CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS

Philip Saucier-chair Sara Moppin Jill E. Hunter Gordan Smith-secretary William Getz.

June 21, 2010

Vilean Taggersell & Robert Levine 395 Spring Street Portland, ME 04102

RE: 395 Spring Street CBL: 061 A001 ZONE: R-4

Dear Ms. Taggersell & Mr. Levine:

At the June 17, 2010 meeting, the Zoning Board of Appeals voted 4-0 to grant the practical difficulty appeal for a two year period to allow the maximum allowable lot coverage to be 43.85%. I have enclosed a copy of the Board's decision.

I am also enclosing the Certificate of Variance Approval. The original must be recorded in the Cumberland County Registry of Deeds within 90 days of June 18, 2010, when it was signed. Failure to record the Certificate will result in it being voided. Our office must be provided with a copy of the recorded Certificate of Variance showing the recorded book and page.

Now that the practical difficulty appeal to increase the maximum allowable lot coverage has been approved, you need to submit a building permit application to build the addition. I have enclosed an application. You have two years from the date of the hearing, June 17, 2010, referenced under section 14-473(c), to obtain the building permit and start construction, or your Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,

Ann B. Machado Zoning Specialist



CTTY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Gordon Smith, the acting Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 17th day of June, 2010, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. Current Property Owner: Vilean Taggersell and Robert Levine

2. Property: 395 Spring Street, Portland, ME 04102 CBL: 061-A-001 Cumberland County Registry of Deeds, Book 24066 Page 175 Last recorded deed in chain of Title: June 14, 2006

3. Variance aud Conditions of Variance:

To grant relieve from section 14-105(e) of the Land Use Zoning Ordinance to allow a lot coverage of 43.85% for the addition of a twenty-two foot by twelve foot porch with a seven foot by thirteen foot mudroom to the rear of the house instead of the required 30% maximum permitted. This variance was granted for a period of 2 years and will expire if work has not significantly commenced by June 17, 2012.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 18th day of June, 2910

of Portland Zoning Board.

Acting Chair of

Notary Public

Margaret Schmuckal

Gordon Smith

(Printed or Typed Name)

STATE OF MAINE Cumberland, ss.

Then personally appeared the above-named Gordon Smith and acknowledged the above certificate to be his frec act and deed in his capacity as Acting Chairman of the Portland Board of Appeals, with his signature witnessed on $J_{\mu} = (9)$, 2010.

Printed or Typed Name

My Term Expires June 28, 2012 PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FOR THE SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

389 Congress St Portland, Maine 04101 (207) 874-8730 FAX 874-8949 TTY 874-8936

CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: June 17, 2010

Name and address of applicant:	Vilean Taggersell & Robert Levine 395-397 Spring Street Portland, ME 04101

Location of property under appeal: 395-397 Spring Street

For the Record:

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

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

Pictures of home Color plot plan Package of photos of relevant areas

Findings of Fact and Conclusions of Law:

The applicant is seeking a variance from section 14-105(e) of the City Code, which sets maximum lot coverage for the R-4 Residential Zone at 30%. The applicants proposed to build a 22' x 12' porch and a 7' x 13' mudroom to the rear of their house. Currently, the permitted structures on the lot cover 40.83% of the lot. The mudroom and porch would increase lot coverage to 43.85%.

"Practical Difficulty" Variance standard pursuant to Portland City Code §14-473(c)(3):

1. The application is for a variance from dimensional standards of the zoning ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied _____ Not Satisfied ____

Reason and supporting facts:

Lot coverage ordinance

2. Strict application of the provisions of the ordinance would create a practical difficulty, meaning it would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant. "Significant economic injury" means the value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

Satisfied _____ Not Satisfied _____

Reason and supporting facts:

There is no practical access to the backyard. The parking area is in the year of the house 3. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Satisfied ____ Not Satisfied ____

Reason and supporting faets:

There is a unique configuration of the house and access to the house

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties.

Satisfied ____ Not Satisfied ____

Reason and supporting facts:

Testamony in writing from Historic Preservation

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied <u>Not Satisfied</u>

Reason and supporting facts:

The house was built in 1800's and property use has changed.

6. No other feasible alternative is available to the applicant, except a variance.

Satisfied ____ Not Satisfied ____

Reason and supporting facts:

There is no other feasible alternative that will also meet other ordinance requirements

7. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

Satisfied _____ Not Satisfied _____

Reason and supporting facts:

There is no evidence of any ad

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. § 435, nor within a shoreland zone or flood hazard zone.

Satisfied <u>V</u> Not Satisfied ____

Reason and supporting facts:

Conclusion: (check one)

Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application. Morfilm Morfilm, Hunter Second. Option 2: The Board finds that while the standards described above (1 Passed 4-0 through 8) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

____Option 3: The Board finds that the standards described above (1 through 8) have NOT all been satisfied and therefore DENIES the application.

Note: Smith motion to extend the commencement of construction for 2 years. Moppin Second passed.

