

FEB 26 2024

APPLICATION FOR VARIANCE OR ADMINISTRATIVE APPEAL
TO THE APPEALS BOARD

Name of Appellant CARROL F. WHITE⁺⁺ Telephone 204-968-2435

Mailing Address 93 NECK RD Telephone 207-240-6997

Town/City CHINA MAINE Zip 04358

Name of Property Owner CARROL F. WHITE⁺⁺ Map 62 Lot 60-61
8993 120-218

Location of Property 15-17 MAIN ST Book 3627 Page 137

The undersigned requests that the Board of Appeals consider one of the following:

1. An Administrative Appeal. Relief from the decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit, pursuant to the China Land Development Code, Chapter 9, Appeals, Section 2(B):

- an error was made in the denial of the permit.
- the denial of the permit was based on a misinterpretation of the ordinance.
- there has been a failure to approve or deny the permit within a reasonable period of time.
- other _____

Please explain in more detail the facts surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

X 2. A Variance.

a. Nature of Variance: Describe generally the nature of the variance _____
NOW CONFORMING LOT WANT TO BUILD (4) 2 BED ROOM APARTMENTS

In addition, a sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic features of the lot in question.

b. Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the land use ordinance would cause undue hardship. There are four criteria, all of which must be met before the Board of Appeals can determine that a hardship exists. Please explain how your situation meets each of these criteria listed below, pursuant to the China Land Development Code, Chapter 9, Appeals, Section 2(A):

1. The land in question can not yield a reasonable return unless the variance is granted.

(see attached)

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

(see attached)

3. The granting of a variance will not alter the essential character of the locality.

(see attached)

4. The hardship is not the result of action taken by the appellant or a prior owner.

(see attached)

I certify that the information contained in this application is true and correct.

Date: Feb 26 2024 Signature of appellant Carol White

Please return this form to the China Town Office at 571 Lakeview Drive, China, ME 04358 with the \$100 application fee. You will be notified of the date of the hearing on your appeal. Please note, all costs to advertise the public hearing notice in the newspaper and to send notice certified mail, return receipt to all abutters (China Land Development Code, Chapter 9, Appeals Section 2(A)(IV), Notification) is the responsibility of the appellant.

#1 THE OLD GRANGE HALL PROPERTY CANNOT YIELD A REASONABLE RETURN BECAUSE THE PROPERTY HAS BEEN DEMONSTRATED TO HAVE BEEN UNMARKETABLE FOR ANY USE FOR AN EXTENDED PERIOD, WITHOUT THE VARIANCE THE PROPERTY WILL NOT YIELD A REASONABLE RETURN AND THE APPROVED PLAN IS THE ~~MINIMUM~~ ^{MINIMUM} NECESSARY TO PROVIDE SUCH A RETURN

#2 THE UNIQUE CIRCUMSTANCES OF THE PROPERTY WHICH ARE NOT SIMILAR TO THE GENERAL CONDITIONS IN THE NEIGHBORHOOD BECAUSE THE BUILDING WAS BUILT IN 1908 AS A GRANGE HALL IN THE COVAINES OF THE HISTORIC DISTRICT OF CHIWA VILLAGE,

I HAVE ALSO ACQUIRED ALL AVAILABLE ADJUTING PROPERTY TO REDUCE THE NON CONFORMITY



#3

THE GRANTING OF THE VARIANCE WILL NOT ALTER THE ESSENTIAL CHARACTER OF CHIWA VILLAGE. THE GENERAL INTENSIVE USE OF THE LAND ON MAIN ST IS SIMILAR TO THE PROPOSED USE, GRANTING OF THE VARIANCE WILL ALLOW THE OLD GRANGE HALL TO BE REPAIRED ENHANCING THE APPEARANCE AND ~~THE~~ VALUE OF MAIN ST WHILE ALSO ADDING TO THE TAX BASE

#4

THE HARDSHIP WAS NOT CREATED BY THE APPELLANT OR PREVIOUS OWNER. THE GRANGE HALL WAS BUILT IN 1908. MANY GRANGE HALLS IN THE STATE OF MAINE WERE BUILT ON SIMILARLY SMALL LOTS CREATING PROBLEMS WITH CURRENT ORDINANCES.

Carol Parshke

Feb 26 2024

**Findings of Fact
Planning Board
Town of China, Maine**
*Findings of Fact – February 14, 2024
Created by Toni Wall, Chair China Planning Board*

Regarding an application by
Carrol F. White
China Tax Map 62 Lot 60
Silver lake Grange
15-17 Main Street
China, Maine 04358

Planning Board Members Present: *Michael Brown – District 1, Toni Wall- District 2 and Chair, Elaine Mather – District 3, Natale Tripodi – Alternate-At-Large (brought into voting capacity)*

FINDINGS OF FACT

Street Address

15-17 Main Street, China, Maine 04358

Property ownership

Carrol F. White

Other parties to the application

N/A

Description of the existing use(s) of the property

Silver lake Grange, originally constructed in 1908, is currently vacant.

