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Jeff Levine, AICP, Director Marge Schmuckal, Zoning Administrator

October 3, 2013

Jill Keefe C/O Port Island Realty 14 Welch Street Peaks Island, ME 04108

RE: 676 Seashore Avenue, Peaks Island – 089-E-024 – IR-1 Zone – Shoreland Overlay

Dear Ms. Keefe,

I am in receipt of your request concerning the property at 676 Seashore Avenue on Peaks Island.

Thank you for the submitted information concerning this property. Our records show that the building permit to construct the single family dwelling was issued on October 25, 1985. It was reviewed and approved under the requirements of the IR-1 Zone. Subsequently, a Certificate of Occupancy was issued on July 7, 1986. It has since come to everyone's attention that the structure was not sited correctly within the setbacks of the IR-1 Zone. It is currently nonconforming to the City Ordinances.

Section14-437 of the Land Use Zoning Ordinance provides relief from the existing nonconforming setbacks. I have already sent an e-mail version of the Ordinance and an application to you. I will be also enclosing a paper copy to you with this letter.

If all the conditions of 14-437 can be met, I will be preparing a document that needs to be recorded in the registry of deeds for the approval to be finalized.

If you have any questions regarding this matter, please feel free to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal Zoning Administrator

City of Portland, Maine



CITY OF PORTLAND, MAINE

SETBACK REDUCTION APPLICATION FOR EXISTING STRUCTURES

Applicant's name and address:	
Applicant's interest in property (e.g.owner	purchaser, etc.):
Owner's name and address (if different):	
Address of property and Assessor's chart, h	olock, and lot number:
Zone:	Present Use:
Setback Reduction from: Section 14	Future Use:
Please attach Plot Plan as outlined in Sect \$50.00.	ion 14-437. The required fee is
The undersigned hereby makes application for described, and certifies that all information true and correct to the best of his/her known	or a setback reduction as above on herein supplied by him/her is wledge and belief.
Dated:Sig	nature of Applicant

AMENDMENT TO PORTLAND CITY CODE §14-437 (ZONING ORDINANCE) RE: SETBACK REDUCTIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

That Section 14-437 of the Portland City Code is hereby enacted, said section to read as follows:

Sec. 14-437. Setback reductions.

- (a) Authority. The zoning administrator may grant setback reductions to the extent provided by this section.
- (b) Procedure. Application for a setback reduction shall be submitted to the building inspections division. A payment of a nonrefundable application fee, as established from time to time by order of the City Council to cover administrative costs, shall accompany each application. The application shall be in such form as prescribed by the zoning administrator and shall contain at least the following information and documentation:
 - (1) The name and address of the applicant and his or her interest in the subject property;
 - (2) The name and address of the owner, if different from the applicant;
 - (3) The address or location and the city assessor's chart, block and lot number of the subject property;
 - (4) The present use and zoning classification of the subject property;
- Plot plan showing sufficient monumentation to indicate the location of all structures existing and proposed in relation to the lot lines. Such a plan must be prepared by a State of Maine Registered Land Surveyor. If, in the opinion of the surveyor, sufficient monumentation is not available, then a standard boundary survey will be necessary to meet the requirements of this section.
 - (c) Purpose. The purpose of setback reductions is to validate the situs of mislocated single-family, owner-occupied residential structures and those structures accessory thereto,

which are not otherwise legally sited and which were in existence on (date of passage). November 15, 1993

- (d) Conditions for setback reductions. Setback reductions which may be granted by the zoning administrator are subject to the following conditions:
 - (1) The sole use of the property is (and, if the application should be granted, will remain) as a single-family detached dwelling.
 - (2) The property is located in R-1, R-2, R-3, R-4, R-5, R-6, IR-1, IR-2, IR-3 or RP zones.
 - (3) The reduction sought can not be reduced by more than the following:

IR-1, IR-2, IR-3, R-3, RP, R-1 R-2, R-4 and R-5 zones:
 Front yard: Ten (10) feet
 Rear yard: Ten (10) feet
 Side yard: Five (5) feet

R-6 zone:

Front yard: Five (5) feet Rear yard: Ten (10) feet Side yard: Five (5) feet

- (4) No relief may be granted under this section in cases where the building authority determines that the setback violation was the result of a willful act by either the applicant or a prior owner.
- (5) This section shall only apply to the inadvertent misplacement of a structure.
- (6) Recording of setback reduction. The zoning administrator shall provide a signed instrument in recordable form, indicating any setback reduction granted under the terms of this section. The applicant for such reduction shall be responsible for recording this instrument in the Cumberland County Registry of Deeds. The abuttor's affidavit will also be recorded.



