



Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

**CITY OF PORTLAND
ZONING BOARD OF APPEALS
Variance Appeal Application**

michael@sheds.com

Applicant Information:

Michael D. Bonker
NAME

Two Q7 LLC
BUSINESS NAME

103 Gray St
ADDRESS
Portland, ME 04102

207-671-3696
TELEPHONE #

Owner
APPLICANT'S RIGHT, TITLE OR INTEREST
(eg: owner, purchaser, etc)

R6
CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:

Two unit residential rental.

Subject Property Information

152 Washburn Ave.
PROPERTY ADDRESS

001-052-4004
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)

NAME RECEIVED

ADDRESS
JUL 18 2016

Dept. of Building Inspections
City of Portland, Maine

VARIANCE FROM SECTION 14 - 13b(a)(2)(b)

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

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]
SIGNATURE OF APPLICANT

7/18/16
DATE



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Except as specifically provided by the Ordinance, a variance may be granted by the Board of Appeals ONLY where strict application of the Ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. In order for the Board to find "undue hardship" the applicant must answer ALL of the following questions and provide supporting evidence. The Board will consider this evidence in deciding whether to grant the appeal.

1. The land in question cannot yield a reasonable return unless a variance is granted. [NOTE: "failure to yield a 'reasonable return' means 'the practical loss of all beneficial use of the land... Reasonable return DOES NOT mean maximum return" *Rowe v. City of South Portland, 730 A.2d 673, 675 (ME 1999)* (citations omitted.)]

Satisfied: X

NOT Satisfied: _____

Reason & supporting facts:

Not being allowed to put up an exterior stairwell & deck without a cover will keep me from renting out the apartment for 4-5 years. This will keep me from being able to make money to pay the mortgage. This is a huge disadvantage to my neighbors in R6 that all have and are still constructing non-covered stairs & decks.

2. The need for a variance is due to the unique circumstances of the property and NOT to the general conditions of the neighborhood.

Satisfied: X

NOT Satisfied: _____

Reason & supporting facts:

I have to build this deck whether this appeal is approved or not and it will look terrible if it must be covered. I've included many photos showing other neighbors decks - stairs not covered. Mine will be hidden on the back side of the house. My property manager (Bellport) meticulously cares for the property during winter.



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3. The granting of a variance will NOT alter the essential character of the locality.

Satisfied: X NOT Satisfied:

Reason & supporting facts:

The proposed exterior deck & stairs are on the back of the house facing woods & railroad tracks. Only my neighbor to the right could see this. He also would approve. More 75% of apartments in "R6" also do not have covered stairs/decks. I have attached photos of apartments I have seen in 15 minutes of driving around for proof

4. The hardship is NOT the result of action taken by the applicant or a prior owner.

Satisfied: X NOT Satisfied:

Reason & supporting facts:

This is a brand issue and obstacle I am working on with the city.

Zoning Board of Appeals,

My name is Michael Bunker, a 10+ year resident of Portland and I am looking for help with my apartment building. The interior has an existing egress in perfect working condition but I need a second means of egress on the exterior.

I have driven around my neighborhood in the R6 district and almost all of my neighbors that are also rentals have exterior stairwells and porches that are not covered. My engineer and builder have drawn up specs to get my exterior egress underway this Summer and we have been told that R6 calls for covered exterior stairwells and porches.

I have a handful of reasons I feel that my appeal should be approved so I wanted to list a few here to accompany my application and photographs of my neighborhood with uncovered stairwells and decks.

- My property would look out of place and ugly.
- My proposed location for the deck and stairwells would be on the back of my property abutting the Sea Dogs, so not visible to the road.
- My neighbor to the right would be the only one able to see the stairs and he would give me written approval if I would ask.
- To cover the stairwells and deck my builder has quoted me an additional \$20,000 meaning I wouldn't be able to have renters until I have this money saved which means a few years.
- My property management company, Bellport Property Management, takes great care of the property during the entire Winter ensuring the second egress would be clean and safe.
- I'm at a disadvantage to other rental owners if I have to have mine covered while the rest of R6 does not.

Please let me know if there is anything I can do to help get approval on this appeal to have a safe egress constructed this Summer without a cover to it.

Thank you for your time, consideration and hopefully approval.

