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

August 18, 2009

Weigel Construction Inc.  
12 Madokawando Landing  
Falmouth, ME 04195

Michael & Marleen Denney  
8 Arlington Street  
Portland, ME 04105

RE: 8 Arlington Street – 126-F-008 – R-3 Residential Zone – Permit #09-0817

Dear Weigel Construction,

I am in receipt of your application to expand the existing 6' x 17' 1 story laundry room to 12' x 17' and to add 12' x 20' deck and steps at the rear of the existing house. Your permit is denied because it can not meet the requirements of the Land Use Zoning Ordinance.

First of all, apparently Michael & Marleen Denney are new owners. Our records show that the property is owned by Phillip M. Hoose. Our office would need a copy of the deed to show that your client has right title and interest to apply for this permit.

The lot at 8 Arlington Street is approximately 5,665 square feet in size. The R-3 Zone requires a minimum lot size of 6,500 square feet. Section 14-90(b) requires a minimum area per dwelling unit of 6,500 square feet. Section 14-388 states:

“A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.”

Because your lot does not meet the requirements of section 14-388, you can not enlarge your current structure, and therefore your permit must be denied.

Also the R-3 Zone requires a minimum rear setback of 25 feet under section 14- 90(d)2 instead of the 21 feet shown on your plan submittal. Your permit is also denied because the proposal does not meet the R-3 Zone rear setback.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Feel free to contact me at 874-8695 if you have any questions regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal", with a long horizontal flourish extending to the right.

Marge Schmuckal  
Zoning Administrator

CC: File

enclosure

*Sec. 14-388*

A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.  
(Code 1968, § 602.17.H)

**Sec. 14-389. Nonconformity as to off-street parking.**

A building or structure which is nonconforming as to the requirements for off-street parking shall not be enlarged or altered to create additional dwelling units, or seats as in the case of places of public assembly, or floor area as in the case of industrial, business, manufacturing, institutional or recreational buildings, or accommodations as in the case of hotels, tourist homes and tourist courts, unless required off-street parking is provided for such addition or enlargement.  
(Code 1968, § 602.17.I)

**Sec. 14-390. Nonconformity as to off-street loading.**

A building which is nonconforming as to the requirements for off-street loading shall not be enlarged or added to, unless off-street loading is provided sufficient to satisfy the requirements of this article for both the addition or enlargement and the original building or structure.  
(Code 1968, § 602.17.J)

**Sec. 14-391. Nonconformity as to number of dwelling units.**

- (a) *Purpose.* The purpose of this provision is to establish a process whereby certain dwellings which contain more dwelling units than the number permitted by the applicable provisions of the Land Use Code may be recognized as legal, nonconforming uses. This provision shall not apply to rooming units.
- (b) *Approval by Zoning Administrator.*

- (1) *Application.* Application for validation of such nonconforming dwelling units shall be on a form provided by the Division of Housing and Neighborhood Services, Inspection Services Office. The application fee will be \$300.00 for each dwelling unit which is the subject of the application, and will be accompanied by: (i) a plan, drawn to scale, which shows the location of the building(s) on the lot, parking, easements, dumpsters, fencing, public ways and any other significant feature and (ii) a floor plan for each unit in the dwelling, whether or not it is the subject of the application.

3 A FLINGTON STREET  
apparent r/w

55' +/-

Total Lot Square Footage 5665'

Total Lot Coverage by Current Structures

Total Lot Coverage by Proposed Structures

1420 SQ FT, 25%  
1582 SQ FT 28%

 WEIGEL CONSTRUCTION INC.  
12 MADOKAWA DO LANDING  
FALMOUTH, MAINE 04105

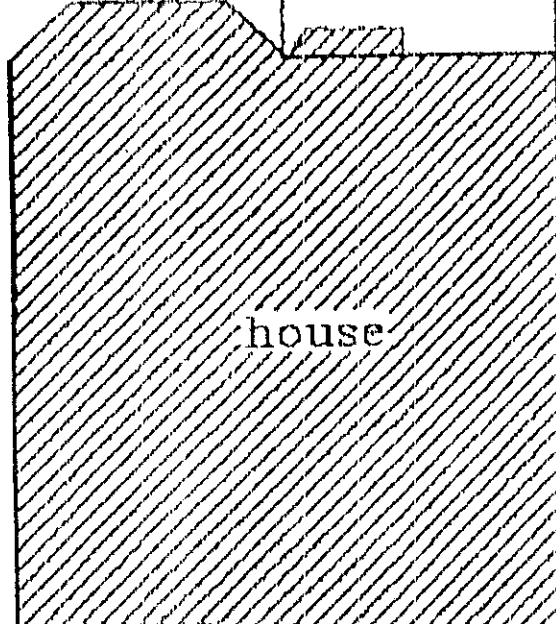
Plot Plan  
1" = 10' 0"

