

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK  
**CITY OF PORTLAND**

Please Read  
 Application And  
 Notes, If Any,  
 Attached

BU **PERMIT** ION

Permit Number: 081424

This is to certify that REALI FRANK & CARMELLA JTS  
 has permission to Change of use from Barber Shop to single family dwelling  
 AT 26 FEDERAL ST 020 B011001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is lath or other used-in. 2  
 HO NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. \_\_\_\_\_  
 Health Dept. \_\_\_\_\_  
 Appeal Board \_\_\_\_\_  
 Other \_\_\_\_\_  
Department Name

*Thomas H. MacLellan* 8/15/08  
 Director - Building & Inspection Services

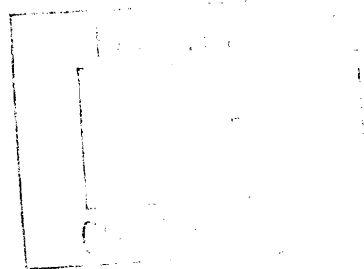
**PENALTY FOR REMOVING THIS CARD**

**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

<b>Permit No:</b> 08-1424		<b>Issue Date:</b>		<b>CBL:</b> 020 B011001	
<b>Location of Construction:</b> 26 FEDERAL ST (20)		<b>Owner Name:</b> REALI FRANK & CARMELLA A		<b>Owner Address:</b> 391 CAPISIC ST	
<b>Business Name:</b>		<b>Contractor Name:</b>		<b>Contractor Address:</b>	
<b>Lessee/Buyer's Name</b>		<b>Phone:</b>		<b>Permit Type:</b> Change of Use - Dwellings	
<b>Past Use:</b> Commercial - Barber Shop		<b>Proposed Use:</b> Single Family Home - Change of use from Barber Shop to single family dwelling		<b>Permit Fee:</b> \$105.00	
				<b>Cost of Work:</b> \$105.00	
				<b>CEO District:</b> 1	
<b>Proposed Project Description:</b> Change of use from Barber Shop to single family dwelling		<b>FIRE DEPT:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied		<b>INSPECTION:</b> Use Group: R3 Type: 5B IRC 2003	
		Signature:		Signature: <i>Am</i> 01/15/09	
		<b>PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)</b>			
		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied			
		Signature: _____ Date: _____			
<b>Permit Taken By:</b> Idobson		<b>Date Applied For:</b> 11/06/2008		<b>Zoning Approval</b>	

- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
- Building permits do not include plumbing, septic or electrical work.
- Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..



Special Zone or Reviews	Zoning Appeal	Historic Preservation
<input type="checkbox"/> Shoreland	<input checked="" type="checkbox"/> Variance <i>Practical Difficulty</i>	<input checked="" type="checkbox"/> Not in District or Landmark
<input type="checkbox"/> Wetland	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Does Not Require Review
<input type="checkbox"/> Flood Zone	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Requires Review
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Approved
<input type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Approved 40	<input type="checkbox"/> Approved w/Conditions
Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/>	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
Date: 1/15/09 <i>Am</i>	Date: 1/8/09	Date: <i>Am</i>

**CERTIFICATION**

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

SIGNATURE OF APPLICANT

ADDRESS

DATE

PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE

DATE

PHONE



# 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>20-26 Federal St. Portland, Maine</u>		
Total Square Footage of Proposed Structure/Area	Square Footage of Lot <u>2,820</u>	Number of Stories <u>1</u>
Tax Assessor's Chart, Block & Lot Chart# <u>20</u> Block# <u>B</u> Lot# <u>11</u>	Applicant * <b>must be owner, Lessee or Buyer</b> * Name <u>Frank Reali</u> Address <u>391 Capisic St</u> City, State & Zip <u>Portland, ME 04102</u>	Telephone: <u>772-5831</u> <u>318-9567</u> Cell
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ _____ C of O Fee: \$ <u>75</u> Total Fee: \$ <u>105</u>
Current legal use (i.e. single family) <u>barbershop</u> Number of Residential Units <u>0</u> If vacant, what was the previous use? _____ Proposed Specific use: <u>single family</u> Is property part of a subdivision? _____ If yes, please name _____ Project description: <u>change of use of barber shop to single family dwelling</u>		
Contractor's name: <u>N/A</u> Address: _____ City, State & Zip: _____ Telephone: _____ Who should we contact when the permit is ready: <u>Frank Reali</u> Telephone: <u>318-9567</u> Mailing address: <u>391 Capisic Street, Portland, Maine 04102</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](http://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: Frank Reali Date: 11/06/08

