



Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND

APPLICATION PROCESS FOR THE ZONING BOARD OF APPEALS

Eleven (11) separate packets of the following MUST be submitted to hold a place on the agenda:

1. A copy of Appeal application.
2. A cover Letter addressed to the *Zoning Board of Appeals* stating what you want to do.
3. A plot plan showing the site and location of all structures, existing and proposed, in relation to the lot lines AND, if applicable, indicating parking. Lot size and setback dimensions must be shown.
4. A floor plan, if applicable, showing dimensions of existing and proposed rooms and/or structures.
5. A copy of the tax map (obtained in the Assessor's Office) with the property highlighted.
6. Photos of the property
7. Deed, sales agreement, lease or intent to lease.
8. Owner, lessee, prospective purchase or legal representation, must sign the application.
9. A letter from the property owner, giving permission to the applicant to represent the property, if applicable.
10. All plans must also be folded neatly with each packet and banded.
11. A complete copy in PDF form

If additional information is needed to complete the packet for the ZBA, you will be notified. Please make sure you include a contact phone number on your cover letter. If we cannot contact you, the item will be tabled until the next regular meeting.

The application fee is \$100.00 to appear before the ZBA. ***This fee is nonrefundable.*** Please note that the applicant is also responsible for the \$50.00 processing fee, the cost of the legal ad in the Portland Press Herald, and the cost of sending abutters notification within 500' of the subject property. ***The City of Portland will bill you for the processing fee, legal ad, and abutter's notification.***

You may apply for an appeal/permit at City Hall, Room 315. If you choose to file on the deadline date, please note that applications are accepted ONLY until noon. ***You will be sent a letter confirming the time and date of the meeting along with an agenda.***

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CITY OF PORTLAND
ZONING BOARD OF APPEALS
Interpretation Appeal Application

APPLICANT INFORMATION:

STEPHEN E. MARDIGAN
NAME

N/A
BUSINESS NAME

460 BAXTER BLVD
ADDRESS

207-831-8762
TELEPHONE #

OWNER
APPLICANT'S RIGHT, TITLE OR INTEREST
(eg; owner, purchaser, etc)

R-3
CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:
LAND w/ ILLEGAL

ACCESSORY GARAGE

TYPE OF RELIEF REQUESTED:

SEPARATION OF 31 HERSEY ST FROM 34
VANNAH AVE TO BUILD SINGLE-FAMILY HOUSE

SUBJECT PROPERTY INFO:

31 HERSEY ST
PROPERTY ADDRESS

129-F-14
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER INFO (if Different):

SAME
NAME

ADDRESS

Disputed Provisions from Section 14:

14-47 ≠ 14-433 (#)(1)

Order, decision, determination or interpretation under dispute:

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for an appeal as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]
SIGNATURE OF APPLICANT

July 15, 2016
DATE

Zoning Board of Appeals
City of Portland, Maine
Congress Street
Portland, Maine 04101

July 15, 2016

Re: Request for Lot Separation
31 Hersey Street & 34 Vannah Ave.

Dear Sirs / Madams

I am writing to request that you grant the applicant, Stephen Mardigan, a lot separation on the properties that the City claims to be a Single Lot.

The Lots in question are 34 Vannah Ave. and 31 Hersey Street and both lots are taxed as separate lots established in 1917 as Saunders Field Subdivision.

The City claims that these properties were joined by a walkway and roof line but Zoning can not find any Building Permits issued to do the work.

The applicant claims that the roof line joining was never a permanent structure but only to keep the " Rain" off the walkway between the main structure and a garage on the 31 Hersey St. lot. No permanence was ever established.

The Hersey Street lot established by subdivision in 1917 is no different that the other lots on Hersey St. and the applicant desires to build a single family house among other homes on a very desirable street.

