

ARUNDEL BOARD OF APPEALS
SINGLE-FAMILY DWELLING SET-BACK VARIANCE APPLICATION

Tax Map & Lot

Date Filed

SECTION I. APPLICANT INFORMATION

1. Applicant Name: _____
Street Address: _____
Town, State, ZIP: _____
Phone #: (____) - ____ - _____
2. Owner's Name (If different): _____
Street Address: _____
Town, State, ZIP: _____
3. Property Location: _____
4. Land Use District: _____

SECTION II. VARIANCE REQUEST

Describe the nature of variance (this section must be completed).

SECTION III. JUSTIFICATION FOR SET-BACK VARIANCE

Pursuant to 30-A M.R.S.A. subsection 4353 (4-B) and Section 10.4.C of the Arundel Land Use Ordinance, the Board may grant a set-back variance for a single-family dwelling only when strict application of the Land Use Ordinance to the petitioner and the petitioner’s property would cause “undue hardship.” To grant the variance, the Board must find: that the variance will not exceed 20% of a set-back requirements, that the property is the primary year-round residence of the petitioner, that the property to exceed the maximum lot coverage for the district and make a positive finding on each of the following criteria:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; _____

2. The granting of a variance will not alter the essential character of the locality; _____

3. The hardship is not the result of action taken by the applicant or a prior owner; _____

4. The granting of the variance will not substantially reduce or impair the use of abutting property; and _____

5. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available. _____

SECTION IV. DIMENSIONAL VARIANCES:

	Existing Setback	Proposed Setback	Net Difference
1. Front Yard:	_____ ft.	_____ ft.	_____ ft.
2. Side Yard (Right):	_____ ft.	_____ ft.	_____ ft.
3. Side Yard (Left):	_____ ft.	_____ ft.	_____ ft.
4. Rear Yard:	_____ ft.	_____ ft.	_____ ft.
5. Lot Size:	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.
6. Lot Coverage:	_____ %	_____ %	_____ %

Excerpt from Arundel Land Use Ordinance, § 6.3. **Dimensional Requirements**

6.3.A. **MINIMUM REQUIREMENTS:** Lots and buildings in all districts shall comply with the following requirements. Other provisions of this ordinance may impose additional requirements.

	R-1	R-2	R-3	HC-1	HC-2	HC-3	RT-1
LOT SIZE	1 acre	2 acres	3 acres	1 acre	1 acre ⁶	1 acre ⁶	2 acres
LOT WIDTH ⁴	200 ft	250 ft ¹	250 ft ¹	100 ft	200 ft	200 ft	100 ft
FRONT YARD SETBACK	50 ft	75 ft ²	100 ft ²	70 ft ²	100 ft ²	70 ft ²	75 ft
SIDE YARD SETBACK	25 ft	25 ft	35 ft	15 ft	40 ft	40 ft	20 ft
REAR YARD SETBACK	25 ft	25 ft	50 ft	25 ft	25 ft	25 ft	25 ft
BUILDING HEIGHT ³	35 ft	35 ft	35 ft	45 ft	45 ft	45 ft	40 ft
LOT COVERAGE	30%	20%	10%	80%	60%	70%	75%

(HC-2 District established November 7, 2000) (amended November 5, 2002) (footnote 2 added to HC-1 district amended June 9, 2004) (HC-3 District established June 15, 2005)

- 1 Lot width may be reduced to 200 ft. for lots with driveway access onto private rights of way 50 ft. wide or on streets other than arterial collector streets. (Amended January 24, 2000)
- 2 Front yard setback may be reduced to 50 ft. for back lots or lots without frontage on arterial collectors. On a corner lot with frontage on an arterial collector, the setback may be reduced to 50 ft. from a street that is not an arterial collector. (Amended June 12, 1996) (Amended January 24, 2000) (Amended June 13, 2001)
- 3 No structure shall exceed **35** feet in height, except transmission towers (**conforming to Section 8.13**) and storage tanks. Amended June 12, 1996 - (**Bold** -Amended April 15, 1998) (See Telecommunication Facility Overlay Zones)
- 4 Lot width may be reduced to 75 ft. for lot with frontage on a cul-de-sac with a minimum radius of sixty (60) feet. Lots within the Shoreland zone shall have shore frontage equal to the lot width of the underlying district. (Amended June 10, 1997) (Amended January 24, 2000)
- 5 Minimum lot size per dwelling unit, except as otherwise allowed. (Amended January 24, 2000)
- 6 Some uses require a larger minimum lot area. See the notes to the Land Use Table in Section 6.2. (Adopted November 7, 2000)

SPECIAL NOTES:

- 6.3.A.1 Within the strip of land extending within 75 feet of the front lot line along arterial collector streets there shall be no clearing of trees except to remove safety hazards and for development of driveways and public utilities. Within the front yard setback, tree harvesting shall be by selective cutting of no more than forty (40%) percent of the total volume of trees four (4") inches or more in diameter measured at 4½ feet above ground level on any lot in any ten (10) year period. (Amended January 24, 2000)
- 6.3.A.2 On a vacant lot, the front setback may be reduced to the average of the front setbacks of existing abutting residential structures within 200 ft. on developed properties. (Amended January 24, 2000) (Amended June 13, 2001) (Amended June 11, 2003)⁴
- 6.3.A.3 Buildings and structures that are separated by less than 30 ft. from abutting property buildings and structures, or are less than 15 ft. from a property line are recommended to utilize fire rated construction. (Amended January 24, 2000)
- 6.3.A.4 Buildings may be erected only on a lot which abuts: (1) a street; or (2) a right-of-way at least 30 feet in width at all points, that leads to a street; or (3) a right-of-way which was in effect prior to the enactment of this ordinance, as long as a road may be built to the construction specifications, found in Section 7.7.B., within the right-of-way. (Amended January 24, 2000)
- 6.3.A.5 No structure may be constructed within 100 feet of the normal high water mark of waterbodies in the Shoreland Overlay district or the upland edge of regulated wetlands. All new principal and accessory structures adjacent to perennial streams outside of the shoreland district shall be set back at least fifty (50) feet from the normal high-water line. No structure may be constructed within 50 feet of intermittent streams or ponds of less than 10 acres. Setback provisions do not apply to functionally water dependent uses. (January 24, 2000)
- 6.3.A.6 All residential subdivisions of more than 5 lots shall be clustered in accordance with Section 8.4.
- 6.3.A.7 Two-family dwellings must have a minimum lot size 150% of the minimum district requirements for a single-family dwelling. (January 24, 2000)

SECTION V. ATTACHMENTS

(This application should be accompanied by the following.)

1. Plot Plan: Location and dimensions of all property boundaries, streets, rights-of-way, easements, buildings (existing & proposed), and setback distances.
2. Photographs: Front, side and rear views of existing structures to be added to.
3. Copy of title, right or interest in the property by applicant.
4. Copy of the Codes Officer (C.E.O.) decision.
5. Application Fee of \$250.00 along with a list of abutter's within 500 ft. of property lines. .
6. Documented proof of prior existing legal status for non-conformance. (Lot or structure existing prior to March 1979)

I certify that all the information submitted in this Application and attachments is true and correct, and that the Application is complete. I understand that the Board of Appeals may decide not to consider this application if it is not completed and in accordance with the Arundel Land Use Ordinance.

Date

Applicant's Signature