# CITY OF PORTLAND, MAINE <br> ZONING BOARD OF APPEALS 

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 I7, 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,

## CTYY OF PORTLAND

## CERTIFICATE OF VARIANCE APPROVAL

I, Gordon Smith, the acting Chair of the Board of Appeals for the City of Portland, Cumberiand 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: Vliean Taggersell and Robert Levine
2. Property: 395 Spring Street, Portiand, 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 rolieve from section 14-105(0) of the Land Use Zoning Ordinances to allow a lot coverage of $\mathbf{4 3 . 8 5 \%}$ for the addition of a twenty-two foot by tweive 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 hes not significantly commenced by June 17, 2012.

IN WTTNESS WIIEREOF, I have hereto set my hand and seal this 18th day of June, 2010


Acting Chair of

## 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 hla capacity as Acting Chairman of the Portland Board of Appeals, with his signature witnessed on 2010.


PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THB PR OPPERTY OWNGR IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPRQYALC FQR' THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBIECT TO THE LIMTTATIONS SETGORTHGM SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

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):
Vilean Taggersell a Robert Levine-Owners
Card J. De Tine - Architect

Exhibits admitted (egg. renderings, reports, etc.):
Pictures of howe
Color plat plan
Package of photos of relewent 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 $22^{\prime} \times 12^{\prime}$ porch and a $7^{\prime} \times 13^{\prime}$ 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 §14473(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 $\qquad$
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.

SatisfiedNot Satisfied $\qquad$
Reason and supporting facts:
There is no practical access to the backyard. The parking area is in the rear 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 $\qquad$ Not Satisfied $\qquad$
Reason and supporting fats:
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 $\qquad$ Not Satisfied $\qquad$
Reason and supporting facts:
Testimony in writing from Historic Preservation
5. The practical difficulty is not the result of action taken by the applieant or a prior owner.

Satisfied $\qquad$ $r$ Not Satisfied $\qquad$
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 $\qquad$ Not Satisfied $\qquad$
Reason and supporting facts:
There is no other feasible alternative that will also meet other ardinance requirements
7. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

Satisfied $\qquad$ Not Satisfied $\qquad$
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. $\S 435$, nor within a shoreland zone or flood hazard zone.

Satisfied $\qquad$ Not Satisfied $\qquad$
Reason and supporting facts:

Conclusion: (check one)
$\checkmark$ Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application. Mopping Motion, ifunter Seeuncl.

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:
$\qquad$ 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 fo extend the commencement of construction for 2 years. Moppin Second passed.

# CITY OF PORTLAND, MAINE <br> ZONING BOARD OF APPEALS 

## ZONING BOARD APPEAL DECISION

To: City Clerk<br>From: Marge Schmuckal, Zoning Administrator<br>Date: June 21, 2010<br>RE: Action taken by the Zoning Board of Appeals on June 17, 2010.<br>Members Present: Gordon Smith (acting chair), William Getz (acting secretary), Sara Moppin, and Jill Hunter<br>Mcmbers Absent: Phil Saucier

## 1. New Business:

## A. Practieal Difficulty Variance Appeal:

70-76 Roaring Brook Road, Peter \& Jean Scanlon, owners, Tax Map 397, Block A, Lot 016, R-2
Residential Zone: The appellants applied for a building pernit 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 increasc 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 $\mathbf{2 4 . 6 3} \%$.

## B. Practical Difficulty Variance Appeal:

395-397 Spring Street, Vilean Taggersell \& Robert Levine, owners, Tax Map 061, Block A, Lot 001, R4 Residential Zone: 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 $\mathbf{4 3 . 8 5 \%}$. This variance was granted for a period of two years and will expire if work has not significantly commenced by June 17, 2012.