The Applicant claims that the Structure on the Hersey St. lot,(a 24'x24' Garage) should not be considered an Accessory to the Vannah St. lot as it should only be an Accessory to the Hersey St. lot that does not have a primary structure, and in essence should not be considered but a mistake and allowed to be torn down. Accessory Units on different lots than that of the Primary structure should not be allowed.

The Board has a grand opportunity to finally settle a long series of questionable attempts to develop the entire property as a business zone. The applicant would like 34 Vannah Ave. to be a free standing building in the Vannah Ave. business zone and 31 Hersey St. to be a residential zone as Hersey st. is now residentially developed.

Your consideration as well as your favorable decision would be appreciated as well as appropriate in lieu that there was never a permanent relationship between these Lots.

Thank You.

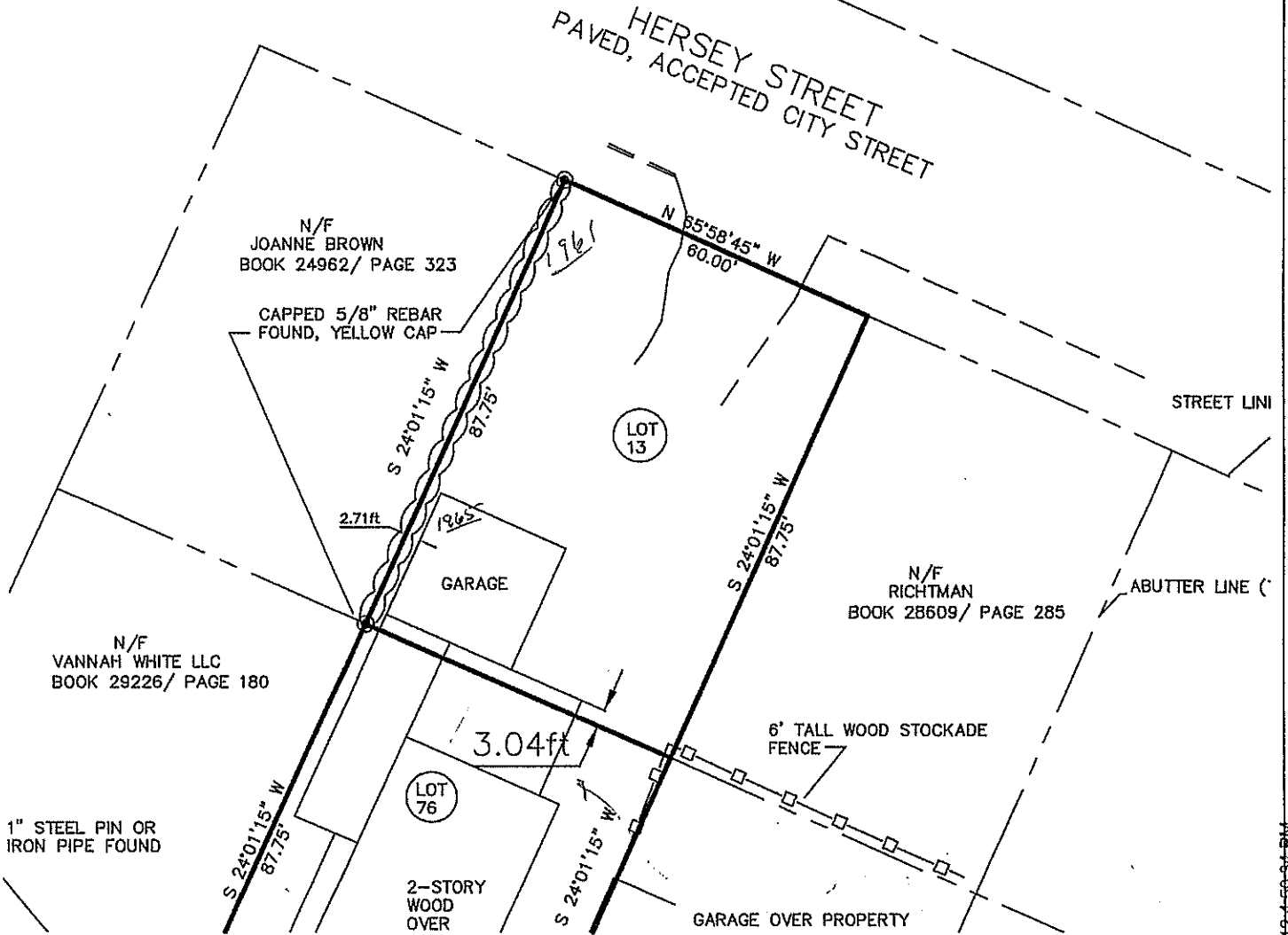
Stephen E. Mardigan
460 Baxter Blvd
Portland, Maine

