



Conditional Use Application
Town of Falmouth Board of Zoning Appeals
19-54 Home Occupations

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 conditional use request:
(Describe the general nature of the request.)

To the Applicant:

- The *Conditional Use Criteria* form must be filled out explaining how the request will comply with each of the criteria listed.
- Photos, blueprints, surveys and other documents are often very helpful in explaining the request.
- Failure to provide adequate documentation of the request may delay the hearing until adequate information is provided.

In addition to the Conditional Use criteria set forth in Section 19-119 and 19-123, the applicant is directed to the **additional criteria outlined in Section 19-54, Home Occupations**, a copy of which is attached. After fully reviewing each of these sections, the applicant should prepare a detailed written response demonstrating that the pertinent criteria of all applicable sections have been satisfied. Should the applicant fail to address the sections of the ordinance, which are pertinent, the application may be deemed incomplete.

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) 781.5253**

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 _____

CONDITIONAL USE CRITERIA – as required under 19-119

Please fully explain in the space provided or on a separate sheet how your request will meet the Ordinance criteria below.

a. will meet the definition and specific requirements set forth in this Ordinance for such particular use:

b. will be compatible with the general character of the neighborhood with regard to design, scale, and bulk of proposed structures;

c. will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, light or glare.

d. will not have a significant adverse effect on adjacent or nearby property values;

e. will not have a significant adverse impact on water views from adjacent and nearby properties and public right of ways; [Adopted 7/24/06]

f. will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;

g. will not result in significant fire danger;

h. will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;

i. will be served adequately by, but will not overburden, existing public services and facilities, including fire protection services, sanitary sewers, roads, water and storm drainage systems.

j. upon a showing that a proposed use is a conditional use in the district where it is to be located, a conditional use permit shall be granted unless the Board determines that the proposed use will not meet one of the standards set forth in paragraphs a. through i. of this subsection, or paragraphs a. through g. of subsection 19-123, due to unique or distinctive characteristics or effects associated with the proposed use or its location which differ substantially from the characteristics or effects which would normally occur from such a use in that district. [Adopted, 4/27/87.]

19-123 Conditions

In hearing appeals under this Div.II-19-1-8, the Board shall determine whether the appellant's proposal will satisfy the following criteria, and in granting any appeal it may impose such conditions as it deems necessary to assure compliance with the applicable requirements set forth in subsection 19-119 and 19-120 and with the following criteria:

- a. The proposal must include any special screening, fencing, or other buffer necessary to set off the subject property from abutting uses or to assure the continued enjoyment of abutting uses;
- b. The proposal must adequately provide for drainage through and for preservation of existing topography within its location, particularly in minimizing any cut, fill, or paving intended;
- c. The proposal must not create or increase any fire hazard or any hazards to safe, convenient pedestrian or vehicular flow;
- d. The proposal must prevent or avoid the creation of any nuisance affecting adjacent properties;
- e. The proposal must include provision for adequate, lawful sewage disposal and healthful domestic water supplies;
- f. The proposal should not have a significantly adverse effect on adjacent or nearby property values.
- g. The appellant must be found to have adequate financial and technical capacity to satisfy the foregoing criteria and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.

Definition – Div. II 19-1-2 - Home Occupation: An accessory use of a dwelling unit for gainful employment as permitted in Section 19-54.

Sec. 19-54 Home Occupations [Amended 10/25/93, 04/09/12; 7/24/17]

- a. The purpose of the Home Occupations provision is to permit the conduct of only those businesses which are reasonably compatible with the residential districts in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling or accessory structure without substantially changing the appearance or condition of the residence or accessory structure.

Business uses conducted wholly within a residence or accessory structure which are incidental to the residential use of the property and are of no impact to the surrounding properties are permitted as a matter of right if they conform with the following criteria:

1. are carried on only by a member or members of the family residing in the dwelling unit;
 2. there is no exterior storage of materials or variation from the residential character of the principal building.
 3. there are no objectionable conditions such as noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours;
 4. there is no traffic generated by the home occupation.
 5. the dwelling or accessory structure is not altered substantially to accommodate the home occupation; and
 6. no more than one vehicle used primarily for the home occupation shall be kept on the property.
- b. All other home occupations or professions which are accessory to and compatible with a residential use in an RA, RB, RD, HL, VMU, or F district may be permitted as a conditional use, if approved by the Board of Zoning Appeals after public hearing with due notice given, and if the home occupation conforms with the following criteria:
 1. It does not materially injure the character or usefulness of the dwelling unit or accessory structure for normal residential purposes.
 2. It is carried on wholly within the dwelling or accessory structure.
 3. It is carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two persons other than family members residing in the dwelling unit shall be employed on the premise in connection with the home occupation.
 4. There is no exterior storage of materials or variation from the residential character of the principal building.
 5. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted.
 6. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.
 7. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours.
 8. The home occupation may utilize:
 - a. Not more than twenty (20%) percent of the dwelling unit floor area, provided that for the purposes of this calculation unfinished basement and attic spaces are not included.
 - b. Unfinished attic and basement spaces.
 - c. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty (50%) percent of the total floor area of the dwelling unit as previously calculated

