

May 2, 2008

To Members of the Portland Zoning Board of Appeals

I am requesting a hardship variance for the building located at 52 Atlantic Street. It is a legal 2 unit and I am requesting a variance to change the use to a legal 3 unit.

I bought this home in 2005 with my son, who resides on the 3rd floor. In the city microfilm archives, this house was listed as a "tenement house/3 unit" in 1951. Also in those archives, in 1951, a Mrs. Fletcher stated on a site visit "that this house has been operating as a 3 unit for over 25 years". It was recorded as a 2 unit in 1952.


The former owner's family members told me at transfer of title that many nephews and other relatives have lived in the 3rd floor unit over the years. I found kitchen debris and rubbish in what appeared to be a kitchen pantry on that 3rd floor, as well as disconnecting old water and gas lines when doing remodeling on that floor in 2005. There were also locking doors on all 3 floors in the front and back hallways, which I have saved as evidence that all 3 floors were lived in for years.

The house has 3 bedrooms on the first floor, 3 bedrooms on the second floor and 2 bedrooms on the third floor currently. If I use the building as a legal 3 unit, there are 8 bedrooms and individuals that live there. If I use the building as a legal 2 unit with a 3 bedroom first floor unit and a 5 bedroom combined 2nd and 3rd floor unit, there are still 8 bedrooms total.

***I will not add more people or cars to the neighborhood at all with a variance. The nature of renters for a combined 5 bedroom apartment could lead to potential problems for the neighbors in the form of group sharing, college students, etc....As it is now, the 3rd floor is owner occupied, which is better for management and the abutters. I believe 3 smaller family units is better for all parties.

There are two forms of egress on all 3 floors, which are permanent stairwells and original to the building. The lot size is 2554 square feet and zoning now requires 1000 feet per unit, thus I am requesting the variance based on the land requirements.

I hope the board will see fit to grant this variance and I will be able to proceed with inspections for the required life safety codes.

Sincerely,

Judy George

Except as specifically provided by the ordinance, a variance may be granted by the Board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. In order for the Board to find "undue hardship", the applicant must answer ALL of the following questions, and provide supporting evidence. The Board will consider this evidence in deciding whether to grant the appeal.

1. Can the land yield a reasonable return (not the highest return) without the granting of a variance?

Yes _____ (deny the appeal) No

Reasons We are less than 500 sq. ft
of total land for a legal 3 unit

2. Are there factors which are unique to this property, and not to the general conditions of the neighborhood, which create a need for a variance?

Yes No _____ (deny the appeal)

Reasons This building has been run as a 3
unit for many years safely - 2 forms of
exits on each level.

3. Will the granting of the variance alter the essential character of the locality?

Yes _____ (deny the appeal) No

Reasons Exact same # of bedrooms - total
of 8 - no extra rooms or bodies
or in beds

4. Is the hardship a result of the action taken by the applicant or a prior owner (self-created hardship)?

Yes _____ (deny the appeal) No

Reasons The hardship was not created
by me - the lot was created turn
of the century.

It is up to the applicant to decide whether to file an appeal after reviewing the above requirements.



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>52 Atlantic Street</u>		
Total Square Footage of Proposed Structure/Area <u>890 for 3rd floor</u>		Square Footage of Lot <u>2554</u>
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>16 E 8</u>	Applicant * must be owner, Lessee or Buyer* Name <u>Judy George</u> Address <u>233 Smith Road</u> City, State & Zip <u>Windham ME 04062</u>	Telephone: <u>3192445</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name <u>same</u> Address City, State & Zip	Cost Of Work: \$ <u>30.00</u> C of O Fee: \$ <u>75.00</u> Total Fee: \$ <u>105.00</u>
Current legal use (i.e. single family) <u>2 unit</u> If vacant, what was the previous use? Proposed Specific use: Is property part of a subdivision? <u>NO</u> If yes, please name Project description: <u>change of use from a 2 unit to a 3 unit.</u>		
Contractor's name: Address: City, State & Zip Telephone: Who should we contact when the permit is ready: <u>Judy George</u> Telephone: <u>3192445</u> Mailing address: <u>233 Smith Road Windham ME 04062</u>		