nd  
y

104' +/-

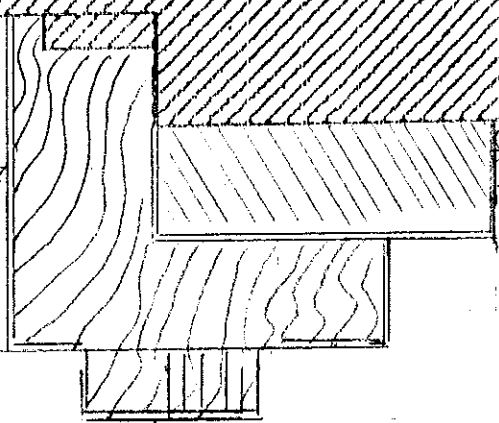
104' +/-

porch



house

paved  
drive

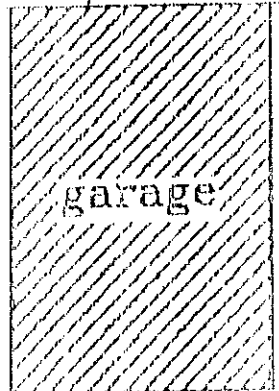


Steel Bulkhead  
Door

14' 6"

12' 0"  
15' 0"

25' 6"

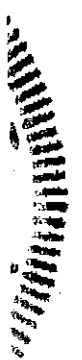


garage

(fence)

55' +/-

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IP

THIS IS NOT A BOUNDARY SURVEY

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MORTGAGE REFERENCE OF: DEED BOOK 7924 PAGE 209 COUNTY Cumberland  
 PLAN BOOK --- PAGE --- LOT ---

ADDRESS: Arlington Street, Portland, Maine

Job Number: 663-65

Buyers: Marleen E. & Michael T. Denney

Inspection Date: 5-26-09

Scale: 1" = 20'

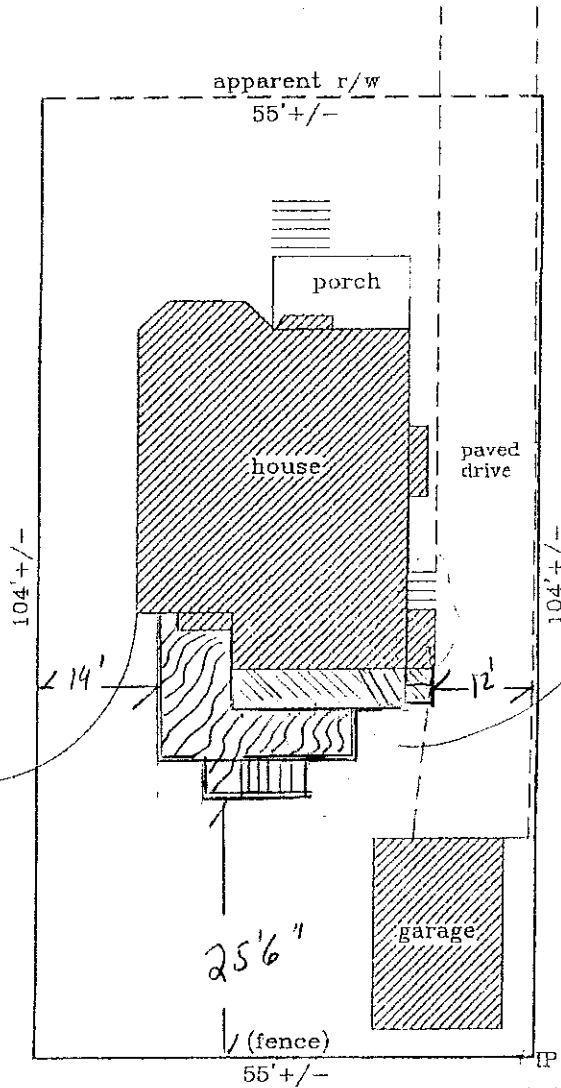
Seller: Philip M. Hoose

Client File #: 0209-00555

Arlington Street

to Woodford St.

2 1/2 story wood structure w/ stone & masonry foundation



Note:  
 Lines of occupation are shown.  
 A boundary survey may yield different results.



I HEREBY CERTIFY TO: Market Street Settlement Group, LLC; NE Moves Mortgage, LLC and its title insurer.  
 Encumbrances found did not conflict with the deed description.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

copyright

The dwelling setbacks do not violate town zoning requirements.

As delineated on the Federal Emergency Management Agency Community Panel 230051-0001.

