

**TOWN OF GORHAM
BOARD OF APPEALS
MEETING MINUTES
APRIL 17, 2008**

The Gorham Board of Appeals held its regular meeting on April 17, 2008 at the Gorham Municipal Center.

Deputy Town Clerk Jennifer Elliott opened the meeting, introducing the new Board member Stephen Scontras.

The Deputy Town Clerk called for nominations for Board Chairman.

Moved, Seconded and VOTED Joseph Gwozdz for chairman. 7 yeas.

Call for nominations for Vice-Chairman.

Moved, Seconded and VOTED Lauren Carrier for Vice Chairman. 7 yeas.

Chairman Gwozdz took over meeting and called for roll call.

Present; Chairman Joseph Gwozdz, Vice Chair, Lauren Carrier, Board members; Cressey Mollison, Stephen Scontras, Melinda Shain, Alton Shurtleff and Mark Curtis. Town Attorney, Natalie Burns and Code Enforcement Officer, Clint Cushman.

Moved, Seconded and VOTED to approve the meeting minutes from January 17, 2008 as printed and distributed. 7 yeas.

Appeal # 08-02. The appeal of Heather & David Bowman requesting a variance on a farmers porch at the front of the legally nonconforming single family dwelling that they own at 117 Longfellow Road (Map 11, Lot 25) which is in the Rural District. The porch was constructed without a permit.

The Code Enforcement Officer stated that the building inspector noticed the porch, and although they had permits in the past for various projects, the permit that was filed recently did not include a farmer's porch.

Heather & David Bowman spoke on their own behalf and stated that they had put trust into the contractor that they had hired to file the permits correctly, and to know the setbacks etc. They said they never would have built it if they knew they did not have a permit.

The Code Enforcement Officer handed out a set of plans that the contractor had provided the town. He also talked about the building permits and the sketch on the back is different from the front. Photos from the file were also passed around.

There were no public comments and the hearing was closed.

The Town attorney stated that this is a variance and you must apply the variance criteria.

The Board discussed the responsibilities of the homeowners and the contractor/builder. They also discussed the setback and the different criteria for a single family dwelling.

Moved, Seconded and VOTED to deny the appeal as is did not meet the variance criteria.

- A. The property can yield a reasonable return with out the variance. 7 yeas.
- B. The need for the variance is not due to the unique circumstances of the lot. 7 yeas.
- C. The granting of the variance will not alter the essential character of the neighborhood. 7 yeas.
- D. Any hardship is the result of action taken by the current owners through their hiring of the contractor who failed to confirm the setback regulations before getting a permit for and constructing the farmer's porch. 7 yeas.

The findings of fact as read aloud by the Town Attorney were Moved, Seconded and VOTED. 7 yeas.

Moved, Seconded and VOTED to adjourn. 7 yeas. Time of adjournment 7:55 P.M.

A true record of meeting

ATTEST:

Jennifer Elliott, Deputy Town Clerk.