INFORMATION FOR ZONING BOARD OF APPEALS APPLICANTS

Dear Applicant:

In order for the Board of Appeals to consider a case, the law requires that you present the Board with a complete application. The purpose of this letter is to provide you with instructions on how to meet your responsibilities so that the Board may hear your case and judge it fairly.

General Information:
The Board of Appeals meets on the third Monday of each month (unless there is a holiday in which case the meeting will be held the following Monday). The meetings are held in the Town Council Chambers at the Standish Town Hall on Route 35 (175 Northeast Road). The applicant or a representative should plan to attend the hearing and be prepared to discuss the application.

Fees: (*Fees are non-refundable)

- $200 Administrative Appeal
- $200 Variance Request
- $200 Special Exception Application

Applications to the Board of Appeals must be submitted no later than the Monday twenty one (21) days prior to the meeting at which you seek to be heard (please refer to attached meeting schedule and deadline schedule).

Application Process:
The first thing we recommend is that you review the Land Use Ordinances and make sure you understand why your permit application was denied; the requirements for a variance and the requirements of a special exception (as applicable). Then you will be prepared to complete the application form given to you. If you do not know what zoning district your property is in or specific zoning restrictions on your property, you may obtain this information from the Code Enforcement office.

Next, you must provide the Board with factual information required on the form given to you. Therefore, you must provide the Board of Appeals with proof that you have legal interest in the property about which you are bringing an application (such as a purchase and sale agreement if you are not the owner), in addition to information about the property, including any details about its physical characteristics. It may be helpful to describe the neighboring property as well.

Then, you must decide what kind of application you wish to file. Your options are to file an ADMINISTRATIVE APPEAL, a VARIANCE REQUEST or a SPECIAL EXCEPTION APPLICATION. The Code Enforcement office may give you some guidance on making this decision, but ultimately it is your decision to make – not the Code Enforcement Officer’s. What are the differences?

An Administrative Appeal is an appeal from a decision of either the Code Enforcement Officer or the Planning Board (in the case of shoreland permits requiring Planning Board approval) that you think is a wrong decision. You may think it is wrong because you do not agree with how the Ordinance is being interpreted, or you think the Town made some administrative error when processing your permit.
application. For example, if you have a non-conforming use, you may need to file an Administrative Appeal to challenge the Code Enforcement Officer’s interpretation of the “expansion.” On the application, you must explain what the decision said, what you want to do with your property, why you think the decision was wrong, and what you would like the Board of Appeals to do about it. This information may be on a separate sheet attached to the application.

A **Variance Request** is a request for permission to depart from the literal requirements of the Zoning Ordinance. Depending on the type of variance request sought, the applicant must meet either the “practical difficulties” test or the “undue hardship” test. For a non-shoreland zone variance request, the practical difficulties test is an eight (8) part test and is detailed in Part II of the application. For a shoreland zone variance request, the undue hardship test is a four (4) part test and is detailed in Section II of the shoreland zone application. If you think that you can meet the applicable test, and if you truly need one or more variances, you should proceed with a variance request.

A **Special Exception** application is a request for the approval of a use that would not be appropriate generally or without restriction throughout the zoning division or district, but which if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare. Special exceptions first require use approval from the Board of Appeals and then site plan approval from the Planning Board.

Although it is unusual to apply for both an Administrative Appeal and a Variance Request, you are entitled to do so. However, in the event that the first application is denied, it is the Board’s policy to hear only one application an evening; you may be required to wait until the next available meeting for your second application.

Whether you make one, two or three applications, **be sure to complete the application** forms and provide the Board with as much concrete documentation of your case as you can, keeping in mind that the Board will weigh the nature of the evidence submitted and rely on only that evidence it judges substantial, relevant, and credible. In addition to any written material submitted with the application, you may also bring to the hearing any witnesses you wish to have present evidence on your behalf about the property in question, any sworn written statements from individuals with personal knowledge of the property, and any documentation of previous Building Permits or Ordinances.