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Shalon Howse Chalmick-Blackett-Vaigan Messe appeal

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> > Malen Harris Andrews Commission (1988) (1988

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CITY OF PORTLAND, MAINE

ZON'IG BOARD OF AFPEALS



THOMAS F. JEWELL C. arman

ERIC J. GOUVIN Secretary

RAY M JOHNSON JOHN C KNOX DEWEY A MARTIN, JR MERRILL'S SELTZER MICHAEL E WESTORT

269 Vaughan Street

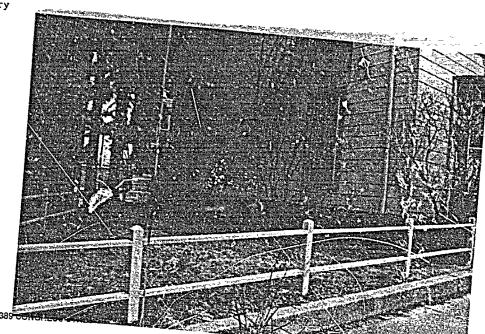
All persons interested either for or against this Miscallaneous Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, April 11, 1991 at 7:00 P.M. This notice of required public hearing has been sent to the owners of property directly abutting and Ordinance.

Mr. Peter Rich, Esq., on behalf of the Shalom House, prospective purchaser of the property at 269 Vaughan Street, is requesting approval of a proposed lease for two offsite parking spaces at the Maine Medical Center parking lot cated at the intersection of Chadwick, Brackett and Vaughan Streets as

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.

Eric J. Gouvin Secretary

/el 3/21/91





March 22, 1991

Jcseph Brannigan Shalom House, Inc. 1 Pleasant Street Portland, Maine 04101

Dear Joe:

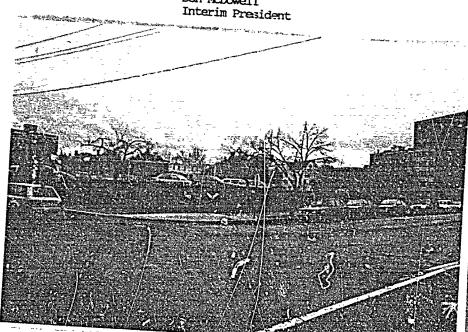
This letter will confirm our agreement that the Maine Medical Center will provide two parking spaces in our Branhall parking lot for the use of the Shalom House. This agreement will extend for two years from the date you occupy your new facility. The annual rental charge will be \$1.00.

We fully support your efforts and are pleased to be in a position to help in your new endeavor. If we can provide any further assistance, please let me know.

Don McDowell

DLM/gs 15064

c: DEQ



CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS



THOMAS F. JEWELL

ERIC & GOUVIN

RAY M. JOHNSON OHN C KNOX

DEVIEY A MARTIN, JR. MERRILL S. SELTZER MICHAEL E. WESTORT

269 Vaughan Street

March 20, 1991

Peter G. Rich, Esq. Attorney at Law 477 Congress Street Portland, Maine 04101

Dear Mr. Rich:

This will acknowledge receipt of a miscellaneous appeal for offsite parking to provide two parking spaces by lease from the Maine Medical Center at the parking lot at the site of the old reservoir at the intersection of Chadwick, Brackett and Vaughan Streets within 200 feet of the building proposed for use by Shalom House at 269 Vaughan Street in the R-6 Residence Zone.

Shalom House is purchasing the building at 269 Vaughan Street from June G. and Rodney L. Philbrick for the purpose of providing facilities for handicapped persons. The City Zoning Ordinance requires that there be two offstreet parking spaces for the subject premises.

If this appeal is granted by the Board of Appeals, a lease for the two parking spaces will be executed with the Maine Medical Center for the use by Shai at House. This appeal will be scheduled for review by the Board of Appeals at their meeting on Thursday evening, April 11, 1991, at 7 P.M. in Room 209, City Hall, Portland, Maine. A copy of the agenda will be sent to you as soon as it becomes available for distribution.

