

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

DATE: 12/22/23
FEE: \$100.00
BY: _____

I. BACKGROUND INFORMATION

- A. Applicant Name: Ana-Maria Zaugg and Alexandra Zaugg Swafford
- B. Applicant Address: 5280 Militia Hill Road, Plymouth Meeting, PA
- C. Applicant Phone Number: (484) 686-2302 or Alex Buxbaum (207) 212-0922
- D. Address of Property for which variance is sought: 12 Zaugg Lane

- E. Tax Map and Lot Number of Subject Property: Map 104, Lot 84
- F. Zoning District in which Subject Property is located: Island Residential District
- G. Zoning restriction(s) sought to be varied: Side Setback

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 significant economic injury to the petitioner.

Please document how "significant economic injury" would occur:

"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 in the neighborhood;

- B. The granting of a 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;

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- B. Applicant Address: 5280 Militia Hill Road, Plymouth Meeting, PA
- C. Applicant Phone Number: (484)686-2302 or Alex Buxbaum phone number here
- D. Address of Property for which variance is sought: 12 Zaugg Lane
- E. Tax Map and Lot Number of Subject Property: Map I04, Lot 84
- F. Zoning District in which Subject Property is located: Island Residential District
- G. Zoning restriction: Side setback

II. VARIANCES IN GENERAL

Pursuant to 30-A M.R.S.A. 4352(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 significant economic injury to the petitioner.

Please document how "significant economic injury" would occur:

Given the pre-existing location of the cottage on the property which was built in the 1920s (well before current side setback requirements), in order to conform with the current side setback it would require relocating the entire cottage. This would be a significant economic cost and would not be feasible.

"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;

The need for the variance is due to the location of the cottage with regards to the side setback. The cottage was built many years before the establishment of the current requirements. This renovation will extend the kitchen area 4 feet without the renovated structure getting any closer to the property line than the existing structure already is.

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

The character and quality of the cottage is being maintained and improved. The footprint addition is being kept to a minimum. There will be no detrimental effect to any neighboring properties, if anything, the restoration should positively affect the neighborhood by preserving the strength, character and longevity of the cottage.

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

The practical difficulty is a result of the pre-existing location of a historic cottage which conformed with the requirements at the time it was built. The owner has made efforts in the design to make sure that the addition gets no closer to the side setback than currently exists.

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

Because of the existing location of the cottage, there is no way to address the needed renovation without adding at the side in the non-conforming side setback.

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

There is no adverse effect to the environment of the very minimal renovation.

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

Neither the existing building, nor any of the proposed renovation is located within the 250 foot shoreland setback.



TOWN OF CHEBEAGUE ISLAND

192 North Road
Chebeague Island, ME 04017

Residential Building Permit Application

FOR OFFICIAL USE ONLY	
Date Received	
Zoning	
Property ID	
Building Code	
Estimated Cost	
Permit Fee	
Receipt Number	
Reviewed By	

Permit Number: _____

1. Please attach all required information detailed on the application check list.	
2. If you have questions about what is required in order to obtain a permit, contact the Code Enforcement Office.	
3. DEP Certification is required for projects located in any Shoreland Zoning District.	
Project Address:	12 Zaugg Lane Chebeague Island ME 04017
Parcel ID#:	
Estimated Cost:	\$150,000.00
Current Use:	Summer Cottage
Proposed Use:	Summer Cottage
Please Describe Your Project:	Demolish and rebuild covered porch and Deck. Expand Kitchen Footprint. fix garage

Property Owner Information


Owner Name:	Ana Marva + David Anstice - Zaugg
Mailing Address:	5280 Militia Hill Rd Plymouth Meeting P.A. 19462
Phone Number:	610-941-6722 267-846-9123
Email Address:	aZaugg @ Comcast.net danstice @ Comcast.com

