

# **Town of Sanford Zoning Board of Appeals**

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

**July 13, 2009**

**To: Neil Casa  
1 Pumpkin Brook Road  
Shirley, MA 01464**

Dear Mr. Casa:

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 July 13, 2009.

## **A. Findings of Fact**

1. Name of applicant: **Mr. Neil Casa**
2. Mailing address: **1 Pumpkin Brook Road, Shirley, MA 01464**
3. Telephone: **(781) 760-7966**
4. Location of property for which variance was sought: **50 Javica Ln, Sanford, ME 04073**
5. Tax Map: **Map R21A, Lot 8.**
6. Zoning district in which property is located: **Rural Residential / Shoreland Zone**
7. Name of current property owner: **Mr. Neil Casa**
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 75' setback from shoreland.
10. A hearing on the variance request was conducted on July 13, 2009 before the Board of Appeals, with (5) of the (7) 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 not proved the existence of an undue hardship sufficient to warrant the grant of a variance as requested because it did not meet the criteria.

1. The evidence **does not** establish that land cannot yield a reasonable return without a variance because an existing structure on the lot already can yield a reasonable return.. Board voted 4 in favor, 1 against.
2. The evidence **does not** establish that the need for a variance due to the unique circumstances of the property and not to the general conditions in the neighborhood because other properties on the lake are also subject to the 75' setback requirement. Board voted 5-0 in favor.

3. The evidence **does not** establish that granting the variance will not alter the essential character of the neighborhood because a lot of the building structures are within the 75' setback requirement. Board voted 5-0 in favor.

4. The evidence establishes that the undue hardship was the result of action taken by the applicant or a prior owner because he built the deck & hot tub. Board voted 5-0 in favor.

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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 undue hardship criteria for a dimensional variance.**

**D. Conditions**

None

**E. Appeals**

Parties aggrieved by this decision may appeal it to Superior Court within 45 days of the date of decision (April 27, 2009) pursuant to 30-A M.R.S.A. 2691 and 4353 and Maine Rule of Procedure, Rule 80B.

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Date: July 13, 2009 – Neil Casa

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**Jane Bowker**  
**Chairperson**

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**Mark I. Patterson**  
**Vice Chairperson**

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**Naila Aslam-Khan, OD**  
**Board Member**

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**Kyle Landry**  
**Board Member**

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**James T. Wendel**  
**Board Member**