Best,

- Michael Bunker
- 207-671-3696
- michael@shads.com

**DEED OF SALE
BY
PERSONAL REPRESENTATIVE (INTESTATE)**

MAINE REAL ESTATE TAX PAID

I, PETER M. WAGNER, of P.O. Box 305, Norris, Tennessee 37828, duly appointed and acting personal representative of the Estate of BARBARA M. WAGNER, deceased (intestate) as shown by the probate records of Cumberland County, Maine, Docket No. 2014-0417, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid grants to MICHAEL D. BUNKER, whose mailing address is 103 Gray Street, Portland, Maine 04102, the real property in Portland, Cumberland County, Maine, situated on the southeasterly side of Washburn Avenue, bounded and described as follows:

Beginning at a stake on the southeasterly sideline of Washburn Avenue distant northeasterly on said sideline three hundred fourteen and fifty-three (314.53) feet from the southeasterly corner of Washburn Avenue and St. John Street;

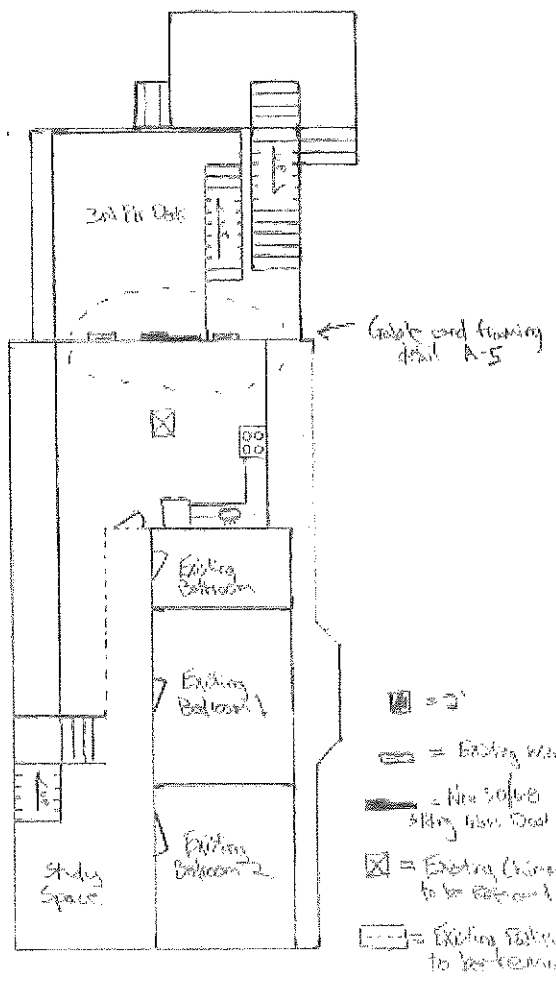
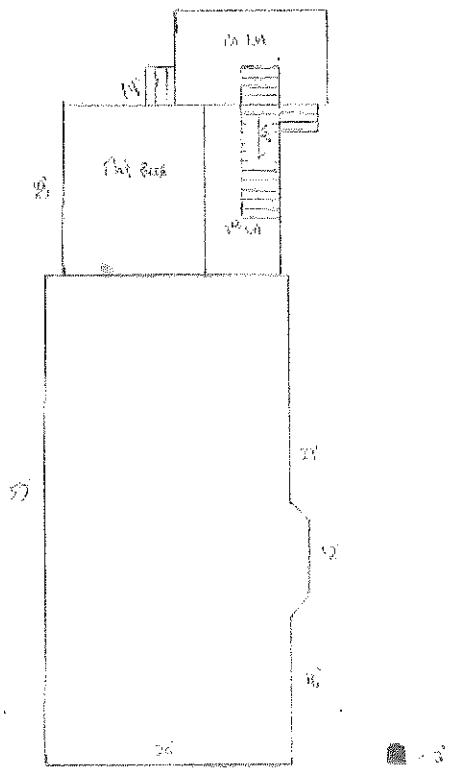
Thence northeasterly by said sideline of Washburn Avenue a distance of fifty (50) feet to a stake;

Thence southeasterly on a line at right angles with Washburn Avenue a distance of one hundred one and seventy-two hundredths (101.72) feet to the northerly sideline of the former Portland and Rochester Railroad location, fifty (50) feet, more or less, to a stake;

Thence northwesterly on a line at right angles with said Washburn Avenue a distance of one hundred and twenty-five hundredths (100.25) feet to Washburn Avenue at the point of beginning.

