

**Members present:** Vern Gardner, Craig Wilson, Brian Boyle, Brett Costa, Norm Leon  
**Members absent:** None

**Staff:** Heather Ross, Code Enforcement Officer

The meeting was called to order at 7:04 p.m.  
Pledge to the Flag

**Mr. Wilson** noted Title 16.1.5.2.F.4.a. authorizes the Board of Appeals to hear the following miscellaneous variation appeal.

**ITEM 1 – John Watts – 143 Brave Boat Harbor Road, Map 63 Lot 19, R-RL**

John Watts requesting a Miscellaneous Variation to the terms of Title 16 Section 3.2.1.D in order to construct a 12' x 12' addition.

John Watts distributed a survey illustrating the proposed addition. He explained the house was built in the 1930's without a full bathroom, and wants to build a full bathroom and laundry on the first floor.

Chairman Gardner asked if there was anyone wishing to speak for or against this project. There were none. The CEO provided:

1. This is a nonconforming lot with nonconforming structure located in the Rural-Residential zone;
2. The applicant is proposing to build a 12 x 12-foot addition to the existing home;
3. The required side setback is 20 feet; the existing side setback is 9 feet;
4. The proposed addition setback is 11 feet, further away than the existing house.

Mr. Wilson noted under Title 16.7.3.5.5.A, Nonconforming Structure Repair and/or Expansions the proposed addition meets the intent of the ordinance, being no closer than the existing structure, and is two feet further away from the side property line.

Mr. Costa Mr. Boyle and Mr. Leon concurred.

Mr. Costa moved to grant to John Watts a miscellaneous variation to the terms of Title 16 Section 3.2.1.D. to construct a 12 foot x 12 foot bathroom addition for property located at 143 Brave Boat Harbor Road, Map 63 Lot 19 in the Rural-Residential zone.

Mr. Boyle seconded

Motion carried unanimously

**Findings of Fact**

1. The applicant, John Watts, appeared before the Board of Appeals requesting a miscellaneous variation to the terms of Title 16.3.2.1.D.
2. Side yard setback in the Rural-residential zone is 20 feet, where 9 feet currently exists.
3. The proposed 12x12-foot addition for the bathroom and laundry room will be setback 11 feet from the property line.
4. This is a nonconforming lot with a nonconforming structure.
5. The applicant stated the structure was built in the 1930s without a full bathroom.

Mr. Leon moved to accept the Findings as read

Mr. Boyle seconded

Motion carried unanimously

Mr. Costa moved that Title 16.6.6.1, Conditions and Title 16.6.6.2, Factors for Consideration have been met by this application.

Mr. Boyle seconded

Motion carried unanimously

Conclusion

The Board has the authority under Title 16.7.3.5.5.A, Nonconforming Structure Repair and/or Expansions to grant the miscellaneous appeal as the proposed structure is no closer to the existing nonconformity.

Mr. Costa moved to accept the Conclusion as read

Mr. Leon seconded

Motion carried unanimously

Mr. Gardner noted this approval is not the issuance of a building permit, and any aggrieved party has 45 days to appeal this decision to Superior Court.

Minutes – June 25, 2013 – Deferred

The CEO noted there will be a meeting on August 27, 2013.

Chairman Gardner adjourned the meeting.

Mr. Wilson noted he will not be available if a meeting is called for September 10, 2013.

The Kittery BOA meeting of August 13, 2013 adjourned at 07:16 p.m. (no motion made)

Submitted by Jan Fisk, August 17, 2013