CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

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47 Deering Street

All persons interested either for or against this Space & Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday afternoon, February 13, 1986 at 3:30 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. Carl Selberg, owner of the property at 47 Deering Street, under the provisions of Section 14-473(c)1 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit a change of use from a 5 unit apartment to 6 unit apartment building not allowed because the size of the lot is 4,221 square feet instead of the 6,000 square feet required in the R-6 Residence Zone for six apartment units. Section 14-139(2) of the Zoning Ordinance requires 1000 square feet of land area for each apartment unit in the R-6 Residence Zone.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-473(c)1 of the Zoning Ordinance have been met.

Jacqueline Cohen
Secretary

el
1/30

389 CONGRESS STREET • PORTLAND, MAINE 04101 • TELEPHONE (207) 775-5451

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP .....

B.O.C.A. TYPE OF CONSTRUCTION .....

ZONING LOCATION ..... PORTLAND, MAINE Jan. 14, 1986

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION .....47 Deering Street..... Fire District #1 ☐, #2 ☐

04103

1. Owner's name and address Carl Selberg - 121 Carlyle Rd., Port. Telephone 772-4256
2. Lessee's name and address ..... Telephone .....
3. Contractor's name and address same ..... Telephone .....

..... No. of sheets .....

Proposed use of building ...6 unit apartment bldg..... No. families .....

Last use ....5-unit apartment bldg..... No. families .....

Material ..... No. stories ..... Heat ..... Style of roof ..... Roofing .....

Other buildings on same lot ....

Estimated contractural cost $.....

Appeal Fees $ 50.00.....

FIELD INSPECTOR—Mr. .....
@ 775-5451

Base Fee .....

Late Fee .....

TOTAL $ .....

Space and Bulk Variance Appeal to change the use from 5-unit apartment bldg. to 6-unit apartment bldg. as per floor plans.

Stamp of Special Conditions

This application is preliminary to get settled the question of zoning appeal. In the event the appeal is sustained the applicant will fur ish complete information, estimated cost and pay legal fee.

ISSUE PERMIT TO #1

NOTE TO APPLICANT: *Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.*

Appeal Denied 2/13/86

DETAILS OF NEW WORK

Is any plumbing involved in this work? ..... Is any electrical work involved in this work? .....

Is connection to be made to public sewer? ..... If not, what is proposed for sewage? .....

Has septic tank notice been sent? ..... Form notice sent? .....

Height average grade to top of plate ..... Height average grade to highest point of roof .....

Size, front ..... depth ..... No. stories ..... solid or filled land? ..... earth or rock? .....

Material of foundation ..... Thickness, top ..... bottom ..... cellar .....

Kind of roof ..... Rise per foot ..... Roof covering .....

No. of chimneys ..... Material of chimneys ..... of lining ..... Kind of heat ..... fuel .....

Framing Lumber—Kind ..... Dressed or full size? ..... Corner posts ..... Sills .....

Size Girder ..... Columns under girders ..... Size ..... Max. on centers .....

Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.

Joists and rafters: 1st floor ....., 2nd ....., 3rd ....., roof .....

On centers: 1st floor ....., 2nd ....., 3rd ....., roof .....

Maximum span: 1st floor ....., 2nd ....., 3rd ....., roof .....

If one story building with masonry walls, thickness of walls? ..... height? .....

IF A GARAGE

No. cars now accommodated on same lot ....., to be accommodated ..... number commercial cars to be accommodated .....

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? .....

APPROVALS BY: *DATE*

BUILDING INSPECTION—PLAN EXAMINER .....

ZONING: .....

BUILDING CODE: .....

Fire Dept.: .....

Health Dept.: .....

Others: .....

MISCELLANEOUS

Will work require disturbing of any tree on a public street? no.

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

Signature of Applicant Carl E Selberg Phone # .....

Type Name of above Carl Selberg 1☒ 2☐ 3☐ 4☐

Other .....

and Address .....

FIELD INSPECTOR'S COPY APPLICANT'S COPY OFFICE FILE COPY

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DAVID L. SILVERNAIL
MICHAEL E. WESTORT

February 18, 1986

RE: 47 Deering Street

Mr. Carl Selberg
121 Carlyle Road
Portland, Maine 04103

Dear Mr. Selberg:

At the meeting of the Board of Appeals on Thursday afternoon, February 13, 1986, the Board voted by a unanimous vote of 6 yeas to deny your space and bulk variance for a change of use from four to five apartment units on 4,221 square foot lot in the R-6 Residence Zone.

