



Michael Russell, Director
Permitting and Inspections Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND
ZONING BOARD OF APPEALS
Interpretation Appeal Application

APPLICANT INFORMATION:

David Jenks

NAME

Portlandom, LLC

BUSINESS NAME

100 Conifer Hill Drive, Suite 402, Danvers, MA 01923

ADDRESS

Office 978-777-8044 x111 Cell:617-9084413

TELEPHONE #

Owner/Manager

APPLICANT'S RIGHT, TITLE OR INTEREST

(eg; owner, purchaser, etc)

B-2c Zone Business Community

CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:

Retail & Personal Service

TYPE OF RELIEF REQUESTED:

Permanent Variance from ordinance 14-185, please see attached letter

SUBJECT PROPERTY INFO:

782 Forest Ave.

PROPERTY ADDRESS

137 F001 001

CHART/BLOCK/LOT (CBL)

PROPERTY OWNER INFO (If Different):

Same

NAME

ADDRESS

Disputed Provisions from Section 14:

185, 339, & 340

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 OF APPLICANT

6/22/2017
DATE

Portlandom LLC
100 Conifer Hill Drive Suite 402
Danvers, MA 01923

June 22, 2017

Zoning Board of Appeals
389 Congress Street
Portland, Maine 04101-3509

RE: Appeal Application for Notice of Violation at 782 Forest Ave

To Whom It May Concern:

We have received your Notice of Violation and Order to Correct dated May 24, 2017 citing violations after previous improvements to the property located at 782 Forest Ave. We are prepared to work together and come to a mutual agreement to bring the property into compliance with the City.

The building is home to two very successful restaurant businesses. For a few years now there has been an ongoing need for additional parking by both of our tenants. Employees had been parking in the area on the side of the building for years so we paved the area when we had the parking lot repaved. While the paving contractor was there they also repaved the sidewalk removing the heaves and cracks that have happened over time without being directed to do so. During the job, the paving contractor took many liberties, such as paving the esplanade area, that were never authorized by us and we will make it right.

1. We sincerely apologize but we were unaware of the City of Portland's Maximum Impervious Surface Ratio Ordinance (Sec 14-185). With that, we'd like to request a variance from that ordinance for the additional area that exceeds the 80% requirement. We propose keeping the 2 new spaces along the side of the building but will remove the triangular area of pavement that was paved without our direction between the parking spaces and the sidewalk. We would like to propose making that area permeable with mulch and shrubs.
2. When this property was purchased in 2011, parking spot 12A (see enclosed pavement striping plan on page 4) was already in existence and in use by the previous owners. We have had the lot restriped multiple times going back over the lines we inherited when the building was purchased. When our lot was repaved last October we had that spot restriped again. If the board would like to see that spot removed, we will blackout the line for spot 12A that is encroaching on the public way, Hartley Street, thereby eliminating that space and our encroachment on the right-of-way.
3. For the esplanade area at the rear of the building, we will remove the pavement along the edge of the parking space and install a curb guard, as requested. We would also make

that area permeable by mulching and planting shrubs. Any paving of the city esplanade area was done without our direction and we will remove that.

We would like to request to be put on the meeting scheduled for August 3rd, 2017 and look forward to an open dialogue to come to a solution for all parties involved.

