Falmouth Board of Zoning Appeals Application Checklist

The following checklist is provided to assist applicants in submitting a complete and informative application package for consideration by the Board of Zoning Appeals (the "Board"). Applications deemed incomplete by the Code Enforcement Officer (the "CEO") will not be placed on the agenda. If the applicant believes that a required item is not applicable to a specific proposal, a written statement addressing the reason shall be provided. All applicants are strongly encouraged to schedule a meeting with staff prior to submitting an application to the Board.

- Unless approved by the CEO or Board, no information may be added to an application after the submission deadline has passed.
- Unless approved by majority vote of the Board, no information is to be submitted to staff or Board members the evening of a hearing.
- If information is submitted late and deemed to be material to an application or appeal, and concerned abutters have been deprived of an opportunity to review the information due to late submission, the new information may not be accepted and the application may be tabled until the next scheduled meeting.

Completed application forms and supporting documents, including all required copies, must be submitted to the Code Enforcement Office by 5:00pm on the 4th Tuesday of the month for consideration of placement on the Board's agenda for the following month.

Application packages shall include nine (9) complete sets of the following:

☐ 1.0 A completed request for hearing and application form.

☐ 2.0 Proof that the applicant has sufficient right, title or interest in the subject property to submit the application to the Board. This may include a copy of the deed, purchase and sales agreement, lease agreement, or the property owner's written authorization.

☐ 3.0 Payment of the appropriate application fee.

☐ 4.0 A scaled plot plan or boundary survey to include the following (see attached sample sketch):

- ☐ 4.1 title, date, revision dates, prepared by;
- ☐ 4.2 property address, tax ID, property owner;
- ☐ 4.3 scale;
- ☐ 4.4 north arrow;
- ☐ 4.5 property boundaries;
- ☐ 4.6 structure footprints (existing and proposed);
- ☐ 4.7 setbacks to boundary lines and distances to structures on abutting properties; and,
- ☐ 4.8 improvements such as parking and driveways (existing and proposed).

☐ 5.0 Scaled building elevations with dimensions.

☐ 6.0 Plan of general interior layout (detailed floor plans required for Home Occupations and Accessory Dwelling Units).

☐ 7.0 Structure and lot coverage calculations for existing and proposed structures and uses.

☐ 8.0 Photographs of subject and/or nearby properties to illustrate conditions as necessary.

Refer to the specific section(s) of the Code that your application/appeal is filed under for other specified material information that may be required.

Please note that this checklist covers the minimum information required by the Board to review an application, depending on the nature of the proposed project the Board may request additional information not listed here. A signed copy of this document must be included with the application submittal package.

_____ _____

Applicant(s)/Authorized Representative (Print Name(s) & Signature) Date

_____ _____

Property Owner (Print Name(s) & Signature) Date

Received by:_____ Date/Time:_____

Town of Falmouth BOARD OF ZONING APPEALS
CONDITIONAL USE APPLICATION
6.11 Nonconforming Structures in a Shoreland Zone

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 in question showing the property boundaries, structures and the distances from all structures to the boundary lines. In addition, include distances to the nearest structures on the abutting properties.
- The plot plan must show the required setback from the normal high water or upland edge of a designated wetland.
- Provide in writing the calculations of the square footage of the current structure and square footage for the proposed extension or enlargement including the resulting percentage increase as required by ordinance.
- Photos, surveys, blueprints 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 6.11, Nonconforming Structures in a Shoreland Zone**, 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 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 & 6 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.

2.102 Nonconforming Structure, Use or Lot: A structure, use, or lot, lawfully existing prior to the effective date of this Ordinance in 1965 or lawfully existing between that date and the effective date of the revision of this Ordinance in 1983, or the effective date of any amendment to this Ordinance, which is not a permitted structure, use or lot in the district where located pursuant to the provisions of this Ordinance, as amended.

6.11 In addition to the prior sections dealing with non conforming structures, the following provisions shall apply to the expansion of nonconforming structures located in the Shoreland Zone subject to conditional use approval by the Board of Appeals [Adopted, 5/27/92]:

a. If any portion of a structure or an attached accessory structure is less than the required setback from the normal high-water line of a water body or tributary stream or upland edge of a designated wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during its lifetime. If a replacement structure conforms with the requirements of Section 6.5, and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date. [Amended 5/28/96; Amended 5/26/09]

Construction or enlargement of a foundation beneath an existing structure need not be considered in the area or volume of expansion provided that the space within that foundation meets the definition of a cellar.

b. Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Board of Zoning Appeals or its designee, basing its decision on the criteria specified in Section 6.5.a.2. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 6.11.a, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure. [Adopted 5/26/09]

c. Notwithstanding the height restriction of Section 6.2 b.(3), in the Residential "B" portions of the Shoreland Zone around Highland Lake, a foundation may be constructed under an existing structure [Amended, 5/27/93].

d. No structure which is less than the required setback from the normal high-water line of a water body or the upland edge of a designated wetland shall be expanded toward the water body or wetland