Lamoine Board of Appeals
DRAFT Minutes – Meeting 14 February 2017

Recognizing that a quorum is present, Chair Fenton **called the meeting to order** at 6:32 PM.

Present were Appeals Board members Hancock "Griff" Fenton, Michael Jordan, and Jon VanAmringe; Code Enforcement Officer Edward "Rick" Gallegos, and Steve Hesketh, General Contractor at Details, Inc., representing Appellants Carol Mason and Mark Harris, as well as Lamoine residents Amy and Tom Duym.

Minutes from Prior Meeting [19 January 2017]. Mr. Jordan moved to approve the Minutes as presented. Mr. VanAmringe 2nd. Vote in favor was 3-0.

1. Appeal – Mason v. Lamoine Code Enforcement Officer (denial of permit)

Chair Fenton briefly re-introduced the Appeal to the Board. Discussion followed with presentation on topics by participants as follows:

- **Mr. Heskett** stated that this appeal related to a property, which was re-build in 2003 and at that time granted a non-conforming permit to upgrade property that already was too close to the road boundary and road centerline. At present the measured distance from the front porch is 48 feet to centerline of road. 2017 request for permit is intended to increase the building footprint by 24% [418 square feet], with the addition, no closer to the road, but still non-conforming. The building addition is at least ten feet further from the road than the existing structure. The size of the proposed addition was within the 30% increase allowed on non-conforming properties as stated in the Lamoine Building and Land Use Ordinance, specifically Section 5, Sub Section I.
- **CEO Gallegos and Mr. Heskett** both agreed with measurements and location of existing and proposed buildings on the property.
- **Chairman Fenton** mentioned a Maine Supreme Court case, *Rowe vs. South Portland*, which addressed whether a variance could be issued. He said there are four criteria to meet, and it's difficult to meet all:
    1. The land in question could not yield a reasonable return unless the variance is granted.
    2. The need for a variance is due to the unique circumstances of the property and not the general conditions of the neighborhood.
    3. The granting of a variance would not alter the essential character of the locality.
    4. The hardship is not the result of action taken by the applicant or a prior owner.
- **Amy Duym**, a proximate landowner stated that she believed that the suggested building addition would be an aesthetic "bonus" to the locale. They do not object to

granting a permit for the addition.

- **Chairman Fenton** read into the record a memorandum prepared by **Chairman John Holt of the Lamoine Planning Board** [copy attached] including his opinion of this Appeal based on the most recent [10 April 2014] BLUO.
- **Chairman Fenton** indicated that he would discuss this matter with the Maine Municipal Association, to gather insight and any relevant precedent with respect to non-conforming properties.

2. Appeals Board Ordinance – *Further discussion deferred to March meeting*

3. Other matters to come before the Board of Appeals – *None*

4. Next meeting date(s) – *Tuesday, 14 March 2017*

There being no further business, on the motion of Mr. Jordan, second by Mr. VanAmringe, all members voting in favor, the meeting was adjourned at 19:48 PM

Post Meeting Updates – *Because of inclement weather, meeting of Tuesday, 14 March was rescheduled for 28 March 2017. At the request of the Appellants, any further discussion of their Appeal – Mason v. Lamoine Code Enforcement Officer (denial of permit) would be deferred until May, so that they could be present.*

Respectfully submitted,

Jon VanAmringe, Secretary