Applicant and the applicant's property would cause "a practical difficulty" and when the following conditions exist. "Practical difficulty" shall mean that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in a significant economic injury to the petitioner.

Please document how "significant economic injury" would occur:

My goal for this project is to make an existing unusable two story cottage habitable by adding a modest two story, 2 Bed Room year-round dwelling and connecting the two structures so that the code compliant kitchen, bathrooms and stairway can serve the existing structure, creating a 4 Bed Room summer seasonal residence. With the existing structure approximately 7 feet from the side property line (at its closest point), my architect determined that the most cost efficient and workable connection of the two structures would result in the new structure being 3-4 feet further from the property line at its closest point to the sideline than the existing structure, as is shown in the attached architect's drawing.

If I were to modify the connection of the two buildings so that the addition complied with the 20' setback requirement, an additional two story high

connecting structure would have to be built and modification of the existing structure's dormer and roof would be required. My builder estimates that the additional structure and modifications would cost \$35,000. The estimate is attached.

"Dimensional standards" means and is limited to Ordinance provisions relating to lot coverage, frontage, and setback requirements.

The Board must make a positive finding on each of the following criteria. Please describe in the space provided how your request meets the "practical difficulty" criteria listed below

A. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;

As is noted in the project description under the Significant Economic Injury, the issues involved in the requested variance are unique to the property because the existing structure is only 7 feet from the side line. The conditions in the neighborhood have no bearing on the issue.

B. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

The proposed addition will not negatively change the character of the neighborhood, since it is simply adding on to a seasonal residential structure to make it habitable. If anything, the proposed project will enhance the neighborhood and property values by taking a cottage that has been in decline for at least 60 years with little if any maintenance or repair and structurally renovating it and adding a structure with code compliant features and space to make it habitable. The proposed addition uses the minimum amount of land to achieve this with the least disruption to the neighborhood compared to other alternatives. The 9400 square foot lot abutting the sideline for which the variance is sought is wooded and undeveloped. The proposed structure runs generally parallel to the lot line for approximately 26', taking up that much of the abutting lot's "view" of my property. Moving the addition 9-10' further away from the lot line to comply with the set back requirement would not change that.

C. The practical difficulty is not the result of action taken by the applicant or a prior owner;

The existing structure was built approximately 100 years ago. While it meets the 25' front set back requirement, it is only about 7' from the closest side line. Other

setbacks are significantly larger than required. Since the proposed addition is no closer to the sideline than the current condition of the existing structure, the proposed addition will not make the set back situation worse or more nonconforming.

D. No other feasible alternative to a variance is available to the petitioner;

As noted in the Significant Economic Injury section an alternative that complies with the the 20' setback will add \$35,000 to the project cost. Another alternative that was considered is building a completely separate 4 BR structure with similar features as the existing structure. That would likely cost about \$100,000 more and leave the existing structure as an uninhabitable building suitable only for some day use or storage.

E. The granting of a variance will not unreasonable adversely affect the natural environment; and

The proposed addition has an approximately 470 square foot footprint on the lot and would be built in a mostly cleared part of the lot. All other alternatives would have a bigger footprint. The 470 SF footprint is less than 2% of the total lot area. The only major vegetation that would be removed is a large diseased and rotting maple, which would still need to be removed even if the addition were modified to meet the setback requirement. Furthermore, the proposed addition uses the minimum amount of construction materials compared to alternatives and at the same time preserves the existing structure, thus conserving materials. This optimal reuse of an existing structure with a minimal use of new materials reduces the overall environmental impact of the project compared with alternatives that would meet the setback requirements.

F. The property is not located in whole or part within the shoreland areas as described in Title 38, Section 435.

According to the Chebeague Zoning map no part of the project is located in the Shoreland Zone residential overlay district.