Based on Section 14-139(2) of the Zoning Ordinance, only four units would be allowed on this sized lot based on 1,000 square feet of land area per family unit. There are already five apartments located there.

Sincerely,

Warren J. Turner

Warren J. Turner
Zoning Specialist

WJT/el

Enclosure: Copy of Decision

cc: Merrill Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief of Inspection Services

47 Leeringett

CITY OF PORTLAND

VARIANCE APPEAL

DECISION

For the Record

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

Carl Seiberg

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

Findings of Fact

1. The variance requested is/~~is not~~ (circle one) prohibited under Section 14-473(c)(3), for the following reason(s): 6-0

2. The variance requested does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s): 6-0

3-A. The land in question can/cannot (circle one) yield a reasonable return unless the variance is granted: 6-0

3-B. The need for a variance is/is not (circle one) due to the unique circumstances of the property and is/is not (circle one) due to the general conditions in the neighborhood: 6-0

Jan.20,1986

Board of Appeals

I would like to remodel this vacant room, 47 Deering St. to an apt. as it is dead space.

1 It would increase the value of the bld.

2 It would be an added income to help with riseing cost and taxes.

3 It would help to keep apt. rents of the bld. at a reasonable rate.

Respectfully

Carl E Selfrig

Owner

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CITY OF PORTLAND

3-C. Granting of the variance will/~~will not~~ (circle one) alter the essential character of the locality: 6-0

3-D. The hardship is/is not (circle one) the result of action taken by the applicant or a prior owner: No hardship

Conclusion *

After public hearing on 2-13, 1986, and for reasons above-stated, the accompanyng application is hereby (check one)

_____ granted.

_____ granted subject to the following condition(s):

_____

_____

6-0 denied.

Dated: 2-13, 1986 Jacqueline Cohen
Secretary of the Board

* The application may be granted or granted subject to conditions only if the finding for #1 above is in the negative AND the finding for #2 above is in the affirmative AND the findings for #'s 3-A through 3-D above are as follows:

3-A: in the negative;
3-B: 1st one in the affirmative,
2nd one in the negative
3-C: in the negative
3-D: in the negative

Denied
Jacqueline Cohen
Bruce Gilbert
Robert Goodreau
Maxwell Kalter
David Schiessl

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MICHAEL E. WESTORT

January 13, 1986

RE: 47 Deering Street

Mr. Carl Selberg
121 Carlyle Road
Portland, Maine 04103

Dear Mr. Selberg:

A building permit and certificate of occupancy can not be issued for your change of use from 5 unit apartment to 6 unit apartment building as you proposed because the size of the lot for the 47 Deering Street structure is only 4,221 square feet instead of the 6,000 square feet required in the R-6 Residence Zone for six apartment units. Section 14-139(2) of the Zoning Ordinance requires 1000 square feet of land area for each apartment unit in the R-6 Residence Zone.

We understand you wish to file an application for a space and bulk variance to allow your proposed change of use for the premises at 47 Deering Street. This item will be the subject of a public hearing before the Board of Appeals on Thursday afternoon, February 13, 1986, at 3:30 P.M. in Room 209, City Hall, Portland, Maine. A copy of the agenda for that meeting is enclosed.

Sincerely,

Warren J. Turner

Warren J. Turner
Zoning Specialist

WT/el

Enclosure: Agenda

cc: Merrill Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief of Inspection Services

47 Deering St.

CITY OF PORTLAND

REQUEST FOR
VARIANCE APPEAL

Applicant's name and address: Carl Selberg

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

Owner's name and address (if different): 121 Carlyle Rd
Portland Me

Address of property (or Assessor's chart, block and lot number):
47 Deering St

Zone: R-6

Present use: Apt's
Change of use
(if applicable) From 5 to 6 units

Variance from: Section 14- 139(2)

Relief requested from Board:
Space and Bulk Variance to permit a change of use from 5 apts to 6 apts on a lot containing 4,22 sq ft in the R-6 Residence Zone instead of 6,000 sq. ft. as required by Ordinance