The structure does not fall within the special flood hazard zone.

The land does not fall within the special flood hazard zone.

A wetland delineation has not been performed.

Livingston-Hughes

Professional Land Surveyors

88 Guinea Road

Kennebunkport, Maine 04046

207-967-3761 phone 207-967-4831 fax

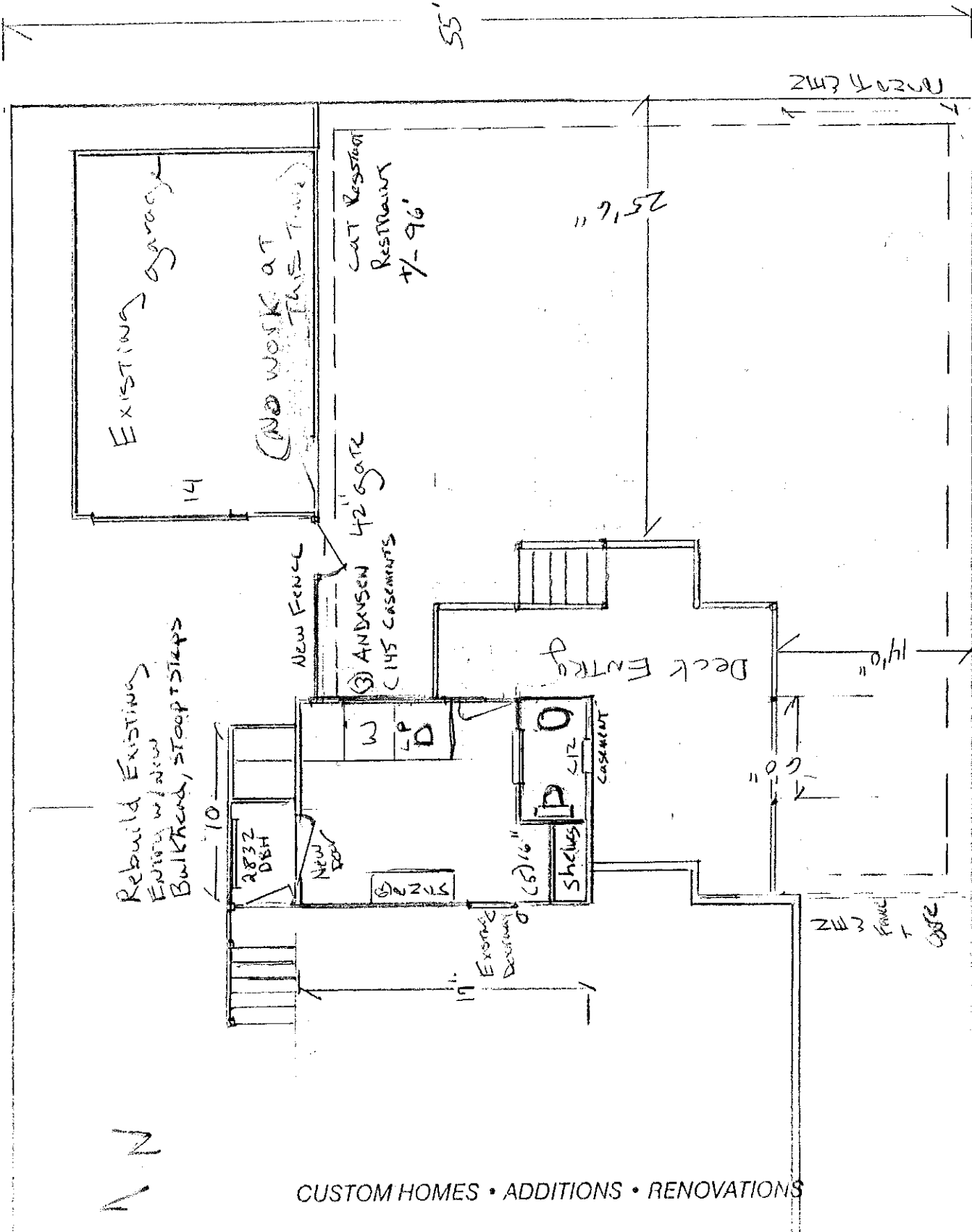
www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY



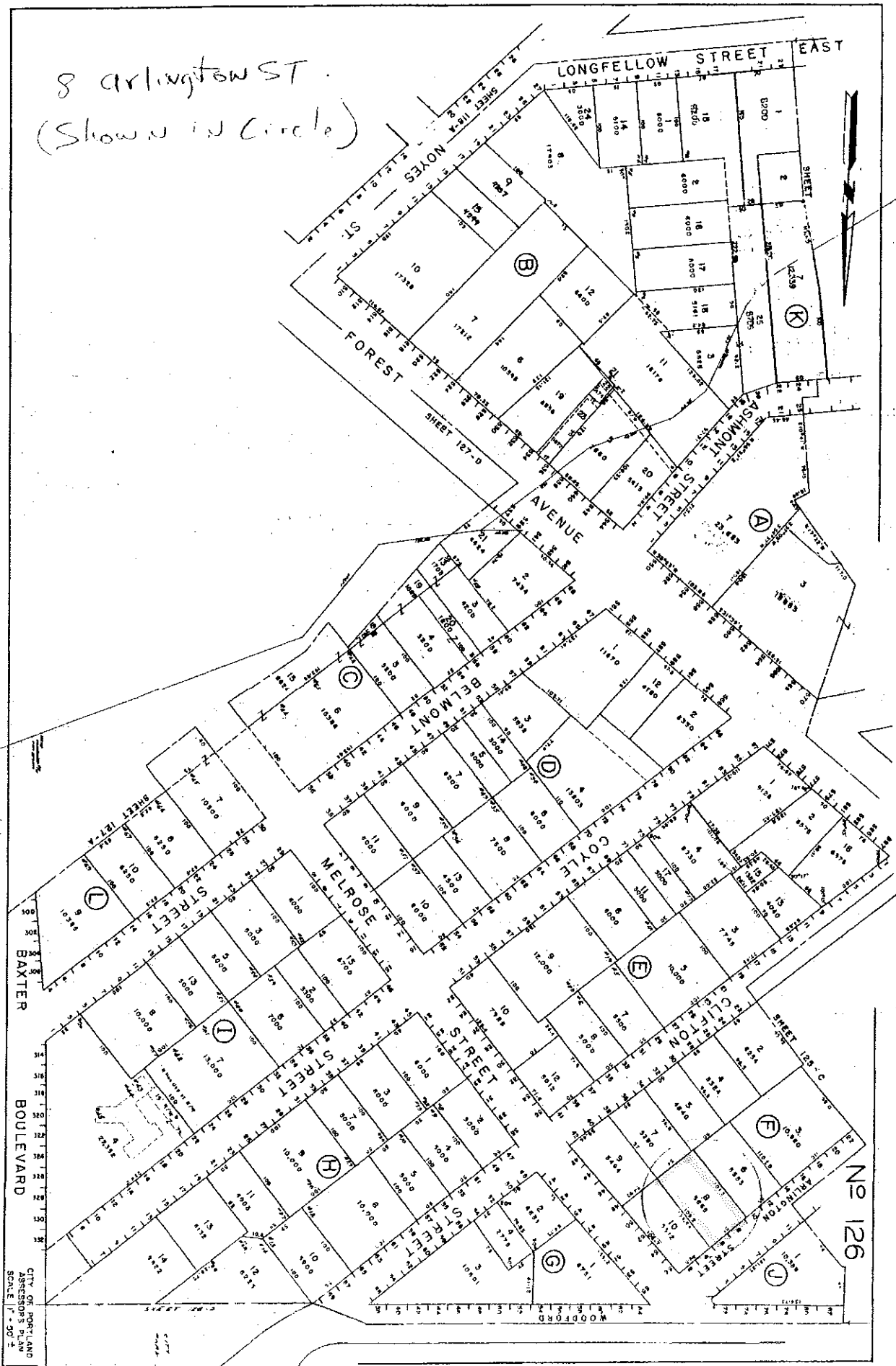
# WEIGEL CONSTRUCTION

Ben Weigel • 12 Madokawando Ldg. • Falmouth, ME 04105 (207) 781-5569

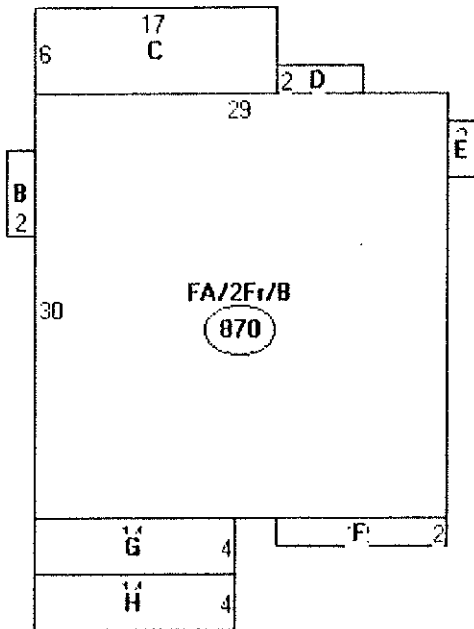


DENNEY addition + STEPS 7-30-09  
 Floor and Rear yard plw 1/8" = 16"

8 arlington ST.  
(shown in circle)



City of Portland  
Assessor's Plan  
Scale 1" = 50' ±  
REBORN 9-78

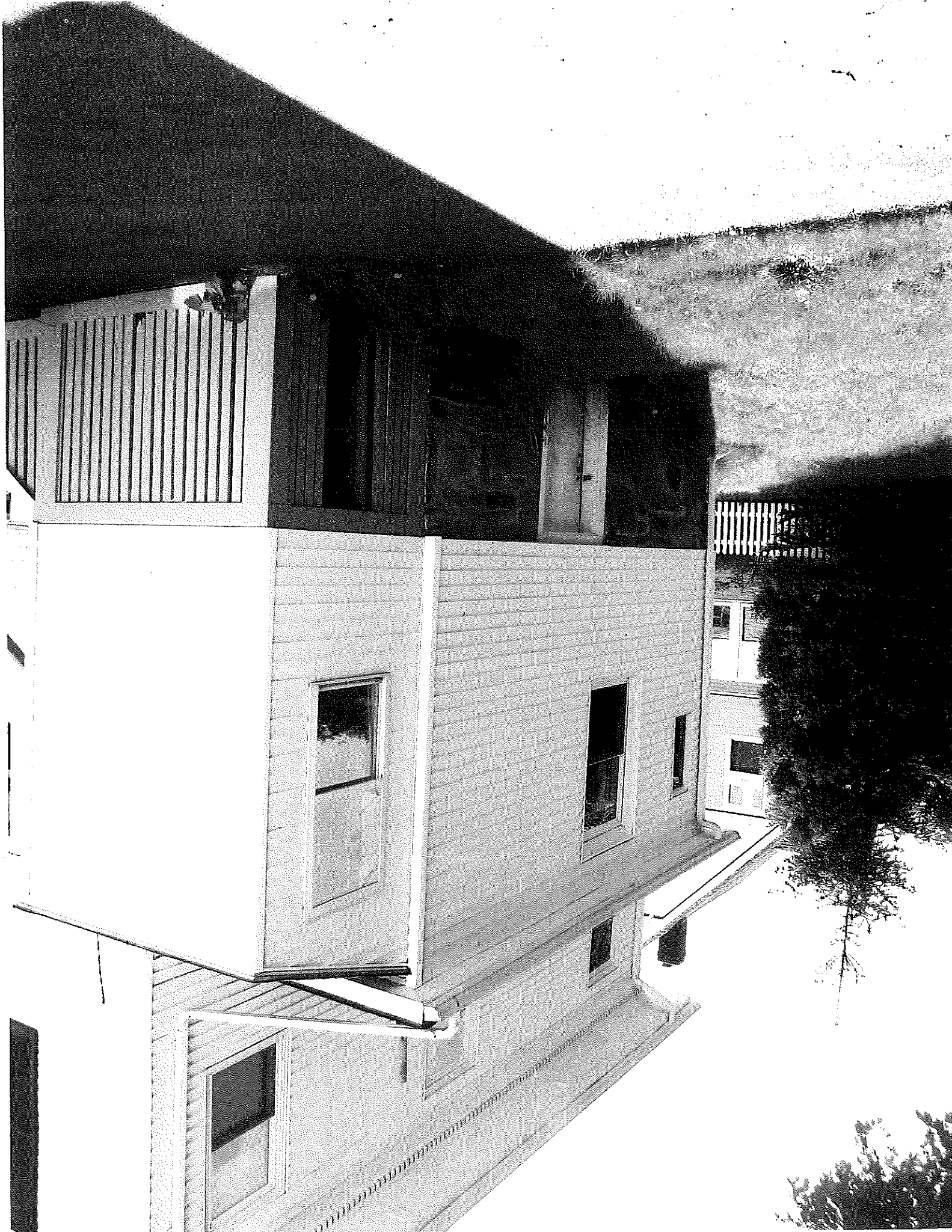


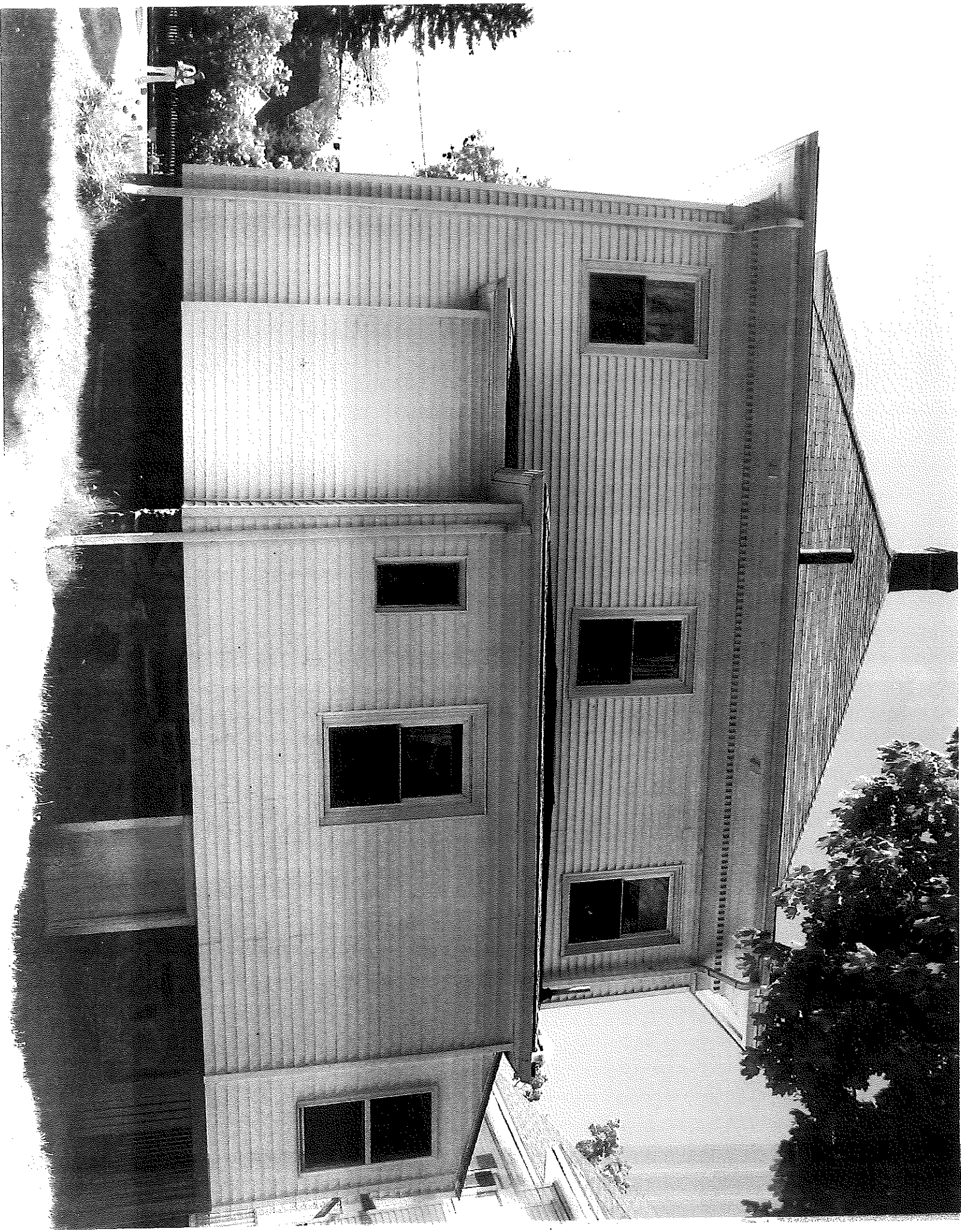
Descriptor/Area

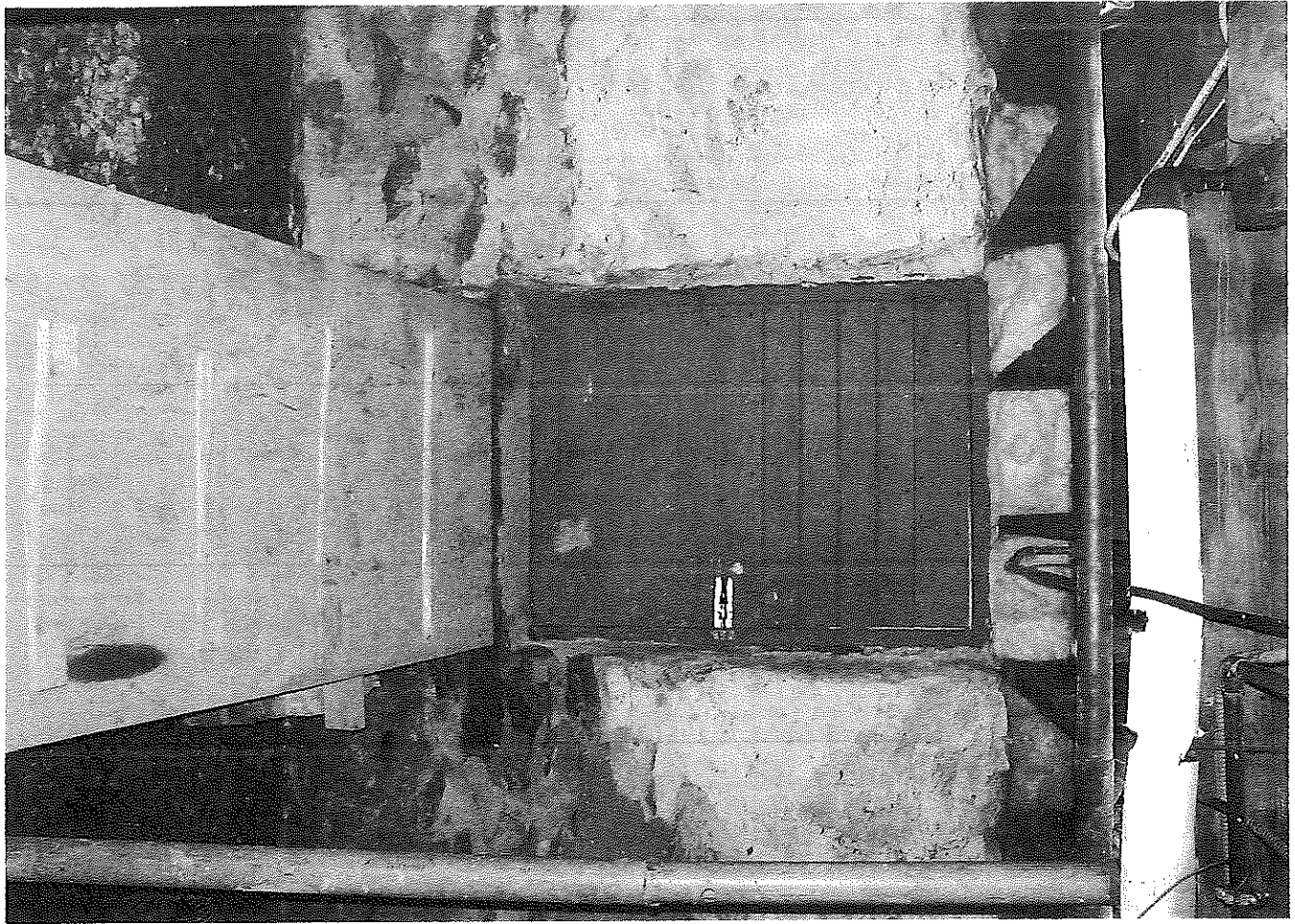
- A: FA/2Fr/B  
870 sqft
- B: FBAY  
12 sqft
- C: 1Fr  
102 sqft
- D: 1Fr  
12 sqft
- E: FBAY  
8 sqft
- F: 2FBAY/B  
24 sqft
- G: FOH/OP  
56 sqft
- H: OFP  
56 sqft













MAINE REAL ESTATE TAX PAID

Return to:

Michael T. Denney and Marleen E. Denney  
8 Arlington Street  
Portland, ME 04101

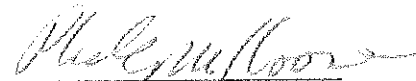
**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS: That I, **Phillip M. Hoose**, of 8 Arlington Street, Portland, ME 04101, for consideration paid, grant to **Michael T. Denney and Marleen E. Denney**, of 541 Kentucky Avenue SE, Washington, DC 20003, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

SEE ATTACHED EXHIBIT A.

MEANING and INTENDING to describe and convey the same premises conveyed to Shoshana Hoose and Phillip M. Hoose by deed of Yves F. Dalvet dated August 14, 1987 recorded at Book 7924, Page 209 in the Cumberland County Registry of Deeds. See also Abstract of Divorce Decree dated September 9, 2003 recorded at Book 20144, Page 113 in the Cumberland County Registry of Deeds.

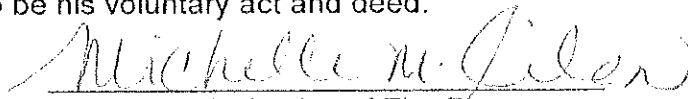
Executed this 17<sup>th</sup> day of July, 2009.

  
Phillip M. Hoose

State of ME  
County of Cumberland

July 17, 2009

Then personally appeared before me the said Phillip M. Hoose and acknowledged the foregoing to be his voluntary act and deed.

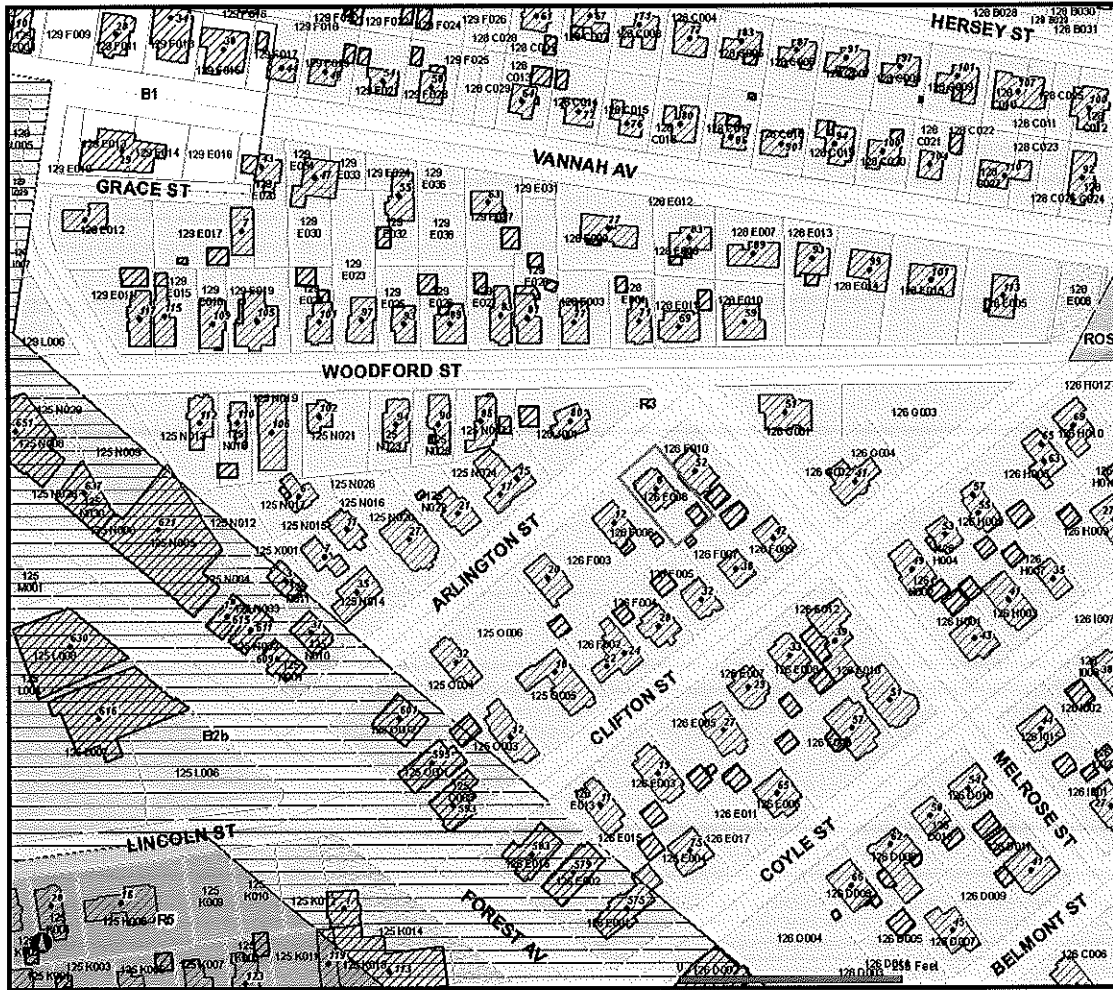
  
Notary Public/Justice of The Peace  
Printed Name: Michelle M. Gileon  
Commission expiration: 7/13/2013

### EXHIBIT A

A certain lot or parcel of land, with the buildings thereon, situated on the southeasterly side of Arlington Street at Woodfords, co-called, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on said Arlington Street at the northeasterly corner of the lot of land conveyed to Wilbur C. Whelden by Frank W. Sparrow, and from said corner running on said sideline of said street northeasterly fifty-five (55) feet to a stake and corner, and from these two points extending and running back southeasterly from Arlington Street and adjoining said Whelden land and preserving the uniform width of fifty-five (55) feet a distance of one hundred four (104) feet, more or less, and to the rear line of this land, to wit, the rear line of the lots of land formerly of Ann W. Sparrow situated on the northwesterly side of Clifton Street, together with the right to the use of Arlington Street and also together with and subject to the right to enter and use the main drain, all as more particularly set forth in a deed of the above premises from Patricia A. Townsend to Harold E. Blatt and Antoinette C. Blatt, dated October 20, 1976, recorded in the Cumberland County Registry of Deeds in Book 3926, Page 345.

Received  
Recorded Register of Deeds  
Jul 21 2009 11:25:24A  
Cumberland County  
Pasela E. Lovley



City of Portland  
GIS



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