

Ann Machado - 16 Mechanic Street

From: William Simpson <classactspropertymanagement@yahoo.com>
To: Anne Machado <amachado@portlandmaine.gov>
Date: 11/21/2011 3:11 PM
Subject: 16 Mechanic Street

Anne- Please consider this my formal withdrawal of my Practical Difficulty Application appeal for 16 Mechanic Street. address backwards for sorry.

Bill

RECEIVED

NOV 21 2011

Dept. of Building Inspections
City of Portland Maine

WITHDRAW

Applicant needed more than just a practical difficulty appeal.

Applied for practical difficulty appeal because didn't meet the lot size for land area per dwelling unit [section 14-139(1)(b)(1)].

Needed to show three parking spaces which did not have on the property. Needed to apply for a miscellaneous appeal for parking off premise. [section 14-433].

Section 14-136(a)(2)(b) states that an existing dwelling unit cannot be reduced to less than 1,000 square feet of floor area. None of the proposed units were 1,000 square feet. Needed to apply for a variance.

Applicant decided to withdraw the application and apply for a permit to establish the use as a single family residence. See email dated 11/21/11.

WITHDRAWN



City of Portland, Maine
Planning and Development Department
Zoning Board of Appeals
Practical Difficulty Variance Application

Applicant Information:

Name William Simpson

Business Name 16 MECHANIC ST. LLC

Address P.O. BOX 10250

PORTLAND, MAINE 04104

Telephone 207-874-0900 Fax 207-874-6550

Applicant's Right, Title or Interest in Subject Property:

OWNER
(e.g. owner, purchaser, etc.):

Current Zoning Designation: R6

Existing Use of Property:

3 UNIT APT. BLDG.

Subject Property Information:

Property Address 16 MECHANIC STREET

Assessor's Reference (Chart-Block-Lot) 036 H017001

Property Owner (if different):

Name 16 MECHANIC ST. LLC

Address _____

Telephone _____

Fax _____

Practical Difficulty Variance from Section 14 - 139(1)(b)(i)

RECEIVED

SEP 30 2011

Dept. of Building Inspections
City of Portland Maine

WITHDRAW

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

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

Signature of Applicant William P. Simpson

Date 9-29-11

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Board of Appeals may grant a variance from the dimensional standards of this article when strict application of the provisions of the Ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

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

1. The need for the variance is from dimensional standards of the Land Use Zoning Ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied X

Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

LOT SIZE IS 1575^M AND CURRENT ZONING RULES
(IF NOT GRANDFATHERED) REQUIRE A MINIMUM OF
3000^M

2. Strict application of the provisions of the Ordinance would create a practical difficulty, meaning it would **both** (1) preclude a use of the property which is permitted in the zone in which it is located and also would (2) result in significant economic injury to the applicant. "Significant economic injury" means the value of the property if the variance was 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 X

Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

(1.) A 3 UNIT IS NOT ALLOWED UNLESS GRANDFATHERED

(2.) THE BUILDING IS WORTH FAR LESS AS A SINGLE
FAMILY HOME VERSUS A 3 FAMILY DWELLING,
PERHAPS AS MUCH AS \$100,000. RENOVATION
COSTS WOULD BE MORE THAN THE SINGLE
FAMILY HOME¹ WOULD BE VALUED AT.

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 X

Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

PLEASE READ ATTACHMENT(S) →

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 X

Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

THIS PROPERTY HAS BEEN A 3 UNIT BUILDING FOR MORE THAN 60 YEARS AND NEIGHBORING BUILDINGS ARE PREDOMINANTLY MULTY FAMILY DWELLINGS.

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

Satisfied X

Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

PURCHASER RECENTLY BOUGHT AS A 3 UNIT AND INTENDED TO USE IT AS IT HAS HISTORICALLY BEEN USED

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

Satisfied X Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

THE COST TO REPAIR TO A SINGLE FAMILY
HOUSE WOULD BE MORE THAN THE PROPERTY
WOULD BE VALUED AT COMPLETION.

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

Satisfied X Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

AGAIN, THIS HAS BEEN A 3 FAMILY
FOR 60+ YEARS AND WILL IN NO WAY
CHANGE THE NATURAL ENVIRONMENT OF
THE NEIGHBORHOOD.

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 X Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

THE PROPERTY IS NOT IN SHORELAND ZONE.

Question #3

Both the myself and the real estate broker researched the legality of the three unit building and were not able to find in either system set up for public use any indication that the grandfather clause had been revoked.

THE BROKER: Jeff Davis of Town & Shore went to zoning in early June and again as recently as 9/20/11 (two weeks ago) and searched all available records and found only proof of the building being a legal three unit. (see attachments) He was never told the property had lost its “grandfathered” status during any discussions with staff.

THE OWNER: Prior to purchasing the building (July 7th) I went to the zoning office and had direct conversations with Laney (front desk) about the property. I was inquiring about having John (or anyone) come over to the property because I was worried about the front interior staircase not being grandfathered. I was informed that they could not do that. She did however offer to look on her computer to see what, if any, issues were with the property. She informed me there were complaints about homeless people living in the building and the city had put plywood over the windows and there was a bill with the city for those services of \$500. There was no mention of the loss of the grandfathering. In early September I spoke with John Rioux about being able to begin the reshingling of the roof while waiting on the completion of my floor plan drawings. On his recommendation I was told to double check with Laney to make sure there were no structural issues and if not, I could do the roof as no permits are required. At this time Laney again checked and said there was the bill from the city and noticed that there was a note from July showing the grandfathering being revoked on the building because it had been vacant for a year. Initially my reaction was that my purchase and the note had merely “crossed in the mail” so to speak. I purchased it in July, and the note was from July... probably not a big deal. However, after speaking with Marge Schmuckel I discovered the note had been put there in July of 2010! Clearly there is a disconnect between what the public has access to and what information is actually on file. Whereas inquiry was specifically made, records were checked (attached), and the building has been a three unit for over sixty years, I would hope that the grandfathering would be reestablished for this property.

CITY OF PORTLAND .
INSPECTION SERVICES DIVISION - HOUSING INSPECTION SCHEDULE

Property Address: 16 Mechanic St. C-B-L: 3 6-14-17 Legal Units: 3 Exist. Units: 3 Stories: 1

Owner or Agent: Murray J. Fogarty Stand. 1st: ✓ N.O.R.C. L.O.D.

Dutton Hilted Gray M.E.

[illegible]



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR
HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, November 2, 1949

PERMIT ISSUED
01895
NOV 3 1949
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location 16 Mechanic St. Use of Building Tenement (3) No. Stories New Building
Name and address of owner of appliance E. J. Doherty, 16 Mechanic St. Existing " "
Installer's name and address W. H. Sales & Service Co., 455 Fore St. Telephone 2-1401

General Description of Work

To install oil burning equipment in connection with existing steam heat

IF HEATER, OR POWER BOILER

Location of appliance or source of heat Type of floor beneath appliance
If wood, how protected? Kind of fuel
Minimum distance to wood or combustible material, from top of appliance or casing top of furnace
From top of smoke pipe From front of appliance From sides or back of appliance
Size of chimney flue Other connections to same flue
If gas fired, how vented? Rated maximum demand per hour

IF OIL BURNER

Name and type of burner Iron Fireman Labelled by underwriter's laboratories? yes
Will operator be always in attendance? Does oil supply line feed from top or bottom of tank? xx bottom
Type of floor beneath burner concrete
Location of oil storage basement Number and capacity of tanks 1-27 1/2 gal.
If two 27 1/2-gallon tanks, will three-way valve be provided?
Will all tanks be more than five feet from any flame? yes How many tanks fire proofed?
Total capacity of any existing storage tanks for furnace burners none

IF COOKING APPLIANCE

Location of appliance Kind of fuel Type of floor beneath appliance
If wood, how protected?
Minimum distance to wood or combustible material from top of appliance
From front of appliance From sides and back From top of smokepipe
Size of chimney flue Other connections to same flue
Is hood to be provided? If so, how vented?
If gas fired, how vented? Rated maximum demand per hour

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Amount of fee enclosed? 2.00 (\$1.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED:


TO: Zoning Board of Appeals

REGARDING: 16 Mechanic Street

To the Board;

My application is to request that the subject property retain the status of a legal three family dwelling. Since at least 1949 the property has been a legal three unit, and since at least 1929 (and possibly even built in 1870 as a duplex) a legal multi family building. The building has been vacant for over a year and has been deemed by the city to now become a single family. I am requesting that the grandfathered standing be reinstated.

Sincerely,



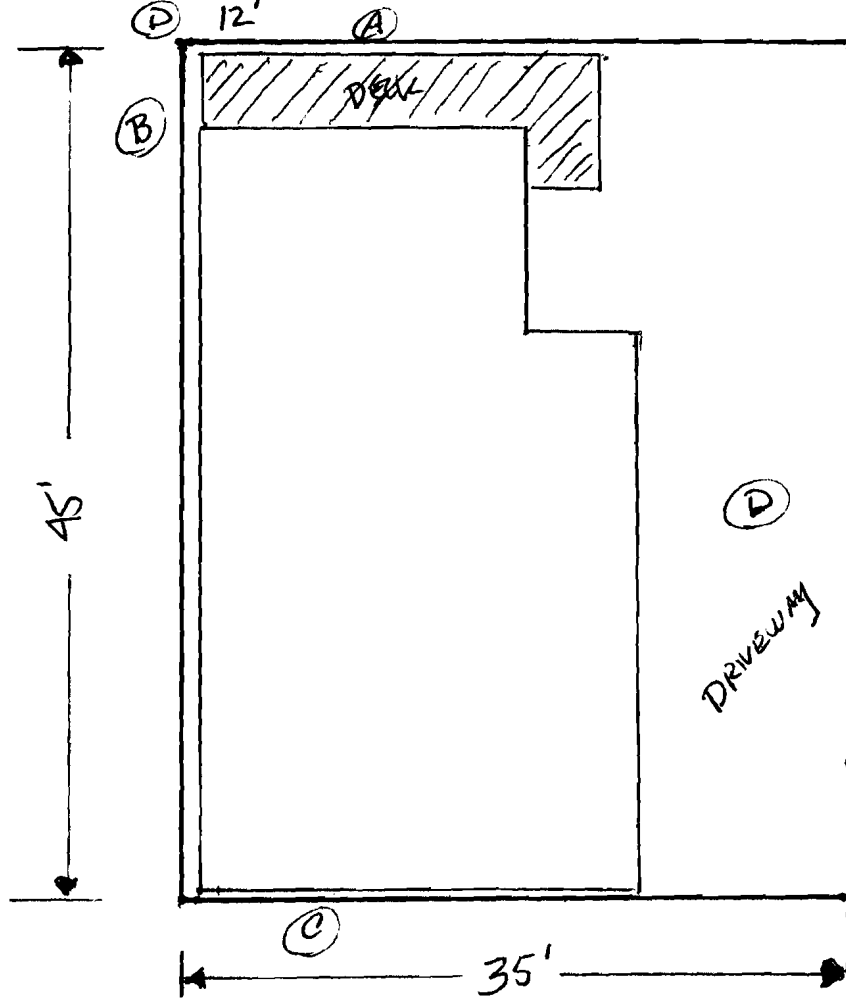
William P. Simpson

16 MECHANIC STREET

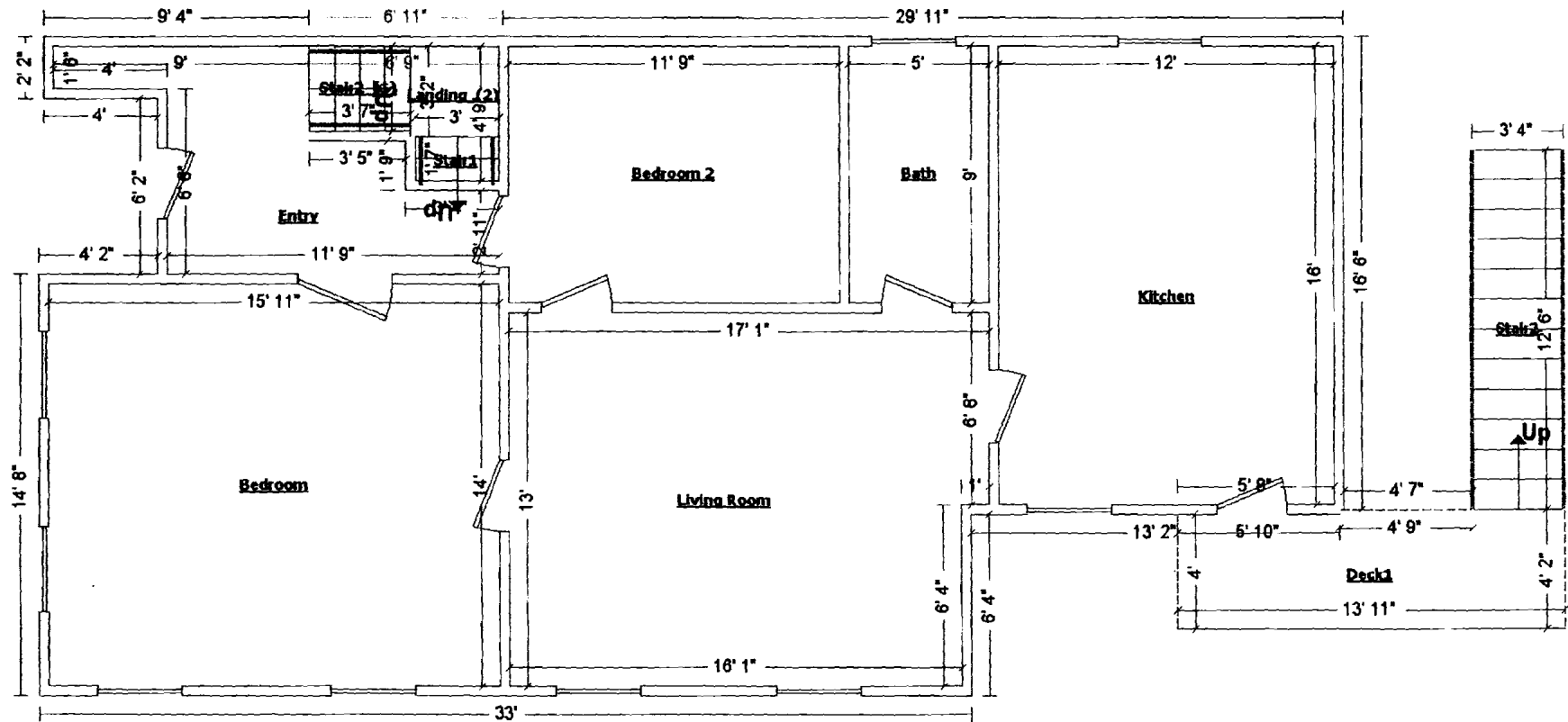
LOT = 1575 SQ. FT.

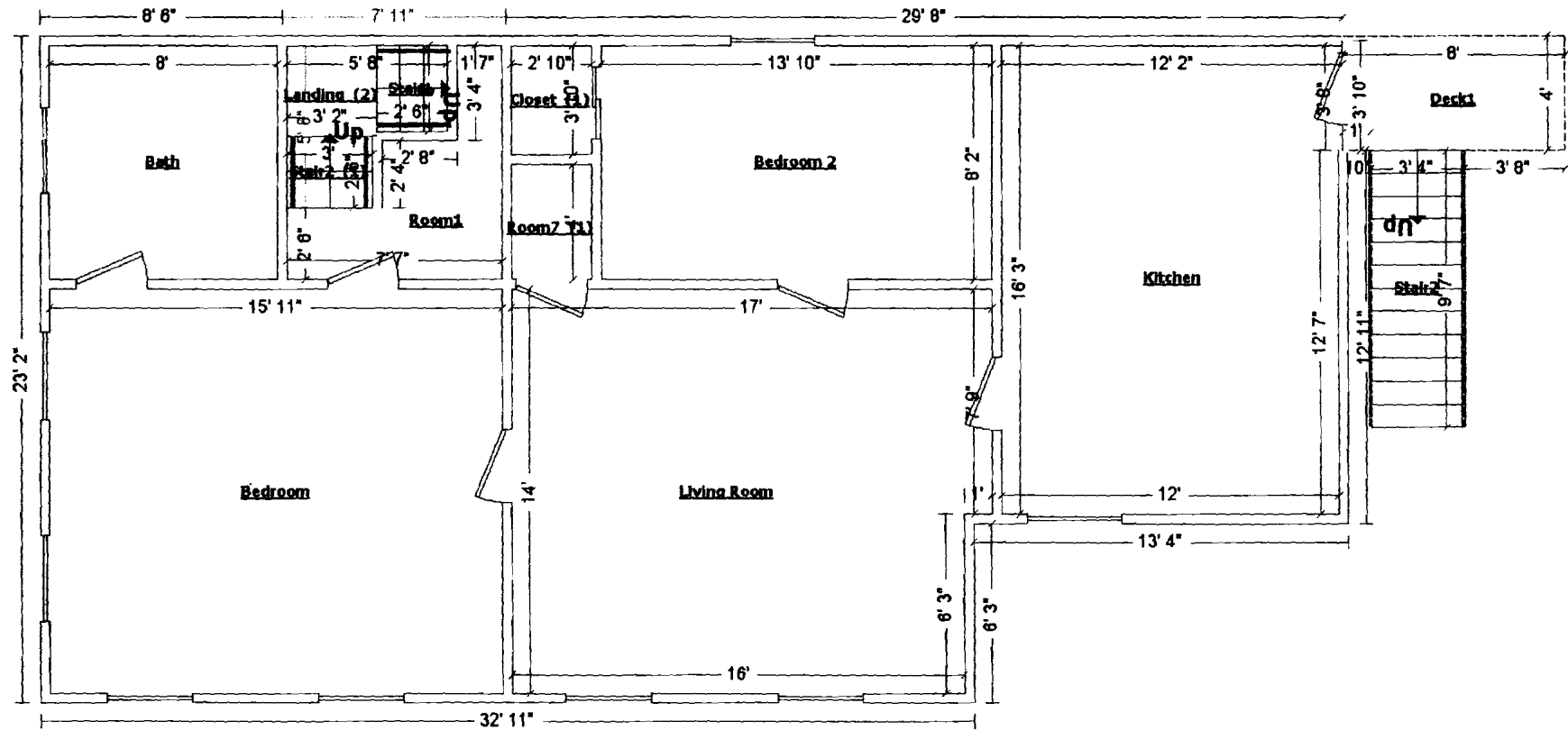
SETBACKS

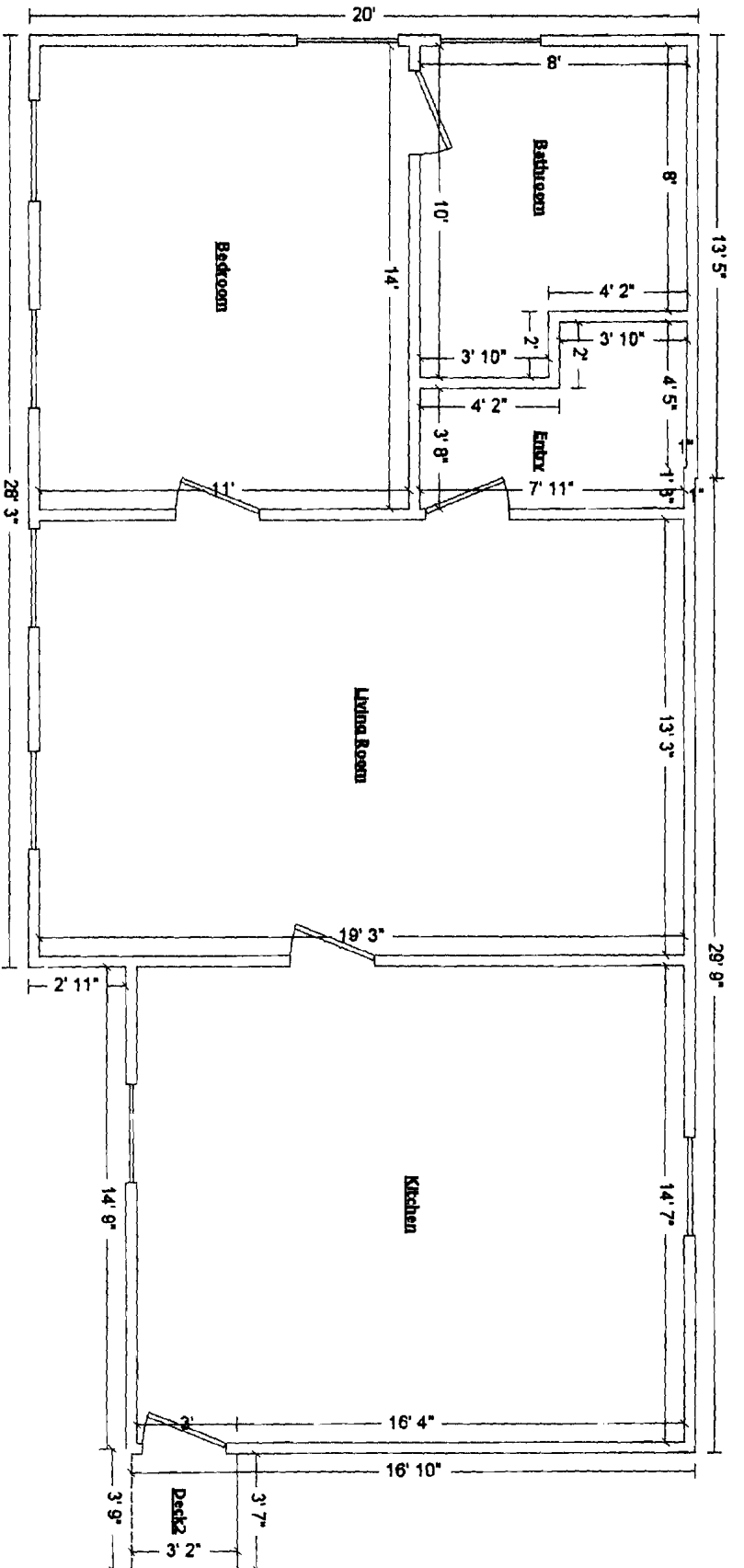
- (A) 4'
- (B) 2'
- (C) ON SIDE WALK
- (D) 12'



MECHANIC STREET







B. 28810
P. 24
11-7/11

REO # P11011L

MAINE
QUIT-CLAIM DEED WITH COVENANT
(Special Warranty Deed)

FEDERAL NATIONAL MORTGAGE ASSOCIATION, a corporation with a place of business at Philadelphia, in the County of Philadelphia and Commonwealth of Pennsylvania, for consideration paid, GRANTS to 16 MECHANIC, LLC, a Maine limited liability company with a principal place of business in Cape Elizabeth, County of Cumberland and State of Maine, with a mailing address of P. O. Box 266, Cape Elizabeth, Maine 04107, WITH QUITCLAIM COVENANT, the following described premises:

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

BEGINNING on the westerly side of Mechanic Street at the northeasterly corner of land now or formerly of J. S. Ricker, which point is about one hundred sixty-nine (169) feet northerly from the northwesterly corner of Mechanic Street and Cumberland Avenue; THENCE northerly by said Mechanic Street thirty-five (35) feet, more or less, to land now or formerly of Thomas Lucas; THENCE westerly by the line of said land of Lucas forty-five (45) feet, more or less, to land now or formerly of E. Newman and W. H. Scott; THENCE southerly by said land of Newman and Scott thirty-five (35) feet, more or less, to said land of Ricker; THENCE easterly by said land of Ricker forty-five (45) feet, more or less, to Mechanic Street and the point of beginning.

TOGETHER WITH and SUBJECT TO any and all easements or appurtenances of record, insofar as the same are in force and applicable.

Reference is further made to a Judgment of Foreclosure and Sale brought by CitiMortgage, Inc. against David W. Jamieson, et al. filed in the Maine District Court, Division in Portland, Docket No. RE-09-72 and recorded in the Cumberland County Registry of Deeds in Book 28348, Page 306 for foreclosure of the mortgage recorded in the said Registry of Deeds in Book 23185, Page 1. Being the same premises conveyed by CitiMortgage, Inc. to the grantor herein by deed dated June 20, 2011 and recorded in said Registry of Deeds in Book _____, Page _____.


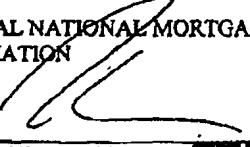
GRANTEE IS PROHIBITED FROM CONVEYING THIS PROPERTY TO A BONAFIDE PURCHASER FOR VALUE FOR A SALES PRICE GREATER THAN \$101,880.00, FOR A PERIOD OF 3 MONTHS FROM THE DATE OF THIS DEED. GRANTEE IS ALSO PROHIBITED FROM ENCUMBERING THIS PROPERTY WITH A SECURITY INTEREST IN THE PRINCIPAL AMOUNT GREATER THAN \$101,880.00, FOR A PERIOD OF 3 MONTHS FROM THE DATE OF THIS DEED. THESE RESTRICTIONS SHALL RUN WITH THE LAND AND ARE NOT PERSONAL

TO GRANTEE. NOTWITHSTANDING THE FOREGOING, THIS RESTRICTION SHALL TERMINATE IMMEDIATELY UPON CONVEYANCE AT ANY FORECLOSURE SALE RELATED TO A MORTGAGE OR DEED OF TRUST.

IN WITNESS WHEREOF, FEDERAL NATIONAL MORTGAGE ASSOCIATION has caused this instrument to be executed by CHRIS HOBBS, its Assistant Vice President, thereunto duly authorized, this 7th day of July, 2011.

ATTEST:

FEDERAL NATIONAL MORTGAGE
ASSOCIATION

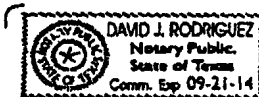

Diane E. Sanders
1938
Assistant Vice President

CHRIS HOBBS

STATE OF TEXAS
COUNTY OF DALLAS

July 7, 2011

Personally appeared the above named Chris Hobbs, Assistant Vice President of FEDERAL NATIONAL MORTGAGE ASSOCIATION and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