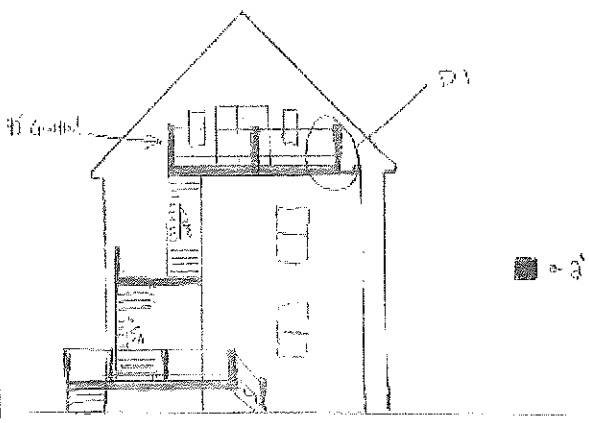
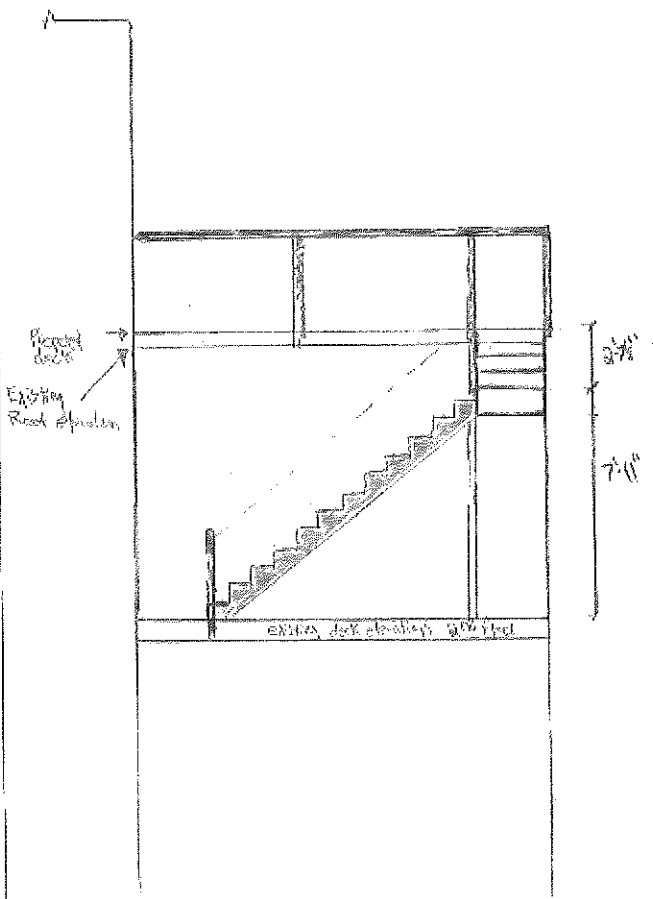
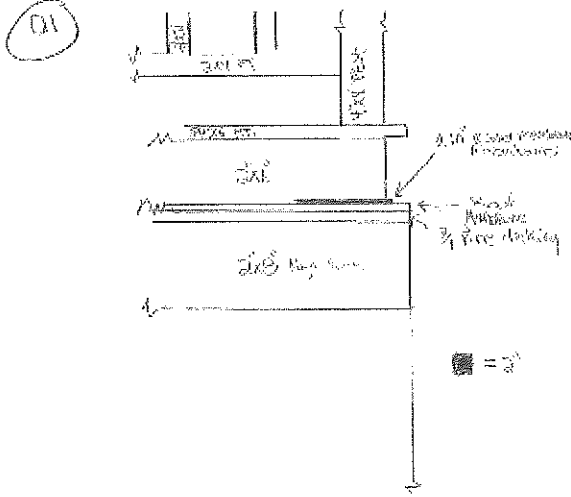
Meaning and intending to convey lot numbered 5 as shown on a plan of city lands made by George N. Fernald, City Engineer, and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 59, to which plan reference is hereby made; the lot hereby conveyed containing five thousand sixty-two (5,062) square feet, more or less.

