

January 28, 2021

Leonard Cirelli, ZBA Chair  
Alex Sirois, Code Enforcement Officer  
Town of Raymond, Maine  
401 Webbs Mills Road  
Raymond, Maine 04071

**RE: 584 Webbs Mills Road - Variance Request**

Dear Leonard, Alex and Members of the Zoning Board,

On behalf of Laura Cigri and Valami Ly and pursuant to our January 26, 2021 Zoom meeting, we are withdrawing our request for a variance for the minimum lot size and minimum road frontage to allow for a duplex residential structure. This submission request is only for a change of use variance. The property is currently zoned as commercial and the applicants are asking to change that use to residential. The applicants are proposing to remove the existing commercial church structure and build a new residential home.

**VARIANCE NEEDED**

**1. Change of use variance from Commercial to Residential.**

The official zoning map and assessors tax card shows this property as a LLR1 Residential. We now know this was based on a previous 2018 ZBA approval that has since expired and the lot automatically reverted back to commercial use.

We are now asking for the same variance again to convert the property back to LLR1 Residential Zone. We feel this variance is consistent with the surrounding residential neighborhood and land uses and is consistent with the Town's Comprehensive Plan.

It is our understanding that the lot and building are considered grandfathered and can be repaired or replaced as long as the new building footprint remains within the existing building footprint and the total amount of impervious (non-vegetated) surface does not increase. The current existing non-vegetated surface on the lot = 4,474 s.f. As part of the building permit application, the applicant will be required to provide the town with a precise survey plan showing the exact footprint of the existing building and current setback dimensions. The new home must be built within this existing footprint. The new total impervious (non-vegetated) surfaces, including the new home, parking, walkways, patio and any future additions must remain below the current 4,474 s.f.

The attached site plan should be considered "Illustrative" in nature. The applicants have not yet hired an architect or builder and have not developed measured architectural drawings. It is our understanding this is required during the Building Permit Application, which will include a plot plan showing existing AND proposed building locations. The applicants understand they will need to comply with additional zoning and application requirements during the building permit and construction process.

### **Undue Hardship Criteria – Change of Use**

The following text (*in bold italics*) was copied from the official Application Form Variance Criteria, Justification of Variance. Our response follows indented and in normal type.

***b. Justification of variance: In order to be granted, the Appellant MUST DEMONSTRATE to the Board of Appeals that the strict application of the zoning ordinance would cause UNDUE HARDSHIP. MAINE STATE LAW REQUIRES FOUR CRITERIA, WHICH MUST BE MET before the Board of Appeals can find that the hardship exists. Please explain how your situation meets EACH of these criteria listed below: (If these are not answered, the appeal will not be scheduled.)***

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

The applicant purchased this property with the intention of building a residential home. They feel any commercial use of this property is not feasible, due to very limited off-street parking and an increase in water and septic vs. a single family residential. Additionally, traffic and pedestrian congestion and safety issues would not make this a desirable commercial location. The applicants have no desire to operate a commercial venture on this lot and do not feel a commercial use would yield a reasonable return on their investment.

Due to the sale price, the recent increases in cost of home building, and the cost to remove the existing structure, the applicant's feel that they could only yield a reasonable return by the construction of a residential home.

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

Although the intent is to make this property more conforming to the surrounding residential neighborhood, the applicants feel this property is not suited for a commercial use due to the lot size and location, parking and safety issues and being surrounded by residential uses.

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

We feel a residential home on this property will only enhance the character of the locality and surrounding residential neighborhood. The proposed residential home will be much smaller and more conforming to the character and conditions of the surrounding neighborhood than what currently exist.

- The existing commercial structure is out of scale and character to the neighborhood and is becoming a safety concern.
- The change of use variance will allow a much smaller structure that will be more appropriate to the surrounding residential homes and community.
- The granting of the variance will be consistent with the current Zoning Map already on file in Town documents.
- The granting of the variances will bring the lot and proposed structure in more conformance with the Zoning Ordinance.

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

The hardship is not a self-created hardship or actions taken by the previous owner. As mentioned, the applicants purchased this property in good faith based on the Town's official Zoning Map. The applicants feel a variance to allow a conversion from commercial to residential would provide substantial justice and fairness from a situation not created by them. The variance request is based on a previously approved variance where nothing has changed except for the owners.

Thank you for your review and consideration. We look forward to discussing our application further at the February 23 meeting.

