

**Town of Sweden, Maine Board of Appeals  
Application for Variance Appeal**

1. Name of Owner of Property Which is Subject of Appeal: \_\_\_\_\_

2. Address of Property: \_\_\_\_\_

3. Name of Agent if applicable and relationship to Owner of Property: \_\_\_\_\_

(Note: a letter from the owner of the property designating agent to act on their behalf in this matter or Power of Attorney must accompany the request for appeal if the request is not made by landowner).

4. Telephone: \_\_\_\_\_

5. Mailing Address: \_\_\_\_\_

6. Map \_\_\_\_\_ 7. Lot \_\_\_\_\_ 8. Zone(s) \_\_\_\_\_

9. Fee: A fee of \$75 is to be submitted with the application. The applicant shall pay 100% of the costs incurred by the Town of Sweden or its officials but not less than \$75.

10. Please describe in detail what decision you are appealing and how in your opinion; your situation meets all 4 requirements to obtain a variance: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. The date on which the decision was made and by whom: \_\_\_\_\_

**The law requires that the appeal must be filed within 60 days. If an ordinance or statute does not provide a time limit within which an appeal to the board of appeals must be filed, the court has held that a period of 60 days constitutes a reasonable appeal period.**

12. What action you want the board of appeals to take in this matter: \_\_\_\_\_

I certify that the information contained in this application is true to the best of my knowledge and belief. I also understand that for a **Variance Appeals:**

- a. The Board of Appeals will hear and decide appeals resulting from the denial of a permit by the Code Enforcement Officer due to not being able to meet one or more dimensional standards of this Ordinance.
- b. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least 20 days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- c. A variance may be granted by the Board of Appeals only where strict application of the Ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. Variances are not

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easily or lightly granted, but only as special exceptions to the Ordinance, not as a rule. "Undue hardship", as used in this subsection, exists if all four of the following conditions are met :

- (1) The land in question cannot yield a reasonable return unless a variance is granted;
  - (2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
  - (3) The granting of a variance will not alter the essential character of the locality; and
  - (4) The hardship is not the result of action taken by the applicant or prior owner.
- d. Regarding subparagraph (1) above, such hardship may be found by the Board of Appeals where the Zoning Ordinance, as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put. Mere inconvenience to the property owner shall not satisfy this section. Neither financial hardship alone, nor pleading that a greater profit may be realized by the applicant's property were a variance granted, shall be sufficient evidence of "undue hardship".
- e. The Board of Appeals shall grant a variance only when all four of the above criteria are met by a concurring vote of at least three members, and in so doing may prescribe conditions and safeguards as are appropriate under this Ordinance.
- f. A variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one year of the date on which the appeal is granted; and, if the work or change is not substantially completed within two years of said date.
- g. Upon notification by the Board of Appeals of the final disposition of an appeal, the Code Enforcement Officer shall take whatever action is appropriate and/or directed. A variance granted must be recorded by the appellant in the Registry of Deeds and proof of recording sent to the board within 90 days to be valid.

I understand that I am responsible for 100% of the costs incurred by the Town of Sweden or its officials including but not limited to the cost of postage, advertising, attorney fees and/or the cost of independent consulting services deemed necessary by the Board.

DATE: \_\_\_\_\_

APPLICANT/AGENT SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_