



Lamoine Board of Appeals

606 Douglas Hwy
Lamoine, ME 04605
(207) – 667-2242
town@lamoine-me.gov

APPEAL or VARIANCE APPLICATION

Applicant's Name: Tom True Tax Map # 16 Lot # 48-1

Property owner's name (if different) Richard & Marion Arnold

Mailing Address (appellant)

Physical Address (if different) TM 16, Lot 46

4606 Windsor Drive

102 Marlboro Beach Road

Flowery Branch, GA 30542

Lamoine, ME 04605

Telephone (H) _____ (C) 603-714-5668 (W) _____

Email Address: tntlpe@gmail.com

Type of Appeal: (check one)

Applicable Ordinance (check all that apply)

Administrative*

Building & Land Use

Variance Request

Shoreland Zoning Ordinance

*If Administrative, what decision making authority is being appealed?

Gravel Ordinance

Code Enforcement Officer/LPI

Site Plan Review Ordinance

Planning Board

Other _____

Other

For Administrative Appeals:

This application is for a decision or lack of decision by the above party because the applicant believes:

<input type="checkbox"/> An error was made in the denial of a permit	<input type="checkbox"/> Denial of a permit was based on a misinterpretation of an ordinance	<input type="checkbox"/> There is a failure to approve or deny a permit within a reasonable period of time
<input checked="" type="checkbox"/> Other (please state reason) Failure to enforce a violation of the Building and Land Use Ordinance. As noted in the attached violation letter, this structure violates both the current and prior height ordinances since there are 3 stories. It also violates the ordinance because the space consisting of the 3rd story violation was never permitted, as is required. Please also see attached.		

(continued on other side)

Lamoine Appeal or Variance Application

For Variance Requests:

Please describe the nature of the variance you are requesting:

For a variance to be granted, four criteria must be met. Please explain how your situation meets each of the following criteria: (you may attach additional pages)

- The land in question cannot yield a reasonable return unless the variance is granted.

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

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

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

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

Date 4/14/2020 Signature Thomas N. Jure

(Application Fee is \$50.00, payable to the Town of Lamoine)

For town staff/Appeals Board Use Only – Paid by: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card			
Dated Rec'd By:		Date Sent to Appeals Board By:	
Initial Hearing Date		Date of abutter notification By:	
Public Hearing Notices mailed by:		Newspaper Ad Date(s) By:	
<input type="checkbox"/> Appeal Approved (Date)		<input type="checkbox"/> Appeal Denied (Date)	

Office of Code Enforcement
Rebecca Albright, CEO
606 Douglas Highway
Lamoine, ME 04605
(207) 667-2242

December 11, 2019

Richard & Marion Arnold
102 Marlboro Beach Road
Lamoine, Maine 04605

Dear Mr. & Mrs. Arnold,

I have received a complaint that your house has three stories of living space.

The complainant has attached photos and description of your property as found on the internet on the Knowles Company (a Real Estate agency) website.

Please be advised that no permit has ever been applied for or granted for a third story of living space. Your original house plans have no dormer indicated anywhere.

I researched the language that was in place in the Lamoine Building and Land Use Code (amended 5/8/1993) and Section 6. D. clearly states, "No principal or accessory structure shall exceed two stories in height..."

Sincerely,

Rebecca Albright, Code Enforcement Officer

Cc: The Lamoine Selectboard

The Knowles Company

Town of Lamoine, Maine
606 Douglas Hwy.
Lamoine, ME 04605
207-667-2242
e-mail town@lamoine-me.gov,
website www.lamoine-me.gov



COMPLAINT FORM

Complainant Information

Name of Person Making Complaint Tom True (Map 16, Lot 48-1)

Mailing Address 4606 Windsor Dr (local address 114 Marlboro Beach Road)

City Flowery Branch State GA Zip Code 30542

Telephone (Home) 603-759-3764 (Work) 678-775-5828 (Cell) 603-714-5668

E-mail address TNT1PE@gmail.com

Date of Complaint 9/3/2019 Date of Possible Violation unknown

Location of Possible Violation Map 16, Lot 46

102 Marlboro Beach Road

Person responsible for possible violation Richard & Marion Arnold

Property Owner Richard & Marion Arnold

Describe nature of activity being reported and what ordinance it might violate. In the space below. Use the reverse side of this form or attach additional statements if necessary.

We believe there are multiple violations on this property and some of them are itemized as follows:

- 1) Occupying and using the structure as a 4 bedroom home when the septic system is only permitted for 3 bedrooms.
- 2) Occupying 3 stories which is not only a violation of both the current and prior BLU but also a life safety hazard due to the unacceptable "distance to egress". The open post and beam construction of the Arnold's house makes this situation even more dangerous because there are no areas of refuge, such as fire retardant (sheet-rocked) hallways.

** See cover letter and attachments for more information. **

Signature



Return to:

Code Enforcement Officer
Town of Lamoine
606 Douglas Hwy
Lamoine, ME 04605



Presented by:
Jamie O'Keefe (207) 276-3322



Brokered by:
The Knowles Company (855) 719-3762

Distinctive properties. Legendary service.

More about this property

**Listing showing
4 bedrooms**

I'm interested in 102
Marlboro Beach Rd

Get pre-approved by a lender.

Contact Agent

By clicking "Contact Agent," you consent to receive texts and calls (including by automated means and prerecorded/artificial voices) from realtor.com and real estate professionals about your request. Your consent is not required as a condition to buy. More



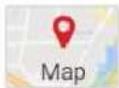
Skylights for the 3rd story are not shown on the permitted plan

Click to expand photos

For Sale - Active

1 / 59

Be Ready to Buy. How Much Can You Borrow?



4 beds 3 baths **3,200** sq ft 3.58 acres lot

\$995,000

Estimate Payment

Saved

Commute Time 102 Marlboro Beach Rd, Lamoine, ME 04605

Septic is only permitted for 3 bedrooms

House is only permitted for 2,900 s.f.



Presented by:
Jamie O'Keefe (207) 276-3322



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More about this property

BEDROOM #1

I'm interested in 102
Marlboro Beach Rd

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For Sale - Active

26 / 59

Be Ready to Buy. How Much Can You Borrow?



4 beds 3 baths **3,200** sq ft 3.58 acres lot

\$995,000

Estimate Payment

Saved

Commute Time 102 Marlboro Beach Rd, Lamoine, ME 04605



Presented by:
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Brokered by:
The Knowles Company (855) 719-3762

Distinctive properties. Legendary service.



For Sale - Active

37 / 59

More about this property

BEDROOM #2

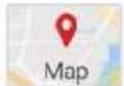
I'm interested in 102
Marlboro Beach Rd

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Be Ready to Buy. How Much Can You Borrow?



