

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Patric Santerre, Chair
Catherine Alexander, Secretary
Derek Gambler
Joe Lewis
William Hall
Daniel Mitchell
Peter Thornton

March 7, 2005

Aaron & Anne-Marie Davis
52 Ashmont Street
Portland, ME 04103

RE: 52 Ashmont Street
CBL: 125 H009
ZONE: R-5

Dear Mr. & Mrs. Davis

As you know, at its March 3, 2005, meeting, **the Board of Appeals voted 4-0 to approve your Conditional Use Appeal**, to allow an additional unit to be a total of two units.

The submission for your legalization of nonconforming unit permit will begin process. I will call you as soon as your permit is approved.

Enclosed please find the billing for the Zoning Board of Appeals legal ad and abutters' notification, along with a copy of the Board's decision.

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, March 3, 2005 at 7:00 p.m. on the second floor in Room 209 at the Portland City Hall 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: March 7, 2005

RE: Action taken by the Zoning Board of Appeals on March 3, 2005

The meeting was called to order at 7:12p.m.

Roll call as follows:

Members present: William Hall, Patric Santerre, Peter Thornton and Acting Secretary, Catherine Alexander.

Members Absent: Derek Gamble.

APPEAL AGENDA

1. Old Business:

A. Conditional Use Appeal

52 Ashmont Street, Aaron & Anne-Marie Davis, owners (Tax Map #052, block H, lot-009) located in the R5 residential zone are seeking a Conditional Use Appeal under section 14-391 of the Zoning Ordinance. Appellant requests permission to add one additional unit, to be a total of two units. The permit was denied under section 14-391 (c). Appellant has not submitted any supporting documentation showing that this building was originally designed to accommodate two dwelling units. There was not a quorum of at least four members so this item is carried over to the next March 3, 2005 Agenda. **Board voted 4-0 and granted the Conditional Use Appeal.**

2. New Business:

A. Conditional Use Appeal

157 Pine Street, Sheila Paine, owner (Tax Map #063, block G, lot-010) located in the R4 residential zone is seeking a Conditional Use Appeal under section 14-103 of the Zoning Ordinance. The appellant request permission for the adaptive reuse and restoration of the building into two condominium units. The building was originally a carriage house, and then in the 1950's was changed to medical offices. Appellant has submitted supporting documentation, showing that this building meets the Conditional Uses under the Code of Ordinances, section 14-103 to accommodate two condominium units. Representing the appeal is Lisa Foley property manager. **Board voted 4-0 and granted the Conditional Use Appeal.**

B. Conditional Use Appeal

10 Pine Street, Calvin & Elizabeth Canney, owners (Tax Map #045, block C, lot-034) located in the B1 zone neighborhood business are seeking a Conditional Use Appeal under section 14-391 of the Zoning Ordinance. Appellant requested permission to legalize one existing non conforming unit to be a total of four units. The permit was denied, based on the lack of two means of egress, and not submitting documentation that the nonconforming unit existed as of April 1, 1995 as required under section 14-391(c)(3) and section 14-391(c)(4) of the Code of Ordinances. The owners are representing the appeal. **Board voted 4-0 and granted the owner to withdraw the Conditional Use Appeal without prejudice.**

C. Practical Difficulty Appeal

110 Cobb Avenue Harry R. & Diane T. Olsson, owners, (Tax Map #210-B-011 & 012) located in the R2 residential zone. Appellant requests relief from section 14-80 (c) which requires a 50' street frontage,

appellant now has a 25' street frontage; and section 14-403 (b) which requires that the street shall be paved from the closest end of pavement to the end of the property being developed. The city has vacated this street at the point where frontage of property line begins and half the width of the vacated street has become part of the property. All supporting documentation was submitted and granted an Appeal on April 22, 1999. The owner did not register the Certificate of Variance Approval with the Registry of Deeds within the 90 days of final written approval; owner now wants to go forth with the original plan. Representing the owners, is the son and daughter in-law Jonathan D. and Michelle M. Ward. **Board granted 4-0 for the Practical Difficulty Appeal with two conditions.**

1. Unless and until the private rights of the vacated way are terminated, any residence constructed on the lot, shall meet set back (front-set back) from the northern edge of the vacated way and not the center line of the vacated way.

2. On snow plow turn around easement shall be given to the City of Portland, if so required by the planning department during their single family site plan review.

2: Other Business: None

3. Adjournment: 10:00pm

Enclosure:

Agenda of March 3, 2005
Copy of Board's Decision
1 standard size tapes

CC: Joseph Gray, City Manager
Alex Jaegerman, Planning Department
Lee Urban, Planning & Development Director
Aaron Shapiro, Housing & Neighborhood Services

ZONING BOARD OF APPEALS

members present: William Hall - Patrick Santorae - Peter Thornton
APPEAL AGENDA
Acting Secretary - Catherine Alexander

The Board of Appeals will hold a public hearing on Thursday March, 03, 2005 at 7:00 p.m. on the second floor in Room 209 at the Portland City Hall 389 Congress Street, Portland, Maine to hear the following appeals:

Members Absent: Derek Gumbler meeting called to order at 7:12 pm

1. Old Business:

A. Conditional Use Appeal

52 Ashmont Street, Aaron & Anne-Marie Davis, owners (Tax Map #052, block H, lot-009) located in the R5 residential zone are seeking a Conditional Use Appeal under section 14-391 of the Zoning Ordinance. Appellant requests permission to add one additional unit, to be a total of two units. The permit was denied under section 14-391 (c). Appellant has not submitted any supporting documentation showing that this building was originally designed to accommodate two dwelling units. There was not a quorum of at least four members so this item is carried over to the next March 3, 2005 Agenda.

