

**City of Ellsworth
Board of Appeals Minutes
April 24, 2019**

The special meeting of the Ellsworth Board of Appeals was attended by Members Jeffrey Toothaker, Steve Salsbury, Jeff Clark, Bruce Sawyer Jarad Wilbur and Steve Shea-Associate Member. Also in attendance was Code Enforcement Officer Dwight Tilton.

**Call to Order
[6:31PM]**

1. ADOPTION OF MINUTES: from the March 14, 2019 meeting. Mr. Toothaker motioned to adopt the minutes as written. Mr. Sawyer seconded the motion. The motion passed with five Members in favor and Mr. Shea was not a voting Member for this motion.

Adoption of Minutes

2. PUBLIC HEARING AND CONSIDERATION: Request of April Jackson for a variance to the sideline setback for the construction of a garage at the property located at 7 Fifth Street, (Tax Map 138 Lot 49) in the ‘U’ Urban zone.

**Variance appeal –
April Jackson**

Mr. Toothaker spoke to the neighbor, Dean Smith, and asked him if he was in favor of Ms. Jackson’s proposal to construct a garage within the sideline setback and he stated he was. Mr. Toothaker asked if anyone was opposed to issuing this variance and Mr. Tilton said no. Mr. Toothaker questioned Mr. Smith to see if his ex-wife (Starr) still had an interest in the property and Mr. Smith stated she did. Mr. Toothaker explained that he represented Starr Smith in court three times. Mr. Toothaker asked if there was any way to contact Ms. Starr Smith and Mr. Smith said he did not know where she was or how to contact her. It was confirm that Ms. Smith has joint ownership of the home. The abutters notice was mailed to the property in both party’s names. At this juncture in the hearing, Mr. Toothaker declared he would not be voting on this agenda item due to a conflict of interest. Mr. Salsbury took the lead over from Mr. Toothaker. He stated the abutting property owners were notified and confirmed the public notice appeared in the Ellsworth American. Mr. Salsbury stated he considered the appeal legally and properly advertised.

Mr. Salsbury asked if there was any discussion amongst the Board. Mr. Sawyer wanted to know if Mr. Tilton had any opposition. Mr. Tilton indicated that the Downtown zone is located across the street where there are zero setbacks. He said if the City had moved the line another 50’ outside of the Urban zone, we would not be here now. Mr. Shea confirmed the setbacks for the zone with Mr. Tilton.

Mr. Salsbury motioned the applicant meets the criteria and grants the variance. Mr. Clark seconded the motion. The motion passed with five Members in favor, with Mr. Toothaker being a non-voting Member for this agenda item due to a conflict of interest.

Variance granted

5. NEW BUSINESS: None

New Business

ADJOURNMENT: [at 6:41PM] Mr. Toothaker motioned to adjourn. Mr. Salsbury seconded the motion. The motion passed with all Members in favor.

Adjournment

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Date	Steve Salsbury, Secretary Ellsworth Board of Appeals
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Board of Appeals Meeting (4-24-2019) streaming on City of Ellsworth Website: https://www.facebook.com/search/top/?q=city%20of%20ellsworth%20board%20of%20appeals%20meeting&epa=SEARCH_BOX Youtube: https://www.youtube.com/watch?v=rGHjq0CviFc&feature=youtu.be
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