Description of the proposed use(s) of the property, and the nature of the application

Applicant proposes a multi-unit dwelling consisting of 4 2-bedroom apartments within the current structure.

District

The property is located in the Rural District

Comprehensive list of documents submitted by the applicant as part of the application

- *Request to meet with China Planning Board dated 1/11/2024*
- *Conditional Use Permit Application – incomplete*
- *Survey of property – Hugh Gilman (insert specs) need a copy gave mine to Mike Brown*
- *Site Plan provided by Carrol White*
- *Notice of variance decision dated March 10, 1992*
- *Revised Notice of Variance dated and notarized February 17, 1999*
- *Conditional Use permit Application – Complete January 30, 2024*
- *Cable Tool Well Drilling Company dated September 16, 1991 describing that sufficient water exists to supply a 6 unit building*

Date(s) on which the Board met to consider the application

January 23, 2024 The Planning Board found the application to be incomplete. Responses to the 15 criteria was incomplete.

February 13, 2024 the Planning Board found the application to be complete by a 4/0 vote.

Date(s) on which the Board conducted a public hearing on the application

No public hearing was held

Brief description of the substantive materials and testimony received at the public hearing.

No public hearing was held

Planning Board Jurisdiction

China Land Use Ordinance, Chapter 2, Section 4, Item 15, Multi-Unit Dwelling

Planning Board Approval of Criteria

Under each section comment as to how the criteria was met as they relate to the project. Insert vote count yes, no, or abstain.

- 1. The proposed use will meet the definition or specific requirements set forth in this Ordinance or will be in compliance with applicable State or Federal laws.**

Response: Meets all requirements except lot size. The Board finds that the applicant does not meet the required dimensional requirements for minimum lot area for multi-unit dwellings as required by Section 5: Land Use Standards, Item A: Dimensional Requirements for Principal Structures, II: Rural District, a. Minimum lot area: 40,000 square feet. Multi-unit dwellings shall have an additional 20,000 square feet for each unit more than one when located outside the Shoreland Zone. The applicant's lot size is 50,094 square feet and is required to have 40,000 square feet for principal dwelling plus and additional 80,000 square feet (20,000 square feet per unit x 4 units) for a total of 120,000 square feet. The Board finds that the applicant does not meet this criterion. Vote: 3 Yes and 1 Abstain.

- 2. The proposed use will not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles.**

Response: Parking for residents will be located along the southern and westerly side of the building allowing for space for emergency services to operate safely. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0

- 3. The proposed exterior lighting will not create hazards to motorists traveling on adjacent public streets, and is adequate for the safety of occupants or users of the site, or will not damage the value and diminish the usability of adjacent property.**

Response: Exterior lighting for the parking areas and entrances will be either downward facing and/or motion sensed to prevent distraction of motorists. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0

- 4. The provisions for buffers and on-site landscaping will provide adequate protection to neighboring properties from detrimental features of the development. Response: No additional**

buffering is planned at this time. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0

5. ***The proposed use will not a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes odor, dust, glare or other cause.*** *Response: Being a residential facility it will produce minimal noise, fumes, odor, dust and glare or other contaminants detrimental to abutters. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0*
6. ***The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazards to safety.*** *Response: There will be parking areas near the building to minimize any potential hazards to safety. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0*
7. ***The proposed use will not have significant detrimental effect on the value of adjacent properties or could be avoided by reasonable modification of the plan.*** *Response: Silver Lake Grange, has existed since 1908 and any enhancements or repairs will not be detrimental to adjacent property. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0*
8. ***The design of the site will not result in significant flood hazards or flood damage or is in the conformance with applicable flood hazard protection requirements.*** *Response: The lot is not located in a flood zone. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0*
9. ***Adequate provision has been made for disposal of wastewater, or solid waste, or for the prevention of ground or surface water contaminants.*** *Response: An adequate subsurface wastewater disposal design is currently being developed by a licensed site evaluator. The Board inquired the name of the licensed site evaluator – Jake McKenney and requested that the CEO receive a copy of the construction plan prior to construction which is required. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0*
10. ***Adequate provision has been made to control erosion or sedimentation?*** *Response: I have owned the building since 1989 and have not seen any signs of erosion or sedimentation on site. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0*
11. ***Adequate provision has been made to handle storm water runoff or other drainage problems.*** *Response: I have not seen any signs of water runoff or drainage problems. There is a ditch along Main Street and catch basin installed by the state. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0*
12. ***The proposed water supply will meet the demands of the proposed use or for fire protection purposes.*** *Response: See letter published by Cable Tool Well Company. Applicant further stated that there are two wells on the property located on each side of the structure. The Board finds*

that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0

13. **Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by State law.** Response: Being residential in nature, there will be no hazardous substances or materials transported or stored onsite. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0
14. **The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat or could be avoided by reasonable modifications of the plan.** Response: There will be no impacts on significant or scenic or wildlife habitat. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0
15. **When located in the Resource Protection District, Stream Protection District, Shoreland District the proposed use will meet the standards in Section 5 of this Ordinance.** Response: This property is in the Rural District. The Board finds that the applicant adequately addressed this criterion and adopts the response as a finding of fact. Vote: 4 Yes – 0

