

**Town of Calais
Development Review Board**

Application #2012-17

Findings of Fact, Conclusions of Law, and Order

Introduction

Dofris and Roland Voyer propose to have a sunroom built off their bedroom, attached to the side of the existing house located at 603 Bliss Pond Road in Adamant, parcel ID #460603. The property is in the shoreland district. It is a pre-existing nonconforming small lot and the house is a pre-existing noncomplying structure. The permit application was denied by the Zoning Administrator because a variance is needed due to the setback and lot size. The application came to the DRB on appeal.

The Development Review Board (DRB) held a hearing on Thursday, May 31, 2012, at 7:30 p.m. at the East Calais Recreation Association hall that had been properly warned on May 9. The applicants represented themselves at the hearing.

On Sunday, June 3, 2012, at approximately 7:30 a.m., the DRB conducted a site visit. Mrs. Voyer explained the project and board members walked the site and took approximate measurements. Measurements mentioned in the findings of fact are those shown on the applicants' drawing.

Findings of Fact

- 1) The parcel sits across the road from a portion of Bliss Pond and, according to the flood zone map which was called up on the Zoning Administrator's computer during the hearing, the project is not located within the flood hazard overlay.
- 2) The existing house is 45' X 35.' There is an existing 40' X 30' unattached garage on the opposite side of the house with a driveway that serves both house and garage. There is an existing septic mound system that will be unaffected by the project.
- 3) The existing small side porch or deck, located toward the road from the proposed sunroom, will remain, as will a small porch or deck that exists on the front of the house.
- 4) The sunroom will be approximately 85' from the edge of the pond, 90' from the side property line, and 60' from the rear property line. The portion of the lot on which the project is proposed is 105' deep measured from the road edge.
- 5) The proposed sunroom is 8' deep by 12' long by 10' high at the front, reducing to 7' high at the back, echoing the slope of the roofline of the house. Drainage will be toward the rear. The surrounding area is grassy and runoff from the sunroom roof will drain away from, not towards, the pond.
- 6) The sunroom is expected to be usable during three seasons. It will have windows and

screens and will provide a view of the pond and woods from inside the house. It is to be built without a foundation, using helicoil piers that are drilled, rather than dug, into the ground.

7) The existing windows on the side of the house will be removed and access to the sunroom will be attained from inside the house, through the bedroom, by a standard door (not a sliding door).

Conclusions of Law

The DRB reviewed the proposal under the Calais Land Use and Development Regulations as amended by town vote on March 6, 2012.

The project meets the side and rear setbacks designated in Section 2.4(E) but does not meet the minimum 150' setback from the mean water mark. The property does not meet the 3-acre minimum lot size.

According to Section 2.4(C), the proposed sunroom is a Conditional Use in the Shoreland District. Although the sunroom does not have a foundation and thus may technically not be a structure as defined in the regulations as it does not have "pilings, footings, or a foundation attached to the land," it does involve "the creation of an impervious surface within 150' of the lake or pond."

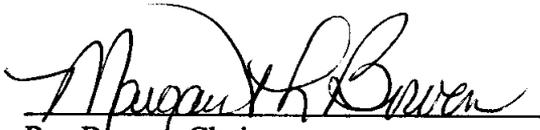
Calais Land Use and Development Regulations Section 3.8 (B)(4) allow for vertical or horizontal expansion of an existing noncomplying structure with approval of the DRB and a finding that the change will have no adverse effect on the public health, safety or welfare. The DRB so finds. Because the sunroom is relatively small (less than 1/4 the size of the existing dwelling), is located on the side of the house behind the existing decks, does not push closer to either the pond or the road, and lacks the type of attachment to the ground that would define it as a "structure" in itself, the DRB finds that the sunroom does not increase the degree of noncompliance of the existing structure. The roofline and lay of the land are such that runoff from the sunroom will be directed away from the pond; it can be expected not to cause erosion and to have no adverse effect on water quality.

The DRB considered the project under the Variance criteria enumerated in Section 1.8. The DRB determined that there are unique physical circumstances, especially the smallness of the lot size, that make it impossible to develop the property in strict conformity with the zoning regulations. The hardship was not created by the appellant and the variance will not alter the essential character of the neighborhood or district, will not impair the use or development of adjacent properties, and will not be detrimental to the public welfare. The sunroom, though not specifically a renewable energy resource structure as conceived in 1.8(B), may be expected to harness some of the renewable energy of the sun to make the house warmer and reduce heating fuel use. The DRB finds that, due to its small size, lack of a foundation, and placement to the side of the house behind existing decks, this proposal represents the minimum that will afford relief and the least deviation from the zoning regulation and plan.

Order

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The DRB grants the variance for the project as proposed.


Peg Bowen, Chair

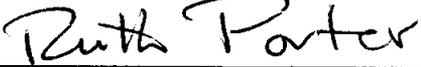
6/27/12
Date

Steve Reynes, Vice Chair

Date


Walt Amses, Member

June 26, 2012
Date


Ruth Porter, Member

June 26, 2012
Date


Nedene Martin, Member

06/26/2012
Date