



# Madawaska Board of Appeals

## Variance Appeals Application

### A. Applicant Information

Name(s):

Owner/Developer (if different than applicant):

Location of Property:

Mail Address:

Telephone:  Email:

The lot is currently being used for:  (ex: residence, duplex, business, etc)

**This application and all documentations must be filed with the Code Enforcement Officer.**

The applicant has the following legal interest in the subject property: Check the one that applies, and attach a copy:

Deed  Purchase & Sale Agreement  Lease  Option Agreement  other

I am applying for:

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

**The applicant(s) shall complete the appropriate section below for the particular type of variance sought:**

**1. Undue Hardship 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 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:

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

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

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

**2. Disability Variance** – The Board of Appeals may grant a 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

MAP \_\_\_\_\_ LOT \_\_\_\_\_ STREET ADDRESS \_\_\_\_\_

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 variance to the duration of the disability or to the time that the person with the disability lives in/regularly uses 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 include 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?
- b. Does a person with a disability regularly use the dwelling?
- c. Are you the owner of the dwelling where the construction will occur?
- d. Do you reside in the dwelling?
- e. Do you have a permanent disability?
- f. Does the disability have a know duration? If so, what is the duration?
- g. What is the nature of the disability?
- h. Is there a vehicle to be stored or parked in the proposed structure by the owner of the dwelling?
- i. Will the proposed construction be used for any other purpose than that which is requested? (Explain if so):
- j. 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)
- k. What are the dimensions of the proposed structure and where will it be located on the property? (Attach proposed plans)

**3. Practical Difficulty Dimensional Variance** – The Board of Appeals may grant a variance from the dimensional standards of a zoning ordinance when strict application of the ordinance to the petitioner and the petitioner’s property would cause a practical difficulty, which means that the application meets each of the criteria listed below. (As used in this provision, “dimensional standards” means and is limited to ordinance provisions relating to lot area, lot coverage, frontage, and setback requirements. As used in this 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 to 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 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:

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

**B. Reasons/Supporting information for Variance.**

The applicant proposes the following building, structure, use or activity on the subject property:

The applicant seeks a variance(s) from the following dimensional standards(s):

Which are/is found in sections(s)  of Madawaska Land Use Ordinance.

The lot is currently being used for the following:

The conditions and character of the neighborhood are:

**C. Additional Information**

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

**D. Signature of Applicant(s):**

Signature of Applicant:

Date:

Signature of Applicant:

Date:

Received by CEO:

Date:

**Town of Madawaska Land Use Ordinance Chapter 1, Section V Appeals, B. Powers & Duties, 3. Variance Appeal.** To hear and decide, by majority vote of those present and voting upon appeal, in specific cases such variance from the terms of this Code will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship. In granting any variance, the Board shall prescribe conditions and safeguards as are appropriate under this Code. In no case will any affirmative vote carry without at least (3) members voting in the affirmative. **Filing Fee: \$ 250.00** Must be paid along with Application. Check payable to: **Town of Madawaska** and can be mailed along with application to: **Madawaska Code Enforcement Office, 328 St-Thomas Street, Madawaska, ME 04756**

**OFFICE USE ONLY**

**DATE APPLICATION RECEIVED:** \_\_\_\_\_

**Address of Property:** \_\_\_\_\_ **Acct#** \_\_\_\_\_

**Zone:** \_\_\_\_\_ **Map:** \_\_\_\_\_ **Lot:** \_\_\_\_\_ **Corner Lot:**  **Yes**  **No**

**Occupancy Group:** \_\_\_\_\_

**Date of Public Hearing & Meeting:** \_\_\_\_\_

**Attach list of abutting properties and any correspondence to this application**

**E. Conditions of Approval**

On the basis of the above findings of Fact and Conclusions of Law, the Board of Appeals voted by vote of \_\_\_\_\_  
to **GRANT / DENY** (circle one) the application for variance, subject to the following Conditions of Approval, if any.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

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**F. Recording of Variance:**

As required by 30-A M.R.S.A. §4353(5), the applicant must record the certificate of variance provided by the Board of Appeals in the appropriate Registry of Deeds within 90 days of this notice or else this variance shall be void.

**G. Appeals:**

Parties aggrieved by this decision may appeal it to Superior Court within 45 days from the date of decision pursuant to 30-A M.R.S.A. §2691 and Maine Rules of Civil Procedure, Rule 80B.

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**Voting Record of Board of Appeals (signatures):**

Chairperson: \_\_\_\_\_

BOA Member: \_\_\_\_\_

BOA Member: \_\_\_\_\_

BOA Member: \_\_\_\_\_

BOA Member: \_\_\_\_\_

Recording Secretary: \_\_\_\_\_

Date of Final Decision: \_\_\_\_\_

PLEASE NOTE: if your application for variance is approved, a Certificate of Variance and Notice of Decision will be available for you to pick up from the Board Secretary at the Madawaska Town Office, within (5) Business days of the approval date, for you to bring to the Registry of Deeds to be recorded, and you will need to return proof of variance recorded to the Town of Madawaska.