

Town of Poland, Maine
Board of Appeals
1231 Maine Street
Poland, Maine 04274-7328

Application for Variance Appeal
Standard Variance

Appellant(s): _____		

Mail Address: _____	Work Phone: _____	
Town/State/Zip: _____	Home Phone: _____	
Road Location: _____		
Map # _____	Lot # _____	Sub-lot # _____

A Variance Appeal is being sought for the relaxation of the Comprehensive Land Use Code. I(we) believe that this would not be contrary to the public interest and a literal enforcement of this Code would result in undue hardship.

Indicate the section(s) of the ordinance that you believe is/are relevant to your appeal:

Chapter _____, Section _____, Page _____	Chapter _____, Section _____, Page _____
Chapter _____, Section _____, Page _____	Chapter _____, Section _____, Page _____

1. Attach a statement detailing the facts concerning your appeal. (see reverse side)
2. Attach copy of deed, sales agreement, or contract that gives you title, right, or interest in this appeal.
3. Attach copy of a sketch plan of the property showing lot dimensions and shape, existing structures, setbacks, natural features on the lot, and indicate the area of proposed location of structures.
4. Attach a copy of any other relevant papers (applications, Planning Board and/or CEO decisions, etc.) concerning the appeal.
5. Optional – attach photos of the area.

I hereby acknowledge that I have read this application and pertinent sections of the ordinances, and state that the information in this document is to the best of my knowledge true and accurate.

	/ /	/ /
<i>Appellant's Signature</i>	<i>Co-Appellant's Signature</i>	<i>Date</i>

STANDARD VARIANCE APEAL

Detailed Description:

In order for a variance to be granted the appellant must demonstrate to the Board of Appeals that the strict application of the Comprehensive Land Use Code would cause undue hardship. The Code section shown below lists the criteria that must be met before the BOA can find that a hardship exists. In your statement detailing the facts, please include numbered comments addressing each of these subsections.

Chapter 3, Section 104.2.B.2.d.

The Board shall not grant a variance in locations outside the Shoreland Area and one hundred (100) year floodplain unless it finds that:

- [1] The proposed structure or use would meet the performance standards of this Code except for the specific provision which has created the nonconformity and from which relief is sought; and
- [2] The strict application of this Code to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:
 - [a] That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - [b] That the granting of the 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] That 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] That the granting of the variance will not unreasonably adversely effect the natural environment; and
 - [f] That the structure or land area for which a variance is sought is not located in whole or in part within the Shoreland Area and/or one hundred (100) year flood plain.

Additional requirements if in Floodplains

- [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 this Code, existing local laws, ordinances or regulations; and
- [3] a showing that the issuance of the variance will not conflict with this Code or other Federal, State, or local laws, ordinances or regulations; and
- [4] a determination that failure to grant the variance would result in undue hardship as defined in Section 3-104.2.B.2.c.[2].