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

**City of Portland, Maine - Building or Use Permit**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

<b>Permit No:</b> 08-1424	<b>Date Applied For:</b> 11/06/2008	<b>CBL:</b> 020 B011001
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<b>Location of Construction:</b> 26 FEDERAL ST(#20)	<b>Owner Name:</b> REALI FRANK & CARMELLA A	<b>Owner Address:</b> 391 CAPISIC ST	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b>	<b>Contractor Address:</b>	<b>Phone:</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Dwellings	

<b>Proposed Use:</b> Single Family Home - Change of use from Barber Shop to single family dwelling	<b>Proposed Project Description:</b> Change of use from Barber Shop to single family dwelling
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**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Ann Machado      **Approval Date:** 01/15/2009

**Note:** 1/8/09 The ZBA approved the practical difficulty variance so that the building can be changed to a single family dwelling.      **Ok to Issue:**

- 1) With the issuance of this permit and the certificate of occupancy, this property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.

**Dept:** Building      **Status:** Approved with Conditions      **Reviewer:** Tom Markley      **Approval Date:** 01/15/2009

**Note:**      **Ok to Issue:**

- 1) Hardwired interconnected battery backup smoke detectors shall be installed in all bedrooms, protecting the bedrooms, and on every level.
- 2) This is a Change of Use ONLY permit. It does NOT authorize any construction activities.
- 3) Separate permits are required for any electrical, plumbing, HVAC or exhaust systems. Separate plans may need to be submitted for approval as a part of this process.
- 4) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.

**Comments:**

11/7/2008-amachado: Existing building does not meet setbacks for a residential use. Need to show one parking space. Left voicemail for Frank Reali .

11/10/2008-amachado: Wrote letter denying application.

11/17/2008-amachado: Frank Reali applied for a practical difficulty variance appeal. The appeal is scheduled for Dec. 4.

1/12/2009-gg: Practical Difficulty Appeal was approved on 1/08/09 for permit #081424. /gg



Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Penny St. Louis Littell - Director of Planning and Development  
Marge Schmuckal, Zoning Administrator

November 10, 2008

Frank Reali  
391 Capisic Street  
Portland, ME 04102

RE: 20-26 Federal Street - 020 B011 - B-2b - change of use application - permit #08-1424

Dear Mr. Reali,

This letter is a follow up to the telephone conversation we had Friday. I have reviewed your application (#08-1424) to change the use of the building at 20 Federal Street from a barbershop to a single-family dwelling. At this point I must deny your application. The building was built in 1985 as a barbershop, which is a commercial use in a B-2 zone. You are now proposing to change the use from commercial to residential. To be able to do this, you must meet the requirements for a residential use in the R-6 residential zone. Section 14-139(d)(3) gives the required side yard setback for a residential structure as ten feet for a single story building. The plot plan that you submitted shows the side yard setback as three and a half feet. Section 14-139(d)(1) states that the required front setback is ten feet or the average depth of the front yards on either side of the lot. The lot to the right of the property has a front setback of 1.8 feet. The lot to the left of the property does not have a structure on it so you use the minimum setback of ten feet. The average setback for the two lots is 5.9 feet. The plot plan shows the front yard setback at four feet, so this too does not meet the required setback. Finally, you need to be able to show one off street parking space on the property or within one hundred feet measure along lines of public access. The parking you showed on the plot plan cannot be used for 20 Federal Street because it is already being used for 26 Federal Street.

You have thirty days to bring your property into compliance. You must vacate the apartment and remove the kitchen including the stove, refrigerator, sink and other kitchen equipment. An inspection has been scheduled for December 10, 2008.

As I told you on the telephone, you have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to file an appeal. If you should fail to do so, my decision is binding and no longer subject to appeal. I have enclosed the necessary paper work that is required if you choose to file an appeal. If you choose not to file an appeal, you are entitled to get some of your money back if you bring in the original receipt you got when you applied for the permit.