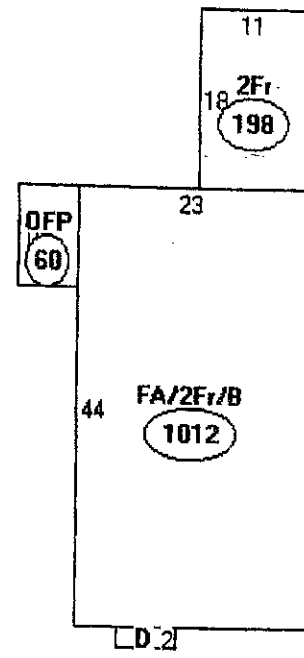
Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: Judy George Date: May 27 2008

This is not a permit; you may not commence ANY work until the permit is issue



Descriptor/Area

A: FA/2Fr/B
1012 sqft

B: OFF
60 sqft

C: 2Fr
198 sqft

D: 2FBAY/B
12 sqft

COPY

THIS IS NOT A BOUNDARY SURVEY

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MORTGAGE INSPECTION OF: DEED BOOK 21605 PAGE 139 COUNTY Cumberland
PLAN BOOK -- PAGE -- LOT --

ADDRESS: 52 Atlantic Street, Portland, Maine

Job Number: 466-71

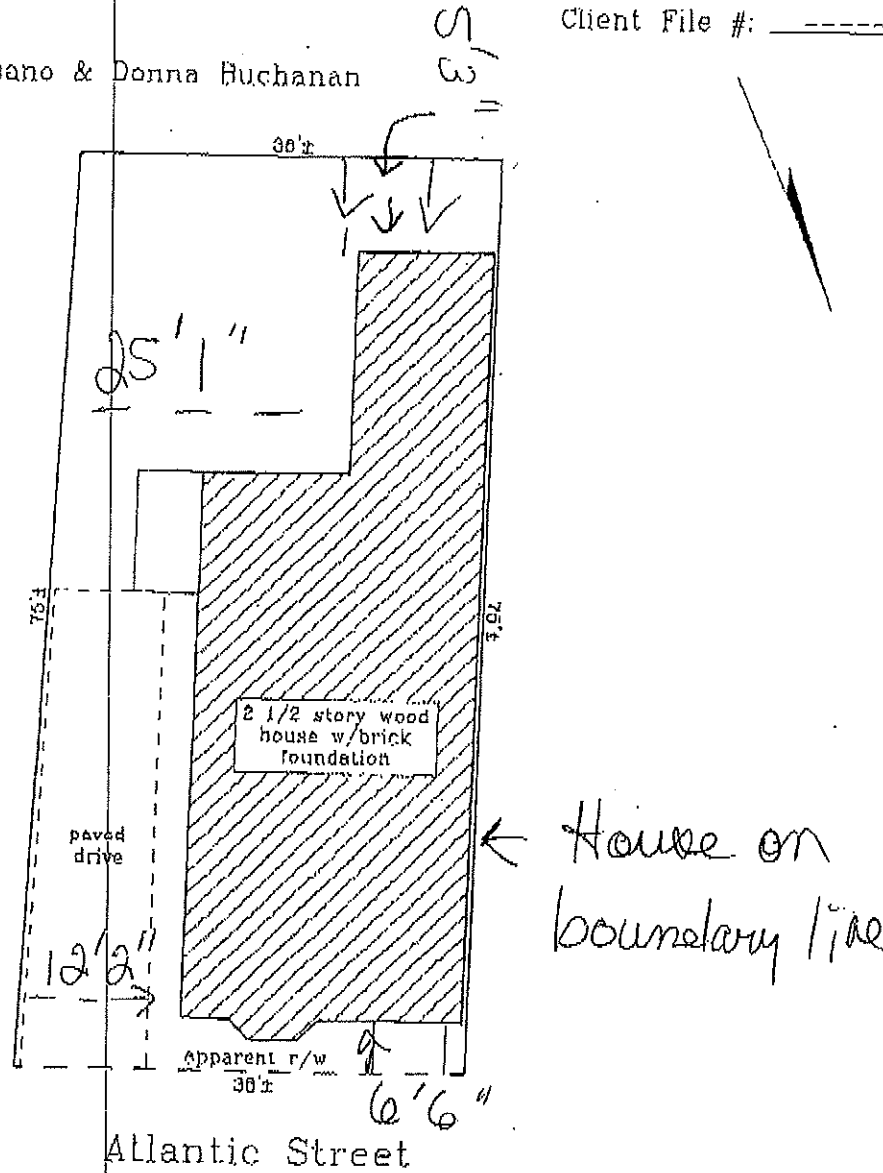
Inspection Date: 3-08-05

Scale: 1" = 15'

Client File #: -----

