

Town of Sanford Zoning Board of Appeals

917 Main Street, Suite 300
Sanford, Maine 04073
(207) 324-9145 Fax (207) 324-9166

January 25, 2010

**To: Lori (Hartford) Nohr & Gabe Nohr
9 Gertrude Avenue
Springvale, ME 04083**

Dear Lori & Gabe Nohr:

This is to inform you that the Board of Appeals has voted to act on your application for a dimensional variance as presented in our meeting of January 25, 2010.

A. Findings of Fact

1. Name of applicant: **Lori (Hartford) Nohr & Gabe Nohr**
2. Mailing address: **9 Gertrude Avenue, Springvale, ME 04083**
3. Telephone: **(207) 651-9525**
4. Location of property for which variance was sought: **9 Gertrude Avenue, Springvale, ME 04083.**
5. Tax Map: **Map R6, Lot 7.**
6. Zoning district in which property is located: **Rural Residential Zone**
7. Name of current property owner: **Lori A. Hartford**
8. The applicant is the owner of record according to the current records of the Town of Sanford.
9. The applicant has requested a dimensional variance from the required front setbacks.
10. A hearing on the variance request was conducted on January 25, 2010, before the Board of Appeals, with four (4) of the six (6) members present.

B. Conclusions of Law

Based on the facts stated above and for the reasons that follow, the Board concluded that the applicant has shown that strict application of the Zoning Ordinance to the applicant's property would cause practical difficulty and that certain other conditions exist, as per the Sanford Zoning Ordinance.

1. The evidence **does not** establish that strict application of the Ordinance precludes the ability of the applicant to pursue a use permitted in the zoning district in which the property is located because there is a single family residence on the property. Voted 4 in favor.
2. The evidence **does not** establish that strict application of the Ordinance will result in significant economic injury to the applicant because access to the front door can be gained by putting a 4'x4' stoop as an entrance. Voted 4 in favor.
3. The evidence **does not** establish that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood because other property in the same neighborhood also fall under the same zoning requirements. Voted 4 in favor.

- 4A. The evidence establishes that granting the variance **will not** produce an undesirable change in the character of the neighborhood because similar situations to other properties have the same challenge with setback requirements. Voted 4 in favor.
- 4B. The evidence establishes that granting the variance **will not** have an unreasonably detrimental effect on the use or market value of abutting properties because similar situations with properties across the street on the same road are also tied to the same setbacks. Voted 4 in favor.
5. The evidence establishes that the practical difficulty **is not** the result of action taken by the applicant or a prior owner because setback was probably not an issue when house was built. Voted 3 in favor, 1 against.
6. The evidence **does not** establish that there is no other feasible alternative to a variance available to the applicant because they can put the 4' x 4' stoop on as an entryway. Voted 4 in favor.
7. The evidence establishes that granting the variance **will not** have an unreasonable adverse effect on the natural environment because it will in no way disturb or effect the natural environment. Voted 4 in favor.
8. The evidence establishes that the property **is not** located in whole or in part within the Shoreland areas described in Title 38, Section 435, of the Maine Revised Statutes because it is not in the Shoreland Zone. Voted 4 in favor.

Therefore, based on the foregoing findings, the applicant **has not** proved the existence of PRACTICAL DIFFICULTY sufficient to warrant the grant of a variance as requested based on questions 1, 2, 3, 4A, 4B & 6. Voted 4 in favor.

C. Final Decision on the Appeal

Based on the findings of fact and conclusions stated by the Board above, the Board DENIES the appeal.

D. Conditions

Not Applicable

E. Appeals

Parties aggrieved by this decision may appeal it to Superior Court within 45 days of the date of decision (January 25, 2010) pursuant to 30-A M.R.S.A. 2691 and 4353 and Maine Rule of Procedure, Rule 80B.

Date: January 25, 2010

Jane Bowker
Chairperson

Mark I. Patterson
Board Member

Kimberly Stewart
Board Member

James T. Wendel
Board Member