

**City of Portland, Maine - Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716**

Location of Construction: 71 Alba St.	Owner: Hung Khuu & Hue Thach	Phone: 773-2236/759-2592 (pager)	Permit No:
Owner Address:	Lessee/Buyer's Name:	Phone:	Business Name:
Contractor Name:	Address:	Phone:	Permit Issued:
Past Use: Single fam	Proposed Use: Same w/addition	COST OF WORK: \$	PERMIT FEE: \$5.00/50.00 fee
Proposed Project Description: Practical Diff Variance Construct addition as per plans	FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: Type:	Zone: R-3
Permit Taken By: Vicki Dover	Signature: PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)	Signature:	CBL: 134-H-005
Date Applied For: May 7, 1998	Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied	Signature:	Zoning Approval:
1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.	Special Zone or Reviews: <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan maj <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/>	Signature:	Zoning Appeal: <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied
2. Building permits do not include plumbing, septic or electrical work.	Historic Preservation: <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review	Signature:	Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.		Signature:	Date:
Board of Appeals hearing - May 21, 1998		Signature:	

APPEAL DENIED 5/21/98

**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT: *Hue Thach*

DATE: 05/07/98

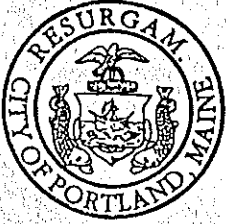
PHONE:

ADDRESS:

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

CEO DISTRICT



**CITY OF PORTLAND**  
Planning and Urban Development Department

MEMORANDUM

TO: Nadeen Daniels, City Clerk  
FROM: Marge Schmuckal, Zoning Administrator  
SUBJECT: Actions taken by the Board of Appeals on May 21, 1998  
DATE: June 5, 1998

The meeting was called to order at 7:05 p.m. Elizabeth Bordowitz and Sam Sivovlos were absent.

1. **Unfinished Business:** None
2. **New Business:**

**Conditional Use Appeal:**

85 Woodvale Street, Robin A. Bean, owner, the Board voted 5-0 to deny the change of use from a single family dwelling unit to a two family dwelling unit. R-3 Zone

**Practical Difficulty Variance:**

152 Cumberland Avenue, Don Carter, owner, the Board voted 3-2 to deny relief from Section 14-139(2) which would allow for the continued use of this structure as a 3 unit dwelling. R-6 Zone

71 Alba Street, Hung Khuu and Hue Thach, owners, the Board voted 5-0 to deny relief from the dimensional requirements of Section 14-90(4) to allow for the construction of an addition. R-3 Zone

The meeting was adjourned at 10:15 p.m.

Enclosures: Agenda for May 21, 1998 meeting  
Copy of Board's decision  
Tape of meeting (1 std size tape)

cf: J. Gray, Dir, PUD  
G. Wood, Corp Counsel

**CITY OF PORTLAND, MAINE**

BOARD OF APPEALS



June 12, 1998

Hung Khuu and Hue Thach  
71 Alba Street  
Portland, Maine 04103

RE: 71 Alba Street  
134-H-005  
R-3 Zone

Dear Hung Khuu and Hue Thach,

As you know at the May 21, 1998 Zoning Board of Appeals meeting the Board voted 5-0 to deny your request to grant relief from the dimensional requirements to allow for construction of an addition. A copy of the Board's decision is enclosed for your records.

Sincerely,

A handwritten signature in cursive script that reads 'Marge Schmuckal'.

Marge Schmuckal  
Zoning Administrator

PRACTICAL DIFFICULTY VARIANCE

DECISION

Name and address of applicant: Hung Khoo & Hoe Thach  
71 Alisa St

Location of property under appeal: 71 Alisa St

For the Record

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

Hung Khoo  
Hoe Thach

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

Findings of Fact:

*N/A* A. The Practical Difficulty variance applied for is permitted under §14-473(c)(3)(b)(1) (dimensional standards), and is not barred by the exceptions set forth in sections 14-473(c)(3)(a)(6) (shoreland and flood hazard areas); nor § 14-473(c)(4) (relief limited to minimum variance required); nor §14-473(c)(3)(c) (specific variances prohibited); nor § 14-473(c)(3)(d) (no relief for volume, floor area, nor setting of single-component manufactured homes).

YES \_\_\_\_\_ NO \_\_\_\_\_ (deny application)

Notwithstanding the provisions of § 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 a variance is due to the unique circumstances of the property, and not to the general conditions in the neighborhood:  
IT IS \_\_\_\_\_ IT IS NOT 5 (deny application)

Comment: \_\_\_\_\_

2) The granting of the variance will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties:  
IT WILL NOT 5 IT WILL \_\_\_\_\_ (deny appl.)

Comment: \_\_\_\_\_  
\_\_\_\_\_

3) The Practical Difficulty is not the result of action taken by the applicant:  
IT IS NOT 3 IT IS 2 (deny appl.)

Comment \_\_\_\_\_  
\_\_\_\_\_

4) No other Feasible alternative is available to the applicant, except a variance:  
IT IS NOT \_\_\_\_\_ IT IS 5 (deny appl.)

Comment: \_\_\_\_\_  
\_\_\_\_\_

5) The granting of a variance will not have an unreasonably adverse effect on the natural environment:  
IT WILL NOT 5 IT WILL \_\_\_\_\_ (deny appl.)

Comment: \_\_\_\_\_  
\_\_\_\_\_

6) 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 as defined in this article:

IT IS NOT 5 IT IS \_\_\_\_\_ (deny appl.)

