

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
 Application And
 Notes, If Any,
 Attached

BU **PERMIT** ION

Permit Number: 090221

This is to certify that REA EDWARD M & KAREN REA JT and Keith Car
 has permission to Change of use from two family to single family - Enclose existing entry and steps on left side of house (Thomas S
AT 122 PINE ST CP 062 B008001

provided that the person or persons, firm or corporation accepting this permit shall comply with all
 of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating
 the construction, maintenance and use of buildings and structures, and of the application on file in
 this department.

Apply to Public Works for street line
 and grade if nature of work requires
 such information.

Notification of inspection must be
 given and written permission procured
 before this building or part thereof is
 lath or other used-in. 2
 HOW NOTICE IS REQUIRED.

A certificate of occupancy must be
 procured by owner before this build-
 ing or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____
 Health Dept. _____
 Appeal Board _____
 Other _____
 Department Name

Chris Smith 6/16/09
 Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application

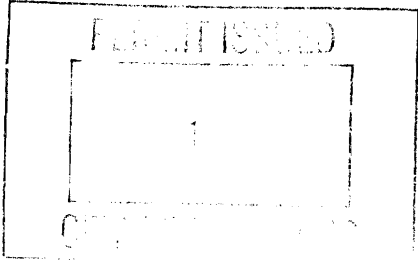
389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

| | | |
|-----------------------|------------------------|---------------------|
| Permit No: 09-0221 | Issue Date: 6/11/09 | CBL: 062 B008001 |
|-----------------------|------------------------|---------------------|

| | | | |
|--|---|---|------------------------|
| Location of Construction: 122 PINE ST | Owner Name: REA EDWARD M & KAREN A R | Owner Address: 122 PINE ST | Phone: 207-329-2308 |
| Business Name: | Contractor Name: Raymond Keith Carpentry | Contractor Address: 1 Bowdoin St. Portland | Phone: 2073292308 |
| Lessee/Buyer's Name | Phone: | Permit Type: Additions - Duplex | Zone: F-1 |

| | | | | |
|--|--|--|------------------------------|--|
| Past Use: Residential Two Family | Proposed Use: Single family - Enclose existing entry and steps on left side of house (Thomas Street side), build 5'6" x 3'10" deck to connect the enclosed area to the rear deck & permit rear deck (170 sf) after the fact | Permit Fee: \$200.00 | Cost of Work: \$18,000.00 | CEO District: 2 |
| Proposed Project Description: Change of use from two family to single family - Enclose existing entry and steps on left side of house (Thomas Street side), build 5'6" x 3'10" deck to connect the enclosed area to the rear deck & permit rear deck (170 sf) after the fact. | | FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied | | INSPECTION: Use Group: R-3 Type: 5B IRC-2003 |
| | | Signature: | | Signature: <i>RL</i> |
| PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____ | | | | |

| | | | | |
|-------------------------|---------------------------------|------------------------|--|--|
| Permit Taken By: lmd | Date Applied For: 03/19/2009 | Zoning Approval | | |
|-------------------------|---------------------------------|------------------------|--|--|

| | | | |
|--|---|---|---|
| 1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.. | Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> OK w/cond. has Date: 4/21/09 <i>ABN</i> | Zoning Appeal <input checked="" type="checkbox"/> Variance <i>Practical Difficulty</i> <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved <i>S-O</i> <input type="checkbox"/> Denied Date: 4/16/09 | Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: 4/21/09 <i>STH</i> |
| |  | | |

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

| | | | |
|---|---------|------|-------|
| SIGNATURE OF APPLICANT | ADDRESS | DATE | PHONE |
| RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE | | DATE | PHONE |

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

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| Permit No: 09-0221 | Date Applied For: 03/19/2009 | CBL: 062 B008001 |
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| Lessee/Buyer's Name | Phone: | Permit Type: Additions - Duplex | |

| | |
|--|---|
| Proposed Use: Single family - Enclose existing entry and steps on left side of house (Thomas Street side), build 5'6" x 3'10" deck to connect the enclosed area to the rear deck & permit rear deck (170 sf) after the fact. | Proposed Project Description: Change of use from two family to single family - Enclose existing entry and steps on left side of house (Thomas Street side), build 5'6" x 3'10" deck to connect the enclosed area to the rear deck & permit rear deck (170 sf) after the fact. |
|--|---|

Dept: Historic **Status:** Approved **Reviewer:** Scott Hanson **Approval Date:** 04/21/2009
Note: **Ok to Issue:**

Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Ann Machado **Approval Date:** 04/21/2009
Note: **Ok to Issue:**

- 1) This is NOT an approval for an additional dwelling unit. You SHALL NOT add any additional kitchen equipment including, but not limited to items such as stoves, microwaves, refrigerators, or kitchen sinks, etc. Without special approvals.
- 2) ANY exterior work requires a separate review and approval thru Historic Preservation. This property is located within an Historic District.
- 3) With the issuance of this permit and the certificate of occupancy, this property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
- 4) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Chris Hanson **Approval Date:** 06/11/2009
Note: **Ok to Issue:**

- 1) The design load spec sheets for any engineered beam(s) / Trusses must be submitted to this office.
- 2) Permit approved based on the plans submitted and reviewed w/owner/contractor, with additional information as agreed on and as noted on plans.
- 3) Frost protection must be installed per the enclosed detail as discussed w/owner/contractor.
- 4) Separate permits are required for any electrical, plumbing, sprinkler, fire alarm or HVAC or exhaust systems. Separate plans may need to be submitted for approval as a part of this process.
- 5) ANY exterior work requires separate review and approval thru Historic Preservation

Comments:

3/24/2009-amachado: Spoke to contractor, Ray Keith. He told me to call the architect, Lee Hulst. Left vcm for Lee asking him to call me. Ray said that there is not a roof over the porch now but old pictures show one. He also said that the building is a single family with one kitchen. The existing structure is over the lot coverage. The deck extension does not meet side setback of 10'. The 170 sf rear deck was not permitted. 1951 assessor's card shows a 5' x 4.5' landing on the rear.

4/21/2009-amachado: Practical difficulty appeal was granted 4/16/09.

| | | | |
|---|--|--|--------------------------------|
| Location of Construction: 122 PINE ST | Owner Name: REA EDWARD M & KAREN A R | Owner Address: 122 PINE ST | Phone: 207-329-2308 |
| Business Name: | Contractor Name: Raymond Keith Carpentry | Contractor Address: 1 Bowdoin St. Portland | Phone (207) 329-2308 |
| Lessee/Buyer's Name | Phone: | Permit Type: Additions - Duplex | |

4/17/2009-amachado: Left voicemail for Lee Hulst. Needs to do change of use from two family to single family. Need \$75 for certificate of occupancy & need floor plan of third floor to show where kitchen was removed.

4/22/2009-tmm: left message w/contractor - building plans do not show entire scope of work - no plans included showing the removal of the 2nd unit, new deck, or framing of new foyer /tmm

4/23/2009-tmm: spoke w/builder - went over what we need for info / tmm

6/2/2009-gg: Additional drawing brought in on 6/01/09 for Tammy. Put drawing with permit gave to Tammy. /gg



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

| | | |
|---|--|---|
| Location/Address of Construction: <u>122 Pine St.</u> | | |
| Total Square Footage of Proposed Structure/Area <u>96 sq. '</u> | Square Footage of Lot | Number of Stories |
| Tax Assessor's Chart, Block & Lot Chart# <u>062</u> Block# <u>B</u> Lot# <u>008</u> | Applicant * <u>must be owner, Lessee or Buyer</u> * Name <u>Ray Keith</u> Address <u>122 Pine St. 1 Bowdoin St.</u> City, State & Zip <u>Portland, ME 04102</u> | Telephone: <u>329-2308</u> |
| Lessee/DBA (If Applicable) <u>MAR 19 2009</u> | Owner (if different from Applicant) Name <u>Mr. & Mrs. Rea</u> Address <u>122 Pine St.</u> City, State & Zip <u>Portland, ME 04102</u> | Cost Of Work: \$ <u>18,500</u> C of O Fee: \$ _____ Total Fee: \$ _____ |
| Current legal use (i.e. single family) <u>single family</u> Number of Residential Units _____ If vacant, what was the previous use? _____ Proposed Specific use: _____ Is property part of a subdivision? _____ If yes, please name _____ Project description: <u>Addition to side of 122 Pine St (Thomas St. side) for new entry to Kitchen and 2nd floor</u> - Change of use from 2 family to 1 family <u>hall</u> | | |
| Contractor's name: <u>Raymond J. Keith</u> Address: <u>1 Bowdoin St.</u> City, State & Zip <u>Port. ME. 04102</u> Telephone: <u>329-2308</u> Who should we contact when the permit is ready: <u>same as above</u> Telephone: _____ Mailing address: <u>same as above</u> | | |

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: Ray Keith Date: 3/19/09

This is not a permit; you may not commence ANY work until the permit is issued

4 December 2008

Karen and Ed Rea of 122 Pine Street are returning with me for final approval of their revised design for an enclosed porch/ foyer on the Thomas Street side of their residence.

Two previous workshop meetings, July 2 and August 6, with the Board have suggested changes in the plan dimensions, roof design and detailing of this small addition. Modifications have been executed to hold the new copper roof of the addition back from the corner trim of the front structure of the property, as it returns to the rear ell, and away from original historic details of the Mansard eave, gutter, cornice with brackets, dentils, and frieze board trim above. After discussion of alternative features with the Board, the roof has been re-designed with a modest hipped return toward the open deck entrance.

