

MAINE STATE LEGISLATURE

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ENERGY & NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1369, L.D. 1853, Bill, "An Act to Amend the Growth Management Laws Concerning Dimensional Variances"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Laws Concerning Set-back Variances'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 30-A MRSA §4353, sub-§4-B, as enacted by PL 1991, c. 659, §3, is amended to read:

4-B. Set-back variance for single-family dwellings. A municipality may adopt an ordinance that permits the board to grant a set-back variance for a single-family dwelling. An ordinance adopted under this subsection may permit a variance from a set-back requirement only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

A. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

B. The granting of a variance will not alter the essential character of the locality;

C. The hardship is not the result of action taken by the applicant or a prior owner;

COMMITTEE AMENDMENT

2 D. The granting of the variance will not substantially
4 reduce or impair the use of abutting property; and

6 E. That the granting of a variance is based upon
8 demonstrated need, not convenience, and no other feasible
alternative is available.

10 An ordinance adopted under this subsection is strictly limited to
12 permitting a variance from a set-back requirement for a
14 single-family dwelling that is the primary year-round residence
16 of the petitioner. A variance under this subsection may not
18 exceed 20% of a set-back requirement and may not be granted if
the variance would cause the area of the dwelling to exceed the
maximum permissible lot coverage. An ordinance may allow for a
variance under this subsection to exceed 20% of a set-back
requirement if the petitioner has obtained the written consent of
an affected abutting landowner.'

20
22 **STATEMENT OF FACT**

24 This amendment allows towns that chose to adopt ordinances
26 allowing for variances from set-back requirements the option of
including in those ordinances a provision that would allow the
28 variances to exceed 20% of the set-back requirement if the
petitioner obtains the written consent of an affected abutting
30 landowner.