Town of Falmouth Board Of Zoning Appeals
Conditional Use Application
19-84 Nonconforming Structures Tear Down & Rebuild
19-85 Nonconforming Accessory Structures

19-84

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:

- 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 19-55.1b (see attached ordinance for details).
- A building plan must be provided showing elements required by 19-55.1c (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 19-55.2b or 19-55.3.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 19-119, the applicant is directed to the **additional criteria outlined in Section 19-84, & 19-85, Tear down and Rebuild Nonconforming Structures or Uses**, 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

Town of Falmouth Board Of Zoning Appeals
CONDITIONAL USE APPLICATION
MANDATORY SUBMITTAL 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_____

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 <u>Conditions</u>

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.

Definitions - Div. II 19-1-2

Nonconforming Structure, Use or Lot: A structure, use, or lot, lawfully existing prior to the effective date of this Ordinance in 1965 or lawfully existing between that date and the effective date of the revision of this Ordinance in 1983, or the effective date of any amendment to this Ordinance, which is not a permitted structure, use or lot in the district where located pursuant to the provisions of this Ordinance, as amended.

19-84 Relocation or Teardown of Residential Structures [Amended 5/27/92; 7/24/06; 7/22/13]

19-84.1 Except for lots located in the Water View Overlay District the relocation or tear down either wholly or partially of a dwelling, dwellings or residential detached accessory structure which is nonconforming solely due to lot size, lot width, lot frontage, lot coverage, height, or setback requirements, is permitted provided the resulting structure(s) is not located between the lot lines and the required setback lines and does not compound nor create a lot coverage or height violation.

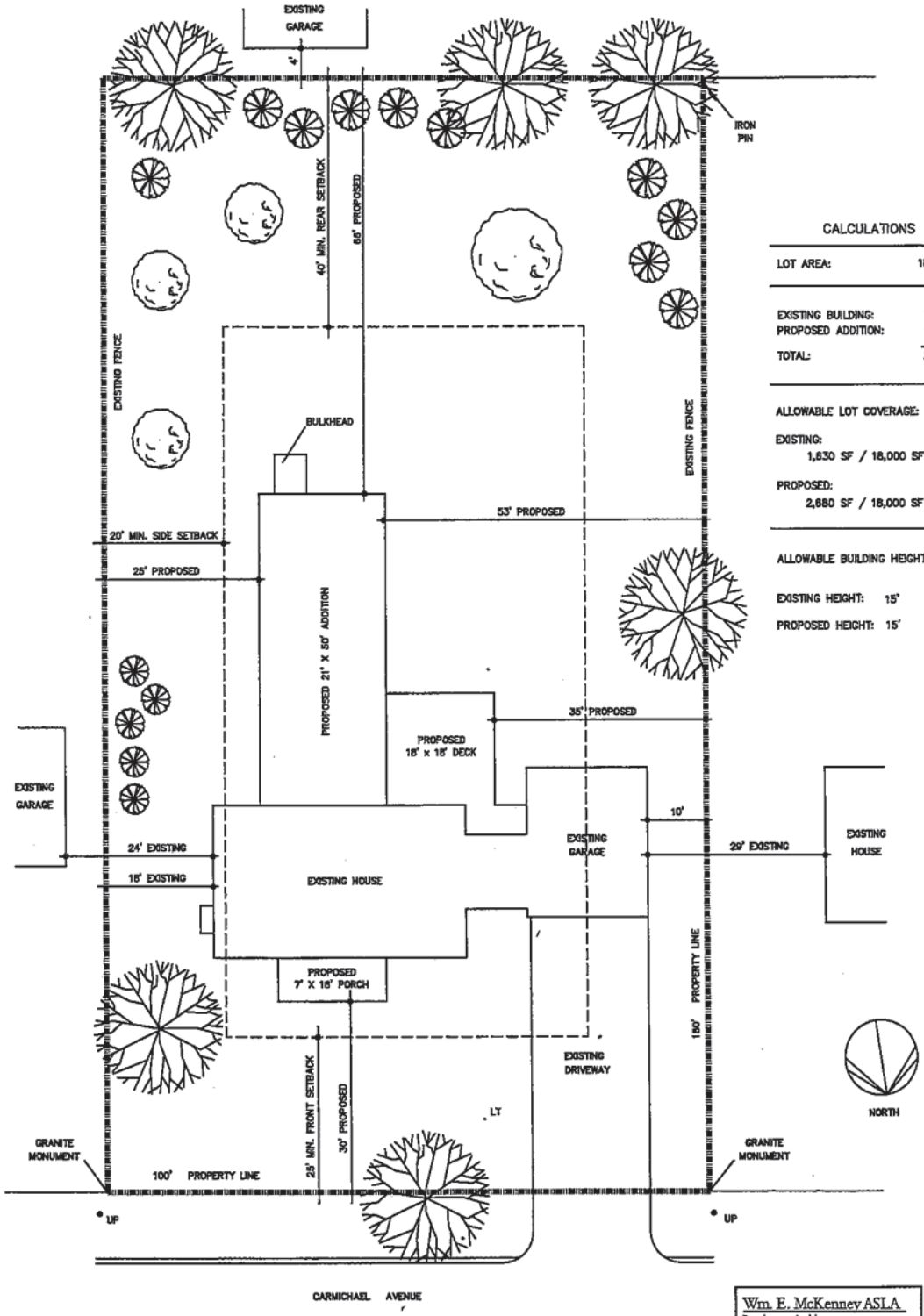
19-84.2 The Board of Zoning Appeals may allow by conditional use in accordance with Section 19-119 and 19-123, the relocation or replacement either wholly or in part of a dwelling, dwellings, or residential accessory structure located on a nonconforming lot. As a condition of the approval, the lot shall be consolidated with any adjoining lot or lots in common ownership and not occupied by a dwelling, to form one or more conforming lots so far as possible with regard to the lot area and width requirements of this Ordinance. The following additional criteria shall be met:

a. Shall not increase lot coverage above 50%; and,
b. If the structure(s) is nonconforming in relation to setbacks, the new structure(s) shall not extend closer to the lot lines than the existing structure(s) to be replaced; and
c. Shall not create or compound a violation of the height restrictions in Section 19-53. [Amended 7/24/06] ,and
d. No part of the extension or enlargement of the structure(s) may be closer than ten (10) feet from any property line, and
e. Two off-street parking spaces for each dwelling unit shall be provided.

19-85 A non-conforming residential accessory structure less than ten (10) feet from a property line may be replaced or relocated provided that a conditional use approval is obtained from the Board of Zoning Appeals in accordance with Section 19-119 and 19-123 and the following additional criteria are met: [Adopted 5/27/93] [Amended 7/24/06; 7/22/13]

1. The structure is not extended or enlarged in any manner; and,
2. The structure, as rebuilt, complies with all applicable fire safety codes; and,
3. The new structure shall be placed on the lot such that the setback requirements are met to the greatest extent practical as determined by the Board using the criteria set forth in section 19-80(a)(2).

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'

Plan provided as a courtesy by:

Wm. E. McKenney ASLA
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(207) 671-1058