

# TOWN OF OLD ORCHARD BEACH

## Zoning Board of Appeals

### Variance

Application

*This application and all accompanying submissions shall conform to the applicable provisions of the Old Orchard Beach Zoning Ordinance.*

**PLEASE RESPOND TO ALL QUESTIONS:**

❖ **RECORD OWNER OF PROPERTY:**

Corporate Contact Person (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Daytime: \_\_\_\_\_

Evening: \_\_\_\_\_

❖ **APPLICANT/AGENT** (if different from owner): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Daytime: \_\_\_\_\_

Evening: \_\_\_\_\_

❖ **STREET LOCATION** (Address of the property): \_\_\_\_\_

Tax Map #: \_\_\_\_\_ Block #: \_\_\_\_\_ Lot #: \_\_\_\_\_ Zone: \_\_\_\_\_

❖ **RIGHT, TITLE OR INTEREST IN THE PROPERTY:**

\_\_\_\_\_ Record Owner

\_\_\_\_\_ Contract to purchase, option or lease

Deed Book #: \_\_\_\_\_ & Page #: \_\_\_\_\_

❖ **EXISTING USE OF PROPERTY:** \_\_\_\_\_

❖ **PROPOSED USE OF PROPERTY:** \_\_\_\_\_

❖ **DESCRIBE THE VARIANCE REQUEST:** \_\_\_\_\_

**OFFICE USE ONLY:**

Date Received:	_____
Date Application Fee Paid:	_____
Received By:	_____

**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. There are four criteria, **ALL** of which must be met before the Board can find that a hardship exists. Please explain how your situation meets each of these criteria listed below:

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

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*What the Board will be looking for under this test is proof that without a variance you cannot make reasonable use of your property. For example, if you have a single, undeveloped lot only big enough to put a 10'X20' house and a septic system without a setback variance in a residential neighborhood, the ordinance has denied you a reasonable return on that residential lot. However, "reasonable return" in the eyes of the law does not mean maximum financial return for you or as high a return as your personal financial circumstances would require in order to profit from developing the property. Therefore, the Board may legally limit the size of the house you do build to one which yields more than a reasonable return. The courts have also ruled that family circumstances are not a relevant consideration. The variance is for the property, not for you or your family.*

B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

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*What the Board will be looking for is proof from you that your property, not your personal circumstances is somehow different from other property in the neighborhood. Differences could include its shape, its topography or its unique location.*

C. The granting of a variance will not alter the essential character of the locality.

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*To meet test three you must prove to the Board that what you propose to do will not change the neighbor or pose health or safety problems.*

D. The hardship is not the result of action taken by the appellant or a prior owner.

*Past history of the property is relevant under this criteria. An example might be one where the prior owner split the lot in question out of a larger parcel and in doing so created a substandard lot after zoning was enacted. You may, therefore, need to present to the Board the history of how the property was created and a chronology of land use activities.*

**List the space and bulk dimensions:**

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>
1) Frontage:	_____	_____	_____
2) Front Yard:	_____	_____	_____
3) Left Side Yard:	_____	_____	_____
4) Right Side Yard:	_____	_____	_____
5) Rear Yard:	_____	_____	_____
6) % of Lot Coverage:	_____	_____	_____
7) Height:	_____	_____	_____
8) Width:	_____	_____	_____
9) Minimum Net Lot Area per Family Unit:	_____	_____	_____
10) Building Coverage:	_____	_____	_____
11) Other: _____	_____	_____	_____



**INCLUDE TEN COPIES OF THIS APPLICATION WITH THE FOLLOWING:**

- 10 COPIES OF THE DEED TO THE PROPERTY;
- 10 COPIES OF A PLOT PLAN;
- \$75 APPLICATION FEE MADE PAYABLE TO THE TOWN OF OLD ORCHARD BEACH.

**THE PLOT PLAN MUST INCLUDE:**

- IDENTIFICATION OF PROPERTY OWNER, TAX MAP # AND ADDRESS OF PROPERTY;
- SHAPE AND DIMENSIONS OF THE LOT;
- SHAPE AND DIMENSION OF EXISTING AND PROPOSED STRUCTURES INCLUDING STAIRS, PORCHES, DECKS, GARAGES, SHEDS, POOLS, ETC.;
- NEW DIMENSIONS WILL BE DELINEATED FROM OLD USING DIFFERENT COLORS, LINE THICKNESS, ETC.;
- SETBACKS OF EXISTING AND PROPOSED STRUCTURES FROM THE PROPERTY LINES;
- IDENTIFICATION OF ABUTTING PROPERTY OWNERS;
- IDENTIFICATION OF ROADS AND STREETS.

**The Zoning Board of Appeals Clerk will fill this section out for the applicant if they do not have all the information requested below. Applicant will be responsible for the cost and mailing of these letters. Your abutters must legally be notified by registered mail at least 10 days before the scheduled meeting. Please be accurate.**

On the <b>left</b> side of your home:
On the <b>right</b> side of your home:
Directly <b>behind</b> your home:
One house to the <b>right behind</b> your home:
One house to the <b>left behind</b> your home:
House <b>directly across</b> the street from your home:
One house to the <b>right directly across</b> the street from your home:
One house to the <b>left directly across</b> the street from your home:
<b>Your mailing address:</b>

**NOTE TO THE APPELLANT: The fee for a Zoning Board variance hearing is \$75.00. Please submit a check for that amount made payable to the Town of Old Orchard Beach.**

*The undersigned hereby makes application to Town of Old Orchard Beach for approval of the attached plans and declares the foregoing to be true and accurate to the best of his/her knowledge.*

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Owner, Applicant or Agent: (Signature/Print)

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Date:

## *Helpful Tips for your Zoning Board Appeal*

- You must attend the meeting for the Board to hear your appeal. If you are not present, the board will not hear the item. Meetings are in Council Chambers on the 3<sup>rd</sup> floor of Town Hall at 6:30 p.m.
- The application must be filled out **completely**. If you are having trouble with the application, please feel free to set up an appointment with CEO Rick Haskell for assistance.
- You must, by law, notify abutting properties of the public hearing. (see page 4 of your application). These need to be mailed at least (10) days prior to the ZBA meeting.
- If the ZBA approves your appeal you are required to file the certificate of approval with the York County Registry of Deeds and submit a copy of this to our office.
- Once the approval is filed with the Registry of Deeds, you will need to apply for a building permit for the work requested to be done. Work cannot begin until you have a building permit from the Building Department.

James Butler Code Enforcement Officer 207-937-5615  
Valdine Camire, ZBA Clerk 207-937-5645