Decision of the Planning Board: On February 13, 2024, the China Planning Board, did not approve the Carroll White's application due to the fact that the proposed use does not meet the specific requirements set forth in the Chapter 2 Land Use Ordinance; Section 5: Land Use Standards; A. Dimensional Requirements for Principal Structure; II Rural District (a). The application was not approved a Vote: 4 Yes - 0

Signed:

Joni G. Wall Chair Planning Board
2/22/24

REQUEST TO MEET WITH THE CHINA PLANNING BOARD

NAME: CARROL F. White #c PHONE: 207-240-6997

ADDRESS: 93 WECERD

CITY/TOWN: China, MAINE ZIP: 04358

I, CARROL F. White #c, am requesting to be placed on a forthcoming meeting agenda with the China Planning Board to review my intentions for the following:

#15 MAINE ST CHINA VILLAGE CONVERT TO
4 (FOUR) (2 TWO) BEDROOM APTS

Please notify me of the time that I may be scheduled for review with the local Planning Board.

Thank you,

Carrol F White #c
Signature of Applicant

JANUARY 11, 2024
Date

Town Of China
Application for a Permit from the Planning Board

Applicant CARROL F. White
Mailing Address 93 Neck Rd
China, MAINE 04358

Phone (Home) 207 968-2435
(Work) 207-240-6997
(Cell) 207-240-6997

Property Owner CARROL F. White
Mailing Address 93 Neck Rd
China, MAINE 04358

Phone (Home) 207 968-2435
(Work) 207-968-2435
(Cell) 207 240-6997

Property Address 15-17 Main St

Map 62 Lot 60-61
Book 3627 Page 137

_____ If applicant is not the property owner, provide a copy of a lease agreement, purchase and sale agreement subject to Planning Board approval or other document demonstrating that you have title to the property.

Acreeage of Lot 1.15 AC

Existing use of property None

Property is zoned as: _____ Resource Protection _____ Stream Protection _____ Shoreland Rural

Proposed Use(s) – Check all that apply

- Subdivision
- Multi Family Residence
- New Commercial Structure or Addition
- Change of Use
- Dock (_____ Temporary, _____ Permanent)
- Timber Harvest – Check all that apply
 - Resource Protection, Shoreland, Stream Protection Exceeds 40%
- Filling or other earth moving **less than** 100 cubic yards
- Filling or other earth moving **greater than** 100 cubic yards
- Other _____

1. Site Plan – Provide a site plan with the following information. A GIS based map will often be a good starting point to provide the information in a scaled format. A hand drawn map may also be acceptable.

- Plot of lot and abutting properties drawn to scale
- North arrow and scale of map
- Location of existing and proposed septic system and well
- Location of footprint of existing and proposed building(s) and/or addition(s)
- Location of water bodies, wetlands, and other natural features such as wooded areas
- Designation of areas that will be cleared
- Location of public roads that will provide access to the site
- Location of parking areas, pedestrian access ways, and points of ingress and egress from public streets to the lot
- Location of existing and proposed vegetative and non-vegetative buffers and proposed

landscape plantings

_____ Location of phosphorus buffer or other phosphorus treatment system, if applicable

_____ Location of existing and proposed outdoor lighting and signs

_____ Location of shoreland and flood zones, if applicable

- 2. Provide a narrative explaining the project including proposed use(s). Include hours and days that the proposed business will be open.

4 Unit Apt Building

2 FLOORS 4720 sq FT

- 3. Provide a copy of the existing septic system HHE-200 form, if available. This can be obtained from the CEO / LPI.

Design flow of septic system NA

- 4. Provide a copy of the proposed septic system evaluation by a licensed site evaluator if this is deemed necessary by the Town's LPI.

Proposed design flow of septic system NA

Signoff of LPI The existing septic system is (is not) adequate and (does) does not need review by a licensed site evaluator.

Michael W. Jaenke
LPI Town of China

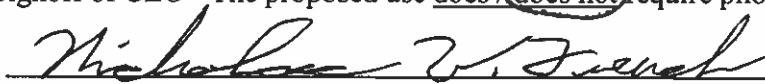
- 5. Indicate which permits are required in addition to the Planning Board Conditional Use Permit. The CEO can provided assistance with this.

