Please Read Application And Notes, If Any, Attached

This is to certify that CHEEVERS MARIAN R ET has permission to $\qquad$ add $8^{\prime} \times 12$ room on top of cx

## AT 23 PRINCE AVE

provided that the person or persons, of the provisions of the Statutes of the construction, maintenance and 4 this department.

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

OTHER REQUIRED APPROVALS
Fire Dept
Health Dept.
Appeal Board
Other $\qquad$ CITY OF PORTLAND

City of Portland, Maine - Building or Use Permit Application 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

| Permit No: | Issue Date: | CBL: |
| :---: | :--- | :--- |
| $07-0804$ |  | 091 J007001 |


| Location of Construction: <br> 23 PRINCE AVE Peaks Is land | Owner Name: CHEEVERS MARIAN R ETAL | Owner Address: 36 MYOPIA RD |  | Phone: |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Business Name: | Contractor Name: <br> Macey Orme | Contractor Address: P O Box 143 Peaks Island |  | $\begin{array}{\|l\|} \hline \text { Phone } \\ 2074087100 \end{array}$ |  |
| Lessee/Buyer's Name | Phone: | Permit Type: <br> Additions - Dwellings |  |  | Zone: |
| Past Use: Single Family Home | Proposed Use:Single Family Home - add 8' x 12'room on top of existing deck | $\begin{array}{r} \text { Permit Fee: } \\ \$ 120.00 \end{array}$ | $\begin{array}{r} \text { Cost of Work: } \\ \$ 10,000.00 \end{array}$ | $\begin{gathered} \hline \text { CEO District: } \\ 2 \end{gathered}$ |  |
|  |  | FIRE DEPT: | Approved INSPE <br> Denied Use G <br>   | INSPECTION: <br> Use Group: 13 тype: $5 B$ |  |
| Proposed Project Description: add $8^{\prime} \times 12^{\prime}$ room on top of existing deck |  | Signature: | Sign |  | $13 \log$ |
|  |  |  |  |  |  |



## 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.

## BUILDING PERMIT INSPECTION PROCEDURES <br> Please call 874-8703 or 874-8693 (ONLY) <br> to schedule your inspections as agreed upon <br> Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.
_ $\quad$ Framing/Rough Plumbing/Electrical: Prior to Any Insulating or drywalling
X Final inspection required at completion of work.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.


City of Portland, Maine - Building or Use Permit 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

| Permit No: | Date Applied For: | CBL: |
| :---: | :--- | ---: |
| 07-0804 | 07/02/2007 | 091 J007001 |


| Location of Construction: <br> 23 PRINCE AVE | Owner Name: <br> CHEEVERS MARIAN R ETAL | Owner Address: <br> 36 MYOPIA RD | Phone: |
| :--- | :--- | :--- | :--- |
| Business Name: | Contractor Name: <br> Macey Orme | Contractor Address: <br> P O Box 143 Peaks Island | Phone <br> $(207) ~ 408-7100 ~$ |
| Lessee/Buyer's Name | Phone: | Permit Type: <br> Additions - Dwellings |  |

Proposed Use:
Single Family Home - add $8^{\prime} \times 12$ room on top of existing deck

Proposed Project Description:
add $8^{\prime} \times 12$ room on top of existing deck

Dept: Zoning
Status: Approved with Conditions
Reviewer: Ann Machado
Note: See lettter dated July 12, 2007
Approval Date: 01/15/2009

1/8/09 Practical Difficulty Variance was approved by ZBA 4-0. This appeal not only allows the $8^{\prime} \times 12$ room to be built but it also legalizes the $21^{\prime} \times 12$ deck addition \& the $3^{\prime} \times 8$ ' bathroom addition.

1) This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
2) 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: Tom Markley Approval Date: 01/15/2009 Note:

Ok to Issue:

1) Fastener schedule per the IRC 2003
2) The existing deck shall be inspected for adequate fasteners and bearing for spans, and modifications may be required
3) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approrval prior to work.

## Comments:

7/11/2007-amachado: Left message for Macey Orme, contractor. Who is the owner? Deck is not permitted where want to put room. Only first four feet is legal.

