



Michael A. Russell, MS, Director  
Permitting and Inspections Department

Ann Machado  
Zoning Administrator

**CITY OF PORTLAND ZONING BOARD OF APPEALS**

**Conditional Use Appeal Application**

Applicant Information: Jon Bradstreet

NAME

n/a  
BUSINESS NAME

n/a  
BUSINESS ADDRESS

n/a  
BUSINESS TELEPHONE & E-MAIL

Property Owner  
APPLICANT'S RIGHT/TITLE/INTEREST

R5 2 family  
CURRENT ZONING DESIGNATION

Subject Property Information: 73-75 Douglass Street

PROPERTY ADDRESS

078 0003001  
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

20 St. South Portland, ME 04106  
ADDRESS (If Different)

(207)321-8195 jonbradstreet@gmail.com  
PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY  
SECTION 14- 118

EXISTING USE OF THE PROPERTY:  
3 unit dwelling

TYPE OF CONDITIONAL USE PROPOSED:  
grant approval to legalize third dwelling unit located above the garage.

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

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

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]  
SIGNATURE OF APPLICANT

5/6/17  
DATE



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CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

2 D St. South Portland, ME 04106  
ADDRESS (If Different)

(253) 321-8195 jonbradstreet@gmail.com  
PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY  
SECTION 14- 118(a)(5)

RECEIVED

MAY 15 2017

Dept. of Building Inspections  
City of Portland Maine

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[Signature]  
SIGNATURE OF APPLICANT

5/6/17  
DATE

# JON BRADSTREET

2 D Street South Portland, ME 04106 | (207)321-8195 | jonbradstreet@gmail.com

May 6, 2017

## Zoning Board of Appeals

389 Congress Street  
Portland, ME 04101

Dear Zoning Board of Appeals Members:

As the property owner of 73-75 Douglass Street in Portland, I am seeking conditional use approval for an existing one-bedroom apartment that is located above a garage. The apartment was fully operational when I purchased the property in July of 2007 and was built in 1992/1993 when the prior owner erected the garage. I have included copies of the original building permit that was issued for the garage construction. I am unable to prove occupancy prior to 4/1/1995, as a rented apartment, in order to gain approval via the legalization process. Therefore, I am seeking approval via the R5 standards [Section 14-118(a)(5), letters a through h]. I will explain below how I am meeting each of the R5 standards and the three basic conditional use standards from the enclosed application.

R5 Standards [Section 14-118(a)(5)]

- **A. This section shall under no conditions permit more than four dwelling units on a lot and shall not allow more than two additional dwelling units on a lot above what would otherwise be permitted;** The property located at 73-75 Douglass Street is currently a two unit property. I am requesting conditional use approval to add a third dwelling unit to the property.
- **B. Any units created under this section may not be sold as condominium units or otherwise separated from the ownership of at least one of the pre-existing units on the site;** The property does not contain condominiums and will retain ownership as a multi family property.

- **C. Any units created under this section must be affordable to households earning up to 80% of AMI and are subject to income verification as further outlined in implementing regulations;** I understand that if conditional use is approved, I will sign a workforce housing agreement to meet this standard.
- **D. The additional units shall have a minimum floor area of four hundred (400) square feet and may not involve removing more than ten percent of the gross floor area of an existing dwelling unit into a new dwelling unit. Gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level and may include the attic if such space is habitable;** The dwelling is 576 square feet and was built in 1992/1993. It is a free standing building with the dwelling located above the garage. The dwelling did not take any gross floor area away from either of the existing units.
- **E. Modifications to existing structures shall be minimal, and be limited to new doors, windows and other openings;** No modifications are planned since the dwelling unit is already in existence.
- **F. Parking shall be provided as required by Division 20 of this article;** The driveway is approximately 70' by 25' with 4 parking spaces as defined by Division 20 (see enclosed pictures and plot plan). There are also two garage bays for parking.
- **G. There shall be no open, outside stairways or fire escapes above the ground floor;** There are currently no open, outside stairways or fire escapes and no plans or need to construct either.
- **H.**
  - **i. Any additions or exterior alterations such as façade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single family appearance of the building;** There will be no additions or exterior alterations as the dwelling is already in existence.
  - **ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped properly to screen vehicles from adjacent properties and streets;** The driveway is already in existence and does not require alteration.

Conditional Use Appeal Application Standards:

1. **The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone;** There will be no increased traffic generated. The property is not a business operation. The property has an existing driveway that is not being altered.

