

B

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP 0 338
 B.O.C.A. TYPE OF CONSTRUCTION
 ZONING LOCATION PORTLAND, MAINE Oct. 31, 1980

RECEIVED
 MAY 14 1987
 City of Portland

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION ... Lot 20-B, G.L. Day Ave., A. Willis St., Great Diamond District #1 □, #2 □
 1. Owner's name and address ... Gary & Jeanne Smith - same ... Tel. Telephone ... 799-7139.
 2. Lessee's name and address Telephone
 3. Contractor's name and address ... Owner Telephone
 Proposed use of building ... dwelling - summer cottage No. of sheets
 Last use No. families 1
 Material No. stories Heat Style of roof Roofing
 Other buildings on same lot
 Estimated contractual cost \$ 30,000 Appeal Fees \$
 FIELD INSPECTOR—Mr. @ 775-5451 Base Fee \$ 170.00
 Late Fee
 Total plan \$ 50.00 4-28-87

To construct single family summer cottage
 9,800 sq ft., no garage
 site plan reveal

Stamp of Special Conditions

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

DETAILS OF NEW WORK

Is any plumbing involved in this work? **Yes** Is any electrical work involved in this work? **Yes**
 Is connection to be made to public sewer? If not, what is proposed for sewage? **septic system**
 Has septic tank notice been sent? Form notice sent?
 Height average grade to top of plate Height average grade to highest point of roof
 Size, front depth No. stories solid or filled land? earth or rock?
 Material of foundation Thickness, top bottom cellar
 Kind of roof Rise per foot Roof covering
 No. of chimneys Material of chimneys of lining Kind of heat fuel
 Framing Lumber—Kind Dressed or full size? Corner posts Sills
 Size Girder Columns under girders Size Max. on centers
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
 Joists and rafters: 1st floor 2nd 3rd roof
 On centers: 1st floor 2nd 3rd roof
 Maximum span: 1st floor 2nd 3rd roof
 If one story building with masonry walls, thickness of walls? height?

IF A GARAGE

No. cars now accommodated on same lot to be accommodated number commercial cars to be accommodated
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY: DATE
 BUILDING INSPECTION—PLAN EXAMINER
 ZONING:
 BUILDING CODE:
 Fire Dept.:

MISCELLANEOUS
 Will work require disturbing of any tree on a public street?
 Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed?



CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
INSPECTION SERVICES DIVISION

May 12, 1987

Gary & Jeanne Smith
Bay Avenue & Willis Street
Great Diamond Island, ME

Re: Lot 83-B-G-1 Bay Avenue & Willis Street Great Diamond

Dear Mr. & Mrs. Smith:

Your application to construct a single family summer cottage has been reviewed and a building permit is herewith issued subject to the following requirements:

Site Plan

Inspection Services

Rear yard must be 25 feet in depth.

W. J. Turner 05/12/87

Public Works

Approved

R. J. Roy 05/12/87

Requirements

1. Please have lot and lot lines clearly marked before calling for a foundation inspection.
2. Please read and implement items 5 and 6 of the attached building permit report.

If you have any questions on these requirements, please call this office.

Sincerely,

P. Samuel Hoffses
Chief of Inspection Services

Attachment

cc: B. Roy, Public Works

/ksc

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Alexander Jaegerman, Chief Planner
FROM: Richard Knowland, Senior Planner *RK*
DATE: August 4, 1987
SUBJECT: Possible Great Diamond Island Lot Transfer Violation

It appears that a property owner on Great Diamond has recently conveyed out a lot in violation of the minimum lot size requirements of the IR-2 zone (20,000 square feet). Mary Boylan up until recently owned three abutting lots (Assessor's reference 83 B-G-1-14-15) on Great Diamond Island totalling approximately 31,970 square feet. Apparently Mrs. Boylan in October 1986 conveyed out lot 83B-G-1 to Gary and Jeanne Smith. This lot totals about 9,900 square feet. This lot could not be considered a grandfathered lot since it was part of Mrs. Boylan's string of abutting parcels under one ownership and does not meet the normal minimum 20,000 square foot lot size requirement.

