

**BOARD OF APPEALS
TOWN OF ELIOT
1333 State Road
Eliot, Maine 03903**

REQUEST FOR ADMINISTRATIVE APPEAL

BOARD OF APPEALS

Dear Appellant:

The Eliot Board of Appeals (BOA) has prepared this letter to ensure that you are aware of what will be expected of you when you present your case before the Board. In order for the BOA to consider a case, the law requires that you present the Board with a complete application. The purpose of this letter is to provide you with instructions on how to meet your responsibilities, so the Board may hear your case and judge it fairly.

You are applying for an ADMINISTRATIVE APPEAL. An administrative appeal is an appeal from a decision of either the Code Enforcement Officer or the Planning Board, where you think the decision is wrong. You may think it is wrong because you do not agree with how the ordinance is being interpreted, you think the Town made some error when processing your permit application. If you agree that the CEO or Planning Board properly decided your case, but wish relief from the Zoning requirements, you should instead submit a VARIANCE REQUEST.

On your application you must explain what the decision said, what you want to do with your property, why you think the decision was wrong, and what you want the Board of Appeals to do about it. The BOA can uphold the decision, modify it, or reverse it. However, any modification or reversal to a decision must be based on an error in interpretation of an ordinance or an error in processing a permit application. You must PROVE that such an error occurred.

The Board of Appeals is authorized to hear the following Administrative Appeals:

- a) Appeals on the application of requirements of the Zoning Ordinance (Section 45-49 of the Eliot Zoning Ordinance);
- b) Appeals on the application of requirements of the Permit Limitation Ordinance (Section 29-9 of the Permit Limitation Ordinance);
- c) Appeals on the application of the Subdivision Ordinance (Section 41-69 of the Subdivision Ordinance);
- d) Appeals on the application of the Floodplain Management Ordinance (Section 25-96 of the Floodplain Management Ordinance);
- e) Appeals on the application of the Site Review Ordinance (Section 33-82 of the Site Review Ordinance).

You must provide the Board with the factual information required on the REQUEST FOR ADMINISTRATIVE APPEAL form. You must provide the BOA a description of the property (a plot

plan is useful), describe the error made, and whom you think made the error. If you do not know what zoning district the property is in or specific zoning restrictions on the property, you may obtain this information at the Town Offices.

Twenty-Five Dollars (\$25.00) shall be submitted by the appellant with the application. In addition, mailing and newspaper costs shall be chargeable to the appellant. See Code Enforcement Officer for mailing and newspaper costs.

Be sure to complete the application form and provide the Board with documentation of your case. You may bring to the hearing any witnesses you wish to have present evidence in your behalf about the property in question, any written statements from individuals with personal knowledge of the property or the decision, and any other pertinent documentation. Please restrict such evidence to that which you consider pertinent to PROVING that an error was made. The BOA cannot do the work of the CEO or Planning Board; it can only determine if they properly applied the ordinances to your case, and modify or reverse their decision if YOU PROVE THEY MADE AN ERROR.

TOWN OF ELIOT

BOARD OF APPEALS

Zone: _____
Lot Size: _____
Tax Map: _____, Lot: _____
Date: _____

REQUEST FOR ADMINISTRATIVE APPEAL

APPLICANT NAME: _____

MAILING ADDRESS: _____

TOWN: _____

TELEPHONE: Home _____ Work _____ Cell # _____ Fax # _____

OWNER OF PROPERTY: _____

PROPERTY MAP # _____ LOT # _____

The undersigned requests the Board of Appeals consider an ADMINISTRATIVE APPEAL. Relief from the decision, or lack of decision, in regard to an application for a permit, by:

- The Code Enforcement Officer (Check One)
- The Planning Board

The undersigned believes that: (Check One)

- An error was made in the denial of a permit
- An error was made in the granting of a permit;
- The denial of a permit was based on a misinterpretation of the ordinance;
- There has been a failure to approve or deny the permit within a reasonable period of time;
- Other (Please explain on a separate sheet of paper).

Please explain in detail the facts surrounding this appeal on a separate sheet(s) of paper. You should be as specific as possible, referring to sections of the applicable ordinances, so the Board of Appeals can give full consideration to your case.

To have a valid Administrative Appeal application, you must provide information confirming that you are an aggrieved party as defined by the Town of Eliot Zoning Ordinance, Section 507.5.2. This section states: "An aggrieved person or party is a person whose land is directly or indirectly affected by the grant or denial of a Permit, Variance or Administrative Appeal under this ordinance or a person whose land abuts land for which a Permit or Variance has been granted".

I certify that the information contained in this application and supplements are true and correct.

DATE: _____

SIGNED: _____

Appellant

Date accepted by the Town Clerk or CEO: _____