



**TOWN OF FREEPORT**  
**30 Main Street**  
**Freeport, ME 04032**  
**(207) 865-4743 ext. 102**

**BOARD OF APPEALS – PROCEDURES FOR APPEALS**

The Freeport Zoning Ordinance under Article VI, G.4a. states:

“When the owner of property or authorized agent is informed by the Codes Enforcement Officer that an Appeal is required, an application for the permit shall be filed with the Board of Appeals on forms provided for this purpose. The application shall be accompanied by a filing fee which shall be established by the Town Council, all information which is required for application for a building permit, and other information required by this section of the Ordinance. The applicant may submit any additional information relevant to the appeal.”

1. Limited Setback Reduction requests and Variance Requests

- a. Application is attached.
- b. Follow instructions exactly and return materials to this office 21 days prior to the scheduled meeting you wish to attend. Date information is on the attached application.
- c. A variance request, which does not allege an error in any order, decision, interpretation or ruling of the Codes Enforcement Officer, may be commenced at any time.

2. Administrative Appeals

- a. “An Administrative Appeal shall be commenced within 30 days of the order, interpretation or ruling of the C.E.O.” This means that an application (attached), filing fee, and any supportive information must be received by this office within 30 calendar days of the date appearing on the order, interpretation or ruling of the C.E.O., with that date being day one (1). The appeal will then be scheduled for the next qualifying Board of Appeals meeting.

If you have any questions at all concerning these procedures, please contact the C.E.O. immediately.

**Application Fee: \$55 for residential uses, \$125 for multi-family and non-residential uses.**

**PLEASE READ CAREFULLY!!**

**PROCEDURES FOR A VARIANCE REQUEST, LIMITED SETBACK REDUCTION or  
ADMINISTRATIVE APPEAL REQUEST TO THE BOARD OF APPEALS**

If you wish a hearing before the Board of Appeals:

1. File application and any necessary information with Codes Enforcement Officer. The petitioner must submit:
  - a. One (1) copy of the following:
    - i. Present a copy of the Deed clearly showing Book and Page number from the Cumberland County Registry of Deeds.
    - ii. Pictures should be furnished showing the front, side and rear views of the property. Only one (1) set of photographs is necessary.
  - b. Eight (8) copies of the following:
    - i. Completed application form
    - ii. Elevation drawings of any proposed structures.
    - iii. Have a plot plan drawn to scale of your lot showing the existing uses, including the placement of all structures, well and sewage systems, natural features, and proposed changes. All setback measurements should be taken from property lines, which must be shown. (It is very important that you are very clear as to the changes you wish to make, if an appeal is to be granted).
  - c. Pay applicable application fee based upon current fee schedule.
2. You or your agent must represent you at this hearing, or the application will not be heard.
3. Bring a complete set of Building Plans to Board of Appeals Meeting.

**Any appeal request must be filed on or before the 21st day prior to the date of the meeting, in order to be heard. The Board of Appeals meets the 1st Monday of each month to hear these appeals. Unless notified otherwise, the hearing will begin at 7:00 PM, and each case will be heard in the order in which it was filed.**

**\*\* NOTE: All approvals must be registered with the Registry of Deeds within (90) days of approval.**

**BOARD OF APPEALS**  
**APPLICATION FOR HEARING**

Petitioner (s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Subject Property Address / Location: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Tax Map: \_\_\_\_\_ Lot No: \_\_\_\_\_ Book: \_\_\_\_\_ Page: \_\_\_\_\_

Petitioner requests: \_\_\_\_\_ Administrative Appeal, Section 601.G.2.a  
\_\_\_\_\_ Variance to zoning ordinance requirement, Section 601.G.2.b.  
\_\_\_\_\_ Miscellaneous Appeal, Section 601.G.2.c.  
\_\_\_\_\_ Limited setback reduction, Section 601.G.2.d.  
\_\_\_\_\_ Mislocated building appeal, Section 601.G.2.e.

Specifically, what does the petitioner request the Board grant (ie: distance of reduced setback)?  
\_\_\_\_\_  
\_\_\_\_\_

What standard(s) is required by the ordinance?  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner submits detailed information per Section 601.G.4.b and Section 601.G.4.d.: Yes \_\_\_\_\_ No \_\_\_\_\_

Petitioner submits proposed construction or architectural plans: Yes \_\_\_\_\_ No \_\_\_\_\_

If **variance** is requested, pursuant to Section 601.G.2.b., state how literal application of the requirements of the Zoning Ordinance would result in an "undue hardship" to the Petitioner:  
\_\_\_\_\_  
\_\_\_\_\_

1. Explain why the land in question can not yield a reasonable return unless a variance is granted.  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Explain why the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.  
\_\_\_\_\_  
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3. Explain why the granting of a variance will not alter the essential character of the locality.

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4. Explain why the hardship is not the result of action taken by the applicant or prior owner.

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If a **limited setback reduction** is requested, pursuant to Section 601.G.2.d., Petitioner shall address the following:

(1) Is the subject property a "lot in residential use" meaning a lot on which a dwelling has existed for at least three (3) years? Yes \_\_\_\_\_ No \_\_\_\_\_

(2) Is the subject property a vacant, non-conforming lot of record on which a dwelling is proposed? Yes \_\_\_\_\_ No \_\_\_\_\_

(3) Explain how this request is reasonably necessary to permit the use and enjoyment of the property in essentially the same manner as similar properties in the zoning district:

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(4) Explain why it is not practical to construct in conformance with current setback requirements:

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(5) Explain whether the impacts and effects of proposed construction will be substantially different from, or greater than, those from construction in conformity with setback requirements:

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(6) The Board of Appeals cannot consider an after-the-fact application for a setback reduction. Has construction requiring the requested limited setback reduction been commenced? Yes \_\_\_\_\_ No \_\_\_\_\_

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Petitioner's Acknowledgement and Signature

I certify that the above information is true and correct to the best of my knowledge. I acknowledge that I have read the Freeport Zoning Ordinance. I understand that no work may proceed without first obtaining a building permit and any other applicable permits, and that a violation of this provision will result in an additional fee equal to the permit fee or \$150, whichever is greater. I further understand that any deviation from the terms and conditions of the variance constitutes a violation of the Freeport Zoning Ordinance, subject to daily penalties. I further understand that if an approval is granted, I must cause it to be recorded with the Registry of Deeds within (90) days of the Board's meeting, and a proof of registration is to be filed with the Town of Freeport before a building permit is issued.

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Petitioner(s) Signature

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Date Submitted