

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

The Zoning Board of Appeals may grant a variance from the dimensional standards of the zoning ordinance and will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in undue hardship. In the application, you will document and describe your project, and why it meets the standards for a Variance as outlined in the Town of Scarborough's Zoning Ordinance.

Before any application 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. 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.

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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, the materials must be submitted on the prior Friday.

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

***DEFINITION OF A VARIANCE**

A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance will result in undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structures, yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the particular zone or adjoining zone.

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1. The land in question cannot yield a reasonable return unless the variance is granted: Reasonable return does not mean maximum return; applicant must demonstrate practical loss of virtually all reasonable use of the land if the variance is not granted; reasonable return is not determined by personal circumstances of the applicant.

2. The need for the variance is due to the unique circumstance of the property: This criterion applies to property, not people and to an uncommon condition not shared by the neighborhood.

3. The granting of the variance will not alter the essential character of the neighborhood:
Essential Character: Characteristics of the neighborhood, such as density development, large open space, or rural, etc.

4. The hardship is not the result of action taken by the applicant or a prior owner of the property:
Hardship must be caused by imposition by zoning restriction, not by action taken by the property owner.

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Appellant oath and signature

I, the undersigned, certify that the information contained in this application and the supporting documentation is true, accurate, and correct to the best of my knowledge.

Signature _____ Date _____

Print Name _____