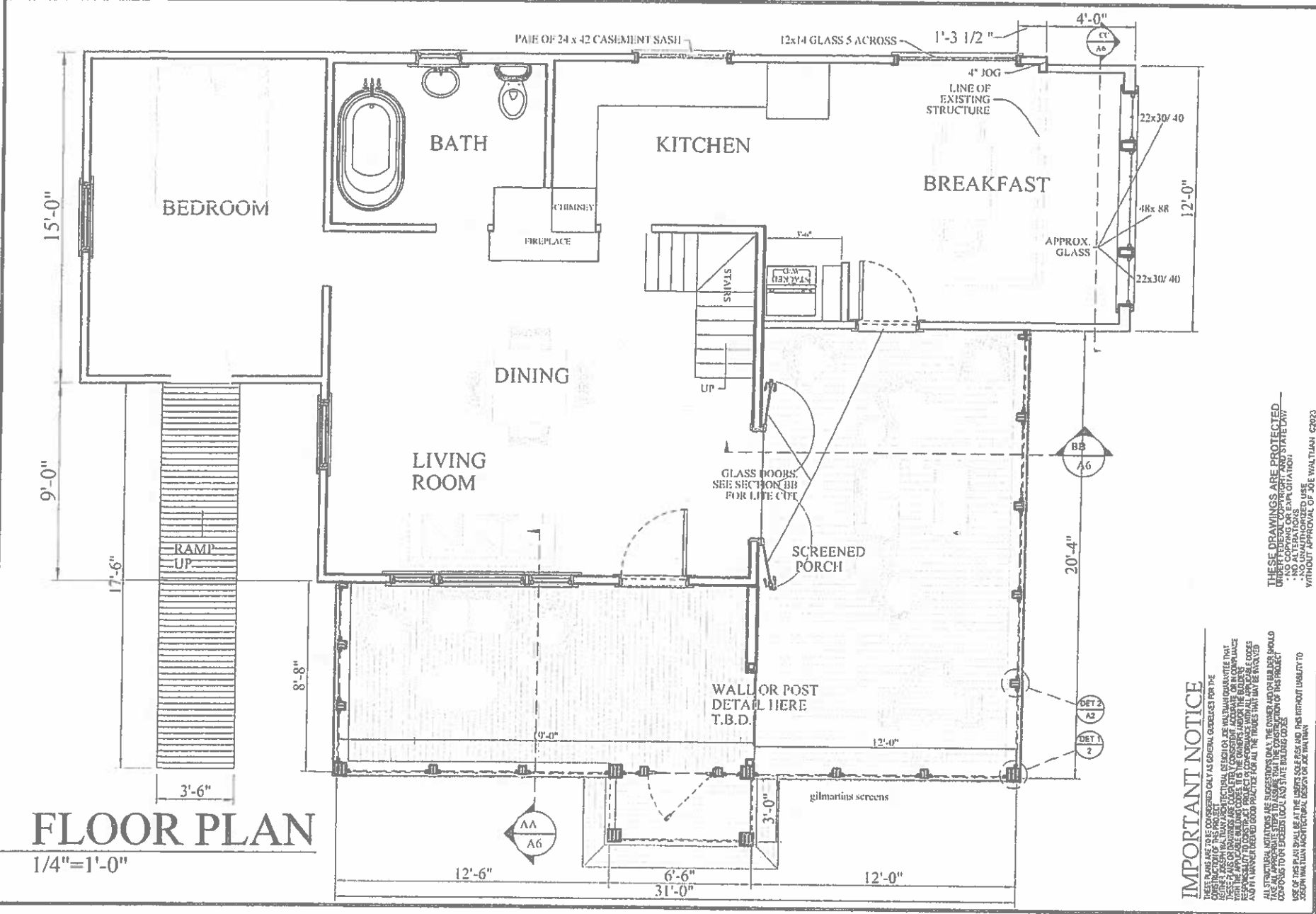
Contractor or Applicant Information

Contractor Name:	A.C. Buxbaum Const. LLC.
Mailing Address:	98 Pinkham Brook Rd Durham ME 04222
Phone Number:	207-762-0922
Email Address:	Buxbaum @ Yahoo.com
DEP Certification:	

Please attach all of the information required on the permit checklist

I hereby certify that I am the Owner of Record of the named property, or that the owner of record authorizes the proposed work, and I have been authorized by the owner to make this application as his/her authorized agent. I agree to confirm to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Officials shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Applicant Signature:		Date:	12/3/23
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FLOOR PLAN

1/4"=1'-0"

IMPORTANT NOTICE

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WALTMAN
ARCHITECTURAL DESIGN

100 W. MAIN ST. SUITE 101
CHEBEAQUE ISLAND, MAINE 04017
PHONE: 603.441.9111 FAX: 603.441.9112

PROJECT: ZAUUG RESIDENCE CHEBEAQUE ISLAND, MAINE

DATE: 08/2023

SCALE: AS NOTED

FLOOR PLAN

A1

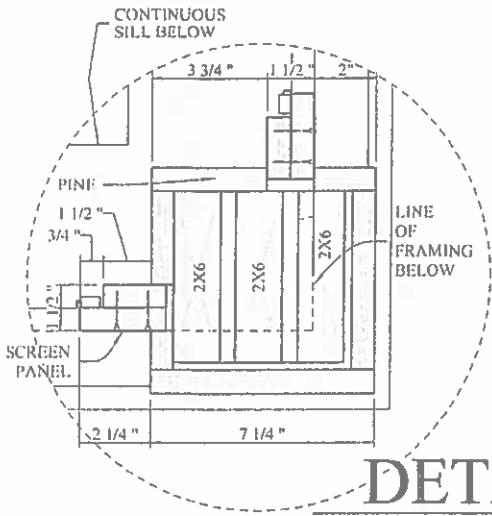


IMPORTANT NOTICE

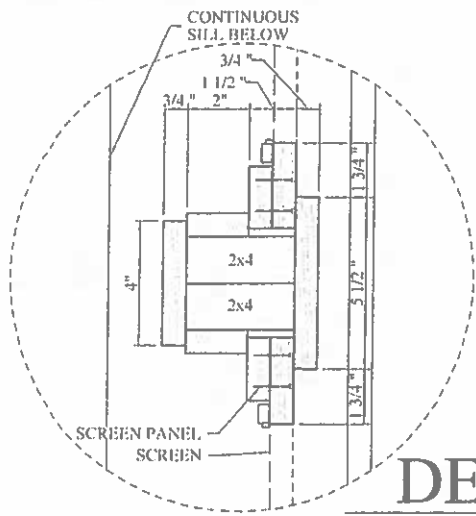
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FRONT ELEVATION
 1/4"=1'-0"



DETAIL 1
 3"=1'-0"



DETAIL 2
 3"=1'-0"

WALTMAN
 ARCHITECTURAL DESIGN
 JOSEPH WALTMAN ARCHITECTURAL DESIGN
 400 FRENCHMAN AVE. SUITE 201
 PORTLAND, ME 04106
 TEL: 603.767.4422 FAX: 603.767.4423

ZAUUG RESIDENCE
CHEBEAGUE ISLAND, MAINE

REV DATES
 SCALE: AS NOTED

REV DATES
 SCALE: AS NOTED

FRONT ELEVATION

A2



RIGHT ELEVATION

1/4"=1'-0"

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WALTMAN
 ARCHITECTURAL DESIGN
 60 BEECH HOLLOW AVENUE
 CHEBEAGUE ISLAND, MAINE 04720