Jennifer R. Hubbal 12/28/2023 _____
APPELLANT(S)

Following a hearing and a vote of the Chebeague Island Board of Adjustment and Appeals On _____, you are hereby notified that your variance has been (GRANTED subject to the following restrictions:)

**Appointment of Representative
for
Chebeague Island Zoning Board of Appeals Application**

I, Jennifer Hubbell, hereby appoint my husband, Richard Hubbell, as my representative and agent for discussions and presentations before the Zoning Board of Appeals in my application for a Practical Difficulty variance for my property at 52 Capps Rd.

Signed:

Jennifer R. Hubbell

12/28/2023
Date

Consider It Done, Inc.
Erik C. Weagle
P.O. Box 682
Yarmouth, ME 04096
#{207}522-6769

Work address:
Richard Hubble
52 Capps Road
Chebeague Island, ME 04017

Estimated added cost to building project, for 20' set back from property line.

Foundation work:

3 precast concrete piers, excavation & all labor \$2100.00

Framing:

Framing, finish-exterior & interior, Includes 2 windows \$24,000.00

Siding-exterior:

Added siding & finish needed due to new structure being set back. \$8,500.00

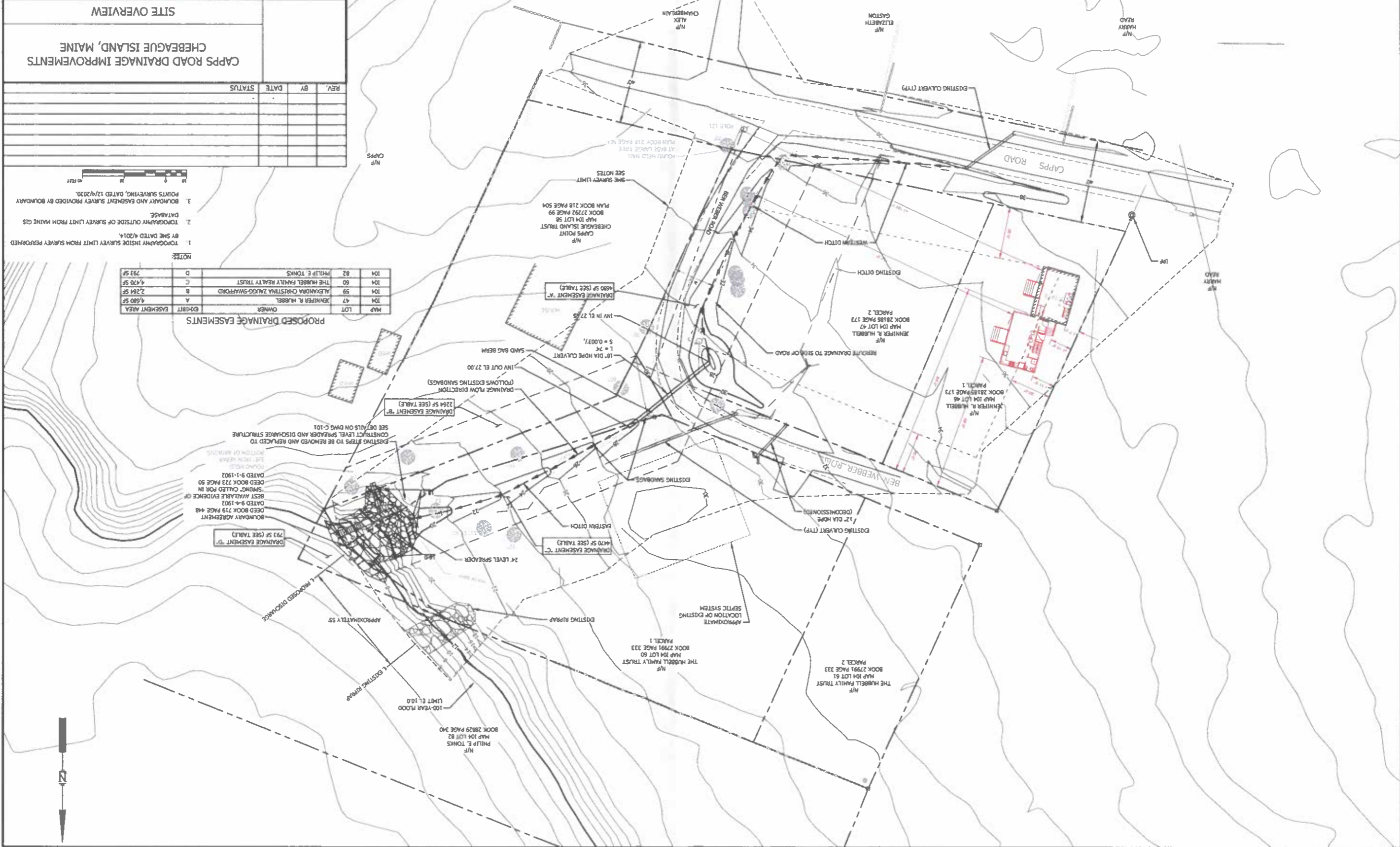
Total =\$34,600.00

CHEBEAGUE ISLAND, MAINE
CAPPS ROAD DRAINAGE IMPROVEMENTS
SITE OVERVIEW

DESIGN BY: CEB
 DRAWN BY: JAL
 DATE: 12/2017
 CHECKED BY:
 LHM SITECOVER
 CTB: SME-STD
 C-100

JOB NO. 16208.00 DWG FILE BASE-CAPPS ROAD
 SEVEE & MAHER ENGINEERS
 100 BAYVIEW RD. #201
 PORTLAND, ME 04108
 TEL: 207.879.5932 FAX: 207.879.5932
 WWW.SMA-ENGINEERS.COM

SCHEME J
 11/06/23



PROPOSED DRAINAGE EASEMENTS

MAP LOT	OWNER	EASEMENT AREA	SF
104	JENNIFER R. HUBBELL	A	4,580 SF
104	ALEXANDRA CHRISTINA ZAUG-SWAFORD	B	2,264 SF
104	THE HUBBELL FAMILY TRUST	C	4,470 SF
104	PHILIP E. TONKS	D	793 SF

NOTES:

1. TOPOGRAPHY INSIDE SURVEY LIMIT FROM SURVEY PERFORMED BY SME DATED 4/2014.
2. TOPOGRAPHY OUTSIDE OF SURVEY LIMIT FROM MAINE GIS DATABASE.
3. BOUNDARY AND EASEMENT SURVEY PROVIDED BY BOUNDARY POINTS SURVEYING, DATED 12/4/2020.