2. New Business:

A. Conditional Use Appeal

157 Pine Street, Sheila Paine, owner (Tax Map #063, block G, lot-010) located in the R4 residential zone is seeking a Conditional Use Appeal under section 14-103 of the Zoning Ordinance. The appellant request permission for the adaptive reuse and restoration of the building into two condominium units. The building was originally a carriage house, and then in the 1950's was changed to medical offices. Appellant has submitted supporting documentation, showing that this building meets the Conditional Uses under the Code of Ordinances, section 14-103 to accommodate two condominium units. Representing the appeal is Lisa Foley property manager.

B. Conditional Use Appeal

10 Pine Street, Calvin & Elizabeth Canney, owners (Tax Map #045, block C, lot-034) located in the B1 zone neighborhood business are seeking a Conditional Use Appeal under section 14-391 of the Zoning Ordinance. Appellant requested permission to legalize one existing non conforming unit to be a total of four units. The permit was denied, based on the lack of two means of egress, and not submitting documentation that the nonconforming unit existed as of April 1, 1995 as required under section 14-391(c)(3) and section 14-391(c)(4) of the Code of Ordinances. The owners are representing the appeal.

C. Practical Difficulty Appeal

110 Cobb Avenue Harry R. & Diane T. Olsson, owners. (Tax Map #210-B-011 & 012) located in the R2 residential zone. Appellant requests relief from section 14-80 (c) which requires a 50' street frontage, appellant now has a 25' street frontage; and section 14-403 (b) which requires that the street shall be paved from the closest end of pavement to the end of the property being developed. The city has vacated this street at the point where frontage of property line begins and half the width of the vacated street has become part of the property. All supporting documentation was submitted and granted an Appeal on April 22, 1999. The owner did not register the Certificate of Variance Approval with the Registry of Deeds within the 90 days of final written approval; owner now wants to go forth with the original plan. Representing the owners, is the son and daughter in-law Jonathan D. and Michelle M. Ward. conditions of a 25' building setback unless and until the vacated rights - see form

3. Other Business: None

4 Adjournment:



CITY OF PORTLAND, MAINE

Board of Appeals

CONDITIONAL USE/NONCONFORMING DWELLING APPEAL

DECISION

Name and address of applicant: Aaron and Anne-Marie Davis

Location of property under appeal: 52 Ashmont Street

For the Record

Names and addresses of witnesses (proponents, opponents and others):

Exhibits admitted (e.g., renderings, reports, etc.):

Findings of Fact

A. Nonconforming Dwelling Unit Standards (§14-391(c)(1)-(6)) require the Applicant to provide legally competent evidence, supported by records such as, but not limited to Assessor's Records, purchase and sale agreements, affidavits, deeds, mortgages as well as reliable secondary sources, such as the Portland Director, that the conditions of these subsections can be met.

1. The nonconforming dwelling units were either in existence April 1, 1995, or the structure in which they are located was originally designed to accommodate more than the number of such units presently in use. 4-0

Evidence in support of finding that the house was originally designed to accommodate more than one unit: separate entrances; plumbing, layout, Portland directory showing multiple occupants at different phone numbers; building records stating that house was a 2 unit.

2. The applicant neither constructed nor established the nonconforming dwelling units. 4-0

3. The nonconforming dwelling units comply with or can be made to comply with current standards of the National Fire Protection Association Life Safety Code (§16-1) and the National Fire Protection Association 1:Fire Prevention Code (§10-16), as amended. 4-0

4. Each of the nonconforming dwelling units complies with provisions of the City's Housing Code or can be made to conform with, as amended, including, but not limited to, the requirements of §6-110, Minimum Standards for Space and Occupancy and §6-111, Minimum Plumbing Standards, and §6-112 Minimum Ventilation Standards.

4-0

5. The structure containing the nonconforming dwelling units is located in the R-3, R-4, R-5, R-6 or R-7 Zones; or the B-1, B-1(b), B-2, B-2(b) or B-3 Zones.

4-0

R-5 zone

B. Conditional Use Standards (§14-474).

1. The proposed conditional use is is not permitted under Section 14-391 of the Zoning Ordinance, for the following reason(s): The property was originally designed to accommodate more than one dwelling unit.

4-0

2. The proposed conditional use does does not meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s): N/A

4-0

3-A. There are are not unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):

4-0

The property is similar to other properties in the neighborhood.

3-B. There will will not be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s):

4-0

There is off street parking so there will be little impact on the neighborhood.

3-C. The impact does does not differ substantially from the impact which would normally occur from such a use in the zone, for the following reason(s):

The property is similar to other properties in the neighborhood.

