

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 473

6
7 H.P. 390

House of Representatives, February 1, 1983

8 Received by the Clerk of the House on February 1, 1983. Referred to the
9 Committee on Energy and Natural Resources, and ordered printed pursuant to
10 Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative Livesay of Brunswick.

Cosponsor: Representative Davis of Monmouth.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Concerning Zoning Variance
18 Approval.
19

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

22 30 MRS.A §4963, sub-§3, as amended by PL 1977, c.
23 630, §6, is further amended to read:

24 3. Variance. A variance in use may be granted by
25 the board only where strict application of the ordi-
26 nance, or a provision thereof, to the petitioner and
27 his property would cause undue hardship. The words
28 "undue hardship" as used in this subsection mean:

29 A. That the land in question cannot yield a
30 reasonable return unless a variance is granted;

31 B. That the need for a variance is due to the
32 unique circumstances of the property and not to
33 the general conditions in the neighborhood;

1 C. That the granting of a variance will not
2 alter the essential character of the locality;
3 and

4 D. That the hardship is not the result of action
5 taken by the applicant or a prior owner.

6 A municipality may, in a zoning ordinance, adopt ad-
7 ditional limitations on the granting of a variance,
8 including, but not limited to, a provision that a
9 variance may only be granted for a use permitted in a
10 particular zone.

11 STATEMENT OF FACT

12 The purpose of this bill is to amend the law con-
13 cerning zoning variance approval to make the criteria
14 for granting a variance apply only to variances in
15 use. The criteria to show undo hardship are impos-
16 sible to meet. They are intended as criteria for a
17 variance in use. This bill makes that intent clear.

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