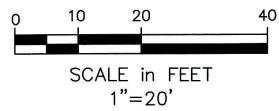
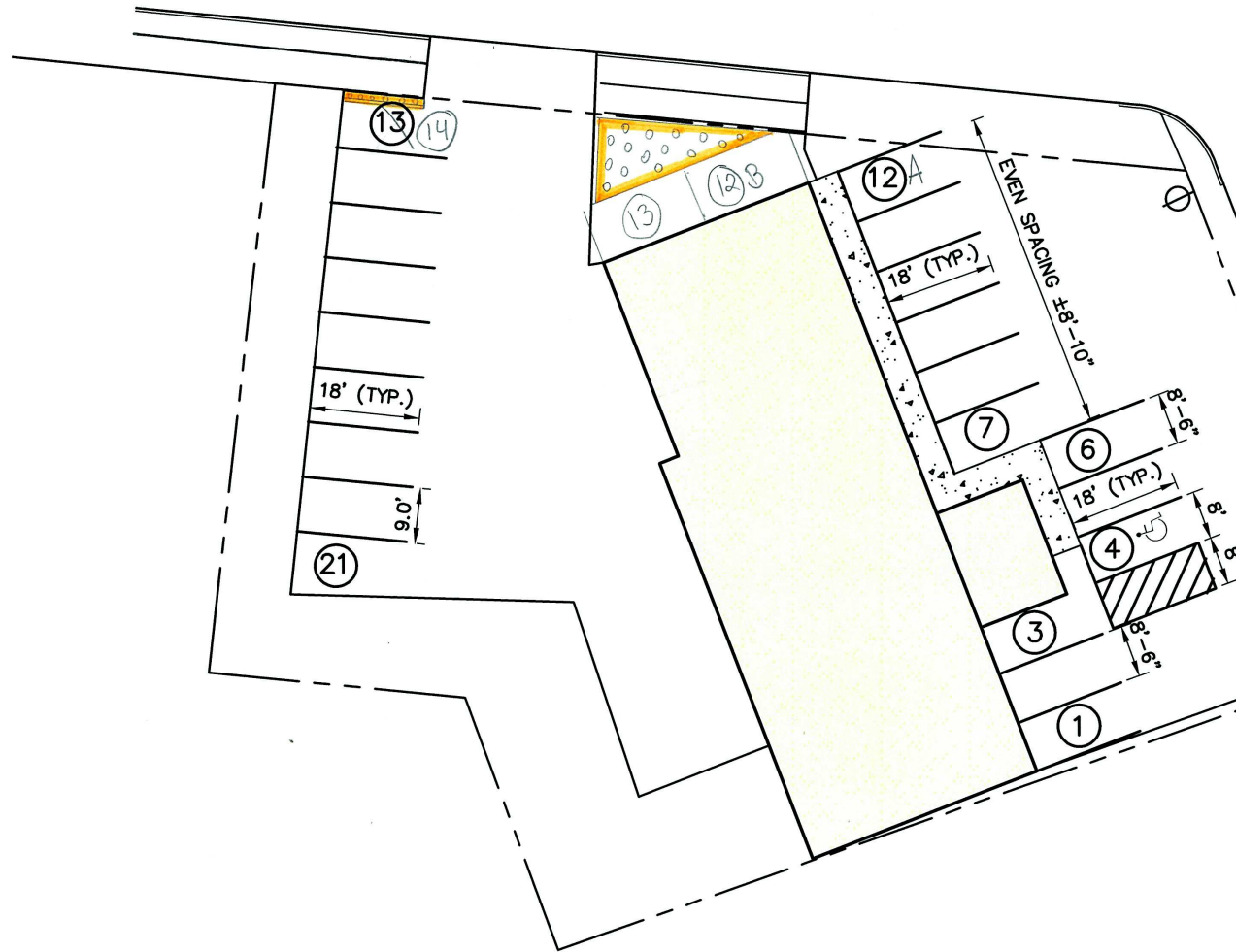
Sincerely,

A handwritten signature in black ink, appearing to read 'David Jenks', with a long horizontal line extending to the right.