This spring the Smiths applied for a building permit for the lot and a permit for a residence was granted by the City on May 12, 1987. Last Friday I talked to Arthur Addato who indicated that foundation work on the house has started.

On the surface it appears there is a potential problem with this conveyance and building permit. I would suggest that we discuss this matter with the individuals listed below as soon as possible to clarify this issue.

jj

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
P. Samuel Hoffses, Chief of Inspections
Marge Schmukal, Assistant Chief of Inspections Services
Warren Turner, Zoning Administrator
David Lourie, Corporation Counsel

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Joseph E. Gray, Jr., Director, Planning & Urban Development DATE: August 5, 1987
FROM: Warren J. Turner, Zoning Enforcement Inspector *Warren J. Turner*
SUBJECT: Great Diamond Island Lot 83B-G-1

The lot at 83B-G-1 on Great Diamond Island was considered a "buildable lot" by the Boylans, who owned 83B-G-1-14-15. It was Mr. Boylan's intent to convey one lot (Lot 1) to his daughter, Mrs. Jeanne Smith before he died in 1970. Such a lot was actually conveyed in October, 1986 to Gary and Jeanne Smith, by Mrs. Boylan, an abutter. The subject lot is 8,315 square feet in area.

While this may defeat the possibility of this being a lot of record, Section 14-433 states that a lot in IR-2 needs to have only 6,500 square feet of land area to be considered as buildable. The subject lot was approved for a soil test by Errol Goodwin based on soil test results reported by Irvin Novaack, USM geologist, and site plan review was prepared by Lloyd Jones, surveyor and approved by the City Departments prior to issuance of a building permit. Partial performance has been initiated as a result of this building permit. A "STOP" order was placed on the building site on Wednesday, August 5th as a result of the Planning Department memorandum by Richard Knowland to Alexander Jaegerman, a copy of which is attached to this memo. Foundation work has started in reliance on the building permit, according to Arthur Addato, field inspector for the Islands. Water, electric service and foundation are already provided on site.

Mr. and Mrs. Gary Smith wish to have a timely response to their inquiry concerning their next action regarding this building permit. Their attorney is Donald Fowler, Pierce, Atwood, Scribner, etc. Jeanne Smith's home number is 799-7139 and their home is 72 Wells Road, Cape Elizabeth, Maine 04107.

Enclosure: Memo from Richard Knowland

cc: David Lourie, Corporation Counsel
P. Samuel Hoffses, Chief, Inspection Services
Arthur Addato, Code Enforcement Officer

/ksc

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



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Lot 83B-G-1 Willis St.
Great Diamond Island

September 15, 1987

Mr. Paul Frinsko, Attorney
Bernstein, Shur, Sawyer & Nelson
One Monument Square
Portland, Maine 04101

Dear Mr. Frinsko:

At the September 10th meeting of the Board of Appeals, the Board voted by a unanimous vote of seven members to deny your interpretation appeal on behalf of Jeanne and Gary Smith for their property on Willis Street, Great Diamond Island. This sought to reverse the decision of the Building Inspector.

Later in a subsequent space and bulk variance appeal, the Board voted by six votes in favor to 1 vote opposed to grant a space and bulk variance to enable Gary and Jeanne Smith to continue building their single family dwelling on Great Diamond Island, which they had started in reliance upon a building permit issued on May 14, 1987. It was later discovered that this lot was not a lot of record as defined within Section 14-433 of the City Zoning Ordinance. The lot is shown on Assessor's Chart 83B-G-1 and contains 9,942 square feet of land at the corner of Willis and the proposed Bay Avenue. However, the subject lot area was approved by the Board of Appeals on Thursday evening, September 10, 1987 so that construction of the dwelling may be resumed.

Failure to act within six months following such approval of the variance would result in the lapse of the variance.

Sincerely,

Warren J. Turner
Warren J. Turner
Zoning Enforcement Inspector

cc: Merrill Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Arthur Rowe, Code Enforcement Officer