Town of Falmouth BOARD OF ZONING APPEALS
CONDITIONAL USE APPLICATION
5.21 Home Occupations

Name of Applicant: _____ **Phone #** _____

Address of Property_____

Map/Lot _____ **Tax Sheet**_____ **Zone** _____

Mailing Address (if different)_____

Property Owner (if not applicant)_____

Email Address: _____

This application and all documentation must be filed with the Code Enforcement Officer by the 4th Tuesday of the month. Public hearings on applications are held the following 4th Tuesday of the month at 6:30p.m. A one hundred dollar ($100) fee and nine (9) complete copies of all information for this application are due at submission deadline.

The undersigned requests that the Board of Appeals consider the following conditional use request:
(Describe the general nature of the request.)

_____

_____

_____

To the Applicant:

- The *Conditional Use Criteria* form must be filled out explaining how your request will comply with each of the criteria listed.
- Provide a plot plan (diagram) of the property, showing where residents, employees and visitors to the home occupations will park and the distance to any nearby property boundaries keeping in mind that parking must be provided for the peak number of vehicles (as required by 5.5 – see attached).
- Provide blueprints or diagrams of the dwelling unit and accessory structure if used in the home occupation showing the dimensions of each room and the whole structure(s).
- Provide in writing the calculations of the square footage to be used for the home occupation and the whole house residence including the accessory structure (if it is to be used for the home occupation). Also include the percent calculation by dividing the home occupation square footage by the square footage of the whole residence.
- Photos, blueprints, surveys and other documents are often very helpful in explaining the your request
- Failure to provide adequate documentation of your request may delay hearing your request until adequate information is provided.

In addition to the Conditional Use criteria set forth in Section 8.3, the applicant is directed to the **additional criteria outlined in Section 5.21, Home Occupations**, a copy of which is attached. After fully reviewing each of these sections, the applicant should prepare a detailed written response demonstrating that the pertinent criteria of all applicable sections have been satisfied. Should the applicant fail to address the sections of the ordinance, which are pertinent, the application may be deemed incomplete.

I certify that the information contained in this application and its supplement is true and correct.

Date _____ Signed _____

***Please contact the Code office prior to submission of this application* (207) 781.5253**

CONDITIONAL USE CRITERIA – as required under 8.3

To the Applicant:

Please answer in the space provided or on a separate sheet how your request will meet the Ordinance criteria below.

a. Will meet the definition and specific requirements set forth in the Ordinance for such particular use. (See Sections 2 & 5 of the Zoning Ordinance.)

_____
_____
_____

b. Will be compatible with the general character of the neighborhood with regard to design, scale, and bulk of proposed structures.

_____
_____
_____

c. Will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, light or glare.

_____
_____
_____

d. Will not have a significant adverse effect on adjacent or nearby property values

_____
_____
_____

e. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion.

_____
_____
_____

f. Will not result in significant fire danger

_____
_____
_____

g. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion.

_____
_____
_____

h. Will be served adequately by, but will not overburden existing public services and facilities, including fire protection services, sanitary sewers, roads, water and storm drainage systems.

_____
_____
_____

2.71 Home Occupation: An accessory use of a dwelling unit for gainful employment as permitted in Section 5.21.

5.21 Home Occupations [Amended 10/25/93][Amended 4/09/12]

a. The purpose of the Home Occupations provision is to permit the conduct of only those businesses which are reasonably compatible with the residential districts in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling or accessory structure without substantially changing the appearance or condition of the residence or accessory structure.

Business uses conducted wholly within a residence or accessory structure which are incidental to the residential use of the property and are of no impact to the surrounding properties are permitted as a matter of right if they conform with the following criteria:

(1) are carried on only by a member or members of the family residing in the dwelling unit;

(2) there is no exterior display, sign, or advertising that would indicate the presence of the home occupation;

(3) there are no objectionable conditions such as noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours;

(4) there is no traffic generated by the home occupation;

(5) the dwelling or accessory structure is not altered substantially to accommodate the home occupation; and

(6) no more than one vehicle used primarily for the home occupation shall be kept on the property.

b. All other home occupations or professions which are accessory to and compatible with a residential use in an RA, RB, VMU, or F district may be permitted as a conditional use, if approved by the Board of Zoning Appeals after public hearing with due notice given, and if the home occupation conforms with the following criteria.

(1) It does not materially injure the character or usefulness of the dwelling unit or accessory structure for normal residential purposes.

(2) It is carried on wholly within the dwelling or accessory structure.

(3) It is carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two persons other than family members residing in the dwelling unit shall be employed on the premise in connection with the home occupation.

(4) There is no exterior display, no exterior sign other than those permitted in Section 5.13 a., no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

(5) Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted.

(6) The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.

(7) In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours.