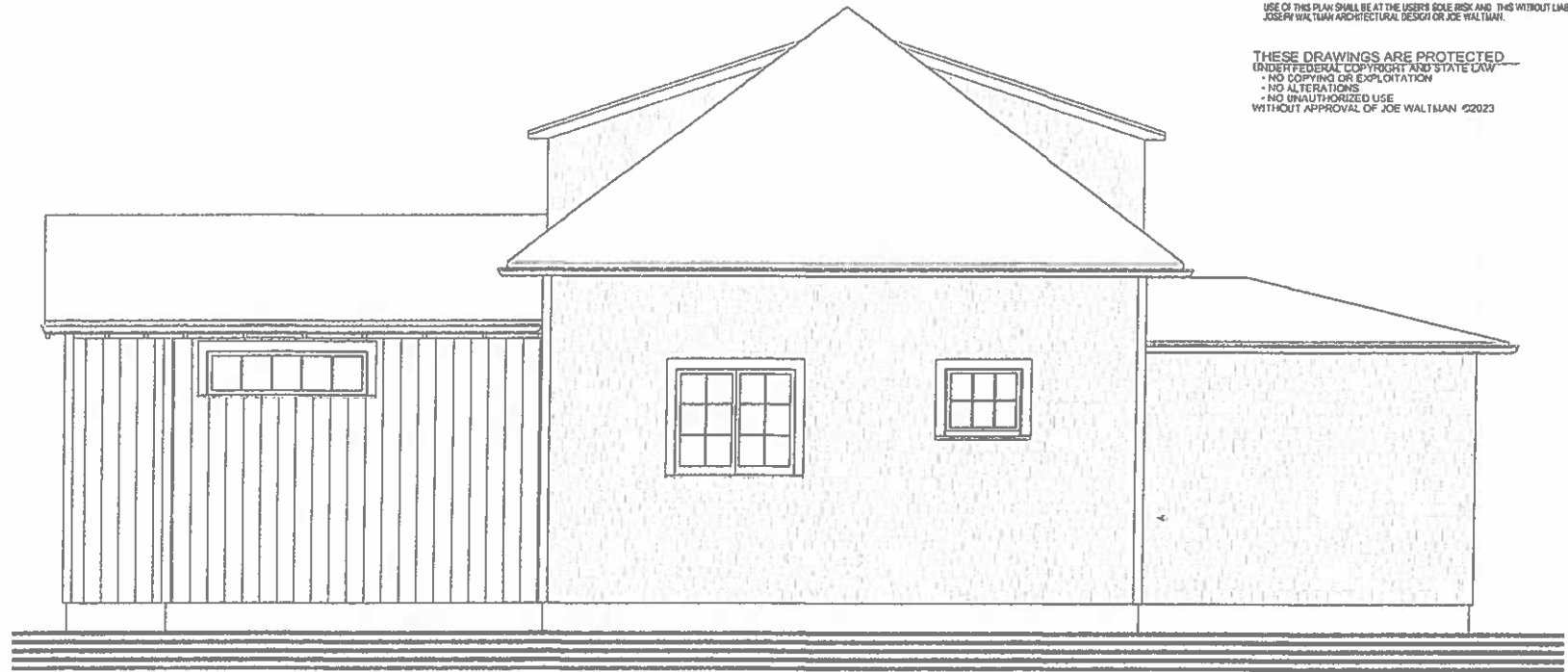
ZAUUG RESIDENCE
CHEBEAGUE ISLAND, MAINE

REVISED DATES
 SCALE: AS NOTED

PROJECT NUMBER
 DRAWING TITLE

RIGHT ELEVATION

A3



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REAR ELEVATION

1/4"=1'-0"

WALTMAN ARCHITECTURAL DESIGN



ZAUUG RESIDENCE
CHEBEAGUE ISLAND, MAINE

REVISE, DATES
SCALE: AS NOTED

REAR ELEVATION

A4



LEFT ELEVATION

1/4" = 1'-0"

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WALTMAN ARCHITECTURAL DESIGN



