

TOWN OF ORLAND
BOARD OF APPEALS

APPLICATION FOR VARIANCE

A. General Information

- 1. Name of Applicant: _____
- 2. Mailing Address: _____
- 3. City or Town: State: _____
- 4. Telephone: _____
- 5. Name of Property Owner (if different from applicant): _____
- 6. Location of property for which variance is requested (street/road address): _____
- 7. Zoning district in which property is located: _____
- 8. Tax map and lot number of subject property: Map _____, Lot _____
- 9. The applicant has the following legal interest in the subject property (deed, purchase and sale agreement, lease, option agreement or other – circle appropriate one and attach copy).

B. Reasons/Supporting Information for Variance.

- 1. The applicant proposes the following building, structure, use or activity on the subject property: _____
- 2. The applicant seeks a variance(s) from the following dimensional standard (s): _____ which is/are contained in section(s) _____ of the Zoning Ordinance.
- 3. The lot is currently being used for the following: _____
- 4. The conditions and character of the neighborhood are: _____
- 5. The applicant requests the following type of variance (check appropriate one):

- a. _____ Undue Hardship Variance (30-A M.R.S.A. § 4353(4));
- b. _____ Disability Variance (30-A M.R.S.A. § 4353(4-A));
- c. _____ Setback Variance for Single-Family Dwellings (30-A M.R.S.A. § 4353(4-B), **available only if the municipality has adopted an ordinance to authorize this variance**); or
- d. _____ Practical Difficulty Dimensional Variance (30-A M.R.S.A. § 4353(4-C), **available only if the municipality has adopted an ordinance to authorize this variance**).

C. The applicant shall complete the appropriate section below for the particular type of variance sought:

1. **Undue Hardship Dimensional Variance.** The Board of Appeals may grant a variance only when strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship, which means that the application meets each of the criteria listed below.

Please explain why you believe that the subject property meets each of the following criteria for this type of variance:

- a. The land in question cannot yield a reasonable return unless a variance is granted: _____ ;
- b. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood: _____ ;
- c. The granting of a variance will not alter the essential character of the locality: _____ ; and
- d. The hardship is not the result of action taken by the applicant or a prior owner: _____ .

2. **Disability Variance.** The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this provision solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this provision, a disability has the same meaning as a physical or mental handicap under the Maine Human Rights Act and the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

Please answer the following questions to explain why you believe that the subject property meets each of the following

criteria for this type of variance:

- a. Does a person with a disability reside in the dwelling?

- b. Does a person with a disability regularly use the dwelling?

- c. Is the installation of equipment or the construction of structures proposed under this application necessary for access to or egress from the dwelling by the person with the disability? (Explain)

- d. Does the disability have a known duration? . If so, what is that duration?

3. **Set-back variance for single-family dwellings.** (Available only where the municipality has adopted an ordinance that permits the Board to grant a set-back variance for a single-family dwelling.) An ordinance adopted under this provision may permit a variance from a set-back requirement only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship, which means that the application meets each of the criteria listed below.

(An ordinance adopted under this provision is strictly limited to permitting a variance from a set-back requirement for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this provision may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. (The ordinance may allow for a variance under this subsection to exceed 20% of a set-back requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38 M.R.S.A. § 435, et seq., if the petitioner has obtained the written consent of an affected abutting landowner.)

Please explain why you believe that the subject property meets each of the following criteria for this type of variance:

- a. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood: _____ ;
- b. The granting of a variance will not alter the essential character of the locality: _____ ;
- c. The hardship is not the result of action taken by the applicant or a prior owner: _____ ;
- d. The granting of the variance will not substantially reduce or impair the use of abutting property: _____ ; and

- e. The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available: _____.

1. **Variance from dimensional standards.** (Available only where the municipality has adopted an ordinance that permits the Board to grant a set-back variance for a single-family dwelling.) The Board may grant a variance from the dimensional standards of a zoning ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty, which means that the application meets each of the criteria listed below.

(As used in this provision, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements. As used in this provision, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.)

Please explain why you believe that the subject property meets each of the following criteria for this type of variance:

- a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood: _____ ;
- b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties: _____ ;
- c. The practical difficulty is not the result of action taken by the petitioner or a prior owner: _____ ;
- d. No other feasible alternative to a variance is available to the petitioner: _____ ;
- e. The granting of a variance will not unreasonably adversely affect the natural environment: _____ ; and
- a. The property is not located in whole or in part within shoreland areas as described in Title 38, § 435: _____ .

D. Additional Information

In addition to the information provided above, please submit a sketch plan of the property showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings, additions and alterations, the locations of roads and driveways, the location of any water body adjacent to the property, and any natural and topographic peculiarities of the lot in question.

E. Signature of Applicant

To the best of my knowledge, all information submitted on and with this application is true and correct.

Date: _____ . By: _____
(Signature)

(Print Name)

