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DEC 28 2012

Dept. of Building Inspections
City of Portland Maine

P. O. Box 98

Cliff Island

ME 04019

Dec. 17, 2012

City of Portland
Inspections Div - Rm 315
389 Congress St
Portland, ME 04101-3509

Re: variance appeal application

Dear Ann Machado:

Thank you for your letter regarding the appeal application for the boathouse. I cannot afford to have a survey done. Please mail back to me my 11 copies of my appeal application, and a refund of my \$100. Also, if possible, because I will not be receiving a building permit, could I have a refund of my \$80.

Thank you and Merry Christmas.

Sincerely,

Carolyn Rideout

If possible, please also return my application for a building permit -

Ann, I'm sorry, I didn't realize the setback was 250' from the high tide. I couldn't possibly drag even a small boat, that distance, up a rocky slope and over a 12' vertical ledge.



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NOV 15 2012

WITHDRAWN

CITY OF PORTLAND
ZONING BOARD OF APPEALS
Variance Appeal Application

Dept. of Building Inspections
City of Portland Maine

Applicant Information:

Carolyne L. Rideout
NAME

BUSINESS NAME

142 Sunset Rd.
ADDRESS
Cliff Island, ME 04019

207-766-0009
TELEPHONE #

owner
APPLICANT'S RIGHT, TITLE OR INTEREST
(eg; owner, purchaser, etc)

CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:
Boathouse / Shed

lobsterman in past - sternman
hopefully in near future - recreational -
5 lobster traps

Subject Property Information

142 Sunset Rd.
PROPERTY ADDRESS
109 B-B-15
109 B-B-041
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)
NAME

ADDRESS

VARIANCE FROM
SECTION 14 - 145.5(c)(2)
14-145.5(p)(3)
14-449(a)

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

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

Carolyne L. Rideout
SIGNATURE OF APPLICANT

Nov. 1, 2012
DATE

WITHE LAW

ZONING BOARD OF APPEALS
Variance Appeal Application

Except as specifically provided by the Ordinance, a variance may be granted by the Board of Appeals 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. The land in question cannot yield a reasonable return unless a variance is granted.
[NOTE: "failure to yield a 'reasonable return' means 'the practical loss of all beneficial use of the land...Reasonable return DOES NOT mean maximum return" *Rowe v. City of South Portland, 730 A.2d 673, 675 (ME 1999) (citations omitted.)*]

Satisfied: _____ NOT Satisfied: _____

Reason & supporting facts: The Boathouse/shed is on the only flat area near the shore. The boathouse protects the boat, and provides a sheltered area to repair traps in spring and fall. Lobstering is the only way this area can yield any return.

2. The need for a variance is due to the unique circumstances of the property and NOT to the general conditions of the neighborhood.

Satisfied: _____ NOT Satisfied: _____

Reason & supporting facts:

The land slopes up from the shore - about 45°± to 90°±; except for about 19' wide, flat area along shore - which is the best place for boathouse; - see attached map

ZONING BOARD OF APPEALS
Variance Appeal Application

3. The granting of a variance will NOT alter the essential character of the locality.

Satisfied: _____ NOT Satisfied: _____

Reason & supporting facts:

The Boathouse/shed is well-built and well maintained. Trees and bushes grow around it. Lobster traps and buoys are neatly stacked on both sides of it.

4. The hardship is NOT the result of action taken by the applicant or a prior owner.

Satisfied: _____ NOT Satisfied: _____

Reason & supporting facts:

The slope of the land - 45° to 90° up from the shore, is the hardship - created by nature. See attached page showing slope of land.

WITHDRAW

P.O. Box 98
Cliff Island
ME 04019
Oct. 29, 2012

City of Portland, ME
Zoning Board of Appeals
Variance Appeal Application
RE: Boathouse/shed

WITHDRAW

Dear Sirs:

The Boathouse/shed was started about 1990⁺ as an 8'x12' platform. At the time, I thought the side setback had to be 10 feet. The setback was then 23' (see attached map). I used this as a platform for lobster traps and a punt. I worked as a starman from 1985-1992. I have about 35 lobster traps - 23 are in good condition and ready to fish. I hope to lobster again in a year or two - if I can save enough money to start.

