



**Community Development
Code Division**

Thomas M. Poirier, *Director of Community Development*

tpoirier@gorham.me.us

Freeman Abbott, *Code Enforcement Officer*

fabbott@gorham.me.us

GORHAM MUNICIPAL CENTER, 75 South Street, Gorham, ME 04038

Tel: 207-222-1605

BOARD OF APPEALS APPLICATION				APPEAL NO.	FEE <input type="checkbox"/> \$250.00 [except \$200.00 for Replacement of Non-conforming Structure]	Date Paid: _____
PROPERTY DESCRIPTION	MAP	LOT	LOT SIZE	ZONING DISTRICT		
	PHYSICAL LOCATION:					
APPLICANT INFORMATION	Name		Mailing Address			
	Phone					
	Fax					
	Email					
NAME OF PROPERTY OWNER (IF DIFFERENT FROM ABOVE)	Name		Mailing Address			
	Phone					
	Fax					
	Email					
A COPY OF CURRENT DEED TO THE PROPERTY, A CONTRACT TO PURCHASE OR LEASE, OR OTHER FORM OF RIGHT, TITLE OR INTEREST MUST BE SUBMITTED WITH APPLICATION						
THE UNDERSIGNED REQUESTS THAT THE BOARD OF APPEALS CONSIDER THE FOLLOWING VARIANCE APPEAL:						
TYPE OF APPLICATION			LAND USE & DEVELOPMENT CODE REFERENCES			
<input type="checkbox"/>	ADMINISTRATIVE APPEAL		Ch. 1, Section 4 (B)			
<input type="checkbox"/>	VARIANCE FROM ZONING SPACE STANDARDS		Ch. 1, Sect. 4, Sub-sect. B-2			
			CRITERIA:			
			<ul style="list-style-type: none"> That the land in question cannot yield a reasonable return unless a variance is granted; That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; That the granting of a variance will not alter the essential character of the locality; That the hardship is not the result of action taken by the applicant or a prior owner; 			
<input type="checkbox"/>	SINGLE-FAMILY DWELLING SET-BACK VARIANCE <i>(This subsection applies only to variances from set-back requirements for a single-family dwelling that is the petitioner's primary year-round residence and may not exceed 20% of the set-back requirements and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage under this Code.)</i>		Ch. 1, Sect. 4 Sub-sect. B-3			
			CRITERIA:			
			<ul style="list-style-type: none"> That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; That the granting of a variance will not alter the essential character of the locality; That the hardship is not the result of action taken by the applicant or a prior owner; That the granting of the variance will not substantially reduce or impair the use of abutting property; and That the granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available. 			

NON-CONFORMANCE: *A building, structure or use of land existing at the time of enactment of this Code, and which does not conform to the regulations of the district or zone in which it is situated.*

<input type="checkbox"/>	ENLARGEMENT OR REPLACEMENT OF NON-CONFORMING USE OR STRUCTURE	<p>Ch. I: Sect. 4 E</p> <p><u>CRITERIA (Special Exception Standards):</u></p> <ul style="list-style-type: none">• The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads.• The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results.• The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants.• The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.• The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use.• The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shore land zone, will conserve (a) shore land vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.
<input type="checkbox"/>	CONVERSION OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE	<p>Ch. I: Sect. 2-5</p> <p><u>CRITERIA (Nonconformance)</u></p> <ul style="list-style-type: none">• That the existing use was legally established, was made non-conforming by the adoption or amendment of the Land Use and Development Code and is not a home occupation.• That the proposed use is of the same character or less obnoxious than the current non-conforming use to be changed from. The determination as to whether such a use is of the same character or less obnoxious is to be made by a reference to the most restrictive zoning district where the current non-conforming use is permitted in the Town. Any use permitted in that zone may be substituted for a current non-conforming use as the same or less obnoxious use so long as the Board finds that the conversion meets the other standards thereof.• That the proposed use shall not create a traffic hazard nor increase an existing traffic hazard.• That the amount of parking required to meet the minimum ordinance requirements for the proposed use shall be existing on the site.• That the amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed use shall be equal to or less than the present use.• That the amount of surface water runoff from the site shall not be increased.• That the hours of operations of the proposed use are compatible with the surrounding land uses.• That the proposed use shall not increase the adverse impact on surrounding properties.

SUBMITTAL REQUIREMENTS

PLEASE COMPLETE THE FOLLOWING AS APPLICABLE (IF NOT APPLICABLE, PLEASE NOTE N/A)

DEED(S) recorded in Cumberland County Registry	Date of Recordation: Grantor's name: Grantee(s) Name:	Date: _____, Book _____ and Page _____ _____ _____
PARCEL DATA:	Maximum lot width: Maximum lot depth: Parcel Lot area:	_____ ft _____ ft _____ square feet
EXISTING USE:		
PROPOSED USE:	(Please describe in detail the proposed use of the property and any proposed structures)	
STRUCTURE EXTERIOR DIMENSIONS	Existing Structure	Width: _____ ft Length _____ ft Height _____ ft _____ stories _____ rooms
	Proposed Structure	Width: _____ ft Length _____ ft Height _____ ft _____ stories _____ rooms
Amount of Variance, Code deviation, Parking Reduction, or additional sign area sought:		
Is Planning Board Approval or Report required before Board of Appeals action?		Yes _____ No _____
If yes, has Planning Board considered the application?		Yes _____ No, but scheduled for _____
SEWAGE DISPOSAL SYSTEM:	Current Type	
	Proposed Type	
	Is additional plumbing contemplated?	Yes _____ No, _____ If yes, please describe

A location map and one scaled site plan must accompany this application. The site plan must show dimensions of the property, the location of all buildings, yards, parking spaces and septic systems, and all existing and proposed setbacks.

Upon application submission, an application fee is required.

Note: Any right secured by approval of the Board of Appeals will expire if the work or change involved is not begun within six months of the date on which the appeal is granted, or if the work is not substantially completed within one year of the approval date.

Any decision of the Board of Appeals may be appealed to the Superior Court within forty-five (45) days after the decision.

Note: The applicant or his/her agent should attend the Board of Appeals meeting to explain the appeal and answer any questions the Board may have. If an appeal has to be rescheduled because of failure of the applicant to attend the meeting, the fee for rescheduling is \$500.00.

SUBMIT A COPY OF LEASE, LETTER FROM OWNER GRANTING LEASER PERMISSION TO SEEK THIS APPEAL, OR OWNER'S SIGNATURE ON THIS APPLICATION.

I certify the information contained in this application and its supplements is true and correct

DATE: _____ Applicant's Signature: _____

Please Print Name: _____

Owner's Signature, if required and other than Applicant: _____

FOR OFFICE USE ONLY

Fee Paid: _____ Date: _____ Appeal No. _____

Date of Scheduled Public Hearing _____ Rescheduled Appeal (\$500.00 fee) _____

Land Use and Development Code references(s) specific to this application _____

Explanation: _____
