

Shoreland Zoning Permit Application

General information – *This section requests basic information about the location and type of project proposed. Included here is a brief written description of the project. Note that site plans and other sketches are required in subsequent sections of the application form.*

If a project is approved, a small box at the top right hand corner of page 1 provides space for the code enforcement officer or other appropriate municipal official to fill in the permit number, the date of issue, and the fee amount.

Shoreland and Property Information – *This section requests more specific information about the proposed project. In particular, the applicant is asked to provide information that will assist the code enforcement officer and planning board in determining whether the project meets Shoreland Zoning requirements. For example, the applicant must provide information on the size of the lot, the amount of the lot to be covered by nonvegetated surfaces (e.g. buildings, driveways, etc.), and the frontage along the waterbody.*

Questions 24 and 25 are intended to help the code enforcement officer and the applicant calculate whether a proposed expansion of a portion of a structure which is less than the required setback meets the requirement in the Mandatory Shoreland Zoning Act that limits such expansions to 30% (in floor area and volume). The 30% limitation is applicable to any proposed construction since January 1, 1989 and applies over the lifetime of a structure.

Determining whether an expansion meets the 30% limitation is a four-step process:

A. First, the floor area (sq.ft.) and volume (cu.ft.) of that portion of the structure which is less than the required setback as of January 1, 1989 must be determined (this is “baseline” information);

B. Second, the floor area and volume of any expansions of that portion of the structure which is less than the required setback constructed between January 1, 1989 and the time the pending application is submitted must be determined;

C. Third, the floor area and volume of the expansion of that portion of the structure which is less than the required setback proposed in the pending application must be determined; and

D. Fourth, the percent increase in floor area and volume of all expansions of that portion of the structure which is less than the required setback since January 1, 1989 must be calculated. This is done by-

1. Adding the numbers calculated for B. and C. above;

2. Dividing that number by the number calculated for A. above;

and

3. Multiplying the final figure by 100.

To ensure that the 30% limitation is applied properly, municipalities must clearly define the terms “structure”, “floor area”, and “volume”, and apply these definitions uniformly when calculating the size of existing structures and proposed expansions. Moreover, municipalities must also take care to establish a record-keeping system so that records of expansion of structures in the shoreland zone are kept over the lifetime of a structure.

Site Plan – To assist the code enforcement officer and planning board in reviewing a proposed project, the applicant is asked to sketch a site plan, including the position of any structures with setback distances from the shoreline, all property lines, areas to be cleared of trees and other vegetation, areas and amounts to be filled or graded, and the location of proposed wells, septic systems, and driveways. Applicants are also requested to provide a scale for the site plan and distinguish the proposed expansion from the existing structure.

Front and Side Elevations – Like the site plan, these simple sketches of the front (or rear) and side elevations of existing and proposed structures are intended to give the code enforcement officer and planning board a clear picture of the proposed project.

Additional Permits, Approvals and/or Reviews Required – This section advised applicants to consult with the code enforcement officer and other appropriate state and federal agencies to determine whether additional permits (local, state, and/or federal) are needed. All required permits, approvals, and/or reviews should be checked in the boxes provided.

Applicant’s Signature – The applicant must sign and date the completed application form before it is submitted to the code enforcement officer. Note that the applicant’s statement includes an agreement to allow future inspections by the code enforcement officer.

Approval or Denial of Application – This page is completed by the code enforcement officer indicating whether the Shoreland Zoning Permit is approved (with or without conditions) or denied. A copy of this page should be provided to the applicant along with the actual Shoreland Zoning Permit (See Appendix 3). In approving a permit, the code enforcement officer (and planning board is appropriate) must find that the proposed use complies with the purposes and requirements of the local Shoreland Zoning Ordinance. If a permit is either denied or approved with conditions, the reasons or conditions must be stated in writing. The box at the bottom of the page contains a checklist for the Code Enforcement Officer and space to note the permit number and fee amount.

Appendix 1 – Shoreland Zoning Permit Checklist

This checklist is intended as a tool to assist the code enforcement officer in tracking a Shoreland Zoning permit application through the review process. Like the permit application form, this checklist may be modified to meet any additional local requirements or procedures.

Appendix 2 – Special Permit Form

Upon initial review of the Shoreland Zoning permit application, the code enforcement officer will determine whether a variance, conditional use approval or special exception is required. If such a special permit is required for a project in the Shoreland Zone, the applicant must first apply to the appropriate local board for a special permit. If the request for a variance, conditional use, or special exception is approved, then this form should be completed by the appropriate local board and submitted to the code enforcement officer along with the Shoreland Zoning permit application.