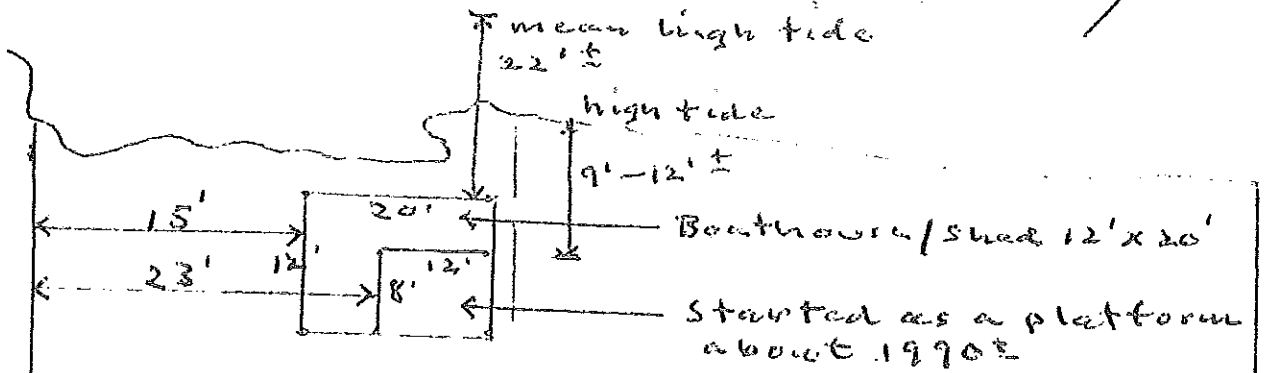
Please don't make me tear down this little building. I carried every board and beam down that slope. It would be very difficult for me to take this apart and carry all the boards back up hill (I'm on social security now.) It would be impossible to get heavy equipment down there, due to the dangerous slope. And setting it on fire, on an island, would be a danger to everyone. This little building is not hurting anyone. Photos attached.

Thank you -

Sincerely,
Carolyn Rideout.

telephone 766-0009

Ocean

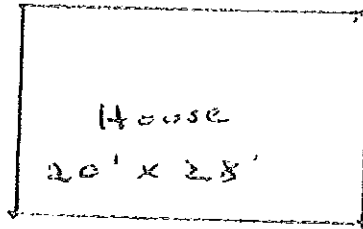


Carolyn Rideout 1975-2012
 142 Sunset Rd (37 years)
 Cliff Island, ME 04019

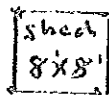
172' ±

Lot 109B-B-041

148' ±

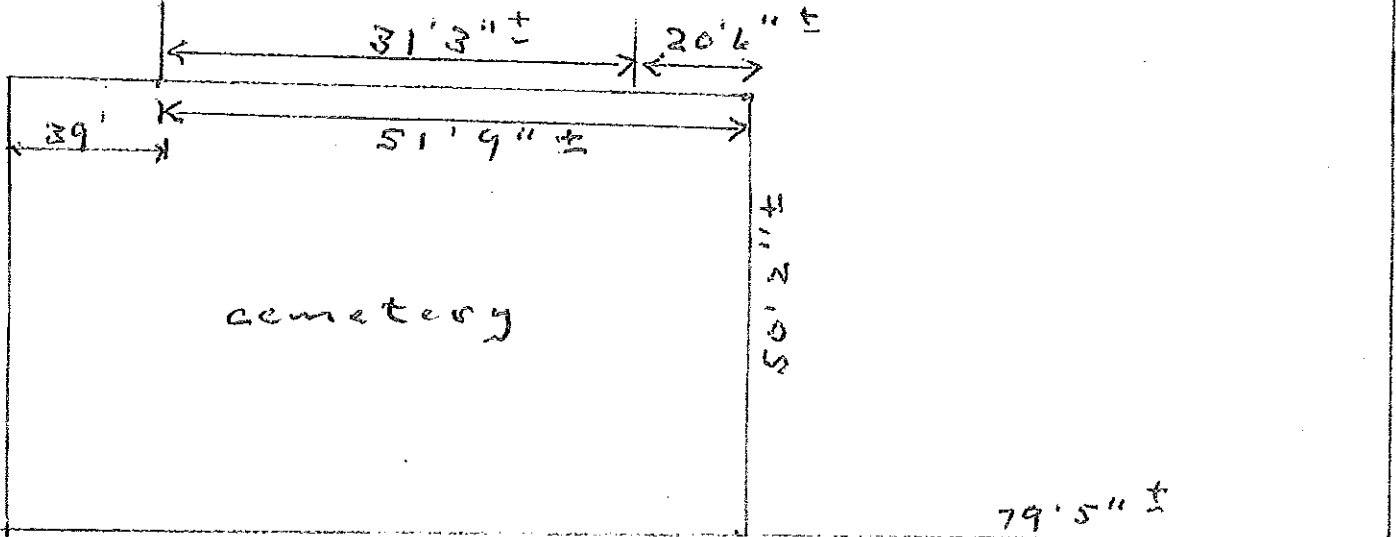


Lot 109B-B-18



204' ±

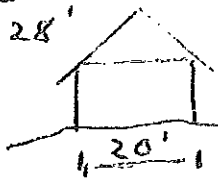
WITHDRAW



Sunset Road

not to scale

House
20' x 28'