Oct. 1st, 2013

Good morning, Marge.

several phone calls about this property and what you need to determine whether it's a legal non-conforming or illegal non-conforming property. I'm enclosing all the documents I found in the files as well as a new Existing Condition Plan completed last week. The current owners, Stanley and Judith Piawlock, added the deck without a permit and I understand that it would need to be removed if my clients, Sam and Barbara Dyer, buy the property. Additionally,

This is to follow up on the message I left you last Friday, I know there have been

be removed if my clients, Sam and Barbara Dyer, buy the property. Additionally, the distance from the east corners of the house is 14" 5" & 14"6". It appears that the Piawlocks filed their application for a building permit on July 12th, 1985. They received a permit with conditions on Oct. 25th, 1985. By that time, the setback was 20' rather than 14' and the permit required that the east side yard be increased to 20" which, for whatever reason, didn't happen.

My clients need to know what improvements and/or additions they could make if they decide to go forward with the purchase.

JULE POSTERA, com

I appreciate your help with this issue.

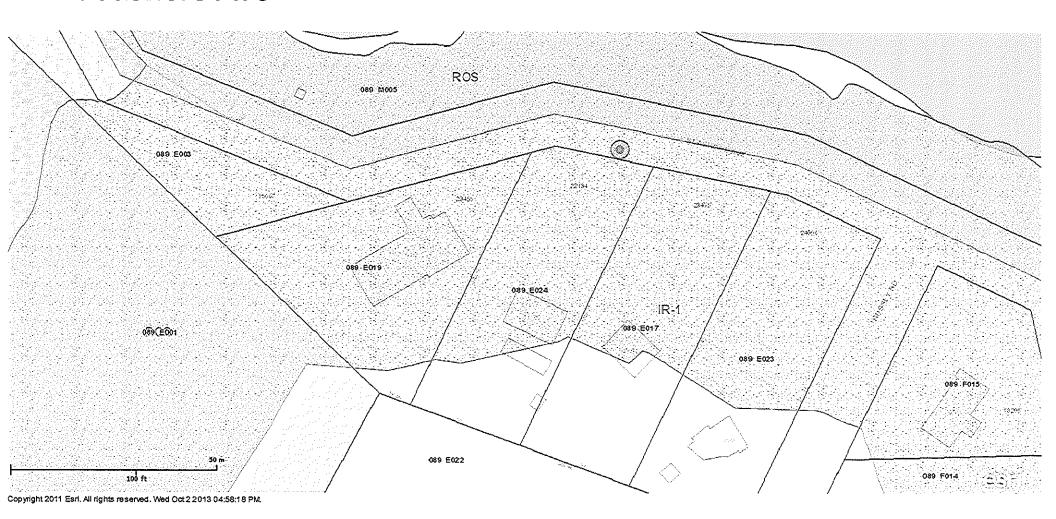
Thank you,

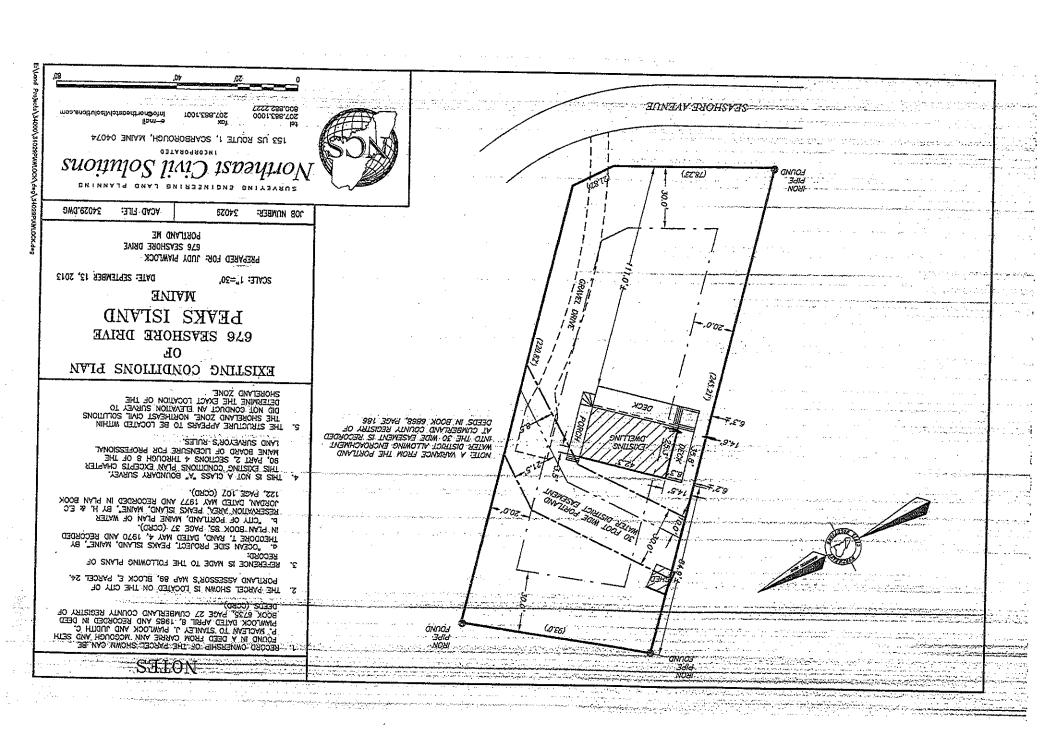
Jill

Jill Keefe

207-766-5956 [cell]

676 Seashore Ave





R O C A myo	GROUP E OF CONSTRUCTION TR-/ PORT		PERMIT ISSUED
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NOTE TO APPLICANT: Separate and mechanicals.	arrills are required by the installe	rs and subcontractors of heating	Plumbing, electrical
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BUILDING INSPECTION—PLAN EXA ZONING: (A.A. Courching) BUILDING CODE:	DATE	y stored in the proposed build	ng/
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Signaure of	pplicani W. T. J. above W. Russell Edw		
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LOCATION SEASMORE AVENU	ons and specifications, if any, submitted herewith an e Lot 16 7. 4 9. 4 Judith Piaylock, intain Avenue, Lewiston	d the following specification: Fire District #1 [1, #2] Telephone Telephone Telephone Telephone
Contractor's name and address	, Russell Edwards, Jr., sland Avenue, Peaks Island amily year-round dwelling	No of these
last use		
	Heat: Style of roof	Roofing
Other buildings on same lot. Estimated contractural cost 5: 19,000		
Estimated contractural cost \$.77)	Minor Site Plan Appeal I	S-50.08
FIELD INSPECTOR—Missississississississississississississ	Base Fee	
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to construct a 26 x	262 single family	215:00
dwelling asshown		np of Special Conditions
and mechanicals	is are required by the installers and subcontractors :	January Community
Real Control of the C		
	WDETAILS OF NEW WORK	
is any plumbing involved in this work?	Is any electrical work involved in t	his work?
Is connection to be made to public sewer?	TE any electrical work involved in the second secon	
Has rentie tack notice here sent?	Form notice tent?	
Height average grade to top of plate	Height average grade to highest p	omt of roof
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Studs (outside walls and carrying partition	ns) 2x4-16" O. C. Bridging in every floor and flat ro	of span over 8 feet.
	2nd 3rd	
Maximum span : 1st floor	3rd	rool
ii one story building with masoury walls,	thickness of walls?	neight?
	IF A GARAGE	

BITT DING CODE-



CITY OF PORTLAND, MAINE Department of Building Inspection

Certificate of Occupancy

LOCATION Lot # 16 Seashore Eve. Peaks Isl.

Date of Esse June 27, 1986 Stanley Pizwlock Chie is in certify that the building premises, or part thereof, at the above location, built-alresed

-changed as to use under Building Permit No. 85-1233, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

Entire

Limiting Conditions:

Single family dwelling

This cerrificate supersedes certificate issued

Approved-

Notice: This certificate identifies lawful use of building or premises, and outhir to be transferred from owner to owner when property changes bends. Copy will be formished to owner or lesses for one dollar: Sout of Landing-304 feet hour waterline as measured from assessor war-10/21/14 } Agte but I list full & her see which the see which the see of the RECEIVED OCT 18 1974 DEPT. OF BLDG. NSP.