## Enclosnre:

Deelston for Agenda from June 17, 2010
Original Zaniug Board Decision
One dyd
CC: Joseph Gray, City Manager
Penny St. Louis Littell, Director; Planning \& Urban Development Alox Jeeremman. Planning Division

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& \text { ZONING BOARD OFAPPEALS } \xi_{\text {G }} \text { (nom } \sin \text { ito }
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$$

The Board of Appeals will hold a public hearing on Thursday, June 17, 2010 at 6:30 pom. on the second floor in room 209 at Portland City Hall, 389 Congress Street,
Portland, Maine, to hear the following Appeal:
called to older at: 6: 35ym

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 Residential Zone: 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:

395-397 Spring Street, Vilean Taggersell \& Robert Levine, owners, Tax Map 061, Block A. Lot 001, R-4 Residential Zone: 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.

2. Adjournment: $7^{\prime} 40, \mathrm{~m}$

Planning and Development Department
Zoning Board of Appeals
Practical Difficulty Variance Application


Applicant's Right, Title or Interest in Subject Property:
$\qquad$
(egg. owner, purchaser, etc.):
Current Zoning Designation:


Existing Use of Property:
Single -Family Residence
$\qquad$
$\qquad$

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 certified that ail information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.


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:

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.) Dimensional Standards: Those provisions of this article which relate to lot area, lot coverage, frontage and setback requirements.
b.) Practical difficulty: 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.) Significant Economic Injury: 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 praetical 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 HouseStudio architects

June 1, 2010
Zoning Boord of Appeals
Department of Plonning and Urban Develapment Portland Ciity Holl, Room 315
389 Congress Street
Partland, Maine 04101

Dept. of Building Inspections City of Portland Maine

JUN - 12010

Re: Proctical Difficulty Variance Application for 395 Spring Strest
Dear Members of the Zoning Boord of Appeals,
Please find enclosed an application, payment and supporting materials tor a Practical Difficulty Variance for proposed work ot 395 Spring Streat, submitted on beholf of the owner/applicants Vilean Toggersell and Robert Levine, including;

- Completed Practical Difficulty Varionce Application
- Application Fee: Applicant's check in the amaunt of $\$ 100$ payable to the City of Portlond
- Attachment \#1: Tox Map
- Attachment \#2: Tax Assessar's Sketch
- Attachment \#3: Proposed Plon \& Vaughan Street Elevotion, $11^{\prime \prime} \times 17^{\prime \prime}$
- Attachment \#4: Proposed East \& North Elevations, 8-1/2" $\times 11$ "
- Attachment \#5: Photagraphs
- Arrochment \#6: Plot Plan, $18^{\prime \prime} \times 24^{\prime \prime}$
- Attachment \#7: Register of Deeds Exhibit A Property Description


## DESCRIPTION OF THE WORK

The owners wish to odd o mudroom and porch to the back of their house and improve the porking, fence and landscoping in the reor yard. The proposed oddition, which requires a Practical Difficulty Variance to exceed the maximum lal caverage for the property, is necessory to improve the connection between the kitchen ot the bock of the house and the rear yord.
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 daors and then up 7 covered exteriar steps to the yord. The other is to ga out a side daor an the Vaughan Street side of the house, down 9 steps to the sidewalk level, then olang the sidewolk and through a gote into the bock yord.
Corrying groceries from the cor to the house and lelting the owners' 2 dogs out inta the yard ore frequent and inconvenient tasks. Ouldoor dining and cookouts dan't happen
because the connection to the kitchen is so paor. The spaciaus rear yord is underutilized becouse 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 o covered space for dining odjocent to the kitchen. Chonges in fencing, paving and landscaping are intended to improve the rear yard of the property to complement the excellent quolity of design and mointenance of the front and side yards.

## REQUIRED APPROVALS \& SCHEDULE

The addition requires a Proctical Difficulty Varionce to ollow an increose in lot coveroge obove the maximum 30 percent allowed by the ordinance. The addition and the chonges to the rear yord require Historic Cammittee appravol; that application has been submitted. Our onticipated schedule for both applications is:

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

## CONDITIONS FOR GRANTING PRACTICAL DIFFICULTY

1. The need for the variance is due ta the unique circumstonces of the property and not to the general conditions in the neighborhaod:
The praperty is unique because it is o townhouse bounded by public streets on 3 sides, an odjoining townouse on the 4th side and becouse the width of the lot is narrower at the rear yord than it is at the front yard. Also, the tax assessor's plan far the property shaws that in the past, there was a structure at the rear of the house that extended across the full width of the hause, where the proposed addition is to be localed.
2. The granting of the variance will not have an unreasonable detrimental effect on either the use or foir market value of the abulting properties:
The building and front and side yards of this historic property have been meticulously restared, improved and maintained. The propased addition ond rear yard improvements will bring the rear of the property up to the excellent standards of the rest of the property, thereby enhancing the surraunding properties and the neighbarhood in general.
3. The Practical Difficulty is not the result of action taken by the applicant or o prior owner:
The house has not, in recent memory, had a direct connection from the rear of the house to the yard.
4. No other feasible ofternative is available to the applicant, except a variance: The owner connot buy land from a neighboring praperty in order to gain the necessary lat orea for the additian.
5. The granting of o variance will not have an unreasonably adverse effect on the natural enviranment:
The proposed work will not add to surface runoff from the property, or otherwise have a negative impact an the environment. The addition and new landscaping plan 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 predude a use which is permitted in the zone in which the property is located:
The practical use and enjoyment of the rear yard of the property is prevented by the strict application of the minimum lot coverage requirement af the ordinance.
7. Strict application of the dimensional standards of the ordinance to the subject property will result in significant economic injury to the applicant:
This historic house is suitable for o 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. Hosts will want to entertain in the yard without having to carry fad 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, mudroom 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 flood hazard zone as defined in this article:
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 proceed

Sincerely,


$\frac{\text { EAST ELEVATION. }}{\text { FACES MEGAHMASAR }}$





395 Spring Street Attachment \#2
Tax Assessor's Sketch




Carriage House Studio architects

PHOTOGRAPHS


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

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.

## PHOTOGRAPHS



EXTERIOR BULKHEAD
Note the curb around the base of the struclure. 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

Carriage House Studio architects

## 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 porking. 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

## 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
Stree $\dagger$


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


## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT, I, William H. Hunscher, Jr., residing at 395 Spring Street, Portland, Maine (the "Granter") in consideration of One Dollar (\$1.00) and other good and valuable considerations paid by Robert Levine and Viiean Taggerscll residing at 2 Hemlock Lane, Falmouth, Maine (the "Grantees") 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 Exhibit A 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 14 th day of May 2006.


William H. Hunscher, Jr.

## STATE OF MAINE CUMBERLAND ss.

May 14, 2006
Then personally appeared the ubove-named William H. Hunscher, Jr., and acknowledged the foregoing instrument to be his/her free act and deed.

> Before me,


# 395 Spring Street Attachment \#7. 

Docks 37321 Em a34068 Pas 176

## EXHIBIT A

A certain Jot or parcel of hand, with any buildings thereon, situated in the City of Portland, County of Cumberland, and State of Maine, being more particnleriy bounded mod described as follow:

Beginning at the northeast corner of Spring and Vaughan Streets; thence northeasterly by said Spring Street fifty-aine (59) feet, indore or less, to a point opposite the center of the wall dividing the two houses in the brick block brit 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 maid Clifford Street thirty-six (36') feel, more or less, to the southeast comer of Clifford and Vaughan Streets; thence by said Vaughan Street about one hundred forty and two tombthe (140.2) feet to the point of beginning, it being the westerly house in and block and numbered 395 Spring Stree r

Said promises are conveyed subject to such right as Sarah P. Swan and Ama C. Swan, their heirs and assigns, mod wry occupants of the easterly houses in amid block, numbered 393 Spring Street, have to uso ip common with the open count or area lying between the aid houses of the rear.