SEAL

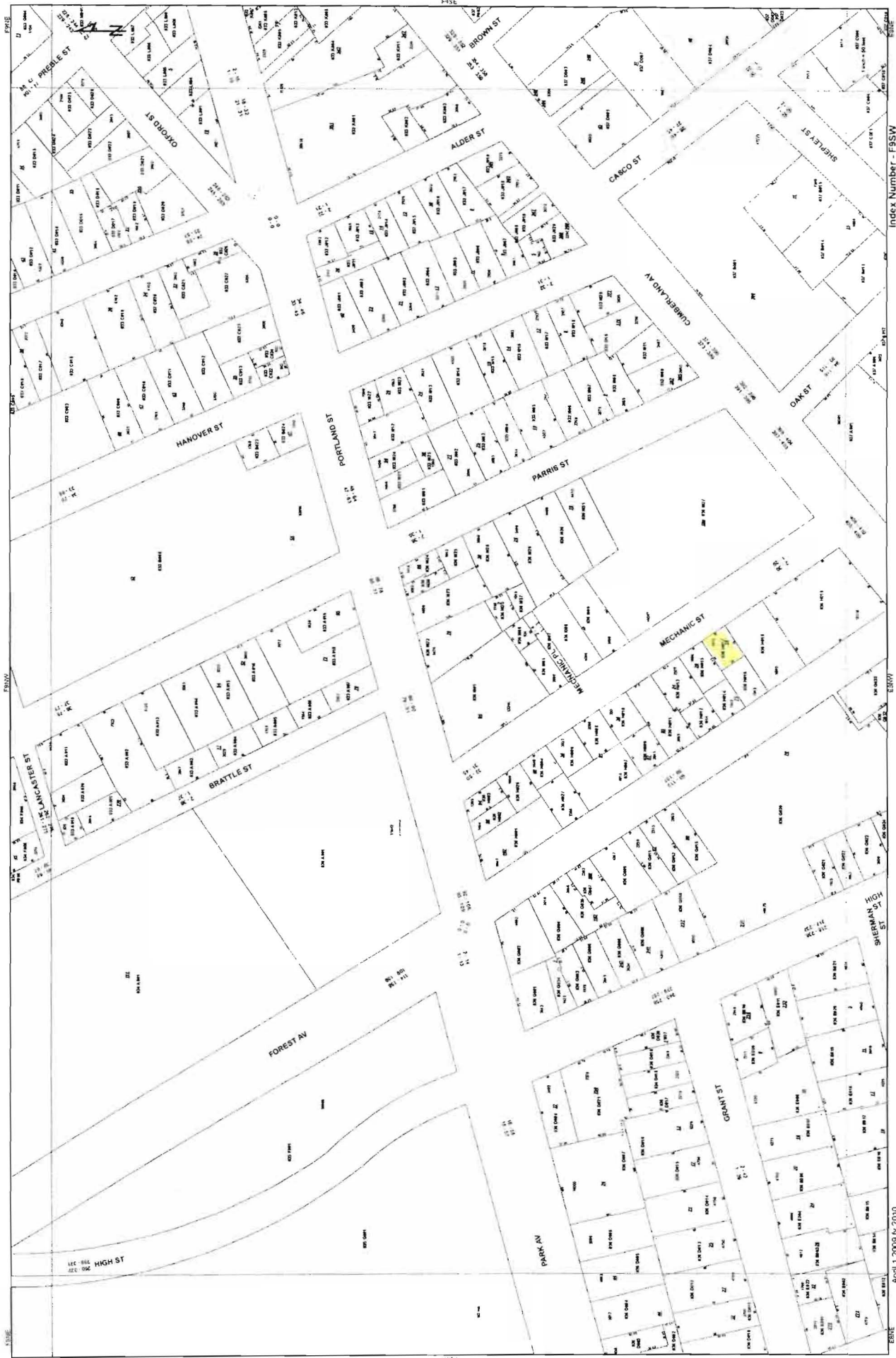


Before me,


Notary Public
Printed Name:

My commission expires:

It is hereby certified that the address
of the within named grantor is:
Fannie Mae, National Property Disposition Center,
International Plaza II, 14221 Dallas Parkway
Suite 1000, Dallas, Texas 75234
Ph 972-773-7515 - Fax 972-476-0211