Conclusion

After public hearing on March 3, 2005, and for the reasons above-stated, the accompanying application is hereby (check one):

X granted

_____ granted subject to the following condition(s):

_____ denied.

Dated: March 3, 2005

Cathy D. Allen
Secretary of the Board

O:\OFFICE\FORMS\CONDITIONAL USE APPEAL\NONCONFORMING DWELLING .doc



City of Portland Zoning Board of Appeals

February 24, 2005

Dear Appellant,

Your Conditional Use Appeal has been scheduled to appear before The Zoning Board of Appeals on **March 03, 2005 at 7:00 p.m.** on the second floor of City Hall in Room 209.

Please remember to bring a copy of the packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted.

I have also included the bill for the legal ad. The check should be written as follows:

MAKE CHECK OUT TO: City of Portland
MAILING ADDRESS: Room 315
389 Congress Street
Portland, Maine 04101

Please feel free to contact me at 207-874-8701 if you have any questions.

Sincerely,

Gayle Guertin
Office Assistant

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

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3. Other Business: None

39 Jones

4 Adjournment:

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-0729	Applicant: Davis Anne Marie &
Project Name: 52 Ashmont St	Location: 52 ASHMONT ST
CBL: 125 H009001	Application Type: Conditional Use Appeal
Invoice Date: 03/24/2005	

Previous Balance	-	Payment Received	+	Current Fees	=	Total Due	Payment Due Date
\$107.20		\$0.00		\$78.00		\$185.20	On Receipt

First Billing

Previous Balance

\$107.20

Fee Description	Qty	Fee Charge
Legal Advertisements	1	\$78.00
		<u>\$78.00</u>
Total Current Fees:		+ <u>\$78.00</u>
Amount Due Now:		\$185.20

Detach and remit with payment

Bill to: Davis Anne Marie &
52 Ashmont St
Portland, ME 04103

CBL 125 H009001
Application No: 0000-0729
Invoice Date: 03/24/2005
Invoice No: 17753
Total Amt Due: \$185.20
Payment Amount:

Make checks payable to the *City of Portland*, ATTN: Gayle Guertin, 3rd Floor, 389 Congress Street, Portland, ME 04101

ZONING BOARD OF APPEALS

Members present: Bill Hall, Catherine Alexander

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, February, 17, 2005 at 7:00 p.m. on the second floor in Room 209 at the Portland City Hall 389 Congress Street, Portland, Maine to hear the following appeals:

members absent: Derek Gamble, Peter Thornton, Patrice Santine

1. New Business:

A. Conditional Use Appeal

52 Ashmont Street, Aaron & Anne-Marie Davis, owners (Tax Map #052, block H, lot-009) located in the R5 residential zone are seeking a Conditional Use Appeal under section 14-391 of the Zoning Ordinance. Appellant requests permission to add one additional unit, to be a total of two units. The permit was denied under section 14-391 (c). Appellant has not submitted any supporting documentation showing that this building was originally designed to accommodate two dwelling units.

2. Other Business: None

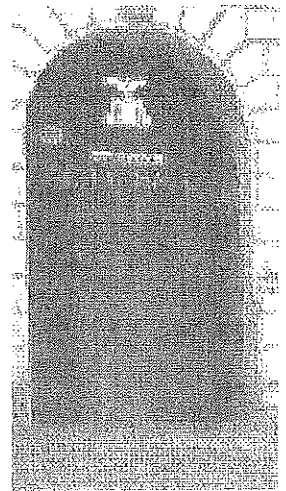
3. Adjournment:

There WAS NOT A quorum of at least 4 members
So this item is carried over to the next March 3, 2005
Agenda.

City of Portland INSPECTION SERVICES

Room 315
389 Congress Street
Portland, Maine 04101

Telephone: 207-874-8703 or 207-874-8693
Facsimile: 207-874-8716



FACSIMILE TRANSMISSION COVER SHEET

TO: <u>Joan, Legal Dept.</u>	FROM: <u>Inspections & Zoning Office</u>
FAX NUMBER: <u>791-6910</u>	NUMBER OF PAGES, WITH COVER: <u>2</u>
TELEPHONE: <u>791-6157</u>	RE: <u>Legal Ad for Zoning Board of Appeals</u>
DATE: <u>2/23/05</u>	

Comments: ZBA Notice

Hi Joan,

Please run this notice on Friday, 25, 2004.

Thanks!

Wayle Martin
874-8701

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday March, 03, 2005 at 7:00 p.m. on the second floor in Room 209 at the Portland City Hall 389 Congress Street, Portland, Maine to hear the following appeals:

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3. Other Business: None

4 Adjournment:

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Planning & Development
Lee Urban, Director



CITY OF PORTLAND

February 11, 2003

Aaron & Anne Davis
52 Ashmont Street
Portland, ME 04103

RE: 52 Ashmont Street – 125-H-009 - R-5 zone

Dear Aaron & Anne,

I am in receipt of your permit application to change the use from a single family to a two family dwelling. Your permit is being denied because this property, which is located within an R-5 residential zone, is not meeting the requirements set forth.

Your property is 3,000 square feet in lot size according to the Assessor's records. Section 14-120 requires 3,000 square feet of land area per dwelling unit, for a required total lot size of 6,000 square feet. Your lot is deficient in size to allow a change of use to a two (2) unit. Also, your plans did not show the actual allowable parking. It only shows a driveway. This office would need to see the number of specific, off-street parking spaces that would be provided.