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Applicant: Lower Free Toping Date: /// Date:
Assessors #: 87-6-34
       CHECK LIST AGAINST ZONING ORDINANCE
  / Date - /////
  Zone Location - // - 3
  Interior or corner lot
  40. ft. setback area (Section 21)
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  Rear Yards - / / / / //
 ✓Side Yerds = 575 - 78 - 8 - 8 / ///
 Projections _ /////
 Height = //5764/
 VIot Area = 23/7/ CASHEL (FRE 257)
 Area per Family - 23, 1347
Width of Tot _ 93/ _ 65////
/ Lot Frontage = 93 / - 4/0 / /////
 Off-street Parking -
 Doading Bays -
 Site_Plan__
      = 11080-14,000
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Know all Men by these Presents, 12612

That

We, CARRIE ANN McGOUGH and SRTH P. Haclean, of Sudbury, in the County of Middlesex and Commonwealth of Massachusetts,

One Dollar and Other Valuable Consideration, la consideration of

paid by

STANLBY J. PIAWLOCK and JUDITH C. PIAWLOCK, of Lawiston, in the County of Androscoggin and State of Maine,

el eestübb gaillain proitw

32 Nountain Avenue Lewiston, Maine 04240

hereby acknowledge, do hereby glue, grant, burguin, nell and the receipt whereof STANLEY J. PIANLOCK and JUDITH C. PIANLOCK, rangey unto the said

as Joint tenants and not as tenants in common, their helts and assigns forever,

A sertain lot or parcel of land situated on Peaks Island in the City of Portland, County of Cumberland and State of Maine, and bounded and described as follows:

Being Lot #16 as shown on plan entitled Oceanside Project, Peaks Island, Maine, North Gate Subdivision, dated May 4, 1970 and recorded in Cumberland County Registry of Deeds in Plan Book 85, Page 37.

Being the same pramises conveyed to the grantors herein by Lawrence F. Parisi, at al, by deed dated June 27, 1980 and recorded in the Cumberland County Registry of Deeds on June 30, 1980.

Said premises are SUBJECT to easements, rights of way and other reservations and restrictions as set forth in the deed from the United States Government to Peter O. Cioffi dated August 29, 1958 and recorded in said Cumberland County Registry of Deeds in Book 2434, Page 46.

Jr yr

To have and to hold	the aforegranted and bargained premises, with all the privilege	í
and appurtenances thereof, to the said	STANLEY J. PIAWLOCK and JUDITH C. PIAWLOCK,	

as joint tenants and not as tenants in common, their heirs and assigns, to their own use and behoof forever.

And with the said Grantees, their heirs and assigns, that we are lawfully selzed in fee of the premises, that they are free of all encumbrances

have good right to sell and convey the same to the said Grantees to hold as aforesaid; thot heirs shall and will mareaut and defend the same to the sold and and that Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons,

In Witness Whereof, We, the said Carrie Ann McGough and Seth P. MacLean,

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above described premises, have hereunto set our	hands and seal slifs	day
of the month of April 81%, A.D. 19 85	•	
Signed, Bented und Belivered	SEAL	
in presence of	- 1 mic	1.
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Then personally appeared the above named	Carrie Ann McGough	.92.
		VC,
and acknowledged the foregoing instrument to be	her freshed and deed.	11
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RECEIVED	Name: Lea / Manager	Notary Public Associations Res
	Name: Lea / Manager	Notary Pub Astronomicki

Mountain Aven Mountain Aven Mailing Address Single family Proposed Use of Site 22,134 sag. /F Acreage of Site / Site Location Review Board of Appeals Act Planning Board Actio Other Comments:	dwelling t. Ground Floor Coverage (DEP) Required: () Yes () No ion Required: () Yes () No n Required: () Yes () No	Seashore Avenue, Lot 16 Address of Proposed Site Site Identifier(s) from Assessors Maps Zoning of Proposed Site Proposed Number of Sicol Total Floor Area	rs
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CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT INSPECTION SERVICES DIVISION

