

# TOWN OF NAPLES BOARD OF APPEALS

P.O. Box 1757, Naples, Maine 04055  
Phone: (207) 693-6364 / Fax: (207) 693-3667  
[www.townofnaples.org](http://www.townofnaples.org)

## Setback Reduction Request

Date: 7-31-2020

Owner/Applicant Name: Felipe Reina & Joann Brown

Mailing Address: 5020 SW 73 Terr Miami FL 33143  
PO Box 279 Naples Maine 04055

Telephone: 305-348-3364 Email: brownj@fiu.edu

Property Owner: same as applicant

Property Location: 63 Beach Rd Naples 04055

Was lot in existence prior to November 1988? Yes Map: U29A Lot: 41

Requesting a 10 foot setback from property's:  Front Yard  Back Yard

What are you building? covered porch  Left Yard  Right Yard

**The absolute minimum setbacks are as follows: Side: 10 feet; Front: 15 feet; Rear: 15 feet**

Please specify why you need the reduction: The access from the existing house to a covered porch exists on the left side of house. The area between existing house & current setback is not sufficient area.

A sketch plan of the property must accompany this application, showing the dimension and shape of the lot, the size and locations of existing buildings, the locations of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

THE PROPOSED STRUCTURE AND PROPERTY LINE INVOLVED MUST BE PHYSICALLY MARKED ON THE GROUNDS WITH STRING, FLAGGING TAPE, SPRAY PAINT OR THE LIKE AND A TEMPORARY SIGN MUST BE AFFIXED TO THE LOT SHOWING YOUR NAME AND LOT NUMBER UNTIL THE DATE THAT THE APPLICATION IS REVIEWED.

If you have any other information you would like to include, please attach it to your application along with 7 copies of all materials submitted.

Application Fee: \$50.00    Advertising Fee: \$50.00    Mailing Fee: \$7.00 per abutter

Applicant's total: \$ \_\_\_\_\_

APPENDIX A

In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the ordinance would cause **UNDUE HARDSHIP**. There are four (4) criteria which must be met before the BOA can find that a hardship exists. Please explain how your situation meets **EACH** of the criteria listed below. You can attach your answers on separate sheets. You are not limited to this page. Please sign and date.

1. The land in question cannot yield a reasonable return unless the variance is granted.
2. The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
3. The granting of a variance will not alter the essential character of the locality.
4. The hardship is not the result of action taken by the appellant or prior owner

1. Due to the size of the lot & location of existing structure, if a left side variance is not granted, there is only 5 feet in which to extend the existing deck to create a covered porch.
2. The general conditions of the neighborhood will not be impacted by the approval of the variance. It is due to the unique circumstances of the property.
3. The essential character of the locality will not be altered by the granting of a left side variance.
4. The hardship is not the result of any actions by the current owners or prior owners. It is related to the original design & location of home on the property.

7-31-2020

DATED

  
APPLICANT

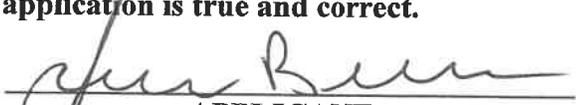
**NATURE OF VARIANCE (REASON FOR REQUEST).** Variances may be granted only from dimensional requirements including but not limited to, lot size (square footage per dwelling unit, etc.), lot width, structure height, percent of lot coverage, setback requirements, and road construction standards.

A left side variance is requested as the original design of the structure places the door to the house on the left side of the building thereby allowing easy access from the house to the proposed covered porch. Based on the location of the existing home on the property there is only 5 feet to build a covered porch without the variance.

The undersigned hereby applies for a variance which is the setting aside of one or more requirements of the applicable Town of Naples ordinance (s) and is equivalent to permission to not comply with one or more ordinance provisions.

To the best of my knowledge; all information submitted in this application is true and correct.

DATED: 7-31-2020

  
\_\_\_\_\_  
APPLICANT

*In order for an agent of the landowner (s) to sign this application they must prove Right, Title and Interest per the Board of Appeals Checklist, Section 1 (b).*



(Muddy River)

128' ±

B-8 L-12

B-8 L-13

B-8 L-14

293' ±

212' ±

FUTURE COVERED PORCH.

Deck

1.5 St. Dwg.

10'

10'

Drive

89' ±

**BEACH ROAD**

To Gore Rd. →

SEE PROVIDED TITLE REFERENCES FOR APPLICABLE APPURTENANCES, IF ANY.

