

**City of Sanford  
Zoning Board of Appeals**

The Sanford Zoning Board of Appeals scheduled a meeting on Monday, March 11, 2013 at the Sanford City Hall. The meeting was called to order by Shirley Sheesley at 7:15 P.M

Members Present:	Mark Patterson Naila Aslam-Khan James Wendel Jane Bowker Joel Plourde
Members Absent with Notice:	Paul Demers
Members Absent without Notice:	Kimberly Stewart
Representing Code Enforcement:	Shirley S. Sheesley, Chief Code Enforcement Officer. Jamie Cole, Code Enforcement Officer.

The ZBA meeting commenced with the Pledge of Allegiance.

Next came the election of officers with Shirley asking for a nomination for Chairperson.

Joel nominated Mark Patterson for Chairperson. Jim seconded the nomination and the Board voted 4 – 0 – 1 abstained to elect Mark as their Chairperson.

Chairperson Mark Patterson took over the meeting and continued with the election.

Jim nominated Kim Stewart for Vice Chairperson. Naila seconded the nomination and the Board voted 4 – 0 – 1 abstained to elect Kim as Vice Chairperson.

Jim nominated Naila Aslam-Khan for Secretary. Joel seconded the nomination and the Board voted 5 – 0 to elect Naila as Secretary.

Mark asked if there was any other business for the Board.

Shirley asked if the Board wanted to vote on the minutes for December 10, 2012. Minutes could not be voted on as some of the members were absent that attended the meeting on December 10, 2012. Hence, no quorum. Minutes postponed for next meeting.

Shirley asked if the Board wanted to review the By-Laws adopted on April 26, 2010. Mark suggested the Board review them at the next meeting when it's anticipated they will have a full Board.

Mark approached the Board regarding cases where existing homes do not meet required setbacks in cases where the owner(s) created their own hardship and the Board was helpless in granting a variance.

Jamie explained to the Board that although the Board couldn't grant a variance the owner could possibly secure a consent agreement with the City Council. A consent agreement usually comes with an assessed fine (penalty).

As Shirley has referenced, state law does allow for reduced setback on single family homes if City adopts provision. It still needs to meet owner created hardship criteria.

Jamie suggested the Board consider a letter to the Planning Board requesting they meet with the ZBA and the City Manager about the possibility of an ordinance change.

Mark volunteered to discuss this with the City Manager.

Jamie also made note that he and Shirley have called just about every town in Maine to see what their policy is regarding same.

Mark asked Shirley what happens today if a house was built 3 feet from the road many years earlier. Shirley responded saying that if it predates the ordinance it doesn't even come to the Board as she can sign off on it.

Jim made reference that material handed out today doesn't always match the application. Need to get the handout aligned with the ordinance so all are on the same page.

Jim requested we email him with our current handout based on the appeal so he could review.

More discussion on what the ZBA can and cannot do regarding setback situations. Jamie has literally spent hours trying to obtain information for the ZBA on this subject and has yet to find a town that has the authority to grant the variance.

Mark made reference to the expense of a survey and the fact that boundary pins get moved.

Jane asked if there was a way to streamline the process for the applicant(s) seeking a variance who must first go through the ZBA and be denied before going forth to the council for a consent agreement.

Mark will open this discussion with the City Manager to encourage a workshop on this matter.

Jamie announced Codes involvement in converting older tapes to CD's for future reference.

A motion was made by Jim to adjourn. The motion was seconded by Joel and the Board adjourned at 8:15 P.M.

Send a copy of the By-Laws to both Kim and Paul.