

Ann Machado - Withdrawing application

From: <apprai2453@comcast.net>
To: <amachado@portlandmaine.gov>, apprai2453 <apprai2453@comcast.net>
Date: 7/29/2010 12:08 PM
Subject: Withdrawing application

Ann: Would you please withdraw my present application to the Board of Appeals. The recent code changes have caused this request.

The property at hand is 615 Forest Ave. Portland, Maine

My mailing address is 64 Clinton Street, South Portland, Maine 04106

phone 207 671 1053

Thank you, Jim Andrews

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JUL 29 2010

**Dept. of Building Inspections
City of Portland Maine**



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

Applicant Information:

Name JAMES ANDREWS

Business Name

Address 64 CLINTON STREET
SO PORTLAND, ME 04106
207-671-1053
Telephone Fax

Applicant's Right, Title or Interest in Subject Property

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

Current Zoning Designation: B 2 B

Existing Use of Property:

3 APARTMENTS
1 BUSINESS

Subject Property Information:

PORTLAND, ME
Property Address 615 FOREST AVENUE
MAP 125 LOT N-003-001
Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone Fax

Variance from Section 14 -

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Dept. of Building Inspections
City of Portland Maine

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.

[Signature]
Signature of Applicant

7/16/2010
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 X

Reasons WITHOUT THE APARTMENT THE PROPERTY AND TAXES DEBT SERVICES ETC CANNOT BE MAINTAINED

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 X No _____ (deny the appeal)

Reasons THE ABUTING BUILDINGS ARE ALL RESIDENTIAL. SUBJECT PROPERTY IS IN TWO ZONES REQUIRING BUSINESS USAGES FOR THE FIRST FLOOR.

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

Yes _____ (deny the appeal) No X

Reasons IT WOULD ALLOW CONTINUED USE OF RESIDENTIAL ABUTING RESIDENTIAL

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 X

Reasons THERE WAS EXISTING RESIDENTIAL FIRST FLOOR USE WHEN PURCHASED 35 YRS. AGO.

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

To: Zoning Board of Appeals

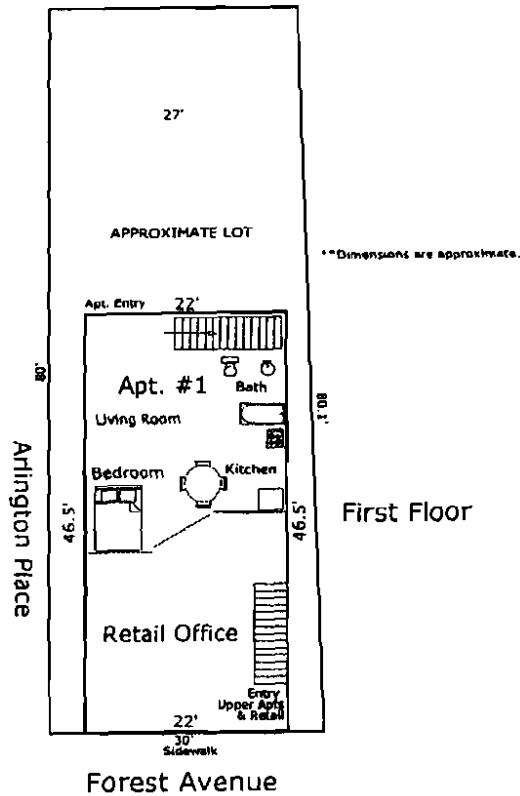
The applicant is attempting to use the property as it has been used for the past three (3) decades. That is with the second and third floors being used as two 5 rooms and bath residential apartments. And, the first floor being used as a conservative business use for the front of the building (compatability in the building) and a 3 room apartment in the rear of the first floor (compatability to the residential neighborhood).