11/12/08 Met w/ Frank Reali. He does have a curb cut & parking area - it is gravel but there is grass growing in spots. He plans to appeal because he thinks it will be hard to get a commercial use there. I told him if he appealed, then the permit can stay until the 2 BA meets.

11/17/08 Frank Reali applied for practical difference variance.

CITY OF PORTLAND, MAINE  
ZONING BOARD OF APPEALS

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Peter Coyne  
Philip Saucier-sec  
Deborah Rutter  
Jill E. Hunter  
Jordan Smith  
William Getz

January 12, 2008

Frank & Carmela Reali  
391 Capisic Street  
Portland, ME 04102

RE: 20 -22 Federal Street  
CBL: 020 B011  
ZONE: B2b

Dear Mr. & Mrs. Reali:

As you know, at the January 8, 2009 meeting, the Board voted 4-0 to approve your Practical Difficulty Variance Appeal for your side yard, front yard and minimum lot size.

I am enclosing your Certificate of Variance Approval. **The original must be recorded in the Cumberland County Registry of Deeds within 90 days of January, 12, 2009, when it was signed.** Failure to record the Certificate will result in it being voided. This office shall be provided with a copy of the recorded certificate of Variance showing the book and page recorded.

The Inspections Office will now move forward on your change of use building permit # 081424.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin  
Office Assistant

CC: file



**CITY OF PORTLAND**

**CERTIFICATE OF VARIANCE APPROVAL**

I, Philip Saucier, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 8th day of January 2009, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Current Property Owner: Franco Properties, LLC**
2. **Property: 20-22 Federal Street, Portland, ME CBL: 020-B-011**  
Cumberland County Registry of Deeds, Book 09561 Page 031  
Last recorded deed in chain of Title: 5/16/91
3. **Variance and Conditions of Variance:**  
To grant relief from section 14-139(1)(d)(3) of the Zoning Ordinance allowing a 3.5 foot side setback instead of the required 10 foot; and to grant relief from section 14-139(1)(d)(1) allowing a 4 foot front setback instead of the required 5.9 foot (based on the average depth of front yards on either side); and to grant relief from section 14-139(1)(a)(1) allowing a 2820 square foot lot size instead of the minimum 4500 square foot required. Such relief is based upon the change of use of the building from a commercial use to a residential use.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 8<sup>th</sup> day of January 2009

, Chair of  
City of Portland Zoning Board,

(Printed or Typed Name)  
Philip Saucier

STATE OF MAINE  
Cumberland, ss.

Then personally appeared the above-named Philip Saucier and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on Jan 12, 2009.

KATE E. HATCH  
Notary Public, Maine (Printed or Typed Name)  
My Commission Expires August 2, 2012  
Notary Public

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### APPEAL AGENDA DECISION

The Board of Appeals will hold a public hearing on Thursday, January 8, 2008 at 6:30 p.m. on the second floor, Room 209, City Hall, 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: January 12, 2009

RE: Action taken by the Zoning Board of Appeals on January 8, 2009.

The meeting was called to order at 6:35pm.

Roll call as follows: **Members Present:** Peter Coyne (acting chair), Jill Hunter (acting secretary), William Getz, and Deborah Rutter.

**Members Absent:** Gordon Smith and Philip Saucier.

#### 1. Old Business:

##### A. Practical Difficulty Variance Appeal:

20-22 Federal Street, Frank and Carmela Reali, owners, Tax Map 020, Block B, Lot 011, B-2b Commercial Zone: The appellants are seeking to change the use of their property from a commercial use to a residential use. Such residential use requires the appellants to meet the dimensional requirements for the closest residential zone which is the R-6 Zone. The existing building and property do not meet all the dimensional requirements of the R-6 zone. The appellants are requesting a variance for the side setback for a single story building from a required 10 feet to 3.5 feet [section 14-139(1)(d)(3)], and a variance for the front setback from a required 5.9' (the average depth of front yards on either side) to 4 '[section 14-139(1)(d)(1)]. The appellants are also requesting a variance for the required minimum lot size of 4,500 sq. feet to 2820 sq. feet [section 14-139(1)(a)(1)]. Representing the appeal are the owners. Due to a lack of quorum on December 4, 2008 meeting the Practical Difficulty Variance Appeal was continued to January 8, 2009. **The Board voted 4-0 to grant the Practical Difficulty Variance Appeal.**

