



CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Elizabeth Bordowitz, 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 3rd day of June, 1999, 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. **Property Owner:** Earl & Letitia Hodgkins
2. **Property:** Cumberland County Registry of Book _____, Page _____
(Last recorded _____ Deed in Chain of Title)
32 Alder Street, Portland ME - 033-C-021
3. **Variance and Conditions of Variance:**

To grant relief from Section 14-139(2) to allow approximately 60 square feet of the required land area.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 8th day of June, 1999.

Elizabeth L. Bordowitz
Chair

Elizabeth L. Bordowitz
(Printed or Typed Name)

STATE OF MAINE

Cumberland, ss.
Kennebec

Then personally appeared the above-named Elizabeth L. Bordowitz and acknowledged the above certificate to be his/her free act and deed in his/her capacity as Chairman of the Portland Board of Appeals.

Karen J. Vigue

Karen J. Vigue
(Printed or Typed Name)

Notary Public

Commission expires: 6/21/2005

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
ZONING BOARD OF APPEALS

Elizabeth Bordowitz, Chair
Lee Lowry III, Secretary
William Neleski, Jr.
Andrew Braceras
Sam Sivovlos
Julie Brady
Peter Clifford

June 4, 1999

Earl & Letitia Hodgkins
32 Alder Street
Portland, ME 04101

RE: 32 Alder Street
033-C-021
B-2 Zone

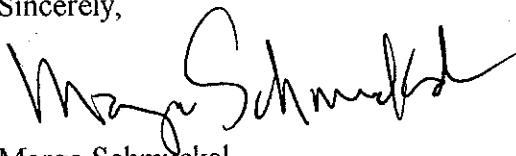
Dear Mr. & Mrs. Hodgkins;

As you know, at its June 3, 1999 meeting, the Board of Appeals voted 4-2 to allow relief from Section 14-139(2) of the Zoning Ordinance in regards to dimensional requirements, R-6. A copy of the Board's decision is attached for your review.

The enclosed Certificate of Variance Approval must be recorded with the Cumberland County Registry of Deeds within 90 days from final written approval for the Variance to be valid.

Please be aware that your application is only good for six months. Should you have any questions regarding this matter, please do not hesitate to contact this office

Sincerely,



Marge Schmuckal
Zoning Administrator

MS/nbg

Enclosure

cc: Kevin Carroll/Tammy Munson

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

Billing for Legal Ads for Agenda's

Project Name: Interpretation Appeal
Owner's Name: Earl & Letitia Hodgkins
Address of Project: 32 Alder Street
Division/Board: Zoning Board of Appeals - 06/03/1999

Number of Residential Notices Mailed Out: 6
% Amount of Legal Ad: 62.70
.40 x Number of Notices: 2.40
Total Amount Due: 65.10

Make checks payable to the *City of Portland*, ATTN: Nadine Gagnon, 3rd Floor, Room 315, 389 Congress Street, Portland, Maine 04101.

Bill to: Earl & Letitia Hodgkins
32 Alder Street
Portland, ME 04101

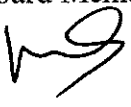
Mailed: May 25, 1999

Zoning Division
Marge Schmuckal
Zoning Administrator



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

TO: Elizabeth Bordowitz, Chair and Zoning Board Members
FROM: Marge Schmuckal, Zoning Administrator 
SUBJECT: 32 Alder Street - 33-C-21 - B-2 Zone using R-6 requirements
DATE: May 24, 1999

Attached is some microfiche history related to this structure in the mid- 1990's this structure was boarded up and had several fires. The street people were dragging mattresses to the rear porches to sleep and occasionally would start fires. We had many complaints from the neighborhood, especially the building on Hanover Street directly behind this structure. They had recently bought the building and fixed it up and was then afraid that her building would be affected by the activities going on at 32 Alder Street. One of the City Counselors was involved at that time also, encouraging our department to take action. Options were being weighed as far as putting this building on the demolition list.

The point I am trying to make is that over 12 months went by (my notes on the old permit shows 4-5 years of abandonment). Section 14-387 of the Zoning Ordinance states that: " If a nonconforming use of a building or premises is discontinued for a period of twelve (12) months, such discontinuance shall constitute an abandonment of the use and the building or premises shall not thereafter be occupied or used except in conformity with the provisions of the article." The use of the five unit appeal from 1984 and the subsequent permit in 1995 was determined to have been abandoned. The four units on the 1995 permit were never completed. The lot area of only 2,940 sq. ft. allows only a 2 family under the minimum area per family in the R-6 zone.

to be Michael Ward

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



EUGENE S. MARTIN
Chairman
MERRILL S. SELTZER
Secretary
JACQUELINE CONEX
THOMAS E. FLANERY
THOMAS A. MURPHY
PAULETTE P. PARKER
MICHAEL C. WELCH

12 Rider Street

June 18, 1984

Gregory C. Kontos
23 #1, Box 217
So. Windham, ME 04082

Dear Mr. Kontos:

As you know, the Board of Appeals voted at its meeting of June 14, 1984 to permit the change of use of the two-family dwelling at the above-named location to a five-family apartment house. A copy of the Board's decision is attached.

You may now proceed with this matter by coming in to City Hall and paying for the building permit itself.

Sincerely,

Malcolm G. Ward
Zoning Enforcement Officer

Attachment
cc: Ronald N. Ward

City of Portland, Maine - Building or Use Permit Application 389 Congress Street, 04101, TEL: (207) 874-8703 FAX: 874-8716

Location of Construction: 32 Alder St
 Owner Address: 32 Alder St
 Owner Name: Earl Hodgkins
 Phone: 505 557 5057

Contractor Name: Earl Hodgkins
 Address: 32 Alder St
 Phone: 505 557 5057

Proposed Use: 4-Team
 W/Renovations
 COST OF WORK: \$ 7,500.00
 PERMIT FEE: \$ 60.00

Proposed Project Description: Install skylights
 Renovate 3rd floor

Signature: *Mary Gresik*
 Signature: *Earl Hodgkins*
 Signature: *Supervisor: Approved*

Permit Taken By: Mary Gresik
 Date Applied For: 30 May 1995
 Date: _____

1. This permit application doesn't preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. 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.

Pick-up fro debris removal
 Mail to: Earl Hodgkins
 1336 Hammond St
 Bangor, Me 04401
 562-2985

PERMIT ISSUED WITH REQUIREMENTS

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 issued, I certify that the state official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the codes applicable to such permit.

Signature: *Earl Hodgkins*
 Signature: *Leticia Hodgkins*
 Signature: *30 May 1995*
 SIGNATURE OF APPLICANT: Leticia Hodgkins
 ADDRESS: 32 Alder St
 DATE: 30 May 1995

RESPONSIBLE PERSON IN CHARGE OF WORK TITLE

White-Permit Desk Green-Assessor's Carver-D.P.W. Pink-Public File Holy Card-Inspector

PERMIT ISSUED
 JAN - 2 1995
 CITY OF PORTLAND
 Zone: CBL-033-C-021

Zone: *2*
 Zoning Approval: *OK WS 5/31/95*
 Special Zone or Reviews: _____

Zoning Appeal
 Variance *NDC: 7/5/84*
 Miscellaneous *APPROL BD*
 Conditional Use *APPROVED*
 Interpretative: *APPROVED*
 Approved *2 - 5 units*
 Denied *4 units*
 Historic Preservation
 Mark in District or Landmark
 Does Not Require Review
 Requires Review

Action:
 Approved
 Approved with Conditions
 Denial
 Date: *5/31/95*

CEO DISTRICT **5**

M. Williams

Location of Construction: 32 Alder Street		Owner: Earl Hodgkins	Phone: 772-4817
Owner Address: 17 Codman St. Portland 04101		Lessee/Buyer's Name:	Phone:
Contractor Name:		Address:	Phone:
Past Use: 5 unit building	Proposed Use: 2 unit building	COST OF WORK: \$ 20,000.00	PERMIT FEE: \$ 120.00
Proposed Project Description: Change use reducing number of units as per plans		FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: 13 Type: 52
Signature: _____		Signature: <i>[Signature]</i>	
Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied <input type="checkbox"/>		Signature: _____	
Date Applied For: 4/29/97		Date: _____	

- 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.

CALL E. Hodgkins @ 772-4817 for P/U

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 provisions of the code(s) applicable to such permit

**PERMIT ISSUED
WITH REQUIREMENTS**

SIGNATURE OF APPLICANT: *[Signature]* ADDRESS: **17 Codman St., Portland 04101** DATE: **4/29/97**

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE: _____ PHONE: _____

Permit No **7 0 4 0 5**

PERMIT ISSUED

Permit Issued: **MAY - 5 1997**

CITY OF PORTLAND

Zone: **B-2** CBL: **33-C-21**

- Zoning Approval: _____
- Special Zone or Review: _____
- Shoreland
 - Wetland
 - Flood Zone
 - Subdivision
 - Site Plan
 - Variance
 - Miscellaneous
 - Conditional Use
 - Interpretation
 - Approved
 - Denied