ZAUUG RESIDENCE
 CHEBEAGUE ISLAND, MAINE

REVISED DATES
 SCALE: AS NOTED

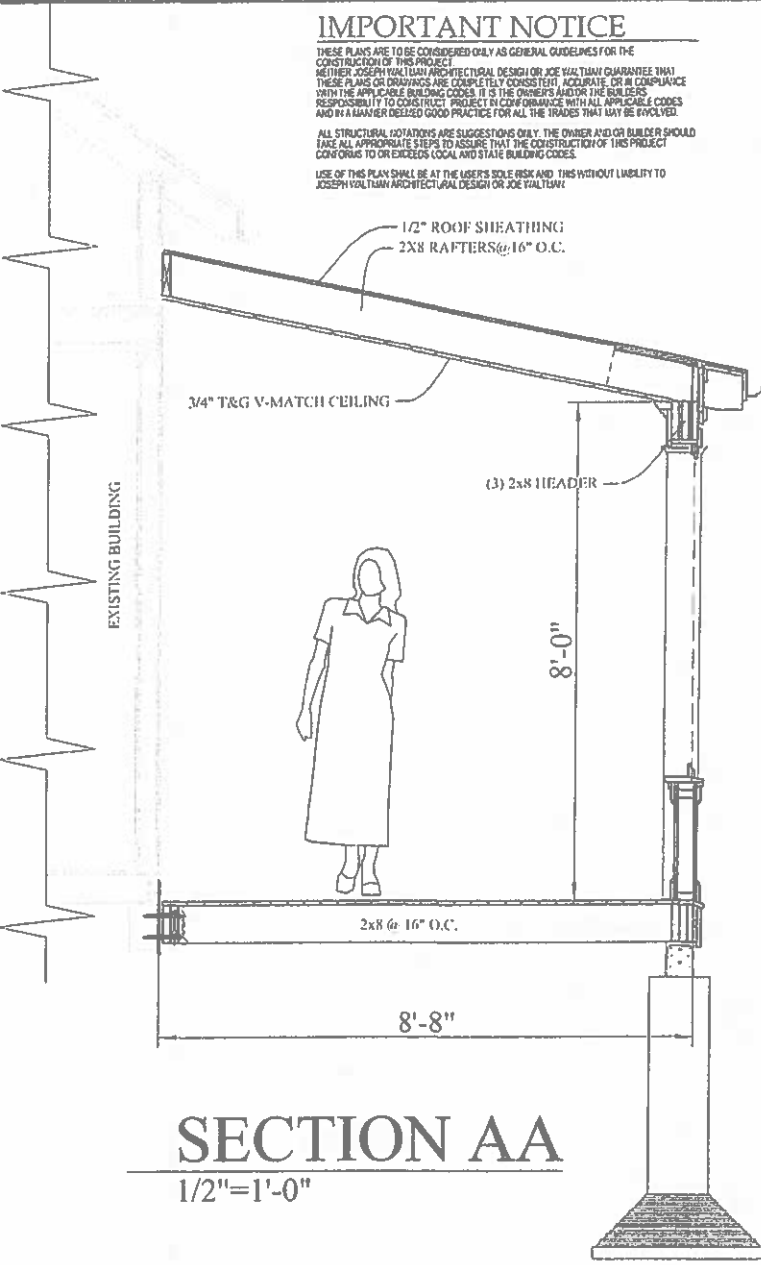
REVISED DATES
 SCALE: AS NOTED

LEFT ELEVATION

A5

IMPORTANT NOTICE

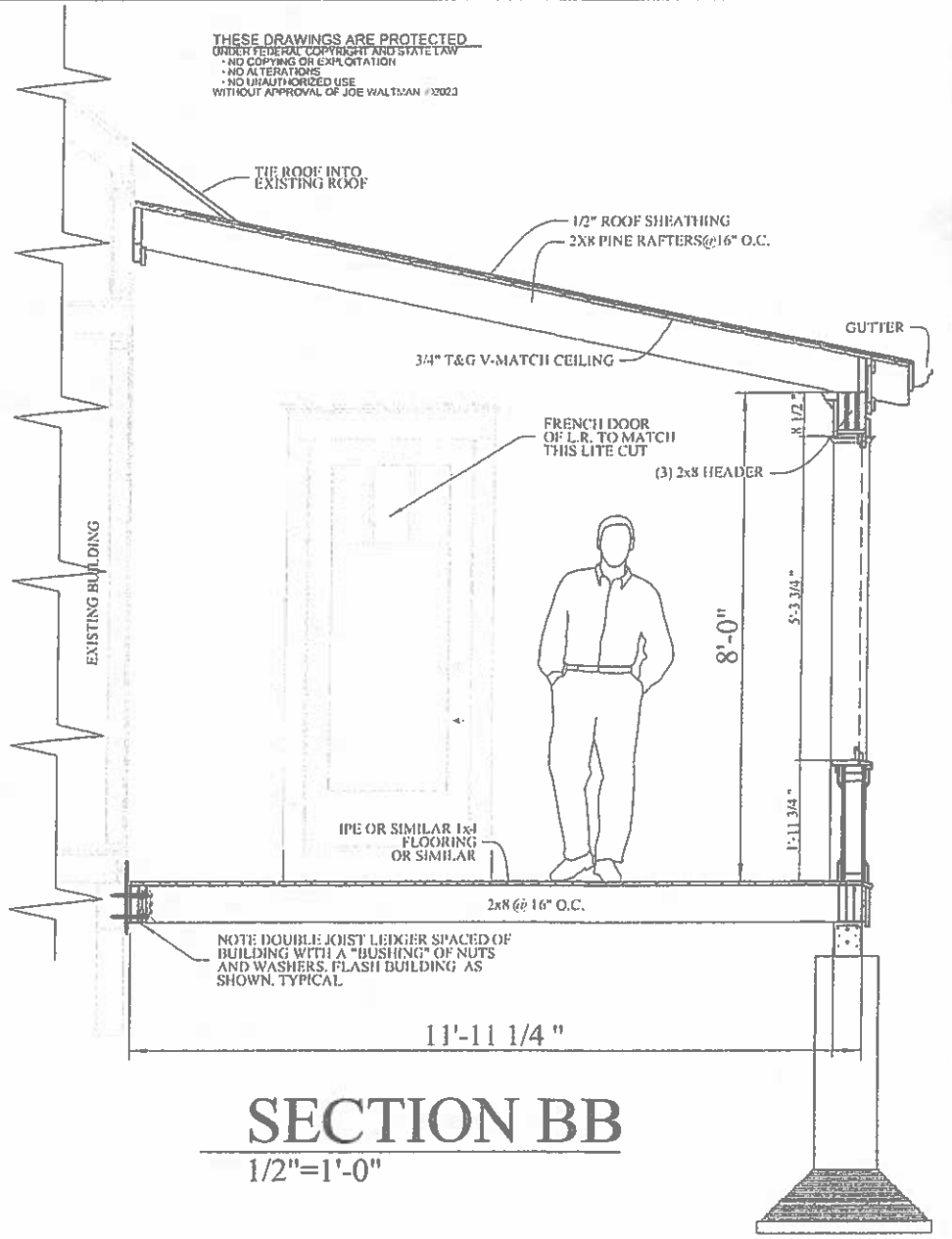
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SECTION AA

1/2"=1'-0"

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 WITHOUT APPROVAL OF JOE WALTMAN #32023



SECTION BB

1/2"=1'-0"