You have the right to appeal the ordinance requirements. Please note that variance appeals are very, very difficult to have granted by the Board of Appeals. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to do so. Please contact this office for the necessary paperwork in which to file an appeal.

Very truly yours,

Marge Schmuckal
Zoning Administrator

CC: Jeanie Bourke, Code Enforcement Officer
File

*Copy of
Original Sent*



CITY OF PORTLAND

APPLICATION FOR
LEGALIZATION OF NONCONFORMING DWELLING UNITS
Section 14-391 - In effect March 24, 2004

04-0694

Location/Address of Legalization: 52 ASHMONT ST.		
Tax Assessor's Chart, Block & Lot Chart# 125 Block# H Lot# 9	Owner: ACRONE DEVIS Address: 52 ASHMONT ST.	Telephone: 605-4485
Contact name, address & telephone if different than above: SAME Permit # 03181		Cost of Work: \$345.00 Fee: \$ \$300 per legalized unit & \$75 per C of O
Current # of legal D.U. 1	Requested # of units To be legalized: 2	Total bldg. units: 2
Attach evidence that each requested unit to be legalized existed as of 4/1/95: List evidence that you are submitting: 3 PERMIT APPLICATIONS Sept. 10, 1945 / Aug 26, 1946 / June 19, 1951		
Attach evidence that the current owner/applicant neither constructed nor established the non-conforming dwelling units to be legalized: List evidence that you are submitting: NOT A 2001, JUST A SINGLE FAMILY. DEED		
<p>I hereby certify that I am the Owner of record of the above 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 agree 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 enforce the provisions of the code applicable to the permit.</p> <p>Signature of applicant: [Signature] Date: 5-26-04</p> <p>This is NOT a permit, you may not commence ANY work until the permit is issued.</p> <p>Stamp: DEPT. OF BUILDING INSPECTION CITY OF PORTLAND, ME MAY 27 2004</p>		



CITY OF PORTLAND

June 24, 2004

Anne Marie & Aaron E. Davis
52 Ashmont Street
Portland, ME 04103

RE: 52 Ashmont Street -- 125-H-009 -- R-5 Zone -- permit application #04-0694

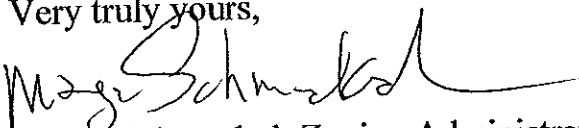
Dear Anne & Aaron,

I am in receipt of your permit application requesting a change of use to add one new unit to the existing single family under the allowances of section 14-391 of the zoning ordinance. As you know, one of the requirements of this section of the ordinance is notification of property owners within 300 feet. Our notices went out on June 2, 2004. On June 11, 2004 this office received a written letter of opposition to your proposal. I have attached a copy of that letter.

Because of the received letter of opposition, by ordinance I can not approve your request. You now have thirty (30) days from the date of this letter in which to submit your application to the Zoning Board of Appeals for approval. Please contact this office for the necessary paperwork that is required in order to submit an appeal application.

I would also like to point out that section 14-391 states that you must show that the structure was **originally designed and built** to accommodate more than the number or units presently in use. Your submittal shows permit applications from our microfiche dated 1945 & 1951 stating that the use of the structure was two dwelling units. According to the Assessors records, this building was built in 1874. In an effort to try to determine the original use for this building, I researched the early Assessor's records. I have seen that the 1924 records show this building to be a single family with 10 rooms. You will need to show the Zoning Board of Appeals what the original use of this building was when it was constructed. That original use will be part of their decision making process. If you have any questions, please do not hesitate to contact this office.

Very truly yours,


Marge Schmuckal, Zoning Administrator

**IMPORTANT NOTICE FROM CITY OF PORTLAND
ZONING DIVISION**

**TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 52 ASHMONT STREET**

Issues: Anne Marie and Aaron Davis, owners of the property located at 52 Ashmont Street, have submitted an application to legalize one existing nonconforming dwelling unit for a total of two dwelling units within this building. The legalization may be permitted if the applicant can meet the requirements allowed under Section 14-391 of the Zoning Ordinance.

Feedback: If you have any objection to the above permit application, you must submit your opposition in writing within ten (10) days of this notice to:

City of Portland Zoning Administration
City Hall - Room 315
389 Congress Street
Portland, Maine 04101

FOR MORE INFORMATION

For more information you may contact Marge Schmuckel, Zoning Administrator, at (207) 874-8695. The office hours are 8:00 am to 4:00 pm weekdays

June 10, 2004

Ms. Marge Schmuckal, Zoning Administrator
City of Portland Zoning Administration
City Hall-Room 315
389 Congress Street
Portland, Maine 04101

Dear Ms. Schmuckal:

Re: 52 Ashmont Street, Portland - 125-N-009

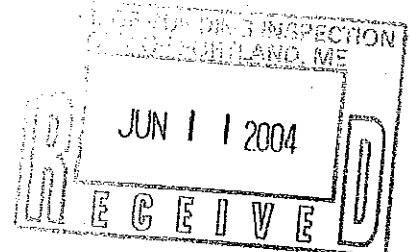
We, the owners of 70 Ashmont Street, object to the conversion of 52 Ashmont Street from a single family home to two dwelling units in this building. Solomon and Eleanor Kessler and family lived in this house from 1962 until 2002 as a single family home. Part of the reason we bought the house at 70 Ashmont was the existence of single family homes nearby, meaning less density, less congestion, and less on-street parking in the vicinity of our single family home. We strongly believe that the city has an obligation to help maintain current property values and protect future market value of my property by the actions the city takes. Allowing conversion of a single to a double dwelling unit building negatively impacts the value of our home, in which we have invested considerable sums of money. We have restored the home to its original 1896 appearance, thus earning a historic marker from Greater Portland Landmarks for being a notable example of "shingle style cottage" architecture.

