



Town of Falmouth Board Of Zoning Appeals
8.5 Setback Variance Request
For Single Family Dwelling

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.)**

To the Applicant:

This application is strictly limited to permitting a variance from a setback requirement for a single family dwelling that is the primary year-round residence of the petitioner. A variance under this provision may not exceed 20% of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage.

1. Please complete the attached setback variance criteria form. Pay particular attention to the information provided in parentheses ().
- 2.
3. A detailed plot plan or diagram must be provided showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question. This plot plan should also include the distances to the nearest structures on abutting properties.
4. Blueprints, surveys, photos and other documents may be helpful in explaining your variance request and should be included in your application.
5. Please fill out the relevant dimensions in the space provided below:

Required setback _____
 Requested setback _____
 % of setback reduction _____
 Lot size (sq ft) _____
 Proposed lot coverage _____

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

Date _____ Signed _____

***Please contact Code office prior to submission of this application*
(207)781.5253**

Variance Criteria

In order 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 ZBA 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.)

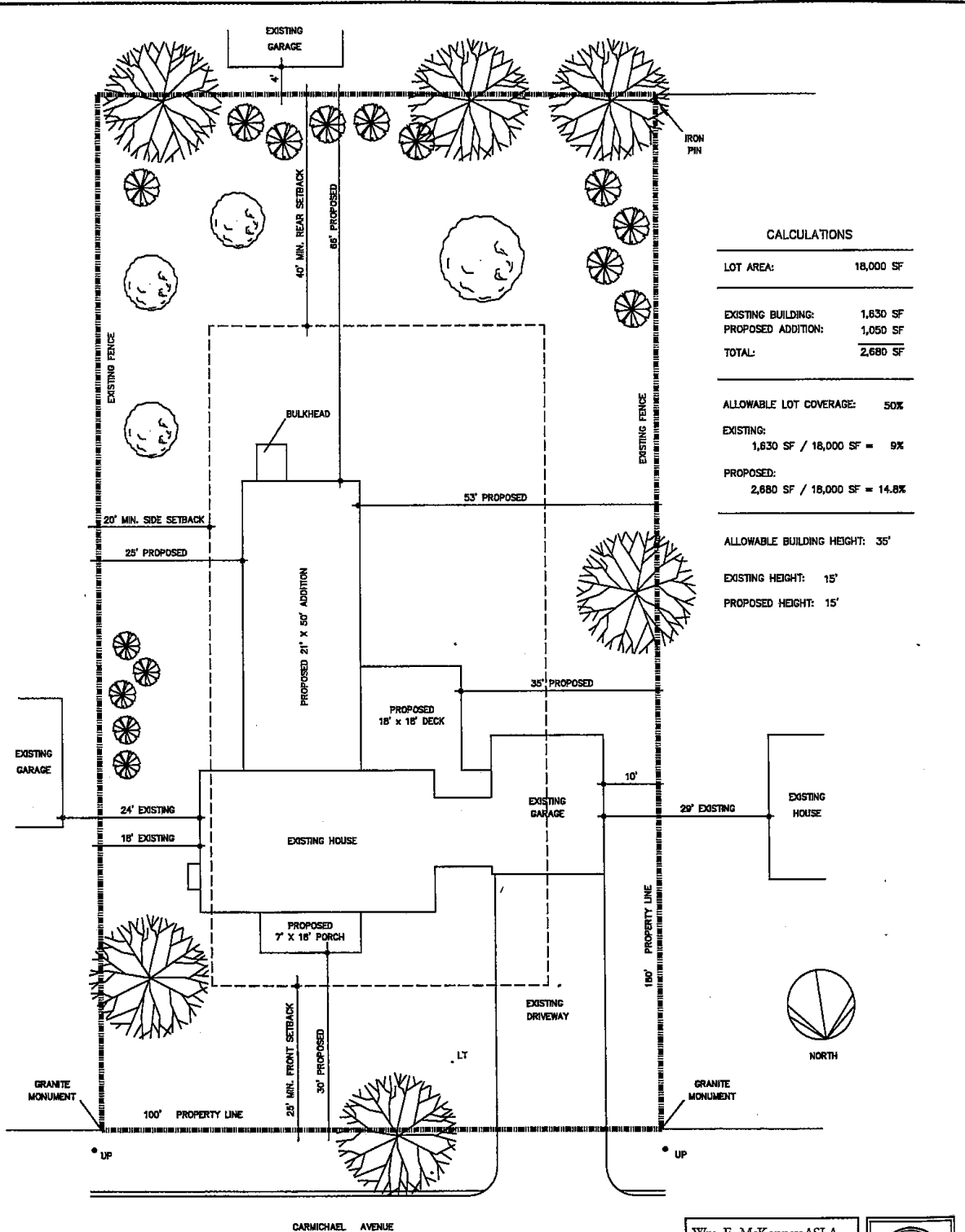
8.5 Set-back Variance For Single-Family Dwellings [Adopted, 5/27/93]

Notwithstanding subsection 8.4, the Board may grant a set-back variance for a single-family dwelling when strict application of this Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- a.** The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
- b.** The granting of a variance will not alter the essential character of the locality;
- c.** The hardship is not the result of action taken by the applicant or a prior owner;
- d.** The granting of the variance will not substantially reduce or impair the use of abutting property; and
- e.** The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

This subsection is strictly limited to permitting a variance from a set-back requirement for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage.

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 SF / 18,000 SF = 9%
PROPOSED:	2,680 SF / 18,000 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: