

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

Date: May 13, 2013

To: Arthur W. Cole
43 Old Mill Rd
Sanford, ME 04073

Dear Applicant,

This is to inform you that the Board of Appeals has voted to act on your application for a Dimensional Variance at its meeting on May 13, 2013 and made the following findings and conclusions:

A. Findings of Fact:

1. Name of applicant: **Arthur W. Cole**
2. Mailing address: **43 Old Mill Rd. Sanford, ME 04073**
3. Telephone: **(207) 324-0694**
4. Location of property for which variance was sought: **43 Old Mill Rd, Sanford, ME**
5. Tax Map: Map & Lot Number – **Map K40, Lot 1**
6. Zoning district in which property is located: **Single Family Residential Zone (SFR)**
7. The property **is not** located in the Shoreland/Resource Protection Zone.
8. Name of current property owner: **Arthur and Laurette Cole**
9. The applicant is the owner of record according to the current records of the Town of Sanford.
10. The applicant has requested a dimensional variance from the required side setback of ten (10) feet side setback, and, proposes a reduced side setback of 5 feet.
11. A Public Hearing on the variance was held on May 13, 2012 before the Board of Appeals with six (6) of the (7) members present.

B. Conclusion 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 there are options for floor plan development that does not require a variance.

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 alternative floor plan designs will result in the same square footage to the home with relative cost.

Board voted (5) in favor, (1) 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 there are alternative options to achieve the same goals for an addition to the home.

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 the property is already a nonconforming structure in a single family residential zone.

Board voted (5) in favor, (1) against.

4b. The evidence does establish that granting the variance will not unreasonably detrimentally affect the use or market value of abutting properties because there is no significant increase in the setback or impact in the use of the abutting property.

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 action is being taken by the current owner by adding the addition to the home.

Board voted (5) in favor, (1) against.

6. The evidence does not establish that no other feasible alternative to a variance is available to the petitioner because alternative floor plans are available.

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 the addition will not impact the environment any greater than the existing structure.

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 tax maps and the survey say it is not in the shoreland zone.

Board voted (6) in favor, (0) against.

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 number 1, 2, 3, 5, and 6 of the eight (8) criteria were not met.

D. Appeals:

Parties aggrieved by this decision may appeal it to the Superior Court within 45 days of the date of decision **May 13, 2013** pursuant to 30-A M.R.S.A. 2691 and 4353 and Maine Rule of Procedure, Rule 80B.

Date: May 13, 2013

Applicant: Arthur W. Cole

Chairperson- Mark I. Patterson

Vice Chairperson – Kimberly Stewart

Board Secretary- Naila Aslam-Khan

Board Member- James T. Wendel

Board Member – Joel Plourde

Board Member – Paul A. Demers

NOTE: THE ORIGINAL DOCUMENT IS SIGNED BY THE BOARD OF APPEALS AND IS HELD ON FILE AT THE CODE ENFORCEMENT OFFICE, SANFORD, MAINE 04073.