

APPLICATION FOR VARIANCE OR
APPEAL TO BOARD OF ZONING APPEALS

Name of Appellant Richard A. Tibbetts
Mailing Address P. O. Box 468
City or Town Oxford, Maine 04270
Phone Number _____ Cell Phone 207-778-1070
Name of Owner R & D Land Sales, Inc.

Re: 50 Whittemore Road, Oxford

The undersigned request that the Board of Appeals consider on of the following.

1. An Administrative Appeal. Relief from the decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit. The undersigned believes that (check one)

_____ an error was made in the denial of the permit

_____ the denial of the permit was based on a misinterpretation of the ordinance

_____ there has been a failure to approve or deny the permit within a reasonable
Period of time.

_____ other

Please explain in more detail the facts surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

2. A Variance

a. Nature of the Variance: Describe generally the nature of the variance.

House built 10 feet to close to Whittemore Road

In addition, a sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of propped buildings or alterations, and any natural or topographic peculiarities of lot in question.

b. Justification of Variance: In order for a variance to be granted, the appellant Must demonstrate to the Board of Appeals that the said application of the Terms of the zoning ordinance would cause undue hardship. There are four

Conditions that must be met before the BOA can find that a hardship exists.
Please explain how your situation meets each of these criteria list below.

1. The land in question cannot yield a reasonable return unless the variance is granted.

The variance is needed for the house to be sold
and for the property to be marketable.

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

The variance is needed for this particular property
because of faulty guidance from the prior Oxford
Code Enforcement Officer.

3. The granting of a variance will not alter the essential character of the locality.

The existing dwelling fits in well with the
current structures in the locality.

4. The hardship is not the result of action taken by the appellant or a prior owner.

The hardship is not the result of action taken by the
Appellant - it is based on location guidance from the
prior Oxford Code Enforcement Officer.

I certify that the information contained in this application and its supplement is true and correct

Date November 3 , 2021

Appellant



Note to Appellant: This form should be returned to the Chairman of the Board of Appeals.
You will be notified of the date of the hearing on your appeal.

THIS IS NOT A BOUNDARY SURVEY

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MORTGAGE INSPECTION OF: DEED BOOK 4621 PAGE 55 COUNTY Oxford
PLAN BOOK 4905 PAGE --- LOT 8-3

ADDRESS: 50 Whittemore Street, Oxford, Maine

Job Number: 1130-49

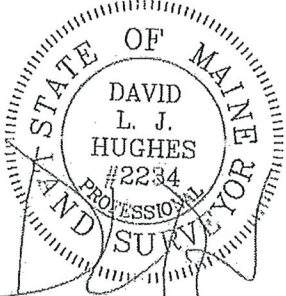
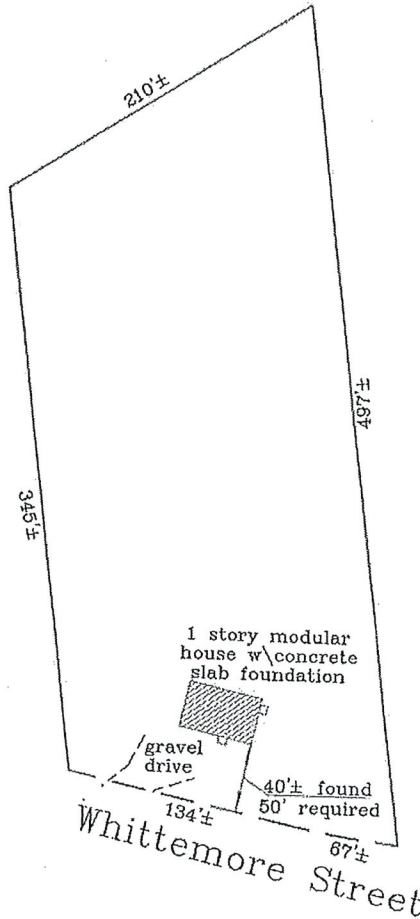
Inspection Date: 09-06-21

Scale: 1" = 100'

Client File #: 2021087999

Buyers: Norman F. Moore, II

Sellers: R & D Land Sales, Inc.



I HEREBY CERTIFY TO: Cumberland Title Services, LLC,
Residential Mortgage Services Inc.
and its title insurer.

Monuments found did not conflict with the deed description.

The dwelling setbacks do ~~not~~ violate town zoning requirements.

As delineated on the Federal Emergency Management Agency Community Panel 23017C1264D:

The structure does not fall within the special flood hazard zone.

The land does not fall within the special flood hazard zone.

A wetlands study has not been performed.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

Livingston-Hughes
Professional Land Surveyors
88 Guinea Road
Kennebunkport, Maine 04046
207-967-9761 phone 207-967-4831 fax
www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY

TOWN OF OXFORD

CERTIFICATE OF OCCUPANCY

Location: 50 WHITTEMORE RD Map & Lot: R07-8-3

Issued to: R&D LAND SALES INC Date of Issue: 7/9/21

This is to certify that the building, premises, or part thereof, at the above location, built, altered or changed as to use under Building Permit No. 72-19, has had final inspection and conforms substantially to the requirements of the Town of Oxford, is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

ENTIRE

APPROVED OCCUPANCY

SINGLE-FAMILY HOME

Limiting Conditions: NONE

Codes in Effect: H.U.D STANDARDS, UPC 2015 AND ANY PERMANENT ELEMENTS OF M.U.B.C.

Date: 7/9/21

Code Enforcement Officer: ~~XXXXXXXXXX~~

KINGSTON A. BROWN

Notice: This certificate identifies lawful use of premises and ought to be transferred from owner to owner when property changes hands.

RE: 50 Whittemore Rd Oxford

Kingston Brown <ceo@oxfordmaine.org>

Fri 9/10/2021 8:22 AM

To: Monica LaVerdiere <monica@bearfootrealty.com>

Monica,

Just talked to Richard and he gave me the background on this situation.

Basically, because the prior CEO had confirmed with the builders not once but twice as to where the location of the right of way was and the builders staked where exactly to place the foundation, as well as confirming that the pad was setback from where the right of way was supposed to be, this is essentially not going to be an issue. The town will not require it be relocated.

If the title company or whomever wants to push it, then a case could be made that the appeals board could grant a variance, if they so choose, based on the fact that the prior CEO did work with the builders and the error may have been on our end. I am essentially agreeing with the determination of the prior CEO and sustaining that decision – even if it is 10 feet too close to the right of way.

Kingston A. Brown
Town of Oxford
Code Enforcement Officer
Local Plumbing Inspector
ceo@oxfordmaine.org
207-539-8526

From: Monica LaVerdiere <monica@bearfootrealty.com>
Sent: Thursday, September 9, 2021 5:59 PM
To: Kingston Brown <ceo@oxfordmaine.org>
Subject: 50 Whittemore Rd Oxford

Please see attached.
Monica LaVerdiere
Bearfoot Realty

From: ryan@bearfootrealty.com <ryan@bearfootrealty.com>
Sent: Thursday, September 9, 2021 7:36 PM
To: Monica LaVerdiere <monica@bearfootrealty.com>
Subject: Message from KM_C227