

**Town of Sanford
Zoning Board of Appeals**

The Sanford Zoning Board of Appeals scheduled a meeting on Monday, June 11, 2012 at the Sanford Town Hall. The meeting was called to order by Mark Patterson at 7:02 P.M.

Members Present: Mark Patterson
 Paul Demers
 Jane Bowker
 Naila Aslam-Khan
 James Wendel
 Kimberly Stewart

Members Absent with Notice: Kyle Landry

Representing Code Enforcement: Shirley S. Sheesley, Chief Code Enforcement Officer

Jamie Cole, Code Enforcement Officer

Motion to accept the minutes from January 23, 2012 was seconded and a vote taken. Members voted 5-0 in favor to accept. (Naila arrived after the voting).

Next order of business, the appeal of Timothy Arseneault, 17 Greenaway Ave., Springvale, ME 04083.

Shirley Sheesley, CCEO, gave a brief scenario as to the reason for the appellant filing an appeal.

1. Application did not specify basis for appeal.
2. In February, 2012 a conditional permit was issued to the applicant excluding the expansion of the porch and garage. Permit was issued for existing house renovations only.
3. The porch and garage would have been within the 25ft setback requirement.
4. Applicant was never formally denied a building permit.
5. The applicant's appeal is well over the 30 day requirement.

The Board of Appeals questioned that since no formal denial was issued, does applicant have basis for an appeal?

1. House was built in 1987.
2. There are no pins to identify owners property lines.
3. Applicant had clear knowledge that only the renovations to his home were permitted following the issue of his permit.
4. Applicant took advantage during the informality of this appeal to present his case regarding setback conditions.
5. If a variance was granted what number would the Zoning Board of Appeals use in granting the variance since there is no determination on the number of feet needed to accomplish the applicant's need?

A motion was made and seconded by ZBA to hear the appeal from the applicant keeping in mind the comments made by the Code Enforcement Officer. 2 voted in favor, 3 opposed and 1 abstained. Motion did not pass.

A motion was made not to hear the appeal based on the following;

1. Lacks Standing.
2. Over 30 days following receipt of documentation from Codes.
3. Applicant needs to submit measurements of his property so ZBA can determine variance if granted.
4. Applicant would need to file another application with his proposal and have it denied; submit his appeal following denial by Codes within the 30 day limit.

Discussion back & forth with the applicant and ZBA members regarding survey in order to determine an accurate number if filing for a dimensional variance.

Motion was seconded and the board voted: 6 - 0 in favor of not hearing the appeal.

Old Business:

None.

New Business:

Shirley referenced there were no pending appeals.

Meeting adjourned at 7:53 P.M.