

H.S. Ord 4/6/70
Granted 4/16/70
70/26

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

MISCELLANEOUS APPEAL

W. Sidney & Elizabeth Smith, owner of property at 41 Waterville Street under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit: changing the 4-family apartment house to a 6-family apartment house. This permit is presently not issuable under the Zoning Ordinance in the R-6 Residential Zone in which the property is located because (1) the area of the lot on which the building is located is only about 2,480 square feet instead of the minimum of 6,000 square feet (1,000 sq. feet per family) required by Section 602.7B.8 of the Zoning Ordinance; (2) this lot will provide no parking for the property and one parking space, 8'x18' is required for each lot under 5,000 square feet as stated under Section 602.14b.1 of the Zoning Ordinance.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals find that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance.

W. Sidney & Elizabeth Smith

By: W. Sidney Smith
APPELLANT

DECISION

After public hearing held April 16, 1970, the Board of Appeals finds that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance.

It is, therefore, determined that such permit may be issued.

BOARD OF APPEALS

Franklin H. Hurlley
Harry M. [Signature]
[Signature]



R6 RESIDENCE ZONE

APPLICATION FOR PERMIT

PERMIT ISSUED

APR 21 1970

CITY OF PORTLAND

Class of Building or Type of Structure Third Class
Portland, Maine, March 30, 1970

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 41 Waterville Street Within Fire Limits? _____ Dist. No. _____
 Owner's name and address W. Sidney & Elizabeth Smith, 558 Allen Ave. Telephone _____
 Lessee's name and address _____ Telephone _____
 Contractor's name and address owner Telephone _____
 Architect _____ Specifications _____ Plans yes No. of sheets 3
 Proposed use of building Brick Apartment No. families 6
 Last use _____ " _____ No. families 4
 Material frame No. stories 3 - 2 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ 10,000. Fee \$ 20.00

General Description of New Work

To change 4-family apartment house to 6-family apartment house with alterations as per plans

Appeal sustained 4/16/70

Sent to Fire Dept. 4/16/70
Rec'd from Fire Dept. 4/16/70

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. **PERMIT TO BE ISSUED TO** owners

Details of New Work

Is any plumbing involved in this work? yes Is any electrical work involved in this work? yes
 Is connection to be made to public sewer? yes If not, what is proposed for sewage? _____
 Has septic tank notice been sent? _____ Form notice sent? _____
 Height average grade to top of plate _____ Height average grade to highest point of roof _____
 Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____
 Material of foundation _____ Thickness, top _____ bottom _____ cellar _____
 Kind of roof _____ Rise per foot _____ Roof covering _____
 No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____
 Framing Lumber-Kind _____ Dressed or full size? _____ Corner posts _____ Sills _____
 Size Girder _____ Columns under girders _____ Size _____ Max. on centers _____
 Studs (outside walls and carrying partitions) 2x4-16' O. C. Bridging in every floor and flat roof span over 8 feet.
 Joists and rafters: 1st floor _____ 2nd _____ 3rd _____ roof _____
 On centers: 1st floor _____ 2nd _____ 3rd _____ roof _____
 Maximum span: 1st floor _____ 2nd _____ 3rd _____ roof _____
 If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____ to be accommodated _____ number commercial cars to be accommodated _____
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

APPROVED:

[Signature] 4-8-70
4/16/70 *[Signature]*

Miscellaneous

Will work require disturbing of any tree on a public street? no
Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

APR 20 1970

(COPY)

CITY OF PORTLAND, MAINE
Department of Building Inspection



Certificate of Occupancy

LOCATION #41 Waterville St.

Issued to **W. Sidney & Elisabeth Smith**
558 Allen Ave.

Date of Issue **May 4 1971**

This is to certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. **70/373**, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES:

APPROVED OCCUPANCY

Entire

Six family apartment building.

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORY
CHRISTOPHER DINAN

January 9, 1989

RE: ~~41 Waterville Street~~

David and Donna Banks
6 Heritage Lane
Falmouth, Maine 04105

Dear Mr. and Mrs. Banks:

This will acknowledge receipt of your application for a space and bulk variance for the building which you own at 41 Waterville Street in the R-6 Residence Zone. We understand that you have been paying property taxes based on seven apartments since 1983, and that the records in Building Inspection show that a certificate of occupancy was issued in May of 1971 for six apartment units.

Records in this office show that the lot size for your property at 41 Waterville Street is only 2,480 square feet and the R-6 Residence Zone requires 1,000 square feet of land area per apartment in Section 14-139 (2) of the City Zoning Ordinance. Your variance will be heard on the January 26th agenda.

We understand that you are requesting a space and bulk variance to authorize a seventh apartment in the basement of the building at 41 Waterville Street. In order to obtain approval of this variance, an applicant must show "undue hardship" as defined on the enclosed sheet.

Does the new unit contain at least 6,000 square feet of floor area, as now required in the R-6 Zone? It appears that the existing six apartments may be "grandfathered" for parking due to the lot size, but can any parking be provided for the seventh apartment unit?

A copy of the agenda for the next meeting of the Board of Appeals at which this variance request will be considered, will be sent to you as soon as copies of the agenda become available for distribution.

Sincerely,

Warren J. Turner

Warren J. Turner
Administrative Assistant

/el

cc: Merrill S. Seltzer, Chairman of the Board of Appeals
Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffees, Chief of Inspection Services
Marland Wing, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



41 Waterville Street

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MICHAEL E. WESTORT
CHRISTOPHER DINAN

February 13, 1989

David M. and Donna J. Banks
6 Heritage Lane
Falmouth, Maine 04105

Dear Mr. and Mrs. Banks:

At the meeting of the Board of Appeals on Thursday afternoon, February 9th, the Board voted by a unanimous vote of six members present to deny your space and bulk variance for your building at 41 Waterville Street in the E-6 Residence Zone.

Records in City Hall show that your lot contains only 2,480 square feet of land area and the City Zoning Ordinance requires 7,000 square feet or more for seven apartments in the R-6 Residence Zone. A copy of the Board's decision is enclosed for your records. Please contact this office to advise us as to how you plan to reduce the number of apartments from seven to six units. It will be necessary to apply for a building permit if any alterations to the structure will be required.

Sincerely,

Warren J. Turner
Warren J. Turner
Administrative Assistant

Enclosure: Copy of the Board's Decision

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Burt MacIsaac, Code Enforcement Officer
William D. Giroux, Zoning Enforcement Officer
Charles A. Lane, Associate Corporation Counsel