APPLICANT: FELIPE REINA & JOANN BROWN REQUESTING PARTY: FIRST TITLE OF MAINE  
 OWNER: same ATTORNEY: THOMAS W. CLOUTIER  
 LENDER: CMAC BANK FILE No. 20313349 FIELD BOOK: 270

**TITLE REFERENCES:**

DEED BOOK: 15326 PAGE: 112  
 PLAN BOOK: 83 PAGE: 2 LOT: B-8 L-13  
 COUNTY: CUMBERLAND

YOUR FILE #: \_\_\_\_\_

**NADEAU & LODGE, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 918 BRIGHTON AVENUE PORTLAND, ME 04102 (207) 878-7870  
 232 CLARES WOODS ROAD LYMAN, ME 04002 (207) 489-2358

**MUNICIPAL REFERENCE:**

MAP: U29A BLOCK: \_\_\_\_\_ LOT: 41

THE DWELLING DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE PER FEMA COMMUNITY MAP No. 230050  
 PANEL: 0016B ZONE: C DATE: APRIL 1, 1982

THE DWELLING WAS  IN COMPLIANCE WITH MUNICIPAL ZONING SETBACK REQUIREMENTS AT THE TIME OF CONSTRUCTION.

**COMMENTS:**

See deed & plan for appurtenances.

*[Handwritten Signature]*  
 2-24-03

INSP. BY: TPB

**THIS IS NOT A BOUNDARY SURVEY - NOT FOR RECORDING**

## EXHIBIT A

A certain lot or parcel of land, together with any buildings thereon, located in Naples, County of Cumberland and State of Maine, more particularly described as follows:

Lot B-8, L-13 as shown on a certain map entitled "Sebago Pine Farm, Subdivision Plan, Land of Shaw Construction Co., Inc. Naples, Maine" surveyed and drawn by the Joseph E Solari Company, Fryeburg, Maine, and recorded in the Cumberland County Registry of Deeds in Plan Book 83, Page 2. Said lot was originally shown on said Plan as Lot B-8, L-14; the "14" being crossed out and replaced with "13". The most easterly boundary of said lot being 88.62 feet on the sideline of the road running south to north along the easterly boundaries of said shorefront lots and the most westerly boundary of said lot being 128 feet along the shore of Sebago harbor Cove, all more fully set forth on said Plan.

Meaning and intending to convey a portion of the premises conveyed to Shaw Construction Company, Inc. by deed of Grant H Wicklander dated September, 1969, recorded in Cumberland County Registry of Deeds in Book 3016, Page 405.

Said premises are conveyed subject to the following restrictions:

No more than one cottage may be built on this lot. However, plans must be approved by the Grantor prior to being placed on each lot.

No travel trailers or mobile homes allowed on this lot.

All toilet facilities other than those provided for public use must include a flush toilet and septic tank.

All rubbish must be kept in closed containers.

There is to be no storing of any old cars on the premises.

ALSO conveyed is the right to pass and repass, in common with others, over the rights of way in said Sebago Pines Farm Development for all purposes for which the public ways in the Town of Naples are used. AND the RIGHT of access and use of the Beach Lot, so-called, and the boat launching ramp with picnicking and mooring privileges on the lot so designated.

Meaning and intending to convey same premises conveyed to the Grantors herein by deed of Richard W Jendrasko and Bernice M Jendrasko by deed dated September 22, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9347, Page 174.

J.B.

F.R.

DL

Sh.

RECEIVED  
RECORDED REGISTRY OF DEEDS  
2000 FEB 17 PM 1:06  
CUMBERLAND COUNTY

0008723

BK 15326 PG 112

naples

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS

THAT, David W. Levy and Susan P. Levy of 25 Edith Drive, Tewksbury, County of Middlesex, Commonwealth of Massachusetts for consideration paid, grants to Joann L Brown and Felipe Reina of 5104 SW 149 Place, Miami, County of Dade, State of Florida, with WARRANTY COVENANTS as joint tenants, the land in Naples, County of Cumberland, State of Maine, described as follows:

See Exhibit A attached hereto and made a part hereof

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of February, 2000.

[Handwritten signature]

Witness

[Handwritten signature: David W. Levy]

David W. Levy

[Handwritten signature: Susan P. Levy]

Susan P. Levy

MAINE REAL ESTATE TAX PAID

STATE OF Maine  
COUNTY OF Cumberland

On this 16th day of February, 2000, personally appeared before me the above-named David W. Levy and Susan P. Levy, and acknowledged the foregoing to be their free act and deed.

[Handwritten signature]

Attorney at Law

Charles McLaughlin Esq.

My Commission Expires: