



**VARIANCE APPLICATION-SHORELAND
ZONING BOARD OF APPEALS
TOWN OF GRAY MAINE**

For Office Use Only
 Date Submitted: _____
 Tent. Sched. for: _____
 Amount Paid: _____

PROPERTY INFORMATION

Property Location/Address		Property Map/Lot	_____ - _____ - _____
Zoning District		Lot Acreage	
Owner Name		Owner Phone Number	
Number of Dwelling Units			

APPLICANT

Name (IF different than owner)		Email Address	
Mailing Address		Contact Phone Number	
Mailing City/State/Zip		Alternate Phone Number	

VARIANCE INFORMATION

Per Shoreland Zoning Ordinance 403.16.H.2: Variance Appeals:
 Except as provided in subsection 2-A, Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship.
- d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- e. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

Describe request (description may be attached separately). Survey of property required to be attached.

	Current Requirement	Currently Existing	Proposed
Road Setback			
Rear Setback			
Side Setback			
Water Setback			
Max. Lot Coverage			
Min. Lot			
Min. Street Frontage			
Other (describe)			

PLEASE RESPOND TO EACH REQUIREMENT: (YOU'RE ENCOURAGED TO ATTACH SEPERATELY)

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.

Per 403.16.H.5 b.: Decision by Board of Appeals

- (i) A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (ii) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- (iii) The person filing the appeal shall have the burden of proof.
- (iv) The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (v) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

Per 403.16.H.6.: Appeal to Superior Court

Any party may take an appeal, within forty five (45) days of the date of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before Superior Court must be without a jury.

PLEASE REFER TO THE CURRENT FEE SCHEDULE FOR APPLICABLE FEES TO INCLUDE REQUIRED ADVERTISING AND ABUTTER NOTIFICATIONS

Applicant Signature	Printed Name	Date
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