

18 8 th Maine Avenue Peaks Island Maine

9-18-2017

Cover Letter to the Zoning Board of Appeals

1. Cover Letter
2. Appeal Application
3. Shoreland Map Diagram
4. Tax Map
5. Plot Plan
6. Proposed Plans / Elevations
7. Photos
8. Authorization Letter
9. Deed

Proposed Request: Modify an existing addition on the east side of the existing building and property from an entry with steps and toilet area to a full first floor bathroom. The existing door and steps to grade would be removed in this project. No increase in building footprint is intended and in fact a reduction of 5.3 SF is anticipated.

Shannon Alther

TMS Architects

603-436-4274

pod1@tms-architects.com

TMS

TMS Architects 9-18-2017
 Chase Residence
 18 8th Maine Avenue Peaks Island Maine

**PORTLAND ZONING BOARD OF APPEALS
 2017 MEETING SCHEDULE
 THURSDAYS ROOM #209, PORTLAND CITY HALL**

**DEADLINE FOR SUBMISSIONS
 OF APPEALS – 12:00 NOON ON:**

**MEETING DATES
 6:30 PM**

DECEMBER 19, 2016 -----	JANUARY 5, 2017
JANUARY 3, 2017 -----	JANUARY 19, 2017
JANUARY 17 th -----	FEBRUARY 2 nd
JANUARY 30 th -----	FEBRUARY 16 th
FEBRUARY 13 th -----	MARCH 2 nd
FEBRUARY 27 th -----	MARCH 16 th
MARCH 20 th -----	APRIL 6 th
APRIL 3 rd -----	APRIL 20 th
APRIL 18 th -----	MAY 4 th
MAY 1 st -----	MAY 18 th
MAY 15 th -----	JUNE 1 st
MAY 30 th -----	JUNE 15 th
JUNE 26 th -----	JULY 13 th
JULY 17 th -----	AUGUST 3 rd
JULY 31 st -----	AUGUST 17 th
AUGUST 21 st -----	SEPTEMBER 7 th
SEPTEMBER 5 th -----	SEPTEMBER 21 st
SEPTEMBER 18 th -----	OCTOBER 5 th
OCTOBER 2 nd -----	OCTOBER 19 TH
OCTOBER 16 th -----	NOVEMBER 2 nd
OCTOBER 30 th -----	NOVEMBER 16 th
NOVEMBER 20 th -----	DECEMBER 7 th
DECEMBER 18, 2017 -----	JANUARY 4, 2018

Submission
 Date

SEPTEMBER 18th



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

Ann Machado
Zoning Administrator

CITY OF PORTLAND

APPLICATION PROCESS FOR THE *ZONING BOARD OF APPEALS*

Eleven (11) separate packets of the following MUST be submitted to hold a place on the agenda:

- tms** 1. A copy of Appeal application.
- tms** 2. A cover Letter addressed to the ***Zoning Board of Appeals*** stating what you want to do.
- tms** 3. A plot plan showing the site and location of all structures, existing and proposed, in relation to the lot lines AND, if applicable, indicating parking. Lot size and setback dimensions must be shown.
- tms** 4. A floor plan, if applicable, showing dimensions of existing and proposed rooms and/or structures.
- tms** 5. A copy of the tax map (obtained in the Assessor's Office) with the property highlighted.
- tms** 6. Photos of the property
- Lisa** 7. Deed, sales agreement, lease or intent to lease.
- tms** 8. Owner, lessee, prospective purchase or legal representation, must sign the application.
- Lisa** 9. A letter from the property owner, giving permission to the applicant to represent the property, if applicable.
- tms** 10. All plans must also be folded neatly with each packet and banded.
- tms** 11. A complete copy in PDF form

If additional information is needed to complete the packet for the ZBA, you will be notified. Please make sure you include a contact phone number on your cover letter. If we cannot contact you, the item will be tabled until the next regular meeting.