7/12/2007-amachado: Wrote letter denying permit because deck not permitted and proposed room exceeds lof coverage.
1/12/2009-gg: Practical Difficulty Appeal was granted on 1/08/09. Inspections will now move forward on permit \# 070804 .. /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 most be made before permits of any kind are accepted.

| Location/Address of Construction: $\quad 13$ Fivec Alc 1 |  |  |
| :---: | :---: | :---: |
| Total Square Footage of Proposed Structure 96 <br> Square Footage of $\therefore 30$ |  |  |
| Tax Assessor's Chart, Block \& Lot Chart\# Block\# Lot\# 091 007 | Owner: Maran 30 g Birchwood chears Sosthbury a | Telephone: $\begin{aligned} & 203-262- \\ & 6469 \end{aligned}$ |
| Lessee/Buyer's Name (If Applicable) | Applicant name, address \& telephone: <br> Francis Reiff 23 Prince Ane peakes Island 04108 | Cost Of <br> Work: \$ 10,000. - <br> Fee: \$ $\qquad$ <br> C of O Fee: $\$$ 100,00 |
| Current legal use (i.e. single family) sinale family <br> If vacant, what was the previous use? $\qquad$ <br> Proposed Specific use: <br> Is property part of a subdivision? $\qquad$ If yes, please name $\qquad$ Project description: <br> Bullding $8^{\prime \prime} \times 12^{\circ}$ room on back of nouse on to $p$ of eusting deck. |  |  |
| Contractor's name, address \& telephone: <br> Who should we contact when the permit is Mailing address: $\begin{aligned} & \text { Po Box } 143 \\ & \text { PI me o } 4108 \end{aligned}$ | acey onme <br> Box 143 Pl <br> y: K <br> Phone: $\qquad$ $408-7100$ | $\begin{aligned} & 66.5909 \\ & 408-7100 \\ & \text { UUL } \\ & \text { UNON } \end{aligned}$ |
| Please submit all of the information ou Failure to do so will result in the autom <br> In order to be sure the City fully understands the fult request additional information prior to the issuance www.portlandmaine.gov, stop by the Building Insp | ed in the Commercial Application c denial of your permit. <br> cope of the project, the Planning and Develop a permit. For further information visit us on-lin ons office, room 315 City Hall or call 874-870.3 | eqklist. <br> ent Department may at |

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 agrec 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 cnforce the provisions of the codes applicable to this permit.


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


Stiengibening a Remarkalile City, Building a Community for Life - wnin:portandmaine.goz Lee Urban- Director of Planning and Development Marge Schmuckal, Zoning Administrator

July 12, 2007
Macey Orme
PO Box 143
Peaks Island, ME 04108
RE: 23 Prince Avenue, Peaks Island - 091 J007 - IR-1 - add a room over a deck permit \# 07-0804

Dear Ms. Orme,
I am in receipt of the application to add an eight by twelve foot room over part of the deck at the property at 23 Prince Avenue. The property is located in the IR-1 residential zone. According to section 14-145.5(d) of the land use ordinance, the maximum area of the lot that can be covered by structures is twenty percent of the area of the lot. The area of the lot is 5,000 square feet. Twenty percent of 5,000 is 1,000 square feet. The square footage of the house as it exists now is 1,313 , which is over the maximum allowable lot coverage. I checked our records to see if there was a permit for the deck where the proposed eight by twelve foot room is to be placed. I cannot find a permit for the twelve by twenty one foot deck in our files. I cannot find a record of any permits for the house since the ordinance went into effect in 1957. When there are no permits on file, we default to the footprint of the building found on the assessor's pre-1957 card. That is what we consider as the legal shape and size of the building. The square footage of the building was 1035 square feet in 1951. This exceeds the allowable maximum square footage for the lot. Since the twelve by twenty foot deck did not exist in 1951 and was not legally permitted, any further increase in the footprint would increase the legal nonconformity regarding lot coverage. Your permit to build the twelve by eight foot room is denied based upon this information.

As I told you on the telephone the other day, if you can find a permit for the deck in your records then the deck would be legal and you would be able to enclose part of it. If you cannot find a permit you have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

If you have any questions regarding this matter please feel free to call me at 874-8709. I have enclosed a copy of the assessor's pre-1957 card.

Yours Truly,
I BClab
Ann B. Machado
Zoning Specialist
(207) 874-8709

# CITY OF PORTLAND, MAINE <br> <br> ZONING BOARD OF APPEALS 

 <br> <br> ZONING BOARD OF APPEALS}

Brenda Buchanan
Warren Currier \& Buchanan
57 Exchange Street
Portland, ME 04101-5020

| RE: | 23 Prince Avenue, Peaks Island |
| :--- | :--- |
| CBL: | 0091 J 007 |
| ZONE: | IR1 |

Dear Ms Buchanan:
As you know, at the January 8, 2009 meeting, the Board voted 4-0 to approve your Practical Difficulty Variance Appeal for your right and left side yard setbacks and the maximum lot coverage.

