

NOTICE OF VARIANCE DECISION  
FOR MISLOCATED STRUCTURE

To: \_\_\_\_\_

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

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

Town, State, Zip: \_\_\_\_\_

This is to inform you that the North Berwick Appeals Board  
Has acted on your application for a variance as follows:

Findings of Fact

1. The owner of the property is \_\_\_\_\_

2. The property is located at \_\_\_\_\_

3. The Zoning District is \_\_\_\_\_

4. The Map and Lot number as identified on the Assessor's Map is \_\_\_\_\_, Lot \_\_\_\_\_.

3. The applicant is \_\_\_\_\_ who has demonstrated legal interest in the property.

4. The applicant proposes to locate \_\_\_\_\_ on the subject property.

5. A completed application was submitted on \_\_\_\_\_

6. A public hearing was held on \_\_\_\_\_

7. Relevant sections of the ordinance are \_\_\_\_\_

8. Dimensional standards required by the ordinance are \_\_\_\_\_

9. The variance request consist of \_\_\_\_\_

10. The land is currently utilized as \_\_\_\_\_

11. The conditions and character of the neighborhood are \_\_\_\_\_

12. The conditions of the property are \_\_\_\_\_

13. The reason presented by the appellant for the variance request are

\_\_\_\_\_

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14. The other relevant facts include

\_\_\_\_\_

\_\_\_\_\_

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Conclusions:

A. The setback violation is not the result of a willful, premeditated act or gross negligence on 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 are utilized in the zoning district. \_\_\_\_\_

C. The impacts of allowing the mislocated 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. \_\_\_\_\_

Decision:

Based on the above facts and conclusion, on \_\_\_\_\_  
The Appeals Board voted to *approve* / *deny* your application for the variance.  
If Approved:

Conditions of Approval:

To further promote the purposes of the North Berwick Zoning Ordinance, the Appeals Board has voted to impose the following conditions on the approval of this application: The certificate that accompanies this approval must be recorded in the York County Registry of Deeds within 90 days of the granting of the variance to be valid.

If Denied:

- 1. Substantially change your application and reapply for a variance;
- 2. Apply for an administrative appeal, if applicable; or
- 3. Appeal to Superior Court within 30 days of this decision.

Sign this\_\_ day of \_\_, 2006.

\_\_\_\_\_  
Chairman,  
Appeals Board of North Berwick, Maine

Copies: CEO  
Municipal Office  
Planning Board  
File