



# Town of North Berwick

## Application for Mislocated Structure Appeal

Name of Applicant: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Name and Address of Property Owner: \_\_\_\_\_

Physical Address of Property: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Map \_\_\_\_\_ Lot \_\_\_\_\_

A sketch plan of the property must accompany this application showing the dimensions and shape of the lot, the size and location of existing buildings and any natural topographic peculiarities of the lot in question.

1. **Nature of Variance** – Describe the nature of the variance you are requesting
  
  
  
  
  
  
  
  
  
  
2. **Justification for Variance** – In order for a setback reduction to be granted, the applicant must demonstrate to the Board of Appeals that the strict application of the zoning ordinance would cause undue hardship. Explain how your situation meets each of the criteria for the misplaced structure.
  - a. The setback violation is not the result of a willful, premeditated act or gross negligence on the part of the applicant, a predecessor in title to the applicant or an agent of either of them.

- b. The setback of the existing structure under appeal is reasonably necessary to permit the owner or occupant of the property to use and enjoy the property in essentially the same manner as other similar properties in the zoning district.
  
- c. The impact of allowing the mis-located structure to remain in its existing location will not be substantially different from or greater than the impact and effects of a structure which conforms to the setback requirements.

Any other comments you may wish to make: \_\_\_\_\_

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I certify that the information contained in this application and its supplement is true and correct.

**Date:** \_\_\_\_\_

\_\_\_\_\_  
*Applicant's Signature*

**Note to Applicant:** This form and all supporting documentation should be returned to the Town Clerk with the application fee of \$100. Please be aware that additional charges for advertising and mailing costs will be due prior to the decision on your variance. You will be notified of the date of the hearing on your request as well as the remaining balance of the fee.