Buyer: Judy George

Sellers: Nicholas Oppedisano & Donna Buchanan



[Handwritten signature]

I HEREBY CERTIFY TO: Bay Area Title Services, Inc.
Residential Mortgage, and its title insurer.

Monuments found did not conflict with the deed description.

The dwelling setbacks do not violate town zoning requirements.

As delineated on the Federal Emergency Management Agency Community Panel.

The structure does not fall within the special flood hazard zone.

The land does not fall within the special flood hazard zone.

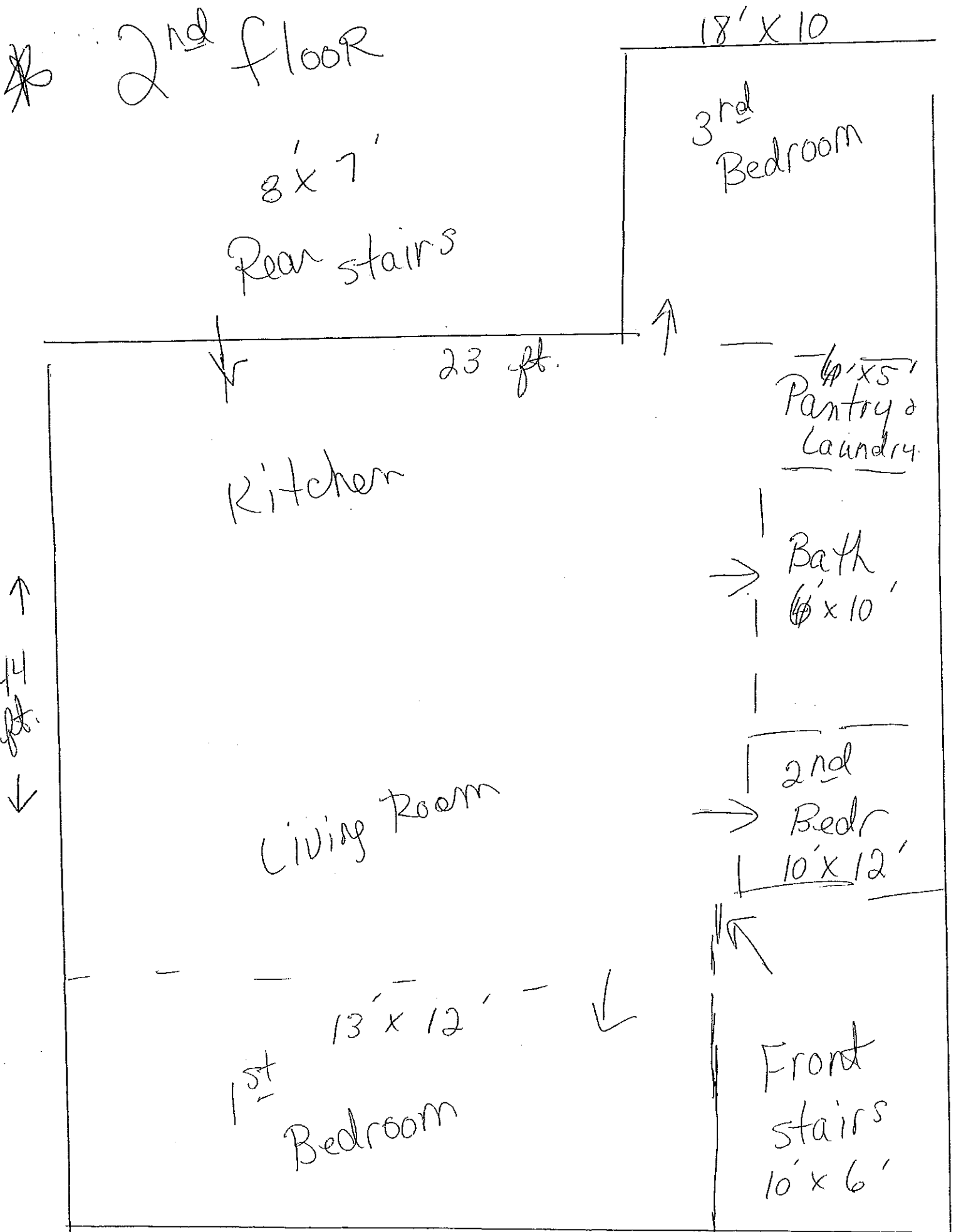
A wetlands study has not been performed.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