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


## Map




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Livy Homp Deparments City Sownci E services Calendar lobs
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This page contalns a detalled description of tha Piarcel ID you selected Press the Now Search button at the botton of the seresen to submit a new query

## Current Owner Information:

|  | CBL | 0618001001 |
| :---: | :---: | :---: |
| Services | Land Use TYpe | STNGLE FAMILY |
|  | Property lucation | 395 SPRING ST |
| Applications | Owner Taformatioh | LEVINE ROBERT \& WIEAN TAGGLRSELI ITS |
| Daing business |  | 395 SPRUNG $5 T$ PORTLAND ME MIDZ |
|  | Book and Page | 24066/175 |
| Maps | Legsi Description | $\begin{aligned} & \text { 62-AN-1 } \\ & \text { SPRUS ST } 395-397 \end{aligned}$ |
| Tax Rellief |  | $\begin{aligned} & \text { CLIFRORD } \$ 15360 \\ & 6507 \mathrm{SF} \end{aligned}$ |
| Tax Rolf | A.tes | 0.149 |
| Q素A | Current Assessed Vatuation: |  |


| browse city services a-z | tax mect mo. | 9564 |  |
| :---: | :---: | :---: | :---: |
|  |  | \$249,800.00 | VJIEAN TAGGERSELS TTS |
|  | Land value | $\begin{aligned} & \$ 249,500.00 \\ & \$ 577,300.00 \end{aligned}$ | 395 SPRTNG ST <br> PORTLAND ME 04102 |
| browse facts and links a-s | HOMESTEAD EXEMPTION | (\$12,350.00) |  |
|  | NET TAYABLE - REAL ESTATE | \$814,750.00 |  |
|  | TAX AMOUNT | \$14,453.68 |  |


try information conceming tax payments should be birected to the
Triaxury office at $b_{8} 4-4490$ or e-mailed.

## Building Information:



Sales Information:

| Sale Date | Type | Price | Boak/Pige |
| :---: | :---: | :---: | :---: |
| 6/14/2006 | LAND + EUfLDING | \$985,000.00 | 24066/175 |
| 5/22/2004 | Land a Bullding | 5935,000.00 | 21.320/297 |
| 101/19998 | Land + Ghimoing | \$260,000.00 | $1.4200 / 771$ |



# PORTLAND MAINE 

Strengtbening a Remarkable City, Building a Community for Life - wnop.portlandmaine.gov
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 他M
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 proposcd 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 $14-105(\mathrm{~d})(4)$ 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 $8^{\prime} 4$ ". Section14-433 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 $9^{\prime} 10^{\prime \prime}$ 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 (l0) 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)
*Rditor'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.
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Sec. 14-433. Lots of record and accessory atructure 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 $\mathrm{R}-6$ zone may have a minimum lot size of three thousand $(3,000)$ square feet, provided that the applicable yard dimensions
$A$ lot in the $R-1, R-2, R-3, R-4, R-5, R-5 A$ 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. $R-3, R-4, R-5, R-5 A, R-6$ :

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-l 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


Carriage House Studio architects
June 17, 2010


395 Spring Street
CLIFFORD STREET PHOTOGRAPHS


## Carriage House Studio architects

June 17, 2010


395 Spring Street


Carriage House Studio architects


395 Spring Street
CLIFFORD STREET PHOTOGRAPHS
June 17, 2010

## Marge Schmuckal - 395 Spring Street; Variance Appeal

From: Deb Andrews
To: Marge Schmuckal
Date: $\quad 6 / 17 / 2010$ 5:45 PM
Subject: 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 archltect, 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 2 nd. 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 architecturat artifact, is not appropriate for this property. Its replacement with an approprately scaled, senstively 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<br>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,
a 3 h $\qquad$
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 - 0 RECEIVED FROM: Robert Levine \& Vilean Taggers RECEIPT NUMBER:

| FEE | DESCRIPTION | CREDIT | PAYMENT |
| :--- | :--- | :--- | ---: |
| -2 | --12 | 86.21 |  |
| L2 | LEGAL AD ZONING BOARD |  | 43.50 |
| N1 | NOTICING ZONING BOARD |  | 50.00 |

## PZ CASH RECEIPT



| C8L. | OWNER | OWNER MALING ADDRESS | PROPERTY LOCATION | UNITS |
| :---: | :---: | :---: | :---: | :---: |
|  | AYERS HERYUN K \& JONATHAN W AYERS JTS | 83 VAUGHAN ST PORTLAND. ME 04102 | 81 VAUGHAN ST | 1 |
|  | BEGIN ELIZABETH W | 5 ORCHARD ST <br> PORTLAND, ME 04102 | 5 ORCHARD ST | 1 |
|  | BENNETT WILLIAM M \& JEAN C | 20 ORCHARD ST PORTLAND, ME 04102 | 20 ORCHARD ST | 1 |
|  | BRIGGS RUSSELC C BAREARA M BRIGGS | 14 BOWOOIN ST PORTLAND, ME 04402 | 14 BOWOOIN ST | 1 |
|  | CICUTO KENNETH P \& BARBARA S MCINNIS JTS | 365 SPRING ST <br> PORTLAND. ME 04102 | 365 SPRING ST | 1 |
|  | DANA SUSAN B | 41 BOWDOIN ST PORTLAND, ME 04102 | 41 BOWOOIN ST | 1 |
|  | DEPREZ ROMALD 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 <br> PORTLAND, ME 04104 | 14 ORCHARD ST | 2 |
|  | FLAGG NANCY NEILI 8 THOMAS J WALSH JTS | 385 DANFORTH ST PORTLAND. ME 04102 | 385 OANFORTH ST | 1 |
|  | gitto Christina A | 384 SPRING ST <br> PORTLAND, ME 04102 | 384 SPRING ST | 1 |
|  | GOLDFARB MARCIA F | 9 BOWDOIN ST PORTLAND, ME 04102 | 13 BOWOOIN 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 |
|  | HOLLANDER PETER E \& LINOA | 21 ORCHARD ST PORTLAND, ME 04102 | 21 ORCHARD ST | 1 |
|  | HORN ECKART $:$ MARY M HORN JTS | 383 SPRING ST <br> 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 <br> 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 <br> PORTLAND, ME 04102 | 22 NEAL ST | 1 |
|  | KIEFFER ANTHONY R \& SUSAN C CONLEY JTS | 30 FRONT ST STE 2 EATM. ME 04530 | 44 BOWDOIN ST | 1 |
|  | KOLHORST JANE 5 | 25 VAUGHAN ST PORTLAND. ME 04102 | 25 VAUGHAN ST | 1 |
|  | LEVINE ROBERT \& VILEAN TAGGERSELL TS | 395 SPRING ST <br> PORTLAND, ME 04102 | 395 SPRING ST | 1 |
|  | LEVY JON D\& MIRIAM A LEVY JTS | 389 DANFORTH ST 42 PORTLAND, ME 04102 | 367 DANFORTH ST UNIT 2 | 1 |