- _____ Town subdivision
- _____ Town Floodplain Management
- _____ Town Building
- _____ Town Septic
- _____ Town internal plumbing
- _____ Town CEO
- _____ DEP NRPA

- _____ DEP Stormwater
- _____ DEP Site Location of Development
- _____ DOT Driveway Entrance
- _____ DOT Traffic Movement Permit
- _____ Fire Marshall's Office
- _____ Dept of Human Services
- _____ U S Army Corp of Engineers
- _____ Other _____

6. a. Provide a copy of the State DOT driveway entrance permit if a new driveway is proposed on a state road or if the DOT determines that a driveway entrance permit is necessary for a change of use.
- b. Provide a copy of the DOT traffic movement permit if it is required.
7. Provide an evaluation of the phosphorus control methodology to be used on the lot if the phosphorus control ordinance is applicable for the proposal. The CEO will verify whether or not this is applicable to your proposal.

Signoff of CEO - The proposed use does / does not require phosphorus controls to be implemented.



 CEO Town of China

8. Provide a sketch of the proposed building(s) or addition(s) including height, width, footprint, and floor plan.
9. Verify that lot coverage, lot area, property line and water setbacks requirements, and structure height requirements will be met if additions or new structures are proposed (see section 5(A) and 5(B) of Land Use Ordinance for specific requirements).

Dimensional Requirements	Required	Actual/Proposed
Lot Coverage	2360 sq'	2360
Lot Area	100,000 ft ²	50,094 ft ²
Property Line Setbacks Road	25 ft	
Side	10 ft	
Rear	15 ft	
Water or Wetland Setback		
Water Frontage	NA	
Structure Height	Not greater than 35 ft	

The information provided is accurate to the best of my knowledge.

Signed 

 Signature of applicant

Date Jan 11 2024

JAN 30 2024

1/30/2024

Town of China
Conditional Use Permit Application

Conditional Use Permits: The Planning Board shall approve a Conditional Use Application if all of the following criteria are met inclusive of conditions:

- 1. The proposed use will meet the definition or specific requirements set forth in this Ordinance or will be in compliance with applicable State or Federal laws.**

Findings and statement of reasons: The proposed use is permitted in accordance with the China Land Development Code, Chapter 2, Land Use Ordinance, Section 4, USES, Item# 15, regarding the MULTI UNIT DWELLING for the purposes of APARTMENTS. The property is located in a RURAL District at the location of 15-17 MAIN ST in China, Maine. China Tax Map 62, Lot 60 identifies the property. The proposal is permitted with a conditional use permit from the Planning Board.

Response: MEETS ALL REQUIREMENTS EXCEPT LOT SIZE

- 2. The proposed use will not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles.**

Response: PARKING FOR RESIDENTS WILL BE LOCATED ALONG THE SOUTHERN & WESTERLY SIDE OF THE BUILDING ALLOWING SPACE FOR EMERGENCY SERVICES TO OPERATE SAFELY

- 3. The proposed exterior lighting will not create hazards to motorists traveling on adjacent public streets, and is adequate for the safety of occupants or users of the site, or will not damage the value and diminish the usability of adjacent properties.**

Response: EXTERIOR LIGHTING FOR THE PARKING AREAS AND ENTRANCES WILL BE EITHER DOWNWARD FACING AND OR MOTION SENSED TO PREVENT DISTRACTION OF MOTORIST

- 4. The provisions for buffers and on-site landscaping will provide adequate protection to neighboring properties from detrimental features of the development.**

Response: NO ADDITIONAL BUFFERING IS PLANNED AT THIS TIME

5. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

Response: BEING A RESIDENTIAL FACILITY IT WILL PRODUCE MINIMAL NOISE, FUMES, ODOR, DUST OR OTHER CONTAMINANT DETRIMENTAL TO ABUTTERS

6. The provisions for vehicular loading and unloading and parking, and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazards to safety.

Response: THERE WILL BE PARKING AREAS NEAR THE BUILDING TO MINIMIZE ANY POTENTIAL HAZARDS TO SAFETY

7. The proposed use will not have a significant detrimental effect on the value of adjacent properties or could be avoided by reasonable modification of the plan.

Response: SILVER LAKE GRANGE HAS EXISTED SINCE 1908, AND ANY ENHANCEMENTS OR REPAIRS WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTY'S

8. The design of the site will not result in significant flood hazards or flood damage or is in conformance with applicable flood hazard protection requirements.

Response: THE LOT IS NOT LOCATED IN A FLOOD ZONE

9. Adequate provision has been made for disposal of wastewater, or solid waste, or for the prevention of ground or surface water contamination.

Response: AN ADEQUATE SUBSURFACE WASTE WATER DISPOSAL DESIGN IS CURRENTLY BEING DEVELOPED BY A LICENSED SITE EVALUATOR.

