

## 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.

**Applicants are required to schedule a pre-application appointment with Town staff at least one (1) week prior to submitting their application. Contact the Planning Department at [planningdepartment@scarboroughmaine.org](mailto:planningdepartment@scarboroughmaine.org) to schedule a pre-app.**

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. Applicants are encouraged to submit supplementary materials such as photographs of the subject property and/or street or aerial imagery of neighboring properties to illustrate existing conditions and the need for the variance. In some instances, Town staff may suggest submitting financial documentation, contractor quotes, or architectural plans as supplementary evidence of the need for a variance.

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](mailto:planningdepartment@scarboroughmaine.org).

### APPLICATION TYPE

**Administrative Appeal**

**Miscellaneous Appeal**

**Practical Difficulty Appeal**

**Variance Appeal**

**Limited Reduction of Yard Size Appeal**

**Special Exception**

**Shoreland Setback Deter**

**Pre-application Date:** \_\_\_\_\_

If you have not had a pre-app please contact the Planning Department at [planningdepartment@scarboroughmaine.org](mailto: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 – NON-CONFORMING USE

### Submission Checklist and Supplementary Materials

#### APPEALS FROM RESTRICTIONS ON NONCONFORMING USES

Notwithstanding Subsections D and E of Section III of the Town of Scarborough Zoning Ordinance, a nonconforming use of land, buildings or structures may be enlarged, extended, expanded, resumed or converted to another nonconforming use upon approval by the Board of Appeals pursuant to the procedures of Section V.C of the Ordinance.

Per Section III.F, The Board of Appeals may not approve any such enlargement, extension, expansion or resumption or conversion to another nonconforming use unless it finds that:

- a) The impact and effects of the enlargement, extension, expansion, resumption or conversion to another nonconforming use on existing uses in the neighborhood will not be substantially different from or greater than the impact and effects of the nonconforming use before the proposed enlargement, extension, expansion, resumption or conversion to another nonconforming use; and
- b) The enlarged, extended, expanded, resumed or conversion to another nonconforming use will comply with the standards for Special Exceptions contained in Section IV.I of the Ordinance.

Per Section V.C.5 of the Ordinance, before making a decision on any Miscellaneous Appeal, the Zoning Board shall refer the appeal to the Planning Board for an advisory opinion. The Zoning Board shall not act contrary to the Planning Board recommendation unless it makes specific findings of fact to justify its decision. The Planning Board shall consider the criteria of Section III.F in formulating its recommendation.

#### PROJECT DESCRIPTION AND CIRCUMSTANCES

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

*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.*

- B. **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 written 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.
- C. **Standards for Special Exceptions:** Please describe how your project meets each of the criteria listed below.
1. The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation:
  2. The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity:
  3. The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree in municipal fire or police protection than existing uses in the neighborhood:
  4. The proposed use will not result in sedimentation or erosion, or have an adverse effect on water supplies:
  5. The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other structures and density of development:

### Planning & Code Enforcement

6. If located in a Shoreland zone as depicted on the Town of Scarborough Official Shoreland Zoning Map, the proposed use will comply with all of the requirements of the Town of Scarborough Shoreland Zoning Ordinance:
  
7. The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board of Appeals pursuant to subsection 5 of this Section:
  
8. The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation:

## **REQUIRED ATTACHMENTS**

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

- 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 special exception use

## **Planning & Code Enforcement**