Warren J. Turner

Administrative Assistant

cc: Thomas F. Jewell, Chairman, Board of Appeals Joseph E. Gray, Jr., Director, Planning & Urban Development William D. Giroux, Zoning Administrator Marland Wing, Code Enforcement Officer Charles A. Lane, Associate Corporation Counsel

389 CONGRESS STREET • PORTLAND, MAINE 04101 • TELEPHONE (207) 874-9300

CITY OF PORTLAND, MAINE ZONING EQUARD OF APPEALS



MISCELLANEOUS APPEAL

MERRILL S. SELTZER Chairman

JOHN C. KNOX Secretary

PETER F. MORELLI THOMAS F. JEWELL DAVID L. SILVERNAIL MICHAEL E. WESTORT CHRISTOPHER DINAN

what is the comment of the

APP	LIC	AT.	TO	M

Applicant's name and address: Shalom House
l Pleasant Street, Portland, Maine
Applicant's interest in property (e.g., owner, purchaser, etc.):
Purchaser
Owner's name and address (if different):
June G Philbrick and Rodney L. Philbrick
Address of property (or Assessor's chart, block and lot number): Premises being purchased are 269 Vaughan Street Parking is at Chadwick and Brackett Streets
Zone: R-6 Present Use: Parking
Proposed Use: Parking (if different)
Appeal pertains to: Section 14- 333 Basis for Appeal and relief requested: Miscelaneous exception sought to enable applicant to carry out its purpose of providing for handicapped persons.
NOTE: If site plan approval is required, attach proposed or final site
The undersigned hereby makes application for a the appeal as above- lescribed, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.
Shalom House By Signature of Applicant Its Attorney

389 CONGRESS STREET · PORTLAND, MAINE 04101 · TELEPHONE (207) ...874-8300"

PETER G. RICH

ATTORNEY AT LAW

477 CONGRESS STREET PORTLAND, MAINE 04101

TEL (207) 773-3053 FAX (207) 773-3678

March 19, 1991

Zoning Board of Appeals City of Portland Portland City Hall 389 Congress Street Portland, Maine 04101

Re: Shalom House Miscellaneous Appeal

Drar Gentlepeople,

Shalom House has a contract to purchase the property at 269 Vaughan Street (The Premises) from June G. and Rodney L. Philbrick (The Present Owners) for the purpose of providing facilities for handicapped persons. The Zoning Ordinance of the City of Portland requires that there be two off-street parking places provided for The Premises. Prior owners of The Premises, E. June Clark and Irene M. Watson, acquired an easement two park two cars adjacent to The Premises from Bramhall House Associates. Parking Easement Deed dated January 31, 1989 and recorded in the Cumberland County Registry of Deeds in Book 8652, Page 57 (The Parking Easement Deed), a copy of which is attached hereto.

This easement would appear to satisfy the needs of Shalom House and make the present miscellaneous appeal unnecessary. Unfortunately, however, at the time The Parking Easement Deed was granted, Bramhall House Associates had mortgaged the property over which the easement ran to Fleet National Bank (The Bank); and The Bank declines at this time to release easement granted in The Parking Easement Deed from the prior mortgage given by Bramhall House Associates.

Accordingly, at this time Shalom House asks this Board to grant its appeal to use two parking places in the Maine Medical Center parking let at the site of the old Portland Water District reservoir at the intersection of Chadwick, Brackett and Vaughan Streets, within 300 feet of the premises. Enclosed is the approval of Maine Medical Center to the proposed usage by Shalom House.

Sincerely,

Peter G. Rich

PGR/wp Enclosures 0134co.391

EX8652P\$#057 006052

PARKING EASEMENT DEED

Eramhall House Associates, a Maine limited partnership, doing business at 75 Market Street, Portland, Maine, for consideration paid, grants to E. June Clark and Irene M. Watson, both of Portland, Cumberland County, Maine whose mailing address is 269 Yaughar Street, Portland, Maine with quitclaim covenant as joint tenants, and not as tenants in common, their heirs and assigns forever, the following parking and access easement over land southeasterly of Yaughan Street, in Portland, Cumberland County, Maine, more fully described as follows:

The exclusive right to use a parcel of land of the Grantor labeled 'Essement for the exclusive use to the property of E. June Clark and Irene M. Watson' on the 'On Site' Site Plan/Parking Layout of Bramhall House by Terrien Architects, a copy of a portion of which is attached hereto as Exhibit A, said grantee being located near the parcel of land conveyed to the dated August 16, 1971, and recorded in the Cumberland County of the House presently on the Grantee's aforementioned parcel of land, and being approximately 9 feet by 22 feet in size;

Also conveying herewith a non-exclusive right of ingress and egress to and from said parking parcel, over the remainder of the Grantor's land, the location of said access to be determined by the Grantor, its successors and assigns, and the Grantor, its successors and assigns, reserves the right to relocate said access from time to time.

The Grantor, its successors and assigns, agrees to pave and maintain the parking space(s) located on said parking parcel, and the adjacent land of the Grantees.

IN WITNESS WHEREOF, the said Bramhall House Associates has caused this instrument to be signed in its name by Realty Development Group, Inc., its Managing Partner, thereto duly authorized, this Managing Partner, 1989.

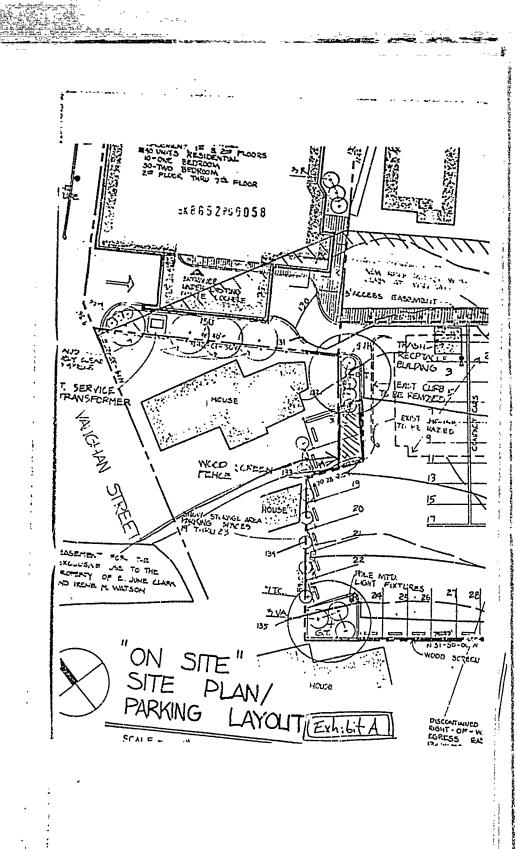
SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

BRAMHALL HOUSE ASSOCIATES

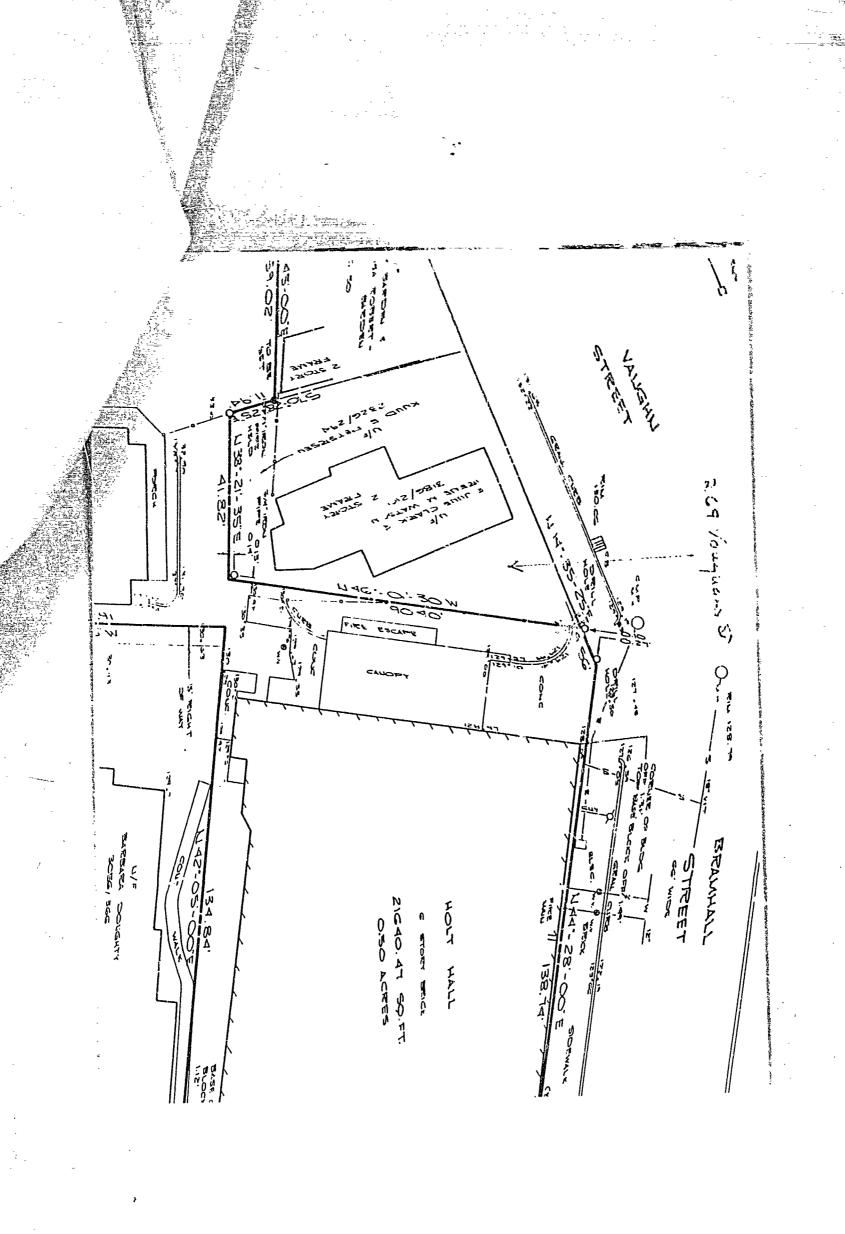
BY REALTY DEVELOPMENT GROUP, INC., its Managing Partner

By Charles M. Carroll, its President

Mare Marl.



