

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 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.

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.

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.)

PRACTICAL DIFFICULTY VARIANCE APPEAL

Submission Checklist and Supplementary Materials

PRACTICAL DIFFICULTY VARIANCE

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.

PROJECT DESCRIPTION AND CIRCUMSTANCES

- A. Generally describe the project and why a variance is needed:

- B. List the exact dimensional reduction requested:
- C. There are eight criteria which must be met before the Zoning Board of Appeals can find a practical difficulty exists. **Please explain how your situation meets each of the following criteria.**
1. 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.
 2. The need for a variance is due to the unique circumstances of the property, and not to the general conditions in the neighborhood;
 3. 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;
 4. The practical difficulty is not the result of action taken by the applicant or a prior owner;
 5. No other feasible alternative is available to the applicant, except a variance;

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

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

8. 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.

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 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

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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 Officer

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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