



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Nadeen Daniels, City Clerk
FROM: Marge Schmuckal, Zoning Administrator
SUBJECT: Actions taken by the Board of Appeals on December 11, 1997
DATE: December 19, 1997

The meeting was called to order at 5:08 p.m. All members were present (Elizabeth Bordowitz arrived at 5:28 p.m.) to hear the following appeals:

1. **Unfinished Business:** None
2. **New Business**

Interpretation Appeal:

13 Machigonne Street, Timothy Conley, owner, requesting the Board reconsider the interpretation of the Zoning Administrator regarding off-street parking requirements and the definition of a business service, RP Zone. This appeal was tabled and rescheduled to be heard at the next scheduled Board meeting.

19 Birchwood Drive, John and Maureen Ney, owners, the Board voted 6-1 to deny for the construction of an amateur radio ground antenna. R-6 Zone

20 Dow Street, Probate Services, Incorporated, potential purchasers, requesting the Board determine whether the property has been functionally divided to allow its division into two lots. R-6 Zone. This appeal was withdrawn.

Miscellaneous Appeal:

20 Dow Street, Probate Services, Incorporated, potential purchaser, the Board determined, by a 7-0 vote, that the property has been functionally divided to allow its division into two lots. R-6 Zone.

The meeting was adjourned at 6:33 p.m.

Enclosures: Agenda for December 11, 1997 meeting
Copy of Board's decision
Tape of meeting (1 std size tape)

Cf: J. Gray, Dir. PUD
M. Adelson, Div. Hsg & Comm. Svc.
C. Lane, Corp. Counsel



CITY OF PORTLAND

MISCELLANEOUS APPEAL

DECISION

For The Record

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

Bill Kany

Ernest M. Kinney

Andre Beluchi

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

Findings of Fact

1. The Board finds as fact that:

Can be functionally decided

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

Determination of Law

1. The Board concludes that:

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

Conclusion

Determine that the property located at 20
Dow St. has been functionally divided into 2
separate lots as a miscellaneous appeal.

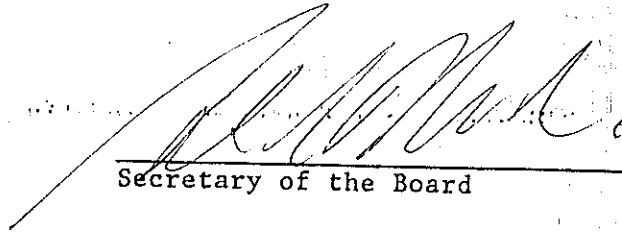
After public hearing on 12/11, 1997, and for the reasons
above-stated, the accompanying application is hereby (check one)

granted.

granted subject to the following condition(s):

denied.

Dated: 12/11, 1997



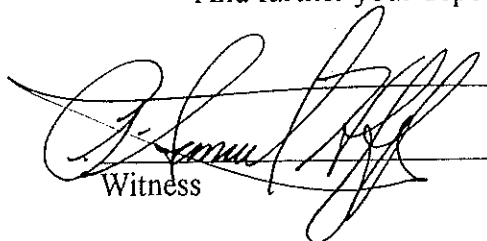
Secretary of the Board

AFFIDAVIT

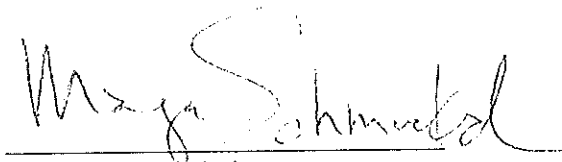
NOW COMES your Deponent, Marge Schmuckal, Zoning Administrator for the City of Portland, Maine and first being duly sworn does depose and state as follows:

1. My name is Marge Schmuckal. I am the Zoning Administrator for the City of Portland, Maine. I have personal knowledge of the facts set forth in this Affidavit.
2. Attached to this Affidavit is a true and accurate copy of the decision of the City of Portland Zoning Board of Appeals dated December 11, 1997 indicating that the property located at 20-22 Dow Street in Portland, Cumberland County, Maine can be functionally divided.
3. Based upon information and belief, this property is more fully described in a deed from John E. Hannigan and Catherine R. Hannigan to Ernest Kinney and Hazel Kinney dated October 4, 1978 and recorded in the Cumberland County Registry of Deeds in Book 4317, Page 213.

And further your deponent saith naught.


Witness

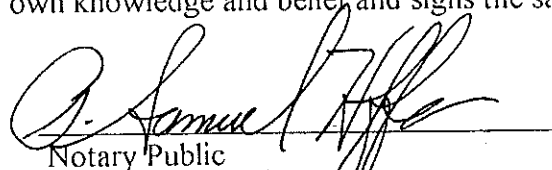
1/21/98
Date


Marge Schmuckal

STATE OF MAINE
CUMBERLAND, ss.