90° ± slope (ledge)

Boathouse
12' x 20'

45° ± slope



90° ± slope (ledge)

shore

very large rock

Ocean

22' ±

mean high tide

100' ±



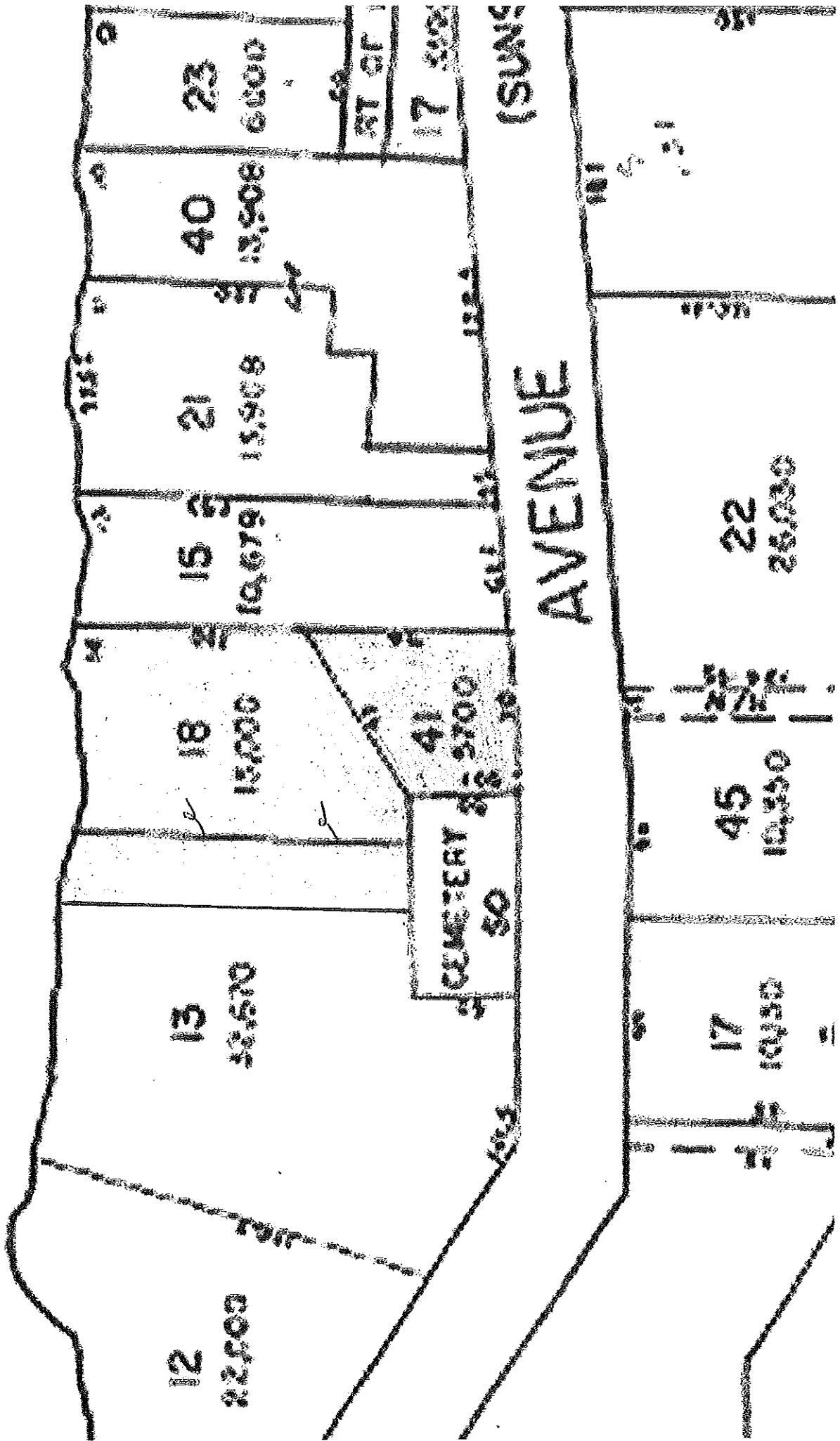
not to scale

about 45° ± to 90° ± slope up from shore -
except for about 19' wide, flat area
along shore - which is best
place for boathouse -

WITHDRAW

Carolyn Rideout - BOATHOUSE / SHED
Cliff Island.

