

Town of Sanford
Zoning Board of Appeals
917 Main Street, Suite 300
Sanford, Maine 04073
(207) 324-9145 Fax (207) 324-9166

Date: April 11, 2011

To: Philip J. Regan
19 Winter Street
Wayland, MA 01778

Dear Mr. Regan:

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 April 11, 2011.

A. Findings of Fact

1. Name of applicant: Philip J. Regan
2. Mailing address: 19 Winter Street, Wayland, MA 01778
3. Telephone: (508) 989-4808
4. Location of property for which variance was sought: 122 Tall Pines Road, Sanford
5. Tax Map: Map & Lot Number – Map R16B, Lot 7
6. Zoning district in which property is located: Rural Mixed Use (RMU)
7. Name of current property owner: Philip J. Regan
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 for existing deck on lakeside of house.
10. A hearing on the variance request was conducted on April 11, 2011 before the Board of Appeals, with (4) of the (7) members present.

B. Conclusions of Law

1. The evidence **does not** establish that the land in question cannot yield a reasonable return unless a variance is granted because the home is still a usable single family home. **Board voted (4) in favor, (0) against.**
2. The evidence **does** 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 of the access doors, sliders on the second floor of the property. **Board voted (2) in favor, (2) against.**

3. The evidence **does** establish that granting the variance will not alter the essential character of the locality because there are similar lakeside properties at the lake with similar appearances.

Board voted (4) in favor, (0) against.

4. The evidence **does** establish that the undue hardship is not the result of action taken by the applicant or a prior owner because the owner would easily have assumed that the builder would have acquired a permit for the amount of work in 1985.

Board voted (2) in favor, (2) against.

C. Decision

On the basis of the foregoing Findings of Fact and Conclusion of Law, the Board of Appeals votes to **deny** the dimensional variance. The application **does not** meet the undue hardship criteria for a dimensional variance because three of the four criteria were not met to satisfy the need for the variance. Noted in addition to the above decision, the side deck is in conformance with the shoreland zoning ordinance and the appellant should seek information from the Code Enforcement Officer.

Board voted (4) in favor, (0) against.

D. Conditions

None noted.

E. Recording of Variance

As required by 30-A M.R.S.A. § 4353(5), the applicant must record a certificate of variance in the appropriate Registry of Deeds within 90 days of this notice or else this variance shall be void.

F. Appeals

Parties aggrieved by this decision may appeal it to Superior Court within 45 days of the date of decision **April 11, 2011** pursuant to 30-A M.R.S.A. 2691 and 4353 and Maine Rule of Procedure, Rule 80B.

Date: April 11, 2011

Name of Applicant: Philip J. Regan