

**TOWN OF KENNEBUNK
ZONING BOARD OF APPEALS**

To all applicants:

The Zoning Board of Appeals provides a forum for citizens to:

- appeal a decision made by the Code Enforcement Officer,
- appeal a decision made by another Administrative Board (such as the Planning Board, Historic Preservation Commission or the Site Plan Review Board),
- seek a variance from the Zoning Ordinance, or
- seek a change in a nonconforming lot, structure, or use.

The Code Enforcement Officer will help you decide which type of Appeal to file and will review the application form with you. He cannot prepare the form nor supply the supporting documents you will need to have the Board hear your appeal.

The Board meets once each month and cases are heard in the order in which they are received. The Board will make every effort to hear your case within 30-45 days after receipt of your completed application.

To hear your appeal, the Zoning Ordinance and the Board require that you complete and sign the attached two page application, attach all the information and material requested on the application, including a list of all property owners within 500 feet of your property. You are required to pay the costs for mailing the notices to property owners and for the newspaper ad.

Completed applications should be reviewed with the Code Enforcement Officer before bringing them to the Town Clerk with a check for the costs noted above. The Town Clerk will schedule your hearing date and you will be notified accordingly.

It is not necessary to be represented by an attorney; however, the burden of proving your case rests with you, the applicant, and the Board may refuse to hear your application if it is incomplete or if all requested information is not submitted. Copies of the Zoning Ordinance are available at the Code Enforcement Office should you wish to review the sections which apply to your request. A copy may be purchased for \$20.00.

**Application for a Public Hearing
Kennebunk Zoning Board of Appeals**

Please check one:

Administrative Appeal _____
Variance Appeal _____
Appeal from _____
(Board)

_____ Change in Non-conformance
_____ Change in Non-conformance
_____ in (BB) District

Date _____

Map _____ Lot _____

Zoning District _____

Shoreland Zoning District? Y N
If yes, DEP Notice Required
Ref: Article 10, Section 3.C.(10)

Name of Applicant _____

Street or Location _____

Mailing Address _____

Name of Property Owner _____
(If different)

Address _____

Please complete this application and attach the appropriate appeal form (page 2) together with the following: *[You must submit **10 complete sets** of the documents listed below.]*

1. A plot plan(s) depicting:
 - a. The shape, dimensions and square footage of your lot.
 - b. Location of any street(s) abutting the property.
 - c. Location and dimensions of any rights-of-way or easements.
 - d. Location, dimensions, building elevation, and square footage of any existing buildings.
 - e. Location, dimensions, building elevation, and square footage of any proposed additions or buildings.
 - f. Distance of proposed and existing building(s) from all lot lines (setbacks).
2. A copy of a deed to the property.
3. A copy of all correspondence from the Code Enforcement Officer (including building permit application, if any).
- 4a. List of names and addresses of all property owners directly abutting subject property, including owners of property located directly across street. (This information is available in the Tax Assessor's Office).
- 4b. List all names and addresses of owners of the remaining properties located within 500 feet of subject lot.
5. All fees paid to be paid to the Town of Kennebunk. Fees will be computed by the Town Clerk when completed application is received in the Town Clerk's Office.
6. Any other information that you feel is pertinent, or that may help the Board members in understanding and deciding on your request.

Variance Appeal

I hereby request a hearing before the Kennebunk Zoning Board of Appeals in accordance with Article 6, Section 2.B.(1) of the Kennebunk Zoning Ordinance to seek the variance(s) described below:

Please describe what you propose to do: _____

In order to grant a variance, both State Law and the Kennebunk Zoning Ordinance require the applicant to demonstrate and prove the following per Article 6, Section 2.B.(a)-(d) of the Zoning Ordinance:

- (a) That the land in question cannot yield a reasonable return unless a variance is granted; _____

- (b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; _____

- (c) That the granting of a variance will not alter the essential character of the locality; and _____

- (d) That the hardship is not the result of action taken by the applicant or a prior owner. _____

In addition to addressing each of these standards in writing with this application, you will also be asked to address them at the hearing. Please attach a separate sheet, or use the back of this form if you need more space.

I understand and certify that:

1. The Board may decline to consider my application if it is incomplete or does not contain the documents and information listed on page 1.
2. In accordance with Article 6, Section 2.E., it is my responsibility to prove my case to the Board.
3. The information contained in and supplied with this application is true and correct.

