

ROBERT AND EILEEN MACKLIN – Single Family Dwelling – 171 Berwick Road – R/RR1 – Tax Map 16 Block 116 – Administrative Appeal Under Article 5.2.A. Applicant requests an overturning of the Code Enforcement Officer’s determination of the zoning for their property; and asks the Zoning Board of Appeals to redraw the Zoning Boundary Line bisecting the Applicants’ parcel.

For December 12, 2019 Meeting



Land Use Office
Post Office Box 875
Ogunquit, Maine 03907-0875

Tel: 207-646-9326
ceogt@townofogunquit.org

MEMORANDUM

Date: November 15, 2019
To: Town of Ogunquit Zoning Board of Appeals
From: Scott Heyland- Code Enforcement Officer
RE: Determination regarding the location of District Boundaries
171 Berwick Road (Tax Map 16 Block 116)

Robert and Eileen Mackin owners of 171 Berwick Road are requesting a Zoning District Boundary Line determination from the Board of Appeals. According to the Town of Ogunquit Official Zoning Map dated June 9, 2015, I have determined that this property is currently located within both the Rural Residential District-1 and the Residence District. Each portion of the lot is reviewed under the respective district for purposes of Land Use and Dimensional Standards.

OGUNQUIT ZONING ORDINANCE ARTICLE 1 – GENERAL

1.4 Conformity

- D. Where a zoning district boundary line divides a lot or parcel of land in the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the use regulations applicable to the less restricted portion of such lot may extend not more than 50 feet into the more restricted portion. This provision shall not, however, be applied when the more restrictive district is a Resource Protection District or the Shoreland Overlay District, nor when the less restricted portion lies within the Downtown Business District. **The space and bulk regulations of the district shall apply to the land within those districts and are not subject to the 50-foot provision.**

1.5 Conflict with Other Ordinances

Whenever a provision of this Ordinance is in conflict with or is inconsistent with the requirements of any other lawfully adopted rules, regulations, statutes or ordinances, or with any other provision within this Ordinance, **the most restrictive** or that imposing the higher standards shall govern.

PC Mailed to Applicant 11.15.19

PLEASE PRINT

DATE REC'D: 11-8-19
FEE PAID (\$160.00): Yes No
TAX MAP #: 16 LOT 116

OGUNQUIT ZONING BOARD OF APPEALS APPLICATION

Appellant's Name: Robert Eileen Mackin Representative: _____
Mailing Address: PO Box 1477 _____
Ogunquit, ME 03907 _____
Telephone #: 603-860-6648 _____

TAX MAP: 16 LOT: 116 ZONING DIST(S): R + RR1 (split)
STREET: 171 Berwick Rd.

TYPE OF APPEAL & BRIEF DESCRIPTION OF FACTS OF APPEAL:

*Administrative Appeal - Article 5.2.A see attached

*Variance Appeal - Under Article(s) _____

*Other Variances - Under Article(s) _____

*Miscellaneous Appeals - Under Article(s) _____

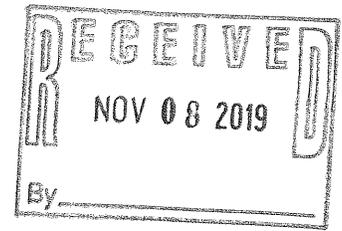
**THIS FORM, ACCOMPANIED BY A \$160.00 FEE MUST BE RETURNED TO THE
CODE ENFORCEMENT OFFICE, DUNAWAY CENTER, SCHOOL STREET,
OGUNQUIT TOGETHER WITH THE APPROPRIATE DOCUMENTATION AS
OUTLINED IN THE LETTER ATTACHED.**

I certify the information contained in this application and its supplement(s) is true and correct.

DATE: 11/8/2019 Robert A. Mackin
Appellant's/Representative's Signature

*SEE ATTACHED ARTICLE 5 OF THE OGUNQUIT ZONING ORDINANCE FOR DESCRIPTION AND CRITERIA FOR ABOVE APPEALS.

To: Zoning Board of Appeals
From: Bob and Eileen Mackin, owners of 171 Berwick Road
Re: Location of boundary line running through our property:
Tax map: 16 Lot: 116



Dear members,

At the present time the boundary line running through our property places a portion of our property in Zoning District R and another portion of it in Zoning District RR1 for no apparent reason. The line appears to be purely arbitrary and is inconsistent with the Ogunquit Zoning Ordinance, Article 1.3A as shown below.

Per Article 1.3A we are requesting that the boundary line for our property be redrawn along the centerline of the roadways bordering our property, namely Berwick Road and Woodland Road. The attached map shows our parcel of land (16-116) with the current boundary line; and then a darker line which we have drawn to indicate how we believe the boundary line should be redrawn.

With all due respect we request that you overturn the Code Enforcement Officer's decision and redraw the boundary line as indicated above.

Thank you and sincerely,
Bob and Eileen Mackin

1.3 District Boundary Locations: Zoning Map (Amended 11/4/08, Effective 4/1/09)

The location and boundaries of the above districts are hereby established as shown on the map entitled, "Town of Ogunquit Official Zoning Map", dated June 9, 2015, prepared under the direction of the Ogunquit Planning Board and filed in the office of the Town Clerk. The Official Zoning Map shall be drawn at a scale of not less than 1 inch equals 2000 feet, and shall be certified by the attested signature of the Municipal Clerk. Said map, with all explanatory matter thereon, shall be deemed to be, and is hereby made part of this Ordinance. When uncertainty exists with respect to district boundaries as shown upon such map, the following rules shall apply (Amended June 9, 2015):

- A. Unless otherwise indicated, district boundary lines are the center lines, plotted at the time of adoption of this Ordinance, of streets, alleys, parkways, waterways, or separate rights-of-way of public utilities and railroads or such lines extended. Where the boundary is indicated by a paved street or highway, the center line of the paved or traveled portion of the actual street or highway shall be used as the boundary rather than the center line of the of the right-of-way of the street or highway as shown in the deed(s), survey(s) or other relevant legal description(s).

