

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Philip Saucier-chair
Sara Moppin
Jill E. Hunter
Gordan Smith-secretary
Mark Bower
William Geiz
Elyse Wilkinson

December 3, 2010

Clifford Bagley
236 Pleasant Avenue
Portland, ME 04103

RE: 236 Pleasant Avenue
CBL: 133 G014
ZONE: R-5

SCANNED

Dear Mr. Bagley:

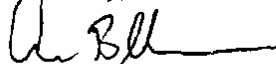
At the December 2, 2010 meeting, the Zoning Board of Appeals voted 5-0 to deny your practical difficulty appeal to legalize the existing third unit based on the deficiency of the lot size per dwelling unit. This means that the third dwelling unit is not permitted. I have enclosed a copy of the Board's decision. I have also enclosed a receipt for the final payment for the fees for the appeal.

For the present you do not need to vacate the illegal unit on the third floor. Because of your unique family situation, the City is pursuing other options to allow you to keep the unit while your current family circumstances remain. If no option can be agreed upon, the City will notify you of what the next steps will be regarding the third unit.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,



Ann B. Machado
Zoning Specialist

Cc. file

2

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: December 2, 2010

Name and address of applicant: Clifford Bagley
236 Pleasant Ave.
Portland, ME 04103

Location of property under appeal: 236 Pleasant Ave.

For the Record:

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

Applicant

Danielle Bagley 236 Pleasant Ave. Portland, ME 04103

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

None.

Findings of Fact and Conclusions of Law:

The applicant owns a three-unit multiplex in the R-5 Residential Zone. The legal use of the property is a legally non-conforming 2-unit, due to the fact that there were two dwelling units prior to the ordinance. The property does not meet the required minimum land area per dwelling unit of 6,000 square feet per dwelling unit to allow for a third unit. The applicant's lot is 4,900 square feet.

"Practical Difficulty" Variance standard pursuant to Portland City Code §14-473(c)(3):

1. The application is for a variance from dimensional standards of the zoning ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied Not Satisfied

Reason and supporting facts:

satisfied because the variance is for area per dwelling unit.

2. Strict application of the provisions of the ordinance would create a practical difficulty, meaning it would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant. "Significant economic injury" means the value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

Satisfied Not Satisfied (3-2)

Reason and supporting facts:

No evidence that value of property if variance were denied would be lower than value of property if variance were granted.

19

3. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Satisfied Not Satisfied ~~Per~~ (1-4)

Reason and supporting facts:

Lot size of the applicant's property
is similar to the lot sizes of abutting properties.

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties.

Satisfied Not Satisfied

Reason and supporting facts:

Granting variance would produce no change.
Circumstances are currently existing.
No testimony of evidence to demonstrate an undesirable change.

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied Not Satisfied

Reason and supporting facts:

~~Per~~ Per letter from Zoning Administrator
and testimony of applicant, 3rd unit was
installed by the applicant in 1989.

6. No other feasible alternative is available to the applicant, except a variance.

Satisfied Not Satisfied (4-1)

Reason and supporting facts:

Per testimony no other ^{feasible} alternatives were presented to the board.

7. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

Satisfied Not Satisfied

Reason and supporting facts:

No effect on the environment per application.

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. § 435, nor within a shoreland zone or flood hazard zone.

Satisfied Not Satisfied

Reason and supporting facts:

Per zoning administrator.

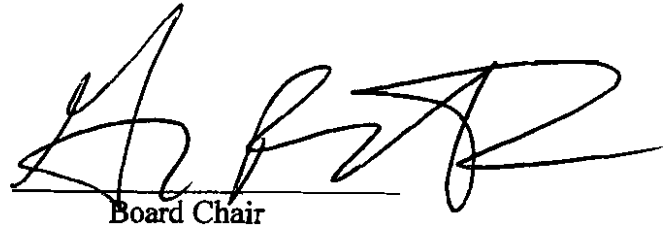
Conclusion: (check one)

Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application.

Option 2: The Board finds that while the standards described above (1 through 8) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that the standards described above (1 through 8) have NOT all been satisfied and therefore DENIES the application.

Dated: 12/2/10


Board Chair

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: December 3, 2010

RE: Action taken by the Zoning Board of Appeals on December 2, 2010.

Members Present: Gordon Smith (acting chair), Elyse Wilkinson (acting secretary), Mark Bower, Jill Hunter, and William Getz

Members Absent: Phil Saucier and Sara Moppin

1. New Business:

A. Practical Difficulty Variance Appeal:

236 Pleasant Avenue, Barbara & Clifford Bagley, owners, Tax Map 133, Block G, Lot 014, R-5

Residential Zone: The applicants are seeking a variance from the minimum land area per dwelling unit requirement. The legal use of the property is two dwelling units. A third dwelling unit exists on the third floor. The applicants would like to keep the third unit, but the property does not meet the minimum land area per dwelling unit requirement for three dwelling units. Section 14-117(a)(2)(a) states that the land area per dwelling unit requirement for a multiplex is 6,000 square feet. The applicants' lot is 4,900 square feet instead of the 18,000 square feet required. Representing the appeal are the owners. **The Board voted 5-0 to deny the practical difficulty appeal to reduce the amount of land area required per dwelling unit for a multiplex.**

Enclosure:

Decision for Agenda from December 2, 2010

Original Zoning Board Decision

One dvd

CC: Joseph Gray, City Manager

Penny St. Louis Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

Members Present: Gordon Smith, Acting Chair, Elyse Wilkinson ^{Acting Sec.}
Mark Bower, Bill Getz, Jill Hunter
CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Members Absent - Sam Moppin - Phil Saucier

APPEAL AGENDA

Called to order at 6:30 pm -

The Board of Appeals will hold a public hearing on Thursday, December 2, 2010 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeal:

1. New Business:

A. Practical Difficulty Variance Appeal:

5-0
Denied

236 Pleasant Avenue, Barbara & Clifford Bagley, owners, Tax Map 133, Block G, Lot 014, R-5 Residential Zone: The applicants are seeking a variance from the minimum land area per dwelling unit requirement. The legal use of the property is two dwelling units. A third dwelling unit exists on the third floor. The applicants would like to keep the third unit, but the property does not meet the minimum land area per dwelling unit requirement for three dwelling units. Section 14-117(a)(2)(a) states that the land area per dwelling unit requirement for a multiplex is 6,000 square feet. The applicants' lot is 4,900 square feet instead of the 18,000 square feet required. Representing the appeal are the owners.

2. Adjournment:

7:35



#10 - 595 00013

City of Portland, Maine
Planning and Development Department
Zoning Board of Appeals
Practical Difficulty Variance Application

Applicant Information:

Name Cliff W Bagley (Basley)

Business Name
236 PLEASANT AVE

Address
PORTLAND, ME 04103

Telephone 77 35595 Fax —

Applicant's Right, Title or Interest in Subject Property:
OWNER
(e.g. owner, purchaser, etc.):

Current Zoning Designation: RT

Existing Use of Property:
3 FAMILY HOUSE

Subject Property Information:

236 Pleasant Ave.
Property Address

133-6-014
Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):
Name

Address

Telephone Fax

Practical Difficulty Variance from Section 14 - 117(a)(2)(c)
§14-120(1)(b)

RECEIVED

NOV - 4 2010

Dept. of Building Inspections
City of Portland Maine

SCANNED

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

The undersigned hereby makes application for a Practical Difficulty 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.

Cliff W Bagley
Signature of Applicant

NOV 4, 2010
Date

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Board of Appeals may grant a variance from the dimensional standards of this article when strict application of the provisions of the ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

1. The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood:

IT WOULD NOT AFFECT THE GENERAL CONDITIONS
IN NEIGHBORHOOD.

2. The granting of the variance will not have an unreasonably detrimental effect on either the use or fair market value of the abutting properties:

IT WILL NOT AFFECT THE FAIR MARKET
VALUE OF THE ABUTTING PROPERTIES.

3. The Practical Difficulty is not the result of action taken by the applicant or a prior owner:

DUE TO THE STRICT APPLICATION OF THE DIMENSIONAL STANDARDS,
IT WOULD PRECLUDE USE OF KITCHEN RESULTING IN SEVERE ECONOMIC
INJURY TO APPLICANT AND FAMILY.

4. No other feasible alternative is available to the applicant, except a variance:

THE USE OF APPLIANCES + SINK IN THIS
FLOOR APT. IS ESSENTIAL.

5. The granting of a variance will not have an unreasonably adverse effect on the natural environment:

IT WILL NOT HAVE ANY ADVERSE EFFECT ON
THE NATURAL ENVIRONMENT.

6. Strict application of the dimensional standards of the ordinance to the subject property will preclude a use which is permitted in the zone in which the property is located:

DUE TO DIMENSIONAL STANDARDS OF SUBJECT PROPERTY,
THE STOVE REFRIGERATOR AND KITCHEN SINK WOULD HAVE TO BE
REMOVED.