O:\OFFICE\MARYC\ZBA\\variance appeal practical difficulty taggersell.doc

CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk From: Marge Schmuckal, Zoning Administrator Date: June 21, 2010 RE: Action taken by the Zoning Board of Appeals on June 17, 2010.

Members Present: Gordon Smith (acting chair), William Getz (acting secretary), Sara Moppin, and Jill Hunter

Mcmbers Absent: Phil Saucier

1. New Business:

A. Practical Difficulty Variance Appeal:

70-76 Roaring Brook Road, Peter & Jean Scanlon, owners, Tax Map 397, Block A, Lot 016, R-2 <u>Residential Zone</u>: The appellants applied for a building permit to build a twelve foot by sixteen foot deck at the rear of their house. Section 14-80(e) gives the maximum allowable lot coverage as twenty percent. Presently, the permitted structure on the lot covers 22.71% of the lot. The appellants are requesting a variance to increase the lot coverage from 22.71% to 24.63%. Representing the appeal are the owners. The Board voted 4-0 to grant the practical difficulty appeal allowing the applicants to increase the maximum allowable lot coverage to 24.63%.

B. Practical Difficulty Variance Appeal:

<u>395-397 Spring Street, Vilean Taggersell & Robert Levine, owners, Tax Map 061, Block A, Lot 001, R-4 Residential Zone:</u> The applicants are proposing to add a twenty-two foot by twelve foot porch with a seven foot by thirteen foot mudroom to the rear of their house. Section 14-105(e) gives the maximum allowable lot coverage as thirty percent. Presently, the permitted structure on the lot covers 40.83% of the lot. The appellants are requesting a variance to increase the lot coverage to 43.85%. Representing the appeal are the owners. The Board voted 4-0 to grant the practical difficulty appeal allowing the applicants to increase the maximum allowable lot coverage to 43.85%. This variance was granted for a period of two years and will expire if work has not significantly commenced by June 17, 2012.</u>

Enclosn re: Decision for Agenda from June 17, 2010 Original Zoning Board Decision One dvd CC: Joseph Gray, City Manager Penny St. Louis Littell, Director, Planning & Urban Development Alex Secureman. Planning Division



The Board of Appeals will hold a public hearing on Thursday, June 17, 2010 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeal:

cilled to order at 6:35,pm

1. New Business:

A. Practical Difficulty Variance Appeal:

<u>70-76 Roaring Brook Road, Peter & Jean Scanlon, owners. Tax Map 397, Block A, Lot</u> <u>016, R-2 Residential Zone:</u> The appellants applied for a building permit to build a twelve foot by sixteen foot deck at the rear of their house. Section 14-80(e) gives the maximum allowable lot coverage as twenty percent. Presently, the permitted structure on the lot covers 22.71% of the lot. The appellants are requesting a variance to increase the lot coverage from 22.71% to 24.63%. Representing the appeal are the owners.

B. Practical Difficulty Variance Appeal:

4-Ø

Srintel

<u>395-397 Spring Street, Vilean Taggersell & Robert Levine, owners, Tax Map 061, Block</u> <u>A. Lot 001, R-4 Residential Zone:</u> The applicants are proposing to add a twenty-two foot by twelve foot porch with a seven foot by thirteen foot mudroom to the rear of their house. Section 14-105(e) gives the maximum allowable lot coverage as thirty percent. Presently, the permitted structure on the lot covers 40.83% of the lot. The appellants are requesting a variance to increase the lot coverage to 43.85%. Representing the appeal are the owners.

represting to the 2-years

2. Adjournment: 7' 40,0m

Zoning Boa	Planning and Development Department Zoning Board of Appeals Practical Difficulty Variance Application			
Applicant Information: VILEAN TAGGERSELL by Name ROBERT LEVINE	Subject Property Information: <u>395</u> SPRING ST. Property Address GI - A - 1			
Business Name <u>395 SPRING STREET</u> Address <u>POPTLAND</u> 04101 <u>173-5058</u> Telephone Fax	Assessor's Reference (Chart-Block-Lot) Property Owner (if different): Name Address			
Applicant's Right, Title or Interest in Subject Property:				
(e.g. owner, purchaser, etc.):	Telephone Fax			
Current Zoning Designation:	Practical Difficulty Variance from Section 14 - 105 (e).			
Existing Use of Property:	,			
Single-Family Pessidence				

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

The undersigned hereby makes application for a Practical Difficulty Variance as above described, and eertified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

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<u>6 - 1 - 2010</u> Date

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Board of Appeals may grant a variance from the dimensional standards of this article when strict application of the provisions of the ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

1. The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood:

· PLEASE SEE COVER LETTER FOR ITEMS 1-8.