4 beds

3 baths

3,200 sq ft

3.58 acres lot

\$995,000

Estimate Payment

Commute Time 102 Marlboro Beach Rd. Lamoine, ME 04605

♥ Saved

https://www.realtor.com/realestateandhomes-detail/102-Marlboro-Beach-Rd_Lamoine_ME_04605_M44111-85952#photo42

Google Maps Bright Choices Household Stuff Contract Guide Business Days Calc... Lamoine Permits Pro Fee Inflation RE Express



Presented by:
Jamie O'Keefe (207) 276-3322



Brokered by:
The Knowles Company (855) 719-3762

Distinctive properties. Legendary service.



For Sale - Active

43 / 59

More about this property

BEDROOM #3

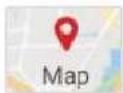
I'm interested in 102
Marlboro Beach Rd

Get pre-approved by a lender.

Contact Agent

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Be Ready to Buy. How Much Can You Borrow?



4
beds

3
baths

3,200
sq ft

3.58
acres lot

\$995,000

Estimate Payment

Commute Time 102 Marlboro Beach Rd, Lamoine, ME 04605

Saved



Presented by:
Jamie O'Keefe (207) 276-3322



Brokered by:
The Knowles Company (855) 719-3762

Distinctive properties. Legendary service.



More about this property

BEDROOM #4 ON 3RD STORY

I'm interested in 102
Marlboro Beach Rd

Get pre-approved by a lender.

Contact Agent

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For Sale - Active

45 / 59

Be Ready to Buy. How Much Can You Borrow?



4 beds 3 baths 3,200 sq ft 3.58 acres lot

\$995,000

Saved

Commute Time 102 Marlboro Beach Rd, Lamoine, ME 04605

Estimate Payment



Presented by:
Jamie O'Keefe (207) 276-3322



Brokered by:
The Knowles Company (855) 719-3762

Distinctive properties. Legendary service.



Common point with prior photo

More about this property

3rd story skylight visible from the front of the house

I'm interested in 102
Marlboro Beach Rd

Get pre-approved by a lender.

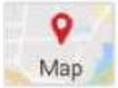
Contact Agent

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For Sale - Active

46 / 59

Be Ready to Buy. How Much Can You Borrow?



4 beds

3 baths

3,200 sq ft

3.58 acres lot

\$995,000

Estimate Payment

Saved

Commute Time 102 Marlboro Beach Rd, Lamoine, ME 04605

https://www.realtor.com/realestateandhomes-detail/102-Marlboro-Beach-Rd_Lamoine_ME_04605_M44111-85952#photo2

Google Maps

House is 26' above the foundation per the building plans.
Total height 38' to 42' depending upon height of stairs

Days Calc...



Lamoine Permits



Pro Fee Inflation



RE Express



Presented by:
Jamie O'Keefe (207) 276-3322



Brokered by:
The Knowles Company (855) 719-3762

Distinctive properties. Legendary service.



More about this property

3rd story dormer
& non-permitted
bedroom

Deck is approximately 12' to 16'
above grade depending upon
whether the 16 steps are 8" or
12" high

Get pre-approved by a lender.

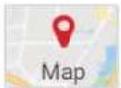
Contact Agent

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For Sale - Active

3 / 59

Be Ready to Buy. How Much Can You Borrow?



4 beds

3 baths

3,200 sq ft

3.58 acres lot

\$995,000

Estimate Payment

Saved

Commute Time 102 Marlboro Beach Rd, Lamoine, ME 04605

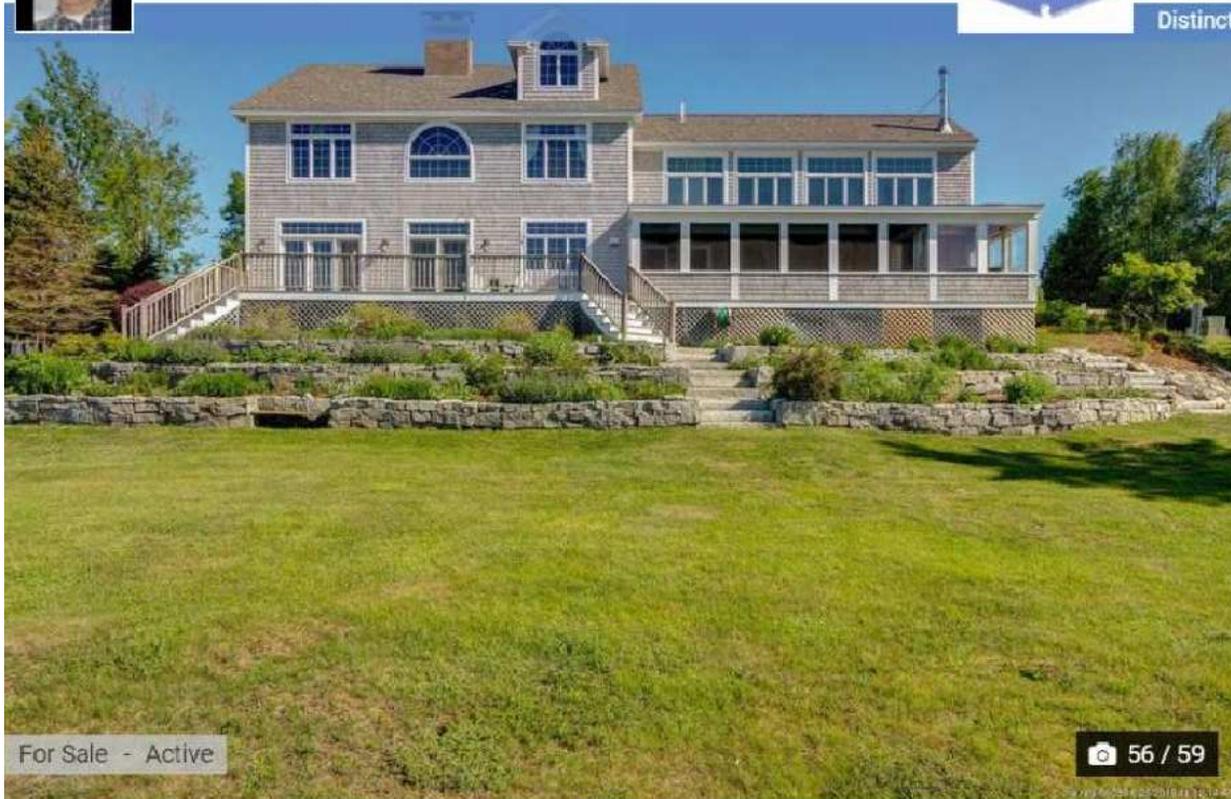


Presented by:
Jamie O'Keefe (207) 276-3322



Brokered by:
The Knowles Company (855) 719-3762

Distinctive properties. Legendary service.



For Sale - Active

56 / 59

More about this property

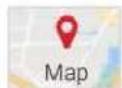
I'm interested in 102
Marlboro Beach Rd

Get pre-approved by a lender.

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Be Ready to Buy. How Much Can You Borrow?



