



**TOWN OF BRUNSWICK
ZONING BOARD OF APPEALS**

Board Composition.

The Board of Zoning Appeals consists of five (5) full members and four (4) associate members who are appointed by the Town Council.

Terms of Office.

The term of office is three (3) years.

Meeting Schedule.

3rd Thursday as needed at 7:30 p.m.

Powers and Duties.

The Board has jurisdiction to hear the following matters:

- (a) Administrative Appeals. Appeals by persons aggrieved by decisions of the Code Enforcement Officer or of any other appropriate Board, such as the Planning Board.
- (b) Variance Appeals. Appeals requesting a reasonable variance from the minimum lot size or dimension standards of the Zoning Ordinance, including the reasonable alteration, extension or enlargement of a non-conforming use.
- (c) Special Exceptions. Requests for special exceptions to allow uses designated as "Special Exceptions" under the Zoning Ordinance.

Staff Contact Person.

Code Enforcement Officer – Jeff Hutchinson (725-6651)

ZONING BOARD OF APPEALS

(Current as of July 1, 2011)

(Town Charter Section 803, State Law Title 30-A, § 2691 and Zoning Ordinance 216.11 and 703)

TOWN CHARTER – SECTION 803

Section 803. Zoning board of appeals.

- (a) There shall be a Zoning Board of Appeals composed of 5 members and 4 associate members who shall be appointed by the council for terms of 3 years.
- (b) The members and associate members of the Board must be residents of the Town. If a member or an associate member ceases to be a resident, the office shall immediately become vacant.
- (c) Neither a member of the council nor spouse may be a member or associate member of the Board.
- (d) Any vacancy on the Board shall be filled by appointment by the council for the unexpired term.
- (e) Annually, on or about May 1, the Board shall choose a Chair, Vice-Chair, and Secretary from its membership.
- (f) When a member is unable to act because of conflict of interest, physical or mental incapacity, absence, or for any reason, the Chair shall designate an associate member to act. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members, except the member who is being challenged.
- (g) A quorum consists of 5 members, which may include associate members.
- (h) The Board shall hear appeals from the zoning ordinance.
- (i) The Chair shall call and preside at meetings of the Board as necessary. The Chair shall also call meetings of the Board when requested to do so by a majority of the members of the Board or by the council. The Chair is the official spokesperson of the Board.
- (j) The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board. The Secretary is responsible for maintaining those records which are required as part of the various proceedings which may be brought before the Board. All records prepared or maintained by the Secretary are public records. They shall be filed in the Town Clerk's office. They may be inspected at reasonable times.
- (k) The Board may provide by rule, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Chair upon good cause shown.
- (l) The Board may receive any oral or documentary evidence. It shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present a case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.
- (m) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all material issues of fact, law or discretion presented and the appropriate order, relief, or denial thereof. Within 7 days after a decision is made, notice thereof shall be mailed or hand-delivered to the petitioner, or petitioner's representative, the Planning Board and the Town Council.
- (n) Within 45 days after the decision is rendered, an appeal may be taken by any party to Superior Court in accordance with the Maine Rules of Civil Procedure. Rule 80B.