The application fee is \$100.00 to appear before the ZBA. ***This fee is nonrefundable.*** Please note that the applicant is also responsible for the \$50.00 processing fee, the cost of the legal ad in the Portland Press Herald, and the cost of sending abutters notification within 500' of the subject property. ***The City of Portland will bill you for the processing fee, legal ad, and abutter's notification.***

You may apply for an appeal/permit at City Hall, Room 315. If you choose to file on the deadline date, please note that applications are accepted ONLY until noon. ***You will be sent a letter confirming the time and date of the meeting along with an agenda.***

389

TMS Architects 9-18-2017
Chase Residence
18 8th Maine Avenue Peaks Island Maine

\$100 + \$50
Application Fee = \$150
Additional processing fee once known



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

Ann Machado
Zoning Administrator

**CITY OF PORTLAND
ZONING BOARD OF APPEALS**

Practical Difficulty Variance Application

Applicant Information:

Shannon Alther - TMS Architects

NAME

1 Cate Street Portsmouth NH 03801

ADDRESS

603-436-4274 pod1@tms-architects.com

PHONE # & E-MAIL

Architect representing Owner

APPLICANT'S RIGHT/TITLE/INTEREST
(EG; owner, purchaser, etc)

IR-2

CURRENT ZONING DESIGNATION

Subject Property Information:

18 8th Maine Ave, Peaks Island

PROPERTY ADDRESS

085 N008

CHART/BLOCK/LOT (CBL)

Elizabeth Chase

PROPERTY OWNER (if different)

18 8th Maine Ave, Peaks Island

ADDRESS

520-360-4033 lisa@lchaselaw.com

PHONE # & E-MAIL

PRACTICAL DIFFICULTY VARIANCE
FROM SECTION 14- 473 (C)(3)

EXISTING USE OF PROPERTY:

Existing, Year-Round Use, Single Family Residence

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

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

Shannon Alther AIA

SIGNATURE OF APPLICANT

9-18-2017

DATE

The following words have the meanings set forth below:

1. **Dimensional Standards**: Those provisions of the article which relate to lot area, lot coverage, frontage and setback requirements
2. **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 result in significant economic injury to the applicant.
3. **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 the denial of the variance would mean the practical loss of all beneficial use of the land.

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

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Zoning Board of Appeals (ZBA) 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:

“Practical Difficulty” variance standards pursuant to Portland City Code §14-473(c)(3):

1. The need for the variance is from dimensional standards of the Land Use Zoning Ordinance (lot area, lot coverage, frontage, or **setback requirements**).

Satisfied _____ NOT Satisfied _____ (deny the appeal)

Reason and supporting facts:

The need for the variance for setback relief is based on the desire to enclose the existing steps to grade of a side entry on the east side of the property that is currently unused. The enclosed portion of the entry area currently only has a toilet and enclosing the existing steps would permit the addition of a sink, shower, washer/dryer to create a full second bathroom for the three bedroom property. If the variance is approved, a reduction of 5.3 square feet within the setback would occur.

2. Strict application of the provisions of the ordinance would create a **Practical Difficulty**, meaning it would both (1) preclude a use of the property which is permitted in the zone in which it is located, and also (2) would result in significant economic injury to the applicant. (“*Significant Economic Injury*” means the value of the property, if the variance was 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 _____ (deny the appeal)

Reason and supporting facts:

The strict application of the dimensional standards would preclude the construction of a second reasonable bathroom and laundry area where plumbing currently exists. It would be cost prohibitive to construct a second bathroom on the north or west sides of the property because in order to install the plumbing to Code, new plumbing from the incoming water line on the east side of the property would be required to traverse the entire un-heated space of the building. This would require additional basement and dirt floor storage area insulation and finishing, installation of heating units and / or heat tape on all water pipes and sewer drains. If the variance is denied, it would cause substantial economic injury as the value of the property with a single second floor bathroom is substantially lower than what the value of the property would be with a second full bathroom on the first floor.

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 _____ (deny the appeal)

Reason and supporting facts:

The uniqueness of the house location on the existing lot (close to the setback) and being built in 1900 prior to current Zoning and Planning Ordinances, precipitates the need for the variance.

