
YARMOUTH GENERAL BOARD of APPEALS

Special Exception Standards, Findings, & Decision General Board of Appeals Meeting of November 15, 2021

Applicant/Project Description

Christopher and Elizabeth Waaler owner of property at 65 West Elm St., Map 41-Lot 69, requests a Special Exception to allow for Farm Animals for Personal Use (6 Hens) on the premises of less than two acres within the Medium Density Residential (MDR) district.

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:

The applicant has satisfied this criterion by replacing pine shavings in the chicken apartment weekly and turning over the soil. The debris is disposed of at the transfer station.

Findings and conclusion moved by Tom Marjerison, seconded by Phil Ahrens, and voted 5 in favor, 0 opposed.

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

Findings:

The applicant has satisfied this criterion with the chickens being enclosed in a coop and a run and are well within the bounds of the property owner's yard.

Findings and conclusion moved by Phil Ahrens, seconded by Sam Carter, and voted 5 in favor, 0 opposed.

- 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:

The applicant has satisfied this criterion as described in their application and will not impact public safety.

Findings and conclusion moved by Tom Marjerison, seconded by Sam Carter, and voted 5 in favor, 0 opposed.

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

Findings:

The applicant has satisfied this criterion with minimal environmental impact.

Findings and conclusion moved by Sam Carter, seconded by Phil Ahrens, and voted 5 in favor, 0 opposed.

- 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:

The applicant has satisfied this criterion with the structure being like others nearby.

Findings and conclusion moved by Phil Ahrens, seconded by Tom Marjerison, and voted 5 in favor, 0 opposed.

- 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:

Not applicable. The property is not located in the Resource 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:

The applicant has satisfied this criterion with their deed.

Motion moved by Tom Marjerison, seconded by Sam Carter, and voted 5 in favor, 0 opposed.

- 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:

The applicant has satisfied this criterion. The coop and run are currently in place and additional costs will be minimal.

Findings and conclusion moved by Tom Marjerison, seconded by Phil Ahrens, and voted 5 in favor, 0 opposed.

Motion: Based on the findings of fact and conclusions as voted above, and subject to the following conditions of approval, 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 Christopher and Elizabeth Waaler owner of property at 65 West Elm St., Map 41 Lot 69.

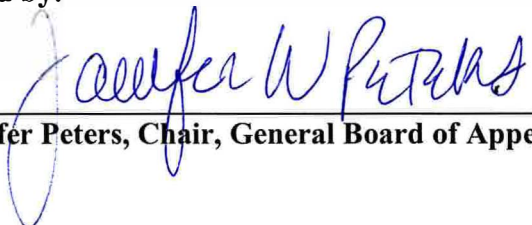
Conditions of Approval:

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. No roosters allowed.

Findings and conclusion moved by Jennifer Peters, seconded by Phil Ahrens, and voted 5 in favor, 0 opposed.

Voted by the Town of Yarmouth General Board of Appeals on November 15, 2021.

Signed by:



Jennifer Peters, Chair, General Board of Appeals

12.13.21

Date