These features are indicated in the submittal of revised South and East elevations at 1/4 inch scale of 11/ 21, and an accompanying Building Section at 1/2 inch scale. As suggested, provision has been made to re-route the copper gutter above to an existing corner downspout. At the request of Deb Andrews, the detail of soffits and trim has also been enlarged to 1 inch scale, to indicate the size of existing trim and new construction. The intention is to again follow suggestions of the Board to hold any new trim to a minimum projection from the building, without gutters or milled crown, with simple copper drip edge and flat stock trim around the new windows.

As previously submitted, the roof detail with drip edge will align with the existing window head trim cap, set back on the return rear corner board, with new window heads and sills matching those existing.

The four new simulated divided light two over two Kolbe and Kolbe windows, previously approved in various neighborhood projects, will be presented by Ray Keith, contractor for this project and the addition on the adjoining side of this structure, to the West. He will be available with manufacturer's cuts and samples for questions.

To minimize the effect of the addition from the street, new lighting will be small, shielded downlights mounted inside the posts of the deck railing to lead from the open stairway at the rear of the property.

We look forward to your approval of this project, and thank you for your consideration.

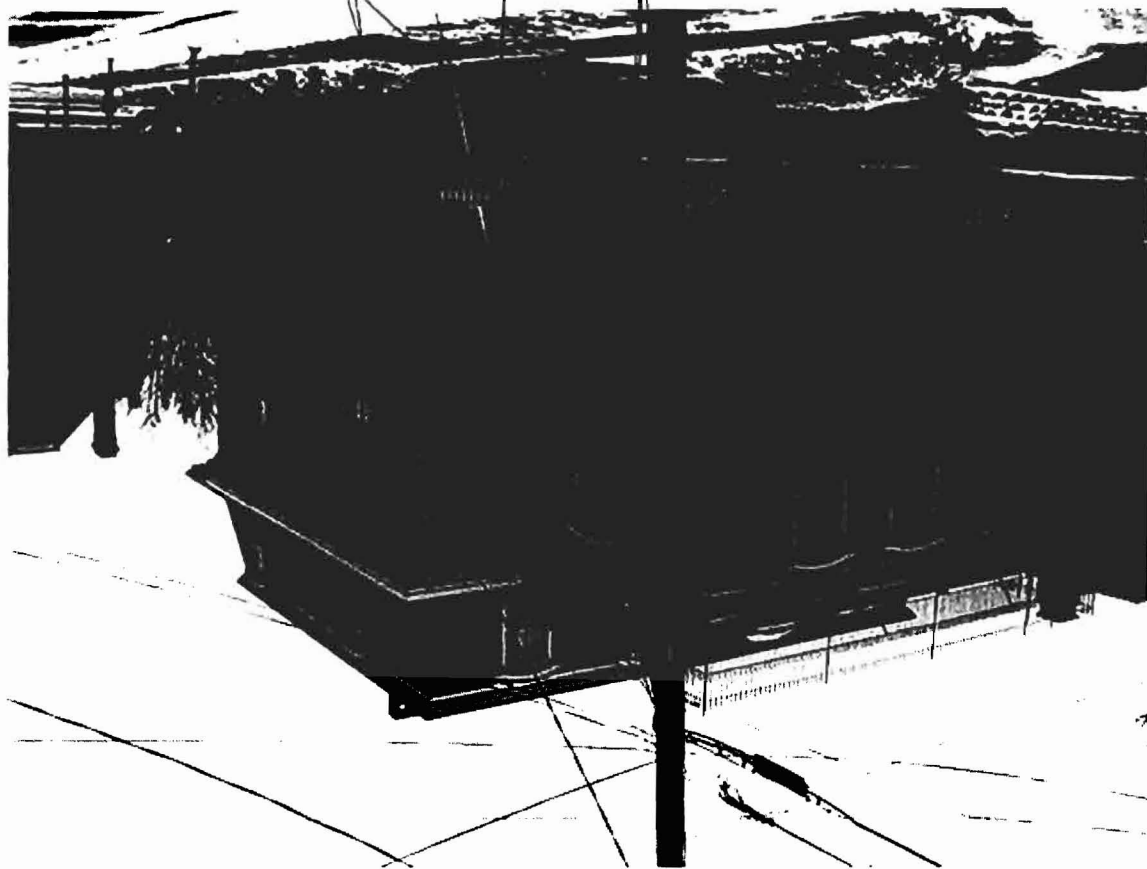
Leland Hulst

148' Deck to Deck

52' Span

410' Deck to Deck

New Deck, 4042' to Window Edge

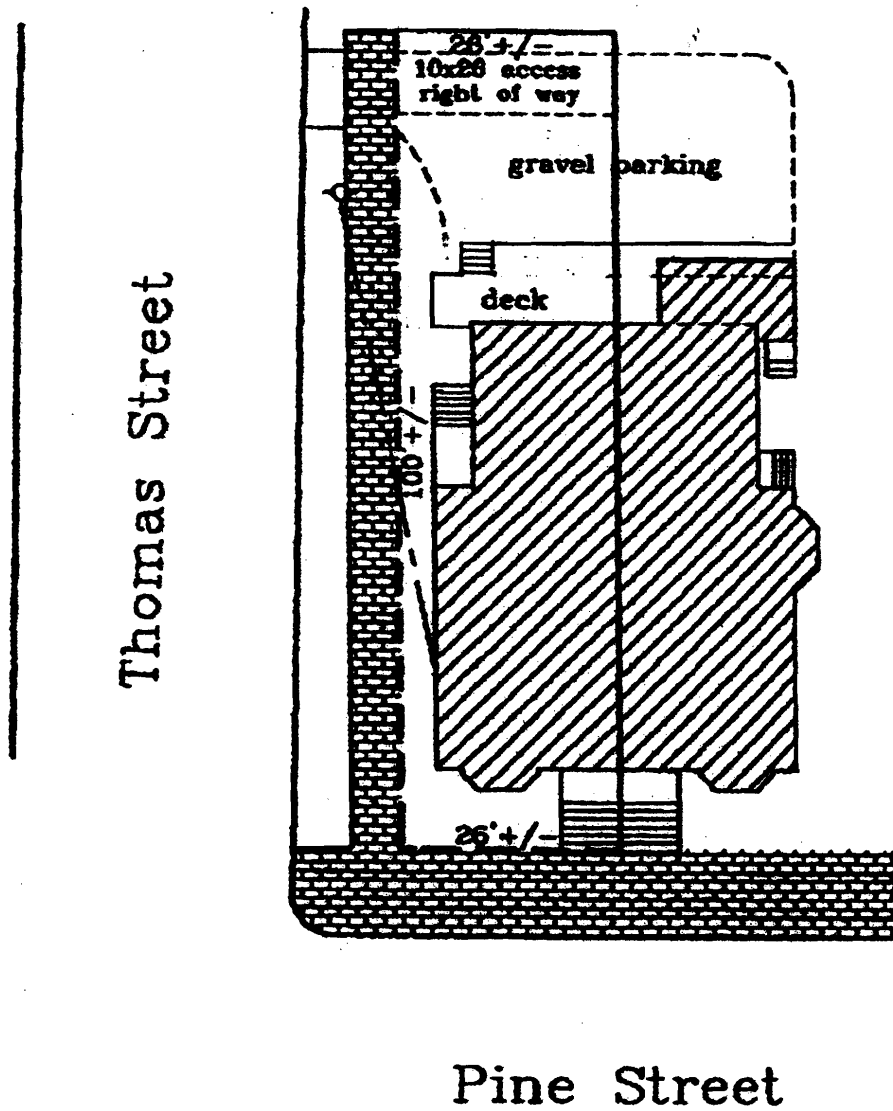


| | | | | | | | | |
|---------------------|-------------|--------------------------|--------------------|----------------|-------------|-------------|-----------|-------|
| Schedule Inspection | Add | Find | Print Permit | Print C of O | Print Insp | Invoicing | Taxes Due | Close |
| Prmt | Text93 | 9806 | Constr Type | New | Num1 | 90221 | | |
| Permit Nbr | 09-0221 | Location of Construction | 122 PINE ST | Appl. Date | 03/19/2009 | | | |
| Status | Hold | Permit Type | Additions - Duplex | Issue Date | | | | |
| CBL | 062 B008001 | District Nbr | 2 | Estimated Cost | \$18,000.00 | Date Closed | | |

| Comment Date | Comment | Add | Delete | Save | Print |
|--------------|---|----------|----------------|------|------------------------------------|
| 04/22/2009 | left message w/contractor - building plans do not show entire scope of work - no plans included showing the removal of the 2nd unit, new deck, or framing of new foyer /tmm | | | | |
| | Name | tmm | Follow Up Date | | Completed <input type="checkbox"/> |
| 04/21/2009 | Practical difficulty appeal was granted 4/16/09. | | | | |
| | Name | amachado | Follow Up Date | | Completed <input type="checkbox"/> |
| 04/17/2009 | Left voicemail for Lee Hulst. Needs to do change of use from two family to single family. Need \$75 for certificate of occupancy & need floor plan of third floor to show where kitchen was removed. | | | | |
| | Name | amachado | Follow Up Date | | Completed <input type="checkbox"/> |
| 03/24/2009 | Spoke to contractor, Ray Keith. He told me to call the architect, Lee Hulst. Left vcm for Lee asking him to call me. Ray said that there is not a roof over the porch now but old pictures show one. He also said that the building is a single family with one kitchen. The existing structure is over the lot coverage. The deck extension does not meet side setback of 10'. The 170 sf rear deck was not permitted. 1951 assessor's card shows a 5' x | | | | |
| | Name | amachado | Follow Up Date | | Completed <input type="checkbox"/> |

| | | | | | | | |
|-----------|-----|------------|------------|-------|----------|---------|------------|
| CreatedBy | lmd | CreateDate | 03/23/2009 | ModBy | amachado | ModDate | 04/21/2009 |
| | | Time | 10:39 AM | | | Time | 11:02 AM |

