



# TOWN OF MADAWASKA

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## TOWN OF MADAWASKA

### APPLICATION FOR VARIANCE

The applicant requests the following type of variance (check appropriate one):

- Undue Hardship Variance (30-A M.R.S.A. §4353 (4))
- Disability Variance (30-A M.R.S.A. § 4353 (4-A))
- Practical Difficulty Dimensional Variance (30-A M.R.S.A. § 4353) (4-C)

#### A. General Information:

1. Name of Applicant: \_\_\_\_\_
2. Mailing Address: \_\_\_\_\_
3. City/Town: State: \_\_\_\_\_
4. Telephone: \_\_\_\_\_
5. Names of Property Owner (if different from applicant) \_\_\_\_\_
6. Location of property for which variance is requested: \_\_\_\_\_
7. Zoning District: \_\_\_\_\_
8. Tax Map and Lot Number of property: Map \_\_\_\_\_ Lot \_\_\_\_\_

The applicant has the following legal interest in the subject property (deed, purchase and sale agreement, lease, option agreement or other – circle appropriate one and attach copy)

#### B. Reasons/Supporting Information for Variance:

The applicant proposed the following building, structure, use or activity on the subject property.  
The lot is currently being used for the following: \_\_\_\_\_  
The conditions and character of the neighborhood are: \_\_\_\_\_

C. The applicant shall complete the appropriate section below for the particular type of variance sought:

**Undue Hardship Dimensional Variance:** The Board of Appeals may grant a variance only when strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship, which means that the application meets each of the criteria listed below.

Please explain why you believe that the subject property meets each of the following criteria for this type of variance:

- a. The land in question cannot yield a reasonable return unless a variance is granted:  
(Explanation: The landowner(s) will receive no reasonable return without the variance, you must show that you will be deprived of all beneficial use of the land).

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- b. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood:  
(Explanation: Exists only if the problem is unique to the property. A problem is not unique if it is shared by other land in the district).

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- c. The granting of a variance will not alter the essential character of the locality:  
(Explanation: It cannot alter the essential character of the neighborhood).

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- d. The hardship is not the result of action taken by the applicant or a prior owner:  
(Explanation: At the time of purchasing the land, there was knowledge, actual or constructive, of the zoning restrictions which are in effect at the time of the purchase and you have created whatever hardship the restrictions entail).

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**Disability Variance:**

The Board of Appeals 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 a or regularly uses the dwelling. The Board shall restrict any variance granted under this provision 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 or to the time that the person with the disability lives in the dwelling. For the purposes of this provision, a disability has the same meaning as a physical or mental handicap under the Maine Human Rights Act and the term "structures necessary for access to or egress from the dwelling" is defined to including railing, wall or roof systems necessary for the safety or effectiveness of the structure.

**Please answer the following questions to explain why you believe that the subject property meets each of the following criteria for this type of variance:**

- a. Does a person with a disability reside in the dwelling?  Yes  No
- b. Does a person with a disability regularly use the dwelling?  Yes  No
- c. Is the installation of equipment or the construction of structures proposed under this application necessary for access to or egress from the dwelling by the person with the disability? (Explain):

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- d. Does the disability have a known duration? If so, what is that duration?

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**Practical Difficulty Variance:**

The Board may grant a variance from the dimensional standards means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements. As used in the provision, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

**Please explain why you believe that the subject property meets each of the following criteria for this type of variance.**

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

b. 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. \_\_\_\_\_  
\_\_\_\_\_

c. The practical difficulty is not the result of the action taken by the petitioner or a prior owner.  
\_\_\_\_\_  
\_\_\_\_\_

d. No other feasible alternative to a variance is available to the petitioner. \_\_\_\_\_  
\_\_\_\_\_

e. The granting of a variance will not unreasonably adversely affect the natural environment:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ ; and  
f. The property is not located in whole or in part within shoreland areas as described in Title 38 §435: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**D. Additional Information:**

In addition to the information provided above, please submit a sketch plan of the property showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings, additions and alterations, the locations of roads and driveways, the location of any water body adjacent to the property, and any natural and topographic peculiarities of the lot in question.

**E. Signature of Applicant:**

To the best of my knowledge, all information submitted on and with this application is true and correct.

Date: \_\_\_\_\_ By: \_\_\_\_\_

(Signature)

\_\_\_\_\_  
(Print Name)

**FOR OFFICE USE ONLY:**

Date Submitted: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Variance Granted  or Denied

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Code Enforcement Officer

Date