

Eliot Board of Appeals
TOWN OF ELIOT
1333 State Road
Eliot, Maine 03903

REQUEST FOR WAIVER

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 requesting a WAIVER to frontage, setback, or yard size requirements. The BOA is authorized by Section 404.3.2 of the Eliot Zoning Ordinance to reduce these requirements by between 25 and 50% of that specified in the Zoning Ordinance, Section 305. (The BOA is not authorized to grant waivers in other attributes of Section 305, nor can the BOA reduce setbacks from the high water mark for property abutting shoreland. Such items must be addressed by a VARIANCE REQUEST). The Code Enforcement Officer may reduce frontage, setback, or yard size requirements up to 25% of the standard.

It is your responsibility to PROVE to the BOA that a waiver is necessary. You must present evidence to the BOA, which shows that you cannot make reasonable use of your land without the waiver. Note that the fact that a waiver would enhance the desirability of your land is NOT sufficient if you can comply with the ordinance without a waiver.

You must provide the Board with the factual information required on the WAIVER REQUEST form. Therefore, you must provide the BOA with proof that you have a legal interest in the property about which you are bringing an appeal. You must describe the property (a plot plan is usable), describe the waiver you seek, and prove that you cannot meet the requirements of the ordinance. If you do not know what zoning district your property is in or specific zoning restrictions on the property, you may obtain this information from the Town Offices.

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 on your behalf about the property in question, any sworn written statements from individuals with personal knowledge of the property, and any documentation of previous requests for waivers, or variances.

In the event you are granted a waiver, you must record the waiver in the Registry of Deeds within thirty days as required by State Law in order for the waiver to be valid. Therefore, be sure to obtain a signed "Certificate of Waiver Approval" from the Board of Appeals.

Please pay special attention to the five questions on the Request for Waiver Application and answer them in detail to the best of your ability.

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.

The Board of Appeals will use the following to evaluate request for dimensional Waivers. All applicants for dimensional waivers under the provisions of Section 45-194 should answer the following questions to the best of their ability. If Board members desire additional information they will ask for it at the Public hearing on your request.

1. Is the need for the Waiver due to the unique circumstances of the property and not to the general conditions of the neighborhood?

2. Will granting of a waiver, alter the essential character of the locality?

3. Is the hardship the result of action taken by the applicant or a prior owner?

4. Will granting of the waiver substantially reduce or impair the use of abutting property and

5. Is the granting of a waiver based upon demonstrated need, not convenience, and is there no other feasible alternative available?

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

DATE: _____ Signed: _____
Appellant

Date accepted by Town Clerk or CEO: _____