

City of Biddeford
Zoning Board of Appeals
June 14, 2017 6:00 PM Council Chambers

- 1. Pledge of Allegiance**
- 2. Acceptance of Minutes**
- 3. Old Business/Tabled Items**
- 4. New Business** - *2017.001 UG Biddeford, ME, LLC, 580 Alfred St., Biddeford, ME 04005. Applicant is requesting a variance from setback requirements. Property is located at 580 Alfred St. (6 Old Dogs Way), Map 2 Lot 23-1 in the B2 Zone. Property is owned by United Growth Capital Management, LLC., and presentation is made by Sebago Technics.*
 - 4.1. Variance Application
[ZBA application for 6-14-2017.pdf](#)
- 5. Other Business**
- 6. Adjourn**



May 24, 2017
14365

City of Biddeford
Zoning Board of Appeals
P. O. Box 586
Biddeford, ME 04005

Application for Variance – 580 Alfred Street, Tax Map 2, Lot 23-1

Dear Members of the Board:

United Growth Capital Management, LLC respectfully submits ten (10) copies of the enclosed plan and application form for a side line variance for a lot split of the two buildings recently constructed at 580 Alfred Street. The applicant developed the property with the full intention of keeping the project as one property containing two buildings. Due to unanticipated circumstances, the applicant can no longer retain ownership of the site and has marketed the project for sale. During this process, it has become apparent that potential buyers are interested only in one building, not two. As such, the applicant is proposing to divide the property as shown on the enclosed plan to create two separate lots that meet the space and bulk requirements of the B2 Zone. As this had not been a consideration during the initial development, the two buildings are located just under 18 feet apart. As the zone requires a 10 foot side yard setback to a structure, it is physically impossible to divide the property and maintain the setback for both buildings. Accordingly, as depicted on the enclosed plan, Lot B, containing the westerly building, will maintain the required 10 foot setback, Lot A, containing the easterly building, requires a variance from the 10 foot side yard setback of 2.19 feet. As such, the applicant respectfully requests a variance from the Zoning Board of Appeals of 2.2 feet from the side yard setback for Lot A. The justification for the variance is contained within the enclosed application completed by the applicant.

We are hopeful that this submission provides the requested information such that the Board may approve the variance. Upon your review of the enclosed information, please call with any questions or comments.

Thank you for your consideration.

Sincerely,

SEBAGO TECHNICS, INC.

A handwritten signature in black ink that reads "Shawn M. Frank".

Shawn M. Frank, P.E.
Sr. Project Manager

SMF:llg
Enc.

cc: United Growth Capital Management, LLC

APPLICATION FOR VARIANCE OR
APPEAL TO BOARD OF ZONING APPEALS

CITY OF BIDDEFORD, MAINE

NAME OF APPELLANT United Growth Capital Management, LLC
MAILING ADDRESS 1000 4th Street
CITY OR TOWN San Rafael, CA 94901
TELEPHONE 415-707-7015 MAP 2 LOT 23-1 ZONE B2
NAME OF OWNER UG Biddeford, ME, LLC
PROPERTY LOCATION 580 Alfred Street, Biddeford, ME

The undersigned requests that the Board of Appeals consider one of the following:

- Administrative Appeal** Relief from decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit. The undersigned believes that (check one).
- an error was made in the denial of the permit.
- the denial of the permit was based on misinterpretation of the ordinance.
- there has been a failure to approve or deny the permit within a reasonable period of time.
- other _____

Please explain in more detail the facts surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

Variance

a. Nature of Variance: Describe generally the nature of the variance _____

Allow for a lot split between the 2 buildings currently on the property. Buildings are 19'10" apart, and it is understood a 10' setback from each building (20' total) is currently the code.

In addition, a sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

b. Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms

of the Zoning Ordinance would cause undue hardship. The following criteria must be met before the Board of Appeals can find that a hardship exists. Please explain how our situation meets each of these criteria listed below.

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

Not being able to split the 2 buildings on this lot would significantly impact the valuation of this property.

2. The need for a variance is due to the "unique circumstances of the property (not desired use or personal hardship) and not to the general conditions in the neighborhood.

Due to the requirement of maintaining the wetland area in the front of the property, and the limited usability of the site; this has created a unique circumstance on the property where we were limited in ability to achieve total side yard setback of 20' between the vertical faces of each building.

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

The request for variance to split this lot will not alter the essential character of the locality. the two buildings will have cross parking and easement access, and will not alter the current or future aesthetic of the buildings approved.

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

Were not aware of informed of sideyard setback requirements. Property size and limitations further reduced ability.

5. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this Ordinance.

allowing this lot split variance would not be a detriment to the public, and it would not impair current ordinances. customer and public access would not be impacted or altered.

Other: _____

I certify that the information contained in this application and its supplement is true and correct.

Date 05/08/17



APPELLANT