I am enclosing your Certificate of Variance Approval. The original must be recorded in the Cumberland County Registry of Deeds within 90 days of January 12, 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.

The Inspections Office will now move forward on your building permit \# 070804.
Enclosed please find the paid receipt for the Zoning Board Appeals legal ad and abutter's notification.

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: Marian Reiff Cheevers, owner
file

## APPEAL AGENDA <br> DECISION


#### Abstract

The Board of Appeals will hold a public hearing on Thursday, January 8, 2008 at 6:30 p.m. on the second floor, Room 209, City Hall, 389 Congress Strect, Portland, Maine to hear the following appeals:


To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: January 12, 2009
RE: Action taken by the Zoning Board of Appeals on January 8, 2009.
The meeting was called to order at $6: 35 \mathrm{pm}$.
Roll call as follows: Members Present: Peter Coyne (acting chair), Jill Hunter (acting secretary), William Getz, and Deborah Rutter.

Members Absent: Gordon Smith and Philip Saucier.

## 1. Old Business:

## A. Practical Difficulty Variance Appeal:

20-22 Federal Street, Frank and Carmela Reali, owners, Tax Map 020, Block B, Lot 011, B-2b
Commercial Zone: The appellants are seeking to change the use of their property from a commercial use to a residential use. Such residential use requires the appellants to meet the dimensional requirements for the closest residential zone which is the R-6 Zone. The existing building and property do not meet all the dimensional requirements of the R-6 zone. The appellants are requesting a variance for the side setback for a single story building from a required 10 feet to 3.5 feet [section $14-139(1)(\mathrm{d})(3)$ ], and a variance for the front setback from a required $5.9^{\prime}$ (the average depth of front yards on either side) to $4^{\prime}[\operatorname{section} 14-139(1)(\mathrm{d})(1)]$. The appellants are also requesting a variance for the required minimum lot size of $4,500 \mathrm{sq}$. feet to 2820 sq. feet [section 14-139(1)(a)(1)]. Representing the appeal are the owners. Due to a lack of quorum on December 4, 2008 meeting the Practical Difficulty Variance Appeal was continued to January 8, 2009. The Board voted 4-0 to grant the Practical Difficulty Variance Appeal.

## 2. New Business:

A. Practical Difficulty Variance Appeal:

23 Prince Avenue, Peaks Island, Marian Reiff Cheevers, owner, Tax Map 091, Block J, Lot 007, IR-1 Residential Zone: The appellant is seeking a variance to keep the rear 12 'x 21 ' deck and the $3^{\prime} \times 8^{\prime}$ bathroom expansion that were built prior to 1981 without a permit. The appellant is requesting a variance for the side setbacks from a required $20^{\prime}$ to $10.8^{\prime}$ on the right side and $9.5^{\prime}$ on the left side [section $14-145.5(\mathrm{c})(3)]$. The appellant is also requesting a variance for the maximum allowable lot coverage of $20 \%$ [section $14-145.5(\mathrm{~d})$ ]. The lot is 5,000 square feet. The footprint of the building with the $12^{\prime} \times 21^{\prime}$ deck and $3^{\prime} \times 8^{\prime}$ bathroom expansion is 1313 square feet which covers $26.26 \%$ of the lot. Representing the appeal is Brenda M. Buchanan, Esq. The Board voted 4-0 to grant the Practical Difficulty Appeal.


## CITY OF PORTLAND

## CERTIFICATE OF VARIANCE APPROVAL

Philip Saucier, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State f Maine, hereby certify that on the 8th day of January 2009, the following variance was granted pursuant to the provisions f 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

## 1. Current Property Owner: Marian R. Cheevers

2. Property: 23 Prince Avenue, Peaks Island, Portland, ME CBL: 091-J-007

Cumberland County Registry of Deeds, Book: 14636 Page: 241
Last recorded deed in chain of Title: 3/26/1999
3. Variance and Conditions of Variance:

To grant relief from section 14-145.5(c)(3) of the Zoning Ordinance to allow a 10.8 foot and a 9.5 foot side setback instead of the required 20 foot side setback; and to grant relief from section 14-145.5(d) to allow $26.26 \%$ lot coverage instead of the required $20 \%$ maximum lot coverage.
' WITNESS WHEREOF, I have hereto set my hand and seal this $12^{\text {B/ }}$ day of January, 2009

City of Portland Zoning Board,
'ATE OF MAINE imberland, ss.

hen personally appeared the above-named Philip Saucier and acknowledged the above certificate to be his free act and zed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on $\sqrt{a n}, 12,2009$.


KATE E. HATCH -TION 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: January 8, 2009
Name and address of applicant:
Marian Leif Cheever 36 Myopia Rd.
Hyde Park, MA 02136
Location of property under appeal:
23 Prince Ave.
Peaks Island
For the Record: 2RA members present: Set 2, Cine, PAlter, Hunter
Names and addresses of witnesses (proponents, opponents and others):

1. Printer Buchanan, Esq.

$$
57 \text { Exchange St. Protard o4101 }
$$

2. Rill Barry - proment / but also owns property 24 Ashland true
YumonTh ME
Exhibits admitted (e.g. renderings, reports, etc.):
Map of Peaks Island
Affdiavit of Marian Reef conevers

## Findings of Fact and Conclusions of Law:

The applicant is seeking a variance from sections 14-145.5(c), minimum yard dimensions, and 14-145.5(d), maximum lot coverage, in order to enclose an $8^{\prime} \times 12^{\prime}$ section of an existing deck on a cottage on Peaks Island in the IR -1 residential zone. The purpose of the project is to create a first floor bedroom.

The applicant purchased the cottage in 1978. Some time between 1953 and 1978 two improvements were made to the cottage - the rear deck was built and the bathroom was expanded. There is no record of a building permit being issued for either of the improvements. As more specifically laid out in the applicant's variance application, both improvements would have met the setback requirements prior to 1978 . However, they resulted in slightly more lot coverage than was allowed. The total square footage of the cottage with the deck is 1,313 square feet, which is $26.26 \%$ of the 5,000 square foot lot. The maximum lot coverage prior to 1978 was $25 \%$.

Section 14-145.5(c) sets the side yard set backs at 20 feet. The applicant is seeking a variance from the side setbacks from the required 20 feet to 10.8 feet on the right side and 9.5 feet on the left side.

Section 14-145.5(d) sets the maximum allowable lot coverage at $20 \%$. The applicant is seeking a variance from the maximum of $20 \%$ to $26.26 \%$.
"Practical Difficulty" Variance standard pursuant to Portland City Code §14473(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 $\qquad$ Not Satisfied $\qquad$
Reason and supporting facts:

$$
\begin{aligned}
& \text { Testruong and exhibits show paacticil value } \\
& \text { of pipecty wield be hor if not granted }
\end{aligned}
$$

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 $\quad$ Not Satisfied

Reason and supporting facts:
Testumom and ex hibits supper this weed.
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 $\square$ Not Satisfied $\qquad$
Reason and supporting facts:
Fesnawing auk ex mists
5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied $\qquad$ Not Satisfied $\qquad$
Reason and supporting facts:

> Testoming and exhibits show that actin was acrachy taken by cokes department, and not applicant
6. No other feasible alternative is available to the applicant, except a variance.

Satisfied $\checkmark$
Not Satisfied $\qquad$
Reason and supporting facts:
Testiming that architect hived to do space planking win no sucoes.j
7. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

Satisfied $\qquad$ $\checkmark$ Not Satisfied $\qquad$
Reason and supporting facts:
Testiming and exhibits show simple residential
addiction mar will not be unceasonabk impact onvinment
8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. $\S 435$, nor within a shoreland zone or flood hazard zone.

Satisfied $\qquad$ Not Satisfied $\qquad$
Reason and supporting facts:
Per testinnong and exhibits nor in any 8 those areas

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: $1-08-09$


THIS IS NOT A bOUNDARY SURVEY



to|oz|90


RE|FF)
Nindows are double hung $r: 030 \times 59$. Y, is interior waod French door.

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Root ix 6 with smplap sheathma shimile. Walls are
Wheterier smagle to malch erposune On antan Hore.

Deck to be rettifor ced w/footings

$$
\text { surne a ( }\left(-x_{0}\right) \text { is need }+1 \text { to }
$$

Interior walls lect untinished a) rect of sofage. Celling as well.

Door and windous to be headed w/ durubl? $2 \times 6$ and trim studs.




Side yand 20:


Descriptor/Area
A .1 .5 Fr
480 sqft
B: 1 Fr
49 sqit
C:OFP
68 sqit 1313
D:WD
268 sqft
E: 1 Fr
388 sqft
F: OFP
60 sqit

1035

$$
\begin{array}{ll}
40 \times 9 & 10 \\
95 \times 375 & 18753375 \\
4 \times 29 & \text { to } 116
\end{array}
$$

