



**City of Portland, Maine
 Department of Planning and Urban Development
 Zoning Board of Appeals
 Variance Appeal Application**

Applicant Information:

STEPHEN B BURKE
 Name

LITTLE DIAMOND ISLAND REALTY TRUST
 Business Name

19 OLDE COLONY LANE
 Address

CAPE ELIZABETH, ME 04107

207-767-1818
 Telephone Fax

Applicant's Right, Title or Interest in Subject Property

BENEFICIARY
 (e.g. owner, purchaser, etc.):

Current Zoning Designation: FR-2

Existing Use of Property:

VACANT LOT

Subject Property Information:

ANDERSON AVE (LDE) PORTLAND, MAINE
 Property Address

105-G-007
 Assessor's Reference (Chart-Block-Lot)

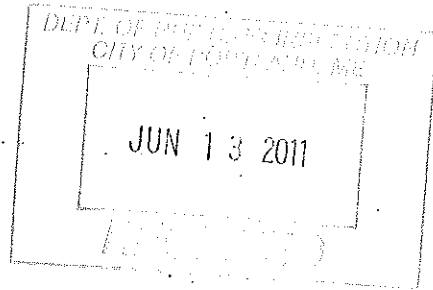
Property Owner (if different):

 Name

 Address

 Telephone Fax

Variance from Section 14 - 145.11(c)(3)



SCANNED

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

The undersigned hereby makes application for a variance as above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Stephen B Burke
 Signature of Applicant

5-27-11
 Date

Except as specifically provided by the ordinance, a variance may be granted by the Board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. In order for the Board to find "undue hardship", the applicant must answer ALL of the following questions, and provide supporting evidence. The Board will consider this evidence in deciding whether to grant the appeal.

1. Can the land yield a reasonable return (not the highest return) without the granting of a variance?

Yes _____ (deny the appeal) No _____

Reasons SIDE SETBACKS OF 20' LIMIT CONSTRUCTION WIDTH TO 17' OR LESS, ONLY ONE ROOM WIDE. THAT DOES NOT YIELD A REASONABLE RETURN.

2. Are there factors which are unique to this property, and not to the general conditions of the neighborhood, which create a need for a variance?

Yes _____ No _____ (deny the appeal)

Reasons LOT BOUNDARIES FROM OVER 100 YRS. AGO ARE NOT PARALLEL, CHOKING THE BUILDABLE AREA. THAT IS A FACTOR UNIQUE TO THE PROPERTY.

3. Will the granting of the variance alter the essential character of the locality?

Yes _____ (deny the appeal) No _____

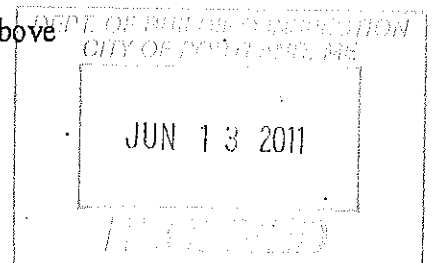
Reasons NEW COTTAGE CONSTRUCTION COMPATIBLE WITH HISTORIC DESIGN WILL REINFORCE CHARACTER. ARCHITECT HAS SUCCESSFUL HISTORY OF SUCH WORK.

4. Is the hardship a result of the action taken by the applicant or a prior owner (self-created hardship)?

Yes _____ (deny the appeal) No _____

Reasons MODERN ZONING CHANGES TO HISTORIC LOT LAYOUT HAVE IMPOSED UNBUILDABLE RESTRICTIONS. PROPERTY OWNED FOR 60 YRS.

It is up to the applicant to decide whether to file an appeal after reviewing the above requirements.



