

MOUNT DESERT BOARD OF APPEALS

NOTICE OF DECISION

Statement of Findings and Conclusions

Date of Hearing: June 6, 2023

Appellant(s) Name(s): Janet Leston Clifford & Robert G. Clifford

Appellee(s) Name(s): Kimberly Keene, Code Enforcement Officer

Location of the property: 8 Sweet Fern Way, Hall Quarry, Tax Map 007 Lot 070

Zone property is in: Residential One (R1)

Basic description of the Appeal:

- Issuance of a Notice of Violation Letter dated April 7, 2023.

Issue:

Whether the Code Enforcement Officer's Notice of Violation Letter, dated April 7, 2023, is clearly contrary to specific provisions of the Town of Mount Deserts Land Use Zoning Ordinance and Land Use & Building Permit Application and construction drawings (Revised – August 18, 2011), issued on August 18, 2011, Building Permit #5928.

Findings:

- UPON A REVIEW, THE APPELLANTS HAVE COMPLIED BY REMOVING THE BED AND COOKING FACILITIES, UPON THE VERIFICATION OF THE CEO TO ESTABLISH THAT THINGS ARE CURRENT IN THE CONDITION OF THE HOUSE.
- THE ADDITION PERMITTED IN 2011 (BUILDING PERMIT 5928), ON AUGUST 18, 2011, IS IN COMPLIANCE WITH THE REVISED PLANS DATED AUGUST 18, 2011, PLANS.
- ACCEPTING THE FACT THAT THERE WAS MISCOMMUNICATION ON BOTH SIDES, THE CEO WILL INSPECT TO ENSURE AND RECTIFY THAT THERE IS NO VIOLATION.
- BASED ON THE EMAIL OF APRIL 13, 2023, THE BED AND COOKING APPLIANCES HAVE BEEN REMOVED.
- THE BOARD HAS AGREED TO OVERTURN THE VIOLATION UPON THE CEO'S INSPECTION, TO OCCUR AT A TIME THAT IS CONVENIENT TO BOTH THE CEO AND THE APPELLANTS, AND VERIFICATION OF THE FACTS AS REPRESENTED.

Conclusions:

THE CONCLUSION OF LAW BEING THE FINDINGS OF FACT ARE THE CONCLUSION OF LAW, UPON VERIFICATION OF THE CEO.

Decision/Vote:

For the reasons set forth above, the Mt. Desert Zoning Board of Appeals votes as follows:

MOTION: MR. BRIGHT MOVED WITH MS. BENNOCH SECONDING TO GRANT THE APPEAL ON THE CONDITION THAT CEO KEENE MAKES AN INSPECTION TO VERIFY TO HER SATISFACTION THAT THE COOKING FACILITIES AND THE BED HAVE BEEN REMOVED.

MOTION APPROVED 5-0.

Right of Appeal:

Any party may take an appeal to Superior Court from this decision in accordance with the Maine Rules of Civil Procedure, Rule 80B, within the time provided in Title 30-A M.R.S. § 2691(3)(G), or such other time as may be provided by law.

VOTING IN FAVOR:

William N. Ferm, Chairman

Kevin Walls

James Bright

Julianna Reddish Bennoch

John P. March, Jr.

Jerome Suminsby

Lillian F.B. Andrews

VOTING AGAINST:

William N. Ferm, Chairman

Kevin Walls

James Bright

Julianna Reddish Bennoch

John P. March, Jr.

Jerome Suminsby

Lillian F.B. Andrews