#### 2. New Business:

##### A. Practical Difficulty Variance Appeal:

23 Prince Avenue, Peaks Island, Marian Reiff Cheevers, owner, Tax Map 091, Block J, Lot 007, IR-1 Residential Zone: The appellant is seeking a variance to keep the rear 12'x 21' deck and the 3'x 8' bathroom expansion that were built prior to 1981 without a permit. The appellant is requesting a variance for the side setbacks from a required 20' to 10.8' on the right side and 9.5' on the left side [section 14-145.5(c)(3)]. The appellant is also requesting a variance for the maximum allowable lot coverage of 20% [section 14-145.5(d)]. The lot is 5,000 square feet. The footprint of the building with the 12'x 21' deck and 3'x 8' bathroom expansion is 1313 square feet which covers 26.26% of the lot. Representing the appeal is Brenda M. Buchanan, Esq. **The Board voted 4-0 to grant the Practical Difficulty Appeal.**



**CITY OF PORTLAND, MAINE**  
**ZONING BOARD OF APPEALS**

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**“Practical Difficulty” Variance Appeal**

**DECISION**

Date of public hearing: January 8, 2009

Name and address of applicant: Frank and Carmela Reali  
391 Capisic Street  
Portland, ME 04102

Location of property under appeal: 20 Federal Street

**For the Record:**

Names and addresses of witnesses (proponents, opponents and others):

ZBA members present - Getz, Coyne, Rutter, Hunter  
Frank and Carmela Reali

No opposed

Exhibits admitted (e.g. renderings, reports, etc.):

Corrective Quilted Bed

Findings of Fact and Conclusions of Law:

The applicants own a small building on Federal Street which is in the B-2b zone. They are requesting to change the use of the structure from commercial to residential. In order to be able to use the property as a residence, they are requesting a practical difficulty variance from the dimensional standards for such uses.

The residential uses that are permitted in the B-2b zone are those residential uses permitted in the residential zone abutting the lot. If there is no abutting residential zone, the nearest residential zone to the lot. In this case, the applicable zone is the R-6 residential zone. The R-6 zone requires a minimum lot size of 4,500 square feet, a side yard setback of 10 feet, and a front yard setback of 10 feet or the average depth of front yards on either side of the lot, whichever is less (in this case, the required setback would be 5.9 feet). The applicants' property meets none of these requirements. The lot size is 2,820 square feet, the front yard setback is 4 feet and the side yard setback is 3.5 feet. It is from these three dimensional requirements that they are requesting a practical difficulty variance.

"Practical Difficulty" Variance standard pursuant to Portland City Code §14-473(c)(3):

1. The application is for a variance from dimensional standards of the zoning ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied  Not Satisfied

Reason and supporting facts:

*testimony and exhibits*

2. Strict application of the provisions of the ordinance would create a practical difficulty, meaning it would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant. "Significant economic injury" means the value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

Satisfied  Not Satisfied

Reason and supporting facts:

*as commercial  
fishmonger that attempts to sell and rent, were  
totally unsuccessful*

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

Satisfied  Not Satisfied

Reason and supporting facts:

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties.

Satisfied  Not Satisfied

Reason and supporting facts:

testimony and exhibits show primarily residential neighborhood and having a vacant commercial building might be detrimental

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied  Not Satisfied

Reason and supporting facts:

testimony and evidence meets current zoning codes

6. No other feasible alternative is available to the applicant, except a variance.

Satisfied  Not Satisfied

Reason and supporting facts:

testimony evidence showed no ability to purchase additional land to meet and they are one of the abutters and cannot change the lot line

7. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

Satisfied  Not Satisfied

Reason and supporting facts:

testimony and exhibits show will contribute  
as is w/ no adverse effect on environment

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. § 435, nor within a shoreland zone or flood hazard zone.

