

Bond Case Briefs

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ZONING & LAND USE - MAINE

Wolfram v. Town of North Haven

Supreme Judicial Court of Maine - June 6, 2017 - A.3d - 2017 WL 2438530 - 2017 ME 114

Objector appealed from Board of Appeals decision to uphold a conditional use permit issued by planning board to property owner.

The Superior Court affirmed the Board of Appeals decision, and objector appealed.

The Supreme Judicial Court of Maine held that:

- Because property owner had two non-conforming structures on one lot, each could be enlarged by up to 33% of the ground area of the structure that it replaced and still remain in compliance with municipal ordinance;
- Ordinance provision that concerned the repair or replacement of a nonconforming structure damaged or destroyed by fire or cause other than the owner's willful act did not operate to prohibit the enlargement of an existing non-conforming structure;
- A 20% lot coverage restriction in municipal ordinance applicable to guest houses did not apply to a proposal to tear down a bungalow and rebuild it as an annex;
- Evidence was sufficient to support Board of Appeals finding that use of proposed annex to lodge would not have an adverse impact on the quiet possession of surrounding properties, as required for the issuance of a conditional use permit; and
- Evidence was insufficient to support objector's claim that a decision affirming the grant of a conditional use permit to applicant was the product of bias or procedural unfairness.