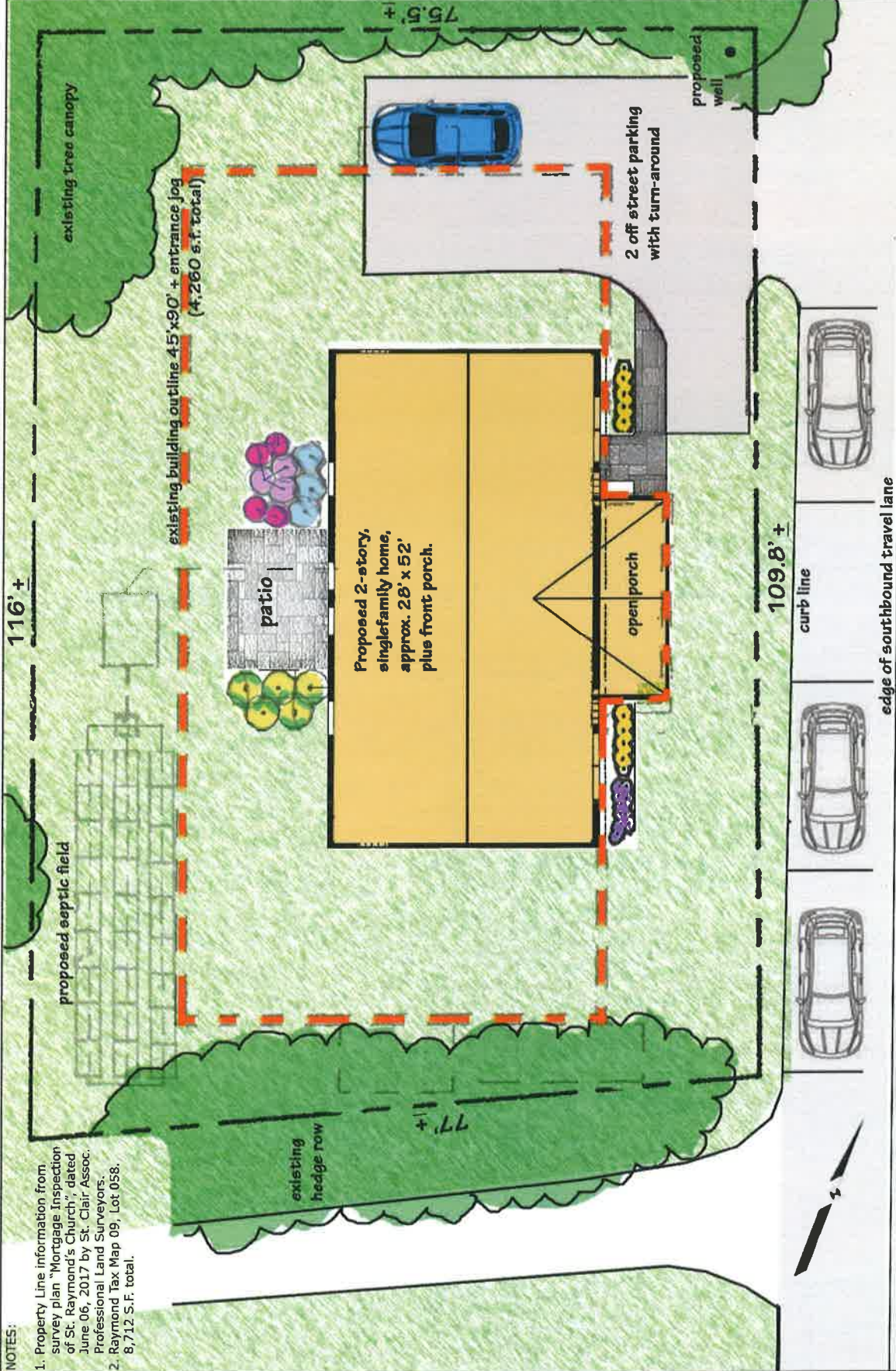
Sincerely,



Tom Farmer  
Landscape Architect  
22 Abby Lane  
Yarmouth, ME 04096

**NOTES:**

1. Property Line information from survey plan "Mortgage Inspection of St. Raymond's Church," dated June 06, 2017 by St. Clair Assoc. Professional Land Surveyors. Raymond Tax Map 09, Lot 058. 8,712 S.F. total.



**WEBBS MILLS ROAD**

**TOM FARMER**  
LANDSCAPE  
ARCHITECTURE

Tom Farmer, Landscape Architect  
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**ILLUSTRATIVE SITE PLAN**  
Change of Use Application from  
Commercial to Residential  
LV Properties, LLC  
584 Webbs Mills Road  
Raymond, ME

Date:  
Jan. 29, 2021