Satisfied  Not Satisfied

Reason and supporting facts:

Not applicable

**Conclusion:** (check one)

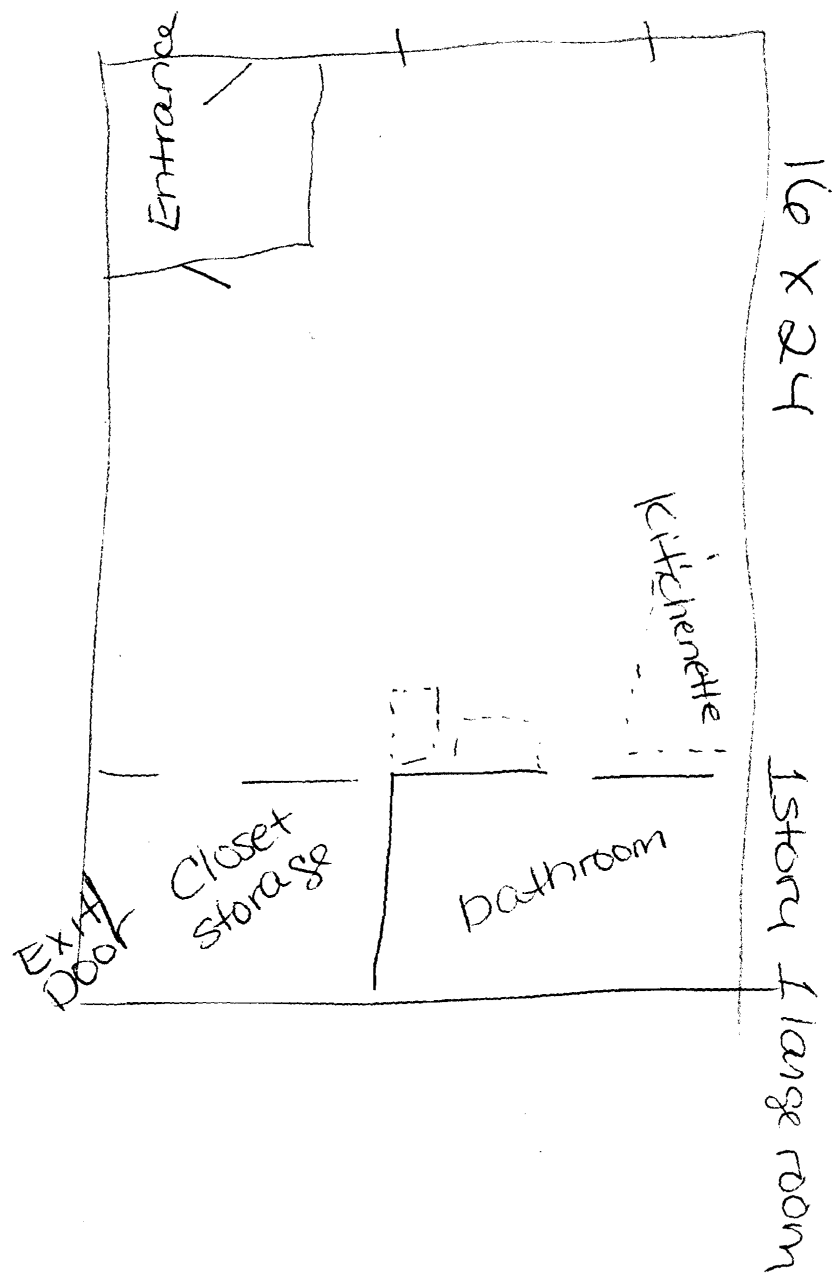
Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application.

