



Variance Application
Town of Falmouth Board of Zoning Appeals
19-120 Request for Variance

Name of Applicant: _____ Phone # _____

Address of Property _____

Map/Lot _____ Tax Sheet _____ Zone _____

Mailing Address (if different) _____

Property Owner (if not applicant) _____

Email Address: _____

Public hearings on applications are held on the 4th Tuesday of the month at 6:30p.m. This application and all documentation must be filed with the Code Enforcement Office 28 days prior to any hearing date. A three hundred- and seventy-five-dollar (\$375) fee is due at submission. Staff will not accept new or supplemental information after the deadline.

The undersigned requests that the Board of Appeals consider the following variance request:
(Describe the general nature of the request.)

I certify that the information contained in this application and its supplement is true and correct.

Date _____ Signed _____

Please contact the Code Office prior to submission of this application
(207)699-5310

The following checklist is provided to assist applicants in submitting a complete and informative application package for consideration by the Board of Zoning Appeals (the "Board"). Applications deemed incomplete by the Code Enforcement Officer (the "CEO") will not be placed on the agenda. If the applicant believes that a required item is not applicable to a specific proposal, a written statement addressing the reason shall be provided. All applicants are strongly encouraged to schedule a meeting with staff prior to applying to the Board.

- Unless approved by the CEO or Board, no information may be added to an application after the submission deadline has passed.
- Unless approved by majority vote of the Board, no information is to be submitted to staff or Board members the evening of a hearing.
- If information is submitted late and deemed to be material to an application or appeal, and concerned abutters have been deprived of an opportunity to review the information due to late submission, the new information may not be accepted and the application may be tabled until the next scheduled meeting.

Application packages shall include a complete set of the following:

- ☐ 1. A completed request for hearing and application form.
- ☐ 2. Proof that the applicant has sufficient right, title or interest in the subject property to submit the application to the Board. This may include a copy of the deed, purchase and sales agreement, or lease agreement. If the applicant is someone other than the property owner, owner must submit written permission for applicant to submit on their behalf.
- ☐ 3. Payment of the appropriate application fee.
- ☐ 4. A scaled plot plan or boundary survey to include the following:
 - ☐ 4.1 title, date, revision dates, prepared by;
 - ☐ 4.2 property address, tax ID, property owner;
 - ☐ 4.3 scale;
 - ☐ 4.5 property boundaries;
 - ☐ 4.6 structure footprints (existing and proposed);
 - ☐ 4.7 setbacks to boundary lines;
 - ☐ 4.8 improvements such as parking and driveways (existing and proposed).
- ☐ 5. Scaled building elevations with dimensions. For properties in the Water View Overlay District, if an improvement or modification would obscure, either in whole or in part, any views of the water from adjacent or nearby properties or public rights of way the elevation drawings shall be submitted in the form of overlay drawings where existing building elevations are overlaid by the proposed building elevations.
- ☐ 6. Plan of general interior layout.
- ☐ 7. Structure and lot coverage calculations for existing and proposed structures and uses.
- ☐ 8. Photographs of subject and/or nearby properties to illustrate conditions as necessary.

Refer to the specific section(s) of the Code that your application/appeal is filed under for other specified material information that may be required. Please note that this checklist covers the minimum information required by the Board to review an application, depending on the nature of the proposed project the Board may request additional information not listed here. A signed copy of this document must be included with the application submittal package.

Applicant(s)/Authorized Representative (Print Name(s) & Signature)

Date:

Property Owner (Print Name(s) & Signature)

Date:

Received by: Date/Time: _____

ADDRESS _____ MAP/LOT _____ NAME _____

Sec. 19-120 Variances

- a. Variances may be granted by the Board from the restrictions imposed by this Ordinance on height, lot size, lot coverage and setback, only where strict application of this Ordinance, or a provision thereof, would cause undue hardship to the petitioner and his property.
- b. The words "undue hardship" as used in this subsection mean:
 1. that the land in question cannot yield a reasonable return unless a variance is granted;
 2. that the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
 3. that the granting of a variance will not alter the essential character of the locality; and
 4. that the hardship is not the result of action taken by the applicant or a prior owner.
- c. Each petitioner for a variance shall submit to the Board statements in writing, which may be accompanied by diagrams or photographs, which shall become part of the record of such petition demonstrating the following:
 1. The nature of the hardship to the property under appeal; and the physical circumstances that allegedly would occasion such undue hardship.
 2. That such physical circumstances are peculiar to the property under appeal, and are not substantially duplicated on other property adjoining or nearly in the same neighborhood or the same zoning district.
 3. That the relief sought would not adversely affect property adjoining or nearby in the same neighborhood or the same zoning district and would not endanger the public health, safety or convenience and would not impair the integrity of this Ordinance or of the Falmouth Town Comprehensive Plan.