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

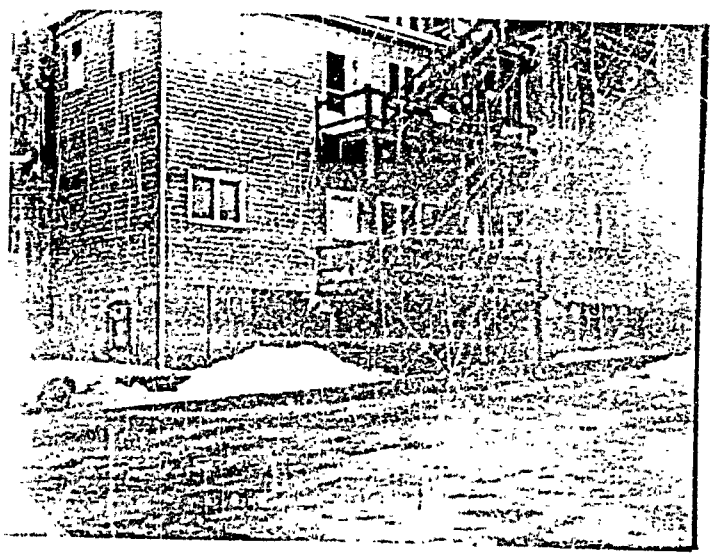
The undersigned hereby requests a variance as above-described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: 1-14, 1986

Carl E Selberg
Signature of Applicant

(See other side for variance standards.)

