

TOWN OF CHEBEAGUE ISLAND  
BOARD OF ADJUSTMENT AND APPEALS

INSTRUCTION SHEET

Dear Applicant:

The Board of Adjustment and Appeals meetings are held on the fourth Wednesday of every month. All forms and information are to be submitted 21 (twenty-one) days prior to the meeting.

Please fill out the form completely to expedite processing, and return with the \$100.00 application fee.

Before filling out the form, please be absolutely sure you understand the applicable sections of the Chebeague Zoning Ordinance. If you have any questions, the Code Enforcement Officer will be most happy to assist you.

File with your form a plot plan of the property in question, drawn generally to scale, showing EXACT distances from buildings (if any) to all lot lines, on 8 1/2 x 11 inch paper (or larger), and showing location and distances to all public and private rights of way. Please provide ten (10) copies of your application and plans. You may wish to present other maps, drawings, etc. to the Board which will support your application.

At your hearing, you will be expected to present as strong an argument for your application as you can. While members of the Board may ask you for information and documentation, it is not our function to make your case for you.

**The format of your hearing will be as follows:**

1. You will be asked to present your position to the Board.
2. Opponents and proponents will be asked for their comments.
3. Board members may wish to ask you, opponents, and proponents for information, documentation and certain other facts.

When the Board is satisfied that all have been adequately heard, they will vote to "close the public portion" of the hearing. This means that the Board will participate in further discussion while you, the other participants in your hearing and the public are entitled to stay and observe our debate and votes.

Finally, we solicit your understanding that as fellow citizens, appointed to the Board by the Chebeague Island Board of Selectmen, we must operate within the strict limitations placed upon us by the Chebeague Island Zoning Ordinance and the laws of the State of Maine, **and do not**, therefore, enjoy broad discretionary powers.

Sincerely,

Board of Adjustment & Appeals

**TOWN OF CHEBEAGUE ISLAND  
BOARD OF ADJUSTMENT AND APPEALS  
VARIANCE APPLICATION FORM  
PRACTICAL DIFFICULTY**

DATE: \_\_\_\_\_  
FEE: \_\_\_\_\_  
BY: \_\_\_\_\_

**I. BACKGROUND INFORMATION**

- A. Applicant Name: \_\_\_\_\_
- B. Applicant Address: \_\_\_\_\_
- C. Applicant Phone Number: \_\_\_\_\_
- D. Address of Property for which variance is sought: \_\_\_\_\_
- E. Tax Map and Lot Number of Subject Property: \_\_\_\_\_
- F. Zoning District in which Subject Property is located: \_\_\_\_\_
- G. Zoning restriction(s) sought to be varied: \_\_\_\_\_

**II. VARIANCES IN GENERAL**

Pursuant to 30-A M.R.S.A. §4353(4-C), the Board of Adjustment and Appeals may grant a variance only when strict application of the ordinance to the Applicant and the applicant's property would cause "a practical difficulty" and when the following conditions exist. "Practical difficulty" shall mean that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

Please document how "significant economic injury" would occur:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

"Dimensional standards" means and is limited to Ordinance provisions relating to lot coverage, frontage, and setback requirements.

The Board must make a positive finding on each of the following criteria. Please describe in the space provided how your request meets the "practical difficulty" criteria listed below.

- 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 produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. The practical difficulty is not the result of action taken by the applicant or a prior owner.

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D. No other feasible alternative to a variance is available to the petitioner;

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E. The granting of a variance will not unreasonable adversely affect the natural environment; and

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F. The property is not located in whole or in part within the shoreland areas as described in Title 38, Section 435.

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APPELLANT(S)

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**DECISION**

Following a hearing and a vote of the Chebeague Island Board of Adjustment and Appeals  
On \_\_\_\_\_, you are hereby notified that your variance has been  
(GRANTED subject to the following restrictions:)

(DENIED due to a finding by the Board that:)

SIGNED \_\_\_\_\_

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