

Town of Poland, Maine
Board of Appeals
1231 Maine Street
Poland, Maine 04274
(207) 998-4601

Application for Variance Appeal Shoreland/Floodplain 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>

SHORELAND/FLOODPLAIN VARIANCE APPEAL

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.

Section 304.2.c.2

2. Variance Appeals - To hear and decide upon appeal in specific cases where a relaxation of the terms of this Code would not be contrary to the public interest and a literal enforcement of this Code would result in undue hardship.

c. The Board shall not grant a variance in the Shoreland Area 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 applicant has proved to the Board that strict application of the terms of this Code would result in undue hardship.

To prove "undue hardship" the applicant must prove all of the following:

- (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.

3. Variance Appeals in Floodplains - In addition to the provisions of Section 304.2 above, variance appeals from the provisions of Chapter 7, Floodplain Management Standards, shall comply with the following.

a. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

b. Variances shall be granted only upon:

- (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 304.2.b.(2).(c).