

**Application for Variance to  
Town of Long Island Zoning Board of Appeals**

**A. General Information.**

1. Name of Applicant: Stephen T. Honey
2. Mailing Address: 215 High St. #103
3. City or Town: South Portland State: Maine
4. Telephone: \_\_\_\_\_ Cell Phone: 207 332 8524
5. Name of Property Owner (if different from applicant): \_\_\_\_\_
6. Location of property for which variance is requested (street/road address): \_\_\_\_\_  
138 Island Ave. Long Island, Maine, 04050
7. Zoning district in which property is located: IR2
8. Long Island Tax Map – Lot # 217
9. The applicant has the following legal interest in the subject property (deed, purchase and sale agreement, lease, option agreement or other – circle appropriate on and attach copy).

*Attached Deed dated December 4, 2017*

**B. Reasons/Supporting Information for Variance.**

1. The applicant proposes the following building, structure, use or activity on the subject property:  
The project is to add a 356 square foot one-story addition (13'-5" x 24'-6") to an existing structure to house one bedroom and one bathroom. The addition will be constructed directly adjacent to an existing enclosed porch to the Southwest of the main house structure.
2. The applicant seeks a variance(s) from the following dimensional standard(s):  
Side Yard Setback of Twenty Feet. We seek a 20% reduction of this Setback to Sixteen Feet.
3. The lot is currently being used for the following: Residential

\_\_\_\_\_ which

is/are contained in section(s) \_\_\_\_\_ of the Zoning Ordinance.

- 4. The conditions and character of the neighborhood are: Residential

- 5. The applicant requests the following type of variance (check appropriate one):
  - a. Undue Hardship Variance (Title 30-A M.R.S.A. § 4353(4));
  - b. Disability Variance (Title 30-A M.R.S.A. § 4353(4-A));
  - c.  Setback Variance for Single-Family Dwellings (Title 30-A M.R.S.A. § 4353(4-B), available only if the municipality has adopted an ordinance to authorize this variance); or
  - d. Practical Difficulty Dimensional Variance (Title 30-A M.R.S.A. § 4353(4-C), available only if the municipality has adopted an ordinance to authorize this variance).

**C. The applicant shall complete the appropriate section below for the particular type of variance sought:**

- 1. **Undue Hardship Dimensional Variance.** The Zoning Board of Appeals may grant a variance only when strict application of the ordinance to the petitioner and the petitioner’s property would cause undue hardship, which means that the application must meet each of the criteria listed below.

**Please explain why you believe that the subject property meets each of the following criteria for this type of variance (if more room is needed for explanation, use separate sheet and attach to this application):**

- a. The land in question cannot yield a reasonable return unless a variance is granted: \_\_\_\_\_

b. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

c. The granting of a variance will not alter the essential character of the locality: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_;

d. The hardship is not the result of action taken by the applicant or a prior owner: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Page 3 of 6

2. **Disability Variance.** The Zoning Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this provision solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this provision, a disability has the same meaning as a physical or mental handicap under the Maine Human Rights Act and the terms “structures necessary for access to or egress from the dwelling” is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

**Please answer the following questions to explain why you believe that the subject property meets each of the following criteria for this type of variance:**

a. Does a person with a disability reside in the dwelling? \_\_\_\_\_

b. Does a person with a disability regularly use the dwelling? \_\_\_\_\_

c. Is the installation of equipment or the construction of structures proposed under this application necessary for access to or egress from the dwelling by the person with the disability? (Explain)

d. Does the disability have a known duration? \_\_\_\_\_. If so, what is that duration? \_\_\_\_\_

---

3. **Set-back variance for single-family dwellings.** (Available only where the municipality has adopted an ordinance that permits the Board to grant a set-back variance for a single-family dwelling.) An ordinance adopted under this provision 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, which means that the application meets each of the criteria listed below.

(An ordinance adopted under this provision is strictly limited to permitting a variance from a set-back requirement for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this provision may not 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. (The ordinance may allow for a variance under this subsection to exceed 20% of a set-back requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38 M.R.S.A. § 435, et seq., if the petitioner has obtained the written consent of an affected abutting landowner.)

**Please explain why you believe that the subject property meets each of the following criteria for this type of variance (if more room is needed for explanation, use separate sheet and attach to this application):**

- a. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood: The existing property is unique in that the existing structure is located to the Southwest portion of the lot within 29.01feet of the nearest property. The addition's location and design was selected for the following reasons: 1) Minimizes the affects to existing abutters including existing water views, 2) Minimizes the affect to existing major trees and landscape, and 3) Minimizes the affect to the existing architectural character of the house's floor plan and design.
- b. The granting of a variance will not alter the essential character of the locality: The proposed addition will be designed in keeping with the current architectural character of the existing structure and will minimize the impact to surrounding properties.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

c. The hardship is not the result of action taken by the applicant or a prior owner: *There are no actions that have been taken by the applicant or prior owner that result in this hardship.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

d. The granting of the variance will not substantially reduce or impair the use of abutting property. *The proposed addition will not reduce or impair the use of abutting property.*

\_\_\_\_\_;

e. The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available: *This variance is requested based on the owner's need to:*

1) *Provide a first floor bedroom and bathroom so that as they age they can safely use the home into the future, 2) Should the addition be limited in size to meet the Side Yard setback the width of the bedroom would create an unusable space and 3) Two alternatives were discussed as follows: Alternative 1 - Build the addition on the North side of the existing house. This would severely limit existing views from at least 3 abutters. It would require the removal of a substantial tree located directly North of the house. Alternative 2 – Abut the new addition to the South but incorporate the existing enclosed porch. This would severely impact the current architectural design of the South facade of the existing Living room areas and would limit head room in the new bedroom.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. **Variance from dimensional standards. (Available only where the municipality has adopted an ordinance that permits the Board to grant a set-back variance for a singlefamily dwelling.)** The Board may grant a variance from the dimensional standards of a zoning ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty, which means that the application meets each of the criteria listed below.

(As used in this provision, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements. As used in this provision, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.)

**Please explain why you believe that the subject property meets each of the following criteria for this type of variance (if more room is needed for explanation, use separate sheet and attach to this application):**

- a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

- b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

- c. The practical difficulty is not the result of action taken by the petitioner or a prior owner:

\_\_\_\_\_;

- d. No other feasible alternative to a variance is available to the petitioner: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

- e. The granting of a variance will not unreasonably adversely affect the natural environment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

- f. The property is not located in whole or in part within shoreland areas as described in Title 38 § 435: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. Additional Information**

In addition to the information provided above, please submit a sketch plan of the property showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings, additions and alterations, the locations of roads and driveways, the location of any water body adjacent to the property, and any natural and topographic peculiarities of the lot in question.

**E. Signature of Applicant**

To the best of my knowledge, all information submitted on and with this application is true and correct.

Date: December 29, 2020

By: \_\_\_\_\_

(Signature)



Daniel E. Cushing for Stephen T. Honey  
(Print Name)

**In addition, the following must be enclosed for this application to be complete:**

- Attached*      Proof that the Appellant has a legal interest in the property in question (copy of a deed, option, etc.)
- Under Separate Cover*      Eight (8) Copies of application and all supporting documents.
- Under Separate Cover*      A \$100.00 filing fee – check made payable to: Town of Long Island.
- Attached*      Written Denial from Long Island Code Enforcement Officer.

**Date that completed application was received:** \_\_\_\_\_

**Signed by the Zoning Board of Appeals Chairperson:** \_\_\_\_\_

cc: Long Island Code Enforcement Officer  
Long Island Board of Selectmen