

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



VARIANCE APPEAL APPLICATION

Applicant's name and address: Michael J. Rokowski

Applicant's interest in property (e.g. owner, purchaser, etc.): owner

Owner's name and address (if different): 690 Dutton Hill Rd.

Gray, Maine 04039

Address of property and Assessor's chart, block, and lot number: 33J-15

12-14 Alder Street 33J-15

Zone: B-2 R-6

Present Use: Vacant

Variance from: Section 14-

Note: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a variance as above described, and certifies that all information herein supplied by him/her is true and correct to the best of his/her knowledge and belief.

Dated: 12.17.96

Signature of Applicant

I purchased the property at 12 Alder Street along with 10 Alder Street with the understanding that I could renovate the fire damaged buildings to a total of five units, two units in 10 and three units in 12.

The permits that had been pulled by the previous owner did not address the issue of rehabilitation, just cleaning the properties up. It was the previous owner (Oren Ahlquist) that had been assured that the buildings could be renovated to accommodate up to five units, either 10 or 12 could have three units but not both, and he sold them to me based on those assurances.

I received HUD 203(k) financing which would allow me to do the purchase and renovations and leave me with a final loan that is assumable to the next purchaser with no money down and no closing costs for an owner occupant. This loan was granted on the basis of restoring the buildings as stated above and I have received and used funds to that end.

At the time that I went to get appropriate permits to complete the rehabilitation, I found that the property has reverted from a four unit to a two unit as a result of the time that it was allowed to sit in its current state of disrepair. The property has sat vacant for more than a year without being occupied.

I am applying for a variance that will allow me to change the use of the property at 12-14 Alder Street back to a three unit residential apartment house. In accordance with the Portland Code and as answers to the standard variance application questions, I feel that a variance would be justified for the following reasons:

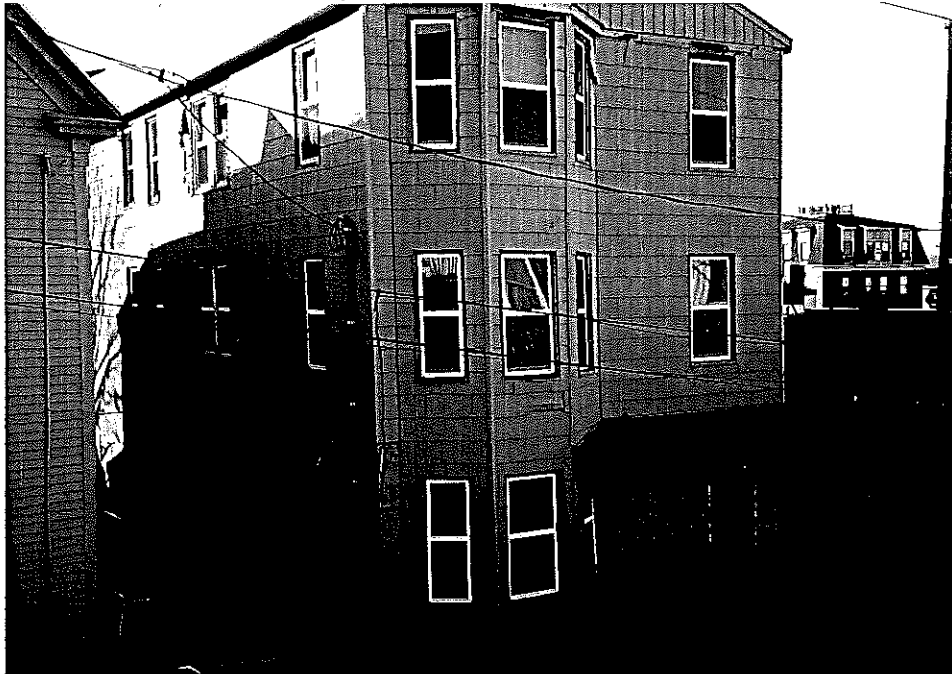
- 1) No; The financing I received to renovate the property was based on renovating it as a three unit. In the event that I cannot complete the repairs as agreed, it has been conveyed to me that the bank will foreclose and I will lose the property.
- 2) Yes; The property was, until the time of its demise, actively used as a four family apartment house. My intent is to only utilize the property as a three family. The structure is set up to be a three family with three identical four bedroom apartments.
- 3) No; The essential character of the neighborhood will not change as a result of the granting of the variance. The property is surrounded by multifamily apartment houses and the building was previously used as a four unit. The character of the neighborhood will most likely IMPROVE as the quality of tenants will be better. The units will be in considerably better condition and the property will be owner occupied as opposed to having a non-occupant landlord.
- 4) No; The hardship has been created by a reliance on statements made by City officials as the allowable use of the property, not as a result of actions taken by myself or previous owners.

12 Alder at the time of Purchase

(Building on right)



Current view of 12 Alder

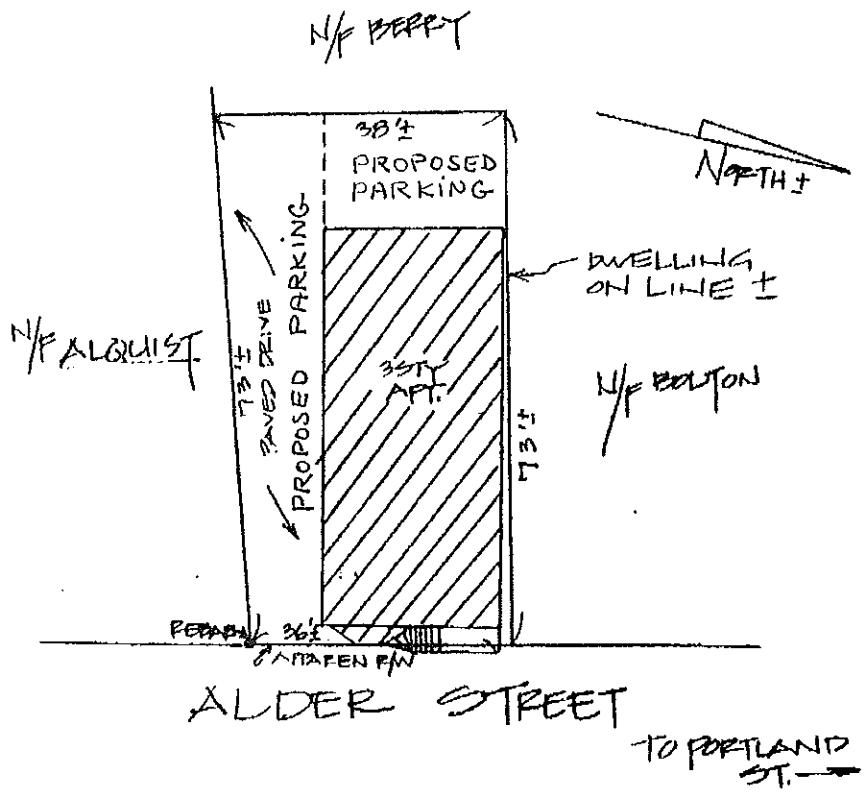


FOR MORTGAGE LENDER USE ONLY

GENERAL NOTES: (1) DISTANCES SHOWN ARE TAKEN FROM PROVIDED TITLE REFERENCES SHOWN BELOW. (2) THIS INSPECTION EXAMINES DWELLING AND ACCESSORY STRUCTURE COMPLIANCE WITH RESPECT TO MUNICIPAL ZONING SETBACK REQUIREMENTS ONLY AT THE TIME OF CONSTRUCTION. (3) A STANDARD BOUNDARY SURVEY SHOULD BE PERFORMED TO RENDER A PROFESSIONAL OPINION AS TO PROPERTY LINE LOCATIONS WITH RESPECT TO DWELLINGS. (4) THIS INSPECTION DEPICTS ALL VISIBLE STRUCTURAL ENCROACHMENTS WITH RESPECT TO APPARENT PROPERTY LINES AND RECOGNIZES ONLY THOSE EASEMENTS & RIGHT OF WAYS STATED OR SHOWN IN THE PROVIDED TITLE REFERENCES SHOWN BELOW. THIS INSPECTION MAY NOT REVEAL ANY CONFLICTS WITH ADJUTING DEEDS. (5) FLOOD HAZARD DETERMINATION IS MADE BY SCALING DISTANCES ON BELOW REFERENCED FEMA MAP. (6) THIS INSPECTION IS TO BE USED ONLY BY THE BELOW LISTED LENDER, TITLE COMPANY &/OR ATTORNEY AND ITS TITLE INSURER.

ADDRESS: 12 ALDER STREET
PORTLAND, MAINE

INSPECTION DATE: 10/28/96
SCALE: 1"=20'



APPLICANT: MICHAEL & KATHLEEN ROKOWSKI REQUESTING PARTY: LEETE & LEMIEUX
 OWNER: OREN ALQUIST ATTORNEY: JAMES R. LEMIEUX
 LENDER: _____ FILE No. 963086

TITLE REFERENCES:
 DEED BOOK: 12433 PAGE: 43
 PLAN BOOK: _____ PAGE: _____ LOT: _____
 COUNTY: LUMBERLAND
 MUNICIPAL REFERENCE:
 MAP: 33 BLOCK: J LOT: 15

THE DWELLING DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE PER FEMA COMMUNITY MAP NO. 220091 PANEL: 00138 ZONE: C DATED: 7/15/92

THE DWELLING WAS ~~NOT~~ IN COMPLIANCE WITH MUNICIPAL ZONING SETBACK REQUIREMENTS AT THE TIME OF CONSTRUCTION.

COMMENTS: SEE TITLE REFS. FOR APPURTENANCES

NADEAU & LODGE
 PROFESSIONAL LAND SURVEYORS
 844 STEVENS AVENUE PORTLAND, ME 04103 TEL. 878-7870 FAX. 878-7871
 RFD 2, BOX 218A ALFRED, ME 04002 TEL. 202-0331

James P. Nadeau

11/14/96
at 11:10
12801/29

SHORT FORM WARRANTY DEED

Oren B. Ahlquist of 266 Beach Ridge Road, Scarborough, ME 04074, FOR CONSIDERATION PAID, grants to Michael J. Rokowski and Kathleen A. Rokowski of 690 Dutton Hill Road, Gray, ME as joint tenants and not as tenants in common, with WARRANTY COVENANTS, the following described real property located in the City of Portland, County of Cumberland and State of Maine:

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

Beginning at the southeasterly corner of land formerly owned by Captain Thomas Bolton which corner is one hundred ten (110) feet southerly from Portland Street; thence

Running southeasterly by said Alder Street a distance of thirty-six (36) feet to land formerly owned by Joseph Weeks and later by one Jackson; thence

Southwesterly by said Jackson land approximately seventy-five (75) feet to land formerly owned by Berry; thence

Northwesterly by said Berry land a distance of thirty-eight (38) feet, more or less, to said Bolton land; thence

Northwesterly by said Bolton land a distance of seventy-three (73) feet, more or less to the point of beginning.

The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

This conveyance is made subject to unpaid real estate taxes for the current tax year, if any, which the Grantees herein, by acceptance of this deed, assume and agree to pay.

Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantor herein by deed of Joanne M. Roussin dated April 2, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12433, Page 43.

WITNESS my hand and seal this 1st day of November, 1996.

WITNESS

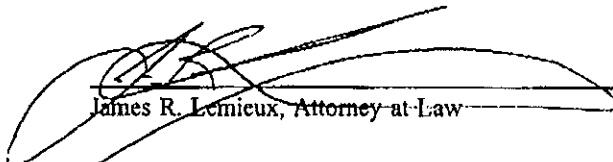
Oren B. Ahlquist

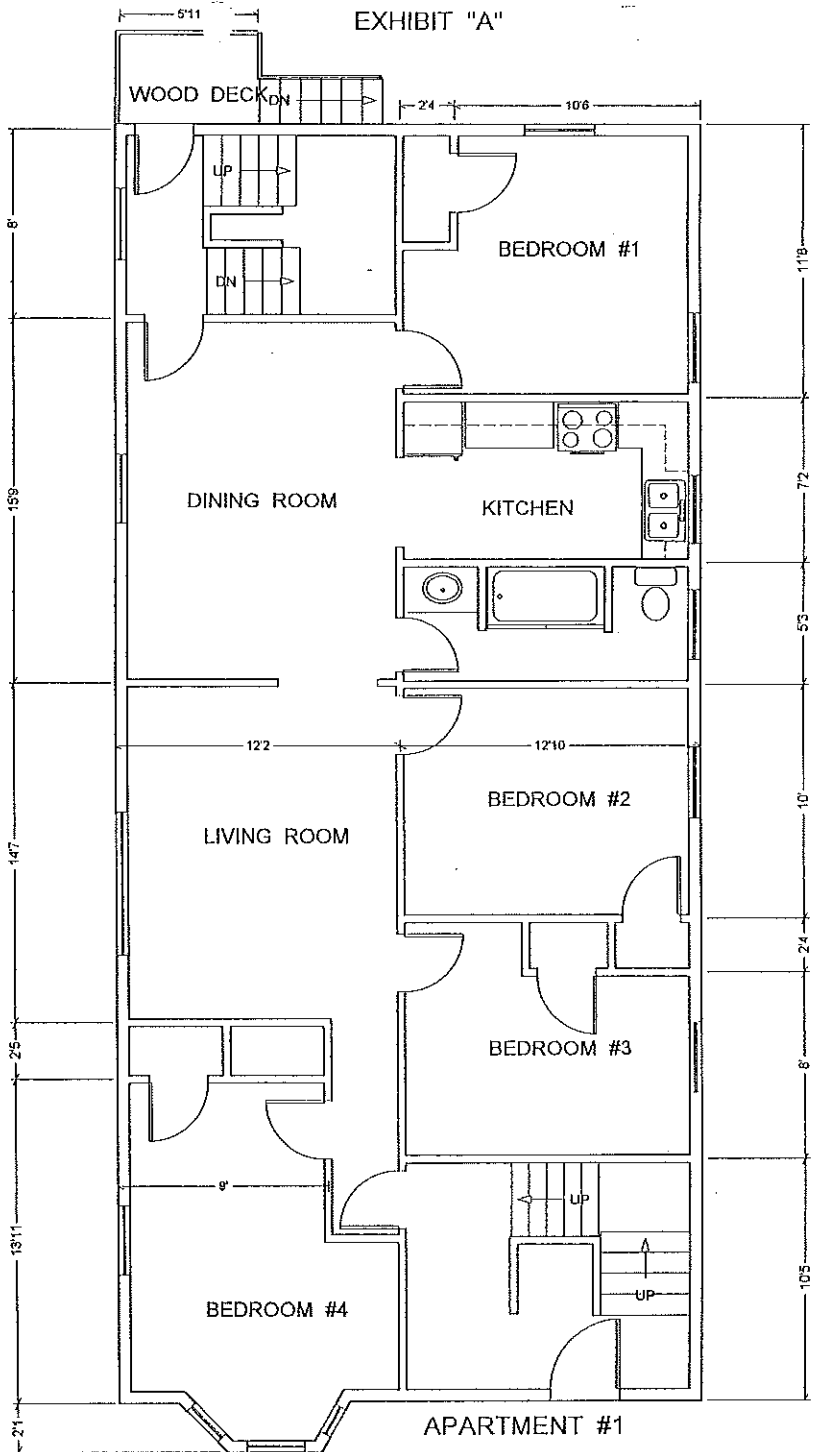
STATE OF MAINE
Cumberland, ss.

November 1, 1996

Personally appeared the above named Oren B. Ahlquist acknowledged the foregoing instrument to be his free act and deed.

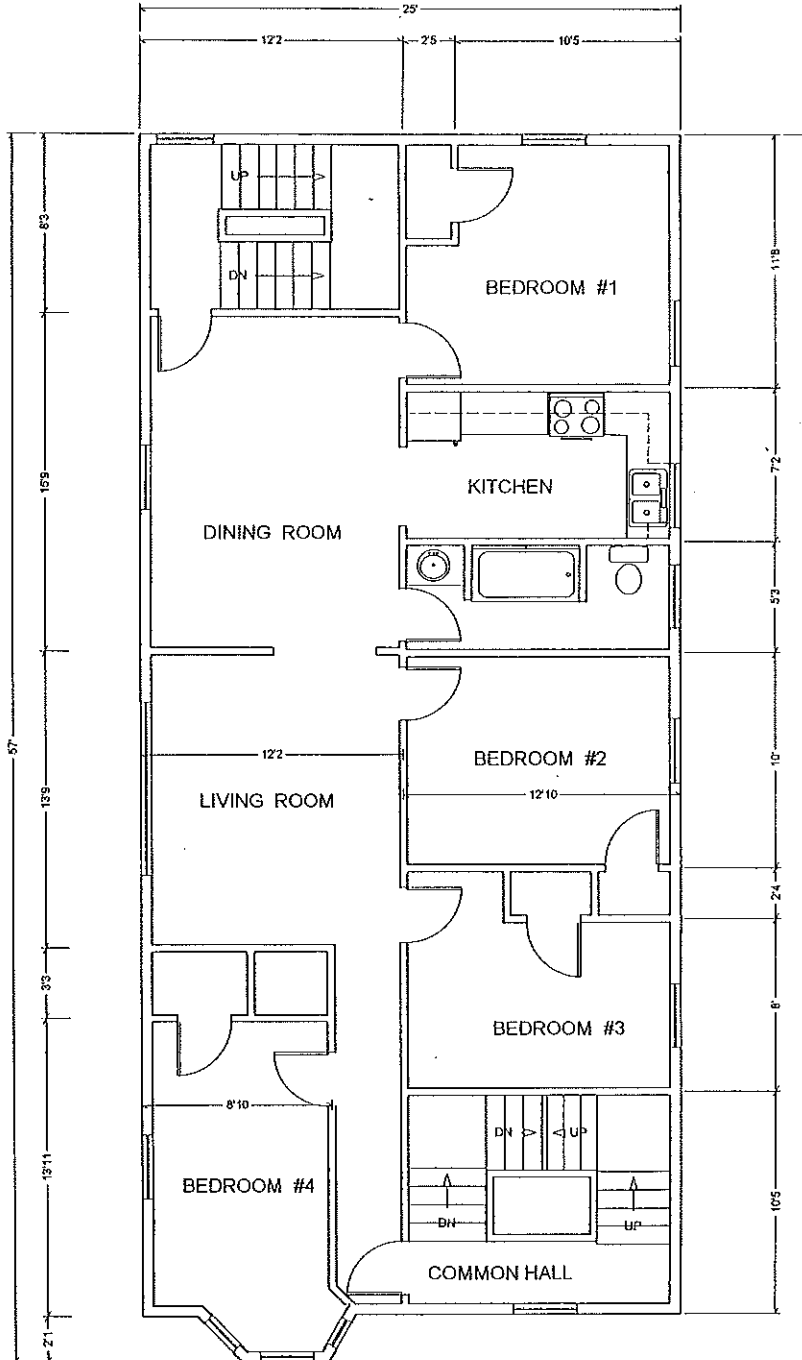
Before me,


James R. Lemieux, Attorney-at-Law



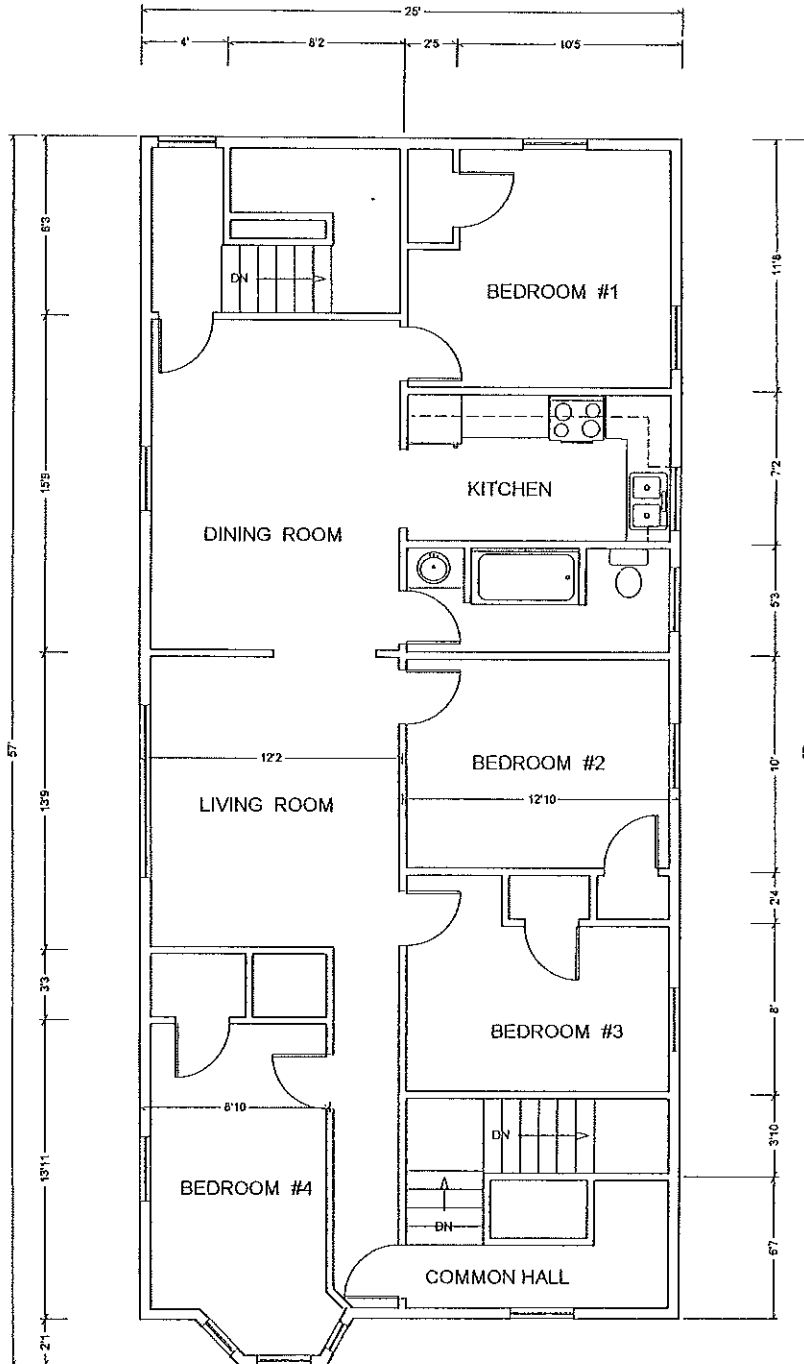
FIRST FLOOR PLAN
 12 ALDER STREET
 PORTLAND, MAINE

EXHIBIT "B"