2. **The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter;** The dwelling unit seeking approval is equipped with city water and sewer. It is an existing 1-bedroom apartment located above a garage.
3. **The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone;** No changes are planned for landscaping, adding screening or a sign. The dwelling uses city trash curbside pickup and there are no loading deliveries or materials storage on site.

I would welcome the opportunity to further discuss any questions you may have regarding the contents of the application package.

*Sincerely,*

Jon Bradstreet

A handwritten signature in black ink, appearing to read "Jon Bradstreet", written in a cursive style.

ENCLOSURE

THIS IS NOT A BOUNDARY SURVEY

This copyrighted document expires 10-10-07. Reproduction and/or dissemination after this date is unauthorized.

MORTGAGE INSPECTION OF: DEED BOOK 7579 PAGE 41 COUNTY Cumberland  
PLAN BOOK --- PAGE --- LOT ---

ADDRESS: 75 Douglass Street, Portland, Maine

Job Number: 600-68

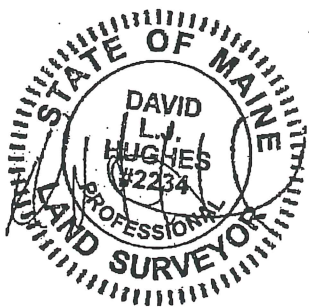
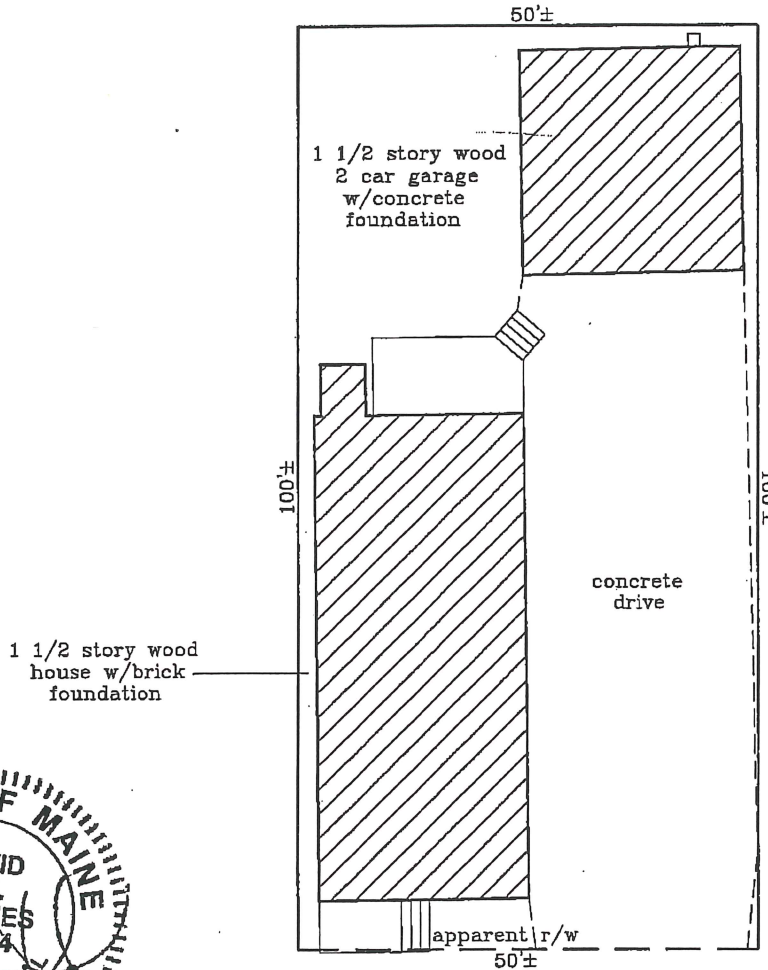
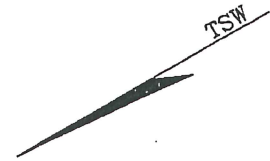
Inspection Date: 07-10-07

Buyer: Jonathan Bradstreet

Scale: 1" = 20'