2. The granting of the variance will not have an unreasonably detrimental effect on either the use or fair market value of the abutting properties:

3. The Practical Difficulty is not the result of action taken by the applicant or a prior owner:

4. No other feasible alternative is available to the applicant, except a variance:

5. The granting of a variance will not have an unreasonably adverse effect on the natural environment:

6. Strict application of the dimensional standards of the ordinance to the subject property will preclude a use which is permitted in the zone in which the property is located:

7. Strict application of the dimensional standards of the ordinance to the subject property will result in significant economic injury to the applicant:

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. Section 435, nor within a shoreland of flood hazard zone as defined in this article:

The following words have the meanings set forth below:

- a.) <u>Dimensional Standards</u>: Those provisions of this article which relate to lot area, lot coverage, frontage and setback requirements.
- b.) <u>Practical difficulty</u>: A case where strict application of the dimensional standards of the ordinance to the property for which a variance is sought would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant.
- c.) <u>Significant Economic Injury</u>: The value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

Carriage House Studio architects

RECEIVED

JUN - 1 2010

June 1, 2010

Dept. of Building Inspections City of Portland Maine nt

Zoning Board of Appeals Department of Planning and Urban Development Portland City Hall, Room 315 389 Congress Street Portland, Maine 04101

Re: Practical Difficulty Variance Application for 395 Spring Street

Dear Members of the Zoning Board of Appeals,

Please find enclosed an application, payment and supporting materials for a Practical Difficulty Variance for proposed work at 395 Spring Street, submitted on behalf of the owner/applicants Vilean Taggersel) and Robert Levine, including;

- Completed Practical Difficulty Variance Application
- Application Fee: Applicant's check in the amount of \$100 poyable to the City of Portland
- Attachment #1: Tax Map
- Attachment #2: Tax Assessor's Sketch
- Attachment #3: Proposed Plan & Vaughan Street Elevation, 11" x 17"
- Attachment #4: Proposed East & North Elevations, 8-1/2" x 11"
- Attachment #5: Photographs
- Attochment #6: Plot Plan, 18" x 24"
- Attachment #7: Register of Deeds Exhibit A Property Description

DESCRIPTION OF THE WORK

The owners wish to add a mudroam and parch to the back of their house and improve the parking, fence and landscoping in the rear yard. The proposed addition, which requires a Practical Difficulty Variance to exceed the maximum lat caverage for the property, is necessary to improve the connection between the kitchen at the back of the house and the rear yard.

Currently there are two ways to get from the house to the yard. One is to go down 13 steps to the unfinished basement, out the bulkhead doors and then up 7 covered exterior steps to the yord. The other is to go aut a side door an the Vaughan Street side of the house, down 9 steps to the sidewalk level, then along the sidewalk and through a gote into the back yord.

Carrying groceries from the car to the house and letting the owners' 2 dogs out into the yard are frequent and inconvenient tasks. Outdoor dining and cookauts dan't happen

144 Vaughan Street , Partland Maine 04102 . CHStudio@maine.rr.com . 207.318.0731

because the connection to the kitchen is so poor. The spacious rear yord is underutilized because it is so difficult to get to.

The proposed addition to the rear of the house will provide direct access from the kitchen to the rear yard and porking area, and a covered space for dining adjacent to the kitchen. Changes in fencing, paving and landscaping are intended to improve the rear yard of the property to complement the excellent quality of design and maintenance of the front and side yards.

REQUIRED APPROVALS & SCHEDULE

The addition requires a Proctical Difficulty Variance to ollow an increase in lot coverage obove the maximum 30 percent allowed by the ordinance. The addition and the changes to the rear yard require Historic Cammittee appraval; that application has been submitted. Our anticipated schedule for both applications is:

June 2, 2010	Historic Committee Workshap
June 17, 2010	Zoning Board of Appeals Public Hearing
June 24, 2010	Historic Committee Public Hearing

CONDITIONS FOR GRANTING PRACTICAL DIFFICULTY

- The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood: The property is unique because it is a townhouse bounded by public streets on 3 sides, an adjaining townhouse on the 4th side and because the width of the lat is narrower at the rear yord than it is at the front yord. Also, the tax assessor's plan far the property shows that in the past, there was a structure at the rear of the house that extended across the full width of the house, where the proposed addition is to be located.
- 2. The granting of the variance will not have an unreasonable detrimental effect on either the use or foir market value of the abutting properties: The building and front and side yards of this historic property have been meticulously restared, improved and maintained. The propased addition and rear yard improvements will bring the rear of the property up to the excellent standards of the rest of the property, thereby enhancing the surrounding properties and the neighbarhood in general.
- The Practical Difficulty is not the result of action taken by the applicant or a prior owner:

The house has not, in recent memory, had a direct connection from the rear of the house to the yard.

 No other feasible alternative is available to the applicant, except a variance: The owner connot buy land from a neighboring property in order to gain the necessary lat area for the addition.

Carriage House Studio architects

5. The granting of a variance will not have an unreasonably adverse effect on the natural environment:

The proposed work will not add to surface runoff from the property, ar otherwise have a negative impact on the environment. The addition and new landscaping plon will result in on overall decrease in the area of hardscape on the property.

6. Strict application of the dimensional standards of the ordinance ta the subject property will preclude a use which is permitted in the zone in which the property is located:

The proctical use and enjoyment of the rear yord of the property is prevented by the strict application of the minimum lot coverage requirement of the ardinance.