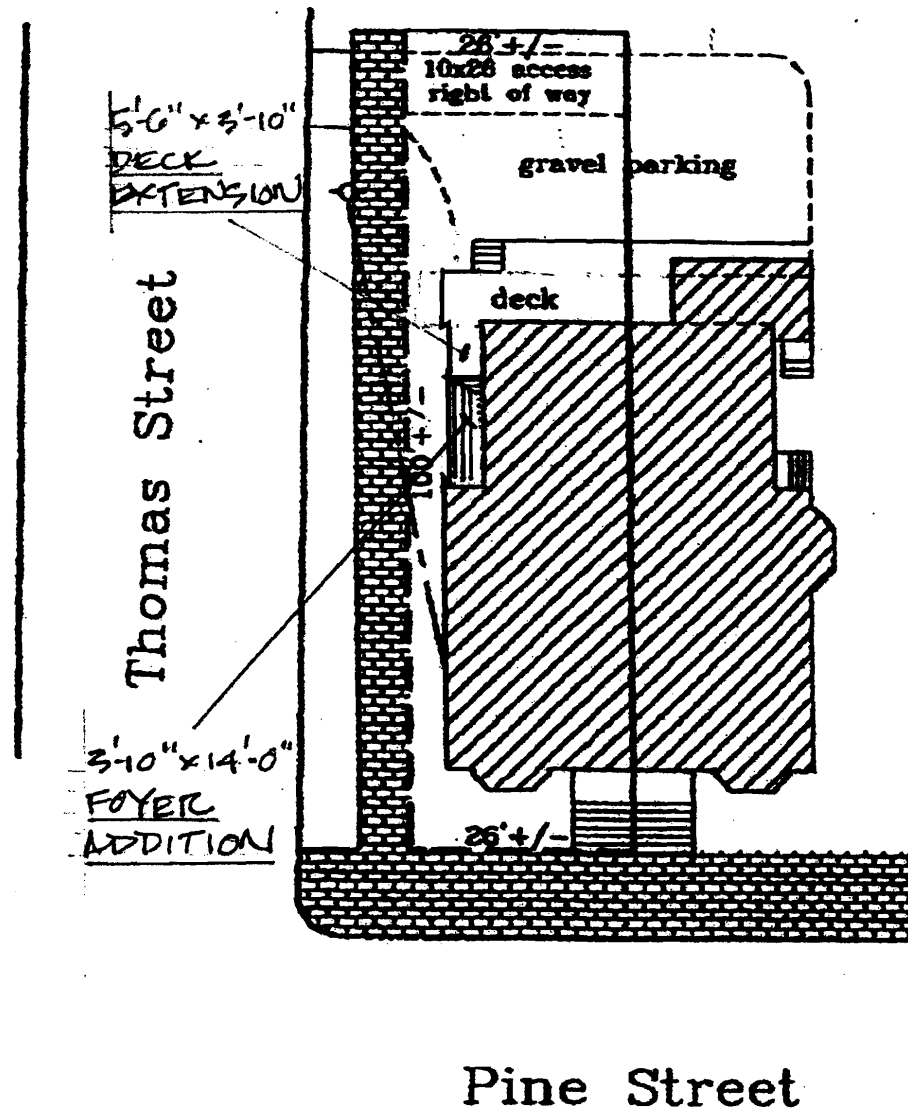
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|-----------|--------|------------|-------------|-------|----------|---------|------------|
| Prmt | Text93 | 9806 | Constr Type | New | Num1 | 90221 | |
| CreatedBy | lmd | CreateDate | 03/23/2009 | ModBy | amachado | ModDate | 04/21/2009 |
| | | Time | 10:39 AM | | | Time | 11:02 AM |



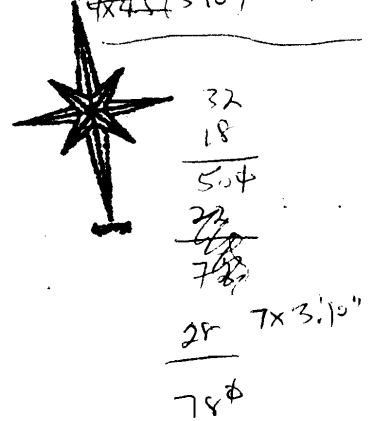
REA RESIDENCE : 122 PINE ST.

SITE PLAN : EXISTING

- 3 | 18 | 09



existing - deck stairs
 8'x4' (3'10") deck
 4'5" x 4' (3'10") stairs
 4'x4'5"



REA RESIDENCE: 122 PINE ST.

SITE PLAN: PROPOSED ADDITION

3 | 18 | 09

lhulstemaire.com
 L E L A N D H U L S T
 ARCHITECTURAL SERVICES

278 Spring Street / Portland, Maine 04102 / (207) 773-2843



REA RESIDENCE
SOUTH ELEVATION

1/4" = 1' 0"

11/21/08

LELAND HULST
ARCHITECTURAL SERVICES

278 Spring Street / Portland, Maine 04102 / (207) 773-2843

SEA RESIDENCE

COFFIT DETAILS

1" = 1'-0"

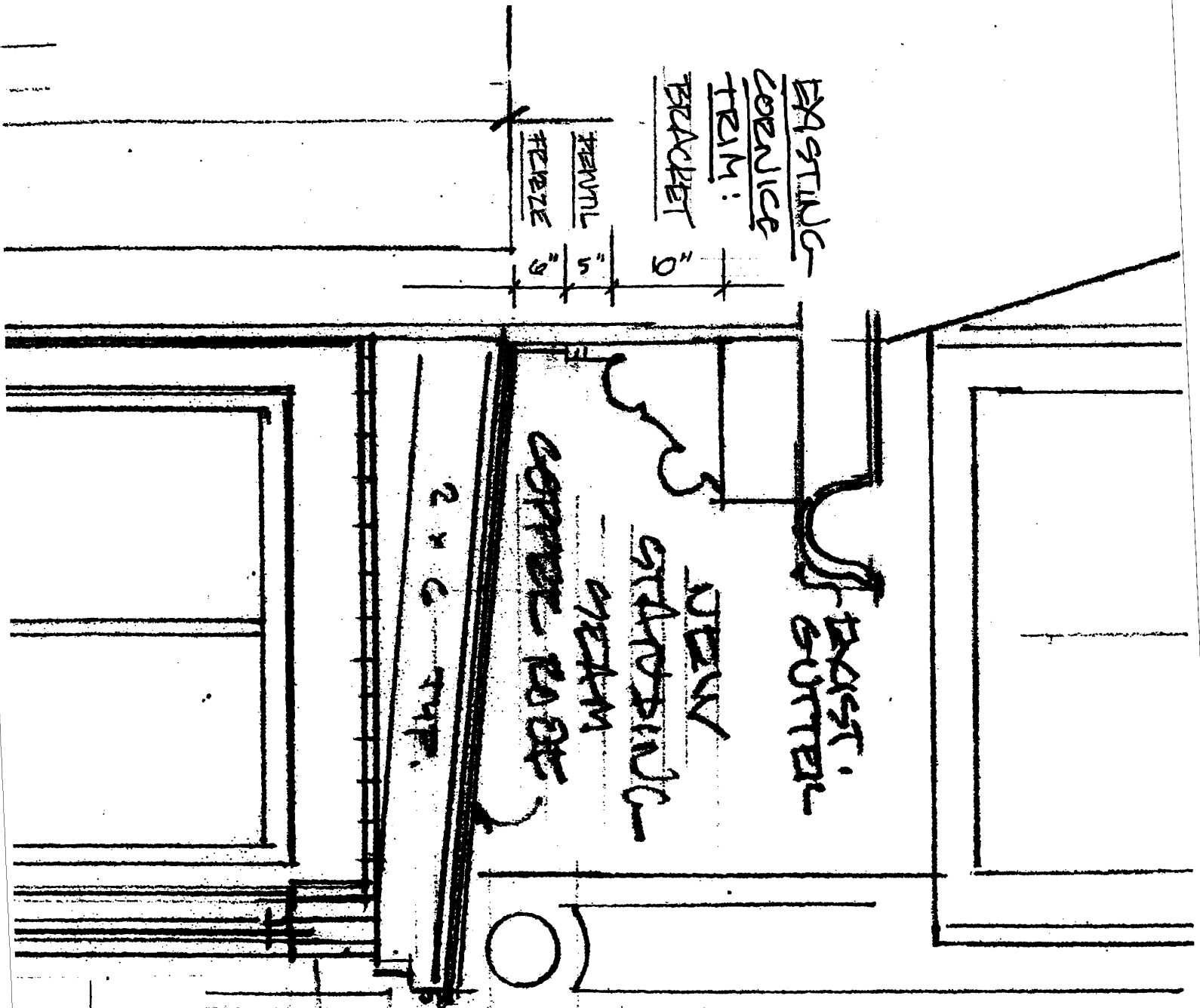
12/4/08

EXISTING
CORNER
BRACKET

CORNER
CORNER
BASE

6 3/4" 3 1/4" 3 1/4"

LELAND HULLIST
ARCHITECTURAL SERVICES
578 Spring Street / Portland, Maine 04108 / (807) 773-8843



From: Lee Hulst <lhulst@maine.rr.com>
To: "Ann Machado" <AMACHADO@portlandmaine.gov>
Date: 3/27/2009 1:26:28 PM
Subject: Re: Application Process for the ZBA

Thanks, Ann, and Ed Rea is interested in going ahead for appeal for the 4/16 meeting with me. I've been unsuccessful in printing the application form from your pdf or the site, so I'll be in this afternoon for a paper copy. Can you also help me with a paper copy of the tax map to highlight the lot--not sure what format is preferred. Is this convenient for you around 2? Lee
PS: How much of the other architectural should be reproduced? Floor plan, site plan, and maybe a side elevation?