7. Strict application of the dimensional standards of the ordinance to the subject property will result in significant economic injury to the applicant:

IT COULD FORCE OWNER TO SELL PROPERTY.

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. Section 435, nor within a shoreland of flood hazard zone as defined in this article:

THE PROPERTY IS NOT LOCATED NEAR A SHORELAND
AREA. IT IS NOT NEAR A SHORELAND OF FLOOD HAZARD ZONE.

The following words have the meanings set forth below:

- a.) Dimensional Standards: Those provisions of this article which relate to lot area, lot coverage, frontage and setback requirements.
- b.) Practical difficulty: A case where strict application of the dimensional standards of the ordinance to the property for which a variance is sought would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant.
- c.) Significant Economic Injury: The value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

#1 Appeal Practical Difficulty Variance

#2 Reason for the appeal

#3 Medical documentation to support appeal

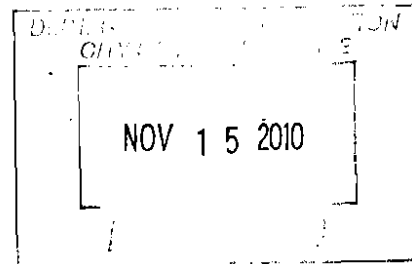
#4 Occupants living at 236 Pleasant Avenue

1st floor Daughter Kim Bagley

2nd floor Barbara & Clifford Bagley Owners

3rd floor Danielle Bagley & two daughters

Isabelle and Alexandra Strickland



b. **#2 Reason for appeal**

Due to inspection of property at 236 Pleasant Avenue in 1989, the city assessor's office changed it from a two family to a three family. However, the city assessor's office failed to notify the zoning board of this change.

We applied for a building permit to replace a deck and fire escape in August 2010. We were informed that it was not a legal three family property by the zoning board.

We were informed that due to the property not being in compliance we would have to remove the kitchen sink, stove, and refrigerator from the third floor apartment. Our granddaughter Danielle and two great granddaughters Alexander & Isabelle live there.

We will illustrate the necessity for Danielle to have use of these appliances and sink.

Removing these items listed above, would force Danielle to violate agreements and set standards with DHHS. She would loose all funding. She would have to move to another apartment to fulfill these requirements. This would be a financial hardship for Danielle and her children.

This would not only put hardships on Danielle, but the entire family will be affected by the need to sell the property. This would be necessary due to the loss of income from Danielle contribution towards household expenses. We are on a very tight budget now.

Could agreement be made that if Danielle ever moved out, Cliff Bagley wouldn't rent out the 3rd floor.

It is our sincere hope that we can see things thru to a satisfactory conclusion. Thank you.

NOV 15 2010

ISABELLE STRICKLAND

AGE 4 ½ MEDICAL HISTORY #3

Adhd-combined type, autism. Cognitive disorder, smith magenis syndrome, von willabrans syndrome and sleep disorder.

She has tried several different meds in the last 2 ½ years. She has taken drugs from Ritalin to antipsychotic. All have failed and some with negative side effects. One such drug lowered her blood pressure to a very dangerous point. She has taken countless sleeping aids and all have failed.

Isabelle was just diagnosed with general epilepsy on Nov 2nd by Dr. Peter Morrison. She is taking an anti seizure drug called laminctut.

Isabelle is currently seeing different doctors for brain imaging, EEG, and GI doctor. She is seeing pediatrician, physiatrist, neurophysiatrist, neurologist and geneticist. She is in the process of being scheduled to go to Boston for further testing.

Attached are letters from Isabelle doctors.

Dr. Eller Popanoe, Dr. Victoria Dalzell, Dr. Peter Morrison & Dr. Stephen Rioux.

Danielle Bagley Age 26 Medical History

Danielle is dealing with asthma, arthritis, depression, and anxiety and just recently has been diagnosed with factor five-liedan mutation. She is dealing with several blood clots and has to be monitored week to week for her INR levels in her blood. She is going to Dr Boyd (hematologist) and Dr. Williams (liver specialist) in November due to her health problems. She has been taken to the emergency room for her asthma attacks in August and recently in October. On November 13th, Danielle was hospitalized for liver and kidney infections. She was put on several antibiotics

With all of the above hardships that Danielle is facing each day, we all feel that our family support is critical. We supply babysitting, transportation to doctor's office, hospital tests, and on occasion to and from the reach school.

NOV 15 2010

Maine Medical
PARTNERS
Pediatric Specialty Care

October 29, 2010

Division of Developmental-
Behavioral Pediatrics

Victoria P. Dalzell, MD
Medical Director

Carol L. Hubbard, MD, MPH, PhD
Division Director

Michele Rock, DO

Ellen Popenoe, PhD, MPH

Erinly Siegel, PsyD

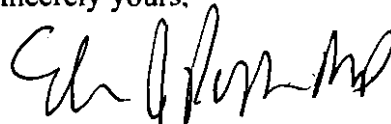
To Whom It May Concern:

I am writing this letter in regards to Isabelle Strickland and her family, including her mother Danielle Bagley. Isabelle, her mother and her sister live in an apartment above Ms. Bagley's parents and grandparents. Isabelle has a diagnosis of Autistic Disorder and a Cognitive Disorder. As a result of these disorders, she has severe behavioral challenges. She also has complex medical needs, including gastrointestinal problems, possible seizures, and a sleep disorder.

It is my understanding that now she is being required to remove her kitchen. As I wrote in a previous letter, Ms. Bagley needs to live in a building with her parents and grandparents, as these family members are essential to caring for Isabelle and her complex needs as well as meeting her older sister's needs. However, DHHS also requires Ms. Bagley to maintain a separate apartment if she is to receive assistance. By removing the kitchen, she will no longer meet this criteria and will be forced to move.

Once again, I strongly urge you to work with Isabelle's mother and extended family to ensure they can maintain a housing situation Ms. Bagley and her daughters have their own apartment but the many needs for Isabelle's care can be met.

Sincerely yours,



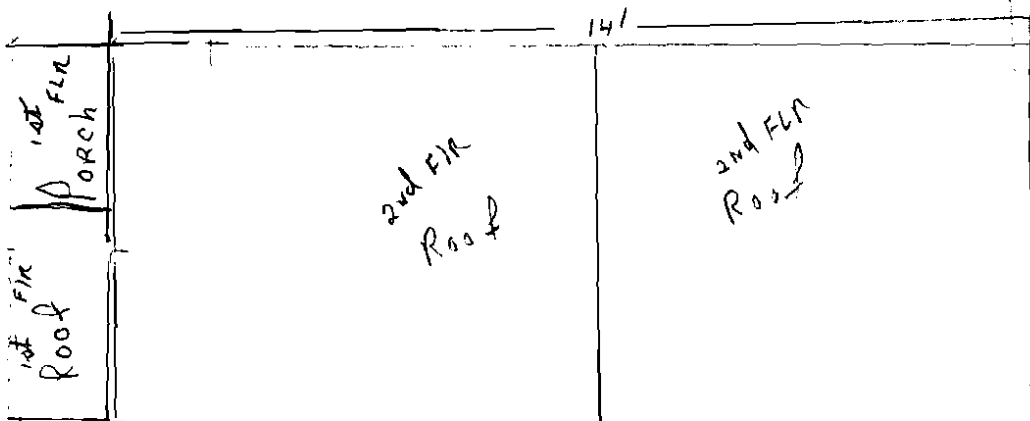
Ellen J. Popenoe, Ph.D., ABPP
Board Certified Clinical Neuropsychologist
American Board of Clinical Neuropsychology
Certified School Psychological Services Provider

