

**OFFICE USE ONLY**

8 copies of Plans and Supporting Materials \_\_\_\_\_

Check for \$150.00 if request is for Variance or Administrative Appeal \_\_\_\_\_

Check for \$175.00 if request is for a change to a non-conforming use \_\_\_\_\_

**Fee is 5X the normal fee if project has begun before approval** \_\_\_\_\_

**APPEAL TO THE BATH ZONING BOARD**

APPEAL NUMBER \_\_\_\_\_

Property Address \_\_\_\_\_

Property owner's \_\_\_\_\_

name & address \_\_\_\_\_

Applicant's name \_\_\_\_\_

& address (if different \_\_\_\_\_

than owner) \_\_\_\_\_

Interest in property \_\_\_\_\_

(owner, prospective \_\_\_\_\_

buyer, lessee, etc.) \_\_\_\_\_

Interest in any abutting property \_\_\_\_\_

Size of property \_\_\_\_\_

Zoning of parcel \_\_\_\_\_ Map \_\_\_\_\_ Lot \_\_\_\_\_

Current use of property \_\_\_\_\_

Proposed use of property \_\_\_\_\_

Approval requested \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any previous Zoning Board Appeals for property? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, detail, including any conditions or stipulations attached \_\_\_\_\_

\_\_\_\_\_

Submit with this application the following:

1. Eight (8) copies of a plot plan, showing at least the following:
  - a. lot lines
  - b. building and pertinent details such as fences, dumpsters, brooks, buffering/landscaping (hedgerows, treelines, berms, etc.) and similar features
  - c. existing and proposed parking
  - d. yard/buffer areas

The base plan from which the plot plan is prepared, showing property lines, existing buildings, and existing driveways/parking must be prepared and stamped by a registered land surveyor or engineer. This base plan must be at least a Class D survey/mortgage sketch. The additional information (trees, fences, etc.) can be added by others but it must be to scale and accurate.

2. Completed application for a building permit if applicable.
3. Any architectural or structural plans (elevations, floor plans, etc.) as applicable.
4. Cover letter to the Bath Zoning Board explaining the current and proposed use of the property, why/how your project meets the approval criteria, and anything additional you feel might be helpful. (see attached example).
5. \$150.00 application fee, or \$750.00 if the variance is being sought after-the-fact.
6. If you are not the owner of the property involved, provide written permission from the owner of the land for you to seek this permit. This can be a letter, purchase and sales agreement (Black out the dollar amounts if you wish.), or similar document.

The Zoning Board meets the first Monday of the month, unless that day is a holiday – in which case the meeting is the following Monday. We must have all the needed materials in the Codes office at least 3 weeks prior to the date of the meeting for which you wish to be scheduled. Incomplete applications will not be scheduled. In the event that an agenda is full when your materials are received, your project will be scheduled for the next meeting with available space on the agenda. We will notify the abutters of the meeting.

Attached is the list of criteria the Board uses to judge projects. It is the applicant's burden to prove compliance with the criteria, so be prepared to do so in your cover letter and at the meeting. Someone must be present at the meeting to represent the project and answer questions the Board may have. If you have any questions, contact the Codes office at 443-8334.

For your project to be approved, the Board must vote positively on the following criteria. In your cover letter, explain why you feel your project meets the standards. You will be expected to go through the standards verbally at the meeting as well.

## **VARIANCES**

A variance is an approval granted by the Zoning Board of Appeals to reduce a dimensional requirement of the Land Use Code. The Land Use Code specifies when a variance is available. They are not available in all circumstances. There are two types of variances – a conventional variance, and a single family variance. Depending on the project and the requirements of the code, a landowner may be eligible to apply for one or both types of variances. A conventional variance is available to any type of project. A single family variance is available only to projects at single family houses that are occupied by the applicant as his/her primary year round residence. If the variance is being sought to reduce a setback requirement, the setback can't be reduced by more than 20% with a single family variance. The setback can often be reduced by more than that with a conventional variance, but the criteria to secure the conventional variance are much harder to meet. In fact, very few projects meet the requirements for a conventional variance.

If you have questions or need further information on variances, contact the Codes Enforcement Officer.

### **CONVENTIONAL VARIANCE**

That the requirements of this code will impose an undue hardship on the property owner.

That the land in question cannot yield a reasonable rate of return unless the variance is granted.

That the need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood.

That granting the variance will not alter the essential character of the locality.

That the hardship is not the result of action taken by the applicant or a prior owner who could have reasonably foreseen that a difficulty would be created.

For your project to be approved, the Board must vote positively on the following criteria. In your cover letter, explain why you feel your project meets the standards. You will be expected to go through the standards verbally at the meeting as well.

### **SINGLE FAMILY HOUSE VARIANCE**

#### **Set-back Variance for Single-family Dwellings**

1. The ZBA may, in accordance with 30-A MRS Section 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:
  - (a) The single-family dwelling is the primary year-round residence of the person seeking the variance.

- (b) 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.
- (c) The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.
- (d) The granting of a variance will not alter the essential character of the locality.
- (e) The hardship is not the result of action taken by the applicant or a prior owner.
- (f) The granting of the variance will not substantially reduce or impair the use of abutting property.
- (g) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

2. A variance granted under this sub-section may not exceed 20% of the set-back requirement.

The applicant or someone representing them must be at the Zoning Board meeting to represent the project. You or your representative will be expected to give an introduction to the project, discuss the approval criteria and how the project meets them, and answer any questions the Board may have. Abutters to the property involved will be notified of the meeting and the meeting will be advertised in the newspaper.

The undersigned certifies that all information and materials submitted are true and accurate to the best of their knowledge, that they are or lawfully represent the owner of the property, and that they understand that falsification or misrepresentation of any aspect of the project may cause the review process to be terminated or nullify any approvals granted.

Applicant's name \_\_\_\_\_  
 (type or print)

Applicant's signature \_\_\_\_\_

Applicant's Email \_\_\_\_\_

Telephone number \_\_\_\_\_ Date \_\_\_\_\_

# EXAMPLE SUBMITTAL LETTER FOR BATH ZONING BOARD OF APPEALS

**THIS LETTER IS INTENDED TO BE USED AS A GUIDE ONLY, AND DOES NOT GUARANTEE APPROVAL FROM THE ZBA.**

Date

Bath Zoning Board of Appeals  
Bath City Hall  
55 Front Street  
Bath, ME 04530

Dear Bath Zoning Board of Appeals:

I am submitting this application for a (variance/expansion of a non conforming use/expansion of a non conforming structure/administrative appeal/etc.). The project involves (describe the project).

I feel the project meets the applicable approval criteria, as detailed below:

(Insert the applicable approval criteria and describe how your project meets them)

I look forward to presenting this project at the meeting and will be glad to answer questions you may have.

Sincerely,

(insert your name, and address and phone number if it is not elsewhere on the letter)