
YARMOUTH GENERAL BOARD of APPEALS

Special Exception Standards, Findings, & Decision General Board of Appeals Meeting of October 26, 2020

Applicant/Project Description

Michelle and Aaron Kaufman owner of property at 18 Lone Pine, Map 28- Lot 08-E, requests a Special Exception to allow for Farm Animals for Personal Use (6 Buff Orpington Hens) on the premises of less than two acres within the Medium Density Residential (MDR) district inside an existing coop.

Reference: Chapter 701, Article IV, Section H. (MDR District), and Article VII, Section B., Subsection 2.b. (Special Exceptions) of the Town's Zoning Ordinance.

Chapter 701, Zoning, Article VII.2.b(2)(d) Standards for Special Exceptions

(d.) **Standards for Special Exceptions.** Before it issues a Special Exception permit, the Board of Appeals shall find, as a matter of fact, that the proposed use meets the following criteria:

- i.) The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation.

Findings of Fact:

The applicant has satisfied the finding of fact with their proposal of leaf litter and wood chips with a composting waste strategy.

- ii.) The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.

Findings of Fact:

The applicant has satisfied the finding of fact since their chicken coop located in their yard will not create additional traffic.

- iii.) The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of Municipal fire or police protection than existing uses in the neighborhood.

Findings of Fact:

The applicant has satisfied the finding of fact as described in their application and will not impact public safety.

- iv.) The proposed use will not result in unreasonable sedimentation or erosion, or have an adverse effect on water supplies.

Findings of Fact:

The applicant has satisfied this finding of fact, there will be minimal environmental impact.

- v.) The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other Structures and density of development.

Findings of Fact:

The applicant has satisfied this finding of fact by the proposed placement of the structure in the back corner of their fenced yard limiting the impact on the neighborhood and abutting neighbors.

- vi.) If located in a Resource Protection District or Shoreland Zone, the proposed use (1) will not result in damage in spawning grounds, fish, aquatic life, bird and other wildlife habitat; (2) will conserve Shoreland Vegetation; (3) will conserve visual points or access to water as viewed actual points of access to waters; (5) will conserve natural beauty; (6) will avoid problems associated with flood plain development and use; and (7) will comply with the performance standards of Article II of this Ordinance.

Findings of Fact:

Not applicable – This property is not located in the Resources Protection District or Shoreland Zone.

- vii.) The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

Findings of Fact:

The applicant has satisfied this finding of fact with their deed.

- viii.) The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the General Board of Appeals pursuant to Article VII.B.2.b.(1)(e) of this Section.

Findings of Fact:

The applicant has satisfied this finding of fact. The coop is already in place and additional costs will be minimal.

- (e.) Conditions of Special Exceptions. Upon consideration of the standards listed in Article VII.B.2.b.(1)(b) of this Section, the General Board of Appeals may attach such conditions, in addition to those required by other provisions of this Ordinance, as it finds necessary to insure compliance with those standards and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of Vegetation, increased setbacks and yards,

specified sewage disposal and water supply facilities, landscaping and planting screens, hours of operation, operational controls, professional inspection and maintenance, sureties, location of Piers, Docks, parking and signs, and types of construction.

Conditions of Approval:

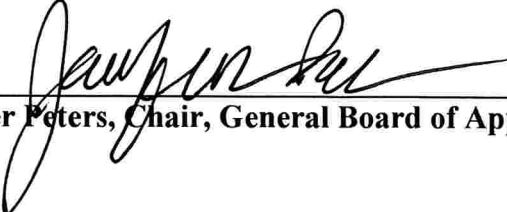
1. Approval of Variations from Plans: The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant, testimony during the public hearing, and the administrative record. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
2. If the applicant has a fully fenced yard which will prevent the chickens from wandering off their property they can be allowed out of their run or coop to free range.
3. No roosters allowed
4. Location of the coop and run will remain as proposed on the opposite side of the property line shared with the Fischer's.

Motion to Approve: Based on the findings of fact and conclusions and subject to the conditions of approval as stated above, the Yarmouth General Board of Appeals hereby finds that approval of the Farm Animals for Personal Use on Lots of less than two (2) Acres **does** achieve the spirit and intent of the MDR, and therefore **does** approve Special Exception application for Michelle and Aaron Kaufman owner of property at 18 Lone Pine, Map 28 Lot 08-E.

Findings and conclusion moved by Craig Wolff, seconded by Phil Ahrens, and voted 4 in favor, 0 opposed, Marjerison recused. Vote conducted by roll call.

Voted by the Town of Yarmouth General Board of Appeals on October 26, 2020

Signed by:



Jennifer Peters, Chair, General Board of Appeals

11/17/20

Date