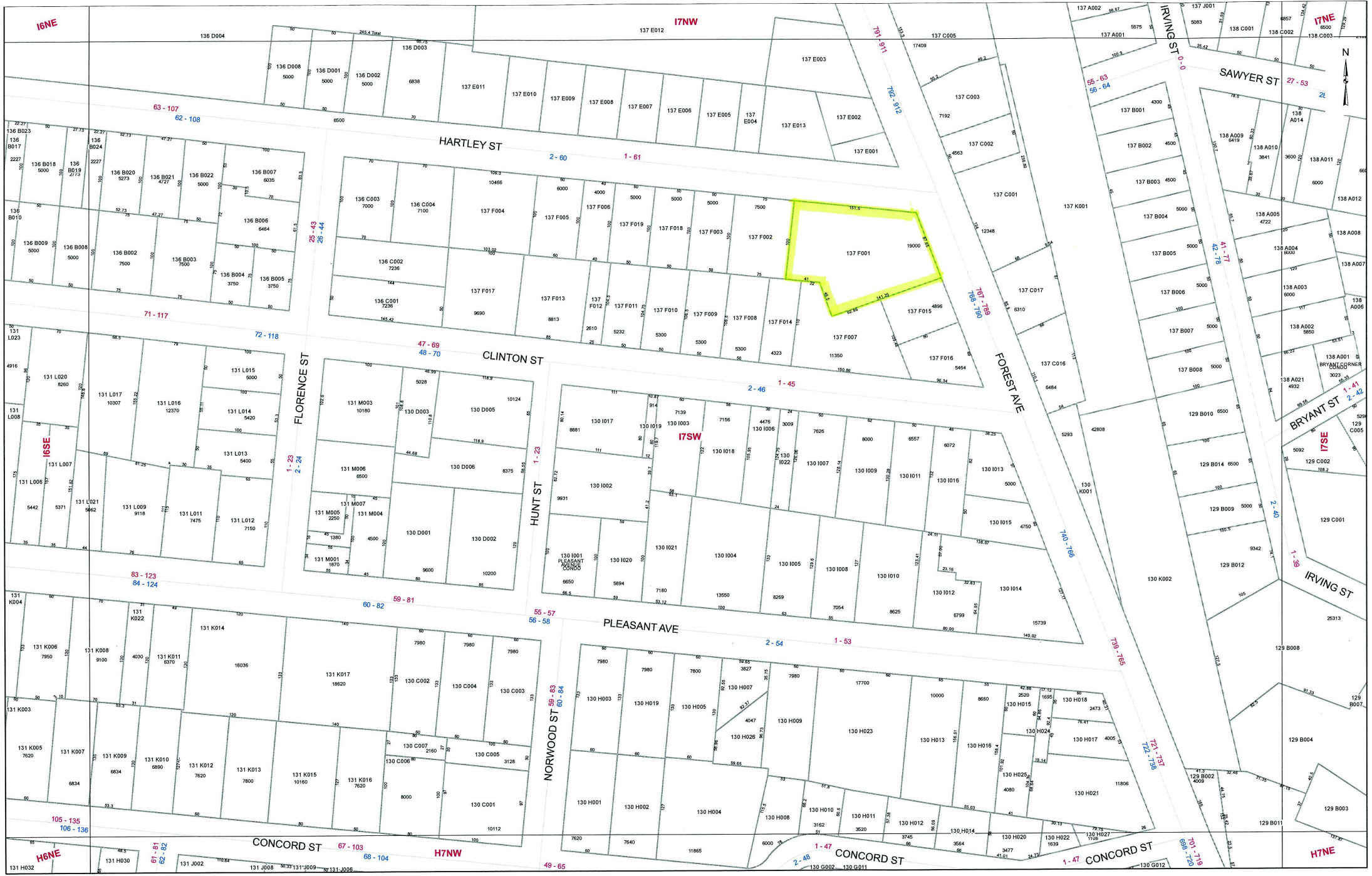
David Jenks
Manager

HARTLEY STREET

FOREST AVENUE



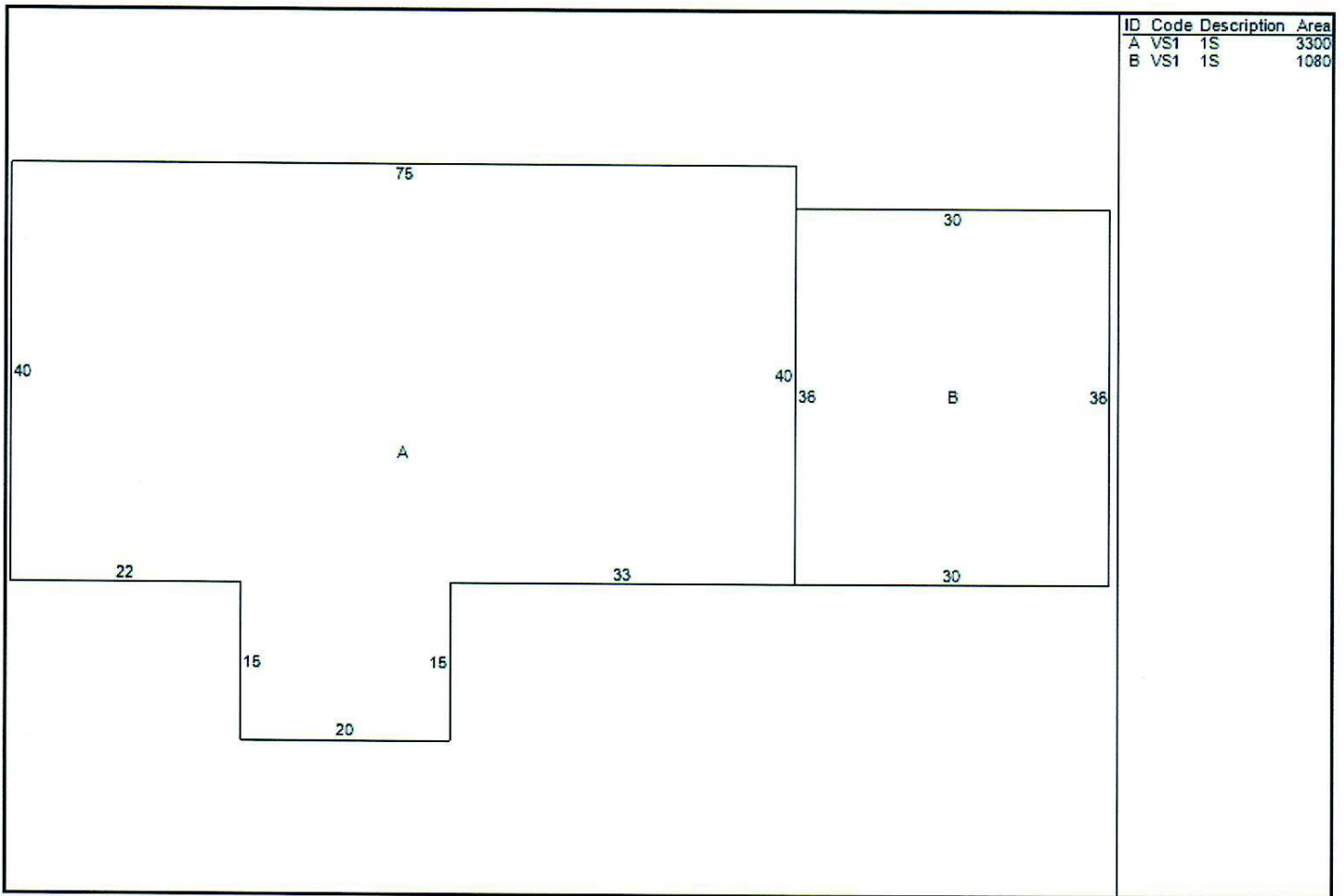
		788 FOREST AVENUE PORTLAND, MAINE	
		PAVMENT STRIPING PLAN	
REV	DATE	DESCRIPTION	BY