3X865290059 STATE OF MAINE COUNTY OF CUMBERLAND, SS Personally appeared the above-named Charles M. Carroll, the President of Realty development Group, Inc., the Managing Pattner of said Grantor, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said expecity, and the free act and deed of said corporation as General Partner of the free act and deed of said partnership, and the free act and deed of said partnership. Before Ee, SEAL Print Name: My Commission Expires: Marc M. Pourin Notaty Public - Maine My Commission Expires July 19, 1991 RAH6D RECEIVED 1989 FEB -9 AH 9: 19 CUMBERLAND COUNTY James J. Walsh 11 11 2 6 1



Y OF PORTLAND, MAINE

NING BOARD OF APPEALS



THOMAS F. JEWELL Chairman

ERIC J. GOUVIN

Secretary

RAY M. JOHNSON JOHN C. KNOX DEWEY A. MARTIN, JR. MERRILL S. SELTZER MICHAEL E. WESTORT

269 Vaughan Street

April 12, 1991

Peter G. Rich, Esq. Attorney at Law 477 Congress Street Portland, Maine

Dear Mr. Rich:

Re: Miscellaneous Appeal for Shalom House at 269 Vaughan Street for off-site parking by lease from Maine Medical Center at Former Reservoir

At the meeting of the Board of Appeals on Thursday evening, April 11, 1991, the Board voted by a unanimous decision of the six members present to grant a miscellaneous appeal for two offstreet parking spaces within 200 feet of the building at 269 Vaughan Street, as required by the City Zoning Ordinance.

Following the granting of this appeal, a lease for the two; rking spaces will be executed with the Maine Medical Center for use by Snalom House for the purpose of providing facilities for handicapped persons at 269 Vaughan Street in the building which is being purchased from June G. and Rodney L. Philbrick. A copy of the Board's decision is enclosed for your records.

Sincerely,

Warren J. Turner

Administrative Assistant

Enclosure: A copy of the Board's Decision

cc: Thomas F. Jewell, Chairman, Board of Appeals Joseph E. Gray, Jr., Director, Planning & Urban Development P. Samuel Hoffses, Chief, Inspection Services William D. Giroux, Zoning Administrator Marland Wing, Code Enforcement Officer Charles A. Lane, Associate Corporation Counsel



CITY OF PORTLAND

MISCELLANEOUS APPEAL

DECISION

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Names and addresses of witnesses (proponents, opponents and others):	
PETER RICH, ESP.	··········
xhibits admitted (e.g. renderings, reports, etc.):	
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The Board State of	
. The Board finds as fact that: The SPACES ARE WITHIN 330	Fr.
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2. The finding(g) of face	
2. The finding(s) of fact above-stated is (are) based on the following	
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The Board concludes that: The Particine spaces are with	
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300 PT WILL NOT DISPLACE EXISTING PARKING	
The conclusion (s) above-stated is (art) based on the following reasons:	
TESTIMONY	•

389 CONGRESS STREET . PORTLAND, MAINE G4101 . T

207) 775-545



CITY OF PORTLAND

MISCELLANEOUS APPEAL

For The Record	DECISION
Names and addresses of witness Jacob Brancisan Peters Rich, Esq.	sses (proponents, opponents and others):
Exhibits admitted (e.g. render	
Findings of Fact 1. The Board finds as fact that	at: The spaces are
2. The finding(s) of fact above reasons:	ve-stated is (are) based on the following
The Board concludes that	THE PARTICING SPACES ARE WITHIN
The conclusion (s) above-state	ed is (are) based on the following reasons:

389 CONGRESS STREET POP FLAND, MAINE 04101 TELEPHONE (207) 775-5451

Conclusion After public hearing on April 11, 1991, and for the reasons above-stated, the accompanying application is hereby (check one) granted. 6 -0 granted subject to the following condition(s): denied. Dated: Apr. 11 . 1991 OPPOSED

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George Vaughn St Dev. Co.

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