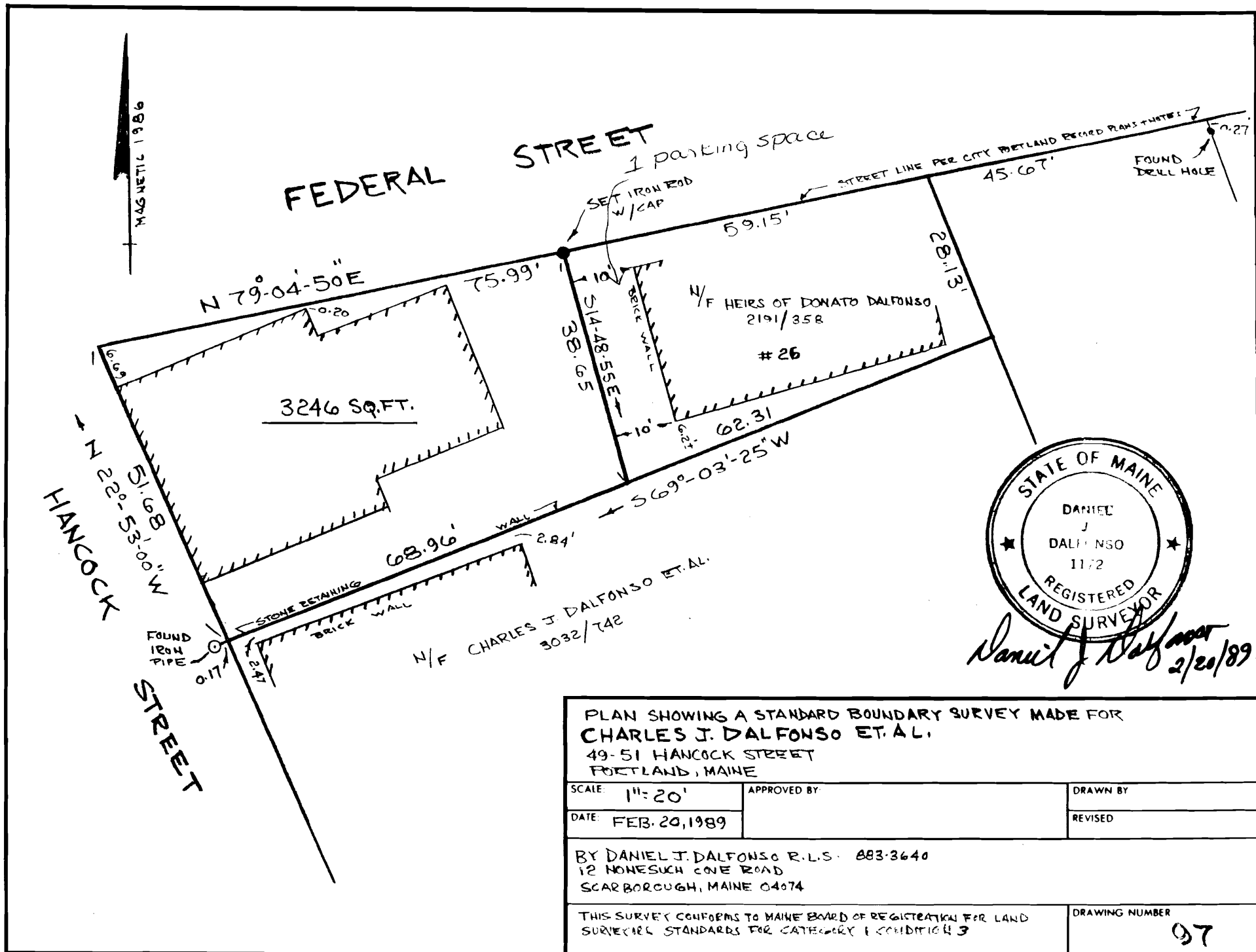
Option 2: The Board finds that while the standards described above (1 through 8) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that the standards described above (1 through 8) have NOT all been satisfied and therefore DENIES the application.

Dated: 1-8-09

  
Board Chair





PLAN SHOWING A STANDARD BOUNDARY SURVEY MADE FOR  
**CHARLES J. DALFONSO ET AL.**  
 49-51 HANCOCK STREET  
 PORTLAND, MAINE

SCALE: 1"=20'

APPROVED BY:

