



ZONING BOARD OF APPEALS APPLICATION

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

The Zoning Board of Appeals meets the second Wednesday of every month at 7PM. All materials pertaining to the application must be submitted to the Planning and Code Enforcement Office no later than four weeks prior to the meeting on Wednesday at 5pm.

All applications shall be accompanied by two (2) copies and an electronic submission of a cover letter, submission checklist and all supplementary materials as required per the type of appeal/variance/special exception being requested. Plans must be folded and all submittals shall be collated.

Submittals for the Zoning Board of Appeals will not be accepted or placed on the agenda unless all the appropriate criteria are addressed in writing.

A fee of \$250 payable to the Town of Scarborough is required at the time the application is submitted.

Required electronic submissions should be emailed to:

planningdepartment@scarboroughmaine.org.

APPLICATION TYPE

- | | |
|--|--|
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Variance Appeal |
| <input type="checkbox"/> Miscellaneous Appeal | <input type="checkbox"/> Limited Reduction of Yard Size Appeal |
| <input type="checkbox"/> Practical Difficulty Appeal | <input type="checkbox"/> Special Exception |
| | Shoreland Setback Determination |

Pre-application Date: _____

If you have not had a pre-app please contact the Planning Department at planningdepartment@scarboroughmaine.org.

PROPERTY INFORMATION

Address: _____

Tax 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 ___

OWNER INFORMATION

Owner Name: _____

Mailing Address: _____

City: _____ **State and Zip:** _____

Telephone: _____ **Email:** _____

Name of Representative (if other than property owner): _____

Representative Mailing Address: _____

City: _____ **State and Zip:** _____

Telephone: _____ **Email:** _____

APPLICATION SUBMISSION

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.

Preparer's Signature: _____

Printed Name: _____ **Date:** _____

Please identify yourself (check one): Agent* _____ **Property Owner** _____

*(If you are an agent, written authorization from the property owner must be attached to this form.)

MISCELLANEOUS APPEAL

Submission Checklist and Supplementary Materials

TYPES OF MISCELLANEOUS APPEALS

To hear and decide only the following Miscellaneous Appeals. Such appeals 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 the Town of Scarborough Zoning Ordinance.

Please select the type of Miscellaneous Appeal you are applying for.

Note: Miscellaneous Appeals to permit a nonconforming use of land, buildings or structures to be enlarged, extended, expanded, resumed or converted should use the application form titled Miscellaneous Appeal – Nonconforming Use.

- To permit additional directional signs** as prescribed in Section XII.1.5 of the Zoning Ordinance. The Code Enforcement Officer may permit two directional signs per this Ordinance. No more than two additional signs may be allowed if the Zoning Board rules favorably on an appeal heard pursuant to Section V of the Zoning Ordinance and based upon any of the following criteria:
- a) A demonstrated need for adequate visibility of the sign to two-directional traffic;
 - b) The distance from the nearest State numbered route;
 - c) The nature of the business as it relates to public accessibility;
 - d) The characteristics of the clientele such as but not limited to familiarity with the area, seasonally attracted, or tourist oriented;
 - e) Excessive number of turns or confusing route on local roads;
 - f) Complicated intersections of State numbered routes or major arterials;
 - g) A primary consideration shall be to assist customers seeking the specific business location;
 - h) The Board shall deny the application for added signs if it finds that their function is one of advertising to attract customers rather than to direct individuals seeking the business;
 - i) Existing double-faced directional signs which must be replaced shall be considered as two single-faced signs, and the relocation of signs to other locations must be approved by the Zoning Board of Appeals subject to the criteria of this section;

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- j) The Zoning Board must specify the approved number(s) and location(s) of additional signs based upon the provisions of this section.
- To permit variances from Flood Plain Management regulations** according to the following criteria:
- a) Variances shall not be issued within a regulatory floodway if any increase in flood levels during the base flood discharge would result;
 - b) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level in conformance with paragraphs c,d,e and f below:
 - c) Variances shall be issued only upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
 - d) Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - e) The applicant shall be notified in writing by the Zoning Board of Appeals that:
 - i. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
 - ii. Such construction below the base flood level increases risks to life and property
 - f) A record of all variance actions in designated flood hazard areas, including justification for their issuance shall be maintained by the Zoning Board of Appeals, and all such variances shall be reported in the annual report to the Federal Insurance Administration.
- To determine the exact location of district boundary lines** on the face of the earth in cases of uncertainty or dispute as to their exact location.
- To grant relief from the restrictions on nonconforming signs** contained in Section XII.K of this Ordinance.

PROJECT DESCRIPTION AND CIRCUMSTANCES

- A. Describe the type of miscellaneous appeal that is being requested:

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Note: In addition, unless waived by the Zoning Administrator, a standard boundary survey of the property must accompany this application 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.

- A. **Justification of the Variance:** In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals how the proposed activity meets the standards and conditions required in order to be granted relief from the strict application of the terms of the Scarborough Zoning Ordinance. Please refer to and list the applicable standards and conditions (if any) for the particular type of miscellaneous appeal requested, and provide a narrative explaining how your situation meets each of the criteria. Please type or neatly print your narrative on a separate page.

Applicants must address **all applicable criteria** individually, in writing.

REQUIRED ATTACHMENTS

To complete the application to the Zoning Board of Appeals, include the following attachments:

- Written narrative explaining how the request meets the applicable standards and conditions established by the Scarborough Zoning Ordinance**
- Evidence showing control, right, title or interest in subject property**
- Current Property Survey**
- Legible BUILDING PLANS that include:**
 1. Existing building floor plans with building dimensions
 2. Proposed buildings or additions with floor plans, building dimensions, external elevation showing views, front, rear, right and left sides; identify area where special exception activity will be conducted
 3. Any improvements to the property associated with the especial exception use

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