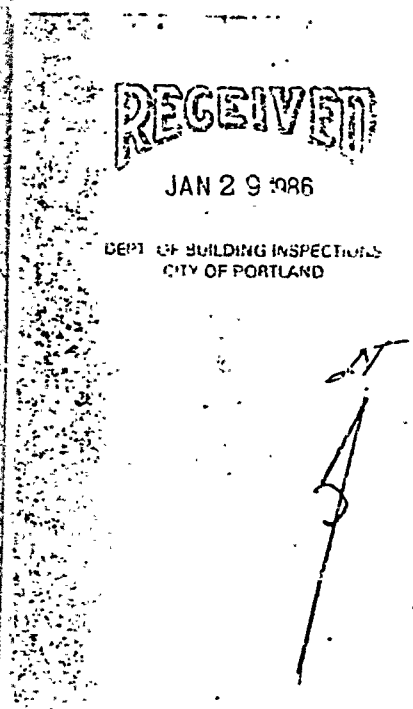


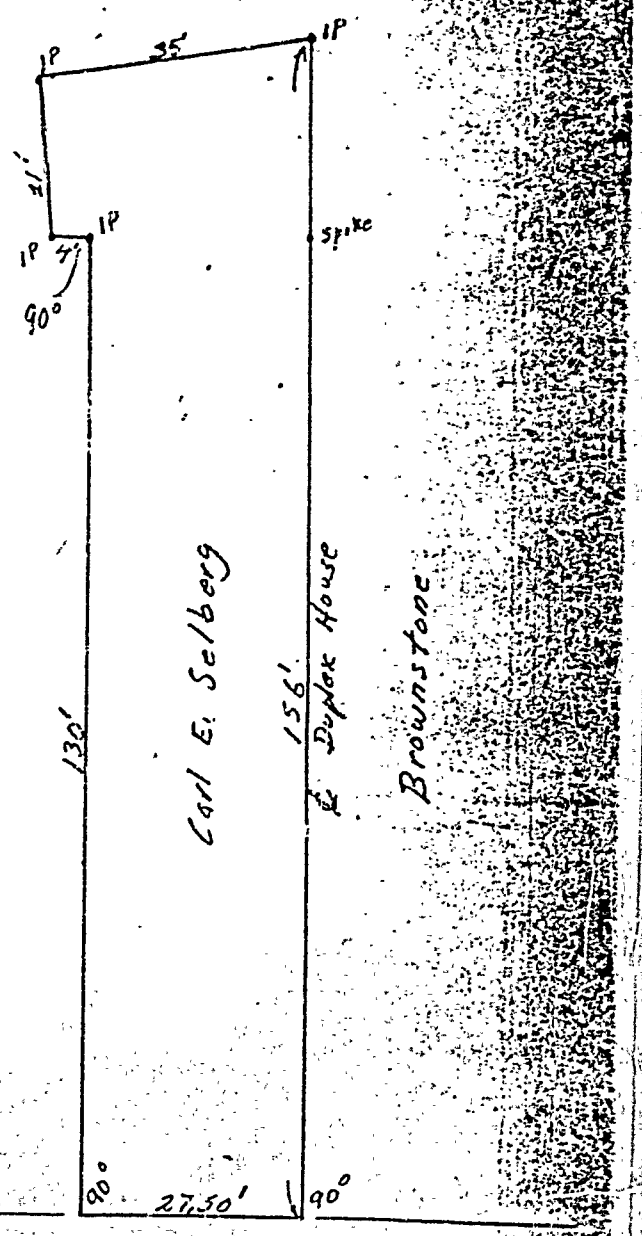


47 Deering St.

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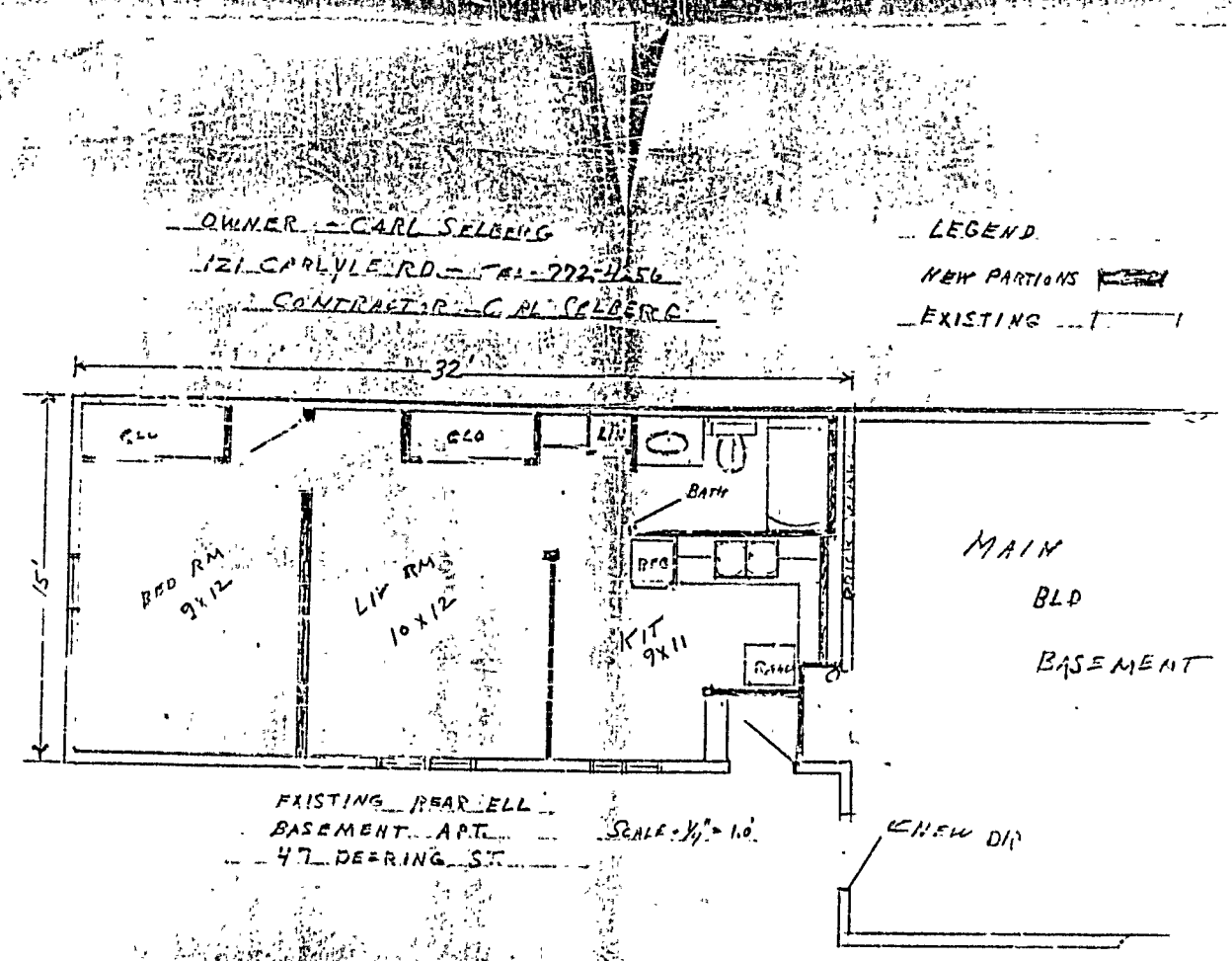
DEERING ST.

