



Town of Mount Desert Zoning Board of Appeals Variance Application

TO ALL APPLICANTS FOR A VARIANCE PLEASE BE ADVISED
THAT IN ORDER FOR YOUR APPLICATION TO BE CONSIDERED
COMPLETE, YOU MUST SUBMIT THE FOLLOWING:

1. The application must be completely filled out and signed. You must submit an original plus NINE copies.
2. Detailed plot plan to scale, or a survey of the lot.
3. Plans and location of the proposed structure.
4. Letter of authorization if representing owner.

NAME OF OWNER(S): _____

MAILING ADDRESS: _____

CITY OR TOWN: _____

TELEPHONE: _____ MAP: _____ LOT: _____ ZONE: _____

NAME OF APPELLANT(S): _____

MAILING ADDRESS: _____

CITY OR TOWN: _____

TELEPHONE: _____ MAP: _____ LOT: _____ ZONE: _____

NAME OF AGENT(S)

MAILING ADDRESS: _____

CITY OR TOWN: _____

TELEPHONE: _____ MAP: _____ LOT: _____ ZONE: _____

PROPERTY LOCATION: _____

TYPE OF VARIANCE REQUESTED:

___ **Setback Variance** (Title 30-A, M.R.S § 4353 (4-B), A Municipality may adopt an ordinance that permits the board to grant a set-back variance for a single-family dwelling. An ordinance adopted under this subsection 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.

Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the Zoning Ordinance would cause undue hardship. The following criteria must be met before the Board of Appeals can find that a hardship exists. Please explain how your situation meets each of these criteria listed below.

1. The land in question cannot yield a reasonable return unless a variance is granted.

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 alter the essential character of the locality.

4. The hardship is not the result of action taken by the applicant or a prior owner.

___ **Dimensional Standards** (Title 30-A, M.R.S § 4353 (4-C), A municipality may adopt an ordinance that permits the board to 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 and when the following conditions exist:

Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the Zoning Ordinance would cause undue hardship. The following criteria must be met before the Board of Appeals can find that a hardship exists. Please explain how your situation meets each of these criteria listed below.

1. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.

2. 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.

3. The practical difficulty is not the result of action taken by the petitioner or a prior owner.

4. No other feasible alternative to a variance is available to the petitioner.

5. The granting of a variance will not unreasonably adversely affect the natural environment.

6. The property is not located in whole or in part within shoreland area.

"Dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage, and setback requirements.

"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.

___ **Disability variance; vehicle storage.** (Title 30-A M.R.S. § 4353(4-A), A disability variance may be granted pursuant to this subsection.

A. The board 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 paragraph 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.

B. If authorized by the zoning ordinance establishing the board, the board may grant a variance to an owner of a dwelling who resides in the dwelling and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other purpose. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle. The owner shall submit proposed plans for the structure with the request for the variance pursuant to this paragraph to the board.

The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.

Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the Zoning Ordinance would cause undue hardship.

___ **Floodplain Variance** (Article X of the Floodplain Ordinance), The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the Zoning Ordinance would cause undue hardship. The following criteria must be met before the Board of Appeals can find that a hardship exists. Please explain how your situation meets each of these criteria listed below.

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

a. that the land in question cannot yield a reasonable return unless a variance is granted; and,

b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,

c. that the granting of a variance will not alter the essential character of the locality; and,

d. that the hardship is not the result of action taken by the applicant or a prior owner.

NOTE: If your variance request is denied, you may take an appeal within 45 days of the vote on the original decision of the Board to Superior Court. If the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded

I certify that the information contained in this application and its supplement is true and correct.

Date _____	_____
	OWNER(S)
Date _____	_____
	APPELLANT(S)
Date _____	_____
	AGENT(S)

Appeal Board Application Number _____

Application Fee – Public Hearing Notice fee to the local newspaper.

Abutter's list attached (provided by office staff)