

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

VARIANCE APPEAL

October 23, 1961

Leo Warner, owner of property at 32-40 Vannah Ave. & 29-31 Hersey 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:

Use for off-street parking in connection with retail business at 32-40 Vannah Avenue of rear portion of the lot which extends through and has frontage on Hersey Street. This permit is presently not issuable because that part of the lot where parking is to be located is in an R-3 Residence Zone in which the proposed use is not allowable.

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 circumstances 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.

Leo Warner
APPELLANT

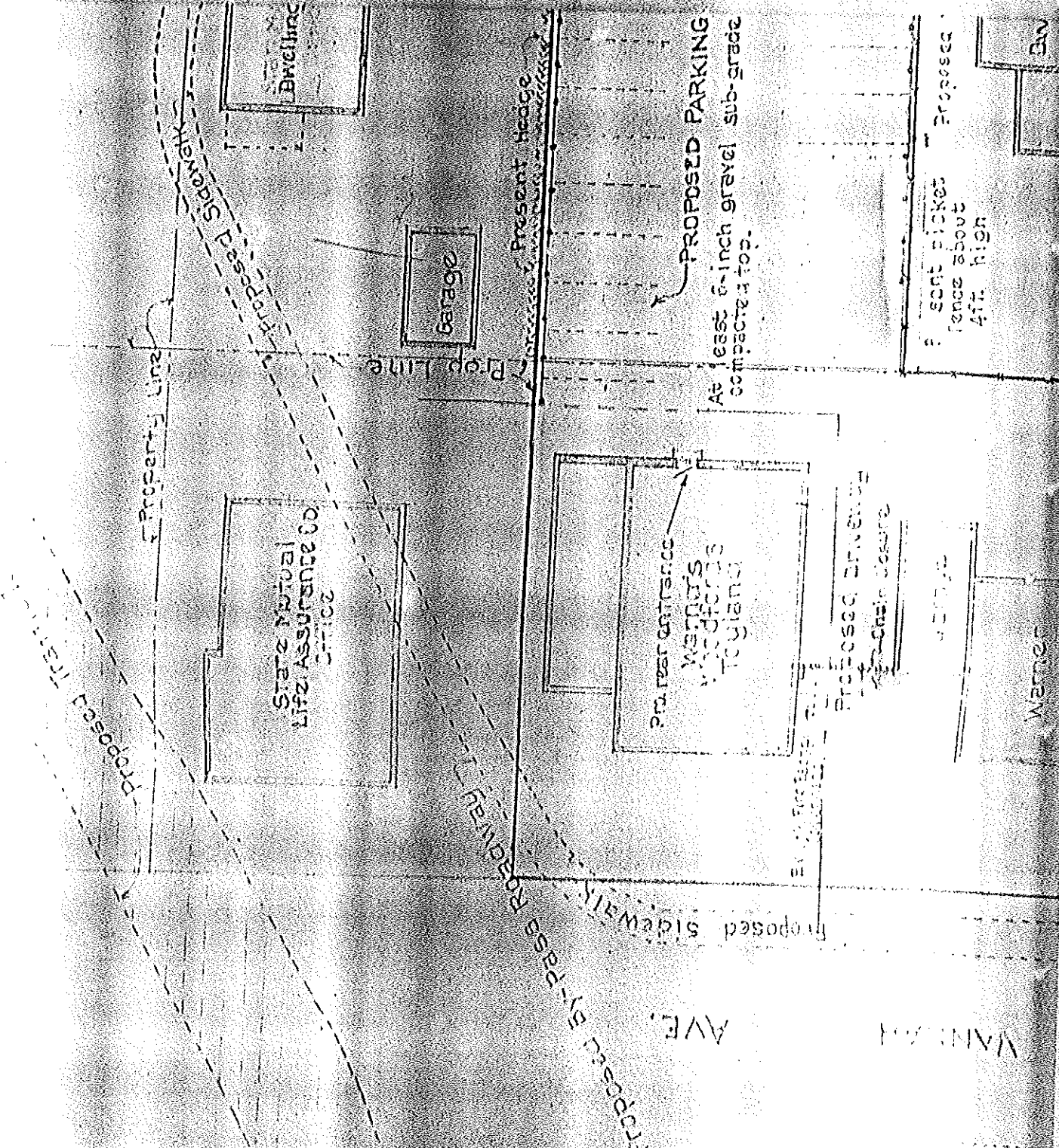
DECISION

After public hearing held November 16, 1961, the Board of Appeals finds that all of the above conditions do not exist with respect to this property and that a variance should not be granted in this case.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance should not be granted in this case.

Frank G. Nichol
Harry W. [unclear]
[unclear]
BOARD OF APPEALS

1961



AVE.

WARNER

Proposed fence about 4ft. high

PROPOSED PARKING
At least 6-inch gravel sub-grade compacted top.

Present Hedge

Garage

State Mutual
Life Assurance Co.

Dwelling

Proposed Entrance
Warner's Toyland

Proposed Drive
Proposed Chain Closure

Warner

BN