- Historic Preservation
- Not in District or Landmark
 - Does Not Require Review
 - Requires Review

Action: Approved
 Approved with Conditions
 Denied

Date: **4/29/97**

CEO DISTRICT: **5**

Applicant: EARL Hodgkins

Date: 4/30/97

Address: 32 Alden St

C-B-L: 33-C-21

CHECK-LIST AGAINST ZONING ORDINANCE

Date - Existing Bldg - boarded up & VACATED 4-5 yrs - They lost their legal Non conformity for 5 units

Zone Location - B-2 using R-6 requirements

They lost their legal Non conformity for 5 units

Interior or corner lot -

Proposed Use/Work - change to 2 ^{Dwelling} units

Sewage Disposal - City

Lot Street Frontage -

Front Yard -

Rear Yard -

Side Yard -

Projections -

Width of Lot -

Height -

Lot Area -

2,940

Lot Coverage/ Impervious Surface -

Area per Family - 1,000^{sq}/unit - 2 OK

Off-street Parking -

Loading Bays -

Site Plan -

Shoreland Zoning/ Stream Protection -

Flood Plains -

Note: The owner (EARL Hodgkins) - spoke to both Sam & myself about the number of units. The property is 60^{sq} short of allowing a third unit - The owner has been encouraged to try to obtain 60^{sq} more.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Elizabeth Bordowitz, Chair
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Julie Brady
Peter Clifford

May 25, 1999

Earl & Letitia Hodgkins
32 Alder Street
Portland, ME 04101

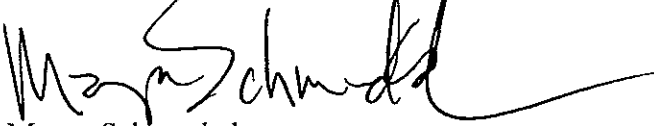
RE: 32 Alder Street
033-C-021
B-2 Zone

Dear Mr. & Mrs. Hodgkins;

Enclosed please find microfiche history on the above-mentioned property. This information has been give to all Zoning Board members to help them in making their Appeal determination.

If you have any questions or concerns please feel free to contact this office between the hours of 8:00-4:00 p.m.

Sincerely,



Marge Schmuckal
Zoning Administrator

Enclosure

MS/nbg

Memo

To: Zoning Board Members

From: Nadine Gagnon/Office Manager

NG

Date: May 25, 1999

Re: 32 Alder Street – 033-C-021 – B-2 Zone using R-6 requirements

Enclosed please find additional information for 32 Alder Streets' Practical Difficulty Appeal. Thank you for your anticipated cooperation.



APPEAL AGENDA

The Board of Appeals will hold a public hearing at 7:00 p.m. in Room 209, City Hall, Portland, Maine on Thursday, June 3, 1999 to hear the following appeals:

1. Unfinished Business:

2. New Business:

A. Conditional Use Appeal

997 Washington Ave., Michael Scarks, owner of the property, respectfully petitions the Board to grant relief from Section 14-118(1)(d) to allow for a change of use from a Shelter Care Group Home to a Lodging House, R-5 Zone.

21 Centennial St., Peaks Island, Scott Braman and Suzanne Parrott, prospective purchasers of the property, respectfully petitions the Board to grant relief from Section 14-145.9 to allow for a change of use from an unimproved building lot to a single family unit with an accessory dwelling unit, IR-2 Zone.

B. Practical Difficulty Appeal

32 Alder St., Earl & Letitia Hodgkins, owners of the property, respectfully petitions the Board to allow relief from Section 14-139(2) of the Zoning Ordinance in regards to dimensional requirements, R-6 Zone.

C. Interpretation Appeal

997 Washington Ave., Michael Scarks, owner of the property, respectfully petitions the Board to grant relief from Sections 14-381, 14-382 & 14-118(1)(b) to allow the continued operation of Haven House, R-5 Zone.

3. Adjournment:

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

32 ALDER STREET

All persons interested either for or against this Practical Difficulty Variance Appeal, will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, June 3, 1999 at 7:00 p.m. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the property as required by the ordinance.

Mr. & Mrs. Hodgkins, owners of residential property at 32 Alder Street, Portland, respectfully petitions the Board of Appeals to allow relief of Section 14-139(2)(a) of the Zoning Ordinance in regards to dimensional standards, R-6 Zone.

LEGAL BASIS OF APPEAL: Such appeal will be granted if the Board of Appeals finds that the conditions imposed by Section 14-473(c)(3) and of the Zoning Ordinance have been met.

ELIZABETH BORDOWITZ
CHAIRPERSON