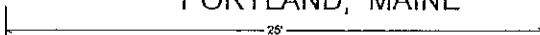


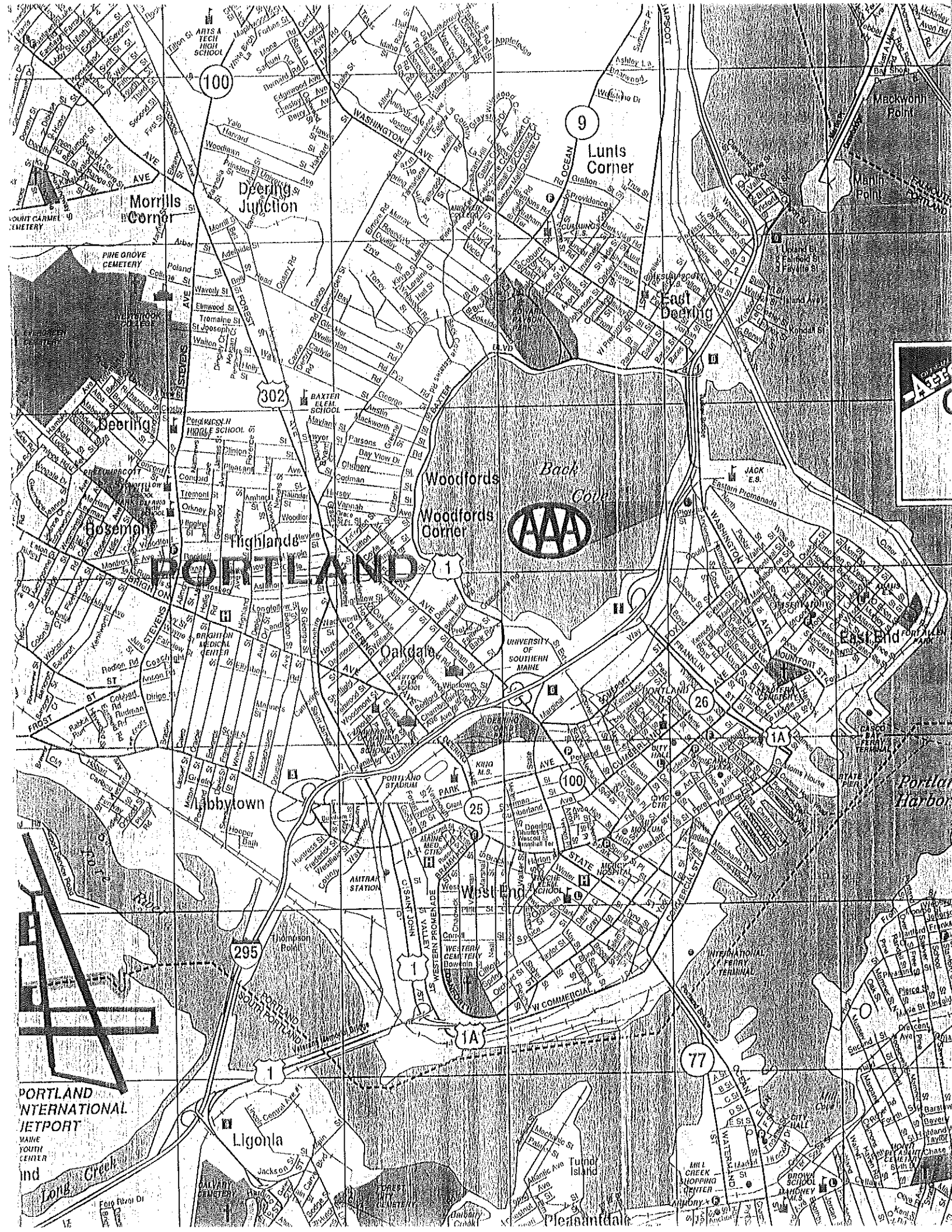
SECOND FLOOR PLAN
12 ALDER STREET
PORTLAND, MAINE

EXHIBIT "C"



THIRD FLOOR PLAN
12 ALDER STREET
PORTLAND, MAINE





Morrills Corner

Deering Junction

Lunts Corner

East Deering

Deering

Boseston

PORTLAND

Woodfords
Woodfords Corner



Libbytown

Oakdale

East End

PORTLAND
INTERNATIONAL
JETPORT

Ligonla

Pleasantdale

Portland
Harbor