



**Town of Falmouth Board Of Zoning Appeals
Conditional Use Application
Mandatory Checklist**

ADDRESS _____ **MAP/LOT** _____ **NAME** _____

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 submitting an application 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.

Completed application forms and supporting documents, including all required copies, must be submitted to the Code Enforcement Office by 5:00pm on the 4th Tuesday of the month for consideration of placement on the Board's agenda for the following month.

Application packages shall include nine (9) complete sets of the following:

- 1.0 A completed request for hearing and application form.
- 2.0 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, lease agreement, or the property owner's written authorization.
- 3.0 Payment of the appropriate application fee.
- 4.0 A scaled plot plan or boundary survey to include the following (see attached sample sketch):
 - 4.1 title, date, revision dates, prepared by;
 - 4.2 property address, tax ID, property owner;
 - 4.3 scale;
 - 4.4 north arrow;
 - 4.5 property boundaries;
 - 4.6 structure footprints (existing and proposed);
 - 4.7 setbacks to boundary lines and distances to structures on abutting properties; and,
 - 4.8 improvements such as parking and driveways (existing and proposed).
- 5.0 Scaled building elevations with dimensions.
- 6.0 Plan of general interior layout (detailed floor plans required for Home Occupations and Accessory Dwelling Units).
- 7.0 Structure and lot coverage calculations for existing and proposed structures and uses.
- 8.0 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** _____



Town of Falmouth Board Of Zoning Appeals
Conditional Use Application
5.22.1 Accessory Dwelling Units

Name of Applicant: _____ Phone # _____

Address of Property _____

Map/Lot _____ Tax Sheet _____ Zone _____

Mailing Address (if different) _____

Property Owner (if not applicant) _____

Email Address: _____

This application and all documentation must be filed with the Code Enforcement Officer by the 4th Tuesday of the month. Public hearings on applications are held the following 4th Tuesday of the month at 6:30p.m. A one hundred dollar (\$100) fee and nine (9) complete copies of all information for this application are due at submission deadline.

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

- Accessory Apartment (section 5.22.2) Accessory Cottage (section 5.22.3)

To the Applicant:

- The *Conditional Use Criteria* form must be filled out explaining how your request will comply with each of the criteria listed.
- Provide a plot detailed plan (diagram) of the property in question showing elements required by 5.22.1b (see attached ordinance for details).
- A building plan must be provided showing elements required by 5.22.1c (see attached ordinance for details).
- Photos, surveys and other documents are often very helpful in explaining your request.
- Provide in writing the calculations of square footage for the main dwelling unit and the square footage for the proposed accessory dwelling unit. Square footage must meet requirements of 5.22.2b or 5.22.3.a (see attached ordinance for details).
- Failure to provide adequate documentation of your request may delay hearing your request until adequate information is provided.

In addition to the Conditional Use criteria set forth in Section 8.3, the applicant is directed to the **additional criteria outlined in Section 5.22.1, Accessory Dwelling Units**, 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**

CONDITIONAL USE CRITERIA – as required under 8.3

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 8.7, 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.]

8.7 Conditions

In hearing appeals under this Section 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 8.3 and 8.4 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.

2.2 Accessory Apartment: A separate and subordinate dwelling unit located within a single family detached dwelling. [Amended 5/24/04]

2.4 Accessory Cottage: A separate and subordinate dwelling unit that is located on the same lot as a single family detached dwelling but is contained in a detached garage or other out building, or is its own structure. [Adopted 5/24/04]

2.5 Accessory Dwelling Unit: An Accessory Apartment or Accessory Cottage. [Adopted 5/24/04]

5.22.1 Accessory Dwelling Units [Amended 5/24/04]

The purpose of the provisions concerning Accessory Dwelling Units, which include Accessory Apartments and Accessory Cottages is to provide a diversity of housing for town residents while protecting the single family character of residential neighborhoods. Accessory apartments may be utilized for rental purposes as well as in-law accommodations.

- a. Accessory Dwelling Units are allowed as conditional uses in the RA, RB, RC, F, MUC and VMU Districts. [Amended 11/27/06]
- b. Any request for an Accessory Dwelling Unit shall include a plot/site plan showing the following:
 - (1) lot boundaries and dimensions at scale
 - (2) zoning district
 - (3) date of plan
 - (4) property owner with deed reference
 - (5) lot area

- (6) location and setback of all buildings
 - (7) rights of way, public and private
 - (8) all easements
 - (9) street names
 - (10) sewerage facilities
 - (11) off-street parking spaces
- c. Any request for an Accessory Dwelling Unit shall include a building plan showing the following:
- (1) separate floor layout of all finished levels
 - (2) all plumbing facilities, kind and location
 - (3) use of all rooms
 - (4) all entrances/exits
 - (5) all partitions, temporary or permanent
 - (6) location and type of all major appliances
- d. Any request for an Accessory Dwelling Unit shall conform to all provisions of the Maine State Plumbing Code and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an Accessory Dwelling Unit until a site evaluation has been conducted by a licensed soil evaluator which demonstrates that a new system can be installed to meet the disposal needs of both dwelling units.
- e. Outside stairways (either open or enclosed) that service Accessory Dwelling Units on upper stories are permitted, provided that they are integrated into and consistent with the architecture of the building, as opposed to having a tacked on, obtrusive appearance
- f. Only one Accessory Dwelling Unit shall be permitted per lot.

5.22.2 Accessory Apartments [Amended 5/24/04]

- a. The single family dwelling unit shall have only one main entrance and all other entrances shall appear subordinate to the main entrance. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units is permitted.
- b. After completion, the main dwelling unit shall have at least 1,260 square feet. The Accessory Apartment shall have at least three hundred sixty (360) square feet. These floor areas shall be exclusive of garages, porches, or unfinished basements. The floor area of an accessory apartment shall not exceed the following percentage of floor area of the single family dwelling unit to which it is accessory, or the following fixed amounts, whichever are applicable:

If the floor area of the single family dwelling unit is:	The floor area of the accessory apartment shall not exceed:
Under 2,000 square feet	40%
2,000 sq. ft. or more, but less than 3,000 sq. ft.	35% or 800 sq. ft., whichever is greater
3,000 sq. ft. or more, but less than 5,000 sq. ft.	30% or 1,050 sq. ft., whichever is greater
Over 5,000 sq. ft.	20% or 1,500 sq. ft., whichever is greater

Example of the above formula:

For a 600 square foot Accessory Apartment, the finished floor area of the dwelling unit must be not less than 2,100 square feet:

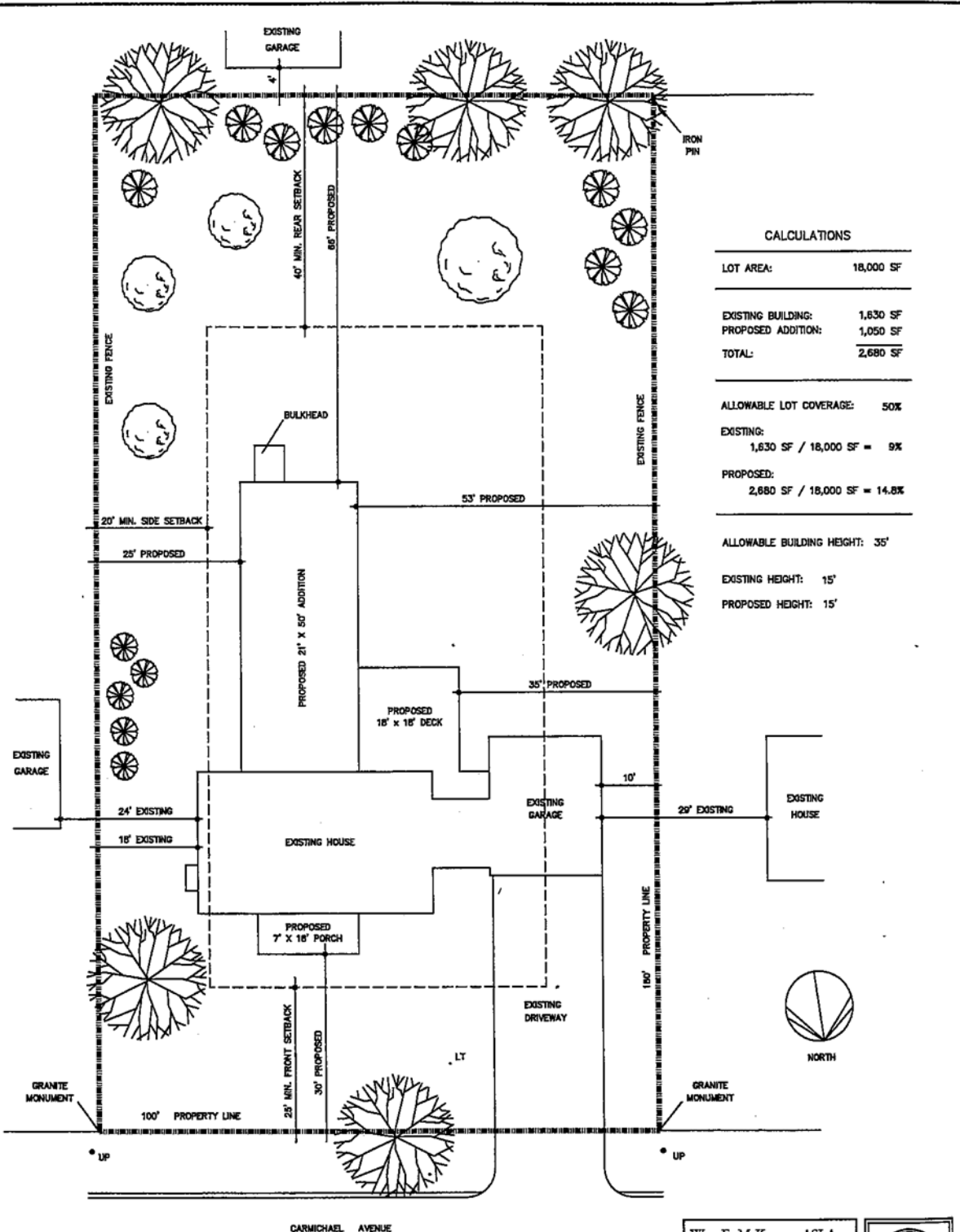
600 sq. ft. Accessory Apartment / 40% = 1,500 sq. ft. principal dwelling unit.
1,500 sq. ft. principal dwelling + 600 sq. ft. Accessory Apartment = 2,100 sq. ft.

- c. Any exterior modifications to the single family dwelling associated with construction or installation of an accessory apartment shall be consistent with the architectural style of the single family dwelling in terms of exterior materials, roof form, and window spacing.
- d. An existing single family dwelling that is nonconforming solely due to lot size, lot width, lot frontage, lot coverage, height or setback requirements may be expanded to incorporate an Accessory Apartment subject to the requirements of Section 6.2 for the expansion of other nonconforming single family dwellings.

5.22.3 Accessory Cottages [Adopted 5/24/04] [See sunset provision in Section 5.36.d. (2)] [Amended 3/27/06]

- a. An Accessory Cottage shall contain at least three hundred and sixty (360) square feet of floor area. The floor area of an Accessory Cottage shall not exceed one-hundred (100%) percent of the floor area of the single family dwelling to which it is accessory or eight hundred fifty (850) square feet, whichever is less. [Amended 7/22/13]
- b. For an Accessory Cottage which will be located within a new structure, the exterior materials, roof form, and window spacing and proportions of the Accessory Cottage shall approximate those of the existing or proposed single family dwelling unless the new structure is designed in a traditional New England form such as a barn.
- c. For an Accessory Cottage located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single family dwelling, but any exterior modifications should be consistent with the architectural style of that structure unless the building is upgraded per the requirement for new structures.
- d. Accessory Cottages are permitted on nonconforming lots, but the buildings in which they are located, whether existing or proposed, shall meet the minimum property line setbacks and the lot coverage requirements for the district in which they are located.

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'

CARMICHAEL AVENUE

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



Plan provided as a courtesy by: