

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 | ☐ Variance Appeal |
| ☐ Miscellaneous Appeal | ☐ Limited Reduction of Yard Size Appeal |
| ☐ Practical Difficulty 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 INFORMATIONAddress: 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.)

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SHORELAND SETBACK DETERMINATION

Submission Checklist and Supplementary Materials

In order to reconstruct, replace, or relocate a nonconforming building or structure that is within the 75-foot shoreland setback, applicants may petition the Board of Appeals for a Determination of Shoreland Setback to the Greatest Practical Extent. The shoreland setback is measured 75 feet from the Highest Annual Tide (HAT) line and/or wetland upland edge.

Pursuant to Section 12.C.4 of the Town of Scarborough Shoreland Zoning Ordinance, the Board of Appeals may determine if any nonconforming building or structure to be destroyed or damaged regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be rebuilt or restored provided that a permit is obtained within a period of 18 months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent in accordance with the purposes of this Ordinance.

In determining whether the vertical expansion of the building meets the setback to the greatest practical extent, the Zoning Board of Appeals or its designee shall consider:

1. The size of the lot
2. The slope of the land
3. The potential for soil erosion
4. The location of other structures on the property and on adjacent properties
5. The location of the septic system and other on-site soils suitable for septic systems
6. The type and amount of vegetation to be removed to accomplish the relocation
7. The physical condition and type of foundation, if any

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Zoning Board of Appeals shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(R) of the Shoreland Zoning Ordinance.

PROJECT DESCRIPTION AND CIRCUMSTANCES

1. Briefly describe the project and why a determination of shoreland setback to the greatest possible extent is necessary for its completion:

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REQUIRED ATTACHMENTS

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

- ☐ **Project Narrative that addresses the need for a shoreland setback determination and the criteria listed in this application.** Applicants should be prepared to speak to these criteria during Board of Appeals review.
- ☐ **Evidence showing control, right, title or interest in subject property**
- ☐ **Current Property Survey**
- ☐ **Legible PLOT PLAN drawn to scale that includes:**
 1. Lot dimensions.
 2. All setbacks: required (by underlying Zone), existing, and proposed.
 3. Existing and proposed structure footprint(s).
 4. Shoreland Zone boundary and dimensioned setback (see definitions below).
 5. Flood Zone boundaries, if applicable:
 - a. Floodplain
 - b. Maine Sand Dune Boundary
 - c. Sand Dune Erosion Hazard Area
 - d. Highest Annual Tide (HAT)
 6. The location of septic system (existing and proposed) or the sewer line lateral.
 7. The location of any trees or vegetation to be retained, removed, and/or replaced.
 8. Other relevant site features such as parking, patios, steep slopes, drainage, etc.
 9. The following completed table:

Shoreland Zone Requirements	
Address of property:	
Date:	
Total lot size:	sqft
Existing structure footprint(s):	sqft
Proposed structure footprint(s):	sqft
Proposed expansion size: (i.e. proposed - existing structure footprint)	sqft
Proposed expansion %: (i.e. proposed expansion sqft / existing structure sqft)	%
Existing lot coverage: (i.e. existing structure footprint / lot size)	%
Proposed lot coverage: (i.e. proposed structure footprint / lot size)	%
Existing Shoreland setback:	ft
Proposed Shoreland setback:	ft
Length of Shore frontage:	ft
Base Flood Elevation (BFE), if applicable:	ft
Proposed building elevation (bottom of sill):	ft
Existing building height:	ft
Proposed building height:	ft

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RELEVANT DEFINITIONS:

For a complete list of definitions please see Chapter 405C.

Height:

A. With respect to existing principal or accessory structures, including legally existing nonconforming structures, located within an area of special flood hazard that have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the minimum elevation required by a local floodplain management ordinance., the vertical distance between the bottom of the sill of the structure to the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area; and

B. With respect to new principal or accessory structures and to existing principal or accessory structures other than those described in paragraph A, including legally existing nonconforming structures, the vertical distance between the mean original grade at the downhill side of the structure, prior to construction, and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area.

Footprint: the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Setback: The nearest horizontal distance from the normal high-water line of a water body, or tributary stream, or upland edge of a wetland to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet, horizontal distance, of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Structure: Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

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