

City of Sanford
Zoning Board of Appeals

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

Date: April 9, 2014

**To: Scarborough Woods, LLC
C/O King Weinstein
198 Saco Ave
Old Orchard Beach, Me 04064**

Dear Applicant:

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 9, 2014.

A. Findings of Fact

1. Name of applicant: Scarborough Woods, LLC c/o King Weinstein
2. Mailing address: 198 Saco Avenue, Old Orchard Beach, Me 04064
3. Telephone: (207)934-7622, ext. 122
4. Location of property for which variance was sought: 11 Grammar Street, Sanford, Me
5. Tax Map: Map & Lot Number: Tax Map H29-Lot 41A
6. Zoning district in which property is located: Single Family Residential zone
7. Name of current property owner: Scarborough Woods, LLC
8. The applicant is the owner of record according to a Quit Claim Deed from Federal Home Loan Mortgage Corporation. Current records of the City of Sanford show Federal Home Loan Mortgage Corporation as the property owner.
9. The applicant has requested a dimensional variance from the required 10,000 square foot lot area and the required 10-foot side setback.
10. A hearing on the variance request was conducted on April 9, 2014 before the Board of Appeals, with (6) of the (7) members present.

B. Conclusions of Law

1. The evidence *does* 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 a non-conforming lot and cannot be improved.
Board voted 6 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 applicant was aware of the lot and title issues prior to purchase.
Board voted 5 in favor, 1 against.
 3. The evidence *does* 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 this lot is non-conforming and was created in violation of the ordinance.
Board voted 6 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 granting the variance would allow the improvements to be made to a blighted home.
Board voted 6 in favor, 0 against.
 - 4b. The evidence *does* establish that granting the variance will not unreasonably detrimentally affect the use or market value of abutting properties because granting the variance would allow for improvements to be made to the home which in turn improves the neighborhood.
Board voted 6 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 prior owner illegally split the lots into two deeds and the bank placed a lien on only one lot.
Board voted 6 in favor, 0 against.
 6. The evidence *does not* establish that no other feasible alternative to a variance is available to the petitioner because applicant can pursue other legal means to acquire the abutting property.
Board voted 6 in favor, 0 against.
 7. The evidence *does* establish that the granting of the variance will not unreasonably adversely affect the natural environment because it would result in an improvement.
Board voted 6 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 shown on the City's Shoreland Zone
Board voted 6 in favor, 0 against.
-

Date: April 9, 2014

Name of Applicant: Scarborough Woods, LLC

C. Decision

On the basis of the above Findings of Fact and Conclusion of Law, the Board of Appeals voted 6 to 0 to *deny* the dimensional variance. The application *does not* meet the practical difficulties criteria for a dimensional variance because applicant failed to meet items 2, 5 and 6.

D. Conditions

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 (**Month & Date**) pursuant to 30-A M.R.S.A. 2691 and 4353 and Maine Rule of Procedure, Rule 80B.

Date: April 9, 2014

Name of Applicant: Scarborough Woods, LLC

Chairperson

Vice Chairperson

Board Member

Board Member

Board Member

Board Member

Board Member