DRAWN BY

DATE: FEB. 20, 1989

REVISED

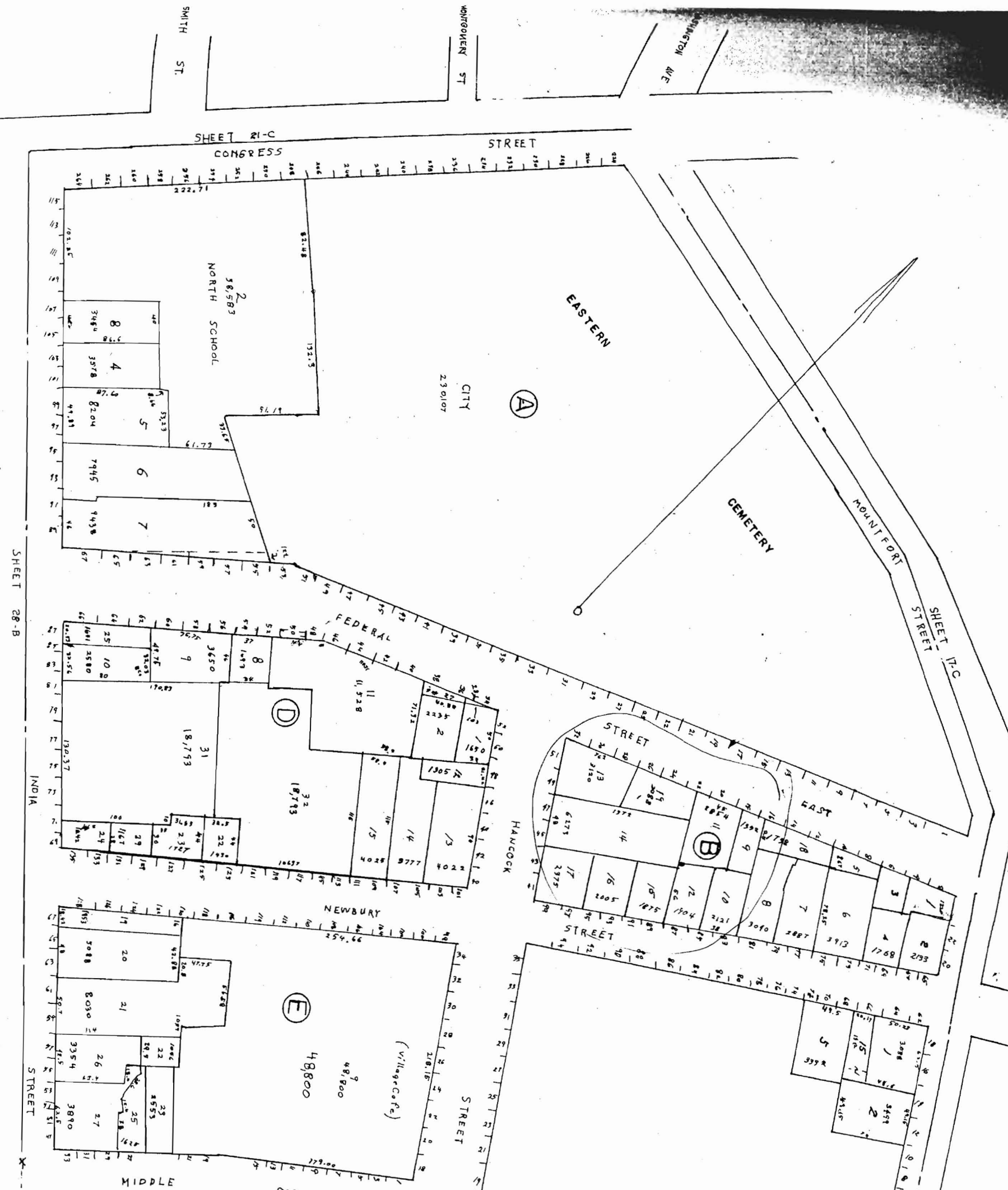
BY DANIEL J. DALFONSO R.L.S. 883-3640  
 12 NONESUCH COVE ROAD  
 SCARBOROUGH, MAINE 04074

THIS SURVEY CONFORMS TO MAINE BOARD OF REGISTRATION FOR LAND  
 SURVEYING STANDARDS FOR CATEGORY 1 CONDITION 3

DRAWING NUMBER

97





SHEET 21-C  
CONGRESS STREET

STREET

EASTERN

CITY  
2.30107

(A)

CEMETERY

MOUNT FORT

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SHEET 28-B

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FEDERAL

HAUNCOCK

STREET

EAST

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(Village Coffee)

48800

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NORTH SCHOOL

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