Note: *The Board of Appeals is the only local body with statutory authority to grant zoning variances. In reviewing a request for a variance, the Board of Appeals must apply the undue hardship criteria set forth in Title 30-A M.R.S.A. Section 4353 (4). Generally, the Planning Board is responsible for granting conditional uses or special exceptions. In some instances, however, the Board of Appeals may be the designated body. In reviewing such requests, Planning Boards or the Board of Appeals must apply the standards of review provided in applicable local ordinance.*

16. Lot area (Square feet)	17. Frontage on road (feet)
18. Square feet of lot to be covered by non-vegetated surfaces	19. Elevation above 100 year flood
20. Frontage on waterbody (feet)	21. Height of proposed structure
22. Existing use of property/building	23. Proposed use of property/building

Note: Questions 24 & 25 apply only to expansions of portions of existing structures which are less than the required setback.

<p>24 A.) Total floor area of portion of structure which is less than required setback as of 1/1/89:</p> <hr/>	<p>25 A.) Total volume of portion of structure which is less than required setback as of 1/1/89:</p> <hr/>
<p>B.) Floor area of expansions of portion of structure which is less than required setback from 1/1/89 to present:</p> <hr/>	<p>B.) Volume of expansions of portion of structure which is less than required setback from 1/1/89 to present:</p> <hr/>
<p>C.) Floor area of proposed expansion of portion of structure which is less than required setbacks:</p> <hr/>	<p>C.) Volume of proposed expansion of portion of structure which is less than required setback:</p> <hr/>
<p>D.) Percent of increase of floor area of actual and proposed expansions of portion of structure which is less than required setback since 1/1/89:</p> <p>% increase = $\frac{B+C}{A} \times 100$</p> <hr/>	<p>D.) Percent of increase of volume of actual and proposed expansions of portion of structure which is less than required setback since 1/1/89:</p> <p>% increase = $\frac{B+C}{A} \times 100$</p> <hr/>

Site Plan

Please include: Lot lines, area to be cleared of trees and other vegetation, the exact positioning of proposed structures, including decks, porches, and out buildings with accurate setback distances from the shoreline, side and rear property lines, the location of proposed wells, septic systems, and driveways, and areas and amounts to be filled or graded. If the proposal is for the expansion of an existing structure, please distinguish between the existing structure and the proposed expansion.

Scale: _____ = _____ ft.

Front or Rear Elevation

Side Elevation

Draw a simple sketch showing both the existing and proposed structures with dimensions

Additional Permits, Approvals, and/or Reviews Required

Check if required:

- Planning Board Review Approval
- Board of Appeals Review Approval
- Flood Hazard Development Permit
- Exterior Plumbing Permit
(Approved HHE 200 Application Form)
- Interior Plumbing Permit
- DEP Permit (Site Location, Natural Resources Protection Act)
- Army Corps of Engineers Permit (e.g. Sec. 404 of Clean Waters Act)

Others:

- _____
- _____
- _____
- _____
- _____

Note: Applicant is advised to consult with the Code Enforcement Officer and appropriate state and federal agencies to determine whether additional permits, approvals, and reviews are required.

I certify that all information given in this application is accurate. All proposed uses shall be in conformance with this application and the Town of Bar Harbor Shoreland Zoning Ordinance. I agree to future inspections by the Code Enforcement Officer at reasonable hours.

Applicant's signature

Date

Agent's signature

Date

Approval or Denial of Application
(For Office Use Only)

Map/Block/Lot _____

This application is: _____ approved _____ denied

If denied, reason for denial:

If approved, the following conditions are prescribed:

Note: In approving a shoreland zoning permit, the proposed use shall comply with the purposes and requirements of the Shoreland Zoning Ordinance for the Town of Bar Harbor.

Code Enforcement Officer

Date

Inspection Checklist

- | | | |
|--------------------------|--|-------------------------|
| <input type="checkbox"/> | Prior to Covering any Utilities | Permit # _____ |
| <input type="checkbox"/> | Prior to Foundation Pour (Commercial only) | |
| <input type="checkbox"/> | Prior to Occupancy | Fee Amount _____ |
| <input type="checkbox"/> | Prior to Final Landscaping | |

Shoreland Zoning Permit Checklist

Check off for all structures:

- Complete shoreland zoning permit application
- Pay appropriate fee
- Lot area
- Percent of lot covered by non-vegetated surfaces
- Height of structure
- Setback from high water line
- Elevation setback from side and rear lot lines
- Percent of increase of expansions of portion of structure which is less than required setback
- Copy of interior and exterior plumbing permits
- Copy of deed
- Elevation of lowest floor to 100 year flood elevation
- Copy of additional permits as required
- Soil erosion control plan provided

Check off for further review

- Copy of application to Board of Appeals if variance or special exception is required
- Copy of application to Planning Board if Planning Board review is required

Note: Where the Shoreland Zoning Ordinance requires a variance, a conditional use, or special exception by the Board of Appeals or the Planning Board, then this special permit shall be completed by the appropriate board and attached to the Shoreland Permit Application.

SPECIAL PERMIT

Property Owner _____

Address of Property _____

Shoreland District _____

**FINDINGS OF FACT AND
CONDITIONS OF APPROVAL**

- Board of Appeals
- Planning Board

Conditions: _____

See attached decision from appropriate Board.

NOTICE TO APPLICANT

I have read and accept the conditions of this special permit.

Applicant _____ Date _____