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 _____ (deny the appeal)

Reason and supporting facts:

The existing side entry element shape and footprint will create the zone in which the new work would occur. The character of the house would not change regarding architectural style. The use will not change and the proposed work would most likely increase fair market value of abutting properties.

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

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

The proposed work has not been done nor is the practical difficulty a result of action by the applicant, current owner or prior owner.

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

Satisfied _____ Not Satisfied _____ (deny the appeal)
Reason and supporting facts:

No other reasonably feasible alternative (and siting the outline in numbers 1 & 2) is available except the variance.

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

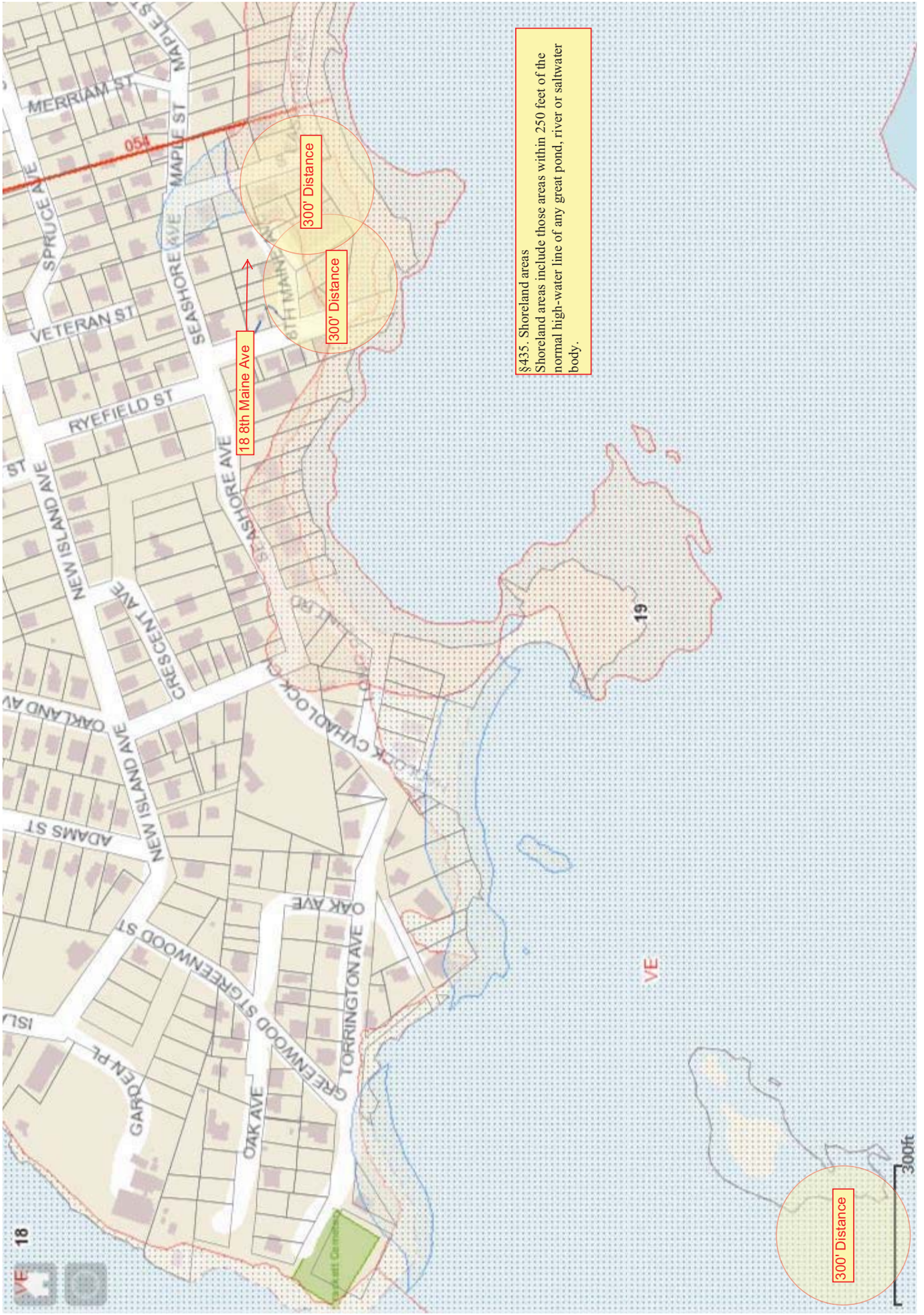
Satisfied _____ Not Satisfied _____ (deny the appeal)
Reason and supporting facts:

The granting of the variance in this application would reduce existing house footprint by 5.3 SF within the existing setback area. This would not create adverse effect on the natural environment.

