

Town of Scarborough, Maine
Planning and Code Enforcement
Zoning Board of Appeals
Practical Difficulty Variance Requirements

Before any appeal can be processed, the following material **must** be submitted to the Code Enforcement Office:

1. A fee of \$250.00 payable to the Town of Scarborough.
2. An electronic submission of all application material in pdf format and ten (10) paper copies of all application material. **Required electronic copy can be emailed to: submittals@scarboroughmaine.org or on a thumb drive.** This should include (but not limited to);
 - Evidence showing control, right, title or interest in subject property.
 - Current Property Survey
 - List of all abutters with names, streets and mailing addresses
 - Legible PLOT PLAN drawn to scale that includes:
 1. Size and shape of lot including lot square footage
 2. Size and location of existing buildings/structures to scale, including lot coverage in square footage and percentage of total square footage as well as finished living space square footage
 3. Size and location of proposed buildings and/or alternatives to scale, including lot coverage in square footage and finished living square footage
 4. Other information relevant to your specific variance such as parking, decks, utilities, drainage etc.
 5. Verification by licensed surveyor at determination of Code Enforcement Office.
 - Legible BUILDING PLANS that include:
 1. Existing building floor plans with building dimensions.
 2. Proposed buildings or additions with floor plans, building dimensions, external views, front, rear, right and left sides.
 3. Building elevations that show each side of the building and its architecture.

The Zoning Board of Appeals meets the second Wednesday of each month at 7:00 P. M. All materials pertaining to the appeal must be submitted to the Code Enforcement Office no later than the **20th** of the preceding month. If the 20th falls on a weekend, all materials are due on the prior Friday.

PLEASE NOTE: Be prepared to answer all questions pertaining to the specific type of appeal requested.

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Practical Difficulty Variance (Scarborough Zoning Ordinance, Chapter 405, Section V.6.)

In addition to the provisions of Section V(B)(1 through 5) of this Ordinance, the board of appeals may grant a variance from the dimensional standards of this ordinance when strict application of the provisions of the ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

1. The need for a variance is due to the unique circumstances of the property, and not to the general conditions in the neighborhood;
2. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties;
3. The practical difficulty is not the result of action taken by the applicant or a prior owner;
4. No other feasible alternative is available to the applicant, except a variance;
5. The granting of a variance will result in bringing the applicant's property more nearly into conformance with surrounding properties;
6. The granting of a variance will not have an unreasonably adverse effect on the natural environment; and
7. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. § 435, or flood hazard zone, as defined in the Town of Scarborough Floodplain Management Ordinance.

As used in this section V(B)(6), the following words have the meanings set forth below:

1. *Dimensional standards*: Those provisions of this ordinance which relate to lot area, lot coverage, frontage, and setback (including buffer) requirements.
2. *Practical difficulty*: A case where strict application of the dimensional standards of the ordinance to the property for which a variance is sought would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant.

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2. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties;

3. The practical difficulty is not the result of action taken by the applicant or a prior owner;

4. No other feasible alternative is available to the applicant, except a variance;

5. The granting of a variance will result in bringing the applicant's property more nearly into conformance with surrounding properties;

6. The granting of a variance will not have an unreasonably adverse effect on the natural environment;

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7. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. § 435, or flood hazard zone, as defined in the Town of Scarborough Floodplain Management Ordinance.

8. Please demonstrate how the strict application of the dimensional standards of the ordinance to the property for which a variance is sought would both preclude a use of the property that is permitted in the zone in which it is located, and would also result in significant economic injury to the applicant.

APPLICATION SUBMISSION

By submitting this form, I hereby make application to the *Town of Scarborough* for the above-referenced property/properties and the development as described. The *Town of Scarborough Zoning Board of Appeals* and/or town employees are authorized to enter the property(s) for purposes of reviewing this proposal and for inspecting improvements as a result of an approval of this proposal.

Signature of Applicant:

Date of Submission:

Print Name _____