50' METAL FENCE

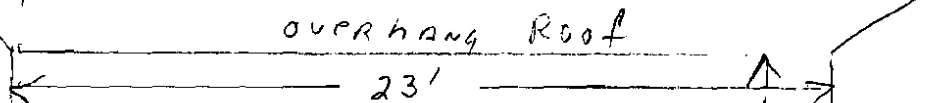
BACK YARD

NOV 15 2010

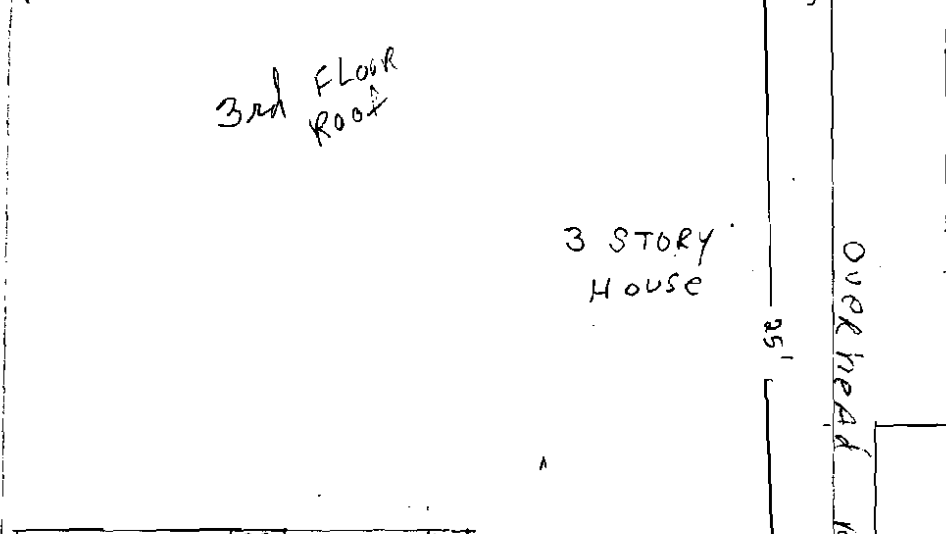
NEW DECK + WORK IN FIRE ESCAPE PROJECT



YARD

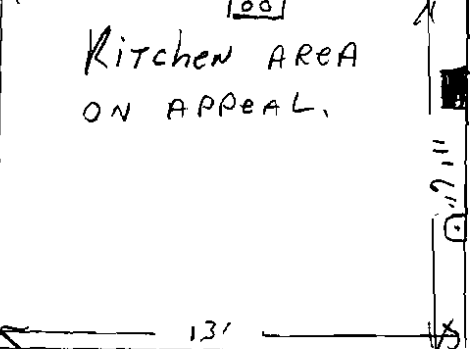


98' OVERHANG ROOF



Garage

86'



OVERHEAD ROOF

Porch

Paved DRIVEWAY

FRONT STREET 50'

PLOT PLAN

4th Floor Plan Photos of Rooms

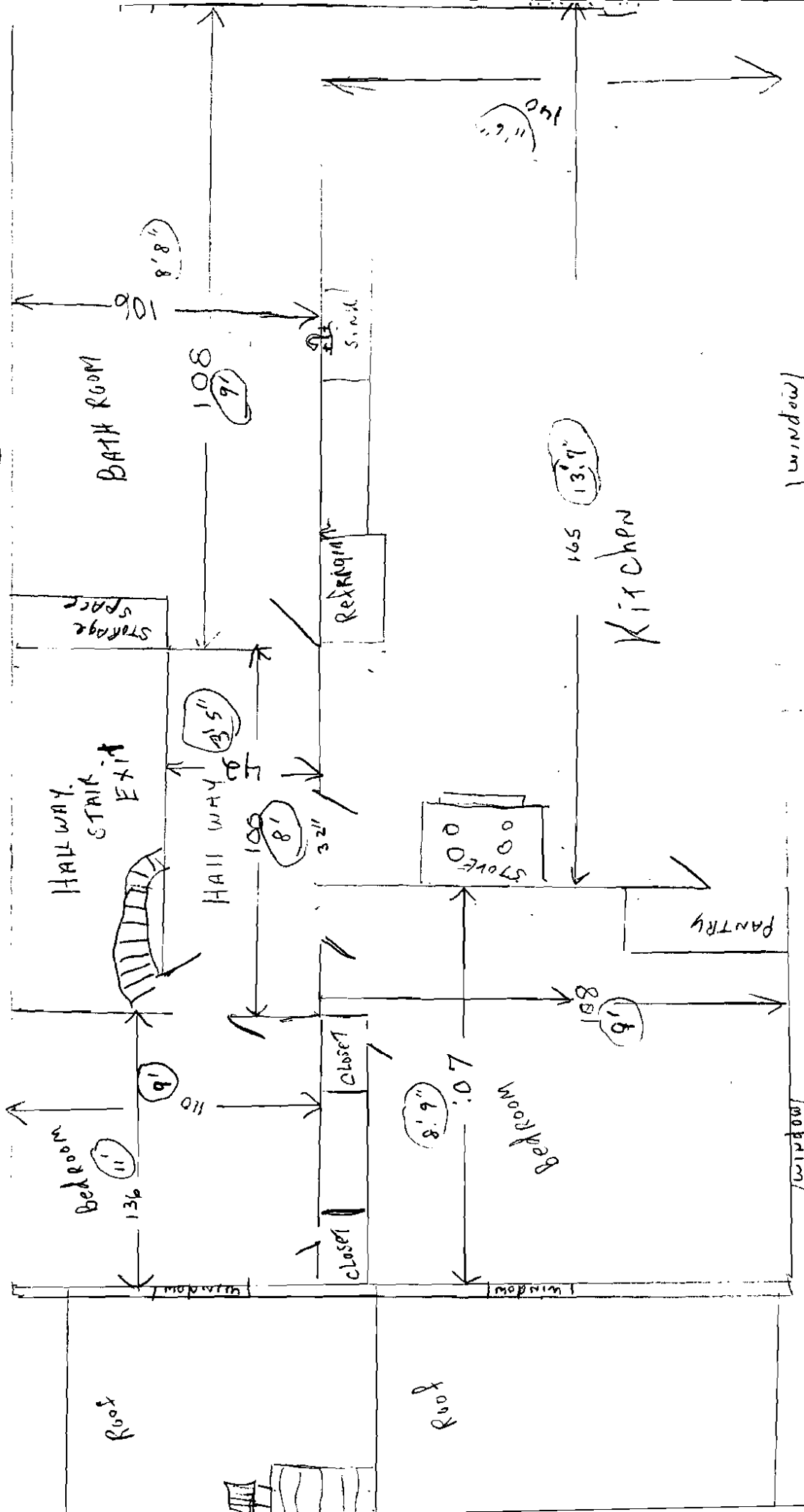
Dimensions of Rooms

3rd Floor Apt

Doors 32" wide

12' 6 5/8"
3 5/8"
9'

Doorway



Window

Window

NOV 15 2010

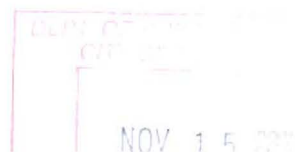


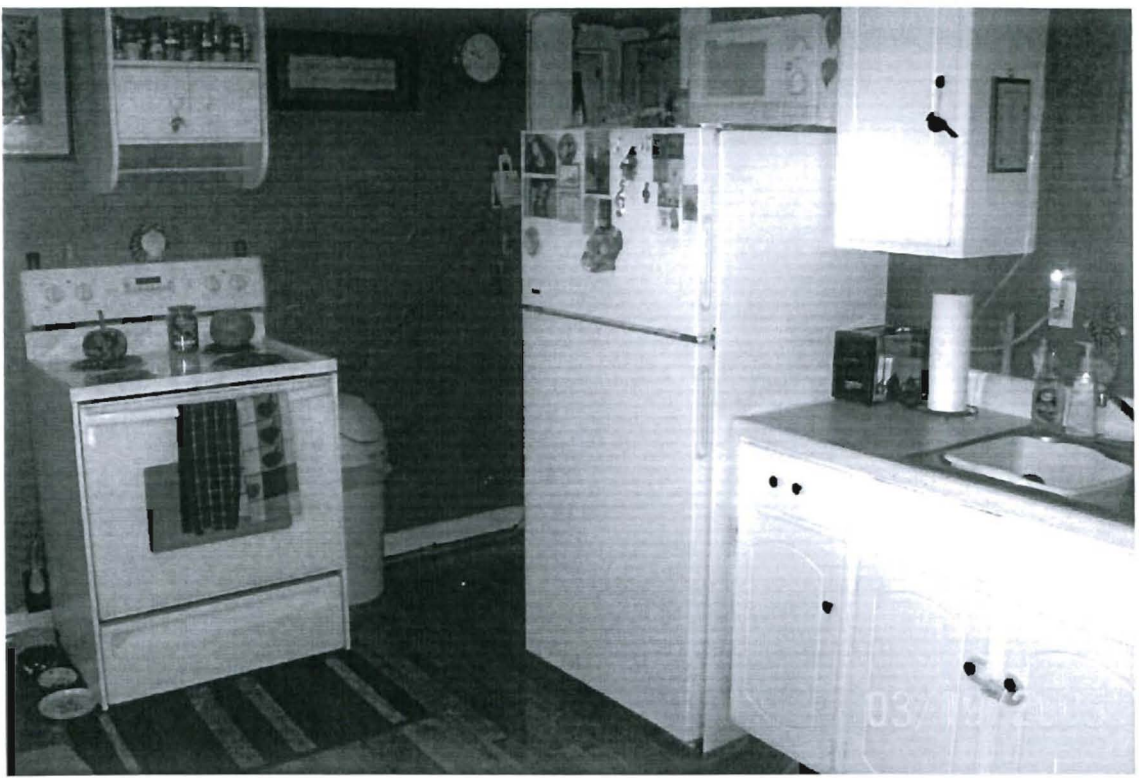
Order Number: 04133022968

Contents: 16 prints of size 4x6

Name: cliff bagley

Phone: 207-773-5595

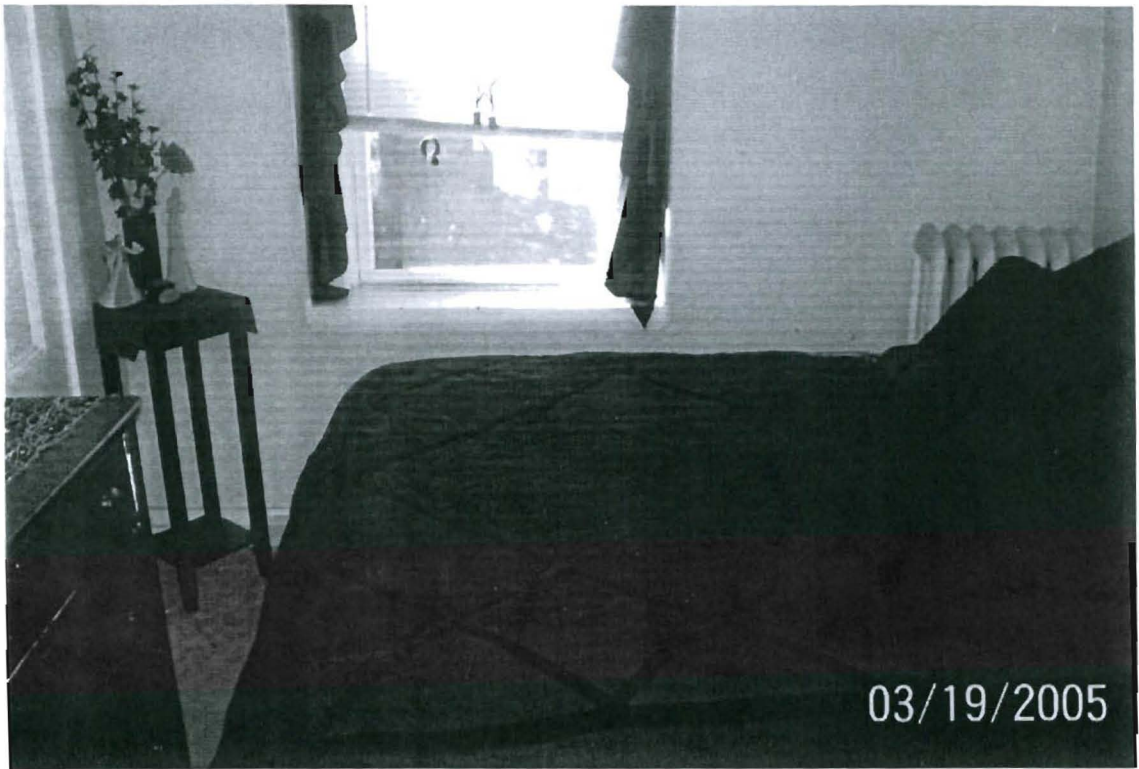






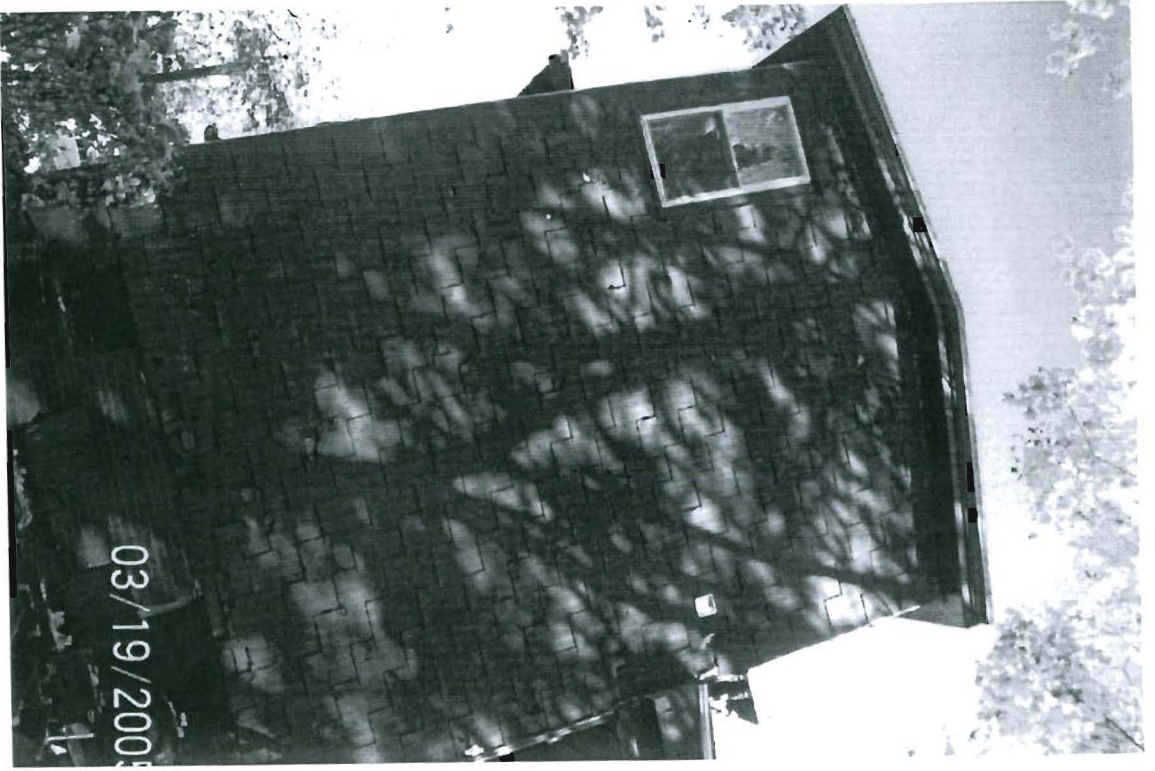
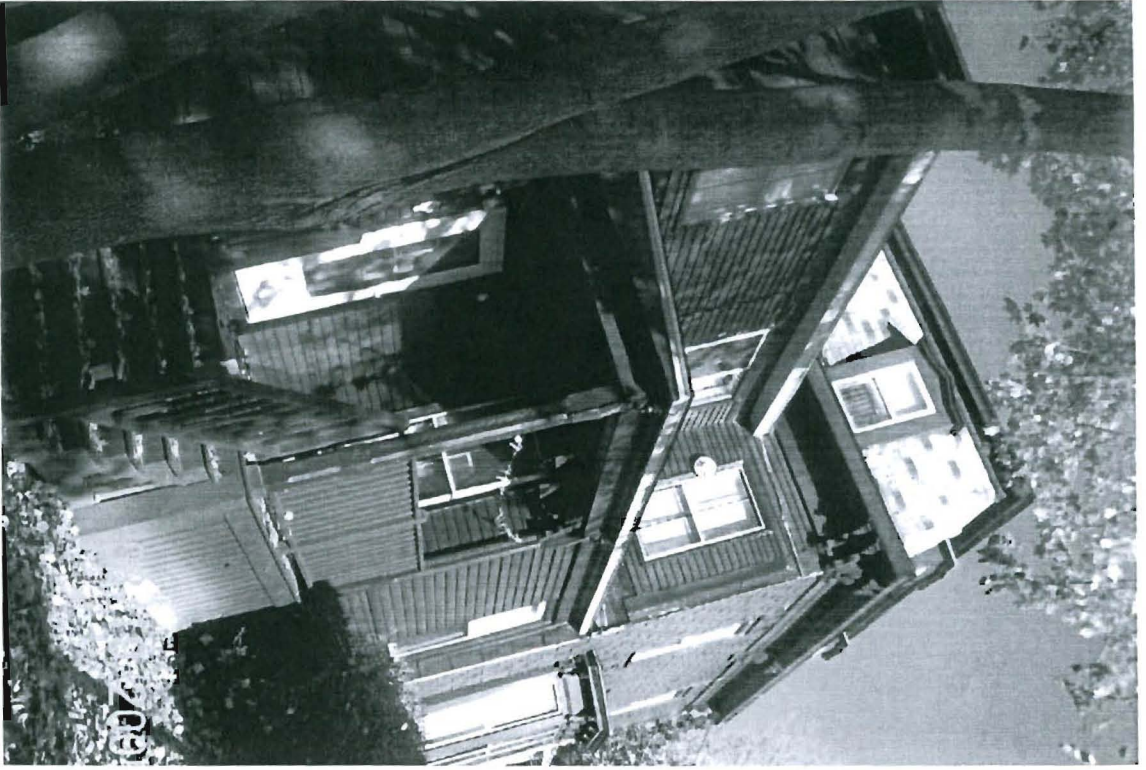
15 2010











No 133

e3

DEPT OF PUBLIC UTILITIES
CITY OF PORTLAND
NOV 15 2010

CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1" = 50'

RETRAC ED 4-6-57



Know all Men by these Presents,

That we, Rodolphe B. LeBlanc and Leontine B. LeBlanc of Portland, County of Cumberland and State of Maine,

in consideration of one dollar and other valuable considerations,

paid by Clifford H. Bagley, Jr. and Barbara R. Bagley of Portland, County of Cumberland and State of Maine,

and whose mailing address is 145 Dawson Street, South Portland, Maine

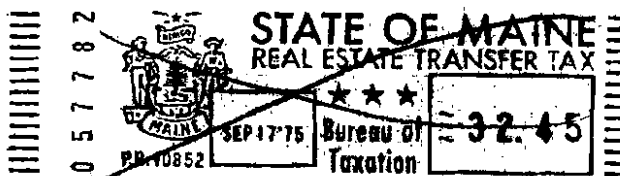
the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said Clifford H. Bagley, Jr. and Barbara R. Bagley,

as joint tenants and not as tenants in common, their heirs and assigns forever, a certain lot or parcel of land with the buildings thereon, situated in that part of Portland formerly Deering, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the southwesterly sideline of Pleasant Avenue at the easterly corner of land conveyed by Martha Eliza Hodgdon to Frank H. Freese, by deed dated August 25, 1913, and recorded in the Cumberland Registry of Deeds in Book 919, Page 92; thence southwestwardly at right angles with said Pleasant Avenue and adjoining said Freese land ninety-eight (98) feet to a point; thence southeastwardly at right angles with said last mentioned course fifty (50) feet to a point; thence northeastwardly at right angles with said last mentioned course and land of Giuseppina DeMatteo, ninety-eight (98) feet to the southerly sideline of Pleasant Avenue; thence northwestwardly and along said southerly sideline of Pleasant Avenue, fifty (50) feet to the point of beginning.

Being the same premises conveyed to the grantors herein by Earl R. Kinney and Emily B. Kinney by warranty deed dated May 9, 1969, and recorded in the Cumberland County Registry of Deeds in Book 3084, Page 570.

This conveyance is made subject to taxes for the year 1975 which the Grantees herein by their acceptance of this deed hereby assume and agree to pay.



NOV 15 1975

To have and to hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Clifford H. Bagley, Jr. and Barbara R. Bagley

as joint tenants and not as tenants in common, their heirs and assigns, to their own use and behoof forever.

And we do covenant with the said Grantees, as aforesaid, that we are lawfully seized in fee of the premises, that they are free of all encumbrances; 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 shall and will Warrant and Bind the same to the said Grantees, their heirs and assigns against the lawful claims and demands of all persons, except as aforesaid.

In Witness Whereof, we the said Rodolphe B. LeBlanc and Leontine B. LeBlanc, being husband and wife, joining in this deed as grantors, and relinquishing and conveying all rights by descent and all other rights in the above described premises.

XMM

Wife ~~XXXXXXXXXX~~

~~XXXXXX in this deed as grantors and~~

~~relinquishing and conveying all rights by descent and all other~~

~~rights in the above described premises~~ have hereunto set our

hands and seals this 17th day of September in the year of our Lord one thousand nine hundred and seventy-five.

Signed, Sealed and Delivered

in presence of

Charles Whitney Redman
to both

Rodolphe B. LeBlanc
Rodolphe B. LeBlanc
Leontine B. LeBlanc
Leontine B. LeBlanc

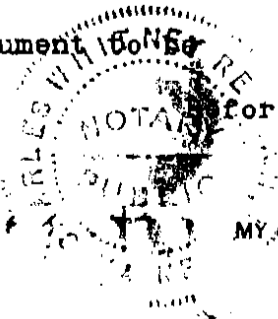
State of Maine, Cumberland ss. September 17 19 75

Personally appeared the above named Rodolphe B. LeBlanc and Leontine B. LeBlanc

and acknowledged

the foregoing instrument their free act and deed.

before me,



Charles Whitney Redman
Justice of the Peace.
Notary Public.
Attorney at Law.

STATE OF MAINE

CUMBERLAND, ss. REGISTRY OF DEEDS

Received at 3 H 37 M P M on SEP 17 1975 and recorded in

Book 3743 Page 265

Margaret L. Stoker Acting Register



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*

TO: CHAIR AND ZONING BOARD MEMBERS
FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR
SUBJECT: APPEAL CONCERNING 236 PLEASANT AVE
DATE: DECEMBER 2, 2010

Mr. Bagley purchased this property on September 17, 1975. He purchased the property as a legal two family dwelling. Apparently Mr. Bagley changed the use of the property from the legal two unit to an illegal 3 unit around 1989. Mr. Bagley did not take out the required permits at that time to change the use. Apparently the Assessors pick up the change in 1989. Mr. Bagley is misplacing the responsibility for the notification to the Inspections Department when he placed the blame for knowing the apartment was there on the Assessor's Department. The Assessor's job is to assess property on what is there whether it is legal or not. It is the owner's responsibility to take out all the permits for the new unit through the Inspection Services Department.

Our records do not show any permits for the change of use, nor electrical permits, nor plumbing permits. The most recent permit is for a fire escape to the 2nd floor on 7/11/91. Mr. Bagley did sign for that permit himself and stated that the use was a two family.

If the Zoning Board of Appeals decides to grant this variance, I would respectfully request that the granting of the variance be conditioned. I understand the family and health issues involved. I would request that the third floor unit be removed when it is no longer required for a family member and/or when the current owner sells the property.

912856

Permit # _____ City of Portland BUILDING PERMIT APPLICATION Fee \$25. Zone _____ Map # _____ Lot# _____

Please fill out any part which applies to job. Proper plans must accompany form.

Applicant: Clifford H. Bagley Phone # 773-5595
Address: 236 Pleasant Ave; Ptld, ME U4103

LOCATION OF CONSTRUCTION 236 Pleasant Ave.

Contractor: Dan Chayer Sub: _____

Address: _____ Phone # _____

Est. Construction Cost: \$150. Proposed Use: 2-fam w fire escape

Past Use: 2-fam

of Existing Res. Units _____ # of New Res. Units _____

Building Dimensions L _____ W _____ Total Sq. Ft. _____

Stairs: _____ # Bedrooms: _____ Lot Size: _____

Is Proposed Use: Seasonal _____ Condominium _____ Conversion _____

Explain Conversion construct fire escape

Foundation:

1. Type of Soil: _____
2. Set Backs - Front _____ Rear _____ Side(s) _____
3. Footings Size: _____
4. Foundation Size: _____
5. Other: _____

Floor:

1. Sills Size: _____ Sills must be anchored.
2. Girder Size: _____
3. Lally Column Spacing: _____ Size: _____
4. Joists Size: _____ Spacing 16" O.C.
5. Bridging Type: _____ Size: _____
6. Floor Sheathing Type: _____ Size: _____
7. Other Material: _____

Exterior Wall:

1. Studding Size _____ Spacing _____
2. No. windows _____
3. No. Doors _____
4. Header Sizes _____ Span(s) _____
5. Bracing: Yes _____ No _____
6. Corner Posts Size _____
7. Insulation Type _____ Size _____
8. Sheathing Type _____ Size _____
9. Siding Type _____ Weather Exposure _____
10. Masonry Materials _____
11. Metal Materials _____

Interior Wall:

1. Studding Size _____ Spacing _____
2. Header Sizes _____ Span(s) _____
3. Wall Covering Type _____
4. Fire Wall if required _____
5. Other Materials _____

PERMIT ISSUED

For Official Use Only

Date: 7/11/91

Inside Fire Limits _____

Blg Code _____

Time Limit _____

Estimated Cost: \$150.

Street Frontage Provided: _____

Provided Setback: Front _____ Back _____ Side _____

Review Required: _____

Zoning Board Approval: Yes 14-436 No _____ Date: _____

Planning Board Approval: Yes _____ No _____ Date: _____

Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____

Shoreland Zoning: Yes _____ No _____ Floodplain: Yes _____ No _____

Special Exceptions _____

Other: W.R. 7-24-91 (Explain)

Ceiling:

1. Ceiling Joists Size: _____
2. Ceiling Strapping Size _____ Spacing _____ Not in District nor Landmark
3. Type Ceiling: _____ Does not require review
4. Insulation Type _____ Size _____ Acquire Review
5. Ceiling Height: _____

Roof:

1. Truss or Rafter Size _____ Span _____ Action _____ Approved
2. Sheathing Type _____ Size _____ Attached with _____
3. Roof Covering Type _____

Chimneys:

Type: _____ Number of Fire Places _____ Date: 7/11/91

Heating:

Type of Heat: _____

Electrical:

Service Entrance Size: _____ Smoke Detector Required Yes _____ No _____

Plumbing:

1. Approval of soil test if required Yes _____ No _____
2. No. of Tubs or Showers _____
3. No. of Flushes _____
4. No. of Lavatories _____
5. No. of Other Fixtures _____

Swimming Pools:

1. Type: _____
2. Pool Size: _____ x _____ Square Footage _____
3. Must conform to National Electrical Code and State Law.

Permit Received By Louise E. Chase

Signature of Applicant Cliff H. Bagley, Jr. Date 7-11-91

Signature of CEO _____ Date _____

Inspection Dates _____

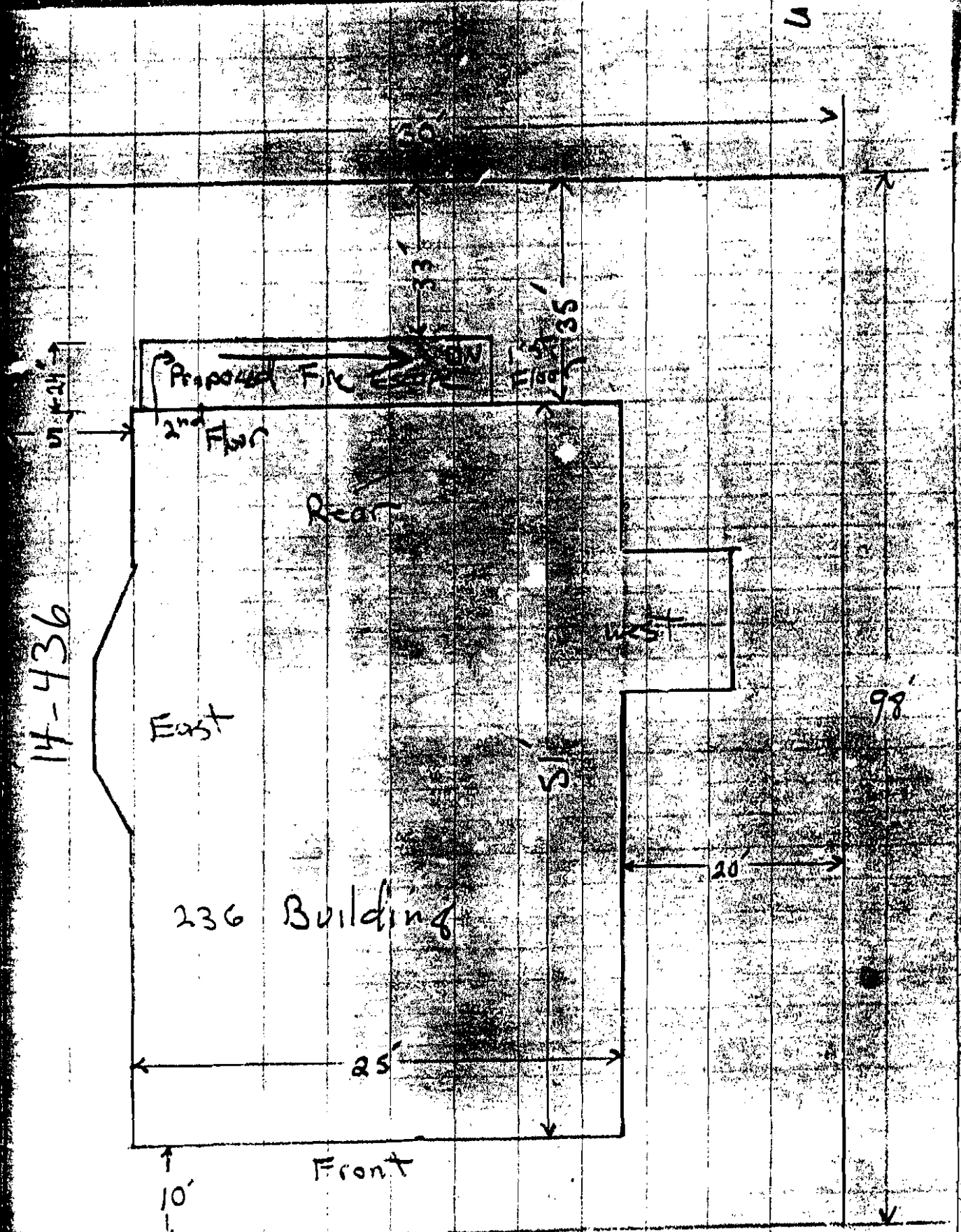
White-Tax Assessor

Yellow-GPCOG

White Tag -CEO

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6



14-436

2nd Floor

East

236 Building

Front

Rear

West

Proposed Fire Escape

10'

25'

20'

98'

33'

35'

24'

side walk

236 Pleasant Ave



City of Portland Zoning Board of Appeals

November 23, 2010

Clifford Bagley
236 Pleasant Avenue
Portland, ME 04103

Dear Mr. Bagley,

Your Practical Difficulty Variance Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, December 2, 2010 at 6:30 p.m.** in Room 209, located on the second floor of City Hall.

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

I have included an agenda with your appeal highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the legal ad, the notices for the appeal and a processing fee. The check should be written as follows:

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

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely,

Ann B. Machado
Zoning Specialist

Cc: File

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

Application No: 10-59500013

Statement Date: 11/22/2010

Project Name: 236 Pleasant Ave.

Applicant: Clifford Bagley

Development Type: ZONING PRACTICAL DIFFICULTY VARIANCE

CBL: 133 - G-014-001 236 PLEASANT AVE

SUMMARY OF OUTSTANDING FEES

	Charge Amount	Paid	Due
LEGAL AD ZONING BOARD	\$130.48	\$0.00	\$130.48
NOTICING ZONING BOARD	\$57.75	\$0.00	\$57.75
ZONING BOARD OF APPEALS	\$100.00	\$100.00	\$0.00
ZONING PROCESSING FEE	\$50.00	\$0.00	\$50.00
Outstanding Charges	\$338.23	\$100.00	\$238.23

*pd 12/1/10
6870*

Detach and remit with payment

Application No: 10-59500013

Project Name: 236 Pleasant Ave.

Clifford Bagley
236 Pleasant Avenue
Portland, ME 04103

Total Due Now **\$238.23**
Amount Remitted _____

City of Portland

DATE: 11/09/10

TIME: 8:51:08

PZ CASH RECEIPT

PROJECT #: 10-59500013

PROJECT DESC: PRACTICAL DIFFICULTY - 236 PLESANT AVENU

RECEIVED FROM: Clifford Bagley

RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
---	-----	-----	-----
Z1	ZONING BOARD OF APPEALS		100.00

TOTAL AMOUNT: 100.00

City of Portland

DATE: 12/01/10

TIME: 8:01:47

PZ CASH RECEIPT

PROJECT #: 10-59500013

PROJECT DESC: PRACTICAL DIFFICULTY - 236 PLESANT AVENU

RECEIVED FROM: Clifford Bagley

RECEIPT NUMBER:

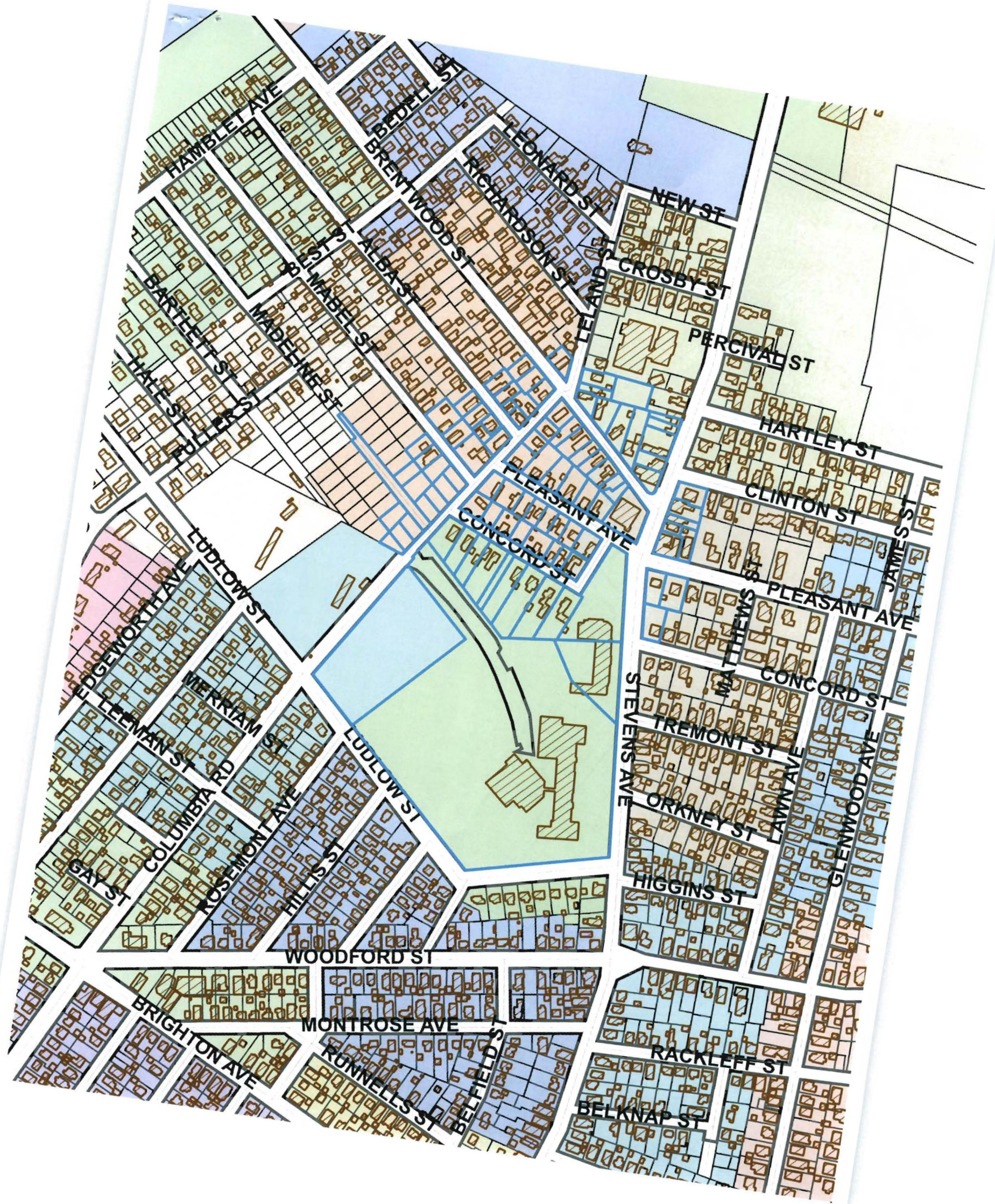
FEE	DESCRIPTION	CREDIT	PAYMENT
---	-----	-----	-----
L2	LEGAL AD ZONING BOARD		130.48
N1	NOTICING ZONING BOARD		57.75
ZP	ZONING PROCESSING FEE		50.00
		TOTAL AMOUNT:	238.23

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	ADAMS CYNTHIA A	245 CONCORD ST PORTLAND, ME 04103	245 CONCORD ST W	1
	ANDERSON ANDREW C SR & JUDITH M OR SURV	80 BROWN COVE RD WINDHAM, ME 04062	244 PLEASANT AVE	2
	ARTINYAN SONYA M & MARK L INGRAHAM JTS	193 PLEASANT AVE PORTLAND, ME 04103	193 PLEASANT AVE	3
	BAGLEY BARBARA R & CLIFFORD H JR JTS	236 PLEASANT AVE PORTLAND, ME 04103	236 PLEASANT AVE	3
	BANKS VALERIE C	9 ALBA ST PORTLAND, ME 04103	9 ALBA ST	1
	BARLOCK JOHN F & DEBORAH R JTS	267 CONCORD ST WEST PORTLAND, ME 04103	267 CONCORD ST W	1
	BARLOCK JOHN F & DEBORAH R	267 CONCORD W PORTLAND, ME 04103	259 CONCORD ST W	0
	BARTLETT STEPHEN W & CYNTHIA I JTS	256 CONCORD ST PORTLAND, ME 04103	258 CONCORD ST W	1
	BARTLETT STEPHEN W & CYNTHIA I JTS	256 CONCORD ST PORTLAND, ME 04103	260 CONCORD ST W	0
	BEAUMONT VICKI L	73 LELAND ST PORTLAND, ME 04103	73 LELAND ST	1
	BLACKBURN MARTHA P	494 STEVENS AVE PORTLAND, ME 04103	494 STEVENS AVE	1
	BOISVERT RICHARD L VN VET & DORIS C BOISVERT JTS	11 ALBA ST PORTLAND, ME 04103	11 ALBA ST	1
	BURT STEPHEN T & LISA E FLANAGAN JTS	33 BRENTWOOD ST PORTLAND, ME 04103	33 BRENTWOOD ST	1
	CAMPBELL S SIBYL & JEFFREY A JTS	254 PLEASANT AVE PORTLAND, ME 04103	254 PLEASANT AVE	2
	CENTRAL SQUARE BAPTIST	466 STEVENS AVE PORTLAND, ME 04103	12 BRENTWOOD ST	0
	CENTRAL SQUARE BAPTIST	14 BRENTWOOD ST PORTLAND, ME 04103	14 BRENTWOOD ST	0
	CENTRAL SQUARE BAPTIST	466 STEVENS AVE PORTLAND, ME 04103	466 STEVENS AVE	1
	CLARK RUSSELL T	230 PLEASANT AVE PORTLAND, ME 04103	230 PLEASANT AVE	1
	COBB ALICE W WID WWII VET & ARTHUR W COBB JR HEIRS	244 CONCORD ST PORTLAND, ME 04103	244 CONCORD ST W	1
	COUPE PHILIP J & LINDA G COUPE JTS	251 PLEASANT AVE PORTLAND, ME 04103	251 PLEASANT AVE	2
	CRABILL JOHN H & KIM JTS	240 PLEASANT AVE PORTLAND, ME 04103	240 PLEASANT AVE	1
	CURRAN SHAUN F & LINDA M REIDY JTS	48 SEELEY AVE PORTLAND, ME 04103	71 LELAND ST	3
	DEERING KIMBERLY & MATTHEW DEERING JTS	219 W CONCORD ST PORTLAND, ME 04103	219 CONCORD ST W	1
	DERMODY LAURA L	57 LELAND ST PORTLAND, ME 04103	57 LELAND ST	1
	DIVINSKY PHILIP & CAROL A GALLAGHER JTS	243 PLEASANT AVE PORTLAND, ME 04103	243 PLEASANT AVE	1
	DOUCETTE WILLIAM A & KAREN B JTS	22 HINCKLEY ST MYSTIC, CT 06355	77 LELAND ST	2

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	DUBREUIL MAURICE J & STEPHANIE J PHILBRICK JTS	15 MABEL ST PORTLAND, ME 04103	15 MABEL ST	2
	DYER KATHRYN E	377 BRIGHTON AVE PORTLAND, ME 04102	229 PLEASANT AVE	2
	FROEHLICH DENISE	240 CONCORD ST PORTLAND, ME 04103	240 CONCORD ST W	3
	GOVEDNIK FRANK J III & MARGARET M JTS	2 CHESTER AVE BRISTOL, RI 02809	266 CONCORD ST W	3
	GRANT DAVID M & DEBORAH C JTS	60 BRENTWOOD ST PORTLAND, ME 04103	60 BRENTWOOD ST	1
	HAINES STEVEN J	27 BRENTWOOD ST PORTLAND, ME 04103	27 BRENTWOOD ST	2
	HICKEY EMILY	12 ALBA ST PORTLAND, ME 04103	14 ALBA ST	2
	HODGKIN YVONNE F	56 FROST HILL RD PORTLAND, ME 04103	48 LELAND ST	3
	HODGMAN RYAN S & EMILY A HODGMAN JTS	42 BRENTWOOD ST PORTLAND, ME 04103	42 BRENTWOOD ST	1
	HOLMAN CRAIG E	152 MILTON ST PORTLAND, ME 04103	60 LELAND ST	3
	HUGHES JOSEPH P	18 ALBA ST PORTLAND, ME 04103	16 ALBA ST	2
	IFANTIDES ANITA T & VASILLIS I JTS	20 FOREST ST SACO, ME 04072	467 STEVENS AVE	1
	JPMORGAN CHASE BANK	7255 BAYMEADOWS WAY JACKSONVILLE, FL 32256	249 CONCORD ST W	2
	LEIBOWITZ LENORA F	6 ALBA ST PORTLAND, ME 04103	6 ALBA ST	1
	LENK ROBERT W & JANE M SEIDENBERG JTS	54 BRENTWOOD ST PORTLAND, ME 04103	54 BRENTWOOD ST	1
	LENTZ NANCY L	500 STEVENS AVE PORTLAND, ME 04103	500 STEVENS AVE	1
	LICHTER JON & MARK LICHTER JTS	187 MILL ST FRAMINGHAM, MA 01701	30 BRENTWOOD ST	4
	LOON WATCH DEVELOPERS	PO BOX 10165 PORTLAND, ME 04102	53 BRENTWOOD ST	2
	MACINTYRE ROBERT W & ELIZABETH H MACINTYRE JTS	670 MAIN ST HINGHAM, MA 02043	34 BRENTWOOD ST	4
	MALONSON DONALD VN VET	29 LELAND ST PORTLAND, ME 04103	29 LELAND ST	1
	MCHUGH ROBIN M	72 WATSON ST PORTLAND, ME 04103	56 LELAND ST	3
	MCKOWN RYAN	252 CONCORD ST PORTLAND, ME 04103	252 CONCORD ST W	2
	MEDD TONIA N	248 PLEASANT AVE PORTLAND, ME 04103	248 PLEASANT AVE	2
	MICHAELS JOHN P & HEIDI E MICHAELS JTS	243 CONCORD ST W PORTLAND, ME 04103	243 CONCORD ST W	3
	NAPPI SABATINO	62 LELAND ST PORTLAND, ME 04103	62 LELAND ST	2
	NAVARRO ROCCO	268 CONCORD ST PORTLAND, ME 04103	266 CONCORD ST W	2

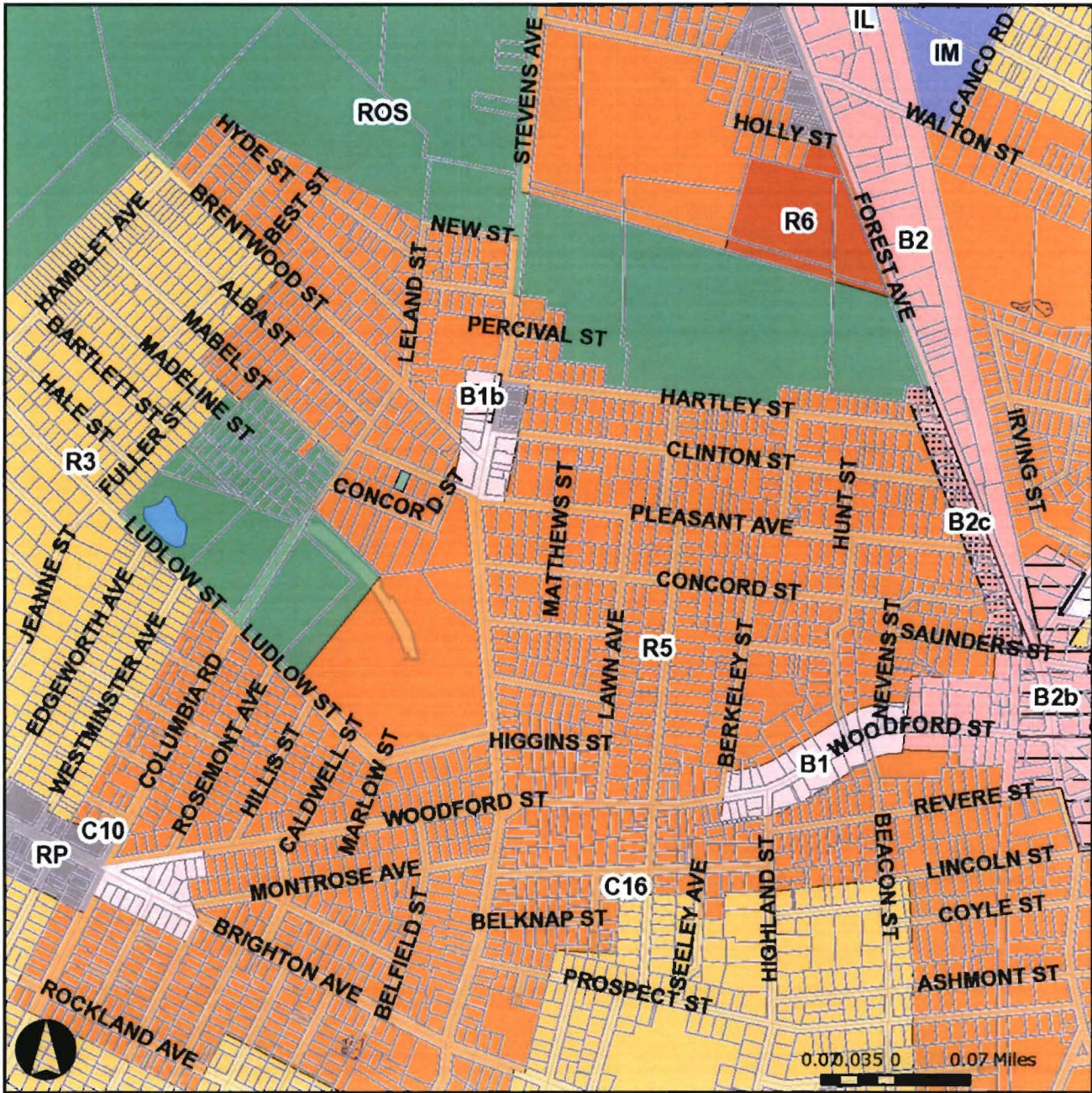
CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	O'BRIEN JOHN B KW VET & JADINE F OR SURV	194 PLEASANT AVE PORTLAND, ME 04103	194 PLEASANT AVE	1
	O'CONNOR RANA N & GERALD	19 MABEL ST PORTLAND, ME 04103	19 MABEL ST	1
	OSBORN RACHEL A & ERIK C J OSBORN JTS	53 LELAND ST PORTLAND, ME 04103	53 LELAND ST	1
	OSHANA DAVID J & ANDREA J JTS	1501 FOREST AVE PORTLAND, ME 04103	40 LELAND ST	4
	PARA JAMES & REDI DEDE	PO BOX 245 STANDISH, ME 04084	469 STEVENS AVE	1
	PARKS SUZANNE D	109 DARTMOUTH ST PORTLAND, ME 04103	18 BRENTWOOD ST	2
	PLYMALE BRETT E & KERRY MCGAFFEY JTS	274 CONCORD ST PORTLAND, ME 04103	274 CONCORD ST W	2
	RICE GEOFFREY I	658 CONGRESS ST 1ST FLOOR PORTLAND, ME 04101	197 PLEASANT AVE	6
	ROCK PROPERTIES LLC	45 WORDSWORTH ST PORTLAND, ME 04103	476 STEVENS AVE	1
	SEGAL AMY B & SCOTT M JTS	15 ALBA ST PORTLAND, ME 04103	15 ALBA ST	1
	SHAMOS STAVROS	80 VANNAH AVE PORTLAND, ME 04103	473 STEVENS AVE	1
	SHAW CATHERINE M	PO BOX 10985 PORTLAND, ME 04104	475 STEVENS AVE	1
	SHOLL JOHN D & ELIZABETH N JTS	24 BRENTWOOD ST PORTLAND, ME 04103	24 BRENTWOOD ST	1
	SMALL DONALD C & CATHLEEN G JTS	247 PLEASANT AVE PORTLAND, ME 04103	247 PLEASANT AVE	2
	SOULE HELEN M & RUSSELL C SOULE JTS	19 BRENTWOOD ST PORTLAND, ME 04103	17 BRENTWOOD ST	2
	STANBRO JENNIFER M & MARK A FORD JTS	234 PLEASANT AVE PORTLAND, ME 04103	234 PLEASANT AVE	1
	SWAN STEPHEN T & BARBARA J	19 FAIRVIEW ST PORTLAND, ME 04103	202 PLEASANT AVE	2
	THORNTON ALEXANDER	8 ALBA ST PORTLAND, ME 04103	8 ALBA ST	2
	TUMAVICUS EDWARD M	235 PLEASANT AVE PORTLAND, ME 04103	235 PLEASANT AVE	3
	VACCHIANO JAIME D	484 STEVENS AVE PORTLAND, ME 04103	484 STEVENS AVE	2
	VACCHIANO JAIME D	490 STEVENS AVE PORTLAND, ME 04103	490 STEVENS AVE	2
	WARMING DIANE L	255 CONCORD ST PORTLAND, ME 04103	255 CONCORD ST W	2
	WATSON ANDREW & MARGARET WATSON JTS	16 MABEL ST PORTLAND, ME 04103	16 MABEL ST	2
	WEBER LOIS A	172 LONG HILL RD GRAY, ME 04039	280 CONCORD ST W	3
	WEED BARBARA	26 BRENTWOOD ST PORTLAND, ME 04103	26 BRENTWOOD ST	1
	WINCELE ELLIOTT	113 GLENWOOD AVE PORTLAND, ME 04103	227 PLEASANT AVE	4

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	WORDEN JON D & KELLY LANNON WORDEN JTS	209 CONCORD ST PORTLAND , ME 04103	209 CONCORD ST	1



HAMBLE AVE
BARTLETT ST
HALL ST
EDGEMOUTH AVE
LEMAN ST
COLUMBIA RD
GAY ST
WOODFORD ST
BRIGHTON AVE
MONTROSE AVE
RACKLEFF ST
BEDELL ST
BRENTWOOD ST
ALBA ST
RICHARDSON ST
LEONARD ST
NEW ST
CROSBY ST
PERCIVAL ST
HARTLEY ST
CLINTON ST
PLEASANT AVE
CONCORD ST
TREMONT ST
ORKNEY ST
HIGGINS ST
WOODFORD ST
MONTROSE AVE
RUNNELLS ST
BELFIELD ST
LELAND ST
LUDLOW ST
PLEASANT AVE
CONCORD ST
TREMONT ST
ORKNEY ST
HIGGINS ST
LAWN AVE
GLENWOOD AVE
JAMES ST
SMITH ST
LUDLOW ST
CONCORD ST
PLEASANT AVE
TREMONT ST
ORKNEY ST
HIGGINS ST
LAWN AVE
GLENWOOD AVE
JAMES ST
SMITH ST

Map



Parcels	Island Zoning	Zoning (continued)	Zoning (continued)
Parcels	□ C43	□ R3 Residential	□ C25
Interstate	□ I-B	□ R4 Residential	□ C26
Streets	□ I-TS	□ R5 Residential	□ C27
Parcels	□ I-R1	□ R6 Residential	□ C28
	□ I-R2	□ ROS Recreation Open	□ C29
	□ I-R3	Space	□ C30
	□ ROS	□ RP Residential	□ C31