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 _____ (deny the appeal)
Reason and supporting facts:

The property is not located within a Shoreland Area nor within a Shoreland Zone or Flood Hazard Zone.



§435. Shoreland areas
 Shoreland areas include those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body.

300' Distance

300ft

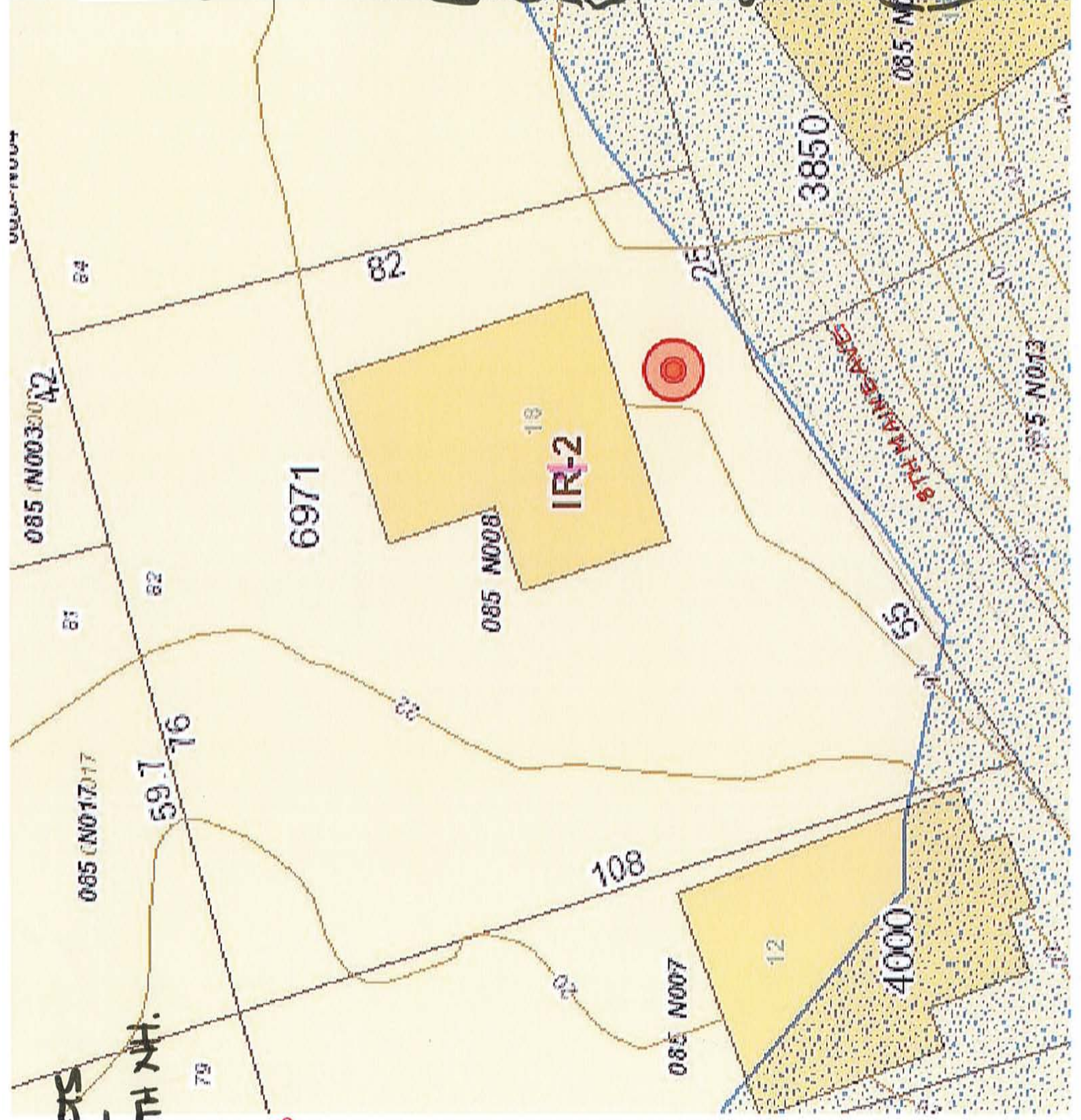
TMS ARCHITECTS

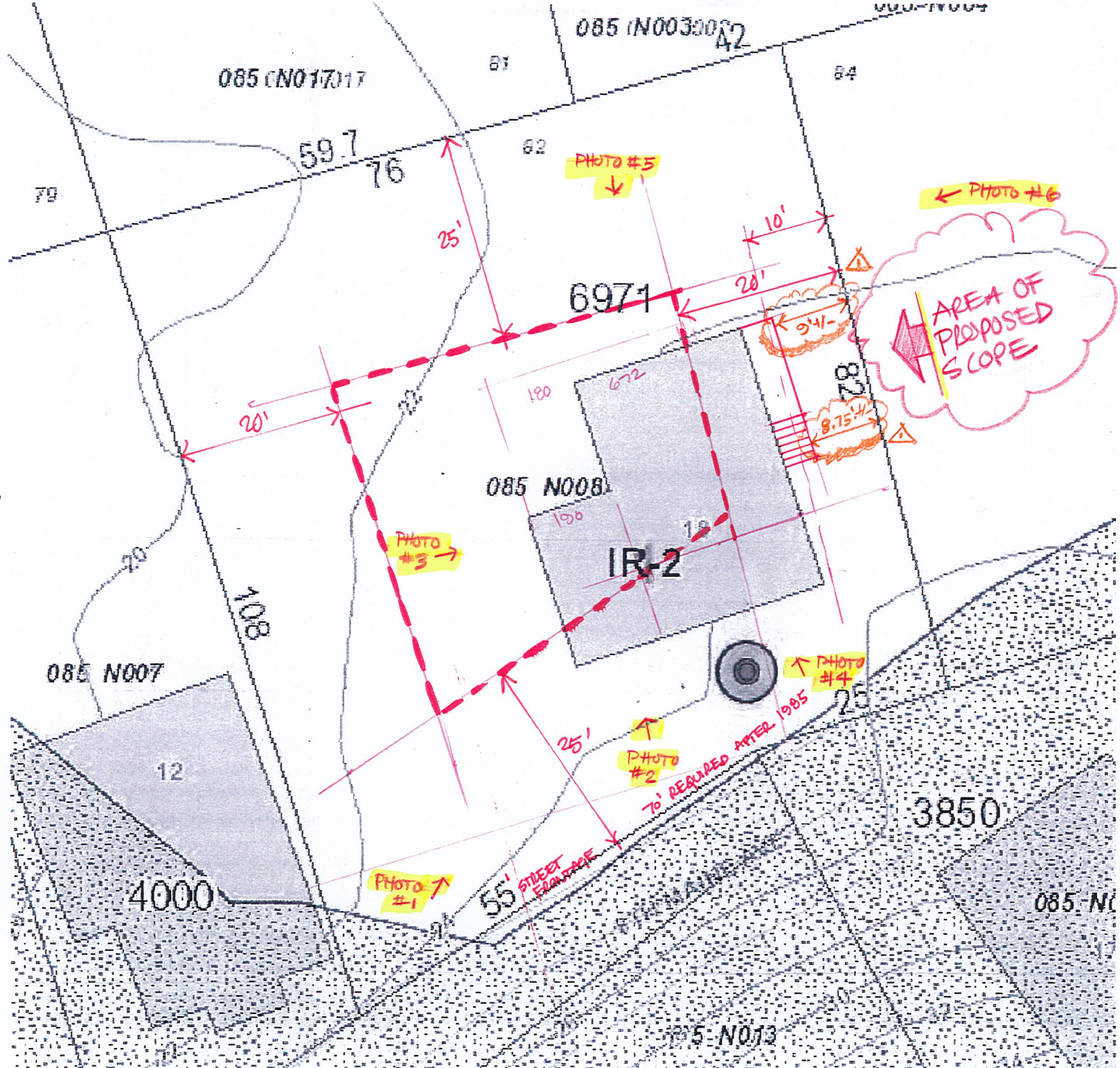
1 CATE ST
PORTSMOUTH NH.

TAX MAP

CBL
085_N008

8TH MAINE





9.25.17
ADDED SETBACK
DIMENSIONS

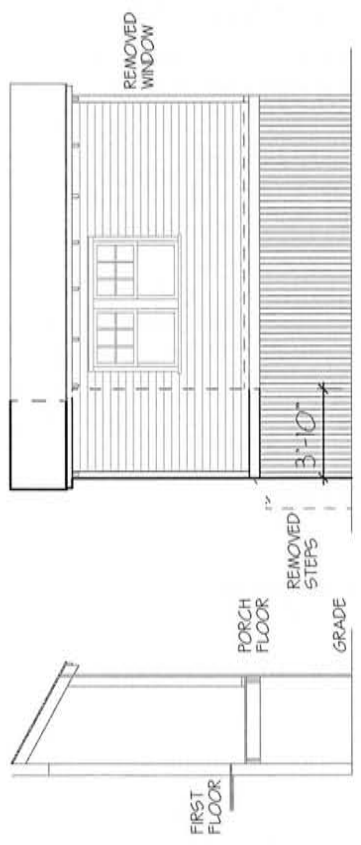
PHOTO #7

NORTH

DATA

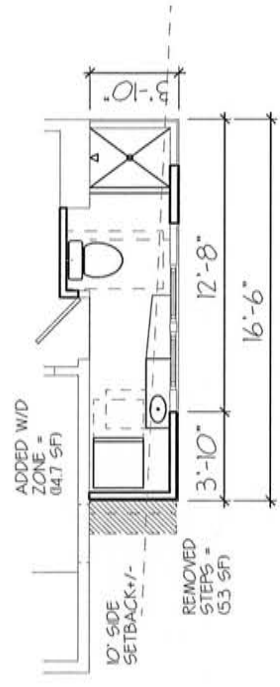
1. $1/16" = 1/4"$
2. Lot size = 6971 SF ±
3. 20% = 1394
4. House/Deck = $\frac{10427 - 72}{11127} = 15.9\%$
COVERAGE

3

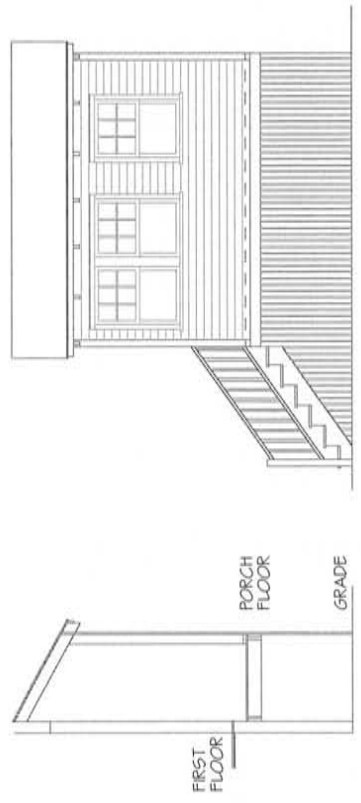


PROPOSED SECTION
(SAME PROFILE AS EXISTING)