27 May 2011

Burke Property, Little Diamond Island

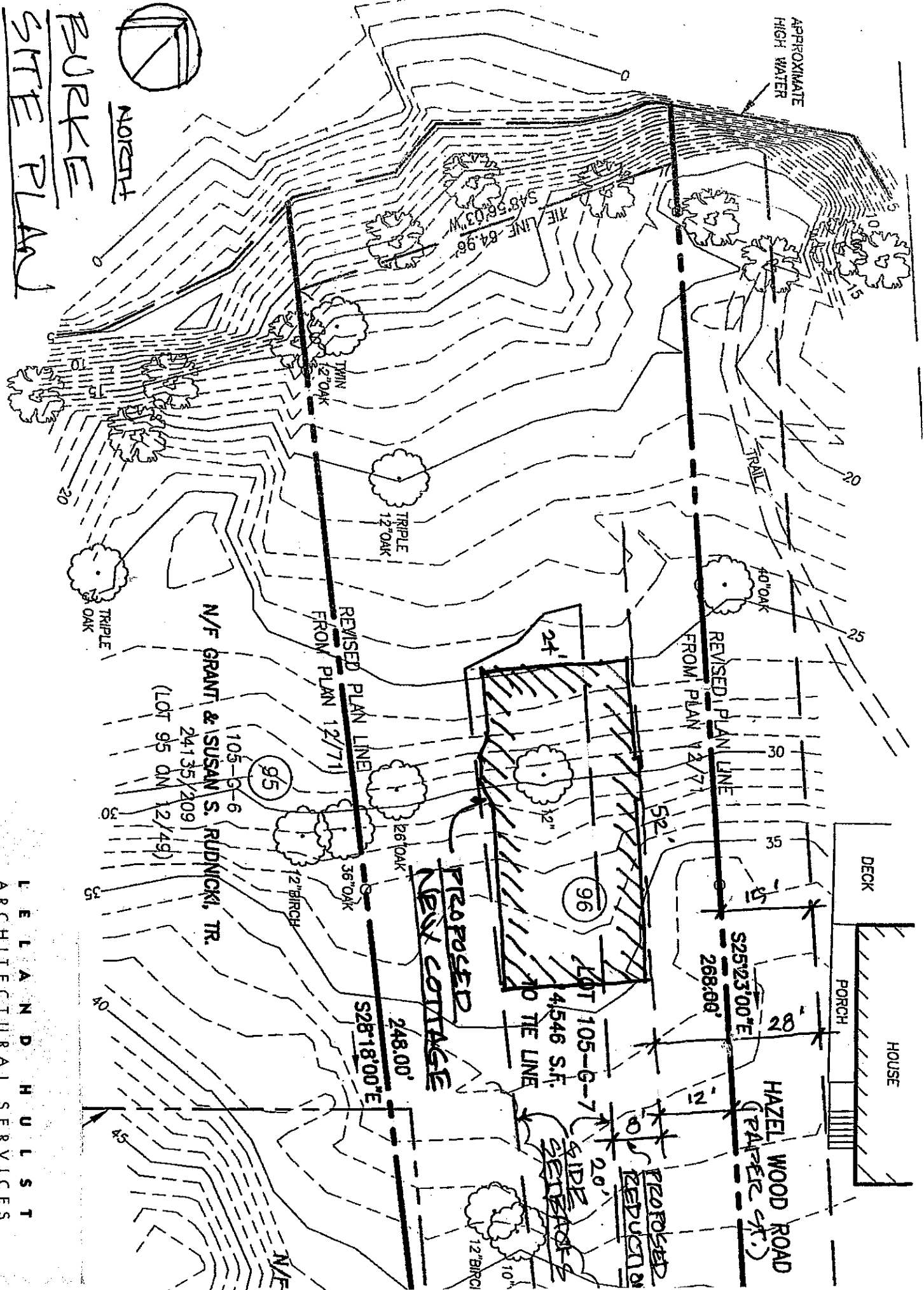
By applying modern setback standards to an irregular lot created at the Turn of the Nineteenth Century, the Burke property at Lot 105-G-7 has been unduly restricted for construction of a new cottage. With side setbacks of twenty feet each, and boundaries which are not parallel, the building footprint permitted varies from nineteen to less than seventeen feet in width. Though the lot is large enough to handle a septic system for a three bedroom cottage, the permitted width does not allow a conventional second floor plan with two rooms across. Such rooms would have less than eight feet of width, far below minimum standards for any sort of housing.

The request for variance is to reduce the setback on the northwest boundary to twelve feet from twenty, only an eight foot reduction. The adjoining parcel is also a fifteen foot paper street, unused. The desired construction size for the cottage is a modest twenty-four feet wide by thirty-six feet long, with porches off the front and back sides. The proposed cottage is purposely sited ahead of the closest neighbor to the northwest, toward the water, and would be no less than thirty feet away from that building at the closest point. That would also be twenty-eight feet from their property line. Naturally, standards of waterfront setback in the Shoreland Zoning Ordinance have also been included in the survey drawing by Owen Haskell, Inc.