WALTMAN
 ARCHITECTURAL DESIGN
 ARCHITECTURE INTERIORS ARTS/STUDIO
 14551 French Way #215
 FRENCH SPRING, MAINE 04930

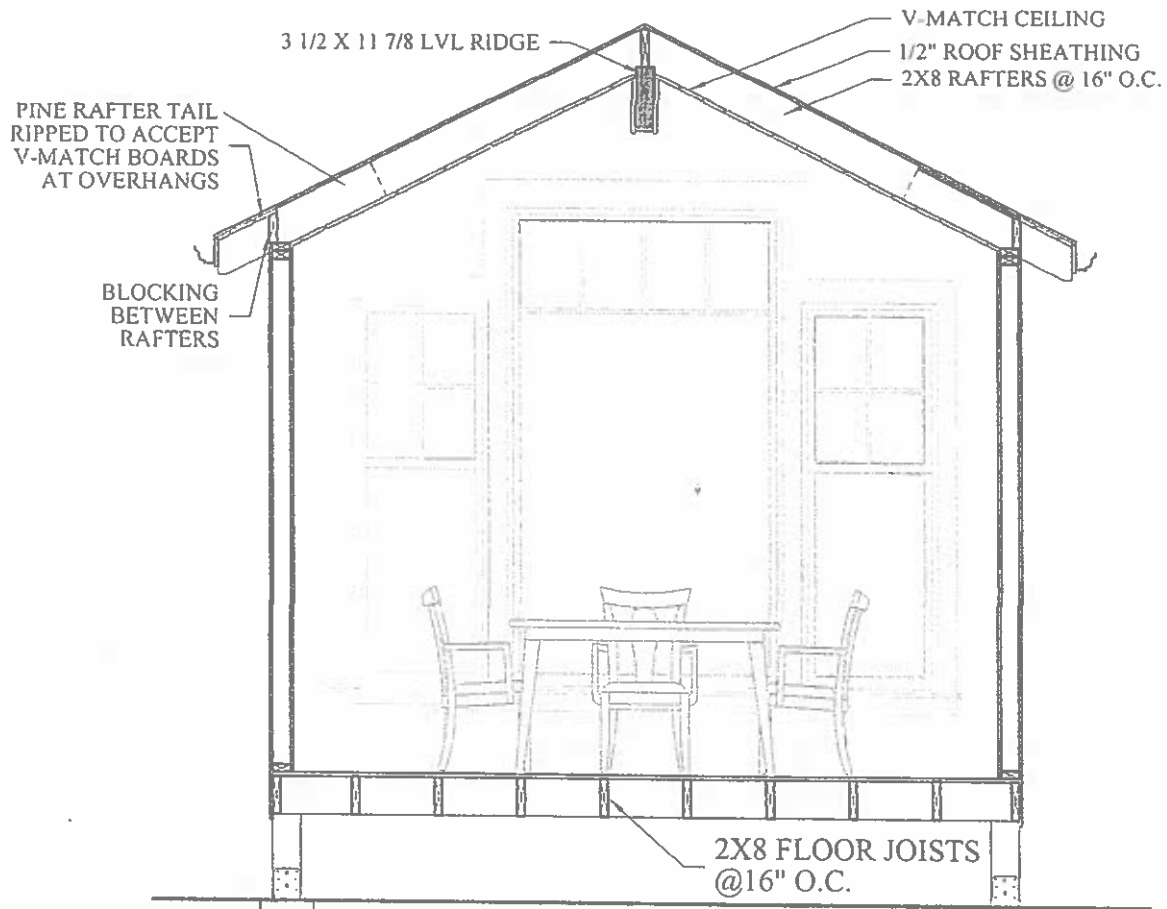
ZAUUG RESIDENCE
 CHEBEAGUE ISLAND, MAINE