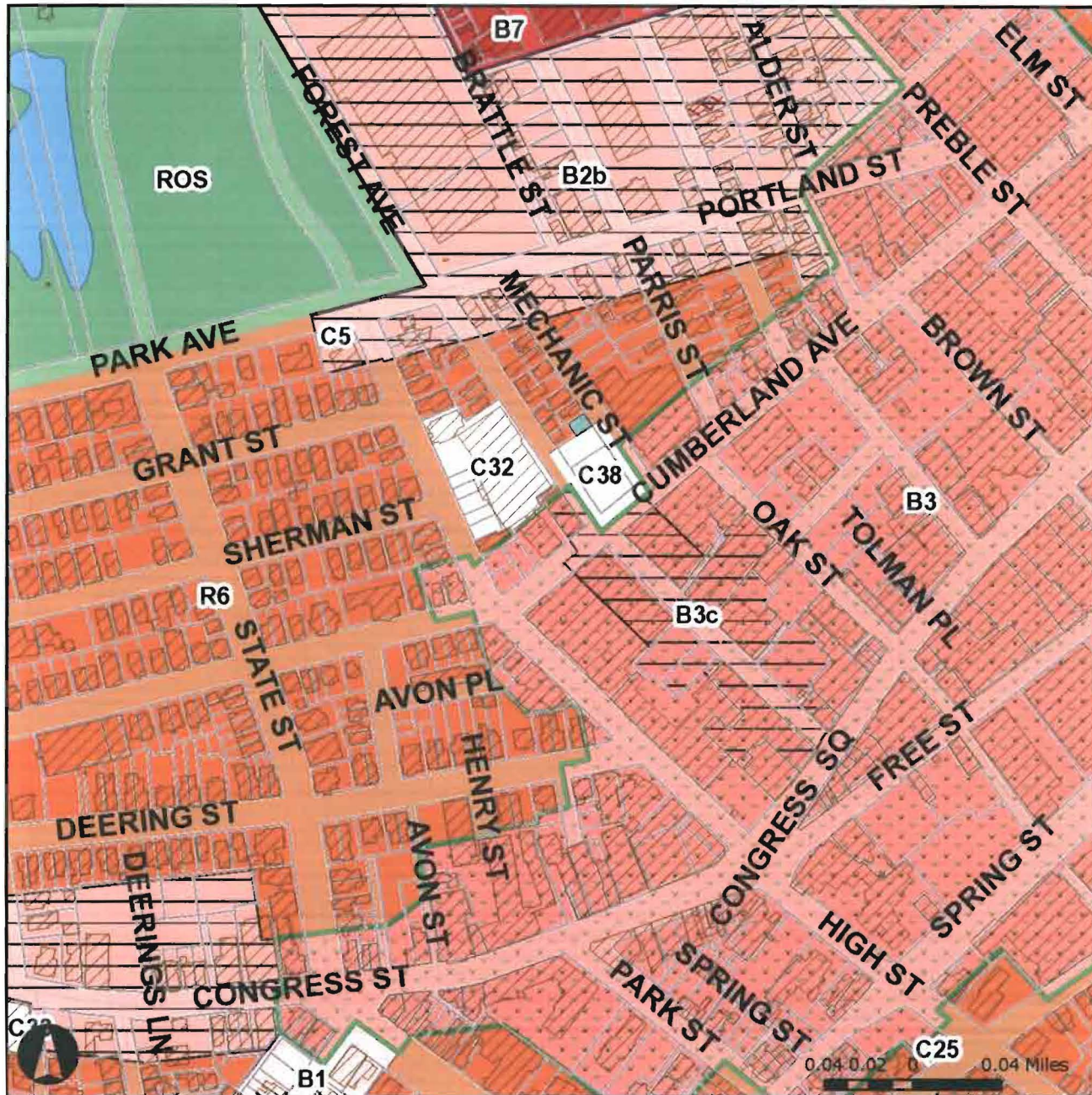


Index Number - F9SW

April 1 2009 by 2010



Map



Parcels	Stream Overlay Zone	Zoning (continued)	
Interstate	Stream_protection	R2 Residential	C25
Streets	Island Zoning	R3 Residential	C26
Buildings	C43	R4 Residential	C27
Building	I-B	R5 Residential	C28
Out Building	I-TS	R6 Residential	C29
	I-R1	ROS Recreation Open	C30
	I-R2	Space	C31



PORTLAND MAINE

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Receipts Details:

Tender Information: Check , Check Number: 61238

Tender Amount: 100.00

Receipt Header:

Cashier Id: amachado

Receipt Date: 10/4/2011

Receipt Number: 10627

Receipt Details:

Referance ID:	1224	Fee Type:	PZ-Z1
Receipt Number:	0	Payment Date:	
Transaction Amount:	100.00	Charge Amount:	100.00
Job ID: Project ID: 2011-352 - 16 Mechanic Street - Practical Difficulty			
Additional Comments:			

Thank You for your Payment!