

CITY OF LEWISTON
BOARD OF APPEALS MEETING
FINAL MINUTES for February 6, 2019

- I. **ROLL CALL:** The meeting was held in the Third Floor Conference Room on the third floor of City Hall and was called to order at 6:00 p.m. Patricia Gagne' chaired the meeting.

Members in Attendance: Patricia Gagne', John Clifford IV, Paula Masselli, Leslie Dubois, Daniel Dube', Phyllis Rand and Roger Dupre

Members Absent: Leslie Dubois

Associate Member Present: Steve Bannister

Associate Member Absent: Alexander Willette

Staff Present: David Hediger, Director of Planning & Code and Cathy Lekberg, Administrative Assistant, Planning & Code Enforcement

Patricia appointed Steve Bannister as full voting member for this meeting.

- II. **ELECTION OF OFFICERS:**

MOTION: by **John Clifford, IV** to elect Patricia Gagne' as Chairperson.
Second **Paul Masselli**.

VOTED: 7-0 (Passed)

MOTION: by **Paula Masselli** to elect John Clifford, IV as Vice Chairperson.
Second **Dan Dube'**.

VOTED: 7-0 (Passed)

MOTION: by **John Clifford, IV** to elect Paula Masselli as Secretary. Second **Roger Dupre**.

VOTED: 7-0 (Passed)

Patricia explained to the Board and public how the meeting will run.

- III. **NEW BUSINESS:**

To consider a request of Petitioner, Joao Kifiya, 1500 Forest Avenue #15A, Portland, ME 04103. The Petitioner is requesting a variance from the frontage requirements of the Neighborhood Conservation "B" district to develop a lot with 45' of frontage at 10 Nomar Court.

Members stated they have all read David's staff comments and agreed they did not need to have him read them.

Matthew Boulerice stated he is a realtor from Kennebec Property Holdings and owner of 10 Nomar Court and explained that he was selling the property to Joao Kifiya who is proposing to build a 1,000 square foot home on the property but they need to get a variance from the frontage requirement of 50' in the Neighborhood Conservation "B" district to develop a lot with 45' of frontage.

Public Comment - Opposition

Janet Fontaine of 18 Nomar Court stated she also owns 16 Nomar Court and have combined them. She has lived there for 45 years. Her concern was with being able to park her travel trailer on her property near the fence on 10 Nomar Court. The members reviewed the map of the properties and found that she would have no problems parking her trailer where she has it on her property.

Public Comment Closed

Members discussed the Code of Ordinances and decided they could grant this variance only when it finds that the strict application of a provision of this code would cause undue hardship to the petitioner and his property. They made the following motions:

MOTION: by **John Clifford IV** that the land in question cannot yield a reasonable return unless a variance is granted because there are physical conditions unique to the property which are of such an extraordinary nature that strict application of the provisions of this Code greatly decreases its value for any use to which it can be put under the provisions of this Code. Second **Daniel Dube'**

VOTED: **7-0 (Passed)**

MOTION: by **John Clifford, IV** that the need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood. Second **Daniel Dube'**

VOTED: **7-0 (Passed)**

MOTION: by **John Clifford, IV** that a hardship is not the result of action taken by the petitioner or a prior owner. Second **Daniel Dube'**

VOTED: **7-0 (Passed)**

MOTION: by **John Clifford, IV** that the granting of the variance will not alter the essential character of the locality. Second **Daniel Dube'**

VOTED: **7-0 (Passed)**

MOTION: by **John Clifford, IV** that the granting of the variance will not result in undue impact on adjacent properties due to the placement of buildings or structures, location of storage, parking or service areas, diversion of surface water or blocking of solar access. Second **Daniel Dube'**

VOTED: **7-0 (Passed)**

MOTION: by **John Clifford, IV** that the granting of the variance will not impede the ability of public safety services to reach or service the property or adjacent properties. Second **Daniel Dube'**

VOTED: **7-0 (Passed)**

MOTION: by **John Clifford, IV** pursuant to Article VIII, Section 4(2) and Article IX, Sections 3(2), and 6 of the Code of Ordinances of the City of Lewiston granting a variance of frontage requirements of the Neighborhood Conservation "B" district to Joao Kifiya and Matthew Boulerice/Kennebec Property Holdings, LLC to develop a lot with 45' of frontage instead of the required 50' frontage at 10 Nomar Court. Second **Daniel Dube'**

VOTED: **7-0 (Passed)**

IV. READING OF MINUTES: Draft Minutes for the December 19, 2018 meeting.

MOTION: by **Paula Masselli** to accept the draft minutes from the December 19, 2018 meeting as presented. Second **Roger Dupre.**

VOTED: **6-0-1 (Passed)**
Dan Dube' Abstained

V. ADJOURNMENT: The following motion was made to adjourn.

MOTION: by **Paula Masselli** that this meeting adjourns at 6:41 p.m. Second by **Roger Dupre.**

VOTED: **7-0 (Passed).**

Respectfully Submitted:

Paula Masselli

Paula Masselli, Secretary *CLL*