4
beds

3
baths

3,200
sq ft

3.58
acres lot

\$995,000

Estimate Payment

Commuter Time 102 Marlboro Beach Rd, Lamoine, ME 04605

Saved

Town of Hanover

Application for a Building Permit Number 95-008

Tax Map # 16 Lot # 46 Flood Zone Zoning Dist

The undersigned applies for a building permit for the following use (s). Said permit to be considered on the basis of the information contained within this application. Any Federal, State or Local statutes, or regulations shall be applicable; and their compliance necessary to obtain a building permit. Permit will be issued to owner of record or properly designated agent. Incomplete applications will not be processed

1. Owner of Property RICHARD AND MARION ARNOLD
Telephone (408) 268-5733

2. Postal Address 655 Briar Ranch Lane San Jose CA. 95120

3. Location of Lot Route 204 & Marlboro Beach

4. Lot Dimensions Width: 200 Length 763 Area 3.58 Acres

5. Recorded Subdivision yes no

If yes, Name: Lot Number

6. Existing use of property (including structures thereon): No structures
Land is vacant

7. Existing Utilities: town water well public sewer gas

8. Proposed use of property:

- Residential
 - New Dwelling Unit
 - Manufactured House year make
 - Addition to Existing Unit
 - New Commercial Use
 - Expansion of existing use
- Commercial
- Accessory Structure Describe
- Other Describe

9. any Federal, State, County or Local Government Monies Involved? No

10. Earth Moving activity: Under 10 cu yds. over 10 cu yds. Foundation excavation

11. Description of proposed structures, alterations size, type of construction.
Wood frame three bedroom dwelling enclosing approx. 2900 sq feet
of living space.

12. Applicant's estimate of market value of project being constructed \$ 188,000

13. Name of Contractor Martin Cove Cont. Corp. (Tom Bowen)
Address P.O. Box 1083 Ellsworth Me. 04605 (667 6649)

- Attachments (when applicable)
- Record of Ownership Board of Appeals Building Plans
 - Plot Plan Site Evaluation Site Review
 - DEP Permit Flood Permit Other
 - Plumbing Permit

(Continued on other side)

Note: Signature of the applicant indicates an awareness of requirements of ordinances & statutes and constitutes application for Certificate of Occupancy.

A certificate of occupancy must be obtained before the structure hereby permitted is used.

Applicant's Signature [Signature] Date: 2/1/95

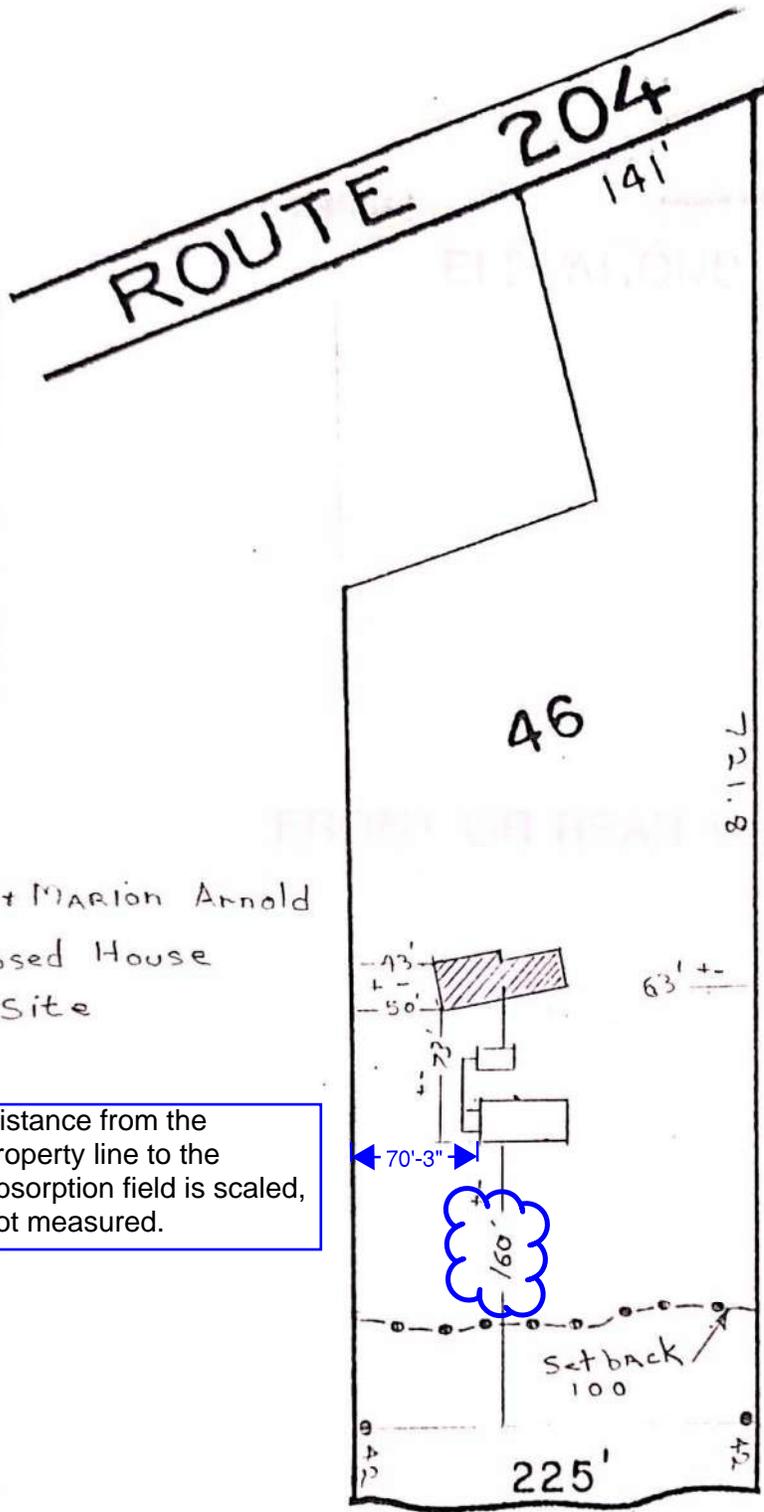
For Office Use Only		For Office Use Only
Building Permit Number:	<u>95-008</u>	\$ <u>100.00</u>
Flood Hazard Development Permit:	<u> </u>	\$ <u> </u>
	Total Fees	\$ <u>100.00</u>

Date Action Taken: 4/3/95

Approved [] Denied

Comments:

Signature of Code Enforcement Officer: [Signature]
Approval designates that this is a building permit