(8) The home occupation may utilize:

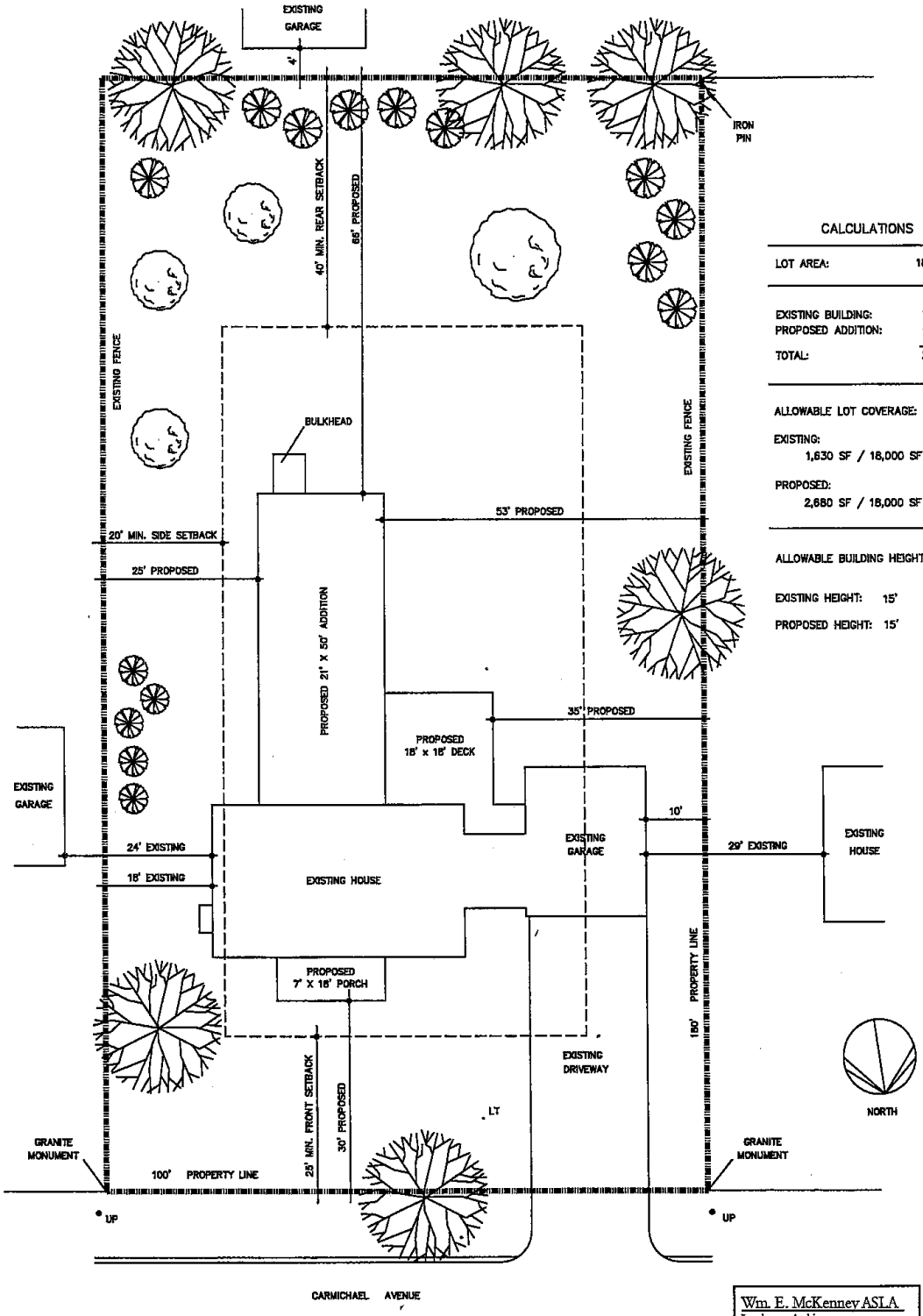
(a) Not more than twenty (20%) percent of the dwelling unit floor area, provided that for the purposes of this calculation unfinished basement and attic spaces are not included.
(b) Unfinished attic and basement spaces.
(c) One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty (50%) percent of the total floor area of the dwelling unit as previously calculated.
(9) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, as permitted in Section 5.13 a

5.5 Off-Street Parking [Amended, 5/27/93]

d. A parking space shall measure at least nine (9) feet in width by eighteen (18) feet in length, exclusive of space required for access and maneuvering.

g. In any residential district, parking areas for uses other than single family detached dwellings shall be set back at least twenty-five (25) feet from any property line.

REQUIRED INFORMATION FOR BOARD of APPEALS APPLICATIONS



CALCULATIONS

LOT AREA:	18,000 SF
EXISTING BUILDING:	1,630 SF
PROPOSED ADDITION:	1,050 SF
TOTAL:	2,680 SF
ALLOWABLE LOT COVERAGE:	50%

EXISTING:
1,630 SF / 18,000 SF = 9%

PROPOSED:
2,680 SF / 18,000 SF = 14.8%

ALLOWABLE BUILDING HEIGHT: 35'

EXISTING HEIGHT: 15'

PROPOSED HEIGHT: 15'

Plan provided as a courtesy by:

Wm. E. McKenney ASLA
Landscape Architecture
16 Carmichael Ave.
Falmouth, Maine 04105-1404

(207) 671-1058

LANDSCAPE ARCHITECT WILLIAM E. McKENNEY #1540 STATE OF MAINE