For a variance to be granted, the applicant must demonstrate to the Board of Appeals that the strict application of the terms of the zoning ordinance would cause undue hardship. There are four criteria, each of which must be met before the BZA can find that a hardship exists. Please explain how your situation meets each of these criteria listed below, either in the space provided or on a separate sheet:

A. The land in question cannot yield a reasonable return unless the variance is granted. (The applicant must demonstrate that he or she will lose all or substantially all of the value and use of the property without a variance.)

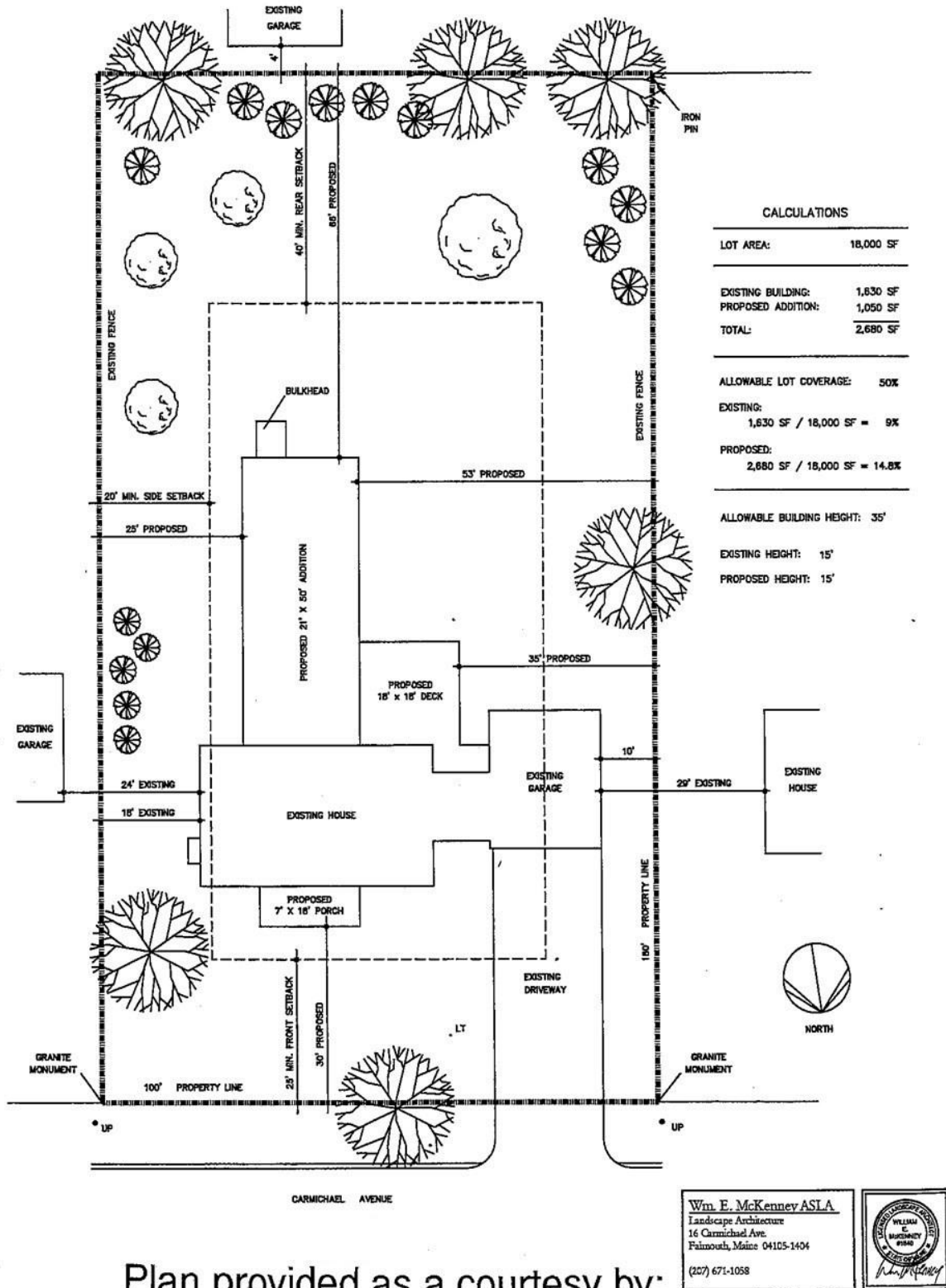
B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood. (The applicant must show that this property has unique characteristics different from surrounding properties and that these differences are the reason for the need for a variance.)

C. The granting of a variance will not alter the essential character of the locality.

D. The hardship is not the result of action taken by the owners or a prior owner. (The applicant must demonstrate that the need for a variance is due to the nature of the property, not the action of owners.)

Sample plot plan

REQUIRED INFORMATION FOR BOARD of APPEALS APPLICATIONS



Plan provided as a courtesy by:

Wm. E. McKenney ASLA
Landscape Architecture
16 Carmichael Ave.
Falmouth, Maine 04105-1404
(207) 671-1058

