

## **Summary of the Case**

William and Carol Shubert, Appellants

*Frank M. Young and Wendy J. Young, Application for Permit 15-37*

Permit 15-37 granted by the Code Enforcement Officer to Mr. and Mrs. Young is not valid for at least the following reasons:

1. The applicants have the burden of proving that the activity proposed in their application conforms with the purposes and provisions of the Shoreland Zoning Ordinance. (SZO, Section 16.E.3, page 29)

2. The applicants' total land area is 47,500 square feet, or about 1.09 acres. The lot contains 35,244 square feet within the shoreland zone. (Salsbury affidavit, ¶4)

3. SZO Section 15.B.5. (page 15) reads, in relevant part: "The total of all structures, parking lots and other non-vegetative surfaces within the shoreland zone shall not exceed ten (10) percent of the lot or a portion thereof located within the shoreland zone." Roads, driveways, and other gravel surfaces are "non-vegetative surfaces," and are included within the computation of coverage. Furthermore, the definition of "Structure" includes "driveways and roads." (SZO, page 42)

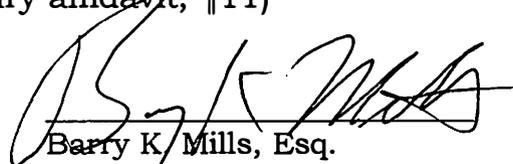
4. If the application for Permit 15-37 were granted and the breezeway constructed, the percent of coverage within the shoreland

zone would be 20.93% -- more than twice the permitted coverage.

(Salsbury affidavit, ¶9)

5. A significant part of the coverage within the shoreland zone consists driveways and roads created sometime after August 31, 2011, without permits as required under Table 1.26 of the Shoreland Zoning Ordinance (page 12). Furthermore, a portion of an unpermitted driveway is located within 8 feet from the Young-Shubert boundary in violation of the 15-foot minimum setback required under Section 5.D (page 12) of the Building and Land Use Ordinance. (Salsbury affidavit, ¶11)

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