

Town of Readfield, Maine
Board of Appeals

IN THE MATTER OF:

Steven and Becky Chamberlain)
83 Poulin Dr.) Decision
Readfield, Maine)

History of the Case

On or around August 28, 2023, Steven and Becky Chamberlain applied to the Readfield Board of Appeals for a variance. The Chamberlains requested a relaxation of the road setback for a garage on their property at 83 Pouliun Drive. The Chamberlains wanted to build their garage 17 feet from the edge of Poulin Drive.

On September 21, 2023, the Board of Appeals held a hearing to review the Chamberlains' variance application. Board of Appeals members William Gagné Holmes, John Blouin, Holly Rahmlow, Les Priest and Al Prysunka attended the hearing.

Legal Standard

The Board of Appeals has original jurisdiction to hear and decide variance applications. Board of Appeals Ordinance §7(B). A variance is a relaxation of limited sections of the Land Use Ordinance for specific cases. *Id.* For a variance to occur, the applicant must establish all 4 of the following factors: (1) the land in question cannot yield a reasonable return unless a variance is granted; and (2) the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; and (3) the granting of a variance will not alter the essential character of the locality; and (4) the hardship is not the result of action taken by the applicant or a prior owner. *Id.* The Appellant has the burden of proof. Board of Appeals Ordinance §14(D).

Findings of Fact

The Chamberlains live year-round in their home in Hermon, Maine.

Around July, 2017, the Chamberlains purchased the property at 83 Poulin Drive, Readfield, Maine. The lot is around 4 acres. After purchasing the property, the Chamberlains built a dwelling, which is about 11 feet by 36 feet. The land and the home are worth more than \$200,000.00. The Chamberlains can access their property by car and by boat.

The Chamberlains want to build a 32 foot by 40 foot garage about 17 feet from the roadway.

Reasoning Behind This Order

A variance is allowed if the applicants can prove all 4 of the following elements: 1) the land in question cannot yield a reasonable return unless a variance is granted; and (2) the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; and (3) the granting of a variance will not alter the essential character of the locality; and (4) the hardship is not the result of action taken by the applicant or a prior owner. Board of Appeals Ordinance Section 7(B)(1).

In this case, the Board of Appeals concludes that the Chamberlains have beneficial use of their land without any consideration of the garage in question. The dwelling that can be accessed by boat or car amounts to yielding a reasonable return. Having concluded that the applicants cannot prove the first element of Board of Appeals Ordinance Section 7(B)(1), the Board of Appeals does not consider the remaining elements.

Accordingly, the Board of Appeals finds that the Chamberlains did not establish all 4 elements required for a variance pursuant to Board of Appeals Ordinance Section 7(B)(1).

Conclusion

The Chamberlains' variance application dated August 28, 2023 is denied.

Reconsideration and Appeal Rights

Any party aggrieved by this Decision may seek reconsideration of it by filing a written request for reconsideration with the Town Clerk no later than October 1, 2023. Board of Appeals Ordinance §15(A). Whether or not a request for reconsideration is made, any party aggrieved by this Decision may file an appeal of this Decision with the Superior Court for Kennebec County in accordance with Rule 80(B) of the Maine Rules of Civil Procedure by the later of forty-five days after September 21, 2023, or within 15 days after the vote by the Board of Appeals on any reconsideration. 30-A M.R.S. §2691(3).

Dated: September 25, 2023

On behalf of the Board of Appeals

William Gagné Holmes

William Gagné Holmes, Chairperson / A.P.