With my previous successful design of about a dozen cottage buildings in the past thirty years on Little Diamond, I am very conscious of proper siting and proportion for this sort of construction. The ability to construct a traditional cottage design which suits the island is of particular interest here, and we look forward to your favorable consideration of this request.

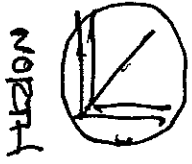
1" = 20'-0"
 SCHEMATIC
 SITE PLAN
 BURKE
 NORTH

PROPOSAL 5/27/11

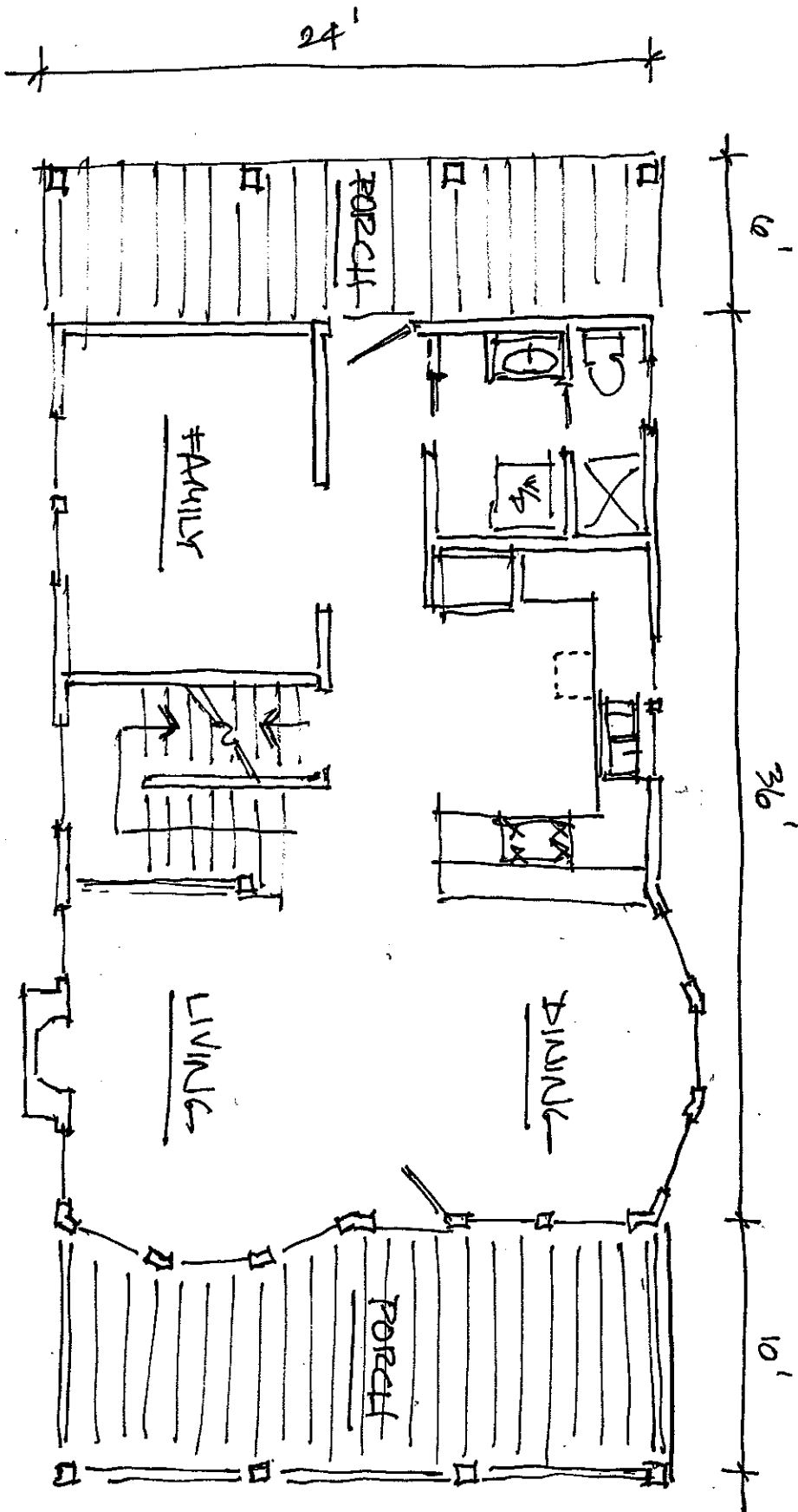


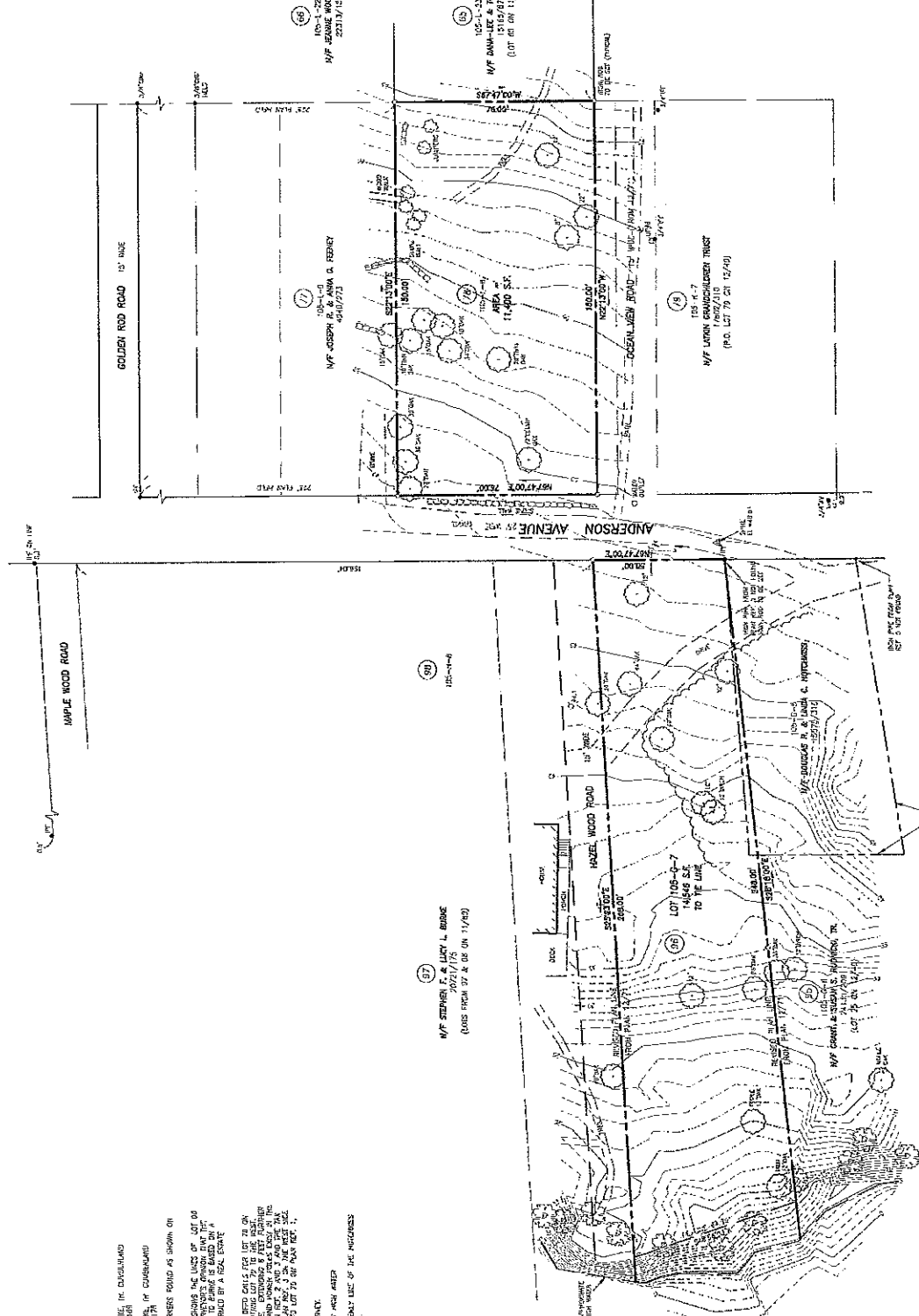
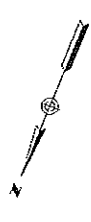
LELAND HULLS
 ARCHITECTURAL SERVICES

278 Spring Street / Portland, Maine 04102 / (307) 773-8843



BURKE COTTAGE LITTLE DIAMOND
FIRST FLOOR PLAN SCHEMATIC
 5/27/11





- NOTES**
1. OWNER OF RECORD.
 2. AS OF 10-20-04, STEPHEN F. & LUCY L. BURKE, INC. (DUGANLAND) OWNERS RECORD OF DEED BOOK 20731 PAGE 108.
 3. AS OF 10-20-04, STEPHEN F. & LUCY L. BURKE, INC. (DUGANLAND) OWNER RECORD OF DEED BOOK 20731 PAGE 108.
 4. ALL PROPERTY MARKETS SHOWN AS BASED ON OWNERS RECORD AS SHOWN ON PLAN.
 5. IN RESPONSE TO THE LOT 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

BOUNDARY & TOPOGRAPHIC SURVEY
 ANDERSON AVENUE - LITTLE DIAMOND ISLAND
 PORTLAND, MAINE
 MADE FOR RECORD OWNERS
STEPHEN F. & LUCY L. BURKE
 41 WAY TO THE RIVER ROAD, WEST NEWBURY, MA
OWEN HASKELL, INC.
 300 U.S. ROUTE ONE, WEST NEWBURY, MA 01890
 TEL: (978) 791-1424

Date By	ACS	DATE	APR. 11, 2011	JOB No.	
Check By	ACS	DATE	APR. 11, 2011	2010-1302	
Block No.	1281	Scale	1" = 20'	Long. No.	1

GENERATION
 OWEN HASKELL, INC. BEING A FULL SERVICE SURVEYING AND ENGINEERING FIRM, WE ARE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY DATA AND THE PREPARATION OF THIS PLAN. WE WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE SURVEY DATA OR THE PREPARATION OF THIS PLAN. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL LAND SURVEYING CONTRACT CONDITIONS OF PRACTICE.

JOHN C. DUMAS, P.E. #1252
 300 U.S. ROUTE ONE, WEST NEWBURY, MA 01890

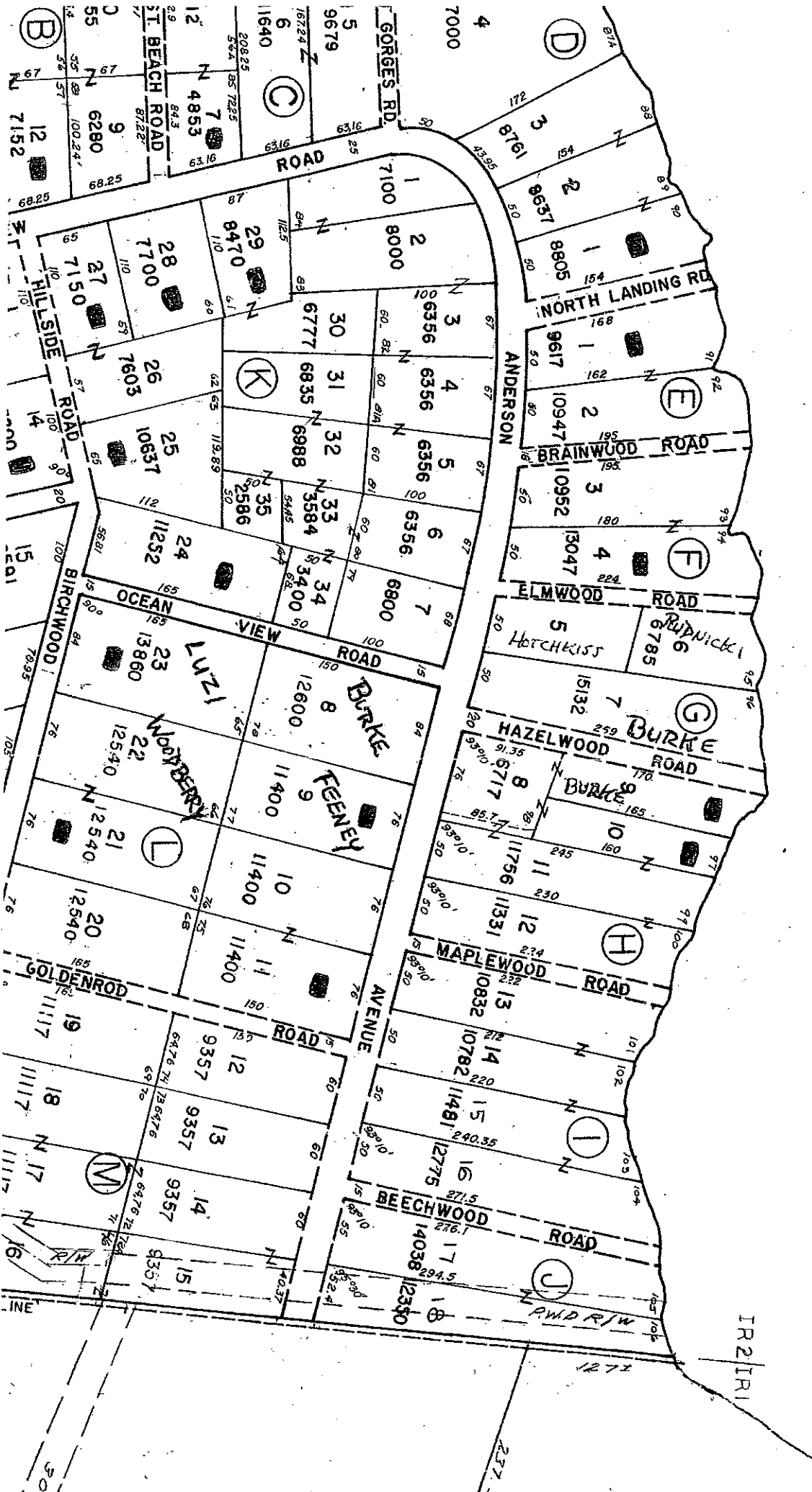
- PLAN REFERENCES:**
1. PLAN OF LITTLE DIAMOND ISLAND MADE FOR RECORD OWNERS BY ACS, INC. (DUGANLAND) OWNERS RECORD OF DEED BOOK 20731 PAGE 108.
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LEGEND

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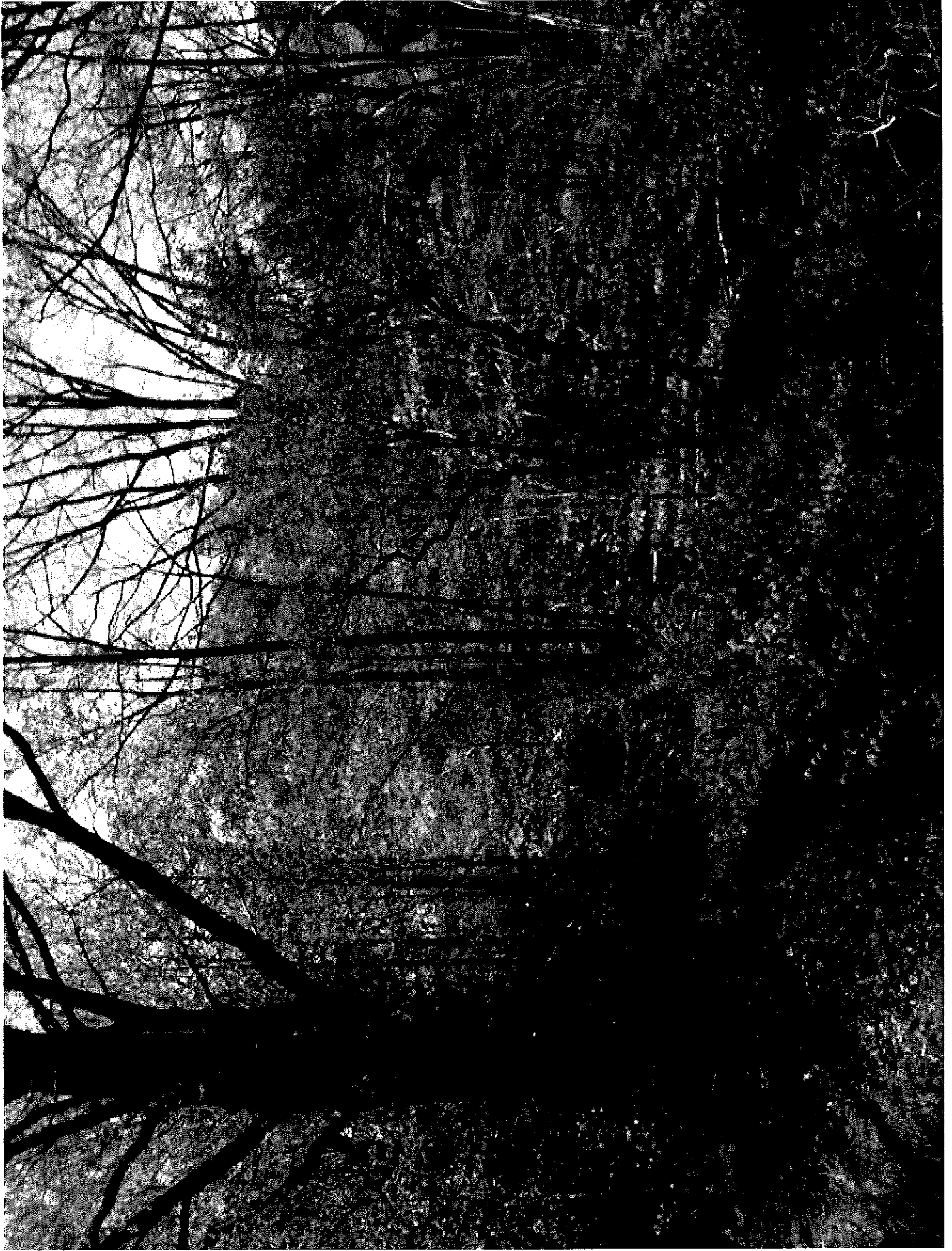
GRAPHIC SCALE

0 10' 20' 40' 80'





view of building site from above



building site seen from the water



view of paper street and neighbor from above

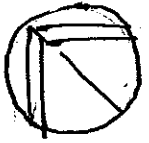


view of neighbors to northwest

ANDERSON AVENUE 25' WIDE GRAVEL

APPROXIMATE HIGH WATER

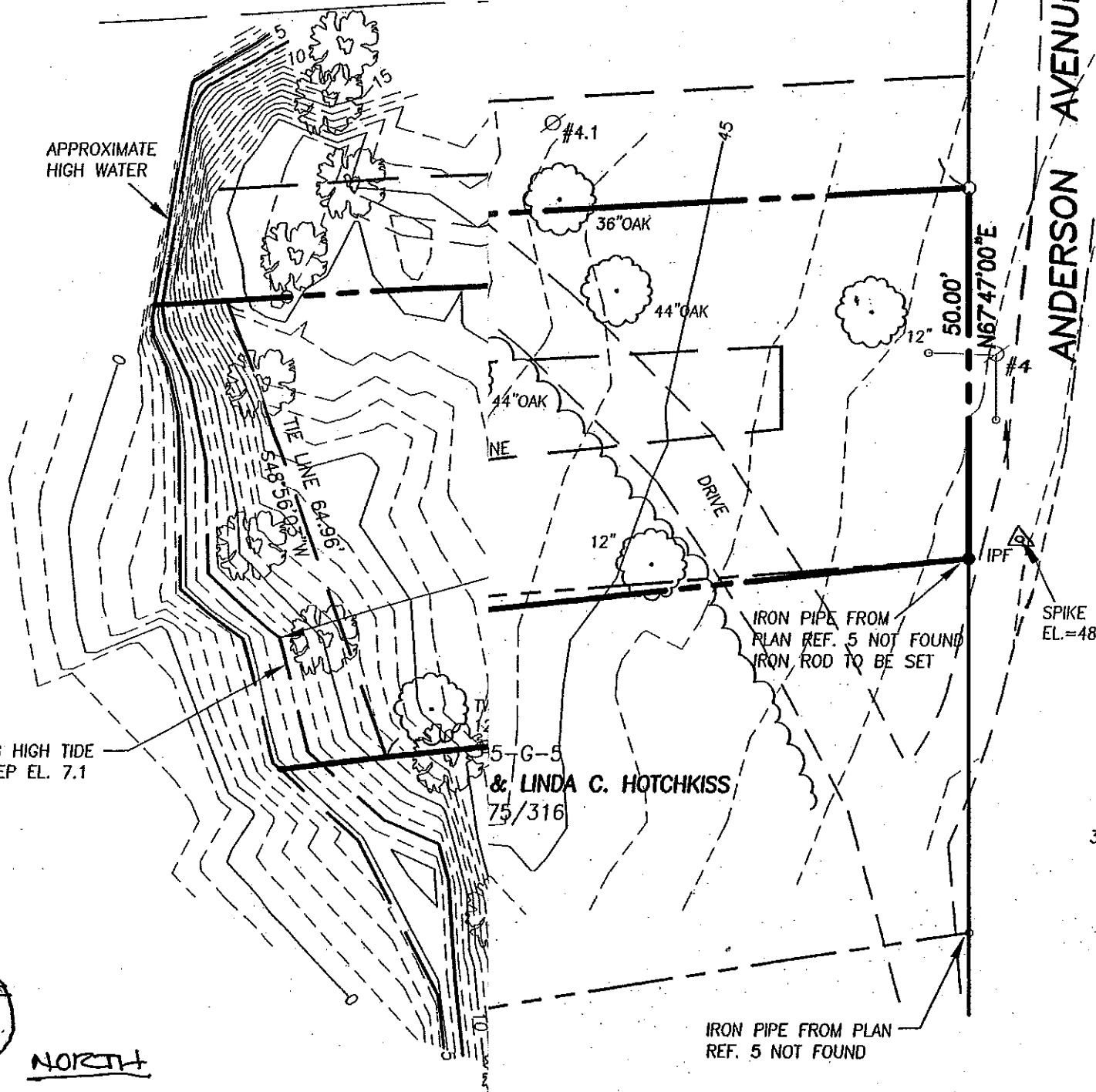
SPRING HIGH TIDE PER DEP EL. 7.1



NORTH

BURKE SITE PLAN SCHEMATIC

1" = 20'-0" PROPOSAL



5-G-5
& LINDA C. HOTCHKISS
75/316

LELAND HULST
ARCHITECTURAL SERVICES

DEED

STEPHEN F. BURKE, Jr. of 41 Way-to-the-River, West Newbury, Massachusetts for consideration of One Dollar (\$1.00) paid grant to STEPHEN F. BURKE and LUCY L. BURKE as they are Trustees of Little Diamond Island Realty Trust under declaration of trust dated December 10, 2003 and recorded herewith, the following property:

A certain lot or parcel of land situated in the City of Portland in the County of Cumberland and State of Maine on Little Diamond Island and being more particularly described as follows:

Being Lot No. 96 shown on Plan of the Westerly End of Little Diamond Island made by E.C. Jordan & Co., Civil Engineers, recorded in Cumberland County Registry of Deeds in Plan Book 11, Page 89.

Being the same premises conveyed to the Grantor herein by Stephen F. Burke and Ruth M. Burke by Deed dated July 3, 1974, and recorded in said Registry of Deeds in Book 3607, Page 138.

To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Stephen F. Burke and Lucy L. Burke, as they are Trustees aforesaid to and in their use and behoof forever. And I do covenant with the said Grantees, their heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all encumbrances, that I have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and my heirs and assigns shall and will warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Stephen F. Burke, Jr., has hereunto set his hand and seal this 10th day of December, 2003.

Stephen F. Burke
Stephen F. Burke, Jr.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

December 10, 2003

Then personally appeared before me, STEPHEN F. BURKE, Jr. who did acknowledge that the foregoing instrument was executed by him as his free act and deed, before me.

Malcolm A. McKay
Notary Public *Malcolm A. McKay*
My Commission expires: *June 14, 2006*

Recorded Register of Deeds
Dec 30, 2003 12:59:56P
Cumberland County
John B. O'Brien

SEAL

6/2/2011

To the Portland Maine Zoning Board of Appeals,

As a Trustee of the Little Diamond Island Realty Trust I am verifying that Stephen B Burke has my permission to represent any interests I have regarding the Burke Family property on Little Diamond Island.

Sincerely yours, Stephen F Burke



5 Timber Lane (K304)

Exeter, N.H. 03833

Tel: 603 658 7088