PROPOSED ELEVATION

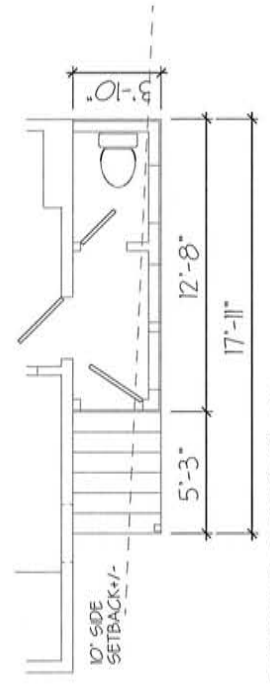


PROPOSED FLOOR PLAN



EXISTING SECTION

EXISTING ELEVATION



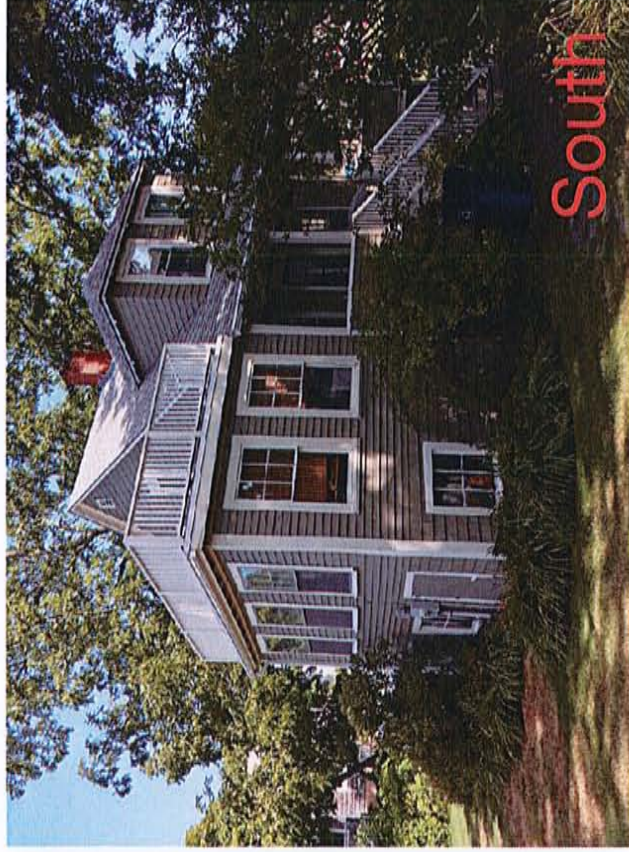
EXISTING FLOOR PLAN

18 8TH MAINE AVENUE PEAKS ISLAND MAINE
1/8"=1'-0"

18 8th Maine Ave Peaks Island Maine

Existing Photos

2



1



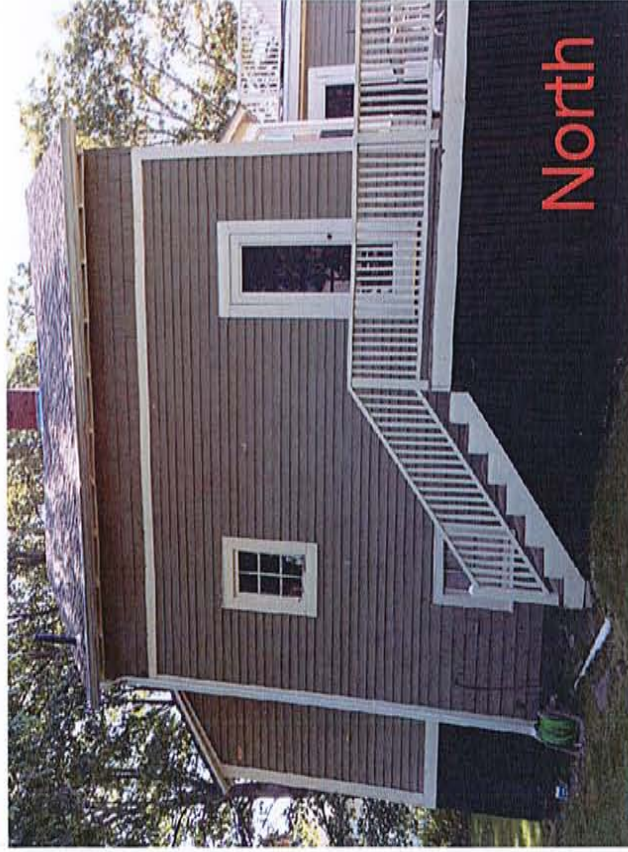
4



3



5



6



East Elevation

East Elevation:
Area of Proposed
Scope



7

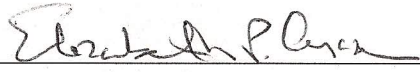
East Elevation

Authorization Letter

18 8th Maine Avenue Peaks Island Maine

8-30-2017

This letter authorizes TMS Architects / Shannon Alther to represent this project on my behalf.

Elizabeth Chase 

Date 8/30/2017

QUITCLAIM DEED WITH COVENANT

KNOW ALL PERSONS BY THESE PRESENTS, that we, **Elizabeth Price Chase**, Trustee of The Bacon Chase Family Trust dated July 18, 2005 and **Clay Benjamin Bacon**, Trustee of The Bacon Chase Family Trust dated July 18, 2005 of Tucson, and the State of Arizona for consideration paid, grant, convey and forever quitclaim to **Elizabeth Price Chase**, of Tucson, and the State of Arizona as her sole and separate property whose mailing address is 4970 E. River Road, Tucson, Arizona 85718 with quitclaim covenant, the land with buildings thereon in Peaks Island, Portland, County of Cumberland, and the State of Maine, described as follows:

A certain lot or parcel of land with the buildings thereon, situated on the southerly side of Peaks Island, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at the southwesterly corner of lot numbered eighty-four (84), as shown on a Plan of the Henry M. Brackett Estate, recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 57;

Thence westerly by the northerly line of lot numbered eighty-five (85), twenty-five (25) feet, more or less, to an angle and continuing on by the northerly side of a road called Eighth Maine Avenue, fifty-five (55) feet, more or less, to lot numbered eighty (80);

Thence northerly by the easterly line of said lot numbered eighty (80), one hundred eight (108) feet, more or less, to lot numbered eighty-one (81);

Thence easterly by the southerly sideline of lot numbered eighty-one (81), seventy-six (76) feet more or less, to lot numbered eighty-four (84);

Thence southerly by the westerly sideline of said lot numbered eighty-four (84), eighty-two (82) feet, more or less, to the bounds first mentioned. Said lot containing 6,971 square feet. Meaning and intending to convey and hereby conveying lot numbered eighty-two (82) as shown on the above mentioned plan.

Also hereby conveying that certain easement set forth in the deed from Frances Russell to Joseph B. Drake et al dated September 6, 1952, and recorded in said Registry of Deeds in Book 2102, Page 383 and being subject to the maintenance agreement set forth herein.

Subject to restrictions and easements of record, if any.

Meaning and intending to convey the same premises conveyed to the Grantors by virtue of a Warranty Deed from Paul M. Tuttle, Jr. dated September 16, 2005 and recorded in the Cumberland County Registry of Deeds in Book 23166, Page 296.

This deed is exempt from transfer taxes pursuant to Title 36 MRSA, §4641-C.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be sealed as their free act and deed this 24th day of November 2008.

THE BACON CHASE FAMILY TRUST DATED JULY 18, 2005

Pamela Liberty
WITNESS
PAMELA A. LIBERTY

By: Elizabeth Price Chase
Elizabeth Price Chase, Trustee

Pamela Liberty
WITNESS
PAMELA A. LIBERTY


By: Clay Bacon, Trustee
Clay Benjamin Bacon, Trustee

STATE OF ARIZONA)
)
COUNTY OF PIMA)

ss:

November 24th, 2008

Personally appeared before me the above-named Elizabeth Price Chase and Clay Benjamin Bacon and acknowledged the above-instrument to be their free act and deed.

 **TINA M. LARSON**
NOTARY PUBLIC- ARIZONA
PIMA COUNTY
My Comm. Exp.: February 14, 2009
EXP. 2/14/09

Tina M. Larson
Notary Public/Attorney-at-Law

Received
Recorded Register of Deeds
Mar 26, 2009 02:46:04P
Cumberland County
Pamela E. Lovley