McFarland Johnson 100 COMMER HILL DRIVE, SUITE 407 DANVER, MA PH: 978 408-4282		SCALE: AS SHOWN SOURCE: PFA CHECKED:	DESIGN: PFA PROJECT: DATE: 7/27/11
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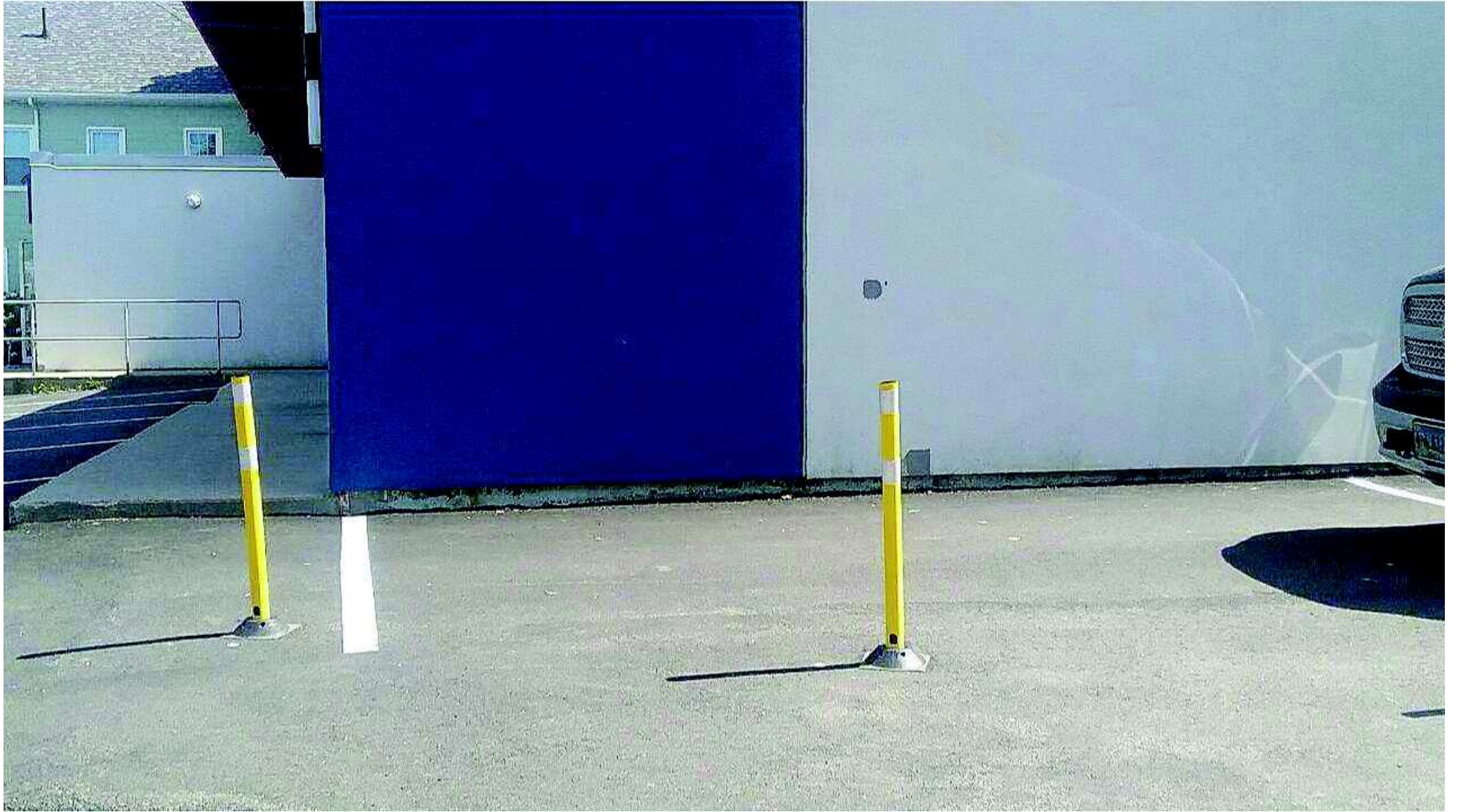
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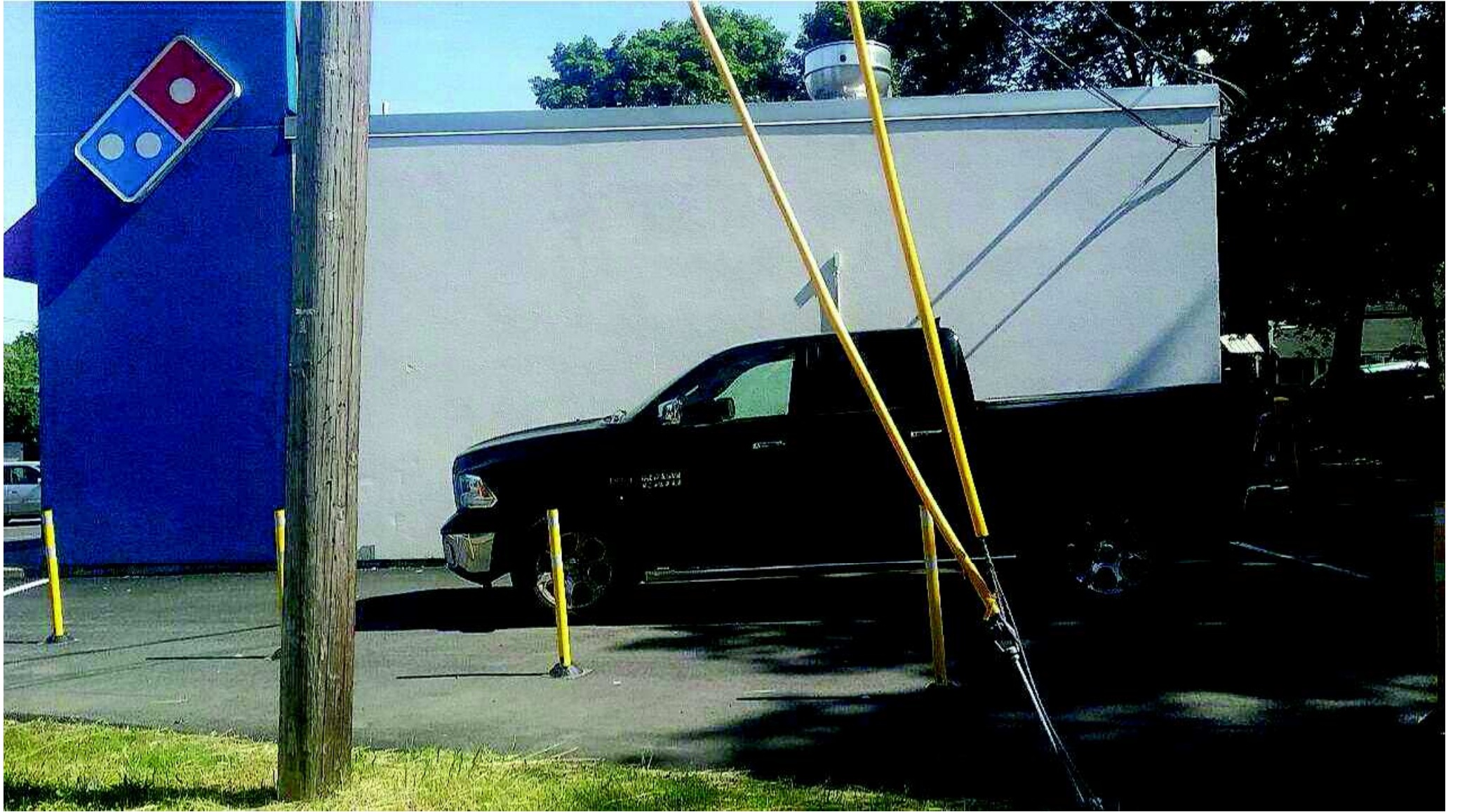
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782 Forest Ave Sketch