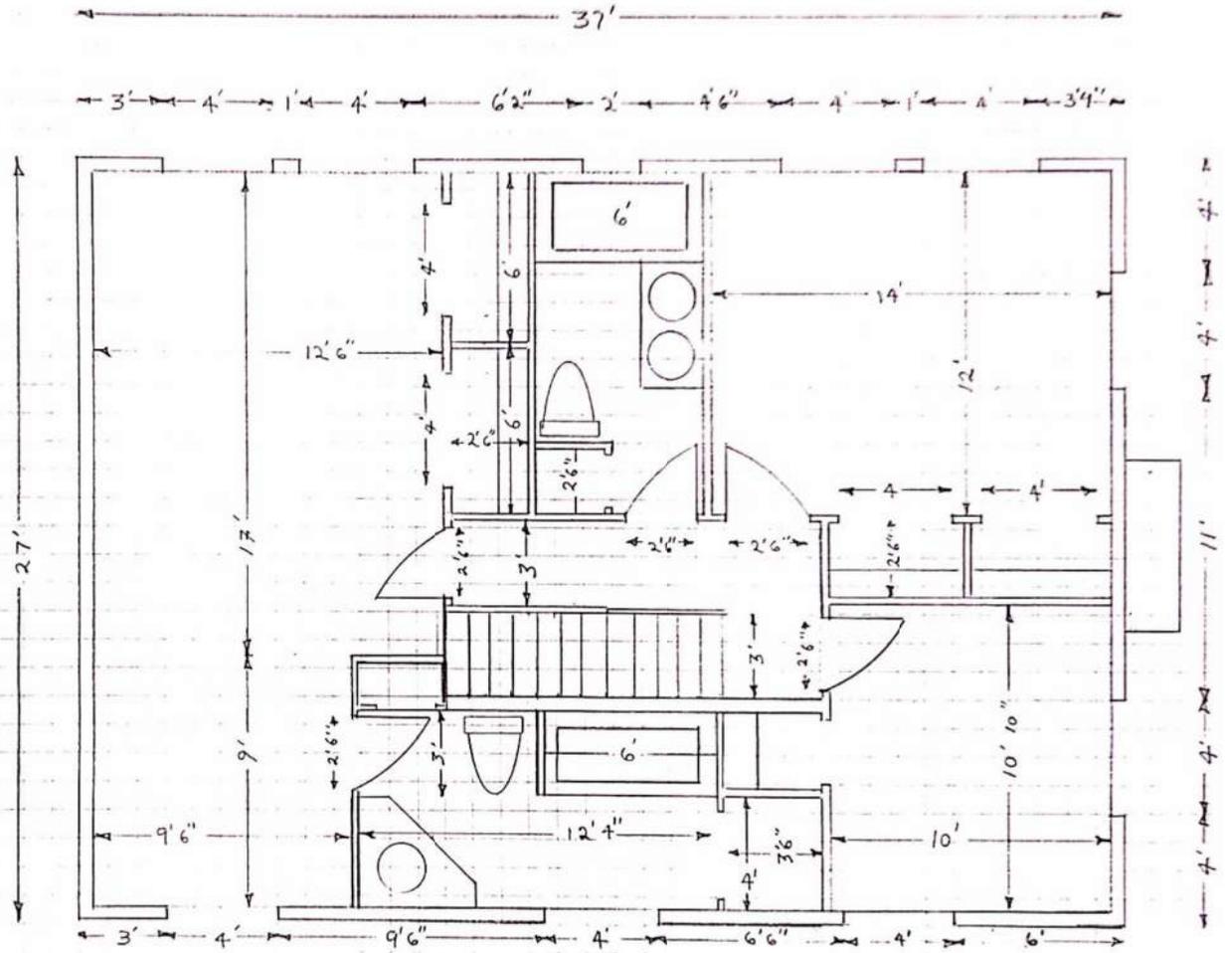
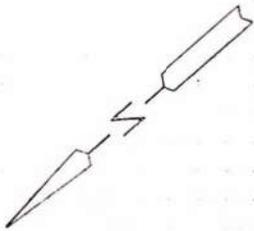


Distance from the property line to the absorption field is scaled, not measured.

Marlboro Beach

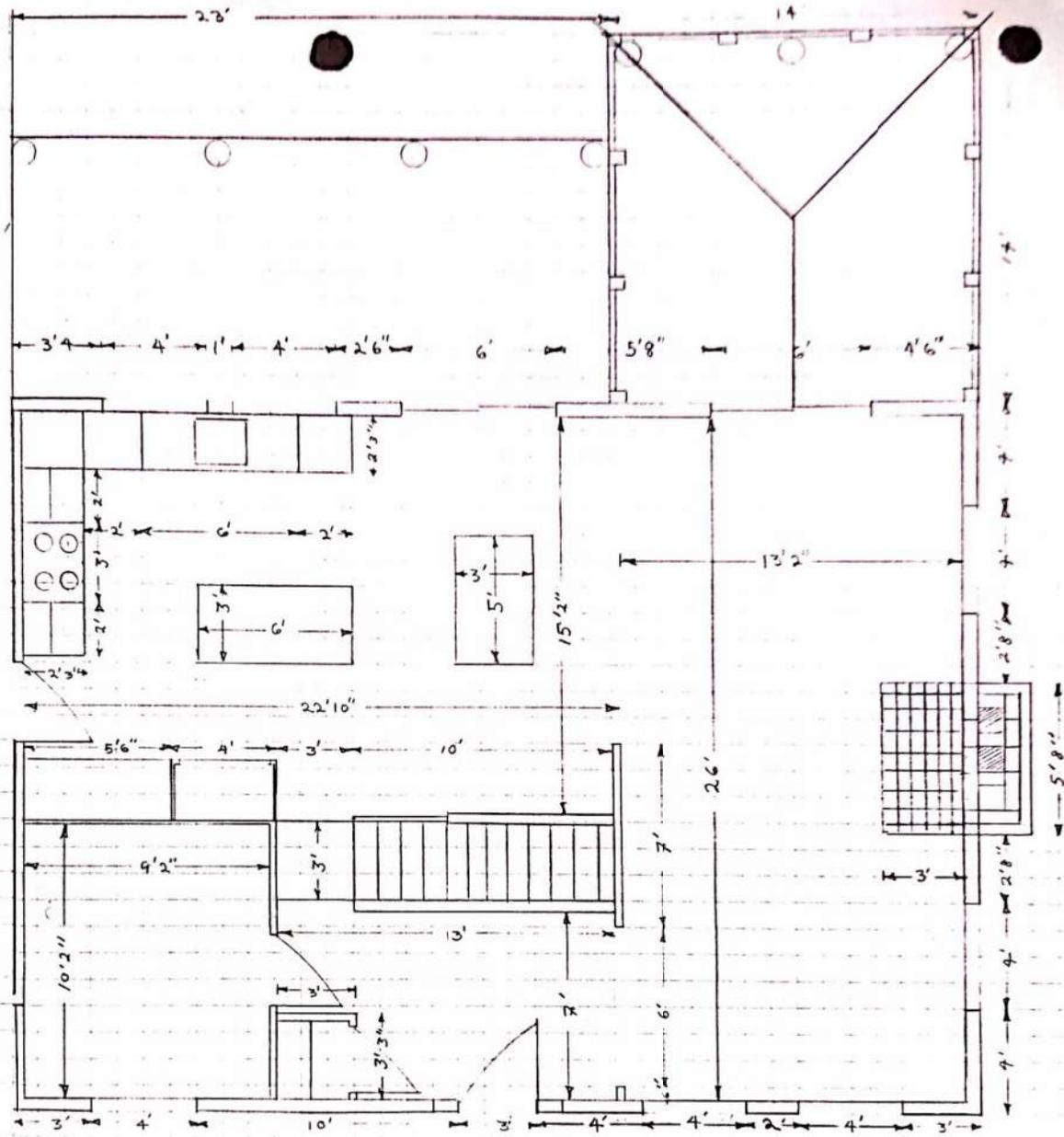
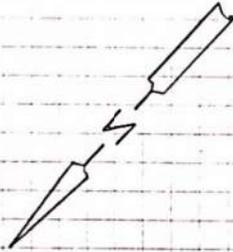
Scale $\frac{1}{4}'' = 1'$
2nd fl

There is no "3rd fl" included
in the application package.



Sheet #2 of 10
Richard & Madison Arnold

Scale $\frac{1}{4}'' = 1'$
1st fl.

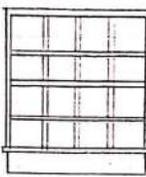
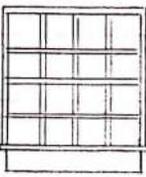
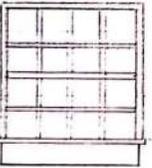
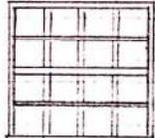
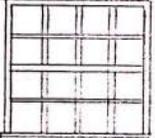
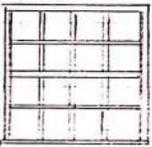


Sheet # 3 of 10

Richard + Marion Arnold

North Elevation

Skylights not shown



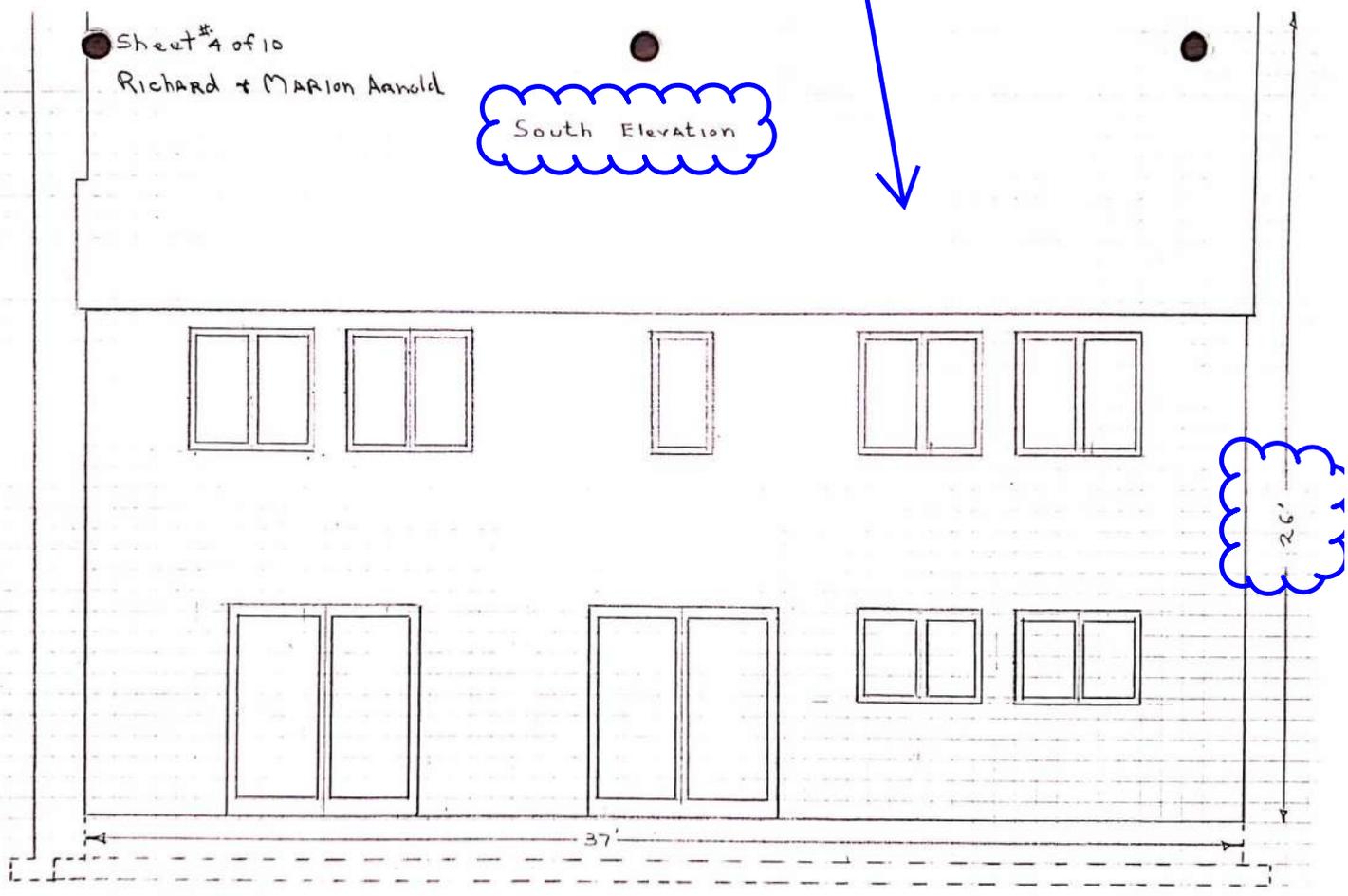
37'

26'

Sheet # 4 of 10
Richard + MARION Arnold

South Elevation

No dormer



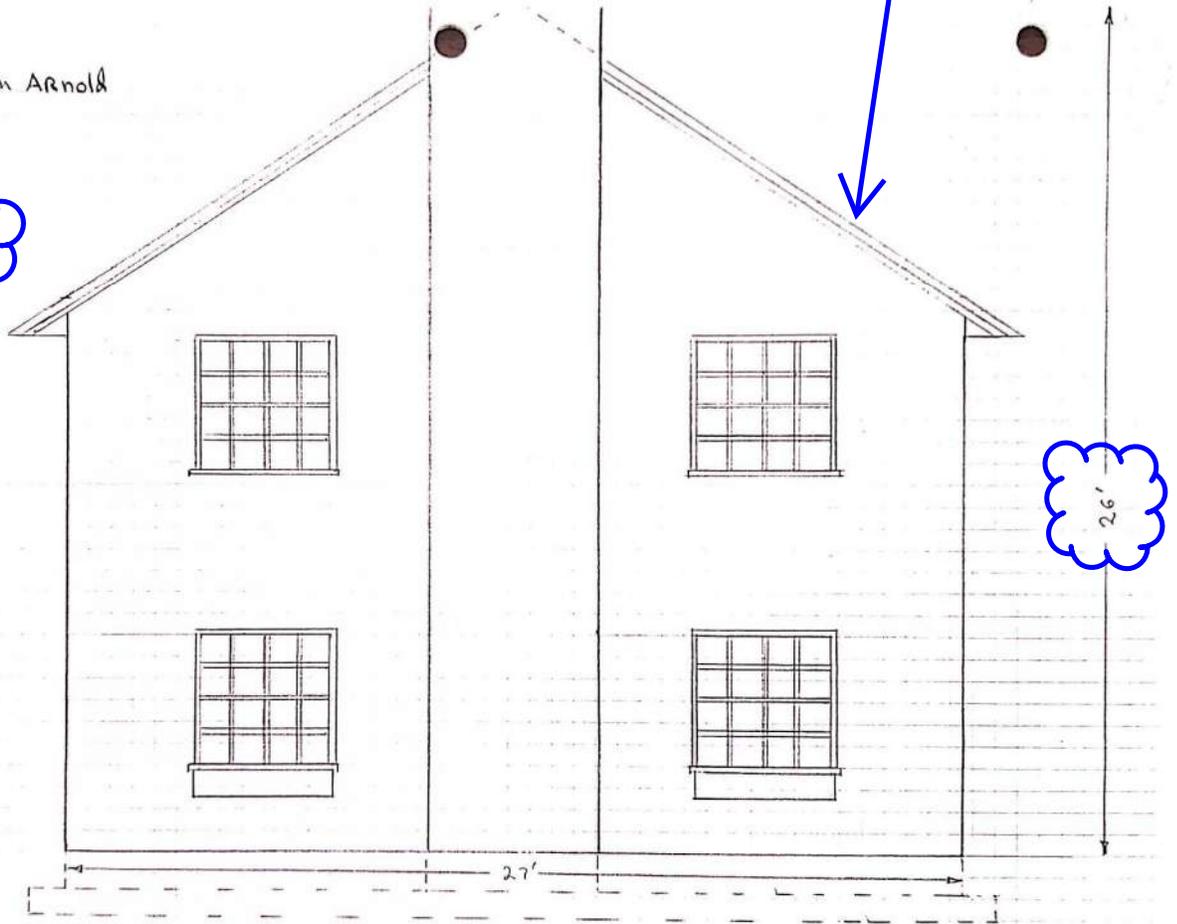
26'

37'

Sheet # of 10
Richard & MARION ARNOLD

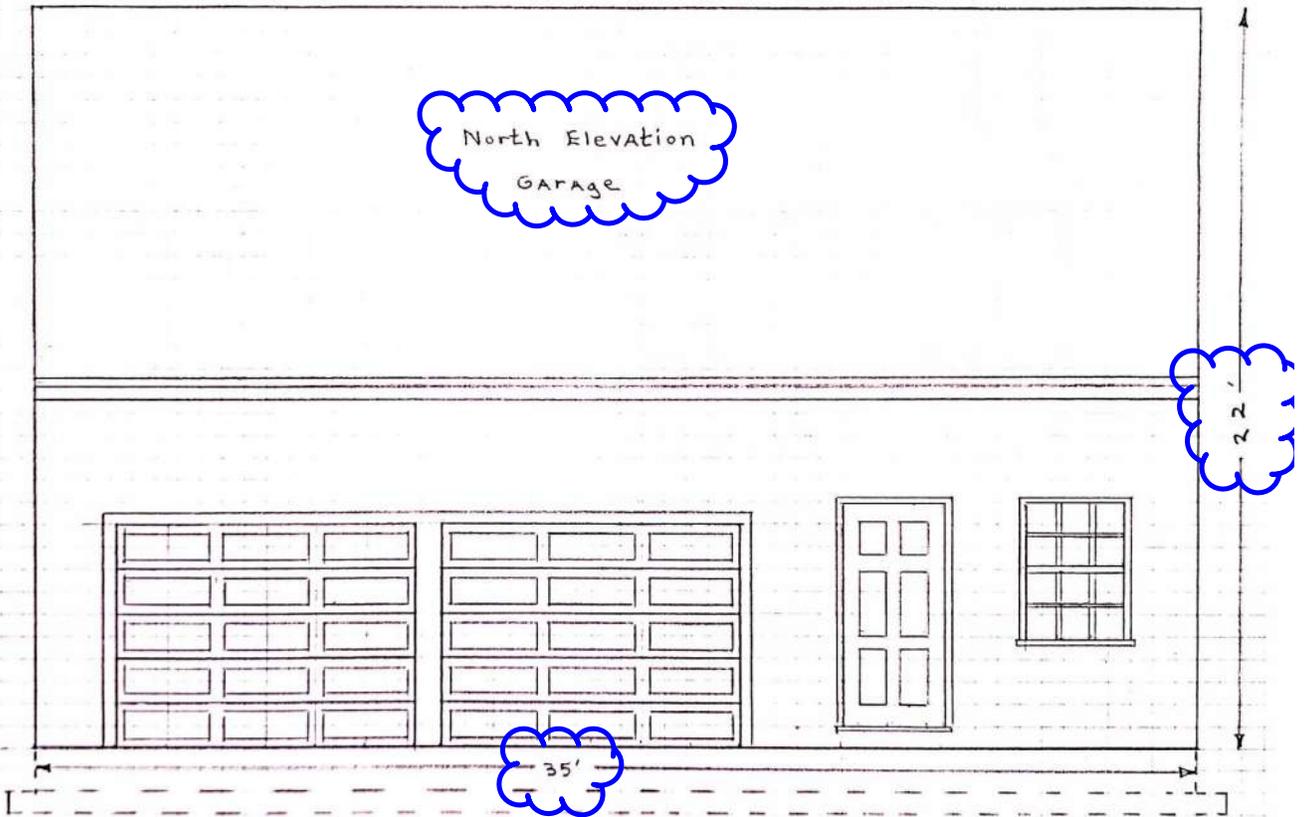
West Elevation

No dormer

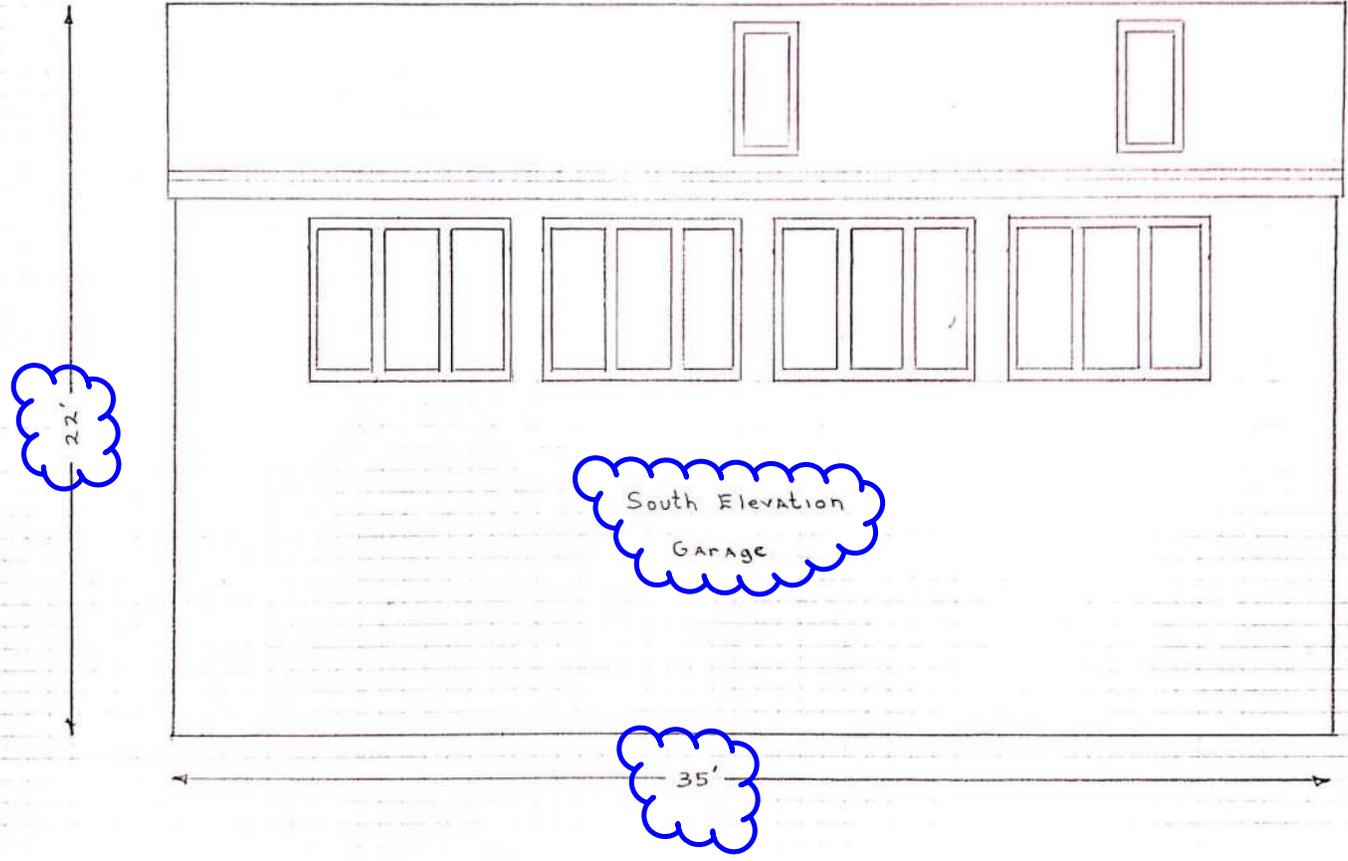


Sheet # 6 of 10

Richard & Marion Arnold



Sheet # of 10
Richard + Marion Arnold



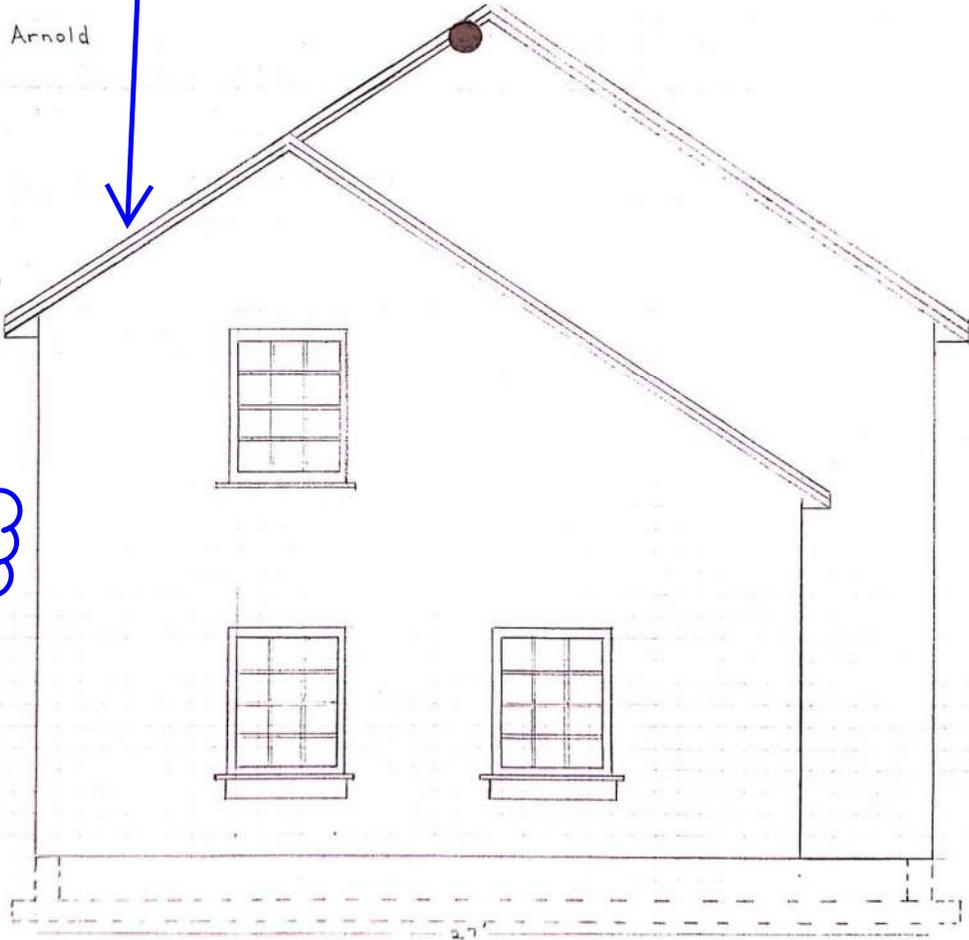
SHEET 8 of 10
Richard Marion Arnold

No dormer

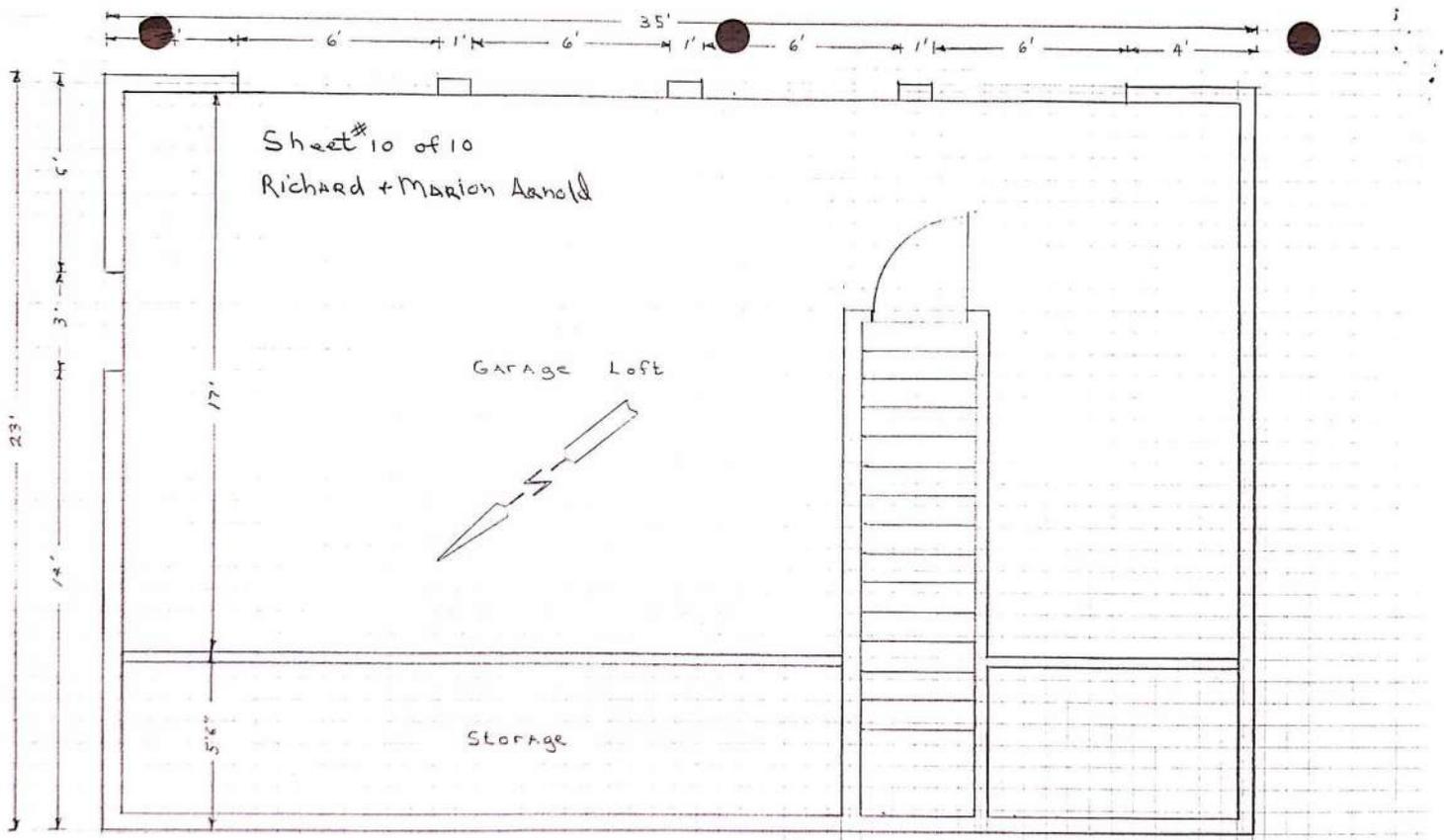
East Elevation
Garage - Loft

22'

26'

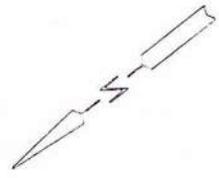


27'



Sheet # 10 of 10
Richard + Marion Arnold

GARAGE LOFT



Storage

CERTIFICATE OF OCCUPANCY TOWN OF LAMOINE, MAINE

Building Permit Number 9508 Map 16 Lot 46

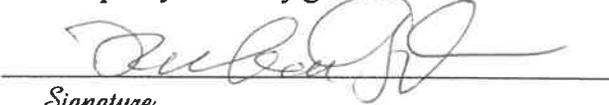
To: Richard & Marion Arnold

Address: 655 Briar Ranch Lane
+ (RT 204) San Jose CA 95120

Telephone: (408) 268-5733

Having found the work done under the Building Permit to have been performed in substantial compliance with the provisions of the Lamoine Building and Land Use Ordinance, this Certificate of Occupancy is hereby granted.

Code Enforcement Officer


Signature

Dated: 1/26/98

CERTIFICATE OF OCCUPANCY
TOWN OF LAMOINE

Certificate No. 95-006

Tax Map No. 16, Lot No. 48
Building Permit No. 008-95

To: Name: Richard & Marion Arnold
Address: Route 204
Marlboro (Lamoine), ME 04605
Telephone: 667-3026

Having found the work done under the Building Permit to have been performed in substantial compliance with the provisions of the Lamoine Building and Land Use Code, this Certificate of Occupancy is hereby granted.

Code Enforcement Officer

Date: August 26, 1995



TOWN OF LAMOINE

BUILDING PERMIT No. 08-95

(re-issuance)
DATE OF ISSUE
4.28.97

TEL 467-2242
norm 537-3263

MAP AND LOT
Map 16 Lot 46

BUILDING INSPECTOR *Rebecca O'Neil*

CALL BEFORE
INSULATION OR
CLOSING IN
WALLS

- FOOTINGS
- FOUNDATION
- CHIMNEY
- FRAMING
- ELECTRICAL
- FINAL

DATE 5-26-97 INSP *Pat*
DATE 6/16/97 INSP *RO*
DATE 6/16/97 INSP *RO*
DATE 7/2/97 INSP *RO*
DATE 9/12/97 INSP *RO*
DATE 1-2-98 INSP *RO*

NO OCCUPANCY WITHOUT PERMIT

- THIS CARD MUST BE VISIBLE FROM THE LOT FRONTAGE •
- BUILDING PERMITS EXPIRE IN ONE YEAR •

TOWN OF LAMOINE

BUILDING PERMIT No. 95-008

COF 095-008

DATE OF ISSUE
4/3/95

TEL 667-7686

MAP AND LOT
MAP 16 LOT 18

BUILDING INSPECTOR *Tina F...*

CALL BEFORE
INSULATION OR
CLOSING IN
WALLS

- FOOTINGS
- FOUNDATION
- CHIMNEY
- FRAMING
- ELECTRICAL
- FINAL

DATE _____ INSP *(initials)*
DATE _____ INSP *(initials)*
DATE _____ INSP _____
DATE 7/13/95 INSP *(initials)*
DATE _____ INSP _____
DATE 8/26/95 INSP *(initials)*

Approved
655 Ocean Avenue
San Jose, CA 95120

RESIDENCE

NO OCCUPANCY WITHOUT PERMIT

- THIS CARD MUST BE VISIBLE FROM THE LOT FRONTAGE •