Existing Footprint



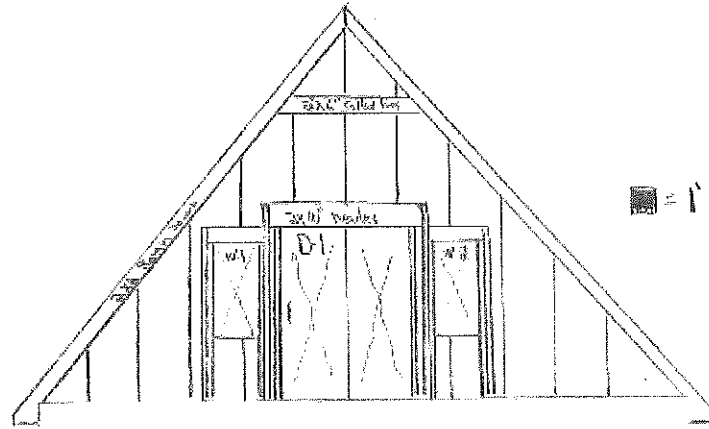
Wall Section

A-3

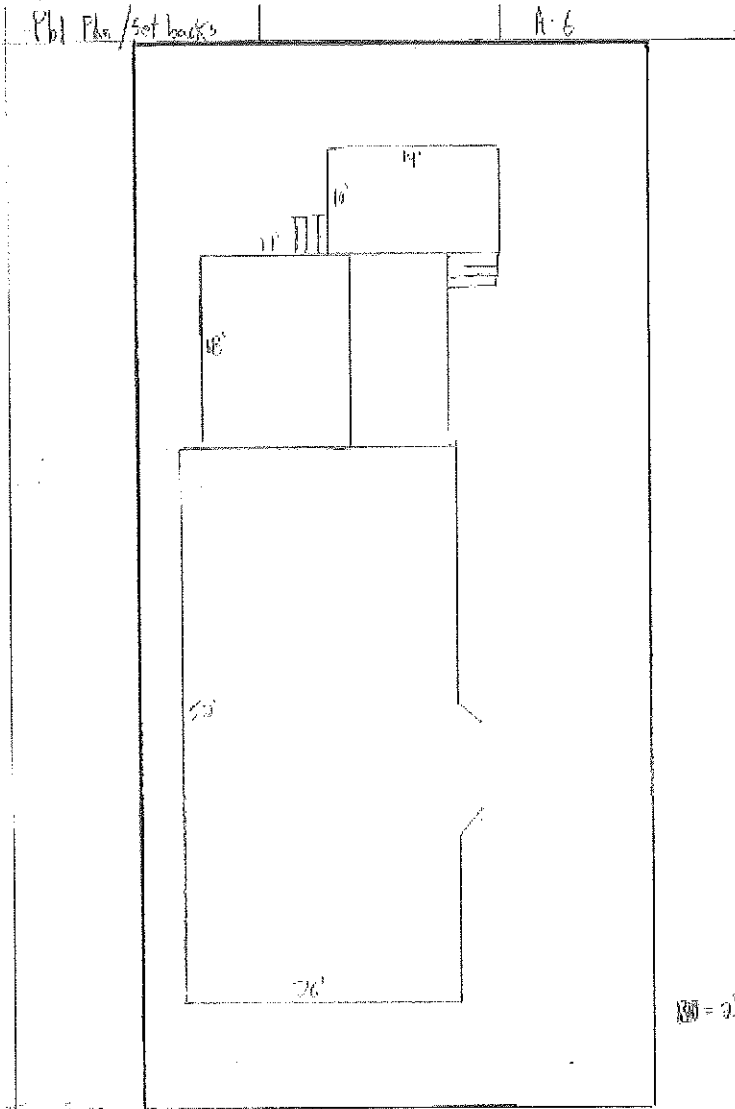


W 112 = Existing windows

D: = 3 0x6-8
Sliding Glass Door



■ = 1'





10 Mins of driving around my R6 neighbors and snapping photos of their stairs/decks not covered



10 Mins of driving around my R6 neighbors and snapping photos of their stairs/decks not covered