- 7. Strict application of the dimensional standards of the ardinance to the subject property will result in significant economic injury to the applicant: This historic house is suitable for a large family but potential buyers will want to be able to use the rear yard as an extension of the hause. Parents will want to be just steps away when their children are playing in the yard. Hasts will want to entertain in the yard without having to carry foad and drink down to the basement and then up through the bulkhead to the yard. The resale value of the property is significantly diminished without a rear parch, mudraom and entry connecting to the backyard and parking area.
- 8. The property is not located, in whale or in port, within a shoreland area, as defined in 38 MRSA Section 435, nor within a shoreland of fload hazard zone as defined in this orticle:

The subject property complies with this statement.

Thank you for considering this application. Please let me know if there is any other information that you would like as you praceed.

Sincerely,

Encl

395 SPIPHAG STREET ATTACHMENT # 4.



CAPTURAGE HPUSE STUDIO ENLIPSICAS



395 Spring Street Attachment #2 Tax Assessor's Sketch







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395 Spring Street Attachment #5 June 1, 2010 Page 1 of 5

PHOTOGRAPHS



SPRING STREET ELEVATION The front of the house.



VIEW FROM VAUGHAN STREET Note the side stairs out to the Vaughan Street sidewalk and the solid fence along the sidewalk. This is one way to access the rear yard from the house, down the steps, along the sidewalk and through a gate in the fence,



REAR VIEW A solid fence runs along the edge of the rear yard at Vaughan Street and Clifford Street.

395 Spring Street Attachment #5 June 1, 2010 Page 2 of 5

PHOTOGRAPHS



EXTERIOR BULKHEAD Note the curb around the base of the structure. It creates an awkward step up and over to get to the steps down to the basement.



BULKHEAD DOORS 7 steps below grade.



INTERIOR STAIR 13 steps down from the kitchen to an unfinished basement.

Carriage House Studio architects

395 Spring Street Attachment #5 June 1, 2010 Page 3 of 5

PHOTOGRAPHS

THE REAR YARD





VIEWS LOOKING TOWARDS THE CORNER OF VAUGHAN AND CLIFFORD STREETS Railroad tie retaining walls will be removed. The sloped driveway will be re-graded to provide level parking. The fence will be replaced.



VIEW LOOKING AT THE DRIVEWAY The parking area will be widened to allow 2 cars parked side-by-side. The new fence layout will separate the parking spaces from the yard. The white fence on the right belongs to the neighbor to the east and is on the property line.

Carriage House Studio architects

395 Spring Street Attachment #5 June 1, 2010 Page 4 of 5

PHOTOGRAPHS

NEARBY PROPERTIES ON VAUGHAN STREET

These examples show that corner properties along Vaughan Street have structures close to and on the property line, along the sidewalks at the side of the property. They also exhibit the large size and lot coverage of the historic houses and outbuildings in the West End.



Example #1 CORNER OF VAUGHAN & ORCHARD STREETS One block away from 395 Spring Street



Example #2 CORNER OF VAUGHAN & DANFORTH STREETS Two blocks away from 395 Spring Street

395 Spring Street Attachment #5 June 1, 2010 Page 5 of 5



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT, I, William H. Hunscher, Jr., residing at 395 Spring Street, Portland, Maine (the "Grantor") in consideration of One Dollar (\$1.00) and other good and valuable considerations paid by Robert Levine and Vilean Taggersch residing at 2 Hemlock Lane, Falmouth, Maine (the "Grantces") the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Grantees, their heirs, successors, and assigns forever, as joint tenants, the real estate situated at 395 Spring Street, Portland, County of Cumberland and State of Maine, more particularly described on <u>Exhibit A</u> attached hereto.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Grantees, their heirs, successors, and assigns, to their own use and behoof forever.

AND said Grantor does covenant with the said Grantees, their heirs, successors, and assigns, that they are lawfully seized in fee of the premises, that they are free of all encumbrances; that Grantor has good right to sell and convey the same to the said Grantees to hold as aforesaid, and that he and his successors shall and will WARRANT AND DEFEND the same to the said Grantees, their heirs, successors, and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said William H. Hunscher, Jr., has executed this instrument this <u>14 th</u> day of May 2006.

William H. Hunscher, Jr.

STATE OF MAINE CUMBERLAND ss.

May 14,2006

SPRING ST.

EED

Then personally appeared the above-named William H. Hunscher, Jr., and acknowledged the foregoing instrument to be his/her free act and deed.