Sincerely,



EXHIBIT A

HERSEY STREET
PAVED, ACCEPTED CITY STREET



PLAN SHOWING TAX MAP 129 BLOCK F LOTS 013 AND. 014
BEARINGS SHOWN ARE BASED UPON A MAGNETIC OBSERVATION TAKEN IN 2012.
THIS PLAN DEPICTS THE RESULTS OF LAND SURVEY TO RECREATE THE LOTS
DESCRIBED IN A DEED TO THE HEREIN OWENER STEPHEN E. MARDIGAN AS
DESCRIBED IN A DEED RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF
DEEDS IN DEED BOOK 29836, PAGE 44.
AREA OF EACH LOT: 5265, (13) DENOTES LOT NUMBER AS SHOWN ON THE
PLAN OF SAUNDERS FIELD DATED AUGUST 21, 1917 IN PLAN BOOK 13, PAGE
93.

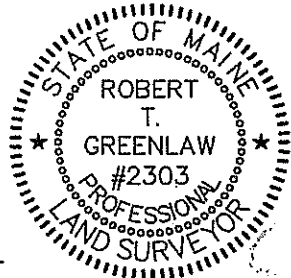


CERTIFICATE:

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE
FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01,
2001 WITH THE FOLLOWING EXCEPTIONS:

- a) NO WRITTEN REPORT
- b) NO NEW DESCRIPTION

ROBERT T. GREENLAW P.L.S., #2303
DATE: OCTOBER 15, 2012

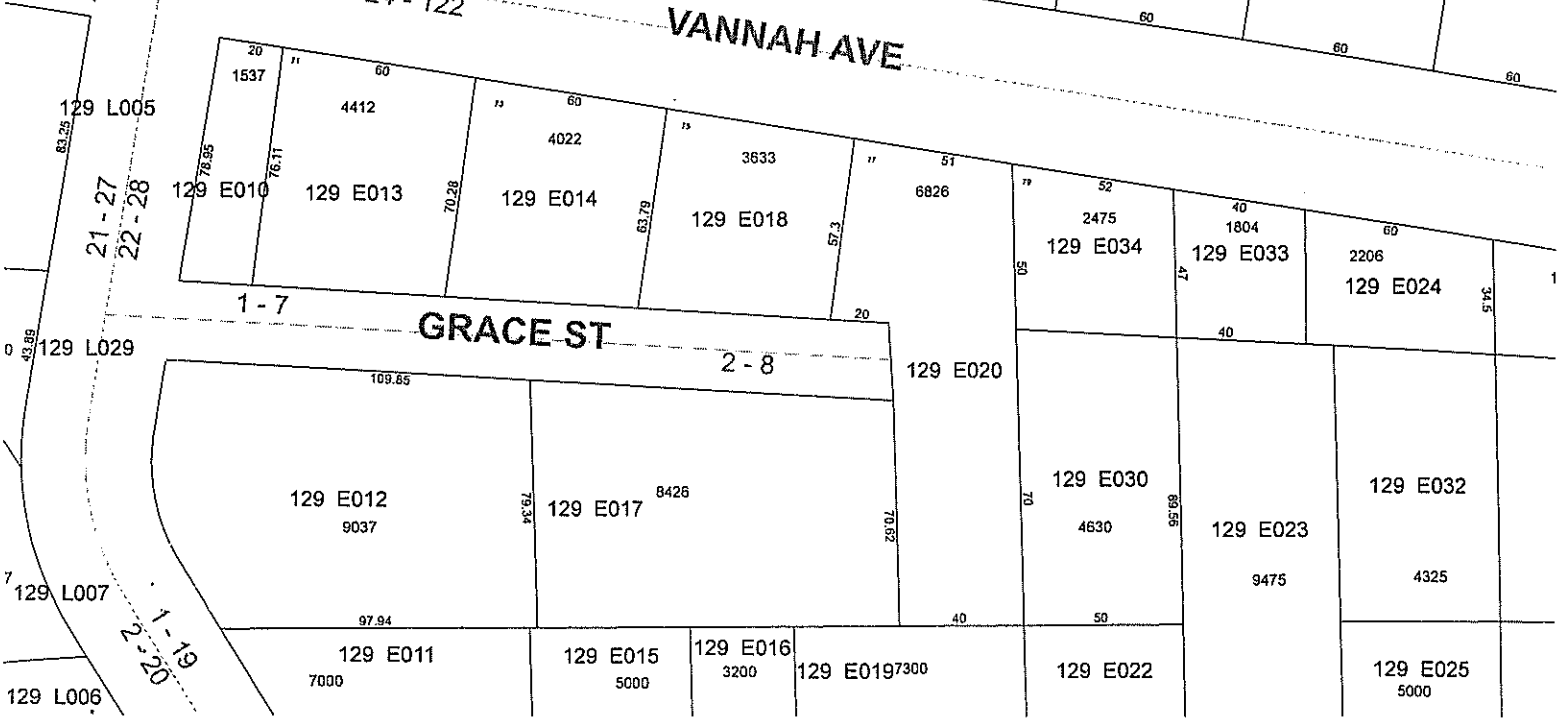
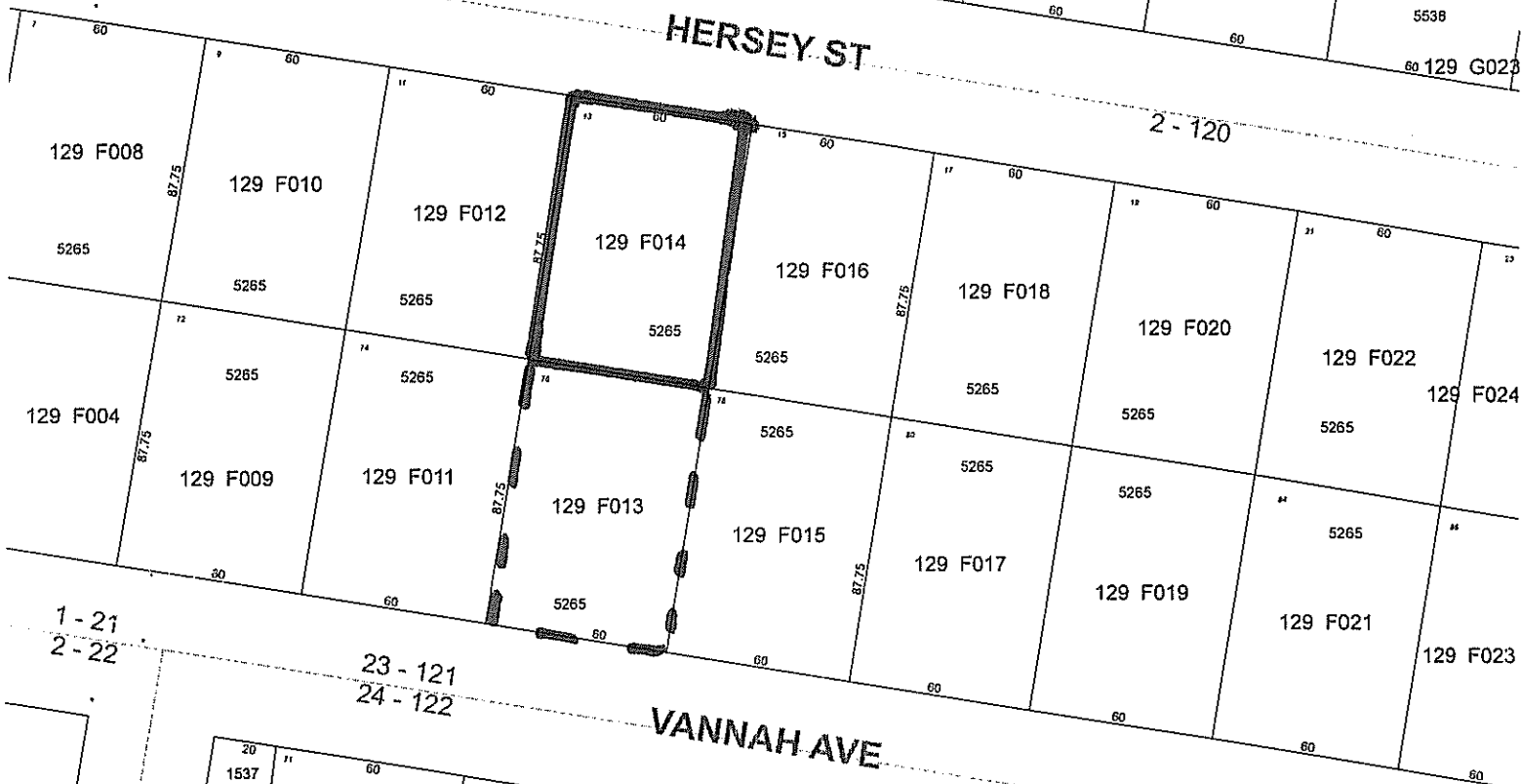
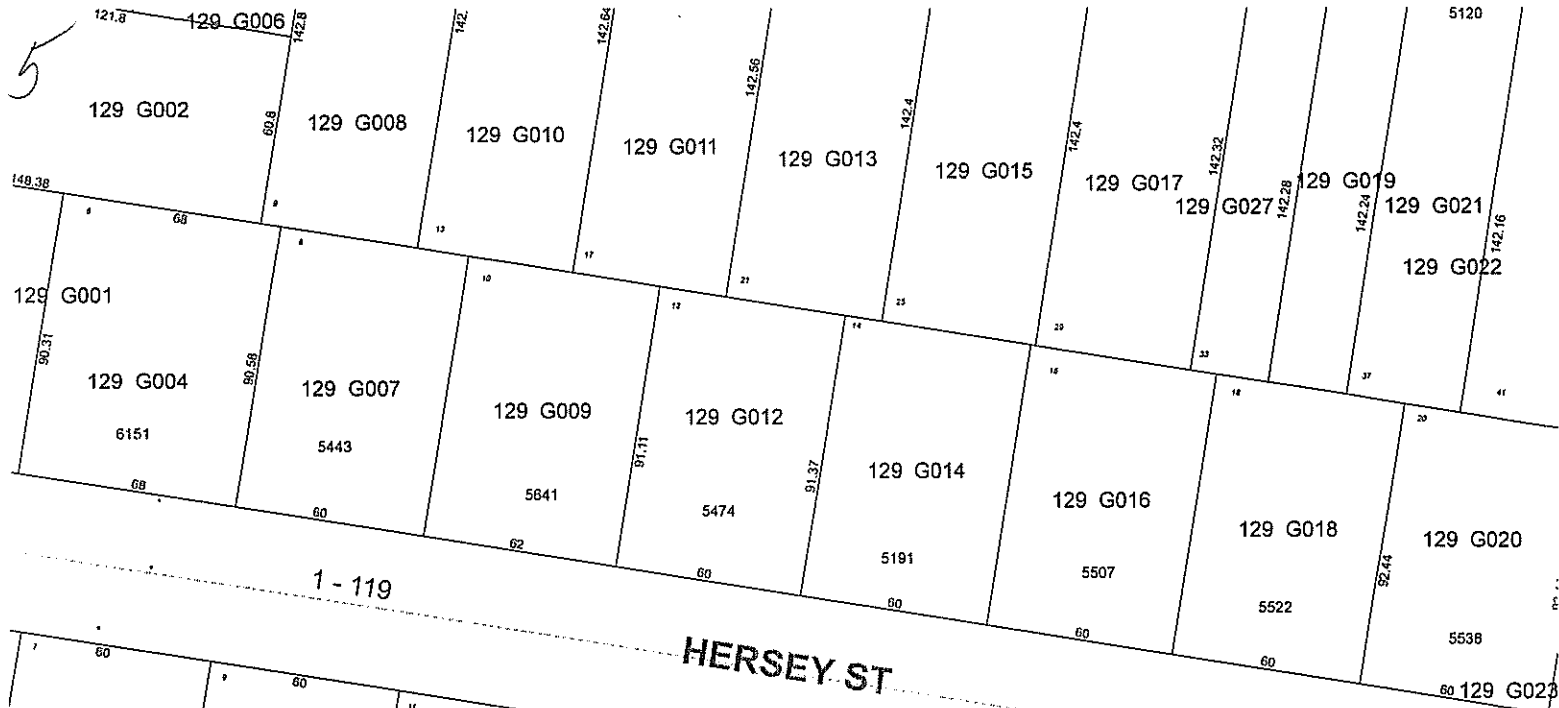


PLAN SHOWING BOUNDARY LINES

AT 34 VANNAH AVENUE
PORTLAND, MAINE
FOR: STEPHEN E. MARDIGAN

Prepared by
Robert T. Greenlaw
Professional Land Surveyor
PLS #2303
134 Portland Ave
Old Orchard Beach, ME 04064

Scale: 1"=30'	Date: 10/12/12	LT:
Drawn: RTG	Checked: KGG	Job: 2012042



QUITCLAIM DEED WITHOUT COVENANT
(Release Deed)

Bangor Savings Bank, a banking entity having place of business in the City of Portland, State of Maine, for consideration paid, RELEASES to Stephen E. Mardigan of 460 Baxter Blvd., Portland, Maine 04103, the land situated in Portland, County of Cumberland and State of Maine, and being more particularly described as follows:

A certain lot or parcel of land, with the buildings thereon, situated on the northeasterly side of Vannah Avenue in the City of Portland, County of Cumberland and State of Maine, being Lot No. 76 as shown on Plan of Saunders Field, recorded in Cumberland County Registry of Deeds in Plan Book 13, Page 93, to which plan reference is made for a more particular description.

Also a certain lot or parcel of land situated on the southwesterly side of Hersey Street in said Portland, being No. 31 on said street and described as Lot No. 13 on the Saunders Field Plan recorded in the Cumberland County Registry of Deeds in Plan Book 13, Page 93, to which plan reference is hereby made for a more particular description.

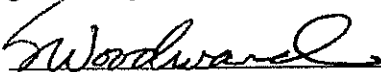
This deed is given pursuant to the Judgment of Foreclosure and Sale entered in the Cumberland County Superior Court, on March 13, 2012, in an action entitled Bangor Savings Bank v. Louis A. Geller a/k/a/ Louis A. Geller, Sr., Docket No. PORSC-RE-11-426, for the foreclosure of a mortgage recorded in the Cumberland County Registry of Deeds in Book 23957, Page 199. Pursuant to said Judgment, the period of redemption having expired, a Notice of Public Sale was published in the Maine Sunday Telegram, a newspaper of general circulation in Cumberland County, Maine, on June 17, June 24 and July 1, 2012. Pursuant to said Notice of Public Sale, the foreclosure sale was conducted on July 18, 2012, at which sale Stephen E. Mardigan was the highest bidder.

IN WITNESS WHEREOF, Bangor Savings Bank has caused this instrument to be executed by Scott Woodward, its Vice President, of thereunto duly authorized, this 13th day of August, 2012.

WITNESS:



Bangor Savings Bank

By: 

Its: V. P.

MAINE REAL ESTATE TAX PAID

State of Maine
County of Cumberland, ss.

August 13, 2012

Personally appeared the above-named Scott Woodward, Vice President of Bangor Savings Bank and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Nancy A. Davis

Notary Public

Typed Name:

NANCY DAVIS
Notary Public, Maine
My Commission Expires February 23, 2014

SEAL

Received
Recorded Register of Deeds
Aug 14, 2012 01:19:29P
Cumberland County
Pamela E. Lovley

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Zoning Board of Appeals

July 15, 2016

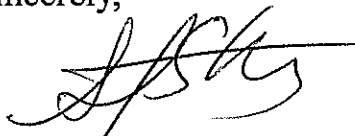
Re: 31 Hersey St.

Sirs / Madams,

I, Stephen Mardigan, give permission to Archie Giobbi, to represent me before the Zoning Board, in my application for lot separation at 31 Hersey Street.

Thank You.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Mardigan', written over a horizontal line.

Stephen E. Mardigan
460 Baxter Blvd.
Portland, Maine 04103

A

Know all Men by these Presents, That

Fernald Park Corp., a Corporation organized and existing under the laws of the State of Maine, and located at Portland, in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations, paid by William K. Buck, of said Portland,

See
Book 2630
Page 114

the receipt whereof it does do hereby acknowledge, does hereby, give, grant, bargain, sell and convey unto the said William K. Buck, his heirs and assigns forever, a certain lot or parcel of land situated on the southwesterly side of Hersey Street, in said City of Portland, being lot numbered 13, on a plan of Sanders Field, recorded in Cumberland County Registry of Deeds in Plan Book 13, Page 93, to which plan reference is made for a more particular description.

Being a part of the premises conveyed to Fernald Park Corp. by Ina Saunders Knight, et als, by deed dated February 25, 1946 and recorded in said Registry of Deeds, Book 1813, Page 28.

This conveyance is made subject to taxes for 1946 which the Grantee assumes and agrees to pay.

On this day and in full the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said William K. Buck, his heirs and assigns, to his and

U.S.I.R.
\$1.10
F.P.C. by
C.W.B.Tr.

their use and behoof forever. And the said Grantor Corporation does hereby covenant with the said Grantee, his heirs and assigns, that it is lawfully seized in fee of the premises; that they are free of all incumbrances; except as aforesaid;

that it has have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors heirs, shall and will warrant and defend the same to the said Grantee, his

heirs and assigns forever, against the lawful claims and demands of all persons.

except as aforesaid; In Witness Whereof, the said Fernald Park Corp., has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Clinton W. Benson, its Treasurer, thereunto duly authorized

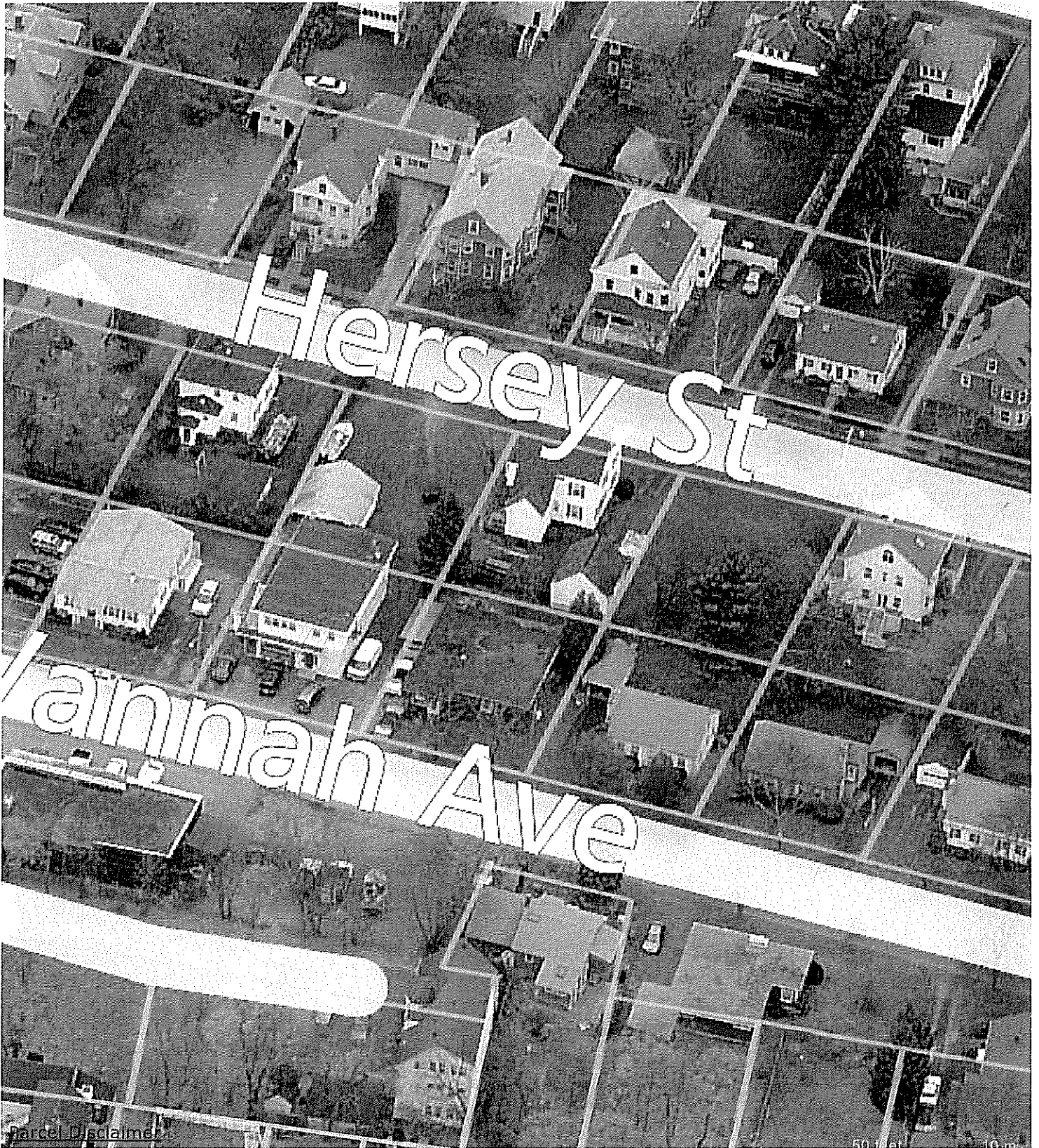
and seal-- this tenth day of April have hereunto set in the year of our Lord one thousand nine hundred and forty-six.

Signed, Sealed and Delivered in presence of
D. W. Philbrick FERNALD PARK CORP. CORPORATE SEAL
By: Clinton W. Benson Treasurer

County of Cumberland, ss. April 10, 1946 Then Personally appeared the above named Clinton W. Benson, Treasurer of said Grantor Corporation as aforesaid;

and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation, Before me, Donald W. Philbrick Justice of the Peace

Received April 11, 1946, at 2 o'clock 10 m. P. M., and recorded according to the original.



Parcel Disclaimer

Ruler
Legend

Map Google Street View

Automatic

Click any parcel for parcel details.



[Parcel Disclaimer](#)

[Ruler](#)

[Legend](#)