Comment: \_\_\_\_\_  
\_\_\_\_\_

7) Strict application of the ordinance would:

1.  $\frac{10}{5}$  A) Preclude a use of the property which is permitted in the zone in which it is located.
- 3 2 B) Result in economic injury to the applicant.

If the appeal is granted, does the Board wish to impose conditions which will further the intent and purpose of this Ordinance?

Yes \_\_\_\_\_  
No \_\_\_\_\_

Specific Conditions \_\_\_\_\_  
\_\_\_\_\_

Reasons \_\_\_\_\_  
\_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

Motion Approve the PDU to grant relief from the ~~street~~ dimensional requirements to allow for the construction of (including conditions and findings of fact) on condition

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Votes in Favor

Votes Opposed

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**CITY OF PORTLAND, MAINE**

BOARD OF APPEALS



May 12, 1998

Hung Khuu and Hue Thach  
71 Alba Street  
Portland, Maine 04103

RE: 71 Alba Street  
134-H-005  
R-3 Zone

Dear Hung Khuu and Hue Thach,

Receipt of your application for a Practical Difficulty Variance Appeal is acknowledged.

This appeal is scheduled for review before the Board of Appeals on Thursday, May 21, 1998 at 7:00 p.m. in Room 209, City Hall, Portland, Maine. You must plan to attend to answer any questions which the Board may have concerning this appeal.

A copy of the May 21, 1998 agenda is enclosed for your information.

Sincerely,

Marge Schmuckal  
Zoning Administrator





## APPEAL AGENDA

The Board of Appeals will hold a public hearing at 7:00 p.m. in Room 209, City Hall, Portland, Maine on Thursday, May 21, 1998 to hear the following appeals:

**1. Unfinished Business: None**

**2. New Business:**

**Conditional Use Appeal:**

85 Woodvale Street, Robin A. Bean, owner, requests the Board permit the change of use from a single family dwelling unit to a two family dwelling unit. R-3 Zone

**Practical Difficulty Variance:**

152 Cumberland Avenue, Don Carter, owner, requests the Board grant relief from the dimensional requirements of Section 14-139(2) to allow for the continued use of this structure as a 3 unit dwelling. R-6 Zone

71 Alba Street, Hung Khuu and Hue Thach, owners, request the Board grant relief from dimensional requirements of Section 14-90(4) to allow for the construction of an addition. R-3 Zone

**3. Adjournment.**

Zoning Division  
Marge Schmuckal  
Zoning Administrator



Zoning Board of Appeals  
Matt Manahan  
Chairman

## CITY OF PORTLAND

### PRACTICAL DIFFICULTY VARIANCE APPLICATION

Applicant's Name and Address: HUNG KHUU / HUE THACH

71 ALBA ST. PORTLAND, ME 04103

Applicant's Interest in Property (e.g. owner, purchaser, lessee, etc.): OWNER

Owner's name and address (If different from above): \_\_\_\_\_

Address of Property and Assessor's Chart, Block, and Lot Number: \_\_\_\_\_

134-H-5

Zone: R-3 Present Use of Property: RESIDENTIAL

Practical Difficulty Variance from: Section 14- \_\_\_\_\_

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 certifies that all information herein supplied by him/her is true and correct to the best of his/her knowledge and belief.

[Handwritten Signature]

Signature of Applicant

Dated: 05/06/98

PRACTICAL DIFFICULTY VARIANCE

DECISION

Name and address of applicant: Hung Khoo & Hwe Thach  
71 Alton St.

Location of property under appeal: 71 Alton St

For the Record

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

Hung Khoo \_\_\_\_\_  
Hwe Thach \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Findings of Fact:

N/A

A. The Practical Difficulty variance applied for is permitted under §14-473(c)(3)(b)(1) (dimensional standards), and is not barred by the exceptions set forth in sections 14-473(c)(3)(a)(6) (shoreland and flood hazard areas); nor § 14-473(c)(4) (relief limited to minimum variance required); nor §14-473(c)(3)(c) (specific variances prohibited); nor § 14-473(c)(3)(d) (no relief for volume, floor area, nor setting of single-component manufactured homes).

YES \_\_\_\_\_ NO \_\_\_\_\_ (deny application)

Notwithstanding the provisions of § 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 a variance is due to the unique circumstances of the property, and not to the general conditions in the neighborhood:  
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Comment: \_\_\_\_\_  
\_\_\_\_\_

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

3) The Practical Difficulty is not the result of action taken by the applicant:  
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Comment \_\_\_\_\_  
\_\_\_\_\_

4) No other Feasible alternative is available to the applicant, except a variance:  
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Comment: \_\_\_\_\_  
\_\_\_\_\_

5) The granting of a variance will not have an unreasonably adverse effect on the natural environment:  
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Comment: \_\_\_\_\_  
\_\_\_\_\_

6) 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 as defined in this article:  
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Comment: \_\_\_\_\_  
\_\_\_\_\_

7) Strict application of the ordinance would:

- $\frac{N}{5}$  A) Preclude a use of the property which is permitted in the zone in which it is located.
- 3 2 B) Result in economic injury to the applicant.

If the appeal is granted, does the Board wish to impose conditions which will further the intent and purpose of this Ordinance?

Yes \_\_\_\_\_  
No \_\_\_\_\_

Specific Conditions \_\_\_\_\_  
\_\_\_\_\_

Reasons \_\_\_\_\_  
\_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

Motion Approve the PDU to grant relief from the ~~current~~ dimensional requirements to allow for the construction of (including conditions and findings of fact) on condition

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Votes in Favor

Votes Opposed

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*[Handwritten signatures and initials under the "Votes Opposed" column]*