Before me,

Attorney at Law James R. Lemieur

F:\CLIENTS\hunscher\395 Spring Street\Warranty Deed.doc

395 Spring Street Alfachment # 7.

Docts

37521 Bh # 24066 Pat 176

EXHIBIT A

A certain lot or parcel of land, with any buildings thereon, situated in the City of Portland, County of Cumberland, and State of Maine, being more particularly bounded and described as follows:

Beginning at the northeast corner of Spring and Vaughan Streets; thence northeasterly by said Spring Street fifty-nine (39) feet, more or less, to a point opposite the center of the wall dividing the two houses in the brick block built on said corner of Spring and Vaughan Streets by Samuel Trask, and owned by him at his decease, thence northwesterly on the center line of said dividing wall, one hundred thirty-seven (137') feet, more or less, to Clifford Street, thence southwesterly by said Clifford Street thirty-six (36') feet, more or less, to the southeast corner of Clifford and Vaughan Streets; thence by said Vaughan Street about one hundred forty and two tenths (140.2) feet to the point of beginning, it being the westerly house in said block and numbered 395 Spring Street.

Said premises are conveyed subject to such right as Sarah P. Swan and Anna C. Swan, their heirs and assigns, and any occupants of the easterly house in said block, numbered 393 Spring Street, have to use in common with the open court or area lying between the said houses of the rest.

Reference is hereby made to a deed from J. Michael Taylor and Wendy D. Taylor dated May 14, 2004 to William H. Hunscher, Jr. and recorded in the Cumberland County Registry of Deeds in Book 21310, Page 297.

F:VCLERNTSVirunscher/395 Spring Street/Exhibit A - Property Description.doc

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Assessor's Office 389 Congress Stre	t Portland	Maine 04101	Room 115	(207) 874-8488
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lobs Departments City Council E Services Calendar HIGHTR City

This page contains a detailed description of the Percel ID you selected. Press the New Search button at the bottom of the screen to submit a new query.

Current Owner Information:

Q & A

Best viewed at 800x600 with Internet Explorer

	CBL	061 A001001
Services	Land Use Type	SINGLE FAMILY
	Property Location	395 SPRING ST
Applications	Owner Information	LEVINE ROBERT & VILEAN TAGGERSELI ITS
Doing Business		395 SPRING ST PORTLAND ME 04102
	Book and Page	24066/175
Maps	Legal Description	61-A-1 Spring St 395-397
Tax Relief		CLIFFORD \$1 58 60 6507 SF
Tax Rolf	Acres	0.149

Current Assessed Valuation:

browse city	TAX ACCT NO.	9564	OWNER OF RECORD AS OF APRIL 2009 LEVINE ROBERT &
services are	LAND VALUE	\$249,800.00	VILEAN TAGGERSELL ITS 395 SPRING ST
	BUILDING VALUE	\$\$77,300.00	PORTLAND ME 04102
browse facts and	HOMESTEAD EXEMPTION	(\$12,350.00)	
links a-z	NET TAXABLE - REAL ESTATE	\$814,750.00	
	TAX AMOUNT	\$14,453.68	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

Building Information:

Card L of 1

Card 1 of	1	
Year Built	1868	
Style/Structure Type	OLD STYLE	
# Stories	2.5	
Bedrooms	7	
Full Baths	3	
Half Baths	1	
Total Rooms	12	
Attic	NONE	
Basement	FULL	
Square Feet	6174	
View Sketch	View Map	View Picture



Sales Information:

Sale Date	Туре
6/14/2006	LAND + BUILDING
5/22/2004	LAND + BUILDING
10/1/1998	LAND + BUTL DING

ND + BUILDING D + BUT DING

Book/Page 24066/175 21310/297 14200/271



Price

\$985,000.00

\$935,000.00

\$260,000.00



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Penny St. Louis Littell - Director of Planning and Urban Development Marge Schmuckal, Zoning Administrator

- TO: CHAIR AND MEMBERS OF THE ZONING BOARD OF APPEALS
- FROM: ANN MACHADO, ZONING SPECIALIST 次氏
- SUBJECT: 395 SPRING STREET, 061-A-001 R-4
- DATE: JUNE 10, 2010

On May 7, 2010, Vilean Taggersell, the owner, and Carol De Tine, her architect, met with Marge Schmuckal to discuss the proposed addition for the rear of her house at 395 Spring Street. One issue that came up was that the proposed addition did not meet the required side setback. Section 14-105(d)(4) states that the minimum side yard setback is twenty feet for a side yard on a side street. The setback for the proposed addition is 8'4". Section 14-433 allows the side yard in the R-4 zone to be reduced to five feet for a building addition if the principal structure has existed as of July 19, 1988 and the normal applicable yard dimensions cannot be met. At this meeting Marge determined that this section applied since the existing house is at 9'10" and the twenty foot side yard setback cannot be met.

City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-431 Rev.2-4-10 building adjoining a yard shall be used in determining the required width or depth of that yard, but in no case shall any higher part of the building be closer to the property line than width or depth of yard required for that height. In case an addition is to be made to a building which existed on June 5, 1957, the side yard spaces of which complied with the ordinance in effect on that date, the aggregate side yards may be the same as required on that date, provided the yard on the side where the addition is intended would comply with the minimum width required by the present ordinance. Yards as prescribed for residential uses shall be required for an apartment house or hotel erected above the ground floor of a building where the ground floor is designed exclusively for business purposes. (Code 1968, § 602.19.J)

Sec. 14-432. Swimming pools.

Outdoor swimming pools accessory to dwellings, apartment houses, hotels or motels shall be permitted on lots, provided the following conditions are met:

- (a) No swimming pool shall be sited in the front yard.
- (b) No part of any swimming pool shall be located closer than ten (10) feet from the principal structure, nor closer than ten (10) feet from the side or rear lot lines.
 (Code 1968, § 602.19.K; Ord. No. 271-77, 5-16-77; Ord. No. 90-88, 7-19-88)

*Editor's note-Ord. No. 90-88, adopted July 19, 1988, amended § 14-432 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 90-88.

Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.

Any lot of record as of June 5, 1957, and held under separate and distinct ownership from adjacent lots and having a street frontage of forty (40) feet, or to which a means of access has been previously approved by the city council as provided elsewhere in this article, may be considered a buildable lot in any residential zone except as provided below for island residential zones, with a minimum lot size of five thousand (5,000) square feet, except that a lot in the R-6 zone may have a minimum lot size of three thousand (3,000) square feet, provided that the applicable yard dimensions City of Portland Code of Ordinances Sec. 14-433 can be met. Land Use Chapter 14 Rev.2-4-10

A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met provided, however, that less restrictive zoning requirements which meet the requirements contained within 14-139(2) for residential small lot development shall apply:

a. R-1, R-2: Rear yard: Ten (10) feet. Side yard: Five (5) feet.
b. R-3, R-4, R-5, R-5A, R-6: Rear yard: Five (5) feet. Side yard: Five (5) feet.

Any detached or accessory structure in the R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear year set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Any lot of record as of July 15, 1985, and held under separate and distinct ownership from adjacent lots and meeting the applicable street frontage requirements of that time may be considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable yard dimensions can be met and provided further that a lot in the IR-1 zone shall have a minimum area of ten thousand (10,000) square feet and a lot of the IR-2 zone shall have a minimum area of six thousand five hundred (6,500) square feet



Carriage House Studio architects June 17, 2010

395 Spring Street

CLIFFORD STREET PHOTOG



Carriage House Studio architects June 17, 2010

395 Spring Street

CLIFFORD STREET PHOTOGRAPHS

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Carriage House Studio architects June 17, 2010

395 Spring Street

CLIFFORD STREET PHOTOGRAPHS

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Carriage House Studio architects June 17, 2010

CLIFFORD STREET PHOTOGRAPHS

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Marge Schmuckal - 395 Spring Street; Variance Appeal

Deb Andrews
Marge Schmuckal
6/17/2010 5:45 PM
395 Spring Street; Variance Appeal

Dear Marge:

It is my understanding that Vilean Taggersell and Robert Levine have requested a variance for lot coverage at 395 Spring Street. The appeal is sought in order to construct a rear addition which would provide direct access to the applicants' back yard.

As the property is located within the West End Historic District, the applicants and their architect, Carol DeTine, requested a preliminary workshop with the Historic Preservation Board on the proposed addition prior to proceeding with the variance request. The property owners wanted some level of assurance that, if the variance were to be granted, the proposed addition would meet the Historic Preservation ordinance's standards and be approved by the HP Board.

The Historic Preservation Board held an on-site workshop on June 2nd. The on-site session provided an opportunity to understand and appreciate the practical difficulties presented by the current conditions and the relative inaccessibility of the rear yard. The Board also had an opportunity to review closely the preliminary design for the building addition and the related site changes.

At the conclusion of the workshop, the Historic Preservation Board noted that the need for improved access to the rear yard was very clear and they expressed support for the addition as proposed. They noted that the existing "bulkhead cover" at the back of the building, which will be replaced by the addition, is actually a cupola salvaged from another historic property and, while being an interesting architectural artifact, is not appropriate for this property. Its replacement with an appropriately scaled, sensitively detailed addition was seen as a very positive change. Apart from some suggestions for minor design modifications, the HP Board appeared supportive of both the addition and the associated site changes. The replacement fence, in particular, was cited as a significant improvement for this visually prominent corner property.

Please feel free to share these comments with members of the Zoning Board of Appeals.

Deb Andrews Historic Preservation Program Manager



City of Portland Zoning Board of Appeals

June 9, 2010

Vilean Taggersell & Robert Levine 395 Spring Street Portland, ME 04102

Dear Ms. Taggersell & Mr. Levine,

Your Practical Difficulty Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday**, June 17, 2010 at 6:30 p.m. in Room 209, located on the second floor of City Hall.