Another major reason we bought the property on the corner of Ashmont Street and Cottage Street is the existence of an undeveloped, wooded lot between 52 Ashmont and 70 Ashmont, deeded with covenants to the Jewish Community Alliance. This, combined with single family homes on Cottage Street has meant we have never had any on-street parking on the Ashmont Street end of Cottage Street, except for temporary, short term basis. This unique situation, where we do not have to look at parked cars day and night, is threatened by the conversion of 52 Ashmont Street to use for two families. Two families means four vehicles and the existing parking area at 52 Ashmont will not accommodate four cars. Since Ashmont Street in the vicinity of 52 Ashmont is posted "no parking", tenants will probably seek open, on-street parking, which means they will come around the corner and park outside my home on Cottage Street. This is unfair and unacceptable to us, as it deteriorates our quality of life and diminishes the value of our property.

Thank you and the City of Portland for considering our objection to allowing this conversion.

Sincerely,

Bradbury Blake Stephen Watson
Bradbury Blake and Stephen Watson JTS
70 Ashmont Street
Portland, Maine 04103



June 25, 2004

Ms. Marge Schmuckal, Zoning Administrator
City of Portland Zoning Administration
City Hall-Room 315
389 Congress Street
Portland, Maine 04101

Dear Ms. Schmuckal:

Re: 52 Ashmont Street, Portland

Previously you have received a letter dated June 10, 2004 from us objecting to conversion of 52 Ashmont Street to two units. This letter is to rescind the June 10 letter, thus removing our objection. While many of the reasons for our initial objection remain concerns for us, our research back to 1900 has clearly shown that 52 Ashmont Street has always been a two unit building, except for the time that the Kesslers used both units for their family. It is simply unfair to deny Aaron and Anne Marie Davis the opportunity to use their property as it has been used historically.

We have met with the Davises and discussed the concern about parking. We believe they have gained an appreciation for our position about this issue and they are sincere about not creating a problem with parking on Cottage Street.

Thank you for removing our objection, saving everyone money, time, and energy. Should you need to speak to us, call 773-4252.

Sincerely,

Bradbury Blake and Stephen Watson, JTS
70 Ashmont Street
Portland, Maine 04103

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:
04-0694	05/27/2004	125 H009001

Location of Construction:	Owner Name:	Owner Address:	Phone:
52 Ashmont St	Davis Anne Marie &	52 Ashmont St	
Business Name:	Contractor Name:	Contractor Address:	Phone
Lessee/Buyer's Name	Phone:	Permit Type:	
		Building Miscellaneous	

Proposed Use:	Proposed Project Description:
Two-unit: legalization of 1 proposed non-conforming dwelling unit	Legalization of 1 non-conforming dwelling unit for total of 2 units

Dept: Zoning	Status: Denied	Reviewer: Marge Schmuckal	Approval Date:
Note: 6/2/04 letter of notification went out			Ok to Issue: <input type="checkbox"/>
6/11/04 received a neighbor's letter of opposition			
6/24/04 letter to owner giving option to ZBA			

Dept: Building	Status: Pending	Reviewer:	Approval Date:
Note:			Ok to Issue: <input type="checkbox"/>

Comments:

06/24/2004-mjn: Returned application to the Central file pending ZBA Action



APPLICATION FOR PERMIT

Class of Building or Type of Structure. Third Class

Portland, Maine. September 30, 1945

1130

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TO THE INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to ~~erect~~ alter ~~construct~~ ~~demolish~~ install the following building structure, equipment, in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, any, submitted herewith and the following specifications:

Permit Issued with Letter

Within Fire Limits? ☒ No ☐ Yes Dist. No.

