



Board of Appeals

Applying for a Special Exception.

What is a Special Exception?

A special exception is a process in which the Board of Appeals can approve a use or an action when specific conditions are met. It is different than a variance because the conditions are not broad and general. They tend to be defined rather narrowly as they apply uniquely to the type of activity. They are usually performance standards.

How can I get a Special Exception?

Special exceptions are limited to those expressly authorized in the Zoning Ordinance. Currently, special exceptions are only allowed in very limited circumstances. These include owner occupied accessory residential units, owner occupied duplexes in zone RES-5, and certain commercial and industrial uses on Route 1.

How do I apply for a Special Exception?

Applications for a special exception are found on the town website (www.yorkmaine.org) and at the Town Hall - see Reenie Johnson, Secretary to the Board of Appeals. When a special exception is authorized by the Zoning Ordinance it may be applied for at any time. The Board of Appeals appreciates a Letter of Referral from the municipal official or the board who has the authority to issue a permit if the Special Exception is granted. This Letter of Referral gives the Board of Appeals background information helpful in reviewing and granting a Special Exception.

What happens if I am not granted a Special exception?

You have a right to appeal to the Superior Court within 45 days of the Board of Appeals decision. If you don't appeal within 45 days you'll lose your right to appeal the decision to court and are generally banned from asking for the same Special Exception in the future.

Special exceptions sound like an easy way to get what you want. This is not the case. A special exception has to be specifically authorized by Ordinance for the proposed use. The Board of Appeals does not have the authority to grant any other special exception to the Ordinance.