PLOT OF LAND AT
47 DEERING STREET
PORTLAND, MAINE

by Tracy Emery R.L.S. 130

OWNER - CARL SELBERG
121 CARLYLE RD - TEL: 772-4456
CONTRACTOR - C. SELBERG

LEGEND
NEW PARTIONS
EXISTING



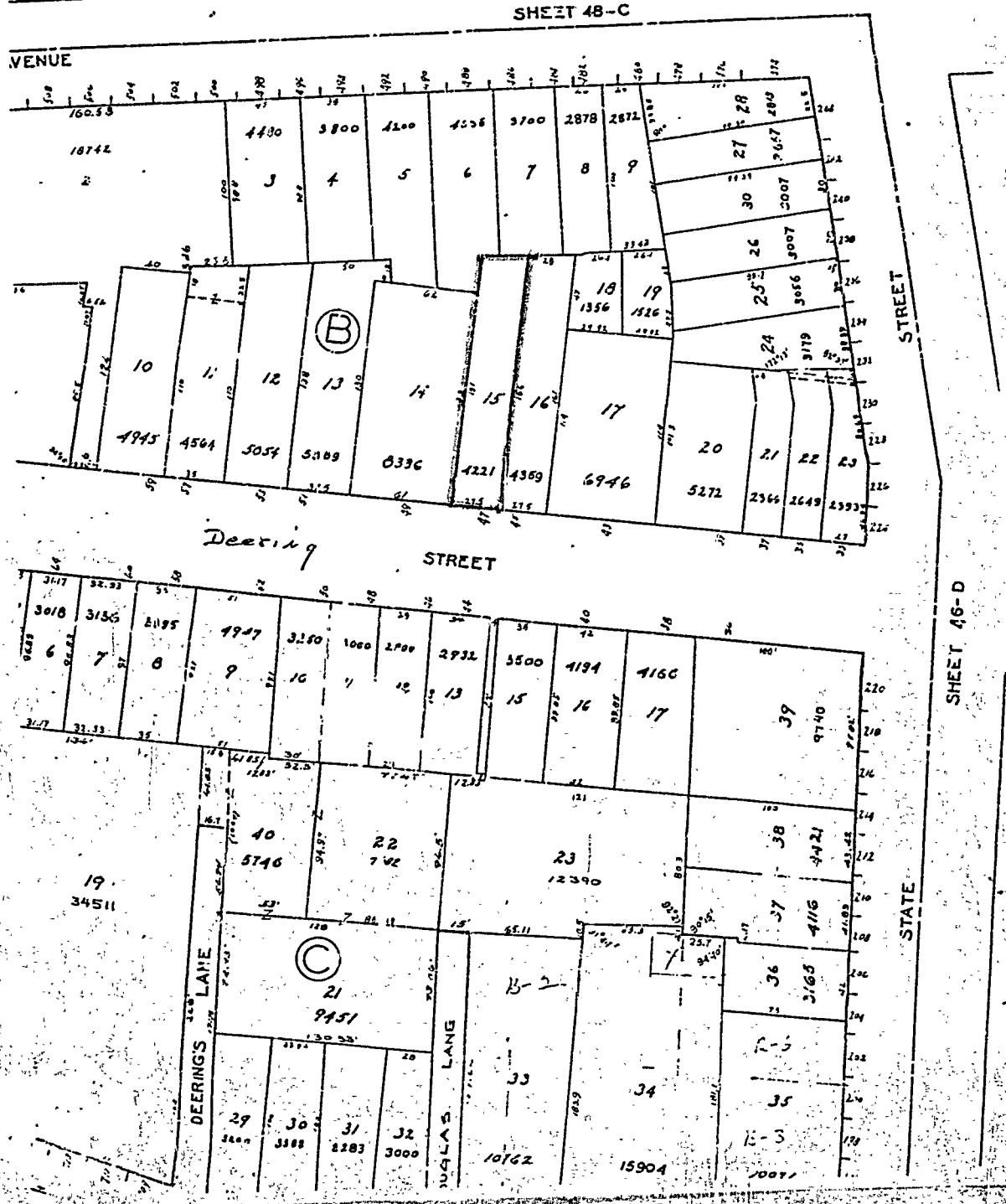
EXISTING REAR ELL
BASEMENT APT.
47 DEERING ST.

