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**TOWN OF ROCKPORT**  
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Please print - **ROCKPORT BOARD OF APPEALS APPLICATION** – Please print

Name Applicant(s)/Appellant(s) \_\_\_\_\_

Street Address(s) \_\_\_\_\_ Map \_\_\_\_\_ Lot \_\_\_\_\_

Appellant Mailing Address \_\_\_\_\_

Appellant Email Address \_\_\_\_\_

Appellant Tel # \_\_\_\_\_ Cell# \_\_\_\_\_ Fax# \_\_\_\_\_

Name of Appellants Agent/Legal Rep. \_\_\_\_\_

Agents Mailing Address \_\_\_\_\_

Agents Tel # \_\_\_\_\_ Cell# \_\_\_\_\_ Fax# \_\_\_\_\_

Agents Email Address \_\_\_\_\_

**INFORMATION ON PROJECT / ACTION BEING APPEALED OR APPLIED FOR**

Name of Project \_\_\_\_\_

Street Address of Project/Action \_\_\_\_\_ Map: \_\_\_\_\_ Lot: \_\_\_\_\_

Name of Owner \_\_\_\_\_

Owners Mailing Address \_\_\_\_\_

Owners Email Address \_\_\_\_\_

Owner's Tel. # \_\_\_\_\_ Cell# \_\_\_\_\_ Fax# \_\_\_\_\_

**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 Officer
- Special Exceptions authorized by the Ordinance
- Variances authorized by the Ordinance.
- Ordinance interpretation
- Miscellaneous appeals

**IMPORTANT INFORMATION FOR APPELLANTS AND APPLICANTS**

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 - (see attached fee schedule - pink sheet);
3. The Rockport Board of Appeals normally meets on the 4th Wednesday of the month;
4. Complete applications must be submitted to the Planning Office 15 days before a regularly scheduled meeting;
5. The Planning Office will schedule a meeting date upon receipt of a complete application, supporting documentation & fee;
6. 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 \_\_\_\_\_ Date Received by Planning Office \_\_\_\_\_



**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 seven 'special exception' 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 seven 'special exception' criteria and describing how the proposed use or project meets those criteria.

- 1. That the proposed use will not have an adverse effect on the natural environment and/or that the site for that use does not have unusual physical characteristics such as topography, soils, lot size or shape which would have an adverse effect on surrounding properties.*
- 2. That the proposed use would not significantly depreciate the value of surrounding property.*
- 3. That the proposed use will not create an unreasonable demand for public services, including, but not limited to, public roads, fire protection, police protection, solid waste disposal, sewage treatment, public water supplies, schools, public open spaces and recreational programs and facilities.*
- 4. That the proposed use would not result in an inordinate amount of pedestrian and/or vehicular traffic at or surrounding the site and/or cause any problems regarding emergency vehicle access.*
- 5. When put to any other use, a structure originally designed as a dwelling shall not be put to a use that would cause rapid deterioration of the structure.*
- 6. That the proposed use will not have an adverse effect on surrounding property in consideration of the expanse of pavement, intensity of use and the building's(s) bulk and material.*
- 7. That the proposed use will not have an adverse effect on the use and quiet possession of surrounding property owners, including, but not limited to, hours of operation, type of traffic and noise levels at property lines.*
- 8.,9.10. - See Land Use Ordinance*

**B. Supporting Documentation:** The applicant should provide information, documentation and exhibits including site plans and drawings to support your position that a special exception should be granted.

**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.

**IMPORTANT INFORMATION FOR SPECIAL EXCEPTION APPLICANTS**

1. Please provide twelve (12) copies of a complete application and supporting documentation;
2. Please enclose a check for Board of Appeals hearing fee - (see attached fee schedule - pink sheet);
3. The Rockport Board of Appeals normally meets on the 4th Wednesday of the month;
4. Complete applications must be submitted to the Planning Office 15 days before a regularly scheduled meeting;
5. The Planning Office will schedule a meeting date upon receipt of a complete application, supporting documentation & fee;
6. Applications that are not complete will be returned to the applicant by the Planning Office for additional information.

**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 side yard or rear yard setback shall not be granted if it will interfere with firefighting to a structure. 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.

If you are requesting a setback variance for a single family dwelling under Section 703.6, 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.

If you are requesting a 'disability variance' please contact the Planning Office.

**IMPORTANT INFORMATION FOR VARIANCE APPLICANTS**

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;
3. Please provide twelve (12) copies of a completed appeals board application, variance memo and supporting documentation
4. Please enclose a check for Board of Appeals hearing fee - (see attached fee schedule - pink sheet);
5. The Rockport Board of Appeals normally meets on the 4th Wednesday of the month;
6. Complete applications must be submitted to the Planning Office 15 days before a regularly scheduled meeting;
7. The Planning Office will schedule a meeting date upon receipt of a complete application, supporting documentation & fee;
8. Applications that are not complete will be returned to the applicant by the Planning Office for additional information.

*Please contact the Rockport Planning Office for additional assistance.  
207-236-0989*