

ADMINISTRATIVE APPEAL

Findings of Fact:

The appellants are Joseph J. Jason, 115 Elmwood Boulevard, York, PA 17403, Denis O'Connor, 30 Glen Lane, York ME 03909, Michael Kofman, 646 York Street, York ME 03909, Peter Dutton, 22 Eureka Avenue, York ME 03909, and Daniel Raposa, 660 York Street, York ME 03909. The property in question is located at 632 York Street. Map 46, Lot 17-A.

Copies of: application for administrative appeal, map of subject property, warranty deed to Daniel Raposa and Susan Raposa, warranty deed to Joseph Jason and Lillian Jason, warranty deed to Denis O'Connor and Anne Mozingo, quitclaim deed to Michael Kofman and Kim McCabe-Kofman, warranty deed to Peter Dutton and Rebecca Rooke, notice of violation and order for corrective action dated 3/9/2017, memo from Amber Harrison to Steve Burns dated 9/11/2017, letter from Amber Harrison to Josh Gammon dated 12/12/2017, letter from Amber Harrison to Josh Gammon dated 3/8/2018, e-mail from CEO Amber Harrison, e-mail from Atty. Mary Costigan, e-mail from Atty. Matt Howell are all made part of the record.

The appellants request an Administrative Appeal in regards to a decision by the Town of York Code Enforcement Office concerning the lifting of the Notice of Violation retroactive to July 12, 2017. The appeal was filed on April 6, 2018. The appellants have standing as having proximity to the subject property.

The relevant sections of the ordinance are § 18.8.3.4, 18.8.3.5 and 18-A.5.E.

The appeal was heard on May 9, 2018. Videotapes of the meeting are available in the Town Clerk's office for review.

Relevant facts are: 1) On 7/12/2017 the CEO issued a NOV ordering the owner of subject property to cease commercial activity on the property. 2) On 2/28/2018 the BOA signed Findings of Fact approving a division of land by the owner. 3) On 3/8/2018 the CEO rescinded her cease and desist NOV based on the BOA's action. 4) The appellants filed an appeal based on the CEO lifting the NOV retroactive to 7/12/2017. 5) The BOA's authority is granted under the zoning ordinance. 6) The zoning ordinance does not grant the BOA jurisdiction over enforcement. 7) The consensus was that lifting the NOV is not appealable to the BOA.

MOTION by Mr. Swant, seconded by Ms. Garon, to deny hearing the appeal of the 5 parties regarding the lifting of the NOV. The denial is based upon the determination that the BOA lacks jurisdiction to hear the letter lifting the NOV as that is not an appealable decision.

VOTE: PASSED 5-0 (Mr. Swant, Mr. Lascelles, Mr. Woods, Ms. Garon and Mr. Kraus FOR)



Findings 5-9-2018 5 Parties (Raposa, etc.) (Cont)

Opposed: None

Judgment on Findings of Fact: 5-0-0

Approved: 6/26/2018

**In Favor: (Mr. Swant, Mr. Woods, Ms. Garon, Mr Kraus & Mr. Lascelles); Opposed: NONE;
Abstained: NONE**

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