SCALE: ¼" = 1.0'

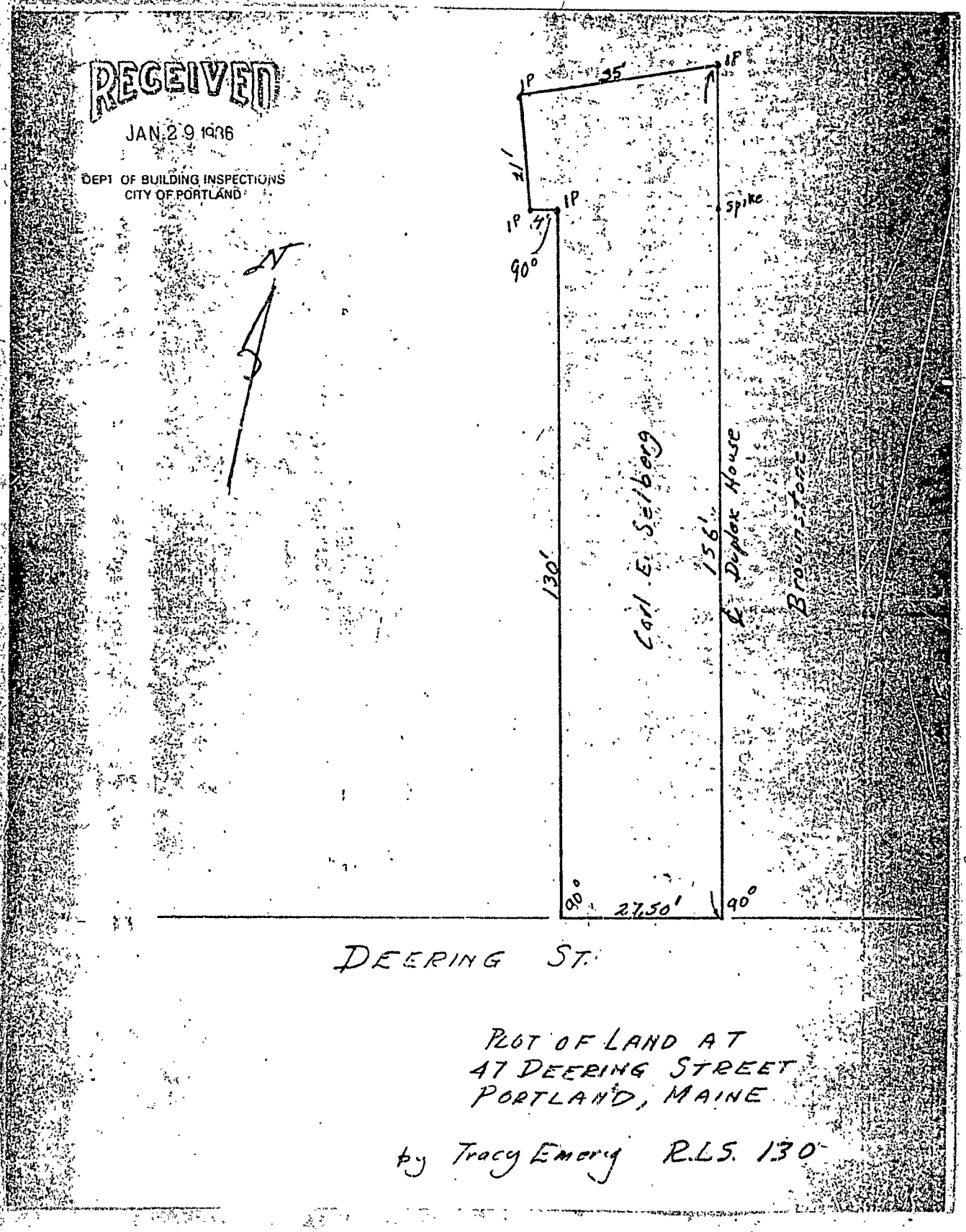
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47 Deering Street.

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CITY OF PORTLAND



PLOT OF LAND AT
47 DEERING STREET
PORTLAND, MAINE

by Tracy Emery R.L.S. 130

Carl Silberg 47-B-15
47 Deering St

47-B-16 Thomas & Marlene Hancock
15 Beacon St 0410'

47-B-14 Carl S Savedge
49 Deering 0410'

47-B-6 Robert E. Norris & Maureen Doyle
502 Hillcrest Rd Ridgewood NJ 07450

47-B-7 Same

47-C-12 Emmag C Scribner
443 Congress St 0410'

47-C-13 Bruce E Bernstein
60 Bird 15 DTS Court 04112

47-C-15 David E & Marjorie R. Shaw
40 Deering 0410'