

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Patric Santerre, Chair
Catherine Decker, Secretary
Nan Sawyer
Joe Lewis
Kimberly Boggiatto
William Hall
John A. Thompson, Jr.

August 11, 2003

Nicholas Walsh
111 Commercial Street
Portland, ME 04101-4719

RE: 450 Commercial Street (Deake's Wharf)
CBL: 042-F-001
ZONE: Waterfront Central Zone

Dear Attorney Walsh,

As you know, at its August 7, 2003 meeting, **the Board of Appeals voted 4-0 to Grant your Interpretational Appeal regarding a watchman's unit.** The Board found that this is a continued legal non-conforming use, specifically for a watchman of the property only. If there is any change in the status of this watchman's quarters, this office shall be so notified through the permit process. Please be reminded that legal non-conforming uses shall not be enlarged in size, nor changed in use, as required under Division 23 of the Land Use Ordinance.

Enclosed you will find a copy of the Board's decision.

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

Sincerely,

Karen Dunfey
Inspection Services



CITY OF PORTLAND
INTERPRETATION APPEAL

DECISION

Applicant's name and address: General Marine Construction

(Roger Hale) 450 Commercial St.

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

Owner

owner's name and address if different Roger Hale 446 Commercial St.

Address of property: 450 Commercial St (Deaki's Way)

For the Record

Names of witnesses (proponents, opponents and others):

Nicholas Walsh _____

Roger Hale _____

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

Attached

Findings of Fact

1. The Board finds as fact that: this is a legal nonconforming

use.

2. The finding(s) of fact above-stated is(are) based on the following reasons:

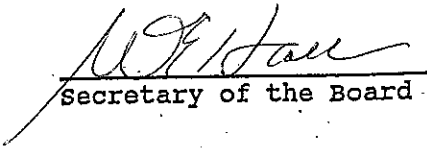
To best of board's knowledge, the premises have remained in continuous ~~use~~ occupancy at least since 1955.

Motion: To grant the interpretation appeal of the applicant to continue use of the watchman's quarters on Deake's Wharf as a legal nonconforming use.

Determinations

The Board determines that: appeal of applicant is granted.

Dated: August 7, 19 2003


Secretary of the Board

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: August 11, 2003
RE: Action taken by the Zoning Board of Appeals on August 7, 2003.

The meeting was called to order at 7:05 p.m. in Room 209 at City Hall.

Roll Call as follows:

Members present: Chair Patric Santerre, William Hall acted as Secretary, Nan Sawyer, Kimberly Boggiatto

Members Absent: Catherine Decker, Joseph Lewis, John Thompson, Jr.

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, August 7th, 2003 at 7:00 p.m. on the second floor in Room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1: Unfinished Business:

A. Findings of Fact

Hampton Street, David Lourie attorney for Hannah O'Toole, owner of the properties (Tax Map #339-C-009, 339-C-010). The Board will review prepared Findings of Fact for Practical Difficulty Appeal of July 17, 2003, which was denied. The Findings of Fact were adopted as presented 3-0-1 (Boggiatto abstained).

B. Conditional Use Variance Appeal

19 Second Proposed St., Peaks Island, & 27 Second Proposed St., Peaks Island, David Clark, prospective purchaser of the properties (Tax Map #085-K-006 in the IR2 Zone, Tax Map #085-K-007 in the IR1 Zone). The applicant proposes to combine two non-conforming lots into one conforming lot, on which the proposed building will be within 75 feet of shoreland/wetlands, requesting relief from Section 14-449 of the City of Portland Zoning Ordinance. The applicant has requested a continuance until the August 21st, 2003, meeting. The continuance date was amended to September 18, 2003, and was accepted 4-0.

2: New Business:

A. Interpretation Appeal

450 Commercial Street (Deake's Wharf), Nicholas Walsh, attorney for General Marine Construction, property owner (Tax Map #043-H-001 in the Waterfront Central Zone). Applicant requests the Board to permit a single dwelling unit for a watchman on the premises, requesting relief from Section 14-314(f)(2) of the City of Portland Zoning Ordinance. The Appeal was granted 4-0.