

To: General Board of Appeals

From: Robert J. Waeldner

RE: Building Permit Application (#B21-187) for 538 Portland St (Map 30, Lot 14) by Ed Libby (the "Applicant")

Date: October 4, 2021

Dear General Board of Appeals,

I am a resident of Yarmouth and have served as a member of the Yarmouth Town Council since November 2014. Please note that the views expressed herein represent my views only and do not represent the views of the Yarmouth Town Council.

I'm writing to express my concern regarding the Code Enforcement Officer's approval of the above referenced Building Permit Application. In my view, the approval of the Building Permit Application is wholly contrary to, and fully subverts, the intent expressed by the Yarmouth Town Council when the Yarmouth Town Council voted to deny the Applicant's contract zone request to build a second home on the lot in question. As you may be aware, the Yarmouth Town Council voted unanimously (by a vote of 7-0) to deny the Applicant's contract zone request.

As a member of the Yarmouth Town Council, I voted to deny the Applicant's contract zone request for several reasons, including my view that the proposed contract zone did not meet the "public good" requirement of the zoning ordinance. In the end, I felt the contract zone request evaded the very strict variance requirements enumerated in Maine and Yarmouth law. In my view, granting a contract zone would have been harmful to the community, including neighbors and residents of Astilbe Lane, who rely upon i) uniform and consistent application of Yarmouth's zoning ordinances, and ii) predictability regarding a neighbor's permitted uses of real estate. These important zoning objectives are critical as neighbors co-exist and work together to build community.

In addition, in my view, the Code Enforcement Officer was in error when the Code Enforcement Officer determined that 1) the Applicant's proposed structure was an Accessory Structure and not a Single Family Detached Dwelling, and 2) the Applicant's proposed Accessory Structure meets the intent of the ordinance and is incidental and subordinate to the existing Single Family Detached Dwelling.

Once again, please note that the views expressed herein represent my views only and do not represent the views of the Yarmouth Town Council.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Rob Waeldner". The signature is written in a cursive, slightly slanted style.

Robert J. Waeldner