TOWN OF HARRISON

20 Front Street, PO Box 300, Harrison ME 04040

HARRISON BOARD OF APPEALS
MEETING MINUTES
September 19, 2024

Board Members Present: Robert McBride, Jonathan Whitney, Jacob Henry

Board Members Absent: Steve Bingham, Doug Wall

Staff Present: CEO Jim Fahey, Town Clerk/Secretary Kristen MacDonald

Public Present: Mike Morse/Archipelago, Paul and Marie Saydlowski, property owners

---

Chairman McBride called the meeting to order at 6:05 PM. A quorum was determined. A site walk was held prior to the meeting by the board.

Shoreland Zoning Variance Application- Mike Morse of Archipelago NA representing Paul and Marie Saydlowski 16 Main St. Map 45 Lot 137

Chairman McBride stated that the Sadlowski's are requesting approval of setback variances for a teardown and rebuild on the existing footprint on the non-conforming lot at 16 Main St. in Harrison. The Saydlowskis submitted an authorization letter dated June 5, 2024 for Mike Morris to submit permit applications on their behalf for this project.
In addition the Chairman stated that the applicants had met the "Timeliness" and "Standing" requirements for the application.
Mike Morse stated the applicants purchased the subject property in August 2019 however, the lot was originally created and developed in the 1800s. The parcel is located within the Limited Commercial District and within 250 feet of long Lake. The dwelling structure is located more than

100 feet from the NHWL as delineated by Maine Survey Consultants Inc. however structure is approximately 3.5 feet from the left side property line and 32 feet from the road and therefore is considered a non-conforming structure under the ordinance. In addition the existing non-vegetated lot coverage is 28% which primarily includes the footprint of the house and driveway.
Mike explained the project proposes to remove the existing residential structure and reconstruct on the same footprint. The new structure will be built to the same dimensions and size as the existing one. Due to the very small, narrow size of the lot, the location of the existing driveway, and the relatively steep slope located toward the back of the parcel, Mike said the applicants are proposing to reconstruct the house on the same footprint as the existing structure. The reconstructed building cannot be relocated further from the road due to the presence of an existing concrete foundation (solarium) on the easterly end of the house and the steep slope on the property behind that portion of the building. It cannot be reconstructed in a southerly direction due to the location of the existing driveway. Lot coverage will remain unchanged from the existing 28%. Reducing lot coverage to 20% is not possible as it would eliminate the majority of the driveway which would cause parking of vehicles in the roadway or else on the sidewalk and partially in the roadway. This would create extremely unsafe conditions for the applicant and other motorists. Pursue to Section 12 A of the town SZO, non-conforming conditions that existed before the effective date of this ordinance shall be allowed to continue, as long as the non-conforming condition is not allowed to become more non-conforming. Mike states the proposed project maintains these conditions and does not increase the nonconformity of the property.
Chairman McBride asked if there were any questions from the Board or the public and there were none.

Findings of Fact

1. Property existing use is residential and is located at 16 Main St. Map 45 Lot 137 and is within the Limited Commercial District and is in the Shoreland Zone.
2. Lot size and area of land involved in the site is 5449 SF.
3. The size of the existing building and the proposed size of the new building are each 939 SF.
4. The setback of the proposed building is ~121' from the normal high water line of Long lake, set backs from abutting property owners are North 3.5' and South 14.8', setback from the road is~31.5' from the eave.
5. The percentage of site to be covered by non-vegetated surfaces is 28% consisting primarily of the footprint of the house and driveway and exceeds the maximum 20% allowable.
6. The lot was originally created and developed in the 1800s and was purchased by the applicants in August 2019.
7. The original building, the "George Spaulding House" was built pre-1900 which preceded any Shoreland zoning or building setback regulations.
8. Site plan prepared January 2024 by Maine survey consultants Inc. Harrison, Maine was submitted with the application.
9. A septic report dated Oct. 18, 2019 by Lake Region Septic Inspections, Harrison, ME stated that at that time the system was in functioning order and passed inspection.

Conclusions of Law:

Justification of Shoreland Variance – 4 Undo Hardship Criteria
(the applicant must meet all four of the criteria)

Applicant's response:

1. The land in question cannot yield a reasonable return unless the variance is granted.

The existing house was built pre-1900 and the condition of the structure has become somewhat dilapidated over the years, despite continued maintenance. Due to the age of the structure, there has been considerable settling of the basement causing structural damage to the walls and floors such that it would require substantial resources to correct. The applicants originally proposed replacing just the basement. However, further inspection revealed that lifting the existing structure to replace the basement would likely result in the structure collapsing and causing significant damage.
Due to very modest lot size (5,449 SF) and other existing conditions (i.e. septic, driveway), the only practical location for the reconstructed building is the current building location on the lot. Even if the driveway is eliminated, which is not possible, the building footprint will not meet the side line setbacks when centered on the lot. If the applicants are unable to remove and reconstruct the residential dwelling on the property, the land cannot yield a reasonable return on their property.
Jonathan moved, Jacob 2nd that the land in question cannot yield a reasonable return unless the variance is granted. All were in favor.

2. The need for the variance is due to the unique circumstances of the property and not the general conditions in the neighborhood.

The uniqueness of the property stems from the age of the building and very modest size of the lot. The lot is only 5,449 square feet (approximately 0.13 A), a fraction of the size of other lots in the vicinity and therefore alternative locations of the building are not feasible. In addition, the narrow size of the lot, location of the existing driveway, and the relatively steep slope toward the back of the parcel prevents the relocation of the footprint to meet the road and side setback requirements.
Jonathan moved, Jacob 2nd that need for the variance is due to the unique circumstances of the property and not the general conditions of the neighborhood. All were in favor.

3. The granting of a variance will not alter the essential character of the locality.

There will be no change to the essential character of the locality. The village neighborhood is primarily developed with a mix of residential and commercial buildings and the granting of the variance will not alter this character. The new structure is to remain residential and will be rebuilt in the same footprint and to the same dimensions and size as the existing house.
Jonathan moved, Jacob 2nd that the granting of a variance will not alter the essential character of the locality. All were in favor.

4. The hardship is not the result of action taken by the appellant or prior owner.

The existing house was built pre-1900. Despite continued maintenance much like an automobile or humans, eventually age takes its toll. In addition, the lot was created many years prior to the adoption of modern zoning regulations and so is substantially smaller than the existing ordinance requires. The very small lot does not offer other reasonable alternative locations to reconstruct the home.

Jacob moved, Jonathan 2nd that the hardship is not the result of action taken by the appellant or prior owner. All were in favor.|

Motion on Request for Variance:

All 4 hardship criteria having been met Jonathan moved, Jacob 2nd that the variance be granted for:

setbacks of: North side set back variance 7 feet. (10'-3.5=6.5') and Road set back variance 19 feet. (50'-31.5=18.5'). In addition non-vegetated surface maximum percentage be increased from 20% to 28%. All were in favor.

There being no Unfinished Business or New Business
motion to adjourn made by Jacob Henry at 7:15 pm.

_____

Chairman Robert McBride

_____

Secretary Kristen MacDonald