

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-376)

COMMITTEE AMENDMENT "A" to H.P. 1177, L.D. 1405, Bill,
"AN ACT to Amend the Law Providing for Variances from Zoning
Laws."

Amend the Bill by striking out everything after the enacting
clause and inserting in its place the following:

'30 MRSA §4963, sub-§3, as enacted by PL 1971, c. 455, §2,
is repealed and the following enacted in its place:

3. Variance. A variance may be granted by the board only
where strict application of the ordinance, or a provision thereof,
to the petitioner and his property would cause undue hardship.

The words "undue hardship" as used in this subsection mean:

- A. That the land in question cannot yield a reasonable
return unless a variance is granted;
- B. That the need for a variance is due to the unique
circumstances of the property and not to the general
conditions in the neighborhood; and
- C. That the granting of a variance will not alter the
essential character of the locality.

A municipality may, in a zoning ordinance, adopt additional
standards for the granting of a variance, including, but not
limited to, a provision that a variance may only be granted
for a use permitted in a particular zone.'

Statement of Fact

This amendment clarifies the grounds for granting a variance. These clarifications are based on the decisions of the Maine Supreme Judicial Court.

Reported by the Committee on Local and County Government.

Reproduced and distributed under the direction of the Clerk of the House.
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