

# Town of Sanford Zoning Board of Appeals

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

June 28, 2010

To: **Robert Merrill**  
**2256 Main Street**  
**Sanford, Maine 04073**

Dear Robert Merrill:

This is to inform you that the Board of Appeals has voted to act on your application for a Dimensional Variance for Tax Map R23, Lot 29 for a 13' setback as presented in our meeting of June 28, 2010.

## A. Findings of Fact

1. Name of applicant: **Robert Merrill**
2. Mailing address: **2256 Main Street, Sanford, Maine 04073**
3. Telephone: **207-459-8597**
4. Location of property for which variance was sought: **2256 Main Street, Sanford, ME 04073**
5. Tax Map: **Map & Lot Number R23, Lot 29**
6. Zoning district in which property is located: **Rural Mixed Use (RMU) Zone.**
7. Name of current property owner: **Robert Merrill**
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 fifteen feet (15') setback.
10. A hearing on the variance request was conducted on June 28, 2010 before the Board of Appeals, with (5) of the (7) members present.

## B. Conclusions of Law

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 the property is being used as a single family home and continues to be used as such. Board voted 5 in favor, 0 against.
  2. The evidence does not establish that strict application of the Ordinance will result in significant economic injury to the applicant because the land appears to allow some construction although some expansion modification of the existing room may be expensive. Board voted 5 in favor, 0 against.
  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 condition of the neighborhood because nothing presented in testimony was found to be particularly unique about the parcel of property. Board voted 5 in favor, 0 against.
  - 4a. The evidence does establish that granting the variance will not produce an undesirable change in the character of the neighborhood because many of the properties in the area are substandard or grandfathered. Board voted 5 in favor, 0 against.
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4b. The evidence **does** establish that granting the variance will not unreasonably detrimentally affect the use or market value of abutting properties because the variance will not result in the change to the overall appearance in the neighborhood. Board voted 5 in favor, 0 against.

5. The evidence **does not** establish that the practical difficulty is not the result of action taken by the petitioner or a prior owner because the applicant purchased a sunroom that did not fit within the allowable setbacks. Board voted 5 in favor, 0 against.

6. The evidence **does not** establish that no other feasible alternative to a variance is available to the petitioner because the proposed sunroom could be modified to fit within the setbacks. Board voted 5 in favor, 0 against.

7. The evidence **does** establish that the granting of the variance will not unreasonably adversely affect the natural environment because the addition of the sunroom is not an environmental hazard. Board voted 5 in favor, 0 against.

8. The evidence **does** establish the property is not located in whole or in part within the shoreland areas as described in Title 38, M.R.S.A. section 435 because the property is not located in the shoreland area. Board voted 5 in favor, 0 against.

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### C. Decision

**On the basis of the above Findings of Fact and Conclusion of Law, the Board of Appeals voted (5) to (0) to deny the dimensional variance. The application does not meet the practical difficulties criteria for a dimensional variance because not all of the 8 items above were found to be in the affirmative.**

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### D. Conditions

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*(be specific – give the amount/size/location of the variance).*

### E. Appeals

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

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**Date: June 28, 2010 – Mr. Robert Merrill**

Jane Bowker

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**Chairperson**

Mark I. Patterson

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**Vice Chairperson**

James T. Wendel

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**Board Member**

Kimberly Stewart

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**Board Member**

Paul A. Demers

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**Board Member**

**NOTE: A SIGNED COPY IS FILED IN THE ZBA LOG AND IS AVAILABLE FOR REVIEW.**