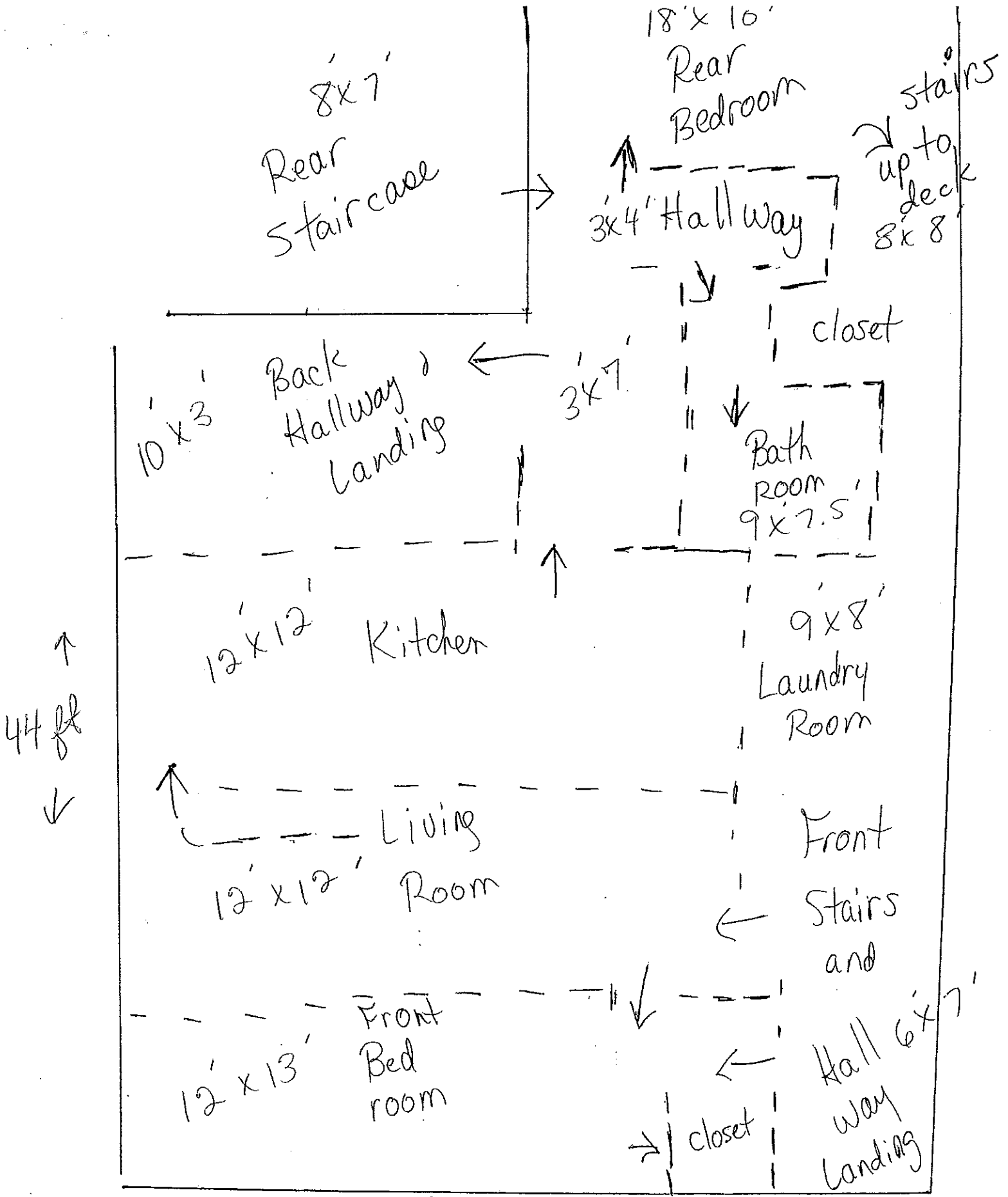
Livingston - Hughes
Professional Land Surveyors
88 Guinea Road
Kennebunkport - Maine 04048
307-967-9761 phone 307-967-4831 fax
www.livingston-hughessurveyors.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY

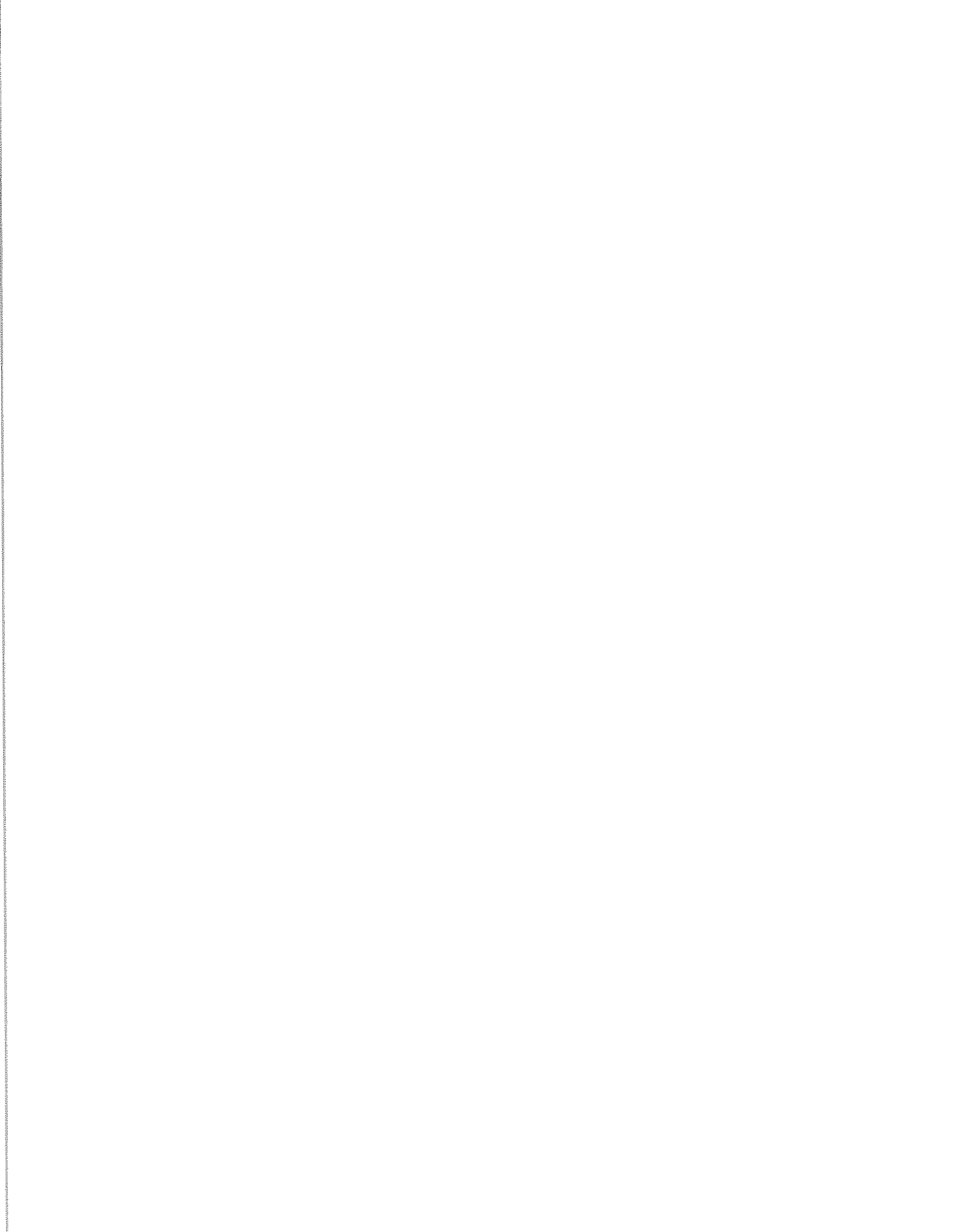
* 2nd floor



1390 sq. ft with
out common space 23 ft.



890 sq ft without common * 3rd floor
 ← 23 ft → * existing & proposed

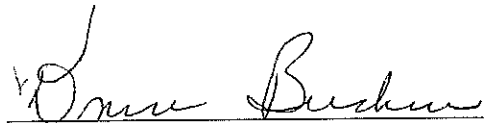


WARRANTY DEED
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, That I/we **Donna Buchanan** of the City/Town of Portland in the State of Maine, for consideration paid, grant(s) to **Justin D. George and Judy D. George** whose mailing address is 233 Smith Road, Windham, Maine 04062, as joint tenants with **WARRANTY COVENANTS**, the real property situated in Portland, County of Cumberland and State of Maine more particularly described in Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, I/we have hereunto set my/our hands(s) and seal(s) this 17th day of March, 2005

Witness



Donna Buchanan

State of Maine
Cumberland, ss.