Location 52 Ashmont Street

Owner's name and address: Mrs. Anne S. Wilson, 52 Belmont Street

1. Introduction

Contractor's name and address: **Hugh Murray, 439 Congress Street.**

Architect _____
Specifications _____
Draftsman _____
No. of sheets _____

Proposed use of building	Dwellings	No. families
1. Single-family detached houses	10	10
2. Two-family detached houses	10	10
3. Three-family detached houses	10	10
4. Four-family detached houses	10	10
5. Five-family detached houses	10	10
6. Six-family detached houses	10	10
7. Seven-family detached houses	10	10
8. Eight-family detached houses	10	10
9. Nine-family detached houses	10	10
10. Ten-family detached houses	10	10
11. Eleven-family detached houses	10	10
12. Twelve-family detached houses	10	10
13. Thirteen-family detached houses	10	10
14. Fourteen-family detached houses	10	10
15. Fifteen-family detached houses	10	10
16. Sixteen-family detached houses	10	10
17. Seventeen-family detached houses	10	10
18. Eighteen-family detached houses	10	10
19. Nineteen-family detached houses	10	10
20. Twenty-family detached houses	10	10
21. Twenty-one-family detached houses	10	10
22. Twenty-two-family detached houses	10	10
23. Twenty-three-family detached houses	10	10
24. Twenty-four-family detached houses	10	10
25. Twenty-five-family detached houses	10	10
26. Twenty-six-family detached houses	10	10
27. Twenty-seven-family detached houses	10	10
28. Twenty-eight-family detached houses	10	10
29. Twenty-nine-family detached houses	10	10
30. Thirty-family detached houses	10	10
31. Thirty-one-family detached houses	10	10
32. Thirty-two-family detached houses	10	10
33. Thirty-three-family detached houses	10	10
34. Thirty-four-family detached houses	10	10
35. Thirty-five-family detached houses	10	10
36. Thirty-six-family detached houses	10	10
37. Thirty-seven-family detached houses	10	10
38. Thirty-eight-family detached houses	10	10
39. Thirty-nine-family detached houses	10	10
40. Forty-family detached houses	10	10
41. Forty-one-family detached houses	10	10
42. Forty-two-family detached houses	10	10
43. Forty-three-family detached houses	10	10
44. Forty-four-family detached houses	10	10
45. Forty-five-family detached houses	10	10
46. Forty-six-family detached houses	10	10
47. Forty-seven-family detached houses	10	10
48. Forty-eight-family detached houses	10	10
49. Forty-nine-family detached houses	10	10
50. Fifty-family detached houses	10	10
51. Fifty-one-family detached houses	10	10
52. Fifty-two-family detached houses	10	10
53. Fifty-three-family detached houses	10	10
54. Fifty-four-family detached houses	10	10
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67. Sixty-seven-family detached houses	10	10
68. Sixty-eight-family detached houses	10	10
69. Sixty-nine-family detached houses	10	10
70. Seventy-family detached houses	10	10
71. Seventy-one-family detached houses	10	10
72. Seventy-two-family detached houses	10	10
73. Seventy-three-family detached houses	10	10
74. Seventy-four-family detached houses	10	10
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76. Seventy-six-family detached houses	10	10
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95. Ninety-five-family detached houses	10	10
96. Ninety-six-family detached houses	10	10
97. Ninety-seven-family detached houses	10	10
98. Ninety-eight-family detached houses	10	10
99. Ninety-nine-family detached houses	10	10
100. One hundred-family detached houses	10	10

Last Use

Material Frame No. stories 2 Height 10 Style of roof Shed

Other buildings on same lot none

Estimated cost \$ 50.

General Description of New Work

To construct 4'x6'x14'x6" bulkhead on side of building - 6'6" high.
To shorten up one existing window.



CERTIFICATE OF OCCUPANCY
REQUIREMENT IS WAIVED

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor.

Details of New Work

Is any plumbing work involved in this work? no Is any electrical work involved in this work? no

Height average grade to top of plate Height average grade to highest point of roof

Size front depth No. stories 1 solid or filled end: **solid**
earth or rock: **earth**

Material of foundation concrete at least 4' below grade
Thickness, top, 8", bottom, 12" - cellar.

Species of modern rain forest	Height	Thickness
1. <i>Alseodaphnophloeus</i>	100	100
2. <i>Alseodaphnophloeus</i>	100	100
3. <i>Alseodaphnophloeus</i>	100	100
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[illegible]

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dressed

200
battered to destruction

Column under arches

Columns under Stairs - Columns in every floor and flat roof span over 8 feet



Class of Building or Type of Structure Third Class

To the INSPECTOR OF BUILDINGS, Portland, ME.

Portland, Maine, August 26, 1946

The undersigned hereby applies for a permit to erect alter or repair the following building structure equipment in accordance with the laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, Maine and specifications:

Location 52 Ashmont Street

Owner's name and address Annie S. Kileon, 52 Ashmont Street Within Fire Limits? no Dist. No.

Lessee's name and address Contractor's name and address Hugh Murray, 439 Congress Street Telephone

Architect Proposed use of building Dwelling Specifications Plans no No. of sheets Telephone 3-2039

Last use Material frame No. stories 2 1/2 Heat Style of roof No. families 2 No. of sheets

Other buildings on same lot Estimated cost \$ 40. Roofing

General Description of New Work

Fee \$ 50

To put in new windows in gable ends To put in new basement window

CERTIFICATE OF OCCUPANCY REQUIREMENT IS WAIVED

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor.

Is any plumbing work involved in this work? Details of New Work Height average grade to top of plate Is any electrical work involved in this work?

Size, front depth No. stories Height average grade to highest point of roof Material of foundation solid or filled land? Thickness, top bottom cellar earth or rock?

Kind of roof No. of chimneys Rise per foot Height Roof covering Thickness

Framing member Kind Material of chimneys Roof covering Thickness

Corner posts Sills Girt or ledger board Kind of beam fuel

Size Columns under girders Dressed or full size? Size

Joists and rafters: 1st floor 2nd floor Max. on centers



AND SIGN WITH INK
APPLICATION FOR PERMIT FOR
HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, June 19, 1951

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.
The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location 52 Ashmont Street

Name and address of owner of building

Use of Building 2-family dwelling No. 1st floor

Insulator's name and address Randall & McAllister, 84 Commercial Street
To install oil burning equipment in connection with existing steam heating system

General Description of Work
Telephone 3-2941

New Building
Existing "

Location of appliance or source of heat
If wood, how protected?
Minimum distance to wood or combustible material, from top of appliance or casing top of furnace

From top of smoke pipe
Size of chimney flue

If gas fired, how vented?
From front of appliance
Other connections to same flue

Name and type of burner
Type of floor beneath appliance
Kind of fuel

Will operator be always in attendance?
Type of floor beneath burner
Rated maximum demand per hour

Location of oil storage
If two 275-gallon tanks, will three-way valve be provided?
Does oil supply line feed from top or bottom of tank?

Number and capacity of tanks 1-275 gal.
Total capacity of any existing storage tanks for furnace burners? yes

Location of appliance
If wood, how protected?
Minimum distance to wood or combustible material from top of appliance

From front of appliance
Size of chimney flue
Is hood to be provided?
If gas fired, how vented?

Other connections to same flue
From sides and back
Type of floor beneath appliance

From top of smoke pipe

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Rated maximum demand per hour

RECEIVED
JUN 20 1951
CITY OF PORTLAND

REAL ESTATE ASSESSMENT RECORD - CITY OF PORTLAND, MAINE

LAND NOS.	STREET	BLDG. NO.	CARD NO.	DEVELOPMENT NO.	AREA	DIST.	ZONE	CHART	BLOCK	LOT
50-52	Ashmont							125	H	9

WILSON ANNIE S
52 ASHMONT ST.
CITY

LAND & BLDG. ASHMONT ST. #50-52
ASSESSORS PLAN 125-H-9
AREA 3000 SQ. FT.

TAXPAYER ADDRESS AND DESCRIPTION

RECORD OF TAXPAYER

Handwritten: Wilson Annie S & Family
1951
1055 5131 313

LAND VALUE COMPUTATIONS AND SUMMARY

LAND VALUE COMPUTATIONS AND SUMMARY

ASSESSMENT RECORD INCREASE DECREASE

FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	YEAR 1951	1952
50	16	16	72	128	720	
TOTAL VALUE LAND						
TOTAL VALUE BUILDINGS						
TOTAL VALUE LAND AND BUILDINGS						
SQ. FT. TO-FROM CH.						
BLK. LOT						
SQ. FT. TO-FROM CH.						
BLK. LOT						
LAND VALUE COMPUTATIONS AND SUMMARY						
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	19	19
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LAND VALUE COMPUTATIONS AND SUMMARY						
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- 52 Ashmont St.
- MULTI UNITS OR CONDO'S
- NON RESIDENTIAL

YEAR	NAME
1907	James A. Wilson Adelbert Bird
1908	James A. Wilson Harry D. Flint
1909	James A. Wilson Harry D. Flint
1910	James A. Wilson Harry D. Flint
1911	James A. Wilson Harry D. Flint
1912	James A. Wilson
1913	James A. Wilson
1914	James A. Wilson
1915	James A. Wilson Mrs. Annie Wilson
1916	James A. Wilson Mrs. Annie Wilson
1917	James A. Wilson Mrs. Annie Wilson
1918	James A. Wilson Mrs. Annie Wilson
1919	James A. Wilson Mrs. Annie Wilson
1920	James A. Wilson Neal D. Macleod
1921	James A. Wilson Neal D. Macleod
1922	James A. Wilson Arthur A. Ardrey
1923	James A. Wilson Arthur A. Ardrey
1924	James A. Wilson Arthur A. Ardrey
1925	James A. Wilson Arthur A. Ardrey
1926	James A. Wilson Arthur A. Ardrey
1927	James A. Wilson Arthur A. Ardrey
1928	James A. Wilson Arthur A. Ardrey
1929	James A. Wilson Arthur A. Ardrey
1930	James A. Wilson Arthur A. Ardrey

YEAR	NAME
1931	James A. Wilson Arthur A. Ardrey
1932	James A. Wilson and Pntr and H
1933	James A. Wilson and Pntr and H Donald L. Green
1934	James A. Wilson and Pntr and H Donald L. Green
1935	James A. Wilson and Pntr and H Robert M. Hall
1936	James A. Wilson and Pntr and H Mrs. Cora B. Raymond
1937	James A. Wilson and Pntr and H Mrs. Cora B. Raymond
1938	James A. Wilson and Pntr and H (O) Mrs. Cora B. Raymond
1939	James A. Wilson and Pntr and H (O) Mrs. Cora B. Raymond
1940	James A. Wilson and Pntr and H (O) Mrs. Cora B. Raymond
1941	James A. Wilson and Pntr and H (O)
1942	James A. Wilson and Pntr and H (O)
1943	James A. Wilson and Pntr and H (O) Frank Platt
1944	James A. Wilson and Pntr and H (O) Frank Platt
1945	Mrs. Anne S. Wilson (O) Frank Platt
1946	Mrs. Anne S. Wilson (O) Frank Platt
1947	Mrs. Anne S. Wilson (O) # Frank A. Scott
1948	Mrs. Anne S. Wilson (O) # Frank A. Scott #
1949	Mrs. Anne S. Wilson (O) # 3-7798 Frank A. Scott # 2-7294
1950	Mrs. Anne S. Wilson (O) # 3-7798 Frank A. Scott # 2-7294
1951	Lois P. Wilson (O) # 3-7798 Frank A. Scott # 2-7294
1952	Lois P. Wilson (O) # 3-7798 Frank A. Scott # 2-7294
1953	Lois P. Wilson (O) # 3-7798 Frank A. Scott # 2-7294
1954	Lois P. Wilson (O) # 3-7798 Frank A. Scott # 2-7294