Client File #: 0207-00481

Seller: Estate of Daniel S. Campbell



Douglass Street

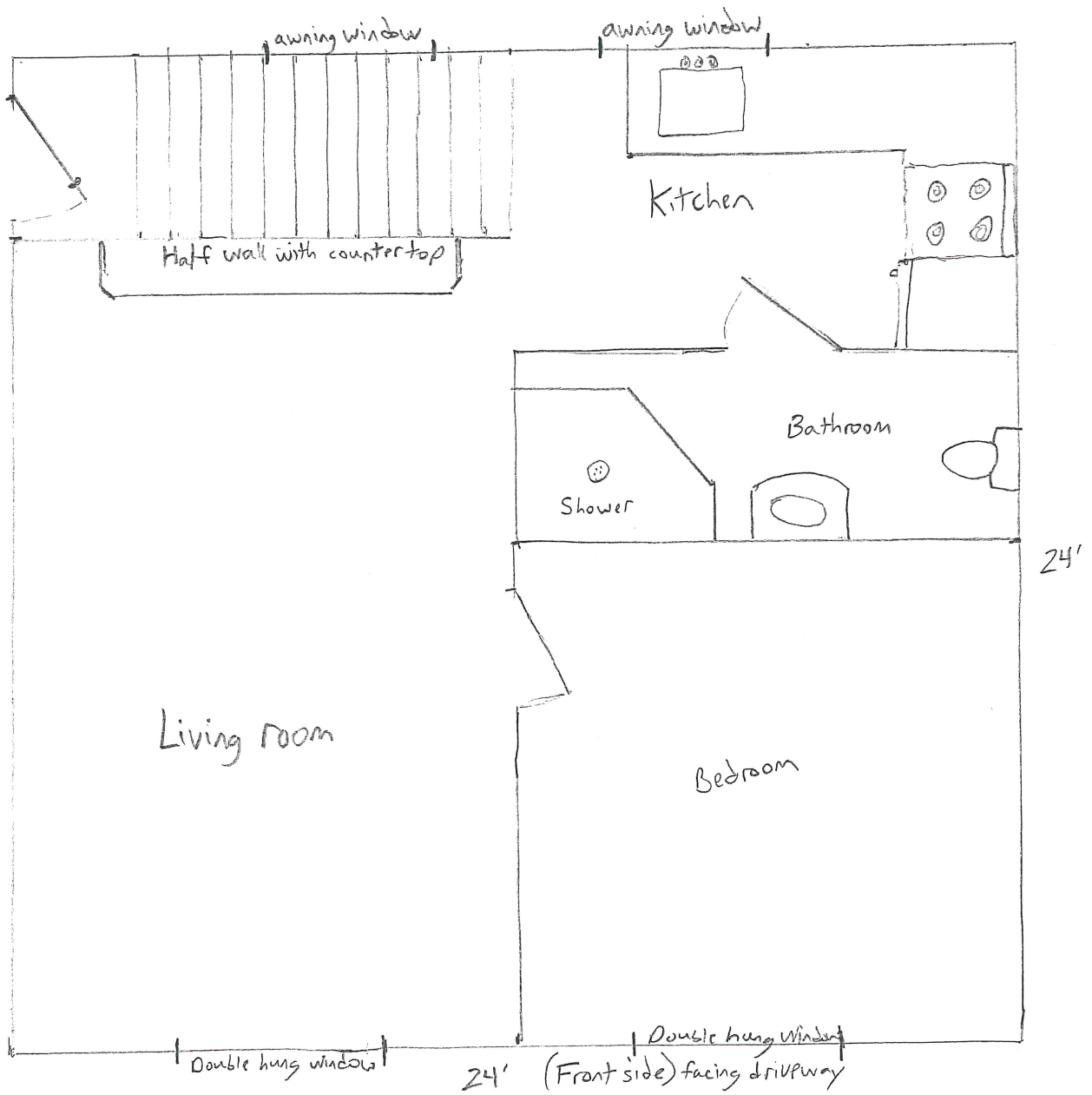
I HEREBY CERTIFY TO: Market Street Settlement Group, LLC, NE Moves Mortgage, LLC & its title insurer.

- Monuments found did not conflict with the deed description.
- The dwelling setbacks do not violate town zoning requirements.
- As delineated on the Federal Emergency Management Agency Community Panel:
- The structure does not fall within the special flood hazard zone.
- The land does not fall within the special flood hazard zone.
- A wetlands study has not been performed.