SCALE: 1" = 40 FEET

A101j

PROPOSED PLANS



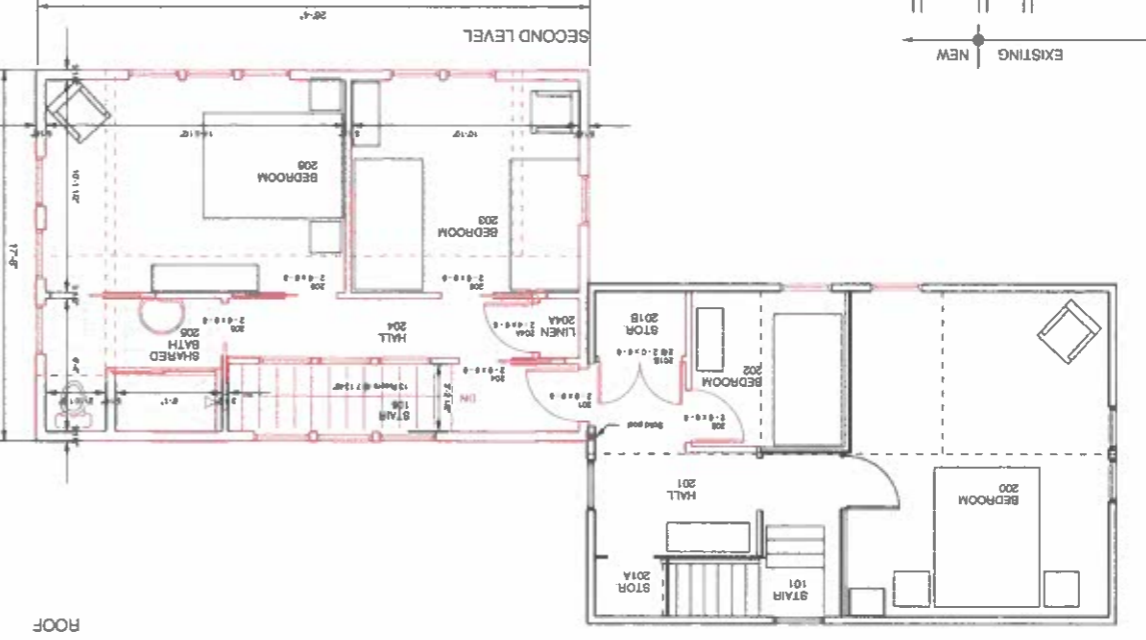
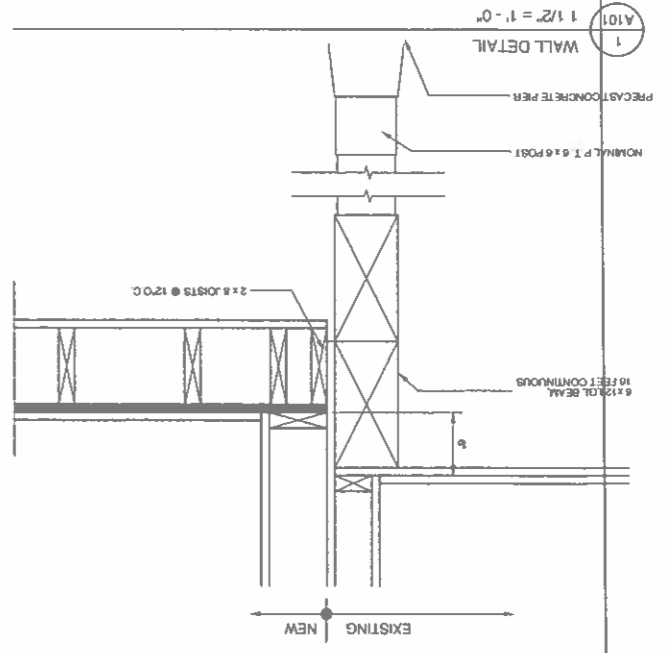