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME

FEB 17 2005

RECEIVED

YEAR	NAME
1955	Robert E. Walker #3-6559
	Phil W. Cook
1956	Robert E. Walker #3-6559
	Phil W. Cook
1957	Robert E. Walker #3-6559
	Sidney E. Strom # 5-1701
1958	Solomon Kessler (o) # 2-7298
1959	Solomon Kessler (o) # 2-7298
	Robert H. Day #5-0980
1960	Solomon Kessler (o) # 2-7298
	Karle E. Learned # 2-5234
1961	Solomon Kessler (o) # 2-7298
	Karle E. Learned # 2-5234
1962	Solomon Kessler (o) # 2-7298
	Karle E. Learned # 2-5234
1963	Solomon Kessler (o) # 2-7298
1964	Solomon Kessler (o) # 2-7298

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday March, 03, 2005 at 7:00 p.m. on the second floor in Room 209 at the Portland City Hall 389 Congress Street, Portland, Maine to hear the following appeals:

1. Old Business:

A. Conditional Use Appeal

52 Ashmont Street, Aaron & Anne-Marie Davis, owners (Tax Map #052, block H, lot-009) located in the R5 residential zone are seeking a Conditional Use Appeal under section 14-391 of the Zoning Ordinance. Appellant requests permission to add one additional unit, to be a total of two units. The permit was denied under section 14-391 (c). Appellant has not submitted any supporting documentation showing that this building was originally designed to accommodate two dwelling units. There was not a quorum of at least four members so this item is carried over to the next March 3, 2005 Agenda.

2. New Business:

A. Conditional Use Appeal

157 Pine Street, Sheila Paine, owner (Tax Map #063, block G, lot-010) located in the R4 residential zone is seeking a Conditional Use Appeal under section 14-103 of the Zoning Ordinance. The appellant request permission for the adaptive reuse and restoration of the building into two condominium units. The building was originally a carriage house, and then in the 1950's was changed to medical offices. Appellant has submitted supporting documentation, showing that this building meets the Conditional Uses under the Code of Ordinances, section 14-103 to accommodate two condominium units. Representing the appeal is Lisa Foley property manager.

B. Conditional Use Appeal

10 Pine Street, Calvin & Elizabeth Canney, owners (Tax Map #045, block C, lot-034) located in the B1 zone neighborhood business are seeking a Conditional Use Appeal under section 14-391 of the Zoning Ordinance. Appellant requested permission to legalize one existing non conforming unit to be a total of four units. The permit was denied, based on the lack of two means of egress, and not submitting documentation that the nonconforming unit existed as of April 1, 1995 as required under section 14-391(c)(3) and section 14-391(c)(4) of the Code of Ordinances. The owners are representing the appeal.

C. Practical Difficulty Appeal

110 Cobb Avenue Harry R. & Diane T. Olsson, owners. (Tax Map #210-B-011 & 012) located in the R2 residential zone. Appellant requests relief from section 14-80 (c) which requires a 50' street frontage, appellant now has a 25' street frontage; and section 14-403 (b) which requires that the street shall be paved from the closest end of pavement to the end of the property being developed. The city has vacated this street at the point where frontage of property line begins and half the width of the vacated street has become part of the property. All supporting documentation was submitted and granted an Appeal on April 22, 1999. The owner did not register the Certificate of Variance Approval with the Registry of Deeds within the 90 days of final written approval; owner now wants to go forth with the original plan. Representing the owners, is the son and daughter in-law Jonathan D. and Michelle M. Ward.

3. Other Business: None

4 Adjournment:

Applicant: Aaron Angelo Marie Davis C-B-L: _____

Address: 52 Chestnut

Type of Appeal: Conditional Use Appeal

Check list

1. Type agenda *Done 2/23/05*
2. Address list of abutters to go in folder
3. Type abutters notice
4. Notify abutters: Done *old business*
5. Letter of acknowledgment to owner, bill & procedures outline: Done 2/23/05
6. Send agenda to the paper: 2/23/05
7. Send copies of agenda to all people on labels (citizen list attached to members labels) also in-house label list *old business*
8. Mail out packets: _____
9. Send packet to Corporation Counsel
10. E-mail agenda to Maryel Doyon & Gerry Pelletier *Done 2/23/05*

In each packet to members include the following:

1. Agenda
2. Agenda item number on face of each appeal
3. Assessors map of each appellant
4. Abutters that are notified
5. Copy of decision form for each packet

After the meeting

1. Type decision from agenda
2. Give copy of decision to Clerk's Office including: _____
 - Tape
 - Handwritten decisions from Board
 - Agenda
 - Agenda with decision
3. Make 10 copies of Notice of decision
 - One for each packet
 - One for each applicant
 - One for Joe and Aaron & Lee
 - ORIGINAL goes to City Clerk
4. Type cover letter of decision to applicant to include:
 - Letter of approval
 - Final bill
 - Copy of decision from agenda (taken from 10 copies): _____