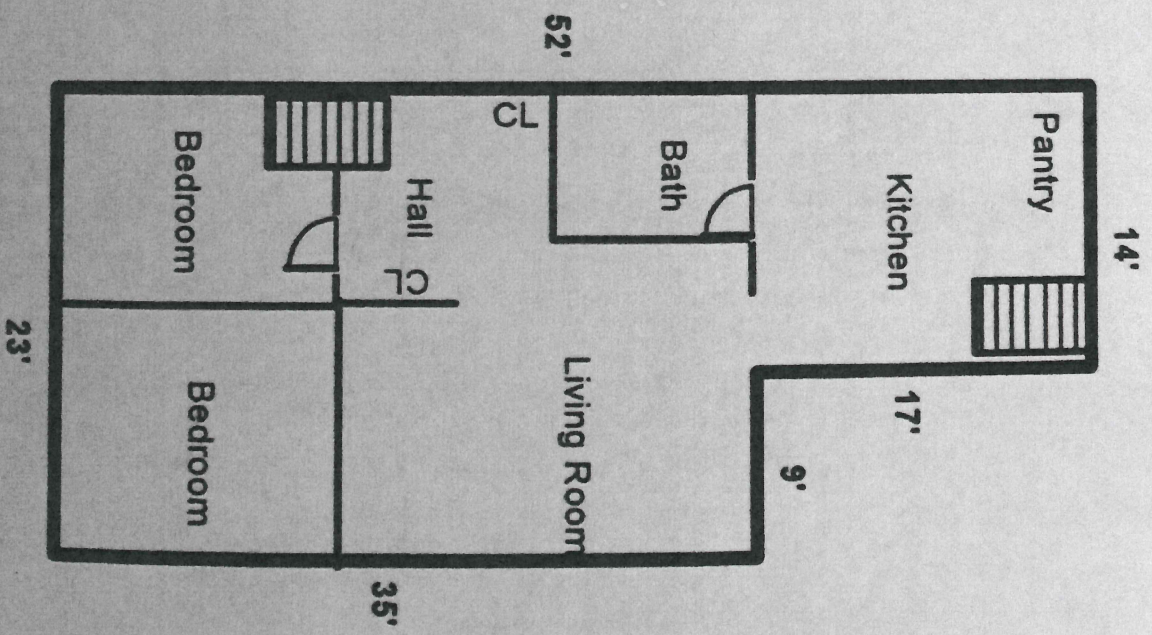
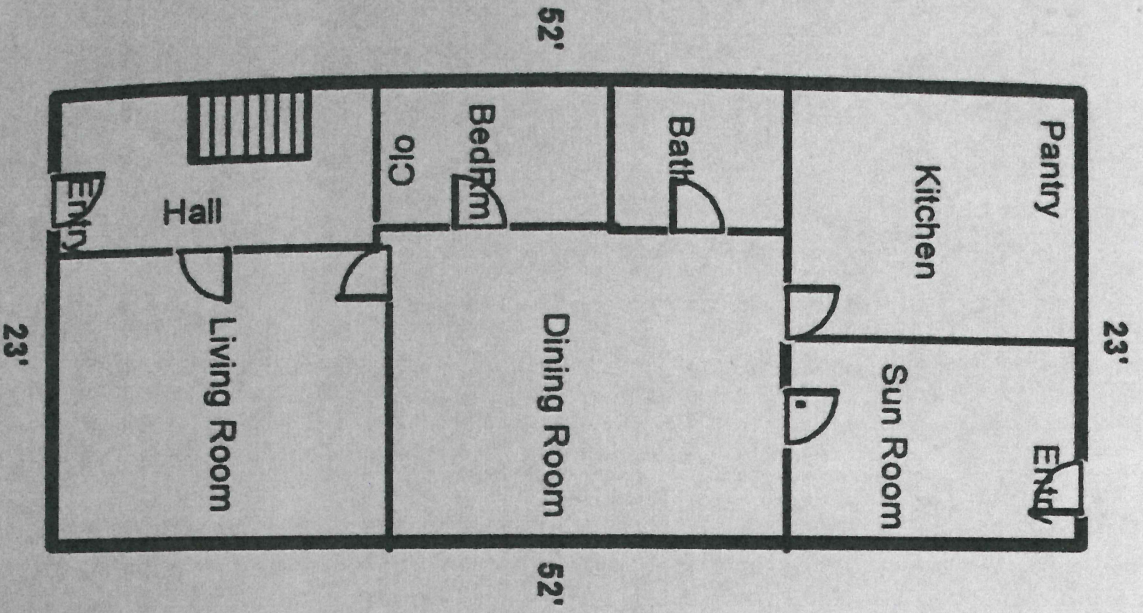
APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY. copyright©

**Livingston-Hughes**  
Professional Land Surveyors  
88 Guinea Road  
Kennebunkport, Maine 04046  
207-967-9761 phone 207-967-4831 fax  
www.livingstonhughes.com