October 25, 1985

Mr. and Mrs. Stanley Prawlock Mountain Avenue Lewiston, Maine 04240

RE: Lot #16 Seashore Avenue Peaks Island, Maine

Dear Stanley and Judity:

Your application to construct a 26' X 46' single family dwelling has been reviewed and a building permit is herewith issued subject. to the following requirements:

Site Plan Review Requirements

Inspection Services Division Approved with conditions:

- 1. East Side yard must be 20' instead of 14' as shown on the site plan.
- 2. Septic disposal subject to Plumbing Inspection approval. Mr. W. Turner

Public Works Department

Approved with conditions:

- 1. There should be a minimum separation of fifteen (15) feet between the existing waterline and the proposed dwelling.
- 2. A driveway or turn-out shall be provided for off-street parking outside of the street right-of-way. Ms. B. Barhydt 7/30/85

Building Code Requirements

1. All lot lines must be clearly marked before calling for a foundation inspection.

At le seulou

M/Mrs. Stanley Prawlock

2. Please read attached building code Sections 809.4 and 1716.3.4.

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

Sincerely,

P. Samuel Hoffses
Chief of Inspection Services

PSH/cb

Enclosures



CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT.

INSPECTION SERVICES DIVISION

October 1, 1985

Mr. W. Russell Edwards, Jr. Island Avenue
Peaks Island, ME 04108

RE: Lot 16, Seashore Avenue, Peaks Island

Dear Mr. Edwards:

I have checked with the Plumbing Inspector of the City of Portland, who states that there are no records available here in City Hall to show the location of the existing leach bed on the Parisi lot.

Please furnish this office with a copy of the approved soil evaluation test which was processed for the Parisi Tamily on Lot #16; Seashore Avenue. A copy of the location of the septic disposal system must be on file before a building permit can be issued for your proposed single family year-round dwelling.

Sincerely,

Warren J. Turner Zoning Specialist

WJT/kat

C: Joseph E. Gray, Jr., Director, Planning/Urban Development Alexander Jaegerman, Chief Planner P. Samuel Hoffses, Chief of Inspection Services

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	AC331	112		

Applicant		Date	(C/IC)
Mailing Address		Address of Proposed Site	
Proposed Use of Si	e	Site Identifier(s) from Assestars Maps	
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Board of Appeals A	w (DEP) Required: () Yes (\checkmark) ction Required: () Yes (\checkmark) ion Required: () Yes (\checkmark)	No Carle Cotal From Area	
Other Comments: _			() () () () () () () () () ()
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THE RESERVE OF THE PROPERTY OF Has the Paris i Lot bour affersovel for soil evaluation but ? - Peus Edwards has a leldg fermit application and claims it has Deen gwen fries affroial for Dingle family develling! -10/16/85-Clain Lf#16 Deutre Lie Errice says this is O.K. For-sewage disposal

THE BUILD A BUILDIAKY BUKYEY INSPECTION OF PREMISES 676 SEASHORE AVE Job Number: 186-02 HEREBY CERTIFY TO HORDIGAST PEARS ISLAND PORTIAND, ME Inspection Date: 09-17-92 EAND TITLE, BANK BOSTON AND ITS TITLE INSURER Scale: 1 = 30 The monumentation is not in harmony with @ IP current deed description. The building setbacks are set in conformity 93% with town zoning requirements. The dwelling does not expected fall within the special flood hazard zone as delineated by the Federal Emergency Management Agency. The land does not appear to fall within the special flood hazard zone as indicated on community-panel # 230051 00153 OWNER: STANLEY AND JUDITY PLYLLOCK CRUSHED TWO STORY STONE WOOD STRK. DANE TURE ON A CONCRETE FRINDATION DECK SEA SHORE AVENUE THIS PROPERTY IS SUBJECT TO ALL RIGHTS AND EASEMENTS OF RECORD IFF THOSE THAT ARE EVIDENT ARE SHOWN. THIS PLAN MIGHT NOT REVEAL CONFLICTS WITH ABUTTING DEEDS. BRUCE R. BOWMAN, INC. PLAN BOOK 85 PAGE 37 LOT 16 48 Mill Road DEED BOOK COUNTY CUMBERLAND **PAGE** Cumberland, Maine 04021 THIS PLAN-IS NOT FOR RECORDING Phone: (207)829-3959 Drawn by: 344

Doory.