January 21, 1998

Personally appeared the above named Marge Schmuckal and has made oath that the foregoing instrument is the truth to the best of her own knowledge and belief and signs the same as her own free act and deed.


Notary Public
July 10, 2002

MORTGAGE LOAN INSPECTION

Cumberland Title Company

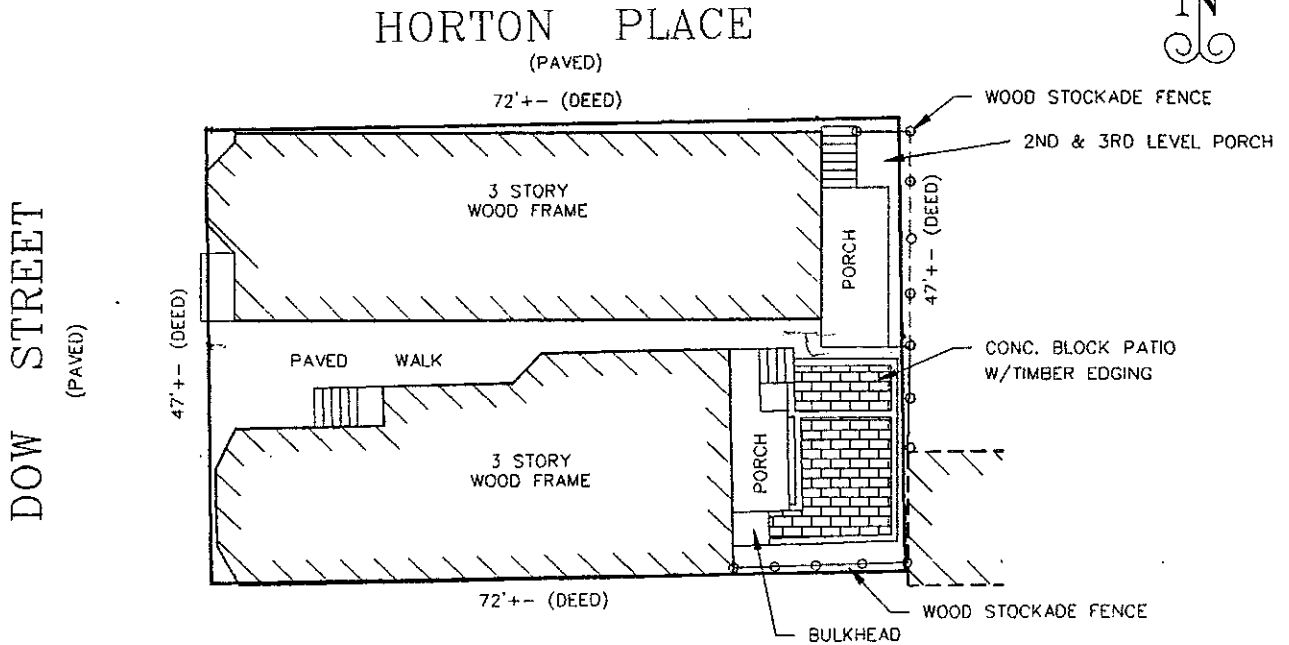
P.O. Box 4843
Portland, ME 04112
1-207-774-1773
1-207-774-2278 (fax)

CL No.:
Job No.: CTC13-57.
Date: 10/28/97
County: Cumberland
Plan Bk. Pg.
Lot(S):
Scale: 1" = 20'

Borrower(S): Probate Services Inc.

St. No.: 20 - 22
Street: Dow St.
Town: Portland, ME
Source Deed Bk. 04317 Pg. 00213

NOTE: A FULL BOUNDARY SURVEY IS RECOMMENDED TO VERIFY BOUNDARY AND ENCROACHMENTS AS SHOWN.



NOTE: **THIS IS NOT A BOUNDARY SURVEY.** This plan is made for the purposes of determining that the improvements are within the apparent boundary lines. **THE PREPARER IS NOT LIABLE FOR ANY OTHER USE BY ANY OTHER PERSON OR ENTITY.**

CERTIFICATION: I hereby certify to **PROBATE SERVICES INC.** and their mortgage title insurer that based upon inspection made with reasonable certainty, that:

- this plan was made from an inspection of the site.
- there **ARE NO** apparent violations of municipal ordinances regarding building setbacks in effect at time of construction.
- the principal structure(s) located on the premises **ARE NOT** in a flood hazard zone as delineated on the flood maps used by the Federal Emergency Management Agency.