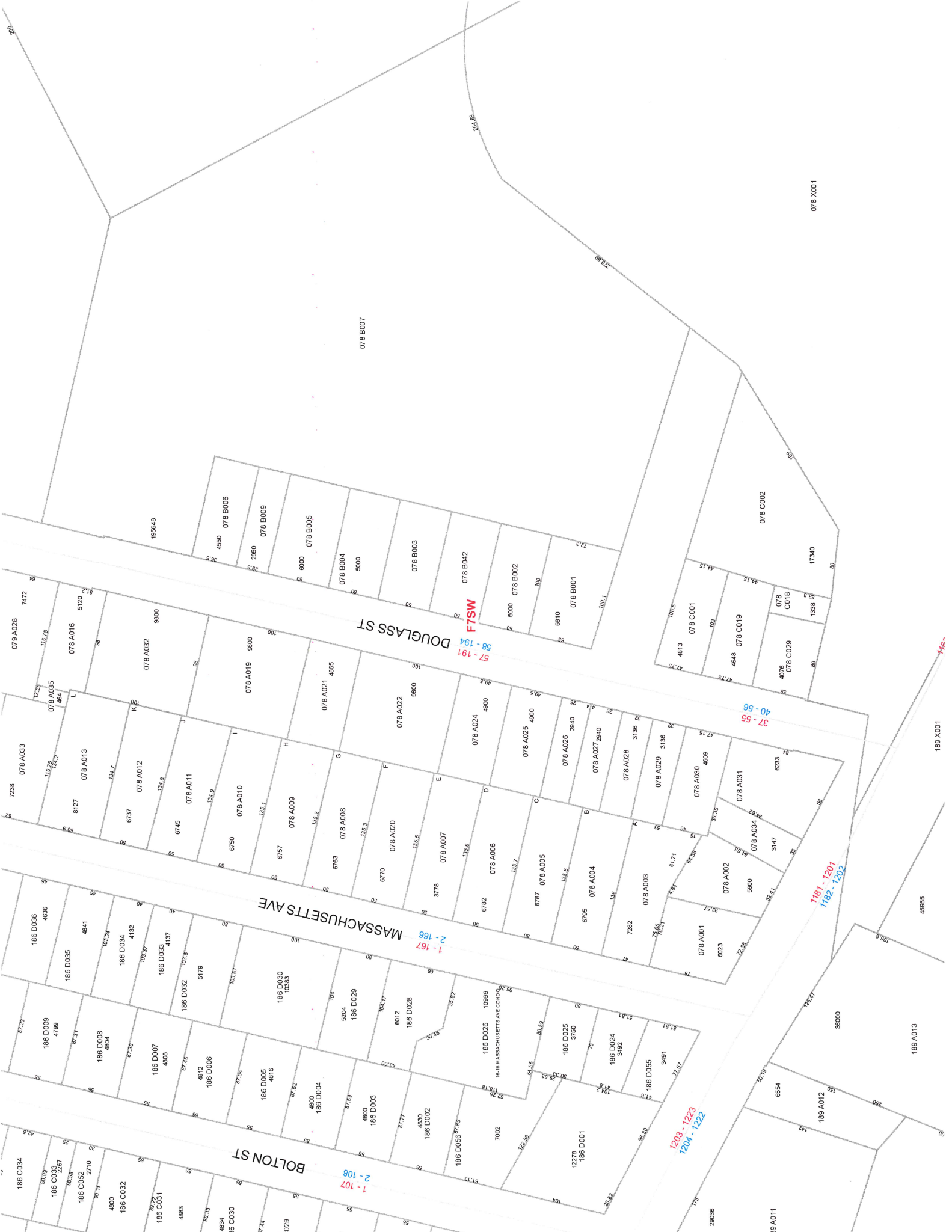
THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY



Scale 1" = 4'  
 75 Douglass St. Portland  
 Garage 2nd Floor  
 Dimensioned Floor Plan







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078 A035 116.73  
078 A016 5120  
078 A033 7238  
078 A013 8127  
078 A012 6737  
078 A011 6745  
078 A010 6750  
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078 A008 6763  
078 A006 6770  
078 A020 3778  
078 A007 6782  
078 A005 6787  
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078 A002 6023  
078 A001 6023

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189 X001 45955  
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189 A011 89 A011

