

**APPLICATION FOR APPEAL  
TO WINDHAM ZONING BOARD OF APPEALS**

Fee Paid \$400.00 CK # \_\_\_\_\_ CASH \_\_\_\_\_ CHARGE \_\_\_\_\_ DATE \_\_\_\_\_

**APPLICANT**

NAME: GARY Lytle  
ADDRESS: 15 SWETT RD WINDHAM ME 04062  
TELEPHONE: 207 450 2536

**OWNER**

NAME: GARY Lytle  
ADDRESS: 15 SWETT RD WINDHAM ME 04062  
TELEPHONE: 207 450 2536

**ADDRESS OF PROPERTY OR LOCATION**

MAP # 6 LOT # 63-1 PROPERTY IS ZONED F  
LOT WIDTH: 201' LOT DEPTH: 417 LOT AREA: 86,299 sq. ft.  
EXISTING USE OF PROPERTY: Single family Home

**TYPE OF APPLICATION**

☒ Variance from Ordinance  
☐ Conditional Use  
☐ Appeal from decision of Code Enforcement Officer  
☐ Home Occupation 2  
☐ Expansion of a Non-Conforming Use

**PROPOSED USE:** Please describe in detail what you wish to do and what the use of any proposed structures will be. (Attach a letter of explanation if necessary :)

Requesting Set Back Change to 10 feet  
as shown on Sub Division Plan Approved  
By Planning Board

**Why is Board of Appeals approval required?**

Because my Building Permit Application was  
Denied

Amount of variance required, if any: 30 ft.

TYPE OF SEWAGE DISPOSAL SYSTEM: Present \_\_\_\_\_ Proposed X

STRUCTURAL DIMENSIONS: (Exterior length and width)

Existing 60 ft. By 50 ft. Number of Stories 2

Proposed 20 ft. By 30 ft. Number of Stories 1

NUMBER OF ROOMS IN PROPOSED STRUCTURE: 2

IS ADDITIONAL PLUMBING CONTEMPLATED? Yes X No \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

IF REQUIRED, HAS PLANNING BOARD APPROVAL BEEN OBTAINED?

Yes \_\_\_\_\_ No \_\_\_\_\_ Not Required X

A location map and a scaled site plan must accompany this application. The site plan must show dimensions of the property, location of all buildings, yards, parking spaces and septic systems, and all existing and proposed setbacks.

An application fee of \$400.00 for residential appeals as well as for non-residential or multi-family is required upon application submission. *If the Code Enforcement Office determines that ordinary and customary expenses associated with review of the development are higher than the \$400.00 fee, then the applicant shall be billed and shall pay to the Town prior to the final approval said expenses, including, but not limited to cost associated with notification of abutters, advertising of public meetings, and all the time dedicated to review of the development.*

NOTE: Applicant or his/her representatives must attend board meetings. If a request is needed to be tabled, the applicant or his/her representative must attend meeting to ask to be tabled. (11/21/91).

**The right of any variance from the terms of this chapter granted by the Board of Appeals Shall expire if the work or change permitted under the variance is not begun within six (6) Months or substantially completed within one (1) year of the date of the vote by the Board.**

***I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND IN ITS SUPPLEMENTS IS TRUE AND CORRECT.***

Applicant's Signature  Date 6/21/17

**APPLICATION FOR APPEAL OR A VARIANCE TO THE ZONING BOARD OF APPEALS**

Name of Applicant: GARY Lytle

Mailing Address: 15 SWETT RD WINDHAM ME

Location of Property: 15 SWETT RD WINDHAM ME

Zone: Farm Map: 6 Lot: 63-1

Name of Owner: GARY Lytle Telephone Number: 207 450 2536

**Appeals Request:**

     1. **A Conditional Use Permit** - A use which shall be authorized when all of the conditions of Section 513 and other applicable provisions of this Ordinance have been met. (See "Conditional Use" in Sec. 500 Performance Standards)

     2. **An Administrative Appeal of a decision by the Code Enforcement Officer**, except for enforcement-related matters as described in Section 16(l)(2)(b), must be filed within thirty (30) days of the date of the official written decision.

✓ 3. **Application for a Variance** : ... variance may be granted for  
lot area, lot coverage by structure, setbacks and off-street parking. A variance shall not be granted to permit a use or structure otherwise prohibited. A variance can only be granted where undue hardship is proven. Undue hardship criteria is as follows:

- i. That the land in question cannot yield a reasonable return unless the variance is granted.
- ii. That the need for a variance is because of unique circumstances of the property (such as location of existing structures, topographical features, etc.) and not to the general conditions of the neighborhood.
- iii. That the granting of a variance will not change the essential character of the locality; and
- iv. That the hardship is not the result of action taken by the applicant or a prior owner.

In hearing appeals under this section, the Board of Appeals shall require that attention be given to the following wherever applicable:

- i. Location, character and natural features.
- ii. Fencing and screening.
- iii. Landscaping, topography and natural drainage.
- iv. Vehicular access, circulation and parking.
- v. Pedestrian circulation.
- vi. Signs and lighting.
- vii. All factors which affect health, welfare and safety.

A concise written statement indicating what relief is requested and why the appeal or variance should be granted. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought. A fee in the amount of \$400.00 at the time of submission.

I certify that the information contained in this application and its supplements are true and correct:

Dated: 6/21/17

Applicant Signature: [Signature]

Variance questions – for 15 Swett Rd

- I. Yes, This variance will allow for the building of an accessory apartment that has been planned for over two years. There is Ledge and other services in place to support building in this location.
- II. Yes, The unique circumstances are that the house was placed in the location to allow for the accessory apartment within the building footprint that was marked out on the subdivision map and all of the services were pre built in to support the construction.
- III. No, This is farm zone there is no impact on the essential character of the locality.
- IV. Yes, This hardship was created by an oversight when the land was subdivided. The approved subdivision map shows a building envelope that has a 10 foot side setback. This is why the original house was located where it is to allow for the accessory apartment to be built.



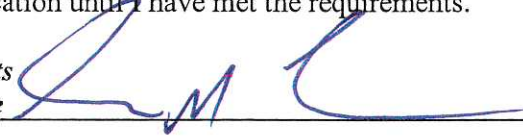
## *Statement to Town of Windham Board of Appeals*

I acknowledge submitting my application to the Board of Appeals and signing this statement that I the undersigned:

State the proposed plan is to scale and reflects the true representation of the proposal requested.

I further understand that if the Board finds that it does not, then the Board has the right to table my application until I have met the requirements.

*Applicants  
Signature*



*Date*

6/21/17