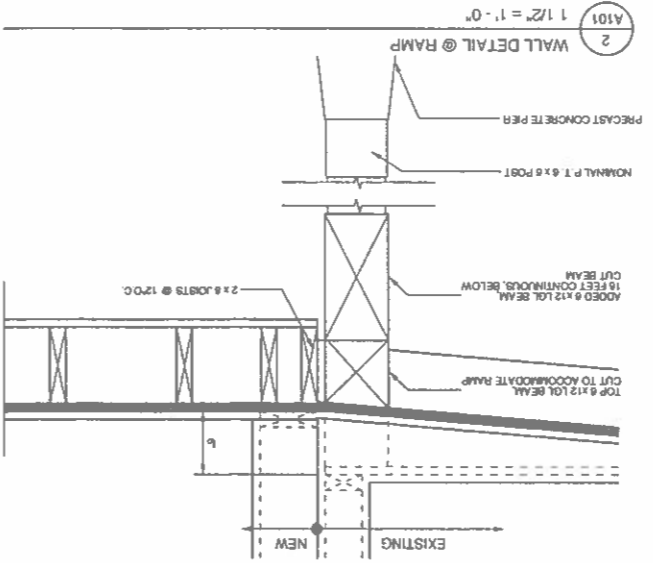
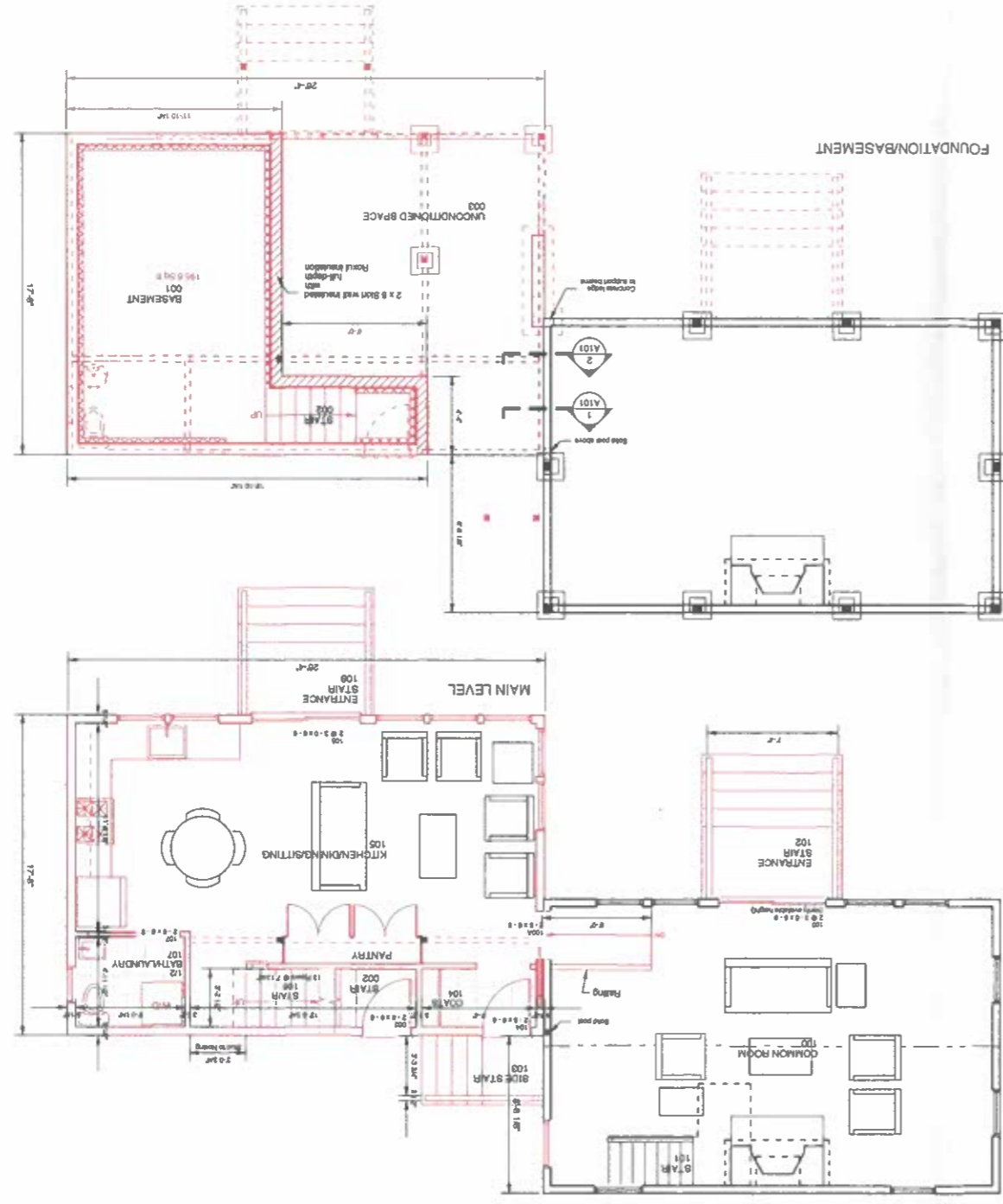
DATE: 11/06/23