Signed _____ Date _____

Administrative Appeal from Another Board

I hereby request a hearing before the Kennebunk Zoning Board of Appeals in accordance with Article 6, Section 2.D. of the Kennebunk Zoning Ordinance:

Name of Board appealed from: _____

Please describe the nature of your appeal:

I understand and certify that:

1. The Board may decline to consider my application if it is incomplete or does not contain the documents and information listed on page 1.
2. In accordance with Article 6, Section 2.E., it is my responsibility to prove my case to the Board.
3. The information contained in and supplied with this application is true and correct.

Signed _____ Date _____

Request for a Change in Non-conformance

I hereby request a change in a nonconforming use and request a hearing before the Kennebunk Zoning Board of Appeals in accordance with Article 5, Section 9, of the Zoning Ordinance to determine if my request is less nonconforming, or no more nonconforming than the existing situation.

Please describe the nonconforming aspect:

Please describe your proposed change:

I understand and certify that:

1. The Board may decline to consider my application if it is incomplete or does not contain the documents and information listed on page 1.
2. In accordance with Article 6, Section 2.E., it is my responsibility to prove my case to the Board.
3. The information contained in and supplied with this application is true and correct.

Signed _____ Date _____

**Nonconformities in the
Branch Brook Aquifer Protection (BB) District**

I hereby request an expansion of (check one):

a nonconforming one-family home located in Zone A.

a nonconforming commercial or industrial facility within the district.

Per Article 5, Section 6.A.:

Please describe the nonconforming aspect:

Please describe your proposed expansion:

I understand and certify that:

- 1) The Board may decline to consider my application if it is incomplete or does not contain the documents and information listed on page 1.
- 2) In accordance with Article 6, Section 2.E., it is my responsibility to prove my case to the Board.
- 3) The information contained in and supplied with this application is true and correct.

Signed _____ Date _____

Kennebunk Zoning Board of Appeals
Use Variance

I hereby request a use variance for the construction of a one-family dwelling (check one):

Under Article 3, Section 2.F.(2)(c) - Branch Brook Aquifer Protection (BB) District, Zone A.

Under Article 5, Section 3.A.(4) and Article 3, Section 2.A.(1) - A portion of the Resource Protection District.

Please describe your proposal:

I understand and certify that:

- 1) The Board may decline to consider my application if it is incomplete or does not contain the documents and information listed on page 1.
- 2) In accordance with Article 6, Section 2.E., it is my responsibility to prove my case to the Board.
- 3) The information contained in and supplied with this application is true and correct.

Variance Appeal

Signed _____ Date _____

Setback Variance for Single Family Dwelling

I hereby request a hearing before the Kennebunk Zoning Board of Appeals in accordance with Article 6, Section 2.B.(2) of the Kennebunk Zoning Ordinance to seek the variance(s) described below:

Please describe what you propose to do: _____

In order to grant a variance, both State Law and the Kennebunk Zoning Ordinance require the applicant to demonstrate and prove the following per Article 6, Section 2.B.(2)(a)-(e) of the Zoning Ordinance:

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

In addition to addressing each of these standards in writing with this application, you will also be asked to address them at the hearing. Please attach a separate sheet, or use the back of this form if you need more space.

I understand and certify that:

1. The Board may decline to consider my application if it is incomplete or does not contain the documents and information listed on page 1.
2. In accordance with Article 6, Section 2.E., it is my responsibility to prove my case to the Board.
3. The information contained in and supplied with this application is true and correct.

Signed _____ Date _____

Administrative Appeal

I hereby request a hearing before the Kennebunk Zoning Board of Appeals in accordance with Article 6, Section 2.A. of the Kennebunk Zoning Ordinance for an administrative appeal and review of an alleged erroneous decision of the Code Enforcement Officer.

It is the applicant's contention that the following error was made in the Code Enforcement Officer's determination in regard to an application for a permit which was (granted or denied) on _____, 19_____.

Please describe the nature of your appeal:

I understand and certify that:

1. The Board may decline to consider my application if it is incomplete or does not contain the documents and information listed on page 1.
2. In accordance with Article 6, Section 2.E., it is my responsibility to prove my case to the Board.
3. The information contained in and supplied with this application is true and correct.

Signed _____ Date _____