10. Adequate provision has been made to control erosion or sedimentation.

Response: I HAVE OWNED THE BUILDING SINCE 1989 AND HAVE NOT SEEN ANY SIGNS OF EROSION OR SEDIMENTATION ON SITE

11. Adequate provision has been made to handle storm water runoff or other drainage problems on the site.

Response: HAVE NOT SEEN ANY SIGNS OF WATER RUN OFF OR DRAINAGE PROBLEMS (ALONG MAIN STADITCH & CATCH BASIN INSTALLED BY STATE)

12. The proposed water supply will meet the demands of the proposed use or for fire protection purposes.

Response: SEE LETTER PROVIDED BY:
CABLE TOOL WELL CO.

13. Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by State law.

Response: BEING RESIDENTIAL IN NATURE, THERE WILL BE NO HAZARDOUS SUBSTANCE OR MATERIALS TRANSPORTED OR STORED ON SITE

14. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat or could be avoided by reasonable modification of the plan.

Response: THERE WILL BE NO IMPACT ON SIGNIFICANT SCENIC OR WILD LIFE HABITATS

15. When located in the Resource Protection District, Stream Protection District, Shoreland District, the proposed use will meet the standards in Section 5 of this Ordinance.

Response:

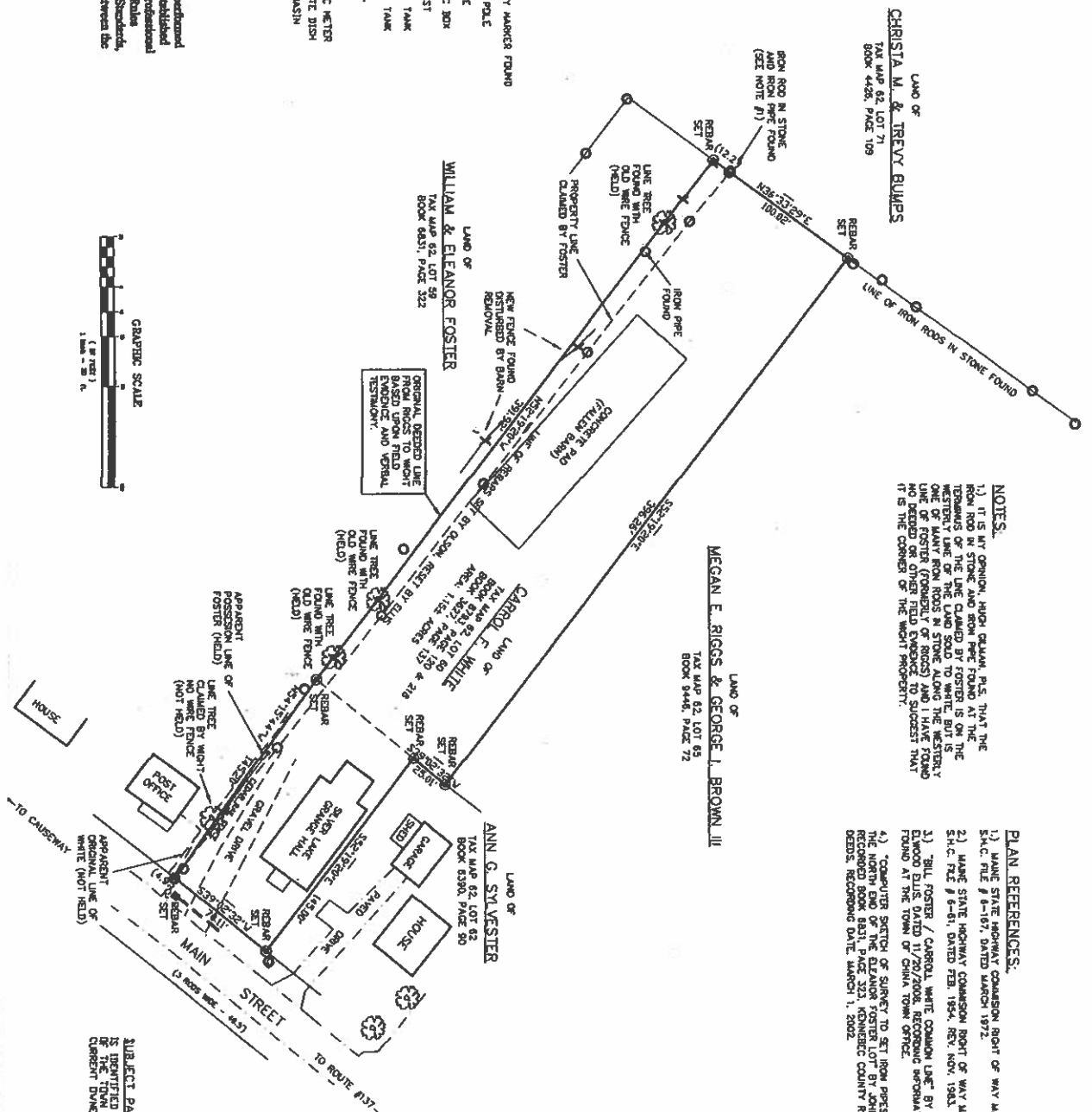
THIS PROPERTY IS IN THE RURAL DISTRICT

521

It is my opinion that this plan was prepared in accordance with the standards established by Maine Board of Licensure for Professional Land Surveyors, License Law and Rules Reference Book, Part 2, Technical Standards, with the exceptions noted upon between the client and Hugh Gilman, P.L.S.



- LEGEND**
- RECUMBENT TREE
 - BOUNDARY MARKER FOUND
 - CONIFEROUS TREE
 - CEDAR TREE
 - HIGH BUSH
 - MED BUSH
 - GROUND BUSH
 - UTILITY POLE
 - CUT WIRE
 - ELECTRIC BOX
 - LAMP POST
 - PREPARE TANK
 - PREPARE TANK
 - OIL FILL
 - WELL
 - ELECTRIC METER
 - SATELLITE DISH
 - CATCH BASIN
 - STAKE



NOTES:

- 1) IN OPINION, HUGH GILMAN, P.L.S. THAT THE IRON RODS IN STONE AND IRON PIPE FOUND AT THE TERMINUS OF THE LINE CLAIMED BY FOSTER IS ON THE WESTERN LINE OF THE LAND SOLD TO WHITE, BUT IS ONE OF MANY IRON RODS IN STONE ALONG THE WESTERN LINE OF FOSTER (FORMERLY OF ROSS) AND I HAVE FOUND NO EVIDENCE OF IRON RODS OR STAKES THAT WOULD BE FOUND ON THE WEST PROPERTY.

PLAN REFERENCES:

- 1) MAINE STATE NORMAL COMMISSION REPORT OF WAY MAP, S.H.C. FILE # 8-1-171 DATED MARCH 1972.
- 2) MAINE STATE HIGHWAY COMMISSION REPORT OF WAY MAP, S.H.C. FILE # 6-6-61, DATED FEB. 1954, REV. NOV. 1963.
- 3) "BILL FOSTER / CARROLL WHITE COMMON LINE" BY DAWOOD BULLS DATED 11/20/2008. RECORDING INFORMATION FOUND AT THE TOWN OF CHINA TOWN OFFICE.
- 4) COMPUTER SECTION OF SURVEY TO SET IRON PIPES ALONG THE WESTERN LINE OF IRON RODS AND IRON PIPES FOUND. RECORDED BOOK 831, PAGE 323. KOMERCIC COUNTY RECORDS OFFICE, RECORDING DATE, MARCH 1, 2002.

SUBJECT PARCEL IS IDENTIFIED AS TAX MAP 62 LOT 50 OF THE TOWN OF CHINA'S TAX MAP CURRENT DIVISIONS CARROLL F. WHITE

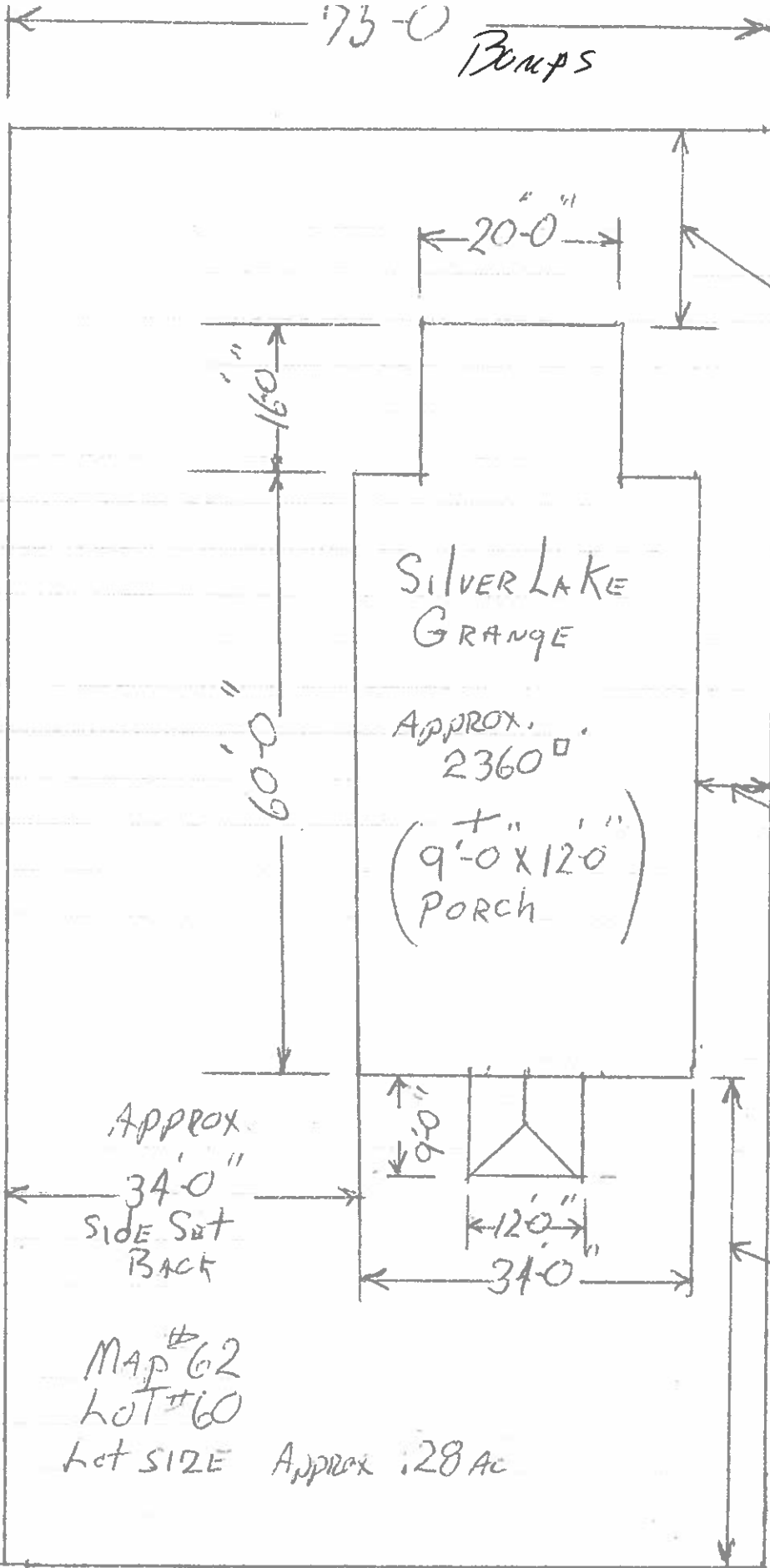
STATE OF MAINE
 Kennebec County, R.L.
 RECORDING AND FIELD
 RECORDS
 HUGH GILMAN
 LAND SURVEYOR
 2008

	BND AN WHITE-CHINA	HUGH GILMAN LAND SURVEYOR (207) 660-2975 P.O. BOX 6431 CHINA VILLAGE, MAINE 04928	CLIENT: CARROLL F. WHITE	SHEET TITLE: PROPERTY SURVEY OF CARROLL F. WHITE MAIN STREET CHINA, MAINE	SCALE: 1" = 30'	DATE: MAY 20, 2008	<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISIONS</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISIONS	DATE			
			NO.					REVISIONS	DATE				
ADDRESS: 83 NECK ROAD CHINA, MAINE 04358													

JAN. 20 / 2000

MORAN RAPP

Bumps



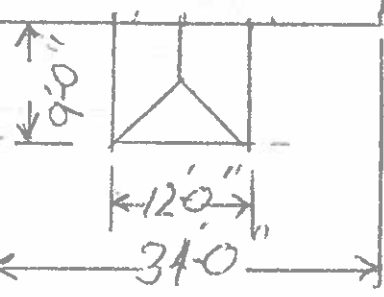
N

APPROX. 20'-0"
REAR SET
BACK

Sylvester

APPROX. 7'-0"
SIDE SET
BACK

APPROX. 34'-0"
SIDE SET
BACK



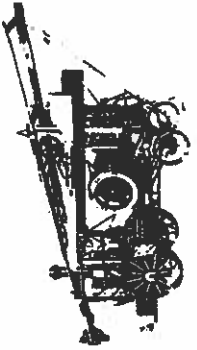
APPROX. 19'-0"
FRONT SET
BACK

MAP # 62
LOT # 60
LOT SIZE APPROX. 28 AC

SCALE = 1/8" = 1'-0"

MAIN STREET

Orn



CABLE TOOL WELL CO. 872-9030

RFD #3 BOX 1750
TAYLOR AVENUE
WINSLOW, ME. 04901

9-16-91 OLD STYLE DRILLING

Carol White China Main St.

DESCRIPTION

Apartment House in China
6 Unit - Can get sufficient
supply water to operation

A Service Charge of 1 1/2 % per month is added to balances over 30 days.

E. The granting of a variance will not unreasonably adversely affect the natural environment; and [PL 1997, c. 148, §2 (NEW).]

F. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435 ([./38/title38sec435.html](#)). [PL 1997, c. 148, §2 (NEW).]

As used in this subsection, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

Under its home rule authority, a municipality may, in an ordinance adopted pursuant to this subsection, adopt additional limitations on the granting of a variance from the dimensional standards of a zoning ordinance. A zoning ordinance also may explicitly delegate to the municipal reviewing authority the ability to approve development proposals that do not meet the dimensional standards otherwise required, in order to promote cluster development, to accommodate lots with insufficient frontage or to provide for reduced setbacks for lots or buildings made nonconforming by municipal zoning. As long as the development falls within the parameters of such an ordinance, the approval is not considered the granting of a variance. This delegation of authority does not authorize the reduction of dimensional standards required under the mandatory shoreland zoning laws, Title 38, chapter 3, subchapter 1, article 2-B ([./38/title38ch3sec0.html](#)).

[PL 2005, c. 244, §2 (AMD).]

5. Variance recorded. If the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. **This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection.** For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.

[PL 1989, c. 642 (AMD).]

SECTION HISTORY

PL 1989, c. 104, §§A45,C10 (NEW). PL 1989, c. 642 (AMD). PL 1991, c. 47, §§1,2 (AMD). PL 1991, c. 659, §§1-3 (AMD). PL 1993, c. 627, §1 (AMD). PL 1995, c. 212, §1 (AMD). PL 1997, c. 148, §§1,2 (AMD). PL 2005, c. 244, §2 (AMD). PL 2009, c. 342, §1 (AMD). PL 2011, c. 655, Pt. JJ, §§24, 25 (AMD). PL 2011, c. 655, Pt. JJ, §41 (AFF). PL 2013, c. 186, §1 (AMD). PL 2015, c. 152, §1 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

BK5874PG323

TOWN OF CHINA
005345



R. J. I #,
Box 970

South China, Me. 04358
Telephone 207 445-2014
Fax 207 445-3208

NOTICE OF VARIANCE DECISION

To: Carrol F. White
PO Box 103
China, ME 04926

Date: March 10, 1992

Dear Sir,

This is to inform you that the Appeals Board has acted on your application for a variance as follows:

FINDINGS OF FACT:

1. The owner of the property is Carrol F. White.
2. The property is located on Main Street, China Village.
Tax Map 62 Lot 60-61 Registry of Deeds Book #3627, Page 137.
3. The applicant is the owner who has demonstrated a legal interest in the property by deed.
4. The applicant proposes to construct 6 single bedroom apartments within the existing building, the former Grange hall, on the subject property.
5. A completed application was submitted on July 29, 1991.
6. A public hearing was held on August 22, 1991.
7. Relevant sections of the ordinance are: Section 8, grand-fathered structures, lots & uses; Section 11, Land Use standards.

pg 2 Carrol F White
Variance Decision 3/10/92

8. Dimensional standards required by the ordinance are: side setback of 10', and lot area of 40,000, plus 20,000 per unit over 1, in a multi-family dwelling.
9. The variance request consists of an appeal for a variance covering side setback and lot area to allow 6 units in subject property.
10. The land and buildings are currently being used for storage.
11. The conditions and character of the neighborhood are currently a village of mixed residential and commercial uses.

CONCLUSIONS

1. The land in question can not yield a reasonable return because: the property has been demonstrated to have been unmarketable for any use for an extended period. Without the variance, the property will not yield a reasonable return and the approved plan is the minimum necessary to provide such a return.
2. There are unique circumstances of the property which are not similar to the general conditions in the neighborhood because the building was constructed as a grange hall, in the confines of the historic district of China Village, and the owner has acquired all available abutting land to reduce the non-conformity.
3. The proposed use will not alter the essential character of the locality because of the generally intensive use of the land in the district is similar to the proposed use.

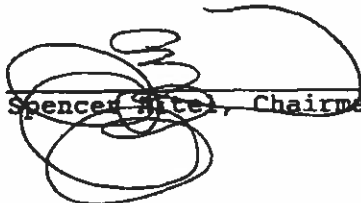
pg 2 Carrol F White
Variance Decision 3/10/92

4. The hardship is not the result of action taken by the appellant or a prior owner because many grange halls in the State of Maine were constructed on similarly small lots, creating problems for current uses.

DECISION

Based on the above facts and conclusions, on August 22, 1991 the Appeals Board voted to approve your application for a variance.

Sincerely,



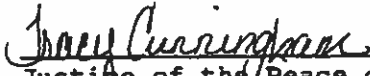
Spencer Aitel, Chairman

State of Maine

County of Kennebec, ss Date February 17, 1999

Then personally appeared the above named Spencer Aitel and _____, and (severally) acknowledged the foregoing instrument to be his (or their) free act and deed.

Before me,



Justice of the Peace or Notary Public
Commission Expires January 7, 2006

TRACY CUNNINGHAM
Notary Public, Maine
My Commission Expires January 7, 2006

RECEIVED KENNEBEC SS.

1999 FEB 22 AM 9:00

ATTEST: 
REGISTER OF DEEDS