| CBL | OWNER | OWNER MALUNG ADDFESS | PROPERTY LOCATION | UNITS |
| :---: | :---: | :---: | :---: | :---: |
|  | LONG GEORGE C | 28 SALT SPRAY IN CAPE ELIZABETH, ME 04107 | 369 DANFORTH ST | 1 |
|  |  <br> EITHNE C MCCANN TRUSTEES | 28 BOWDON ST PORTLAND , ME 04102 | 28 BOWDOIN ST | 1 |
|  | MCCARTHY JOHN F \& MARTHA ZIMICKI JTS | 15 CLIFFORD ST ${ }^{2 E}$ PORTLAND, ME 04102 | 15 CLIFFORD ST UNT 2 | 1 |
|  | MCGREGOR MARY LOUISE \& MICHAEL $\perp$ RYAN JTS | 38 BOWDOIN ST PORTLAND. ME 04102 | 36 BOWDOIN ST | 1 |
|  | Miller charles s | 15 CHADWMCK ST PORTLAND, ME 04102 | Q CHADWICK ST | 0 |
|  | MORSE MARTA N TRUSTEE | 387 SPRING ST <br> PORTLAND, ME 04102 | 387 SPRING ST | 1 |
|  | MORTON JEREMY R VN VET \& PHIL.IPPA 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 |
|  | 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 OANFORTH ST 14 PORTLAND, ME 04102 | 387 DANFORTH ST UNT 1 | 1 |
|  | PARKER JUDTTH 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 \$T PORTLAND, ME 04102 | 375 OANFORTH ST | 0 |
|  | RANDALL BRIAND \& ALEXANDER M BEAL | 381 DANFORTH ST PORTLAND, ME 04102 | 381 DANFORTH ST | 1 |
|  | RICHFIELD LESLIE | 383 SPRING ST <br> PORTLAND, ME 04102 | 393 SPRING ST | 1 |
|  | SCHEU JENNY P \& JOHN W RYAN JTS | 381 SPRING ST <br> PORTLAND, ME 04102 | 381 SPRING ST | 1 |
|  | SCHWIND WILMONT M JR \& ARLENE P JTS | 357 SPRING ST <br> PORTLAND, ME 04102 | 357 SPRING ST | 1 |
|  | SEASIDE PARTNERS LLC | 544 GOULDSBORO POINT RD GOULDSBORO, ME 04607 | 364 SPPJNG ST | 1 |
|  | SECOND PARISH OF PORTLAND | 23 NEAL ST <br> PORTLAND, ME 04102 | 23 NEAL ST | 1 |
|  | SECOND PARISH OF PORTLAND | 23 NEAL ST <br> PORTLAND, ME 04102 | 28 NEAL ST | 1 |
|  | SHAW PETER K \& EAREARA G | 29 BOWDOIN ST PORTLAND, ME 04102 | 29 BOWDOIN ST | 1 |
|  | SMITH LUCLA P | 392 SPRING ST <br> 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 <br> 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 MALING ADORESS | PROPERTY LOCATION | UNITS |
| :---: | :---: | :---: | :---: | :---: |
|  | SPRAGUE LAURA FECYCH | 28 ORCHARD ST PORTLAND, ME 04102 | 11 ORCHARD ST | 0 |
|  | SPRAGUE LAURA FECYCH | 28 ORCHARD ST PORTLAND, ME 04102 | 28 ORCHARD ST | 1 |
|  | STEELE PHILIP 8 FRANCESCA GALLUCCIO-STEELE | 22 CLIFFORD ST PORTLAND. ME 04102 | 22 CLIFFORD ST | 1 |
|  | voss Patricia $z$ | 366 SPRING ST <br> PORTLAND, ME 04102 | 386 SPRING ST | 1 |
|  | WATSON JOHN C \& NANCY R BRIAN JTS | 32 ORCHARD ST PORTLAND, ME 04102 | 30 ORCHARD ST | 0 |
|  | WATSON JOHN C 8 NANCY R ERIAN JTS | 32 ORCHARD ST PORTLAND, ME 04102 | 32 ORCHARD ST | 1 |
|  | WAYNFLETE SCHOOL THE | 360 SPRING ST <br> PORTLAND, ME 04102 | 17 FLETCHER ST | 1 |
|  | WEINEERG DIANE L | 145 BEAUMONT AVE NEWTON , MA 02460 | 375 SPRING ST | 1 |
|  | WHELAN ROBERT M JR \& KATHLEEN M WHELAN JTS | 416 COMMONWEALTH AVE \# 305 EOSTON, MA 02215 | 80 VAUGHAN ST | 1 |
|  | WGTON DANA TOWLE ETALS | 97 VAUGHAN ST PORTLAND, ME 04102 | 97 VAUGHAN ST | 2 |