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**Dept. of Building Inspections
City of Portland Maine**



Sketch by Apex Medline™
Comments:

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GLA1	First Floor	1023.0	1023.0
LAND	Land	2280.0	2280.0

LIVING AREA BREAKDOWN

Breakdown	Subtotals
First Floor 46.5 x 22.0	1023.0

Net LIVABLE Area

(rounded)

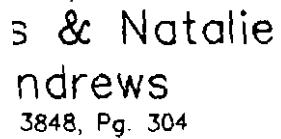
1023

1 Item

(rounded)

1023

Bk. 14109, Pg. 332



- Michael & Sarah
Furey

Bk. 3932. Po. 243

SHEET 29 - D

STREET

SHEET 129 - D

CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1" = 50'

SCALE 1 INCH = 50 FT

RETRACED 4 - 5 - 67

We, Robert A. Whiting and Joan M. Whiting, both of Scarborough, in the County of Cumberland and State of Maine,

in consideration of one dollar and other valuable consideration

paid by James S. Andrews and Natalie P. Andrews, both of 64 Clinton Street, South Portland, in the County of Cumberland and State of Maine,

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said James S. Andrews and Natalie P. Andrews, as joint tenants, their heirs and assigns forever, the following described real estate:

A certain lot or parcel of land, with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, on the northeasterly side of Forest Avenue, and bounded and described as follows:

Beginning at that point on the northeasterly side line of Forest Avenue where the same is intersected by the southeasterly side line of Arlington Place; thence along said Arlington Place in a northeasterly direction and by the southeasterly side line of Ardsley (formerly Belmont) Place, a distance of eighty (80) feet to a point and the land of Anton Peterson; thence by said Peterson land in a southeasterly direction, about twenty-seven (27) feet to a point and the land formerly of J. A. Callan; thence by the northwesterly side line of said Callan land, in a southwesterly direction, eighty (80) feet to the said northeasterly side line of Forest Avenue; thence along Forest Avenue in a northwesterly direction thirty (30) feet to the point of beginning.

Also a right of way in common with others over and along said Arlington Place.

Being the same premises conveyed to these Grantors by D. H. Church & Sons, Inc. by its deed dated February 12, 1970 and recorded in Cumberland County Registry of Deeds in Book 3117, Page 767.

Said premises are conveyed subject to taxes of the City of Portland for the year 1976, which the Grantees herein assume and agree to pay as part of the consideration of this conveyance.

To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said James S. Andrews and Natalie P. Andrews, as joint tenants, their

heirs and assigns, to them and their use and behoof forever. And we do covenant with the said Grantees, their heirs and assigns, that we are lawfully seized in fee of the premises; that they are free of all incumbrances except as aforesaid, that we have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that we and our 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, except as aforesaid.

In Witness Whereof, We, the said Robert A. Whiting and Joan M. Whiting, being husband and wife,

joining in this deed as Grantors, and relinquishing and conveying our rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this 25th day of May in the year of our Lord one thousand nine hundred and seventy-six.

Signed, Sealed and Delivered in presence of

Richard H. Davis
Notary Public

Robert A. Whiting
Joan M. Whiting

State of Maine, Cumberland ss.
Personally appeared the above named Robert A. Whiting

May 25, 1976.

and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Richard H. Davis NOTARY PUBLIC
JUSTICE OF THE PEACE

STATE OF MAINE, CUMBERLAND COUNTY, SS.

REGISTRY OF DEEDS

Received MAY 26 1976 at 3 o'clock 10 m. P. M. and recorded in BOOK 3848 PAGE 304 Attest: *Margaret L. Parker* Acting Register.

DRUMMOND & DRUMMOND, LLP

COUNSELORS AT LAW
ONE MONUMENT WAY
PORTLAND, MAINE 04101

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Wadleigh B. Drummond (1885-1979)
Josiah H. Drummond (1914-1991)

Of Counsel
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Telephone: 207-774-0317
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August 13, 2009

James S. and Natalie P. Andrews
PO Box 2365
South Portland, ME 04106

**RE: 617 Forest Avenue, Portland, ME
Deed in Lieu of Foreclosure**

Dear Jim and Natalie:

The Deed in Lieu of Foreclosure was recorded on August 3, 2009, in Book 27145, Page 44, of the Cumberland County Registry of Deeds. I am enclosing a copy of the recorded deed along with the commitment for title insurance. I understand you do not wish title insurance. Please note that on Schedule B of the commitment the old 1977 mortgage to you from the Federal Loan and Building Association is still of record, as is your mortgage which should be discharged at some point and the Notice of Lien Claim from Action Electric we have talked about many times in the past. If you need us to prepare a mortgage discharge, please let us know.

I am still waiting for the recording information concerning the Buxton property. Thank you very much.

Very truly yours,



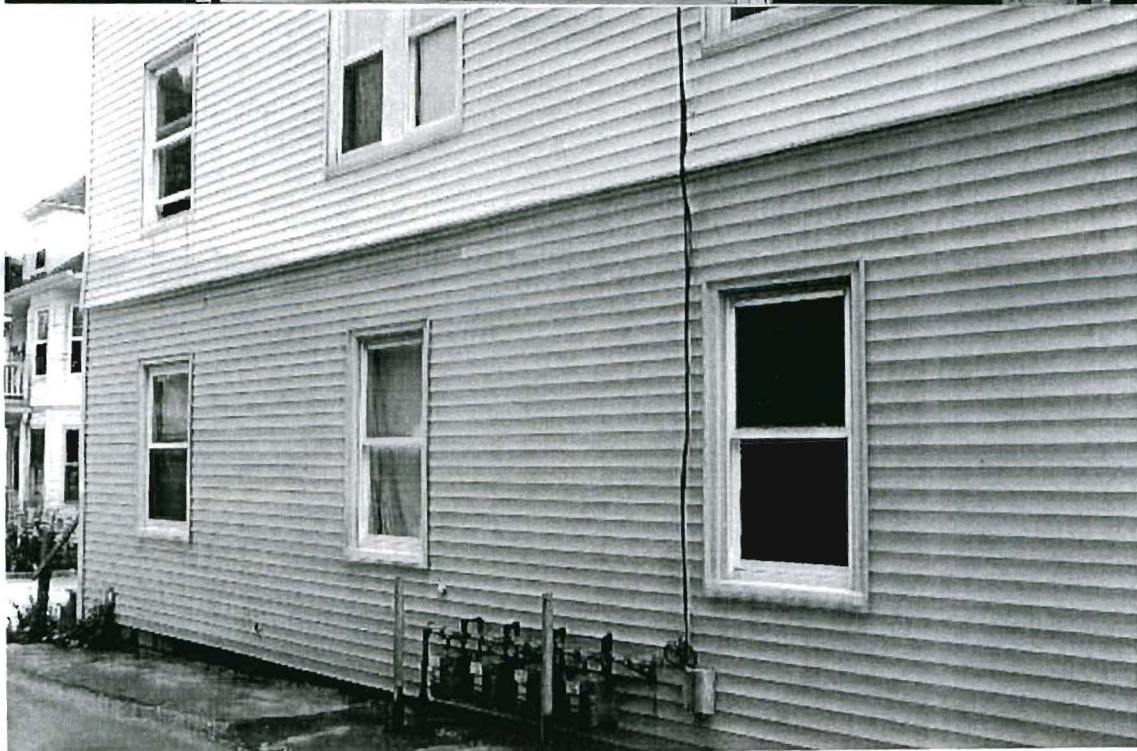
Paul E. Peck

PEP/kbf

Enclosure

SUBJECT

N-2



SUBJECT APARTMENT

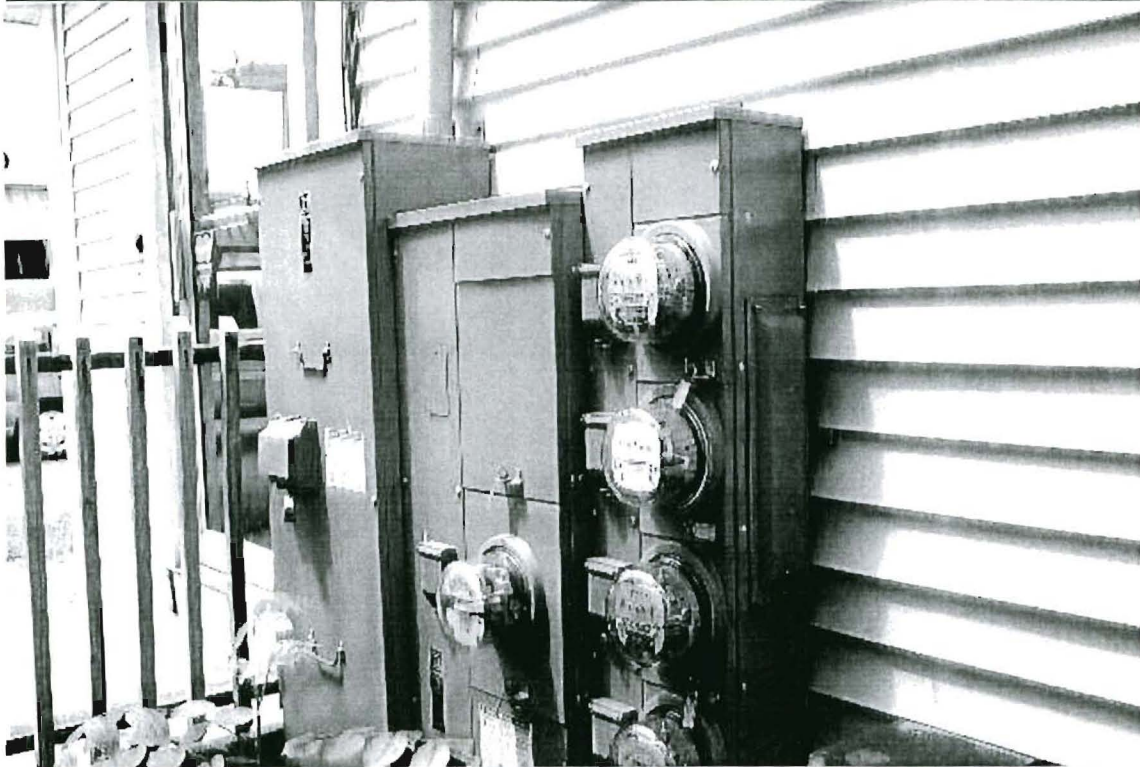


N-2
↓

SUBJECT
↓



SUBJECT
→



N-11
→



N-15

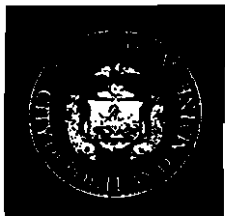


N-16



N-17





PORTLAND MAINE

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

*Penny St. Louis Littell - Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

June 18, 2010

James Andrews
64 Clinton Street
South Portland, ME 04106

Re: 615 Forest Avenue - 125 N003 – B-2b- illegal use

Dear Mr. Andrews,

It has come to the attention of our office that there is an illegal use at your building at 615 Forest Avenue. In researching our files, the most recent use that I found for the first floor was retail (permit #950054) and a dog shop with grooming and retail sales [permit #0038 (1975)]. The most recent use for the second floor was one apartment, and the most recent use for the third floor was one apartment [permit #00691 (1973)]. It is our understanding that there is at least one apartment on the first floor and maybe two. These apartments are not legal because there is no permit for them.

615 Forest Avenue is located in the B-2b Community Business Zone. Section 14-182(a)(1) allows any residential use that is allowed in the nearest residential zone. The R-3 Residential Zone is the closest residential zone. Section 14-87 lists the permitted uses and section 14-88 lists the conditional uses for the R-3 zone. Two family or multifamily homes are not listed, so they are not permitted. Section 14-182(a)(2) says that if the first floor has a commercial use, multifamily dwellings are allowed above the first floor. Neither section allows dwelling units on the first floor.

Section 14-391 allows a nonconforming dwelling unit to be legalized if certain conditions can be met. One of the conditions is that the dwelling unit cannot have been added by the current owner. Along with meeting the other conditions, you would have to provide evidence that you did not add any dwelling units to the first floor.

The property must be brought into compliance. You can either apply to try to legalize any illegal units under section 14-391 or you need to remove any illegal dwelling units on the first floor. You have thirty days from the date of this letter to apply for the permit or remove any illegal units.

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 file an appeal. If you should

**CITY OF PORTLAND
REAL ESTATE PROPERTY TAX STATEMENT**

FY 2010

July 1, 2009 - June 30, 2010

DUE SEPT 11, 2009	DUE MARCH 12, 2010	AMOUNT PAID	INTEREST DUE	PAY THIS AMOUNT
\$2,048.09	\$2,048.09	\$2,048.09	\$0.00	\$2,048.09

Second Billing

125 - N-003-001

ACCOUNT NUMBER 18056

CBL: 125 - N-003-001

Assessed Property Description

125-N-3
FOREST AVE 615
ARLINGTON PL
2183 SF

RE 125 - N-003-001

ANDREWS JAMES S &
NATALIE P ANDREWS JTS
PO BOX 2365
SOUTH PORTLAND ME 04106

BRING COMPLETE TAX BILL WHEN
PAYING IN PERSON

Please Make Your Check Payable to:
City of Portland

PARTIAL PAYMENTS MAY BE MADE
AT ANY TIME

Change of Address

Name:

RETURN THIS TOP PORTION WITH PAYMENT

Credit card payments are not accepted for property tax payments.

KEEP THIS PORTION

ACCOUNT NUMBER

125 - N-003-001

2010

18056

REAL ESTATE PROPERTY TAX STATEMENT

CBL

City of Portland

125 - N-003-001

Fiscal Year

Acres:

July 1, 2009 - June 30, 2010

0.05

Owner of Record as of April 1, 2009

Assessed Property Description

KOW INVESTMENTS LLC

125-N-3
FOREST AVE 615
ARLINGTON PL
2183 SF

16 GOODRIDGE AVE
PORTLAND ME 04103

Date of Sale: / /

CURRENT BILLING DISTRIBUTION

Education	\$2,052.18
Public Safety	\$589.85
Debt Service	\$557.08
Public Services	\$385.04
General Government	\$57.35
Recreation & Facil. Mgmt	\$114.69
County Tax	\$135.17
Library	\$98.31
Metro	\$69.64
Health & Human Services	\$36.87
Enterprise Funds	\$0.00

CURRENT BILLING INFORMATION

Land Value	\$79,200.00
Building Value	\$151,700.00
Total Value	\$230,900.00
Exemptions	\$0.00
Homestead	\$0.00
Taxable Value	\$230,900.00
Tax Rate	17.74
TOTAL TAX	\$4,096.18
AMOUNT PAID	\$2,048.09

Change of Ownership

Former Owner Name:

New Owner Name:

New Owner Address:

Remittance Instructions

To avoid standing in line, it is recommended that taxes be paid by mail. Please make check or money order payable to: **CITY OF PORTLAND**. Credit cards are not accepted for property tax payments.

Use enclosed envelope to mail in your payment.

Use right top margin for change of address.

Remit To **CITY OF PORTLAND MAINE
FINANCE DEPARTMENT
TREASURY AND COLLECTION DIVISION
P O BOX 544
PORTLAND ME 04112-0544**

Please see the backside for important information.

City of Portland

DATE: 7/23/10

TIME: 14:55:25

PZ CASH RECEIPT

PROJECT #: 10-59400003

PROJECT DESC: VARIANCE APPEAL, 615 FOREST AVENUE - ADD

RECEIVED FROM: James Andrews

RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
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Z1	ZONING BOARD OF APPEALS		100.00
		TOTAL AMOUNT:	100.00