

\$15.00 Ad. 2/6/72

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

Granted 3-30-72

VARIANCE APPEAL

Atlantic Homes, owner of property at 50-92 Devonshire St.
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland,
hereby respectfully petitions the Board of Appeals for a variance from the provisions
of said Ordinance to permit: and certificate of occupancy to construct a 2-story
masonry addition, 146' x 48' to the existing building at the above named
location. This permit is presently not issuable under the Zoning Ordinance
in the R-5 Residential Zone as this addition would constitute an increase
in the existing non-conforming use (Nursing Home) unless authorized by the
Board of Appeals under Section 602.17B of the Ordinance.

LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals
finds that the strict application of the provisions of the Ordinance would result
in undue hardship in the development of property which is inconsistent with the
intent and purpose of the Ordinance; that there are exceptional or unique circum-
stances relating to the property that do not generally apply to other property in
the same zone or neighborhood, which have not arisen as a result of action of the
applicant subsequent to the adoption of this Ordinance whether in violation of the
provisions of the Ordinance or not; that property in the same zone or neighborhood
will not be adversely affected by the granting of the variance; and that the granting
of the variance will not be contrary to the intent and purpose of the Ordinance.

Thomas J. Johnson
APPELLANT

DECISION

After public hearing held March 30, 1972, the Board of Appeals finds that
all of the above conditions do exist with respect to this property and that
a variance should be granted in this case.

It is, therefore, determined that a variance from the provisions of the Zoning
Ordinance should be granted in this case.

W. George Eskeland
W. B. Kelly
Board of Appeals