

**TOWN OF ALFRED  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE APPEAL**

**A. General Information**

1. Name of Applicant: \_\_\_\_\_
2. Mailing Address: \_\_\_\_\_
3. City or Town: \_\_\_\_\_
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 sales agreement, lease, option agreement, or other. (circle appropriate one and attach copy)

**B. Reason/Supporting Information for Variance**

1. The applicant proposes the following building, structure, use of 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) \_\_\_\_\_  
\_\_\_\_\_
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):
  1. \_\_\_\_\_ Relaxed setback variances only for single-family dwellings outside of shoreland areas.
  2. \_\_\_\_\_ Relaxed dimensional standard variance, available to other uses than

- single-family outside of shoreland areas.
3. \_\_\_\_\_ Dimensional variances allowable within shoreland areas. (Described in Title 38, M.R.S.A. § 435.

**Types of variances allowable and standards for each.** The Board of Appeals may only grant three types of variances, as set forth below:

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

- (1) **Relaxed Setback Variance:** Only for single-family dwelling outside of shoreland areas. The Board may grant a variance from a setback requirement for a single-family dwelling only when strict application of the Zoning Ordinance to the petitioner and petitioner's property would cause undue hardship. The term undue hardship as used in this subsection 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 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) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: A variance under this subsection shall not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage.

A variance under this subsection may only exceed 20% of a setback requirement, if the petitioner has obtained the written consent of an affected abutting landowner.

(2) **Relaxed dimensional standard variance:** Available to uses other than single-family outside of shoreland areas. The Board may grant a variance from the dimensional standards of the Zoning Ordinance to any uses other than single-family dwellings 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:

**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 unreasonable adversely affect the natural environment; \_\_\_\_\_  
\_\_\_\_\_ and
- (f) The property is not located in whole or in part within shoreland areas as described in Title 38, M.R.S.A. section 435. \_\_\_\_\_  
\_\_\_\_\_

NOTE: As used in this subsection, "*dimensional standards*" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage, and setback requirements.

As used in this subsection, "*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.

(3) **Dimensional Variances allowable within shoreland areas.** Within shoreland areas as described in Title 38, M.R.S.A. §435, the Board of Appeals may grant a variance only if it finds

that the strict application of the terms of this ordinance would result in undue hardship. The term "undue hardship" shall mean:

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

(a) That the land in question cannot yield a reasonable return unless a variance is Granted: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(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; \_\_\_\_\_

\_\_\_\_\_

(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: \_\_\_\_\_

\_\_\_\_\_

**C. Approval of a cluster development is not a variance.** The approval of the Planning Board of a cluster development, pursuant to § 160-123 of the Alfred Town Code, shall not be considered the granting of a variance. In a cluster development, the Planning Board is not authorized to reduce the dimensional standards required under the Mandatory shorland zoning laws, Title 38, Chapter 3, Subchapter 1, Article 2-B.

**D. Variances are not required for the placement of equipment or structures necessary for the sole purpose of making a dwelling accessible to a person with a disability, as defined by this chapter. Such equipment or structures are excluded from the definition of a structure; see Article II, definition of "structure."**

**Administrative appeal and variance procedure.**

A. Application procedure.

(1) An aggrieved party may apply for an administrative appeal, a variance, or both.

(2) An application is made by filing with the Board of Appeals a written notice of appeal or application for a variance on forms provided. The application must be received at the Alfred Town Hall, addressed to the Board of Appeals, within 30 days of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty-day requirement.

**The application must include the following:**

- (a) A sketch drawn to scale showing lot lines, location of existing structures and other physical features of the lot pertinent to the relief request.
  - (b) A concise written statement stating what relief is requested and why the appeal should be granted.
  - (c) The application fee.
- (3) When an application is filed, it must be examined for completeness and accuracy, and particularly to determine whether all information necessary to make a determination has been supplied. Where information is lacking or inadequate at the time of submission, the applicant must be notified in writing of the incompleteness. A hearing may not be set until the application is complete. It is the responsibility of the Board of Appeals Chair to determine completeness.
- (4) All advertising and administrative costs of an appeal or a variance must be borne by the Applicant and must be paid at the public hearing.
- (5) The Board of Appeals shall hold a public hearing on the appeal or variance request within 35 days of the receipt of the completed application unless this time period is extended by agreement between the Board and the applicant.

**E. 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 location 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. Indicate any encumbrances, easements or restrictions by Deed.

**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)

The applicant is asked to submit 8 copies of all paperwork related to a request for a hearing to the ZBA.

**Application fee: \$100.00**