On Mar 27, 2009, at 1:16 PM, Ann Machado wrote:

- > You need 11 packets for the ZBA Appeal. Each packet needs:
- > 1. copy of the appeal application
- > 2. Cover letter stating exactly what you are asking for and why.
- > 3. Plot plan
- > 4. floor plan showing dimensions of existing and proposed areas
- > 5. copy of the tax map with property highlighted
- > 6. photos of the property
- > 7. deed
- > 8. owner or representative must sign the application.
- >
- > The dates for the ZBA are:
- > submit packets by noon on March 30 for April 16th meeting
- > submit packets by noon on April 20 for May 7th meeting
- >
- > The fee is \$100 which needs to be paid when you submit the
- > packets. You will also have to pay for the notice in the newspaper
- > and the notices that go out to the abutters within 500' of your
- > property. You will be billed for this cost separately.
- >
- > Let me know if you have any more questions.
- >
- > Ann Machado
- > Zoning Specialist
- > (207) 874-8709

From: Lee Hulst <lhulst@maine.rr.com>
To: <amachado@portlandmaine.gov>
Date: 3/26/2009 4:18:08 PM
Subject: variance procedure

Ann,

I've just emailed Marge with the basic question about her informal opinion of the chances of obtaining a Practical Difficulty Variance before getting back to the owners. Because she was a key party to my previous successes in ZBA on the restaurant project last year, I really value her thoughts as well as your input.

*-I told Marge I was
 contacting - Lee put his
 in writing*

In official procedure, what is your next step? Do you provide a written response to the Permit Application detailing the issues in conflict? Does this go the Contractor, and does he get his application fee back, or is it tabled? As I have mentioned today, this procedure has always been run by the owner or contractor in earlier projects, so I am unfamiliar with the system. Previous work with Marge was more obvious because there were clearer boundaries for new construction.

*- yes.
 - who goes to owner - on hold.*

If we decide to go for a variance, are there other charges and more presentation requirements than the design which has already been created? What is the next meeting available for this? If this is easier to discuss in person, I'd be happy to stop by. Let me know what is best for you. Thanks,

- charge \$100 plus notary fees

March 30 - April 16

April 20 - May 2.

Lee

From: Marge Schmuckal
To: Lee Hulst
Date: 3/16/2009 1:26:17 PM
Subject: Re: plat for 122 Pine

Lee,

I am seeing that you are actually extending the deck, but I can not tell on your plans what is the new extension. Any new extensions are required to meet the current ordinances. Anything that is existing and has legal status, may retail legally non-conforming.

Section 14-427 States: "Any open porch existing with a roof over the same on June 5th, 1957, and encroaching upon any yard required by this article may be enclosed if the major portion of the enclosure is of glass."

I hope this helps you.

Marge

>>> Lee Hulst <lhulst@maine.rr.com> 3/13/2009 3:22:20 PM >>>

> Hi Marge,

I didn't know your middle initial to email you as I do Deb Andrews, but I just got it from the main office.

Here's what the owners submitted to me for a plat, and you can see that the entire property is only 26 ft. wide. The approved design with HR allows a glassed-in porch on the Thomas St. side, covering the existing side stairs and platform entry, with an open deck extension to the deck shown at the rear. That existing construction and the side of the brick residence is about 4-5 ft. off the sidewalk, like the neighboring buildings. Does a 10' side setback really apply to this small enclosure? Overall dimension of construction is about 4' by 14' with a 5 1/2' extension to the deck.

Thanks, and let me know if I can show you more. (HP will have record of this project, as well.)

Lee

>
>
*



Ann Machado - Fwd: 122 Pine St.

From: Lee Hulst <lhulst@maine.rr.com>
To: <amachado@portlandmaine.gov>
Date: 3/26/2009 3:26 PM
Subject: Fwd: 122 Pine St.

Begin forwarded message: Ann, I apologize for mailing incorrectly, but I am sending the following to your correct address, now. Thanks for sending the variance information. Lee

From: Lee Hulst <lhulst@maine.rr.com>
Date: March 26, 2009 2:15:20 PM EDT
To: am@portlandmaine.gov
Subject: 122 Pine St.



DSCN1015.JPG



DSCN1016.JPG



DSCN1018.JPG

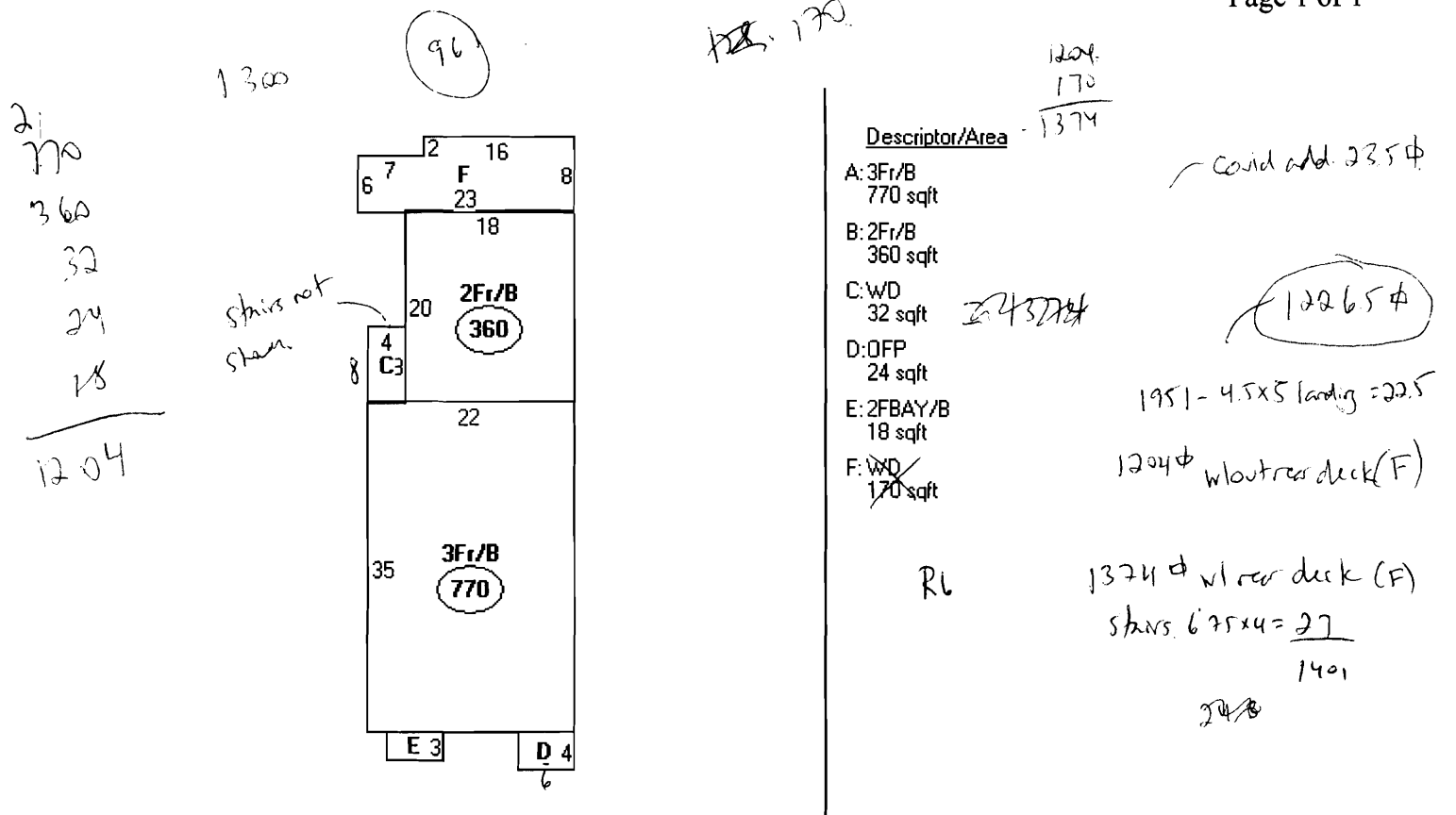


DSCN1022.JPG



DSCN1233.JPG

Ann, here are my site photos to give you a further look at the conditions. Lee



lot size - 2500

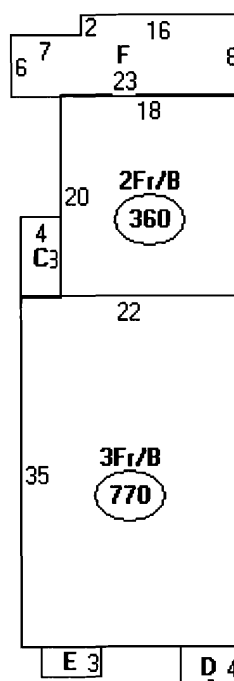
side setback - 10' min - 7 email from architect says 4-5'

lot coverage - 50% = 1250 existing is 1374 already over

footprint from 1951 - 1222 sf

~~could add 28 sf~~

Section 14-427 - open porch area can be enclosed. - can't enclose stairs.