REVISED DATES
 SCALE: AS NOTED

DATE: 11/11/2023
 DRAWN BY: JWD

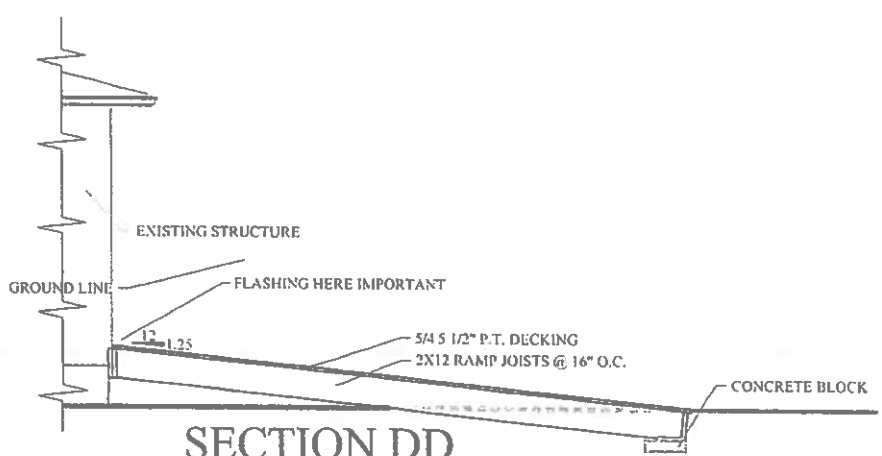
SECTIONS

A6



SECTION CC

1/2"=1 FOOT

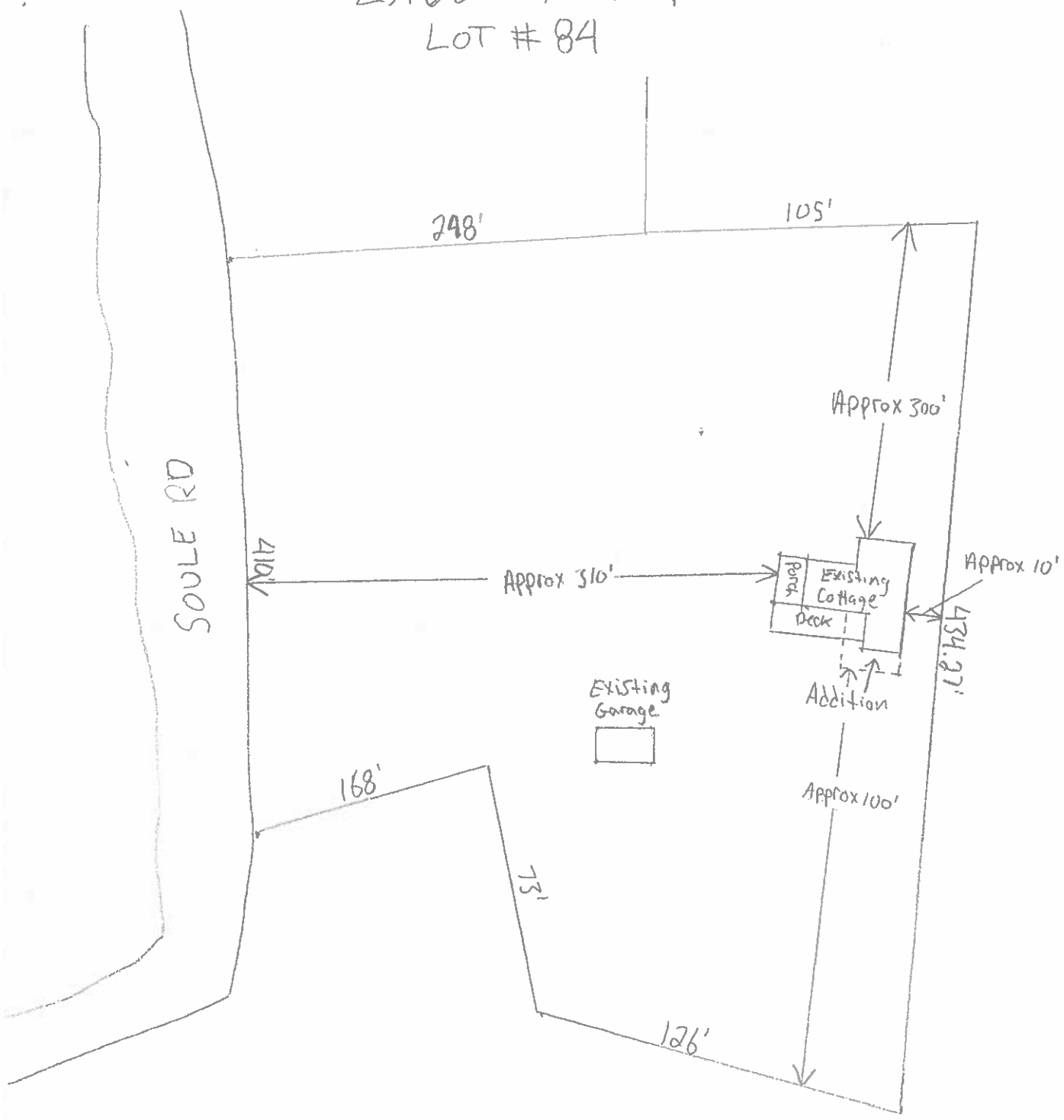


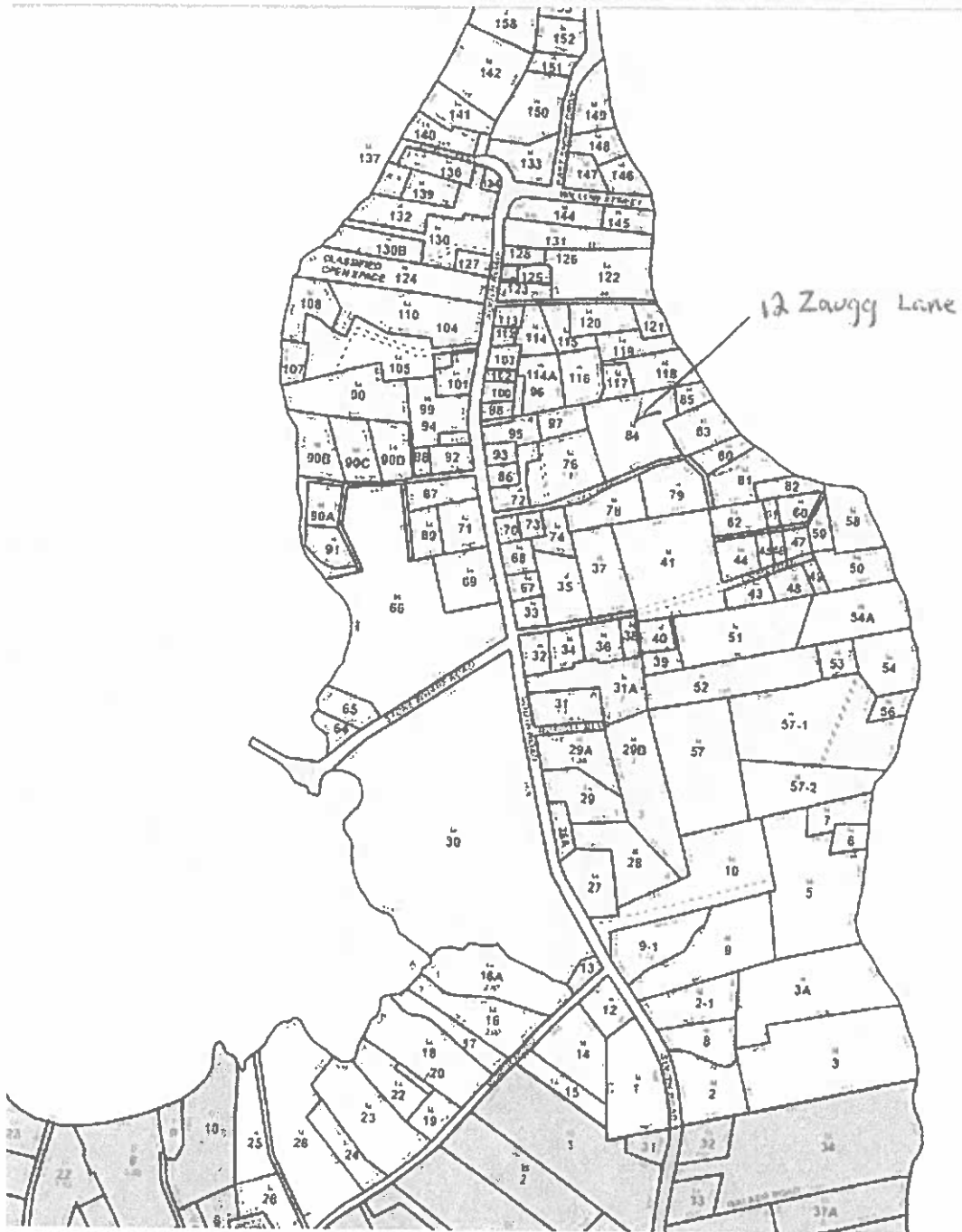
SECTION DD

1/4"=1 FOOT

ZAUGG PLOT PLAN

LOT # 84





MAINE REAL ESTATE TAX-Paid

DLN: 1002240195670

QUITCLAIM DEED WITHOUT COVENANT (Release Deed)
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that I, **RENEE P. ZAUGG NOTTEBOHM**, of Gladwyne, Lower Merion Township, Montgomery County, Pennsylvania, for consideration paid, **RELEASE** to **ANA-MARIA VAN WIE ZAUGG**, of Plymouth Meeting, Montgomery County, Pennsylvania, whose mailing address is 5280 Militia Hill Road, Plymouth Meeting, Pennsylvania 19462, a one-third (1/3) interest as tenant in common in certain real estate located in the Town of Chebeague Island, Cumberland County, Maine, which is more particularly described in Exhibit A attached hereto and made a part hereof.

This conveyance is made **SUBJECT, HOWEVER**, to real estate taxes which are not yet due and payable, which, by acceptance hereof, Grantee assumes and agrees to pay.

WITNESS my hand this 26 day of May, 2022.

[Signature]
Witness Dan Gardner

[Signature]
Renee P. Zaugg Nottebohm

COMMONWEALTH OF PENNSYLVANIA
County of Montgomery, SS.

May 26th, 2022

Then personally appeared the above-named Renee P. Zaugg Nottebohm and acknowledged the foregoing instrument to be her free act and deed.

Before me,

[Signature]
Notary Public
Printed Name: SARAH TODD
My Commission Expires: 01/28/2023

Commonwealth of Pennsylvania - Notary Seal
Sarah B. Todd, Notary Public
Montgomery County
My commission expires January 28, 2023
Commission number 1345662
Member, Pennsylvania Association of Notaries

Exhibit A
Legal description

A certain lot or parcel of land with the improvements thereon, located in the Town of Chebeague Island, County of Cumberland, and State of Maine, adjoining the premises conveyed by John L. Zaugg to Gardiner Layng et al. by deed dated August 18, 1954 and recorded in the Cumberland County Registry of Deeds in Book 2191, Page 344, and bounded and described as follows:

Beginning at an iron bar at the northeast corner of land now or formerly of Martha H. Newell and running North 38° East about one hundred forty (140) feet, more or less, to land now or formerly of Harry L. Hamilton; thence southeast along said land of Hamilton and adjoining it about seventy-two (72) feet to said Layng lot; thence southwesterly by said Layng lot about one hundred twenty-six (126) feet to land of said Newell; thence northwest along land of said Newell and adjoining it about seventy-three (73) feet to the place of beginning.

Also, another lot or parcel of land on said Great Chebeague Island adjoining the above-described lot, bounded and described as follows:

Beginning at the north corner of the above described lot adjoining land now or formerly owned by Harry L. Hamilton and running northwesterly on the line of said Hamilton land sixty (60) feet to a stone post; thence southwesterly parallel to the northwest side of the above described lot one hundred six (106) feet to a stone post; thence southeasterly parallel to the first named line sixty (60) feet to the last above described lot; thence northeasterly parallel to the second line and adjoining the above described lot one hundred six (106) feet to the starting point; the parcel last described being a lot of land between the road running through the field now or formerly owned by Rufus A. Soule and the land of the said Hamilton, together with a right of way or road not less than fifteen (15) feet in width from the highway over land now or formerly of Rufus A. Soule to the northwest side of the first parcel above described as defined in a deed from said Rufus A. Soule to Louis C. Hyde, dated March 11, 1908 and recorded in said Registry of Deeds in Book 820, Page 326.

Also, another certain lot or parcel of land situated on said Great Chebeague Island, bounded and described as follows:

Beginning at a bolt on the westerly corner of a lot of land formerly of Louis C. Hyde and running thence southwesterly along the land now or formerly of W.C. Newell one hundred seventy-five (175) feet to the northeasterly line of the Town Road to the Beach; thence westerly along the Town Road about four hundred ten (410) feet to a stake or stones at the eastern end of the old apple orchard; thence in a northeasterly direction in a straight line to the southeasterly corner of lot now or formerly of Charles W. Hamilton; thence northeasterly along the southeasterly end of said Charles W. Hamilton's lot to land formerly of H. L. Hamilton; thence southeasterly along said H. L. Hamilton's land to the northwesterly corner of land of said Louis C. Hyde; thence southerly and easterly along said Louis C. Hyde's land to the point of beginning.

This conveyance is made subject to the several rights and easements granted by said John L. Zaugg to said Gardiner Layng et al. in said deed dated August 18, 1954 and recorded in said Registry of Deeds in Book 2191, Page 344.

The above-described property is shown as Parcels 1, 2, and 3 on Boundary Survey made for Ana-Maria Zaugg dated September 9, 2003, revised through March 30, 2022, by Titcomb Associates and recorded in the Cumberland County Registry of Deeds in Plan Book 222, Page 124.

Being the same premises conveyed by John V. W. Zaugg to Ana-Maria O. Zaugg, Ana-Maria V. W. Zaugg, Alexandra C. Zaugg, and Renee P. Zaugg, by instrument dated May 23, 1974, and recorded in the Cumberland County Registry of Deeds in Book 3353, Page 104. Ana Maria O. Zaugg died September 14, 2020.

