



# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 1143

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S.P. 474

In Senate, March 18, 2025

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### **An Act to Update Language on Setback Variances for Single-family Dwellings and Variances from Dimensional Standards**

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Reference to the Committee on Housing and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LIBBY of Cumberland.  
Cosponsored by Representative WADSWORTH of Hiram.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 30-A MRSA §4353, sub-§4-B,** as amended by PL 1993, c. 627, §1, is  
3 further amended to read:

4 **4-B. ~~Set-back~~ Setback variance for ~~single-family~~ dwellings.** A municipality may  
5 adopt an ordinance that permits the board to grant a ~~set-back~~ setback variance for a ~~single-~~  
6 ~~family~~ dwelling. An ordinance adopted under this subsection may permit a variance from  
7 a ~~set-back~~ setback requirement only when strict application of the zoning ordinance to the  
8 petitioner and the petitioner's property would cause undue hardship. The term "undue  
9 hardship" as used in this subsection means:

10 A. The need for a variance is due to the unique circumstances of the property and not  
11 to the general conditions in the neighborhood;

12 B. The granting of a variance will not alter the essential character of the locality;

13 C. The hardship is not the result of action taken by the applicant or a prior owner;

14 D. The granting of the variance will not substantially reduce or impair the use of  
15 abutting property; and

16 E. That the granting of a variance is based upon demonstrated need, not convenience,  
17 and no other feasible alternative is available.

18 An ordinance adopted under this subsection is strictly limited to permitting a variance from  
19 a ~~set-back~~ setback requirement for a ~~single-family~~ dwelling that is the primary year-round  
20 residence of the petitioner. A variance under this subsection may not exceed 20% of a ~~set-~~  
21 ~~back~~ setback requirement and may not be granted if the variance would cause the area of  
22 the dwelling to exceed the maximum permissible lot coverage. An ordinance may allow  
23 for a variance under this subsection to exceed 20% of a ~~set-back~~ setback requirement,  
24 except for minimum setbacks from a wetland or water body required within shoreland  
25 zones by rules adopted pursuant to Title 38, chapter 3, subchapter ~~1~~ 1, article 2-B, if the  
26 petitioner has obtained the written consent of an affected abutting landowner.

27 **Sec. 2. 30-A MRSA §4353, sub-§4-C, ¶F,** as enacted by PL 1997, c. 148, §2, is  
28 amended to read:

29 F. The property is not wholly located ~~in whole or in part~~ within shoreland areas as  
30 described in Title 38, section 435.

## 31 SUMMARY

32 This bill changes references to a single-family dwelling in the law regarding setback  
33 variances to a dwelling. It also changes the law governing variances from dimensional  
34 standards to allow a variance when there is a practical difficulty and the property is not  
35 wholly located within a shoreland area.