DRAWN BY: BB

SCALE: 1/4" = 1'-0"

HUBBELL COTTAGE
52 Capps Road
Chebeague Island,
Maine

JOB NORTH





WEST ELEVATION



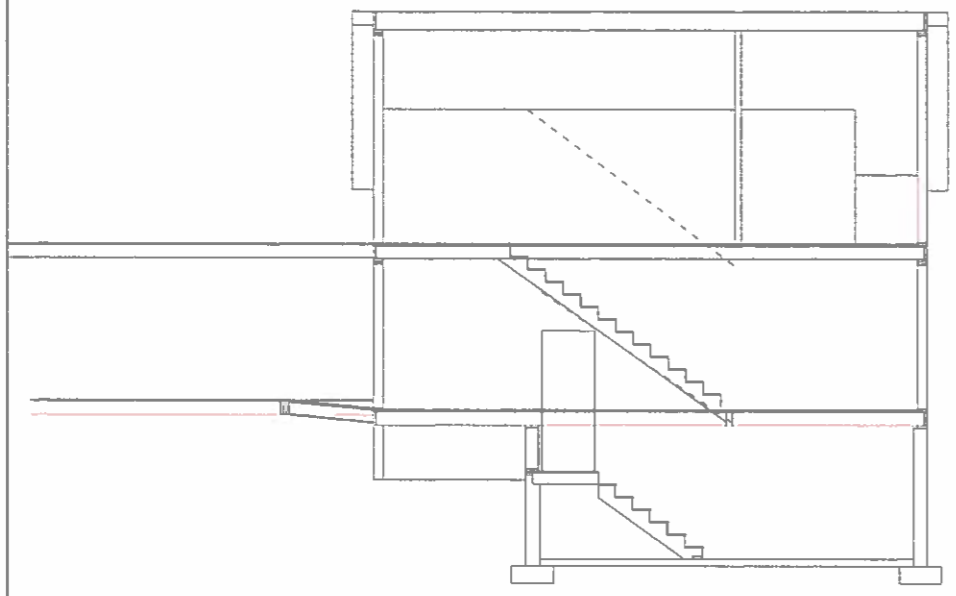
EAST ELEVATION



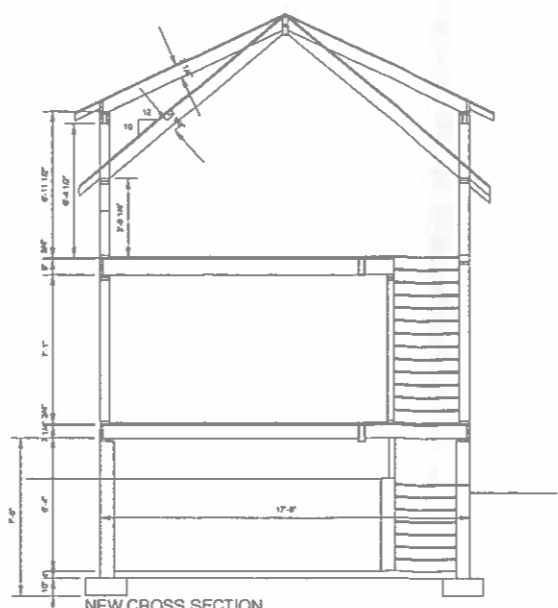
SOUTH ELEVATION



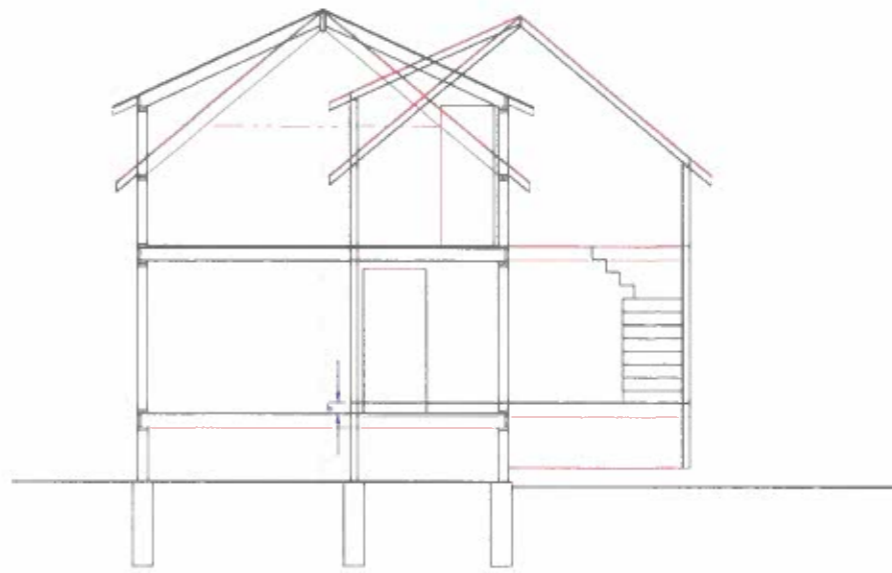
NORTH ELEVATION



NEW LONGITUDINAL SECTION



NEW CROSS SECTION



CROSS SECTION OVERLAP

NOTES:
1. LUMBER DIMENSIONS ARE APPROXIMATE AND ARE SUBJECT TO REVIEW BY A STRUCTURAL ENGINEER

HUBBELL
COTTAGE
52 Capps Road
Chebeague Island,
Maine

SCALE 1/4" = 1' - 0"
DRAWN BY: BBB
DATE: 11/06/23

Copyright 2023 by the Design
All rights reserved. All drawings and
specifications are the property of
BBB. If the drawings and any part
thereof are to be reproduced, it
must be done in full and
without omission of any part.



PROPOSED
ELEVATIONS AND
SECTIONS

A201j

QUITCLAIM DEED WITH COVENANT
Maine Statutory Short Form

Know all Persons by these Presents,

That, We, **Erick W. Weiss and Alexandra Perry-Weiss**, of Freeport, State of Maine for consideration paid, grant to:

Jennifer R. Hubbell

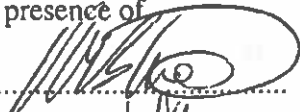
of Yarmouth, County of Cumberland, and State of Maine, whose mailing address is:
274 West Main Street, Yarmouth, Maine 04096, with **quitclaim covenant**, as joint tenants, the land in Chebeague Island, County of Cumberland, State of Maine, described as follows:

A certain lot or parcel of land, together with any buildings and improvements thereon, situated in the Town of Chebeague Island, County of Cumberland, and State of Maine being more particularly described in Exhibit A attached hereto and made a part hereof.

Witness my hand and seal this 15th day of October, 2010.

MAINE REAL ESTATE TAX PAID

Signed, Sealed and Delivered
in presence of


to Beth


Erick W. Weiss


Alexandra Perry-Weiss

State of Maine
County of Cumberland ss.

October 15, 2010

Then personally appeared the above named Erick W. Weiss and Alexandra Perry-Weiss and acknowledged the foregoing instrument to be their free act and deed.

Before me,



Notary Public Attorney at Law

Printed Name: *Patricia L. Bachner d*

EXHIBIT A

52 Capps Road, Chebeague Island, Maine

Parcel I:

A certain lot or parcel of land, together with the buildings thereon, situated on Great Chebeague Island in the County of Cumberland and State of Maine, bounded and described as follows:

