

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1268

S. P. 440

In Senate, March 11, 1971

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Clifford of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Appeals Under Municipal Zoning Ordinances.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 30, § 4954, sub-§ 2, ¶ A, amended. The 2nd sentence of paragraph A of subsection 2 of section 4954 of Title 30 of the Revised Statutes is amended to read as follows:

The board may grant a variance from the terms of an ordinance where necessary to avoid undue hardship, provided there is no substantial departure from the intent of the ordinance in case the owners of other properties on the street or in the area have been allowed to use their properties for commercial uses, in which case the appellant shall be accorded the same rights as have been accorded to others.

Sec. 2. R. S., T. 30, § 4954, sub-§ 2, ¶ B, amended. Paragraph B of subsection 2 of section 4954 of Title 30 of the Revised Statutes is amended by adding after the 2nd sentence a new sentence to read as follows:

The Superior Court shall have the same rights as the board of appeals in these cases.

STATEMENT OF FACT

The purpose of this bill is to permit a variance from the terms of a zoning ordinance when other owners in a particular area have used their properties for commercial uses.