

Tel: 236-0989

TOWN OF ROCKPORT email: planning@rockportmaine.gov
101 Main Street, Rockport, ME 04856

Please print – **ZONING BOARD OF APPEALS APPLICATION** – Please print

Name Applicant(s)/Appellant(s) Friends of Rockport (see Planning Board Appeal for information on individual members and standing); John Priestley

Street Address(s) See Planning Board Appeal Map _____ Lot _____

Appellant Mailing Address See Planning Board Appeal

Appellant Email Address _____

Appellant Tel # _____ Cell# _____ Fax# _____

Name of Appellants Agent/Legal Rep. Kristin M. Collins, Esq., Preti Flaherty

Agent's Mailing Address 45 Memorial Circle, Augusta, ME 04330

Agent's Tel # (207) 791-3292 Fax _____ Email kcollins@preti.com

Agent's Email Address _____

INFORMATION ON ACTION OR APPROVAL BEING APPEALED OR APPLIED FOR

Name of Project Rockport Harbor Hotel, Code Enforcement Officer issuance of Building Permit

Street Address 20 Central Street Map: 29 Lot: 293

Name of Owner 20 Central Street LLC

Owner's Mailing Address PO Box 812, Camden, ME 04843

Owner's Email Address c/o Mark Coursey, Esq., mark@camdenlaw.com

Owner's Tel. # (207) 236-9206 Fax _____ Email _____

TYPE OF APPEAL REQUIRING REVIEW

(please check off and complete appropriate attached sheet for specific type of appeal)

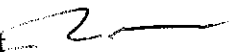
- Administrative appeals of the order or decision of the Planning Board or Code Enforcement Officer
- Special Exceptions authorized by the Ordinance.
- Variances authorized by the Ordinance.
- Shoreland Zoning determination

IMPORTANT INFORMATION FOR APPELLANTS AND APPLICANTS

The ZBA's regular meeting date is the second Wednesday of every month.

1. Please provide twelve (12) copies of a complete appeal application and supporting documentation.
2. Please enclose a check for Board of Appeals hearing fee; (Fee Schedule)
3. Complete applications must be submitted to the Planning Office 15 days before a regularly scheduled meeting.
4. The Planning Office will confirm a meeting date only upon receipt of a complete application, supporting documentation & fee.
5. Applications that are not complete will be returned to the appellant by the Planning Office for additional information.

To the best of my knowledge, all information submitted with this application is true and correct.

Signature of Appellant/Applicant  Date Received by Planning Office _____
For Friends of Rockport

SPECIAL EXCEPTIONS: A Special Exception is a use that may be permitted in a zoning district provided an applicant presents satisfactory evidence to the Zoning Board of Appeals that the proposed use meets the applicable criteria of Section 703 of the Rockport Land Use Ordinance.

Notes to Applicant: The Zoning Board of Appeals may vote to grant special exceptions with conditions and safeguards as are appropriate under the Rockport Land Use Ordinance. In order for the Zoning Board of Appeals to adequately review your application for a Special Exception please provide the following information

A. Memo addressing the 'special exception' criteria: The applicant should address a memo to the Zoning Board of Appeals listing the criteria and describing how the proposed use or project meets those criteria.

B. Supporting Documentation: The applicant should provide information, documentation and illustrations to support the position that the proposed use should be permitted.

C. Special Exceptions requested under Section 505 - Changes in Non-Conforming Lots Structures and Uses: If you are requesting a Special Exception under the provisions of Section 505, please provide, as part of your submissions, the following calculations in square feet, cubic feet: and, for the sq. ft., as a percentage of lot coverage 1.) size of existing lot 2.) existing improvements- sq. footage of footprints of all structures, cubic area of all structures, sq. ft. of impervious surface which would include structures, driveways and walkways 3.) proposed improvements -sq. footage of all footprints of proposed structures, cubic area of all proposed structures and sq. ft. of all proposed impervious surfaces.

VARIANCES: A Variance is a relaxation of the terms of the Land Use Ordinance that can be granted only where such variance will not be contrary to the public interest and only where literal enforcement of the Ordinance will result in “undue hardship”. Under the Land Use Ordinance a Variance is authorized only for height, area of lot and associated density, size of structures, and/or size of yards and setbacks. A Variance from a side or rear setback requirements shall not be granted if it would interfere with firefighting operations. The amount of variance granted should only be sufficient to relieve the ‘undue hardship’. Establishment or expansion of a use otherwise prohibited shall not be allowed by Variance.

Notes to the applicant: The Zoning Board of Appeals may grant a Variance only if all of the 'undue hardship' criteria can be met. : The term “undue hardship” means:

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

A. Memo Addressing

If you are requesting a setback Variance for a single family dwelling based on applicable criteria of Section 703, the dwelling must be a primary residence of the petitioner, the setback requested may not exceed 20% of the setback requirement unless the written consent of the affected abutting landowner is obtained, and the area of the dwelling may not exceed the maximum permissible lot coverage. In this context the term “undue hardship” means:

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 the 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 reduce or impair the use of abutting property;
5. The granting of the Variance is based upon demonstrated need, not convenience, and that no other alternative is available.

B. Supporting Documentations

1. Please provide a memo addressed to the Zoning Board of Appeals explaining how the requested variance will meet each of the undue hardship criteria for the type of variance you are requesting;
2. Please provide supporting documentation and exhibits including site plans and drawings to support your position. For side or rear yard setbacks variances of less than 15 feet, a written statement from the Fire Chief concerning fire safety is required;

Please contact the Planning Office for additional assistance.