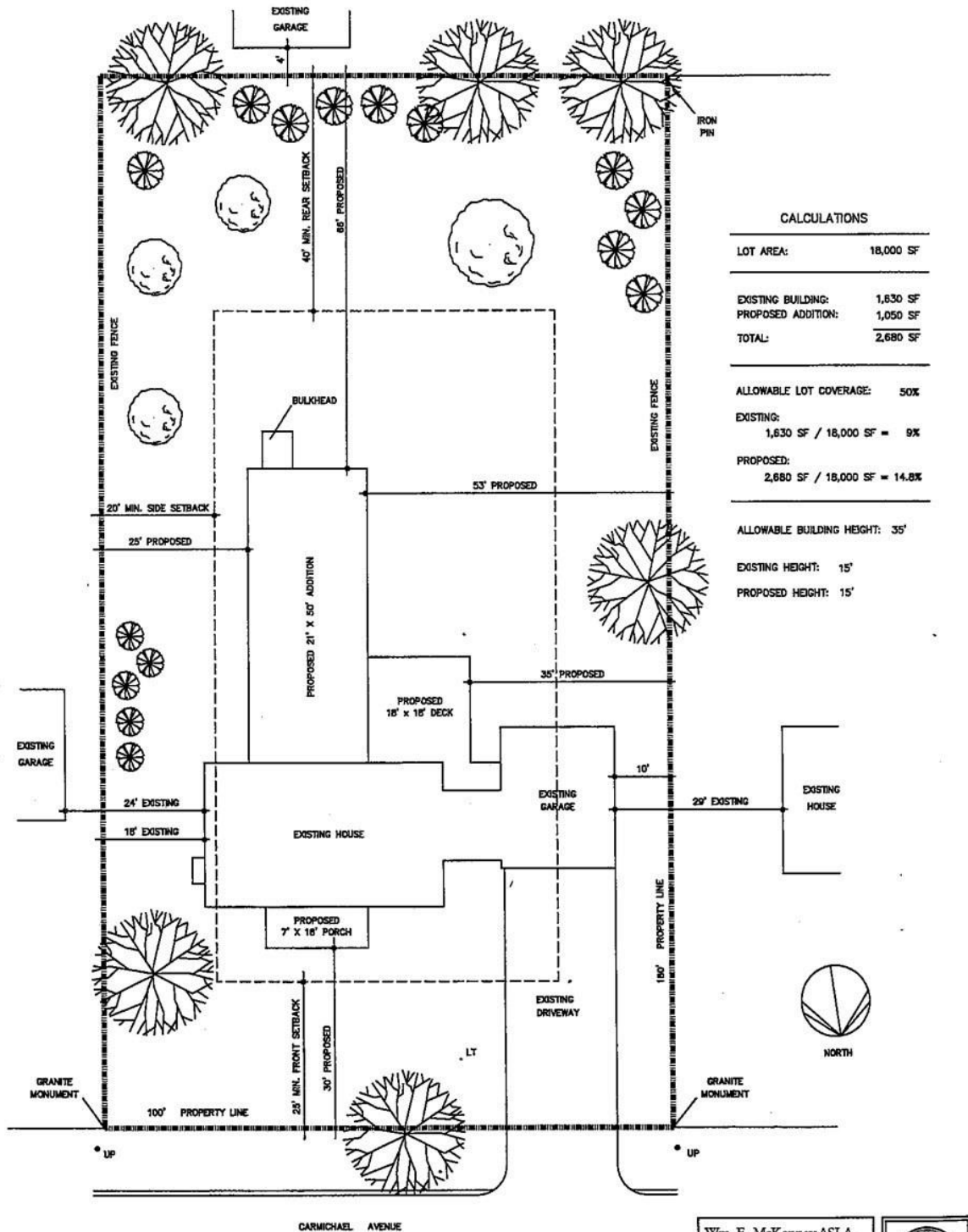
19-38 Off-Street Parking [Amended, 5/27/93]

d. A parking space shall measure at least nine (9) feet in width by eighteen (18) feet in length, exclusive of space required for access and maneuvering.

g. In any residential district, parking areas for uses other than single family detached dwellings shall be set back at least twenty-five (25) feet from any property line.

Sample plot plan

REQUIRED INFORMATION FOR BOARD OF APPEALS APPLICATIONS



CALCULATIONS	
LOT AREA:	18,000 SF
EXISTING BUILDING:	1,630 SF
PROPOSED ADDITION:	1,050 SF
TOTAL:	2,680 SF
ALLOWABLE LOT COVERAGE:	50%
EXISTING:	$1,630 \text{ SF} / 18,000 \text{ SF} = 9\%$
PROPOSED:	$2,680 \text{ SF} / 18,000 \text{ SF} = 14.8\%$

ALLOWABLE BUILDING HEIGHT:	35'
EXISTING HEIGHT:	15'
PROPOSED HEIGHT:	15'

Plan provided as a courtesy by:

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