

**Town of Scarborough, Maine**  
**Planning and Code Enforcement**  
**Zoning Board of Appeals Limited**  
**Reduction of Yard Size Residential**  
**Requirements**

The Zoning Board of Appeals may grant a limited reduction of yard size (residential) for setbacks required by the Scarborough Zoning Ordinance. These reductions are contrary to the Scarborough Zoning Ordinance residential setbacks but will not be contrary to public interest where literal enforcement of the provisions of this would result in undue hardship. In the application, you will document and describe your project, and why it meets the standards of a Limited Reduction Appeal as outlined in the Town of Scarborough's Zoning Ordinance. The applicant or designated agent shall appear before the Board of Appeals and bring all plans, photographs or other material deemed necessary or requested to present his case.

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](mailto:submittals@scarboroughmaine.org). 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 if deemed necessary by 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 20<sup>th</sup> of the preceding month. If the 20<sup>th</sup> falls on a Friday, Saturday or Sunday all materials are due on Monday by 9:00 am.

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

### **\*DEFINITION OF A LIMITED REDUCTION OF YARD SIZE RESIDENTIAL**

To hear and decide requests for a limited reduction of required yard size for a lot in residential use in order to permit (i) the expansion or enlargement of an existing building or structure, (ii) the construction of a new building or structure which will be accessory to an existing building or structure, (iii) the construction of a new building or structure on a vacant nonconforming lot of record.

A limited reduction of yard size may be granted only by a majority vote of those members' present and voting and may include such conditions and safeguards as are appropriate under this Ordinance. As used in this subsection (5): "limited reduction of yard size" means the reduction of a required front yard by no more than ten feet or the reduction of a required side or rear yard by no more than five feet; "lots in residential use" means a lot on which a dwelling exists on July 3, 1991 or a vacant nonconforming lot or record on which a dwelling is proposed.

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Planning and Code Enforcement  
Application for a Limited Reduction of Yard Size Residential**

Appellant Name_____
Mailing Address:_____
Phone:_____ E-mail Address:_____
Subject Property: _____
Nature of Right, title or interest in subject property:_____
Assessors Map & Lot Number:_____ Zoning District:_____
Is the property located in a Shoreland Zone? Yes____ No____
Is the property located in a Flood Zone? Yes____ No____

Name of Representative:_____
(if other than property owner)
Representative Mailing Address:_____
Representative Phone Number:_____
Representative E-Mail Address:_____

**PROJECT DESCRIPTION AND CIRCUMSTANCES**

A. Generally describe the project and why a limited reduction of yard size is needed:

B. List the exact dimensional reduction requested:

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- C. The applicant for a limited reduction of yard size (residential) must demonstrate the following: Please explain how your situation meets the criteria listed below.
- 1) The existing buildings or structures on the lot for which the Limited Reduction of Yard Size Residential is requested were erected prior to July 3, 1991, or the lot is a vacant nonconforming lot of record:
  
  
  
  
  
  
  
  
  
  
  - 2) The requested reduction is reasonably necessary to permit the owner or occupant of the property to use and enjoy the property in essentially the same manner as other similar properties are utilized in the zoning district:
  
  
  
  
  
  
  
  
  
  
  - 3) Due to the physical features of the lot and/or the location of existing structures on the lot, it would not be practical to construct the proposed expansion, enlargement or new structure in conformance with the currently applicable yard size requirements:
  
  
  
  
  
  
  
  
  
  
  - 4) The impacts and effects of the enlargement, expansion or new building or structure on existing uses in the neighborhood will not be substantially different from or greater than the impacts and effects of a building or structure which conforms to the yard size requirement:

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- 5) The applicant has not commenced construction of the enlargement, expansion, building or structure for which the limited reduction in yard size is requested, so that the Board of Appeals is not considering an after-the-fact application. (12/15/93)

**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 \_\_\_\_\_