



TOWN OF LISBON

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ZONING BOARD OF APPEALS

Appeal / Variance Request

Applicant: _____

Address: _____

Property Owner (if different): _____

Address: _____

Property Location: _____

Zone: _____

Map: _____

Lot: _____

Sec. 70-151. - Variances authorized.

Variances allowed under this division may only be granted from the following dimensional requirements: Lot width; lot frontage; lot area; structure height; lot coverage; setbacks; yards; or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconforming uses in the district or uses in adjoining districts. Variances may not be granted for the establishment of any uses otherwise prohibited by this division. The zoning board of appeals shall grant a variance only by concurring vote of at least four members.

Description of Appeal / Variance request:

Signature: _____

Date: _____

This Appeal/Variance Request application must be presented to the Code Enforcement Officer with a fee of \$50.00 (Acct. #2507) to cover the costs of Notice and Advertising. The Board of Appeals meets, as needed, on the third Monday of each month unless otherwise scheduled. Completed applications must be received (2) two weeks prior to the scheduled meeting.

Sec. 70-152. - Variance standards.

The zoning board of appeals shall determine, in specific cases, where a relaxation of the terms of this chapter would not be contrary to the public interest and where, owing to the conditions peculiar to the property and not the results of actions by the applicant, a literal enforcement of the requirements of this chapter would result in an undue hardship. The proposed structure must meet all other bulk, space and dimensional requirements except for the specific provision which has created the nonconformity and from which relief is sought. The term "undue hardship" shall mean:

- (1) That the land in question cannot yield a reasonable return unless a variance is granted;
- (2) That the need for a variance is due to the unique circumstances of the property and not the general condition in the neighborhood;
- (3) That the granting of a variance will not alter the essential character of the locality; and
- (4) That the hardship is not the result of action taken by the applicant or a prior owner.

Sec. 70-153. - Limitations; conditions.

The board of appeals shall limit any variances granted as strictly as possible in order to insure conformance with the ordinance purposes and provisions to the greatest extent possible. The zoning board of appeals is empowered to impose conditions on the property owner if it finds that such conditions are necessary to protect abutting property owners or the community as a whole from adverse impacts resulting from the granting of a variance. The party receiving the variance shall comply with any conditions imposed.

Sec. 70-154. - Variances within the shoreline district.

- (a) *Variance requests.* A copy of each variance request, within the Shoreline Zoning District, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the commissioner of the department of environmental protection at least 20 days prior to action by the board of appeals. Any comments received from the commissioner prior to the action by the board of appeals shall be made part of the record and shall be taken into consideration by the board of appeals.
- (b) *Variances granted.* A copy of all variances granted within the Shoreline Zoning District by the board of appeals shall be submitted to the department of environmental protection within 14 days of the decision.

Sec. 70-155. - Variance limitations.

Variance limitations are as follows:

- (1) *Front setback.* Decrease of front setback by 50 percent.
- (2) *Lot coverage.* Increase of lot coverage by five percent. Limit impervious surface ratio to 90 percent in village, commercial and industrial districts. Limit impervious surface ratio to 25 percent in limited residential, general residential and rural residential districts. Limit reduction of minimum lot size by one-third.

- (3) *Lot size.* The absolute minimum lot size shall be 20,000 square feet where public water and sanitary sewer are not available.
- (4) *Frontage.* Where required lot size is reduced, the frontage may be reduced by one-third.
- (5) *[Planned unit developments.]* PUD planned unit developments on a cul-de-sac are subject to the provisions of section 70-751 et seq.
- (6) *Two lots.* Frontage and width reduction up to 25 percent involving no more than two lots.
- (7) *Nonconforming use.* A nonconforming use may be expanded up to 25 percent of the area formerly in use provided all other provisions of the zone can be met.
- (8) *Mobile homes.* A replacement mobile home may be of a size up to 50 percent larger than the former mobile home provided all other provisions of the zone can be met. The board of appeals shall require as much of the specific provisions of the zone to be met as are feasible and reasonable, as defined in section 70-3.
- (9) *Lot of record.* A single lot of record as of January 1, 1975, may be used for permitted uses if determined by the board of appeals that the general intent of this chapter will be met.

Sec. 70-156. - Setback variance for single-family dwellings.

- (a) The zoning board of appeals may, in accordance with 30-A M.R.S.A. § 4353(4-B), grant a variance to the set-back requirement of the space and bulk regulations provided all of the following criteria are met:
 - (1) The single-family dwelling is the primary year-round residence of the person seeking the variance.
 - (2) The granting of the variance will not cause the area of the dwelling to exceed the maximum permissible lot coverage according to the space and bulk regulations.
 - (3) The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.
 - (4) The granting of a variance will not alter the essential character of the locality.
 - (5) The hardship is not the result of action taken by the applicant or a prior owner.
 - (6) The granting of a variance will not substantially reduce or impair the use of abutting property.
 - (7) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.
- (b) A variance granted under this subsection may not exceed 20 percent of the set-back requirement.

Sec. 70-157. - Disability variance.

The board of appeals may grant a variance to an owner of a residential 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 under this subsection solely to the installation of equipment of the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions of 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. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

Sec. 70-159. - Limits on variances.

A variance granted by the zoning board of appeals expires if the work or change involved has not commenced within six months of the date on which the variance was granted or if the work or change has not been substantially completed within one year of the date of approval, unless otherwise extended by the zoning board of appeals.

Sec. 70-160. - Reapplication.

If the zoning board of appeals denies a variance, a second request of a similar nature cannot be brought before the zoning board of appeals within one year of the date of the first request unless, in the opinion of the majority of the zoning board of appeals, substantial new evidence can be brought forward or unless the zoning board of appeals finds, in its sole and exclusive judgment, that an error of law or misunderstanding of facts has been made.

Sec. 70-161. - Misrepresentation.

The zoning board of appeals retains the right to rescind any approval of a variance if further information or additional investigation reveals a misrepresentation of the information presented to the zoning board of appeals.

Sec. 70-162. - Prior work.

Any construction activity commenced prior to the granting of a required variance is a violation of this chapter.