Beginning at the South corner of lot number ten (10) adjoining the highway and running North forty degrees and thirty minutes (40° 30') East one hundred forty-six (146) feet to a private road; thence North fifty-three degrees and thirty minutes (53° 30') West sixty (60) feet to the East corner of lot number twelve (12); thence South forty degrees and thirty minutes (40° 30') West one hundred fifty-four and five-tenths (154.5) feet to the highway; thence South sixteen degrees and forty-five minutes (16° 45') East sixty-four (64) feet to the point of beginning. Said lot contains nine thousand fifteen (9,015) square feet, more or less, and is lot number eleven (11) as shown on plan of survey made by R. B. Morse, July 14, 1902 and is the same parcel of land conveyed to Angus McIntyre by Louisa H. Webber by warranty deed dated July 21, 1904 and recorded in the Cumberland County Registry of Deeds in Book 755, Page 138.

Meaning and intending to convey and hereby conveying the same premises described in a Personal Representatives' Deed of Distribution from Carolyn F. Newcomb and Wayne F. Newcomb, Personal Representatives of the Estate of Margaret M. Newcomb to Carolyn F. Newcomb in her individual capacity, Wayne F. Newcomb in his individual capacity and to Carolyn F. Newcomb and Wayne F. Newcomb, Personal Representatives of the Estate of Pamela F. Newcomb, dated June 24, 2008 and recorded in the Cumberland County Registry of Deeds in Book 26194, Page 75.

Parcel II:

The following described real estate situated at Chebeague Island in the County of Cumberland and State of Maine and more particularly described as:

Land only: bounded on the north by land of O.S. Tonks heirs; East by a Right of Way; South by a Highway; West by land of B. E. Silver.

Meaning and intending to convey and hereby conveying the same premises described in a deed from The Inhabitants of the Town of Cumberland to Charles F. Newcomb dated March 18, 1957 and recorded in the Cumberland County Registry of Deeds in Book 2374, Page 388; as affected by Confirmatory Order Regarding Petition to Establish Title recorded in said Registry in Book 26173, Page 98.

ALSO, HEREBY RELEASING, without any covenants, to the said ERICK W. WEISS and ALEXANDRA PERRY-WEISS, as joint tenants, all of our right, title and interest in and to a certain lot or parcel of land on Great Chebeague Island, Town of Chebeague Island and County of Cumberland and State of Maine and bounded and described as follows, viz:

Beginning at the East corner of land known as lot No. nine (9) as numbered in Survey of R. B. Morse survey of July 14, 1902 and running North 53° 30' W one hundred and twenty (120) feet to

EXHIBIT A CONTINUED

the north corner of lot no. (ten) 10, thence S 36° 30' W one hundred and forty-six (146) feet to the town road, thence South 16° 45' E one hundred and twenty-eight (128) feet to the South corner of lot No. 9 (nine), thence North 36° 30' E one hundred and thirty (130) feet to the starting point, meaning to convey lots No. nine & ten as surveyed by Robt. B. Morse July 14, 1902, and being a part of the lot of land deeded to Louisa H. Webber by James M. Webber Nov. 29, 1875 and recorded in Cumb. Co. Reg. of Deeds Book 426, Page 246. Also a right of way from lot now or formerly of Stephen D. Adams as surveyed in plan dated July 14, 1902 to lots No. one, two and three, also to the seashore. Reference is hereby made to deed from Louisa H. Webber to Stephen D. Adams dated September 1, 1902 and recorded in the Cumberland County Registry of Deeds in Book 723, Page 49.

Being the same premises conveyed to the Grantors herein by virtue of a deed of sale by personal representative from Wayne F. Newcomb and Carolyn F. Newcomb, Personal Representatives of the Estate of Pamela F. Newcomb dated October 2, 2008 and recorded in the Cumberland County Registry of Deeds in Book 26377, Page 230. Further reference is made to a quitclaim deed from Wayne F. Newcomb and Carolyn F. Newcomb dated October 2, 2008 and recorded in said Registry of Deeds in Book 26377, Page 234.

Received
Recorded Register of Deeds
Oct 19, 2010 02:23:02P
Cumberland County
Pamela E. Lovley