

Bond Case Briefs

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ZONING - MAINE

Fitanides v. City of Saco

Supreme Judicial Court of Maine - March 17, 2015 - A.3d - 2015 ME 32

Abutting property owner sought judicial review of zoning board of appeals' (ZBA) decision that denied his appeals of planning board decisions approving permits related to the construction of a disc-golf course. The Superior Court affirmed the decisions of the ZBA, and abutting property owner appealed.

The Supreme Judicial Court of Maine held that:

- City planning board's issuance of a conditional use permit for the construction of a disc-golf course with a condition that allowed the city planner to approve minor changes to the project plans was not in violation of city zoning ordinance;
- Constitutional concerns regarding the delegation of legislative authority were not implicated by city planning board's issuance of a conditional use permit for the construction of a disc-golf course with a condition that allowed the city planner to approve minor changes to the project plans;
- The requirements of mobile home parks overlay zone ordinance did not apply to proposed site for disc-golf course;
- Zoning board of appeals did not violate adjacent property owner's due process rights by considering a copy of an e-mail sent by applicant requesting a waiver of certain application requirements for a footbridge conditional use permit; and
- City planner's inappropriate actions in sending an e-mail to the ZBA did not constitute a violation of adjacent property owner's due process rights.