

TOWN OF RICHMOND
APPEALS BOARD APPLICATION

Name of Applicant _____
Mailing Address _____ City _____ Maine Zip _____
Telephone _____ Name of owner _____
Email _____ Map _____ Lot _____ Book _____ Page _____

The undersigned requests that the Board of Zoning Appeals consider one of the following:

1. **An Administrative Appeal:**

Relief from the decision, or lack of decision, of the Building Inspector or Planning Board in regard to an application for a permit. The undersigned believes that (check one):

- An error was made in the denial of the Building Permit
(Date applied for _____)
- An error was made in the denial from the Planning Board
(Date applied for _____)
- Denial of the permit was based on the misinterpretation of the ordinance.
- There has been a failure to approve or deny the permit within a reasonable period of time
- Other

Please explain in more detail the facts surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

2. **A Variance**

Describe generally the nature of the Variance.

Undue Hardship Variance.

A variance may be granted by the Board for “undue hardship” which shall be interpreted only in strict compliance with all of the following criteria and with the criteria of Title 30-M.R.S.A. § 4353:

1. That the land in question cannot yield a reasonable return unless a variance is granted.

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

3. That the granting of a variance will not alter the essential condition of the locality.

4. That the hardship is not the result of action taken by the applicant or a prior owner.

Disability Variance

The Board may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under 5 M.R.S.A. §4553 and the term “structures necessary for access to or egress from the dwelling” is defined to include, but is not limited to, ramps, lifts, railings, walls or roof systems necessary for the safety, accessibility or effectiveness of the dwelling.

Hardship Set-Back Variance for Single-Family Dwellings

The Board may grant a set-back variance for a single-family dwelling from a set-back requirement only when strict application of the set-back requirements of this Chapter to the petitioner and the petitioner’s property would cause hardship. The term “hardship” as used in this subsection means:

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

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

3. The hardship is not the result of action taken by the applicant or a prior owner;

4. The granting of the variance will not substantially reduce or impair the use of abutting property; and

5. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

Practical Difficulty Variance from Dimensional Standards.

The Board may grant a variance from the dimensional standards of this Chapter when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

1. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

2. The granting of a 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;

3. The practical difficulty is not the result of action taken by the petitioner or a prior owner;

4. No other feasible alternative to a variance is available to the petitioner;

5. The granting of a variance will not unreasonably adversely affect the natural environment; and

6. The property is not located in whole or in part within shoreland areas as described in 38 M.R.S.A. §435.

In addition, a sketch plan of the property to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing structures, the location and dimensions of proposed buildings or alterations, and any natural or topographic particularities of the lot in question.

Applicant: _____

This day: _____

TOWN OFFICE USE ONLY

Date received: _____

\$200.00 Fee Paid: Yes No

*Applicant is required to pay the fee for all public notices. The Town will send notices and provide applicant with invoice.

Was the variance approved? Yes No

Date of approval: _____