Please remember to bring a copy of your application packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the legal ad, notices and processing fee for the appeal. The check should be written as follows:

MAKE CHECK OUT TO: MAILING ADDRESS: City of Portland Room 315 389 Congress Street Portland, ME 04101

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely,

Ann B. Machado Zoning Specialist

Cc: File

City of Portland DATE: 6/17/10 TIME: 9:41:49

PZ CASH RECEIPT

PROJECT #: 10-59500004 PROJECT DESC: PRACTICAL DIFFICULTY - 395 SPRING ST - O RECEIVED FROM: Robert Levine & Vilean Taggers RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
L2	LEGAL AD ZONING BOARD		86.21
N1	NOTICING ZONING BOARD		43.50
ZP	ZONING PROCESSING FEE		50.00

TOTAL AMOUNT: 179.71

City of Portland DATE: 6/03/10 TIME: 9:03:57

PZ CASH RECEIPT

PROJECT #: 10-59500004 PROJECT DESC: PRACTICAL DIFFICULTY - 395 SPRING ST - O RECEIVED FROM: Robert Levine & Vilean Taggers RECEIPT NUMBER:

 FEE
 DESCRIPTION
 CREDIT
 PAYMENT

 Z1
 ZONING BOARD OF APPEALS
 100.00

TOTAL AMOUNT: 100.00

8L	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	AYERS HERYUN K & JONATHAN W AYERS JTS	83 VAUGHAN ST PORTLAND, ME 94102	81 VAUGHAN ST	1
	BEGIN ELIZABETH W	5 ORCHARD ST PORTLAND, ME 04102	5 ORCHARD ST	1
	BENNETT WILLIAM M & JEAN C	20 ORCHARD ST PORTLAND, ME 04102	20 ORCHARD ST	1
	BRIGGS RUSSELL C & BARBARA M BRIGGS	14 BOWDOIN ST PORTLAND , ME 04102	14 BOWDOIN ST	1
	CICUTO KENNETH P & BARBARA S MCINNIS JTS	365 SPRING ST PORTLAND, ME 04102	365 SPRING ST	1
	DANA SUSAN B	41 BOWDOIN ST PORTLAND, ME 04102	41 BOWDOIN ST	1
_	DEPREZ RONALD D	15 CLIFFORD ST PORTLAND, ME 04102	15 CLIFFORD ST UNIT 2	1
	DONOVAN LUCY D	15 CLIFFORD ST PORTLAND, ME 04101	15 CLIFFORD ST UNIT 1	1
	EVON ROBERT W & LESLEY J EVON JTS	374 SPRING ST PORTLAND , ME 04102	374 SPRING ST	1
	FAMILY CRISIS SERVICES INC	PO BOX 704 PORTLAND, ME 04104	14 ORCHARD ST	2
	FLAGG NANCY NEILL & THOMAS J WALSH JTS	385 DANFORTH ST PORTLAND , ME 04102	365 DANFORTH ST	1
	GITTO CHRISTINA A	384 SPRING ST PORTLAND, ME 04102	384 SPRING ST	1
	GOLDFARB MARCIA F	9 BOWDOIN ST PORTLAND, ME 04102	13 BOWDOIN ST	1
·	GRAFFAM LINDA L	29 ORCHARD ST PORTLAND, ME, 04102	29 ORCHARD ST	1
	HALEY MARK L & SIBYL W HALEY JTS	395 DANFORTH ST PORTLAND, ME 04102	393 DANFORTH ST	1
	HALLETT THOMAS F & LYNN HALLETT JTS	15 VAUGHAN ST PORTLAND, ME 04102	15 VAUGHAN ST	1
<u></u>	HOLLANDER PETER E & LINDA	21 ORCHARD ST PORTLAND, ME 04102	21 ORCHARD ST	1
	HORN ECKART & MARY M HORN JTS	363 SPRING ST PORTLAND, ME 04102	383 SPRING ST	2
	HUNTINGTON-JONES JOANNE	801 STEVENS AVE PORTLAND, ME 04103	4 ORCHARD ST	1
	JAEGERMAN ALEXANDER Q & SUSAN E MORRIS JTS	398 SPRING ST PORTLAND, ME 04102	398 SPRING ST	1
	KEITH RAYMOND T & JULIE D EVANS JTS	21 CLIFFORD ST PORTLAND, ME 04102	21 CLIFFORD ST	1
	KERN GEORGE MICHAEL & MAILI KERN JTS	22 NEAL ST PORTLAND, ME 04102	22 NEAL ST	1
	KIEFFER ANTHONY R & SUSAN C CONLEY JTS	30 FRONT ST STE 2 BATH, ME 04530	44 BOWDOIN ST	1
	KOLHORST JANE S	25 VAUGHAN ST PORTLAND, ME 04102	25 VAUGHAN ST	1
	LEVINE ROBERT & VILEAN TAGGERSELL JTS	395 SPRING ST PORTLAND, ME 04102	395 SPRING ST	1
e . •	LEVY JON D &	389 DANFORTH ST # 2	387 DANFORTH ST UNIT 2	1

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06/08/2010		061_A001	<u> </u>	<u>10:43 AM</u>
	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
		28 SALT SPRAY LN CAPE ELIZABETH, ME 04107	369 DANFORTH \$T	1
	MCCANN B CAIRBRE & EITHNE C MCCANN TRUSTEES	28 BOWDOIN ST PORTLAND , ME 04102	28 BOWDOIN ST	1
	MCCARTHY JOHN F & MARTHA ZIMICKI JTS	15 CLIFFORD ST # 2E PORTLAND , ME 04102	15 CLIFFORD ST UNIT 2	1
	MCGREGOR MARY LOUISE & MICHAEL J RYAN JTS	36 BOWDOIN ST PORTLAND, ME 04102	36 BOWDOIN ST	1
	MILLER CHARLES S	15 CHADWICK ST PORTLAND, ME 04102	8 CHADWICK ST	0
_	MORSE MARTA N TRUSTEE	387 SPRING ST PORTLAND, ME 04102	387 SPRING ST	1
	MORTON JEREMY R VN VET & PHILIPPA J MORTON JTS	75 VAUGHAN ST PORTLAND, ME 04102	18 BOWDOIN ST	1
	MOSER JEREMY R H & LAURA B KITTLE JTS	40 BOWDOIN ST PORTLAND, ME 04102	40 BOWDOIN ST	1
· <u> </u>	MURPHY PATRICK O & VICTORIA MCHUGH JTS	8 BOWDOIN ST PORTLAND, ME 04102	8 BOWDOIN ST	1
	NIELSEN SUSAN E	15 CLIFFORD ST # 3E PORTLAND, ME 04102	15 CLIFFORD ST UNIT 3	1
	OLDHAM THEODORE & SARAH OLDHAM JTS	387 DANFORTH ST # 1 PORTLAND, ME 04102	387 DANFORTH ST UNIT 1	1
	PARKER JUDITH D	15 CLIFFORD ST UNIT 1-W PORTLAND, ME 04102	15 CLIFFORD ST UNIT 1	1
	PRINCE ROGER O WWII VET & NANCY T PRINCE JTS	361 DANFORTH ST PORTLAND, ME 04102	361 DANFORTH ST	1
	RANDALL BRIAN D & ALEXANDER M BEAL	381 DANFORTH ST PORTLAND, ME 04102	375 DANFORTH ST	٥
	RANDALL BRIAN D & ALEXANDER M BEAL	381 DANFORTH ST PORTLAND, ME 04102	381 DANFORTH ST	1
		393 SPRING ST PORTLAND, ME 04102	393 SPRING ST	1
	SCHEU JENNY P & JOHN W RYAN JTS	381 SPRING ST PORTLAND, ME 04102	381 SPRING ST	1
	SCHWIND WILMONT M JR & ARLENE P JTS	357 SPRING ST PORTLAND, ME 04102	357 SPRING ST	1
		544 GOULDSBORO POINT RD GOULDSBORO, ME 04607	364 SPRING ST	1
	SECOND PARISH OF PORTLAND	23 NEAL ST PORTLAND, ME 04102	23 NEAL ST	1
	SECOND PARISH OF PORTLAND	23 NEAL ST PORTLAND, ME 04102	28 NEAL ST	1
	SHAW PETER K & BARBARA G	29 BOWDOIN ST PORTLAND, ME 04102	29 BOWDOIN ST	1
	SMITH LUCIA P	392 SPRING ST PORTLAND, ME 04102	390 SPRING ST	1
	SPENCER ALICE B & RICHARD A JTS	52 BOWDOIN ST PORTLAND, ME 04102	52 BOWDOIN ST	1
	SPIRER KENNETH S & JOAN S LEITZER JTS	18 NEAL ST PORTLAND, ME 04102	15 CLIFFORD ST UNIT 3	1
	SPIRER KENNETH S & JOAN SCHAAP LEITZER JTS	18 NEAL ST PORTLAND, ME 04102	18 NEAL ST	1

06/08/2010	061 A001			10:43 AM
CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	SPRAGUE LAURA FECYCH	26 ORCHARD ST PORTLAND, ME 04102	11 ORCHARD ST	0
	SPRAGUE LAURA FECYCH	26 ORCHARD ST PORTLAND, ME 04102	28 ORCHARD ST	1
	STEELE PHILIP & FRANCESCA GALLUCCIO-STEELE	22 CLIFFORD ST PORTLAND, ME 04102	22 CLIFFORD ST	1
	VOSS PATRICIA Z	366 SPRING ST PORTLAND, ME 04102	366 SPRING ST	1
	WATSON JOHN C & NANCY R BRIAN JTS	32 ORCHARD ST PORTLAND, ME 04102	30 ORCHARD ST	0
	WATSON JOHN C & NANCY R BRIAN JTS	32 ORCHARD ST PORTLAND, ME 04102	32 ORCHARD ST	1
	WAYNFLETE SCHOOL THE	360 SPRING ST PORTLAND, ME 04102	17 FLETCHER ST	1
	WEINBERG DIANE L	145 BEAUMONT AVE NEWTON , MA 02460	375 SPRING ST	1
	WHELAN ROBERT M JR & KATHLEEN M WHELAN JTS	416 COMMONWEALTH AVE # 305 BOSTON, MA 02215	90 VAUGHAN ST	1
	WIGTON DANA TOWLE ETALS	97 VAUGHAN ST PORTLAND, ME 04102	97 VAUGHAN ST	2

06/08/2010		061_A001		10:43 AM
CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
Total Listed:	62			61