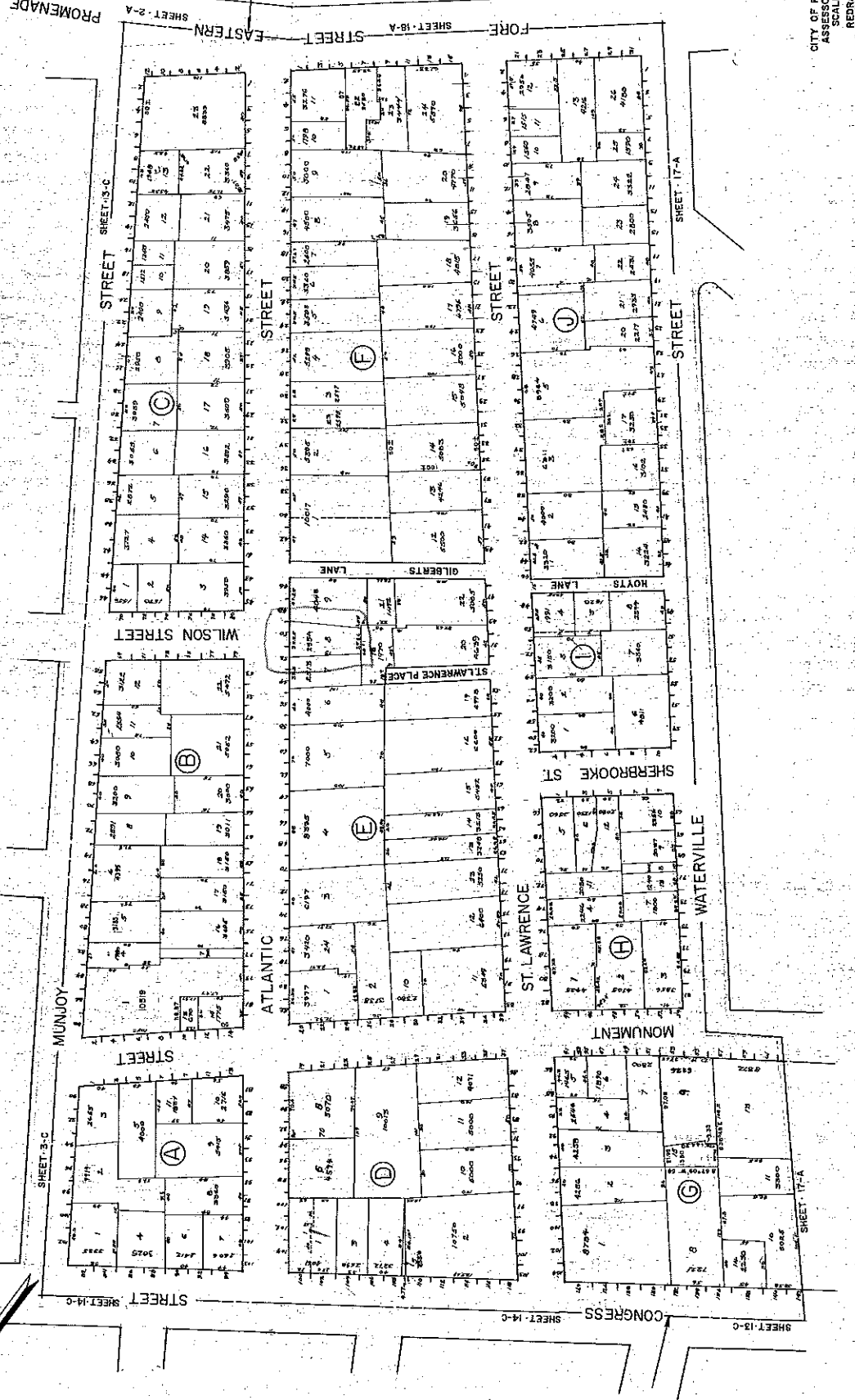
March 17, 2005

Personally appeared before me the above named Donna Buchanan and acknowledged the foregoing instrument to be his/her/their free act and deed.


Notary Public/Attorney at Law

SUSAN GAGE KNEDLER
Notary Public, Maine
My Commission Expires November 22, 2011

MAINE REAL ESTATE TAX PAID



CITY OF PORTLAND
 ASSESSOR'S PLAN
 REDRAWN BY
 REBEKAH L. ...

EXHIBIT A
(DEED)

A certain lot or parcel of land with the buildings thereon, situated on the southwesterly side of Atlantic Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on said southwesterly side of Atlantic Street at a point distant Northwesterly thereon, forty-seven (47) feet four (4) inches from the stone monument on the corner of said Atlantic Street and Gilbert Court, which point of beginning is the most northerly corner of land conveyed by Portland Savings Bank to Maggie M. Martin;

Thence running Northwesterly by said Atlantic Street thirty-eight (38) feet, two (2) inches, more or less, to land formerly of Abbie C. True; thence Southwesterly by said True land, seventy-five (75) feet, more or less, to land formerly of Joseph Ring; thence Southeasterly by said Ring land and said land conveyed to Maggie M. Martin, thirty-five (35) feet six (6) inches, more or less to said Martin land; thence Northeasterly by said Martin land seventy-five (75) feet, more or less to the point of beginning.

Meaning and intending to convey and hereby conveying the same premises described in a deed from Nicholas Oppedisano to Nicholas Oppedisano and Donna Buchanan dated July 28, 2004 and recorded in the Cumberland County Registry of Deeds in Book 21606, Page 139.

Received
Recorded Register of Deeds
Mar 18, 2005 02:39:41P
Cumberland County
John B. O'Brien

Reviewed and Approved: DB _____



1 inch equals 135 feet