(106)
10873**Know all Men by these Presents,**

That I, JOHN V. W. ZAUGG, of San Mateo in the County of San Mateo and State of California,

in consideration of One Dollar (\$1.00) and other valuable consideration

paid by ANA-MARIA O. ZAUGG, ANA-MARIA V. W. ZAUGG, ALEXANDRA C. ZAUGG and RENEE P. ZAUGG, all of said San Mateo

the receipt whereof I do hereby acknowledge, do hereby

give, grant, bargain, sell and convey unto the said ANA-MARIA O. ZAUGG an estate for and during the term of her life and upon her death unto the said ANA-MARIA V. W. ZAUGG, ALEXANDRA C. ZAUGG and RENEE P. ZAUGG, as ~~joint tenants and not as tenants in common,~~ joint tenants and not as tenants in common, their heirs and assigns forever, a certain lot or parcel of land situated on Great Chebeague Island in the town of Cumberland, County of Cumberland and State of Maine, adjoining the premises conveyed by John L. Zaugg to Gardiner Layng et al by deed dated August 18, 1954 and recorded in the Cumberland County Registry of Deeds in Book 2191, Page 344, and bounded and described as follows:

Beginning at an iron bar at the northeast corner of land now or formerly of Martha H. Newell and running North 38° East about one hundred forty (140) feet, more or less, to land now or formerly of Harry L. Hamilton; thence southeast along said land of Hamilton and adjoining it about seventy-two (72) feet to said Layng lot; thence southwesterly by said Layng lot about one hundred twenty-six (126) feet to land of said Newell; thence northwest along land of said Newell and adjoining it about seventy-three (73) feet to the place of beginning.

Also, another lot or parcel of land on said Great Chebeague Island adjoining the above described lot, bounded and described as follows:

Beginning at the north corner of the above described lot adjoining land now or formerly owned by Harry L. Hamilton and running northwesterly on the line of said Hamilton land sixty (60) feet to a stone post; thence southwesterly parallel to the northwest side of the above described lot one hundred six (106) feet to a stone post; thence southeasterly parallel to the first named line sixty (60) feet to the last above described lot; thence northeasterly parallel to the second line and adjoining the above described lot one hundred six (106) feet to the starting point; the parcel last described being a lot of land between the road running through the field now or formerly owned by Rufus A. Soule and the land of the said Hamilton, together with a right of way or road not less than fifteen (15) feet in width from the highway over land now or formerly of Rufus A. Soule to the northwest side of the first parcel above described as defined in a deed from said Rufus A. Soule to Louis C. Hyde, dated March 11, 1908 and recorded in said Registry of Deeds in Book 820, Page 326.

Also, another certain lot or parcel of land situated on said Great Chebeague Island, bounded and described as follows:

Beginning at a bolt on the westerly corner of a lot of land formerly of Louis C. Hyde and running thence southwesterly along the land now or formerly of W. C. Newell one hundred seventy-five (175) feet to the northeasterly line of the Town Road to the Beach; thence westerly along the Town Road about four hundred ten (410) feet to a stake or stones at the eastern end of the old apple orchard; thence in a northeasterly direction in a straight line to the southeasterly corner of lot now or formerly of Charles W. Hamilton; thence northeasterly along the southeasterly end of said Charles W. Hamilton's lot to land formerly of H. L. Hamilton; thence southeasterly along said H. L. Hamilton's land to the northwesterly corner of land of said Louis C. Hyde; thence southerly and easterly along said Louis C. Hyde's land to the point of beginning.

Together with the buildings on the above described premises.

This conveyance is made subject to the several rights and easements granted by John L. Zaugg to said Gardiner Layng et al in said deed dated August 18, 1954 and recorded in said Registry of Deeds in Book 2191, Page 344.

Being the same premises conveyed to the grantor herein and Charlotte Z. Lasher by John L. Zaugg by deed dated May 22, 1956 and recorded in said Registry of Deeds in Book 2305, Page 120, the interest of Charlotte Z. Lasher having been conveyed to the grantor herein by her deed dated October 27, 1956 and recorded in said Registry of Deeds in Book 2650, Page 14. EXCEPTING and RESERVING, however, to the grantor, said John V. W. Zaugg, an estate for and during the term of his life.

To have and to hold the aforegranted and bargained premises

with all the privileges and appurtenances thereof to the said ANA-MARIA O. ZAUGG an estate for and during the term of her life, and upon her death to the said ANA-MARIA V. W. ZAUGG, ALEXANDRA C. ZAUGG and RENEE P. ZAUGG, as joint tenants and not as tenants in common,

their heirs and assigns, to them and their use and behoof forever.

And I do COVENANT with the said Grantees, as aforesaid/^{their}heirs and assigns, that I am lawfully seized in fee of the premises that they are free of all encumbrances: except as aforesaid;

that I have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and my heirs shall and will WARRANT and DEFEND the same to the said Grantees, as aforesaid/^{their}heirs and assigns forever, against the lawful claims and demands of all persons, except as aforesaid.

In Witness Whereof, I, the said JOHN V. W. ZAUGG,

and ANA-MARIA O. ZAUGG,

wife

of the said

JOHN V. W. ZAUGG,

joining in this deed as Grantor, and relinquishing and conveying all right by descent and all other rights in the above described premises, have hereunto set their hands and seals this 23rd day of May in the year of our Lord one thousand nine hundred and seventy-four.

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Signed, Sealed and Delivered

in presence of

Carlson Strand
Carlson Strand

John W Zaugg
Anna Maria Emine Zaugg
Anna Maria O. Zaugg

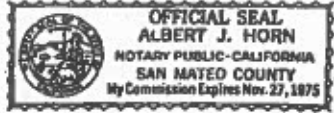
STATE OF CALIFORNIA
~~State of Mexico~~ } ss.
San Mateo, ~~MEXICO~~

May 23 1974

Personally appeared the above named JOHN V. W. ZAUGC

and acknowledged the above

instrument to be his free act and deed.



Before me,

[Signature]
Notary Public.

216 Park Rd. Burlingame, CA. 94010

STATE OF MAINE

REGISTRY OF DEEDS

CUMBERLAND, ss.
Received at 11 H 55 M A M on JUN 3 1974 and recorded in
Book 3553 Page 104 Attest *Westerley* Register