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DOUGLAS

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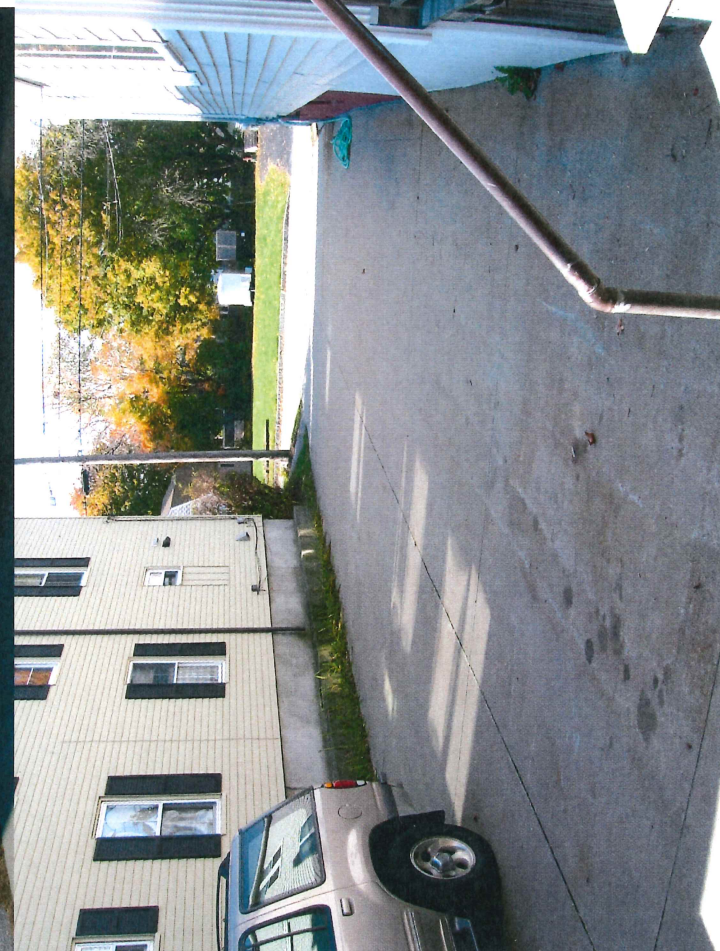
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**DEED OF SALE BY PERSONAL REPRESENTATIVE  
(INTESTATE)**

**KNOW ALL MEN AND WOMEN BY THESE PRESENTS**, that I, Carol D. Campbell, now of Portland and South Portland, County of Cumberland, State of Maine,

duly appointed and acting Personal Representative of the Estate of Daniel S. Campbell, late of Portland (Intestate), as shown by the probate records of and for Cumberland County, Maine, under docket number 2005/1020,

and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale,

by the power conferred by the Probate Court, and every other power,

for consideration paid, grant to Jonathan Bradstreet, now of Portland, County of Cumberland, State of Maine, whose mailing address is 17 Codman Street, Portland, Maine 04103, the real property in Portland, County of Cumberland, State of Maine, more particularly described as follows:

A certain lot or parcel of land with the buildings thereon situated in said Portland on the easterly side of Douglass Street, bounded and described as follows:

Beginning at a point in the easterly side line of said Douglass Street four hundred thirty-seven (437) feet from the corner made by the junction of the easterly side line of said Douglass Street with the northerly side line of the county road leading from Stroudwater to Portland; thence by said Douglass Street north about twenty-five (25) degrees east, fifty (50) feet to a stake; thence easterly at right angles with said Douglass Street one hundred (100) feet to a stake; thence southerly parallel with said street fifty (50) feet to a stake; thence westerly at right angles with said street one hundred (100) feet to the bounds begun at.

Being the same premises conveyed to the decedent by Personal Representative of the Estate of Loretta A. Campbell, also known as Alice L. Campbell, said deed dated December 31, 1986 and recorded in the Cumberland County Registry of Deeds at Book 7579, Page 41.

IN WITNESS WHEREOF, I, the aforesaid Carol D. Campbell, in my capacity as Personal Representative of the Estate of Daniel S. Campbell, do hereunto set my hand and seal this 27<sup>th</sup> day of July, 2007.

Signed, sealed, and delivered  
in the presence of:

*D. S. Turley*

*Carol D. Campbell*  
Carol D. Campbell  
Personal Representative  
Estate of Daniel S. Campbell

STATE OF MAINE  
CUMBERLAND, SS.

*July 27*, 2007.

Personally appeared before me the above-named Carol D. Campbell, in her said capacity, and acknowledged the foregoing instrument to be her free act and deed.

*D. S. Turley Esq*  
Notary Public/Attorney at Law

*Daniel S. Turley*  
Bar Reg # 01926 (Maine)