WITHDRAWN





WITHDRAW

COPY -

WITHDRAW

COPY

023091

SHORT FORM WARRANTY DEED

Know All Persons by These Presents, that I, **CAROLYN L. RIDEOUT**, of Cliff Island in Portland, Cumberland County (the "Grantor"), Maine, for consideration paid, grant to, **ASTRIDA M. RIDEOUT**, and **KATRINA E. RIDEOUT**, my daughters, both also of Cliff Island in Portland, Cumberland County, Maine, whose mailing address is Box 98, Cliff Island, ME 04019 AS TENANTS IN COMMON:

a) with warranty covenants, the real property or parcels of land, with the buildings thereon, located on the northwesterly side of Sunset Road on Cliff Island, in Portland, Cumberland County, Maine which is described in these three deeds to the Grantor: (1) deed from Juliette Howard McIntire, Robert Roy McIntire and George Howard McIntire, dated April, 1975 and recorded in the Cumberland County Registry of Deeds in Book 3690, page 95; (2) deed from Robert R. McIntire, dated April, 1975 and recorded in the Cumberland County Registry of Deeds in Book 3690, Page 97; and (3) deed from Bruce E. Rideout and Douglas W. Rideout, dated 1978 and recorded in the Cumberland County Registry of Deeds in Book 4355, page 292; together with all rights and easements appurtenant thereto, including the water and well rights specifically mentioned in the deed from my brothers, Bruce E. Rideout and Douglas W. Rideout; together with all interest of the Grantor in the premises conveyed in these three deeds, however and whenever acquired; AND

b) without covenants, all my right, title and interest in the parcel of land bounded on the northeast by the three parcels described in the deeds listed in (a) above, on the southeast by the Cemetery mentioned below, on the northwest by Casco Bay, and on the southwest by the property described in the deed from Mabel Wentworth Griffin to Carrie Hunting dated April 14, 1960, and recorded in the Cumberland County Registry of Deeds in Book 2534, page 154, and being a strip of land about 31 feet, 3 inches in width and about 172 feet long which the Grantor has occupied actually, openly, notoriously, hostilely, under a claim of right, continuously and exclusively for a period of more than twenty years before the date of this deed, and thereby acquired by adverse possession.

The Grantor represents that these four parcels together may also be described as follows:

A certain lot or parcel of land with the buildings thereon, located on northwesterly side of Sunset Road, on Cliff Island, in the City of Portland, County of Cumberland, State of Maine, being more particularly described as follows:

Beginning at a point marked by an iron pipe on the northwesterly boundary of the Cemetery, 39 feet northeast along said northwesterly boundary from the southwesterly corner of the said Cemetery, which point is also the northerly of the two westerly corners of the land conveyed to Carrie Hunting by Mabel Wentworth Griffin's deed dated April 14, 1960 and recorded in the Cumberland County Registry of Deeds in Book 2534, Page 154;

Thence northwesterly along the said land conveyed to Carrie Hunting a distance of 172 feet, more or less, to Casco Bay;

WITHDRAW

Thence northeasterly along Casco Bay, 131 feet, 3 inches, more or less, to a point;

Thence southeasterly along land now of Douglas W. Rideout, and passing through an iron pipe a short distance landward of the high water line, a distance of 204 feet, more or less, to Sunset Road;

Thence southwesterly along Sunset Road a distance of 79 feet, 5 inches, more or less, to the northeasterly corner of the Cemetery;

Thence northwesterly along the northeasterly boundary of the Cemetery a distance of 50 feet, 2 inches, more or less, to the northerly corner of the Cemetery;

Thence southwesterly along the northwesterly boundary of the Cemetery a distance of 51 feet, 9 inches, more or less, to the iron pipe marking the point of beginning.

The Cemetery mentioned herein being the same Cemetery mentioned in the 1960 deed to Hunting mentioned above.

Also granting all right, title and interest of the Grantor in the road mentioned herein, and in the seashore to the low water mark adjacent to the premises hereby conveyed.

RESERVING A LIFE ESTATE FOR THE GRANTOR IN THE HEREIN CONVEYED PROPERTY.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal this 7th day of May, 1997.

WITNESS:

Carolyn L. Rideout

Carolyn L. Rideout
Carolyn L. Rideout

RECEIVED
RECORDED REGISTRY OF DEEDS

1997 MAY 12 PM 2: 01

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

^{DSB}
5/7, 1997 *John B. O'Brien*
CUMBERLAND COUNTY

Personally appeared the above-named CAROLYN L. RIDEOUT and acknowledged the foregoing instrument to be her free act and deed.

Before me,

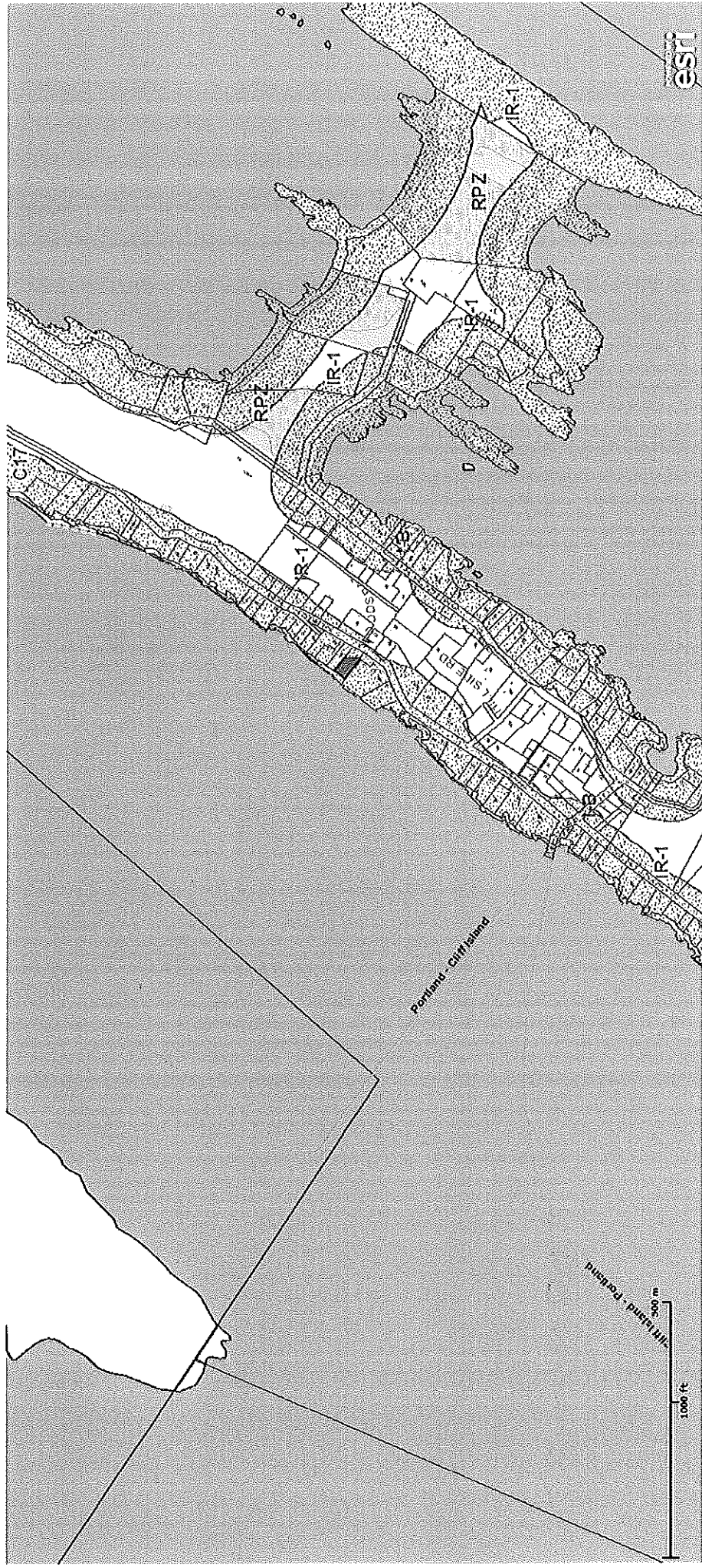
Deborah J. Blackford
Notary Public/Attorney-at-Law

Print Name: _____

My commission expires: _____

SEAL

142 Sunset Rd, Cliff Island





PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Receipts Details:

Tender Information: Check , Check Number: 2330\$100.00

Tender Amount: 100.00

Receipt Header:

Cashier Id: amachado

Receipt Date: 11/16/2012

Receipt Number: 50326

Receipt Details:

Referance ID:	1856	Fee Type:	PZ-Z1
Receipt Number:	0	Payment Date:	
Transaction Amount:	100.00	Charge Amount:	100.00
Job ID: Project ID: 2012-637 - 142 Sunset Rd., Cliff Island- Variance Appeal			
Additional Comments:			

Thank You for your Payment!