Descriptor/Area

A: 3Fr/B
770 sqft

B: 2Fr/B
360 sqft

C: WD
32 sqft

D: OFP
24 sqft

E: 2FBAY/B
18 sqft

F: WD
170 sqft

= 1374 w/out the steps

Existing footprint w/out rundeck (F) = 1204 sf.

Sidestairs - 6'8 1/2" x 4 = 26.83 sf

1230.83 existing footprint.

add extension - 5' x 3'10" =
60" x 46" = 19.17 sf.

1249.996 sf.



Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

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

March 30, 2009

*Appeal granted
4/16/09*

Edward & Karen Rea
122 Pine Street
Portland, ME 04102

Re: 122 Pine Street – 062 B008 – R-6 – enclose porch & add deck – permit #09-0221

Dear Mr. & Mrs. Rea,

I am in receipt of your application to enclose an existing porch and add a deck on the side of your building at 122 Pine Street. After reviewing the application, I must deny it because it does not meet the zoning requirements of the zone.

Your property is located in the R-6 zone. Section 14-139(1)(d)(4) of the ordinance gives the required side yard on a side street as ten feet. The proposed five foot by three foot ten inch deck addition is only five feet from the side property line on the side street.

The side porch and steps that you propose to enclose are also located five feet from the side property line on the side street. Section 14-427 of the ordinance allows a porch that encroaches on a yard setback to be enclosed with the majority of the enclosure being of glass, if the porch had a roof over it and it existed since June 5, 1957. The porch was built before June 5, 1957, but it does not have a roof over it, so it cannot be enclosed.

Section 14-139(1)(e) states that the maximum allowable lot coverage for a lot with less than twenty dwelling units is fifty percent. Your lot is 2,500 square feet, so the maximum allowable lot coverage is 1250 square feet. Currently without the addition, the existing footprint of you building is 1401 square feet (56%) which is already over the maximum allowable lot coverage. The deck addition would add 19.15 square feet which would bring the lot coverage to 56.8% of the lot.

In doing my research of the property, I could not find a permit for the 170 square foot rear deck. If we cannot find a permit for an addition in our files, we use the pre-1957 assessor's card to determine what the footprint of the building was before the ordinance went into effect in 1957. The pre-1957 assessor's card does not show a rear deck. There is only a five foot by four and a half foot landing shown. We also check the Sanborn Map from 1954. The footprint from this map does not show a rear deck. The rear deck puts the building over the allowable maximum lot coverage, and it does not

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA DECISION

The Board of Appeals will hold a public hearing on Thursday, April 16, 2009 at 6:30 p.m. on the second floor, Room 209, City Hall, 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: April 21, 2009

RE: Action taken by the Zoning Board of Appeals on April 16, 2009.

The meeting was called to order at 6:30pm.

Roll call as follows: Members Present: Sara Moppin, Gordon Smith (Secretary), Deborah Rutter, William Getz and Philip Saucier (chair).

Members Absent: Peter Coyne and Jill Hunter.

1. New Business:

A. Conditional Use Appeal:

43 Alice Court, Michael and Janice Ferrante, owners, Tax Map 386A, Block B, Lot 016, R-2 Zone: The appellants are seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners. **The Board voted 4-0 (with one member recused) to grant the Conditional Use Appeal.**

B. Practical Difficulty Variance Appeal:

122 Pine Street, Edward and Karen Rea, owners, Tax Map 062, Block B, Lot 008, R-6 Residential Zone: The appellants would like to enclose the existing 14' x 3'10" porch and stairs and to build a 5'6" x 3'10" deck to connect the enclosed porch to the rear deck. The appellants need a variance to keep the 170 square foot rear deck that was built without a permit. The appellants are requesting a variance for the side setback on a side street from a required 10' to 5' [section 14-139(1)(d)(4)]. The appellants are also seeking a variance for the maximum allowable lot coverage of 50% [section 14-139(1)(e)]. The lot is 2600 square feet. The footprint of the building with the 5'6" x 3'10" deck extension and the 170 square foot rear deck is 1416.75 square feet which covers 54.49% of the lot. Representing the appeal are the owners. **The Board voted 5-0 to grant the Practical Difficulty Appeal.**

2. Other Business: None

3. Adjournment: 7:47pm

Enclosure:

Agenda of April 16, 2009

Original Zoning Board Decision

one audio tape and one dvd

CC: Joseph Gray, City Manager

Penny St. Louis Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Department

T.J. Martzial, Housing & Neighborhood Services

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-chair
Deborah Rutter
Jill E. Hunter
Gordan Smith-secretary
William Getz
Sara Moppin

May 5, 2009

Karen & Ed Rea
122 Pine Street
Portland, ME 04102

RE: 122 Pine Street
CBL: 062 B008
ZONE: R-6

Dear Mr. & Mrs Rea:


As you know, at the April 16, 2009 meeting, the Board voted 5-0 to approve your Practical Difficulty Variance Appeal for your side set back and maximum allowable lot coverage to enclose the existing porch and add the deck.

I am enclosing your Certificate of Variance Approval. **The original must be recorded in the Cumberland County Registry of Deeds within 90 days of May 04, 2009, when it was signed.** Failure to record the Certificate will result in it being voided. This office shall be provided with a copy of the recorded certificate of Variance showing the book and page recorded.

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 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

CC: file



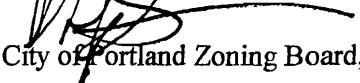
CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Philip Saucier, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 16th day of April, 2009, 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: Edward M. & Karen A. Rea**
2. **Property: 122 Pine Street, Portland, ME CBL: 062-B-008**
Cumberland County Registry of Deeds, Book 23912 Page 309
Last recorded deed in chain of Title: 05/02/2006
3. **Variance and Conditions of Variance:**
To grant relief from Section 14-139(1) (d)(e) of the Land Use Zoning Ordinance to allow a side yard setback of approximately 5 feet instead of the required 10 foot side yard setback.. And to grant relief from Section 14-139(1)(e) of the Land Use Zoning Ordinance to allow a lot coverage of approximately 54.49% instead of the maximum lot coverage of 50%.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 16th day of May, 2009


City of Portland Zoning Board, , Chair of
Philip Saucier (Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Philip Saucier and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on May 14th, 2009.


KATE E. HATCH
Notary Public, Maine
My Commission Expires August 2, 2012

(Printed or Typed Name)
Notary Public

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 FORTH IN 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: April 16, 2009

Name and address of applicant: Edward & Karen Rea
122 Pine Street
Portland, ME 04102

Location of property under appeal: 122 Pine Street

For the Record:

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

Leland Hulst, Architect For Applicant
Edward Rea, Applicant

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

Findings of Fact and Conclusions of Law:

The applicant is seeking a variance from sections 14-139(1)(d)(4), minimum yard dimensions, and 14-139(1)(e), maximum lot coverage, in order to enclose an existing deck and add a deck to their residence located in the R-6 residential zone. The purpose of the project is to create access to the rear stairs of the building.

The applicants purchased their house in 2006. Sometime between 1952 and 1981 a 6' x 25' rear deck was added and there is no record of a permit. Sometime after 1981, the deck was expanded without a permit to 170 sq. ft.

Section 14-139(1)(d)(4) sets the side yard setbacks at 10 feet. The applicant is seeking a variance from the side setback from the required 10 feet to 5 feet.

Section 14-139(1)(e) sets the maximum allowable lot coverage at 50%. The applicant is seeking a variance from the maximum of 50% to 54.49%.

“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:

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:

- Use would increase significantly in value w/ grant of variance.

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 facts:

formerly multi-unit ~~and~~ access was divided

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:

Historic Review Committee Favors Applicant's Plans

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

Satisfied Not Satisfied

Reason and supporting facts:

- no ~~extra~~ substantial evidence that deck was not conforming to lot size requirement at time of construction

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

Satisfied Not Satisfied

Reason and supporting facts:

Most feasible alternative after consultation w/ Historic Review Bd.

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

Satisfied Not Satisfied

Reason and supporting facts:

No Aesthetics to drainage

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 Not Satisfied

Reason and supporting facts:

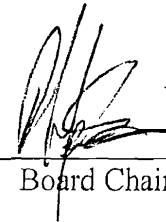
Conclusion (check one)

Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application.

Option 2: The Board finds that while the standards described above (1 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.

Dated: 4.16.09



Board Chair

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Text93

9806

Constr Type

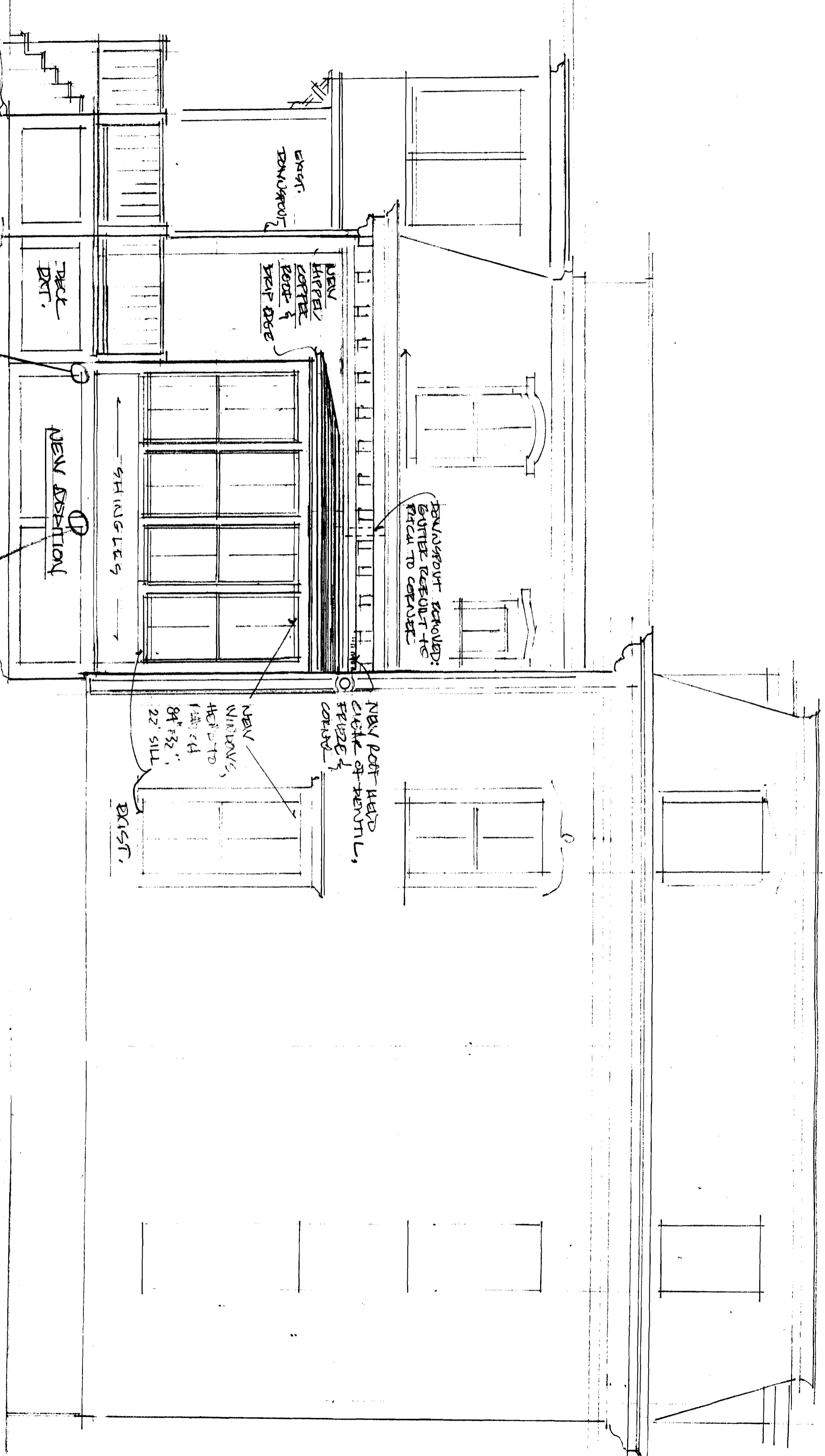
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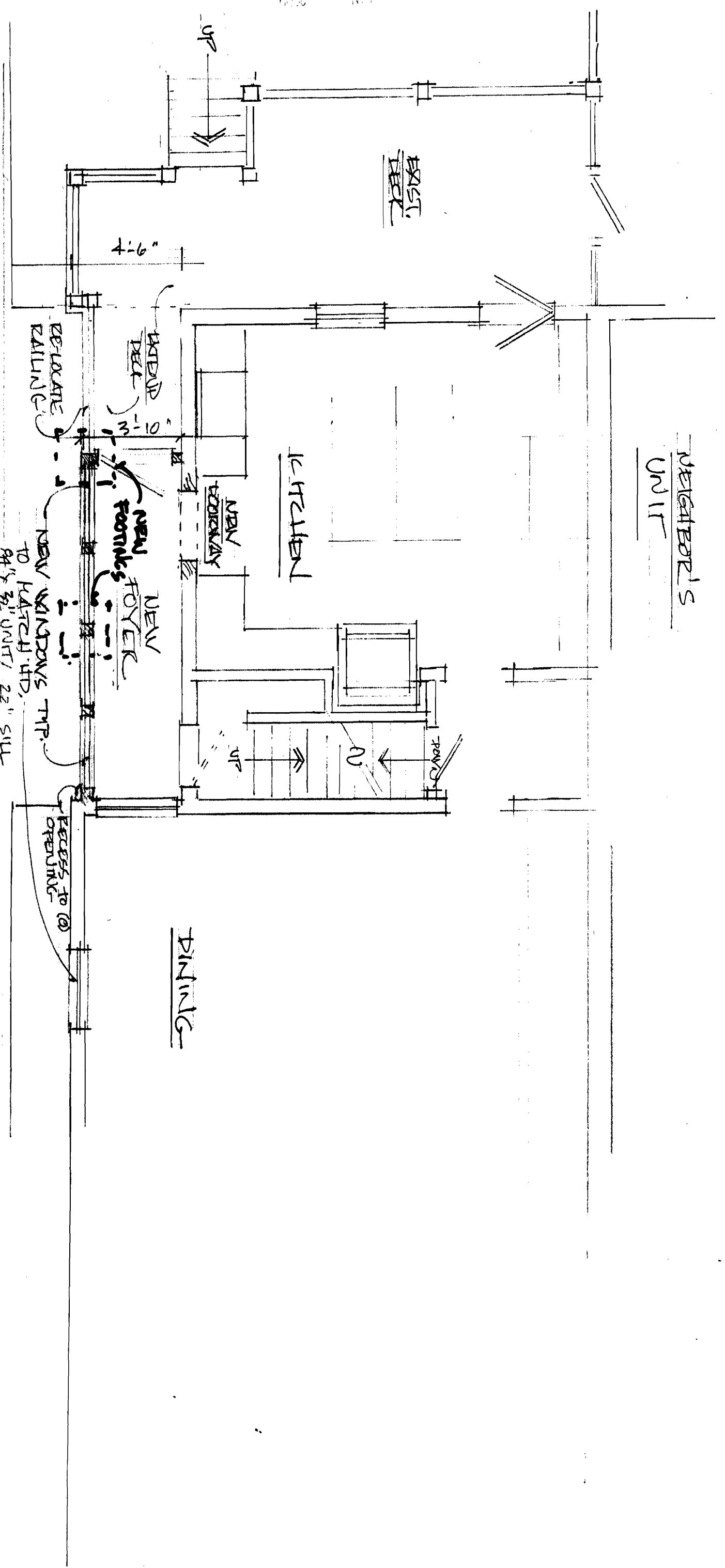
| | | | | | | | |
|------------|-------------|--------------------------|--------------------|----------------|-------------|-------------|--|
| Permit Nbr | 09-0221 | Location of Construction | 122 | PINE ST | Appl. Date | 03/19/2009 | |
| Status | Hold | Permit Type | Additions - Duplex | | Issue Date | | |
| CBL | 062 B008001 | District Nbr | 2 | Estimated Cost | \$18,000.00 | Date Closed | |

| Comment Date | Comment | Add | Delete | Save | Print |
|--------------|---|----------|----------------|------|------------------------------------|
| 04/23/2009 | spoke w/builder - went over what we need for info / tmm | | | | |
| | Name | tmm | Follow Up Date | | Completed <input type="checkbox"/> |
| 04/22/2009 | left message w/contractor - building plans do not show entire scope of work - no plans included showing the removal of the 2nd unit, new deck, or framing of new foyer /tmm | | | | |
| | Name | tmm | Follow Up Date | | Completed <input type="checkbox"/> |
| 04/21/2009 | Practical difficulty appeal was granted 4/16/09. | | | | |
| | Name | amachado | Follow Up Date | | Completed <input type="checkbox"/> |
| 04/17/2009 | Left voicemail for Lee Hulst. Needs to do change of use from two family to single family. Need \$75 for certificate of occupancy & need floor plan of third floor to show where kitchen was removed. | | | | |
| | Name | amachado | Follow Up Date | | Completed <input type="checkbox"/> |
| 03/24/2009 | Spoke to contractor, Ray Keith. He told me to call the architect, Lee Hulst. Left vcm for Lee asking him to call me. Ray said that there is not a roof over the porch now but old pictures show one. He also said that the building is a single family with one kitchen. The existing structure is over the lot coverage. The deck extension does not meet side setback of 10'. The 170 sf rear deck was not permitted. 1951 assessor's card shows a 5' x | | | | |
| | Name | amachado | Follow Up Date | | Completed <input type="checkbox"/> |



RED RESIDENCE: FOYER ADDITION PROJECT
 EAST ELEVATION: THOMAS STREET
 1/4" = 1'-0"
 11/21/08

JUN 2014



NEIGHBOR'S UNIT

KITCHEN

DINING

BED

THOMAS STREET

REAR RESIDENCE: PROPOSED Foyer Addition

FIRST FLOOR PLAN

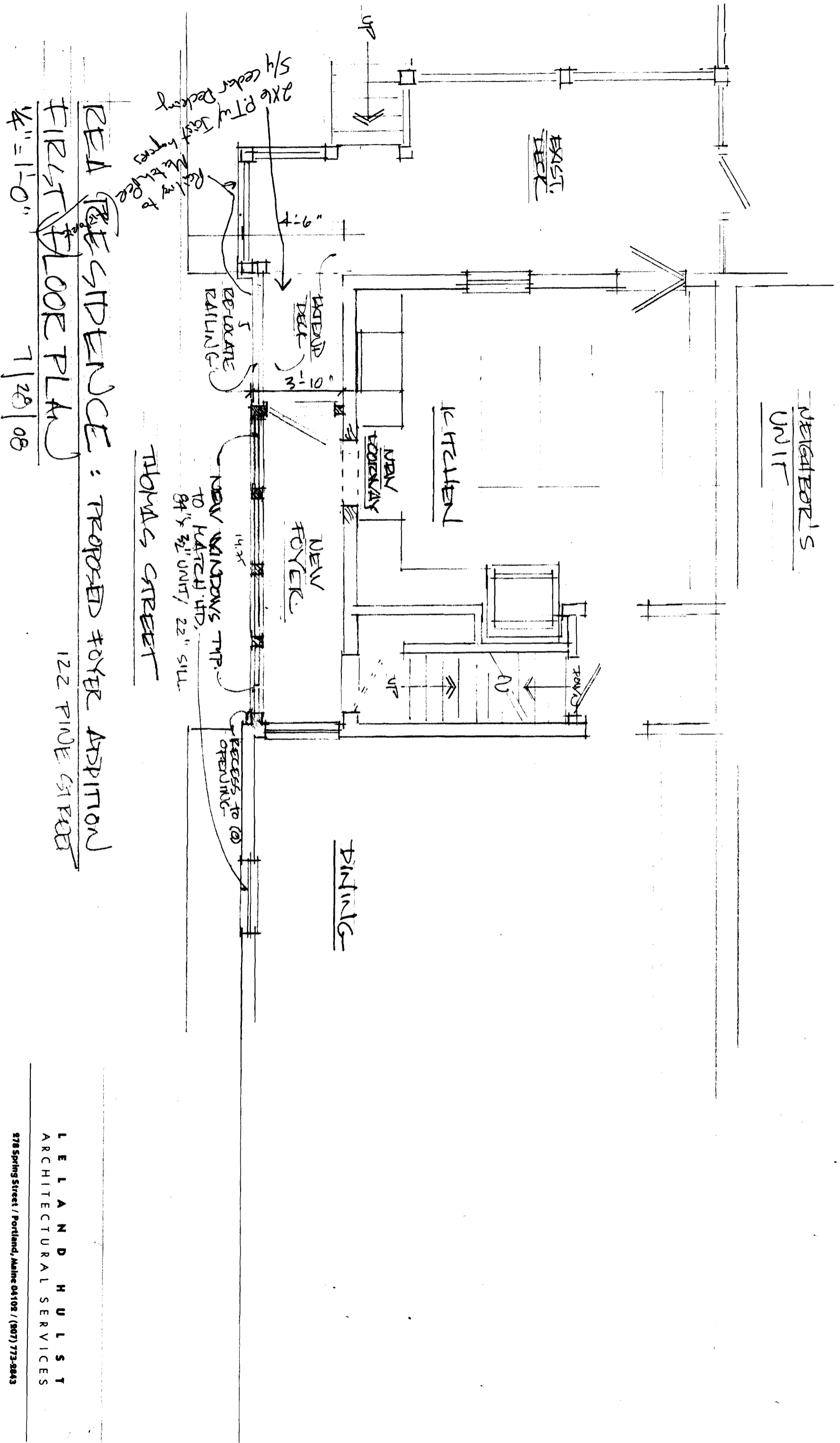
122 PINE STREET

1/4" = 1'-0"

7/28/08

LELAND HULST
ARCHITECTURAL SERVICES

578 Spring Street / Portland, Maine 04102 / (807) 773-9243



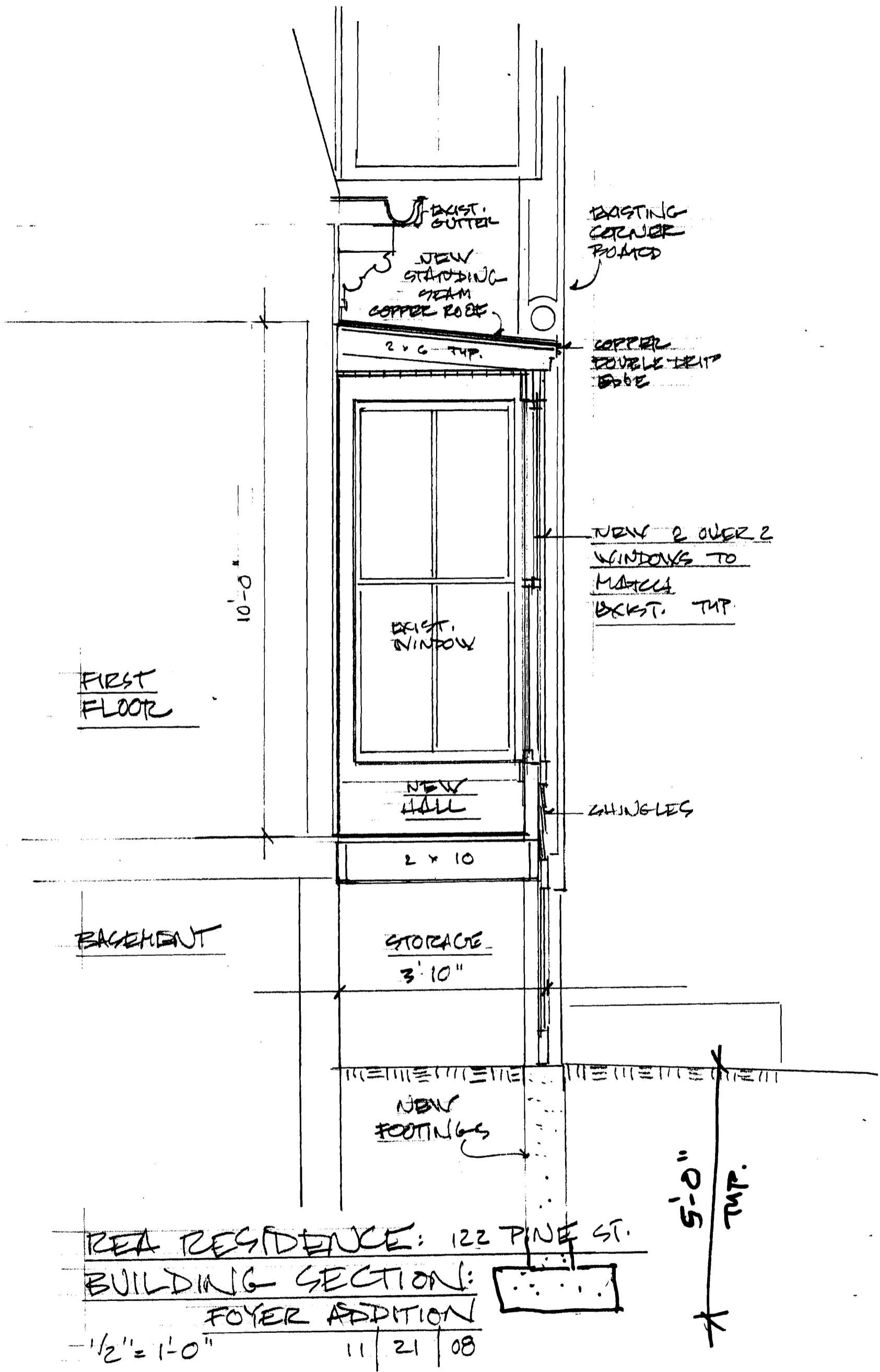
RED RESIDENCE: PROPOSED FOYER ADDITION
 FIRST FLOOR PLAN
 1/4" = 1'-0"
 7/28/08
 122 PINE STREET

2x6 PTW Deck
 5/4 Cedar Decking
 Railing
 2x4
 2x4
 2x4

THOMAS STREET

PILING

NEIGHBOR'S UNIT



Raymond Keith
329-2308

JUN 1, 2009

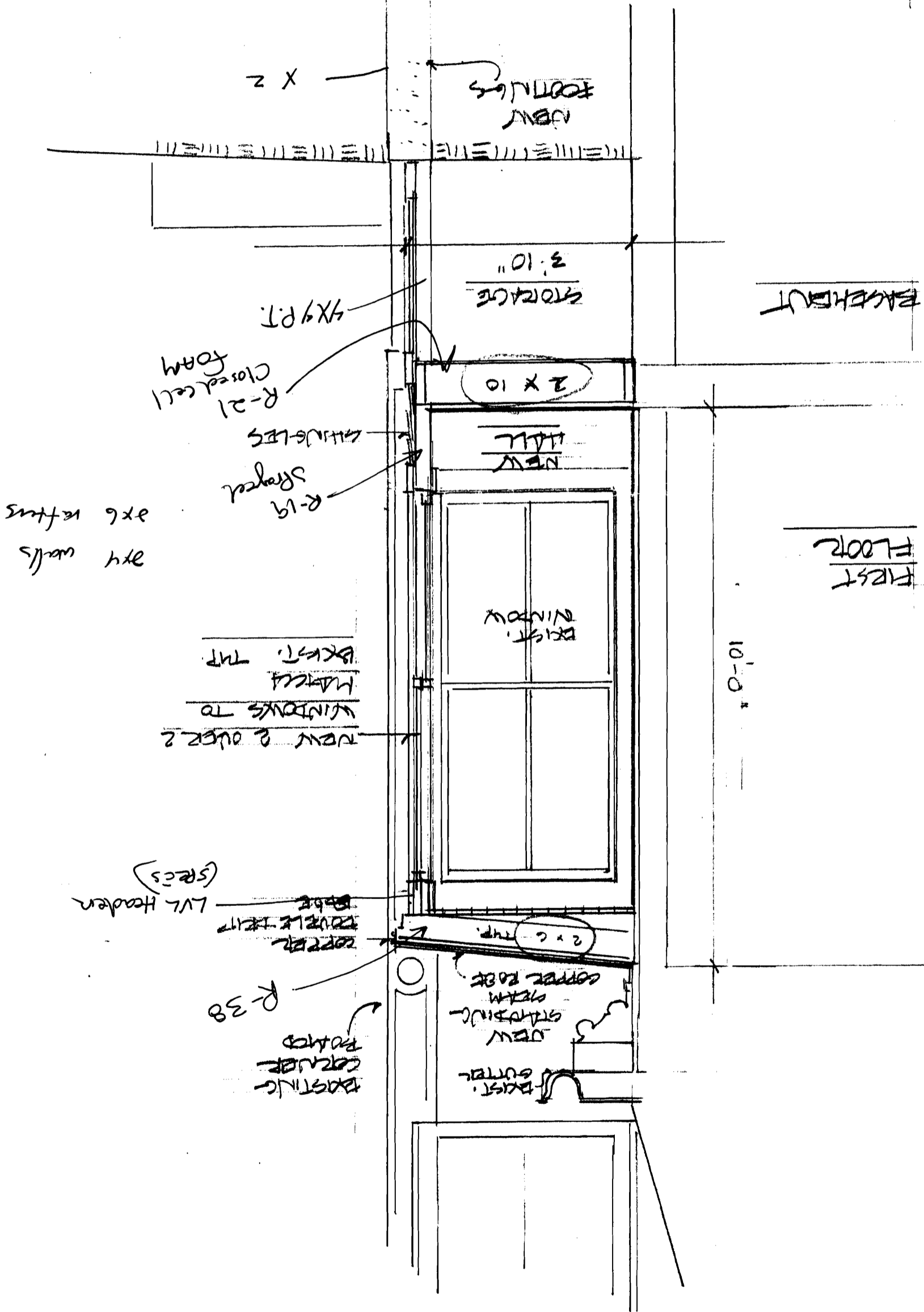
appas... 4/21/09 062 B 008 # 090221 5/19/09

LELAND HULST
ARCHITECTURAL SERVICES

278 Spring Street / Portland, Maine 04102 / (807) 773-2843

BUILDING SECTION:
FOYER ADDITION
11/21/08
1/2" = 1'-0"

REAL RESIDENCE: 122 PINE ST.



10'-0"

FIRST
FLOOR

EXIST. DOOR
NEW STAIRS
COPPER FLASH

EXISTING
CORNER
FORMED
R-38
COPPER
FLASH
TRIPLE
TRIP
LVL Header
(Specs)

NEW 2 OVER 2
WINDOWS TO
MATCH
EXIST. TRP

4x4 walls
2x6 rafters

R-19
sprayed
GYPSUMS
R-21
closed cell
foam
4x4 P.T.

NEW
WINDOW
EXIST.
WINDOW

2 x 2
TRP.

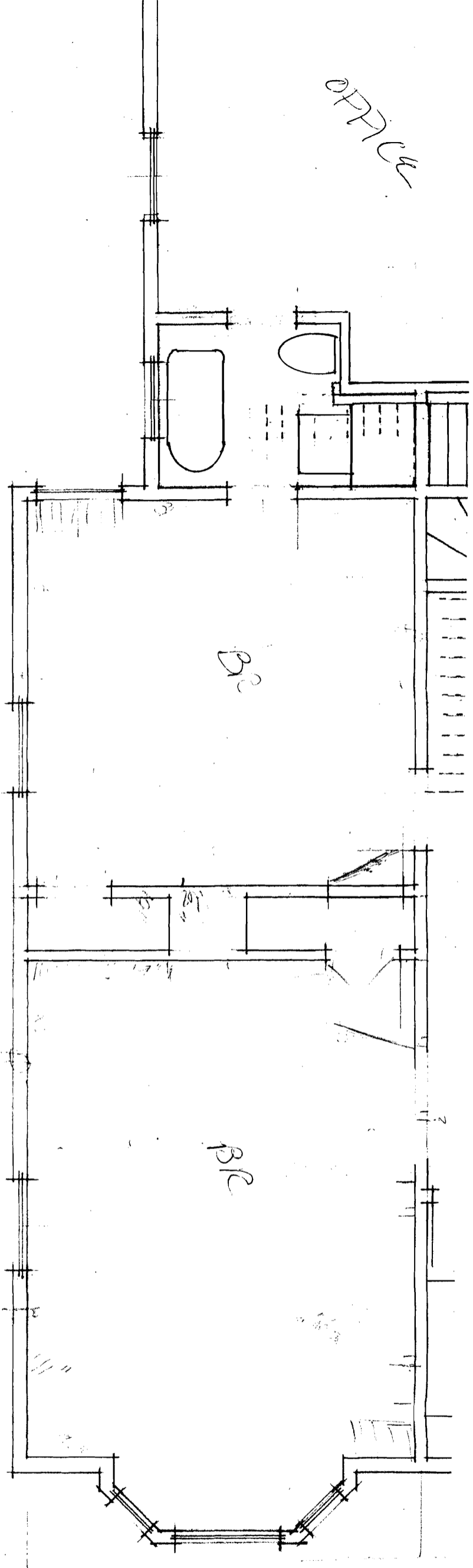
2 x 10

STORAGE
3'-10"

BASKETBALL

FOYER
ADDITION
FOOTINGS

X 2



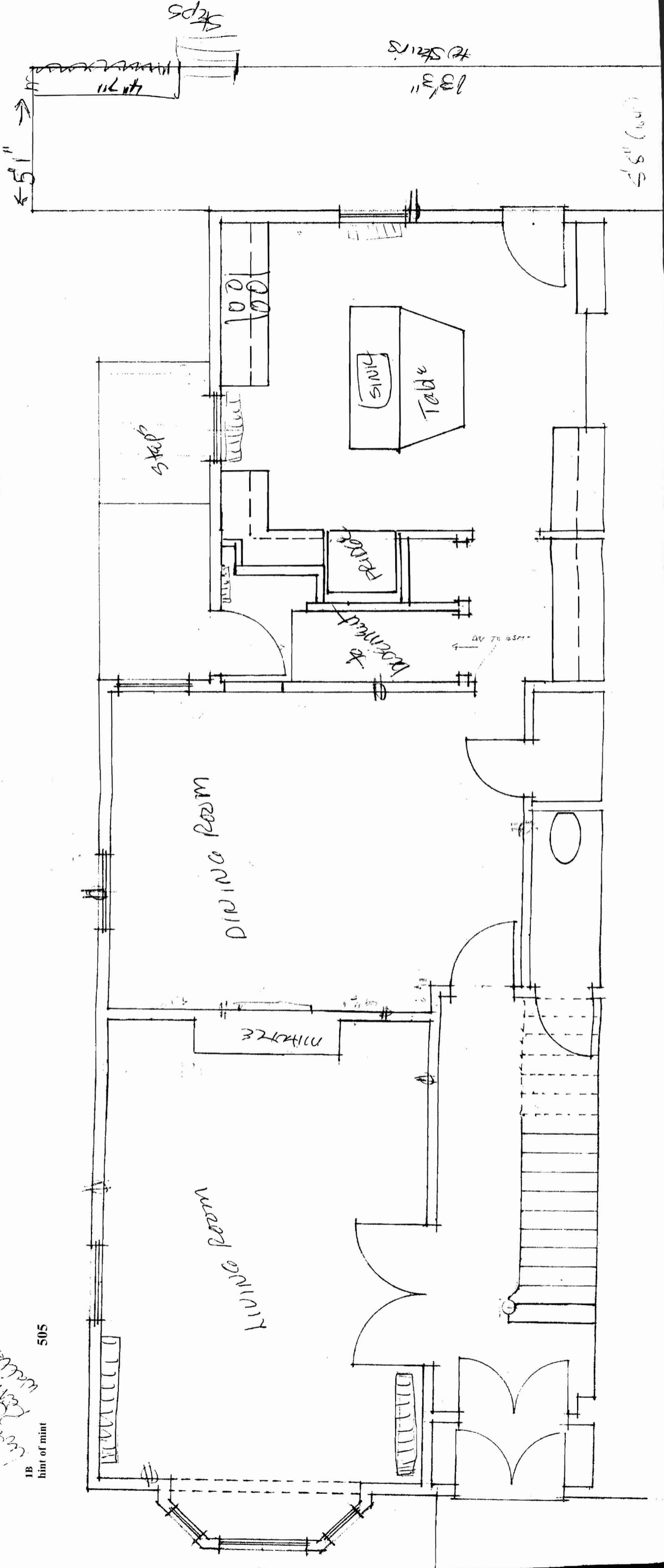
1ST FL. TO 2ND FF 11/29/76

122 PINE

2ND FLOOR EXTN.

8/22/76

AS OF 2000



DR -
 thickness - 10'
 length - 17 1/2'
 Tile surround 2'2" out
 inlay - 12'13" all around

122 RINE
 1ST FLOOR EXT 3

AS OK