QUITCLAIM DEED WITH COVENANT

MAINE REAL ESTATE TAX PAID

KNOW ALL BY THESE PRESENTS, That **782-788 FOREST AVENUE, LLC**, a Maine limited liability company with a mailing address of 1000 Washington Avenue Portland, Maine 04103 (the "Grantor"), of Cumberland County, Maine, for consideration paid, grant to **PORTLANDOM, LLC**, a Maine limited liability company with a mailing address of 100 Conifer Hill Drive #402 Danvers, Massachusetts 01923 (the "Grantee"), with QUITCLAIM COVENANT, the land and buildings in Portland, Cumberland County, Maine, described more particularly as follows:

A certain lot or parcel of land with the buildings thereon, situated in that part of Portland which was formerly Deering, in the County of Cumberland and State of Maine, bounded and described as follows:

Beginning at the corner made by the intersection of westerly side line of Forest Avenue and the southerly side line of Hartley Street and running thence westerly by said Hartley Street, one hundred fifty-one and five tenths (151.5) feet to land conveyed to Frank C. Ramsdell by Martha A. Gray by deed dated June 27, 1899, and recorded in the Cumberland County Registry of Deeds in Book 675, Page 448; thence southerly by said Ramsdell land one hundred (100) feet, more or less, to land conveyed to Nathan S. Freeman by Martha A. Gray by her deed dated May 25, 1899, and recorded in said Registry of Deeds in Book 675, Page 319; thence easterly by said land conveyed to said Nathan S. Freeman as aforesaid, forty-one (41) feet to an iron pipe driven in the ground, which is a point two (2) feet from the southwesterly corner of where a barn formerly owned by the said Martha A. Gray stood; thence in nearly a southerly direction, forty-six and five tenths (46.5) feet, more or less, to an iron stake driven in the ground standing in the line of land now or formerly of Benjamin Maddox; thence in a nearly northeasterly direction on the line of said Maddox land and line of land now or formerly of one Rankin, one hundred forty-one and twenty-five hundredths (141.25) feet, to the westerly side line of said Forest Avenue; thence in a northerly direction along the westerly side line of said Forest Avenue, eighty-seven and sixty-five hundredths (87.65) feet to the point of beginning.

This conveyance is made subject to an easement to lay, maintain and repair water pipes across said property given by Ernest L. Parkman by Adele S. Freeman, her heirs and assigns, in accordance with the terms and conditions as set forth in a deed thereof given by said Ernest L. Parkman to said Adele S. Freeman, dated November 7, 1922, and recorded in Cumberland County Registry of Deeds in Book 1141, Page 234 to which reference is hereby expressly made for the terms and conditions thereof.

Being the same premises conveyed by deed from Ebb Tide Properties, Inc. to the Grantor dated December 15, 1999, recorded in the Cumberland County Registry of Deeds in Book 15225, Page 121.

IN WITNESS WHEREOF, the said 782-788 Forest Avenue LLC has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Frederick Huber, its Member, this 12th day of January 2011.

782-788 FOREST AVENUE, LLC

By: Frederick G. Huber
Its:
Printed Name: Frederick G. Huber

Received
Recorded Register of Deeds
Jan 14, 2011 02:18:54P
Cumberland County
Pamela E. Lovley

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

On January 12, 2011, personally appeared the above named Frederick Huber acknowledged the foregoing instrument to be his/her free act and deed, and the free act and deed of 782-788 Forest Avenue, LLC.

Before me,

Eben Adams
Notary Public/Attorney at Law
Print: Eben Adams
My Commission Expires: