

Sept 12, 1983.

To: zoning Board Variance Appeal Committee

From: Resident 42 Sawyer St.

I am unable to attend the public hearing regarding the property at 46-50 Sawyer St.

I wish you to know, however, that I am very much opposed to the changes requested by the owner from a 3 family apartment to a 4 family apartment house.

We already have so many problems with parking and traffic in this area, that any additional would certainly be very upsetting to the neighborhood.

I am also concerned that if one person is allowed to add apartments to their property others would might also wish to do so, and this would certainly create many problems in the future.

Phyllis M Curry  
Owner + Resident of Property  
@ 42 Sawyer St

9/6/83

To: Zoning Variance Committee

From: Residents of 45 Sawyer Street

Let it be known that as neighbors of the property under review we are most strongly opposed. Parking is difficult at best; the traffic flow has increased in both volume and speed in the last four years causing numerous concerns (children's safety the most important).

Increasing the number of units from three to four serves only a financial purpose for the owner. It is a small building on a small lot - imagine a potential three more people or three more automobiles stemming from it. We are confident that you will see the logic / practical sense in keeping it an overcrowded three family unit.

*Christine Ross*

Christine Ross

72 Irving Street  
Portland, ME 04103  
September 28, 1983

I am owner of the property at 72 Irving Street,  
adjoining the property at 48 Sawyer Street under  
discussion. As an interested homeowner, I have no  
objection whatever to the changes in the property at  
48 Sawyer Street proposed to be made at this time.

Very truly yours,

  
Donald N. Burdwood

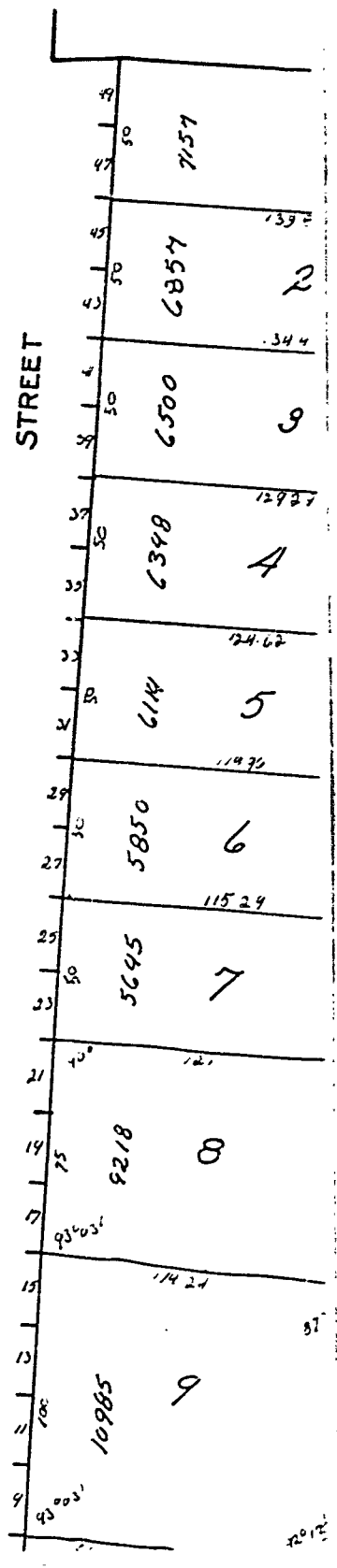
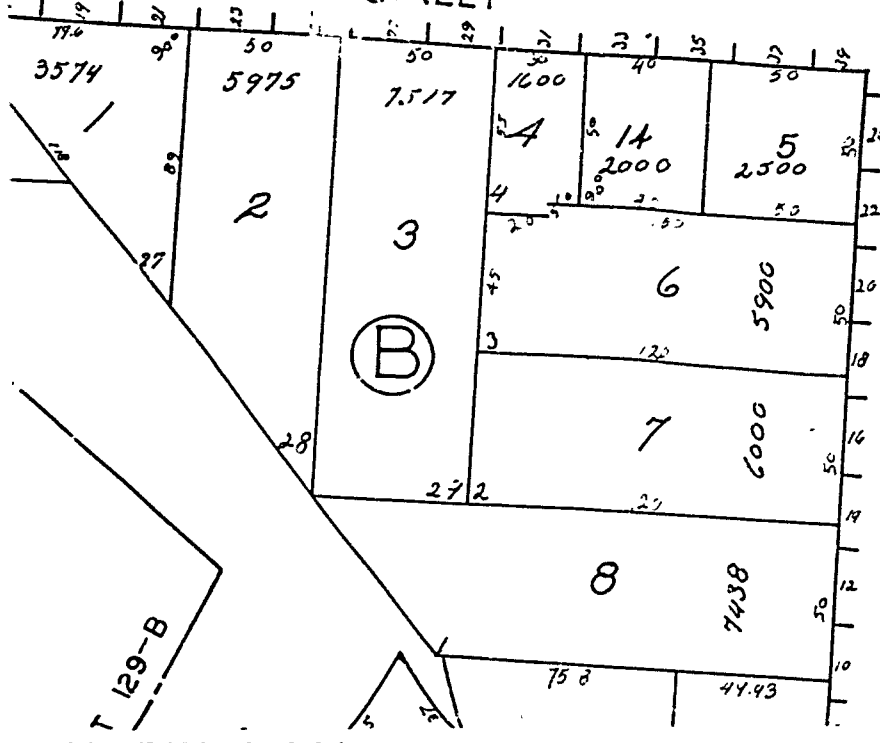
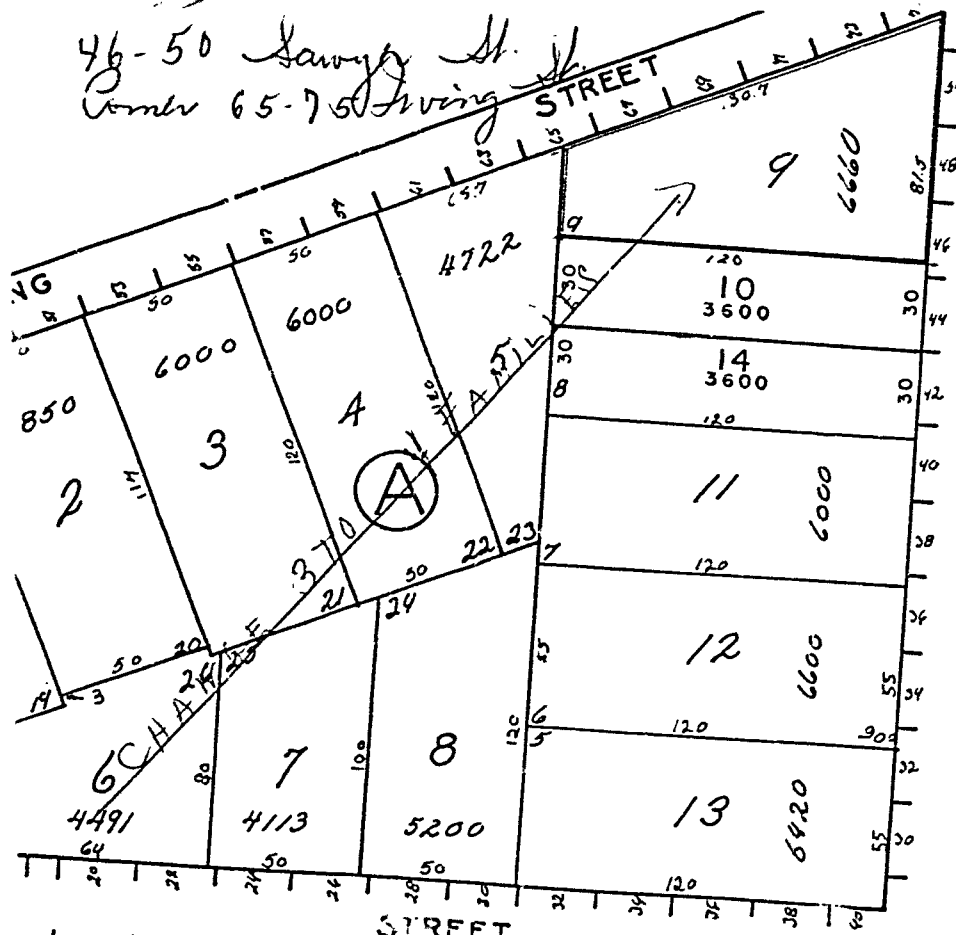
To: The Board of Appeals  
RE: Variance at 58 Sawyer St.

Sept. 28, 1983.

I feel it would not be a detriment to the neighborhood if Clifford Field is permitted to let another apartment at the above address, on the contrary, it would be a benefit. His proposed renovation at the site can only serve to enhance the area. Such improvement in the neighborhood far outweighs any fear the Board can have regarding parking, noise, over-crowding, etc. Although unable to attend the hearing to express these views in person, I am full support of Mr. Field's proposal, and strongly urge the Board to render a favorable decision regarding such.

Sincerely,  
*Andrew S. Mills*  
Andrew S. Mills  
66 Irving St.  
Portland

46-50 Sawney St.  
 Corner 65-75 Irving St.



**CITY OF PORTLAND, MAINE**  
ZONING BOARD OF APPEALS



MICHAEL E. WESTORY  
Chairman  
EUGENE S. MARTIN  
Secretary  
JACQUELINE COHEN  
TIMOTHY E. FLAHERTY  
THOMAS J. MURPHY  
MERRILL S. SELTZER  
GAIL D. ZAYAC

August 18, 1983

46-50 Sawyer Street Corner of 65-75 Irving Street

Mr. Clifford M. Field  
48 Sawyer Street  
Portland, Maine 04103

Dear Mr. Field:

Building Permit and Certificate of Occupancy to Change the Use of the 3-family apartment house, at the above named location, to a 4-family apartment house are not issuable under the Zoning Ordinance for the following reasons:

1. The area of the lot on which this building is located is only about 6,660 sq. ft. rather than the 12,000 sq. ft. minimum required by Section 14-117.8 (3,000 sq. ft. per fam.), Space and Bulk Appeal - Section 14-173.a.
2. Such a use is not permitted under Section 14-116.2 of the Ordinance applying to the R-5 Residential Zone in which this property is located, Dwelling Unit Conversion Appeal - Section 14-473.b.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, Room 317, City Hall, to file the appeal on forms which are available here. A fee of \$100.00 shall be paid at this office at the time the appeal is filed. If fee has been paid, and appeal filed prior to this letter, then consider this letter as a matter of formality.

Very truly yours,

Malcolm G. Ward  
Zoning Enforcement Officer

MGW/jmr

Applicant: CLIFFORD M. FIELD Date: 8/18/83  
Address: 46-50 SAWYER ST. COR. 65-75 IRVING ST.  
Assessors No.: 138-11-9

CHECK LIST AGAINST ZONING ORDINANCE

- Date -
- Zone Location - R-5
- Interior or corner lot -
- 40 ft. setback area (Section 21) - C14-443.b)
- Use - CHANGE OF USE 3-4 FAMILIES
- Sewage Disposal
- Rear Yards -
- Side Yards -
- Front Yards -
- Projections -
- Height -
- Lot Area - 6660 #
- Building Area -
- Area per Family - 6660 # (C14-443.c. (3000 # PER FHM.) 12,000 # MIN.)
- Width of Lot -
- Lot Frontage
- Off-street Parking - 4
- Loading Bays -
- Site Plan -
- Shoreland Zoning -
- Flood Plains -

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP .....
B.O.C.A. TYPE OF CONSTRUCTION .....

ZONING LOCATION ..... PORTLAND, MAINE August 17, 1983

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION ..... 48 Sawyer Street ..... Fire District #1 [ ] #2 [ ]
1. Owner's name and address ..... Clifford M. Field - same ..... Telephone # 774-8167
2. Lessee's name and address ..... Telephone # 799-7364
3. Contractor's name and address ..... Telephone .....
Proposed use of building ..... 4 family ..... No. of sheets .....
Last use ..... 3 family ..... No. families .....
Material ..... No. stories ..... Heat ..... Style of roof ..... Roofing .....
Other buildings on same lot .....
Estimated contractual cost \$ ..... Appeal Fees \$ 50.00
FIELD INSPECTOR - Mr. @ 775-5451 Base Fee
Late Fee
TOTAL \$

Change of use from 3 to 4 family

This application is preliminary and does not settle the question of zoning appeal. In the event the appeal is sustained the applicant shall furnish complete information, estimated cost and pay legal fee.

Stamp of Special Conditions

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

DETAILS OF NEW WORK

Is any plumbing involved in this work? Is any electrical work involved in this work?
Is connection to be made to public sewer? If not, what is proposed for sewage?
Has septic tank notice been sent? Form notice sent?
Height average grade to top of plate ..... Height average grade to highest point of roof .....
Size, front ..... depth ..... No. stories ..... solid or filled land? ..... earth or rock?
Material of foundation ..... Thickness, top ..... bottom ..... cellar .....
Kind of roof ..... Rise per foot ..... Roof covering .....
No. of chimneys ..... Material of chimneys ..... of lining ..... Kind of heat ..... fuel .....
Framing Lumber - Kind ..... Dressed or full size? ..... Corner posts ..... Sills .....
Size Girder ..... Columns under girders ..... Size ..... Max. on centers .....
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor ..... 2nd ..... 3rd ..... roof .....
On centers: 1st floor ..... 2nd ..... 3rd ..... roof .....
Maximum span: 1st floor ..... 2nd ..... 3rd ..... roof .....
If one story building with masonry walls, thickness of walls? height?

IF A GARAGE

No. cars now accommodated on same lot ..... to be accommodated ..... number commercial cars to be accommodated .....
Automobile repairing to be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY: DATE MISCELLANEOUS
BUILDING INSPECTION - PLAN EXAMINER ..... Will work require disturbing of any tree on a public street?
ZONING: .....
BUILDING CODE: ..... Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed?
Fire Dept.: .....
Health Dept.: .....
Others: .....

Signature of Applicant Clifford M. Field Phone # same
Type Name of above Clifford M. Field 1 [ ] 2 [ ] 3 [ ] 4 [ ]
Other and Address

Clifford M. Field and Linda A. Field, the owners of a 3-unit apartment house at the address of 48 Sawyer Street, Portland, Maine, need to do extensive repairs to the above property and in the process add an extra unit to the building making it a 4-unit. By adding this unit to the building, the owners will be able to do all the necessary repairs with the aid of the extra income.

The following repairs are needed: The back end of the building is in desperate need of a porch and replacement of siding. The rotting garage needs to be demolished and the parking area needs new pavement. The building needs a new roof and all outside trim needs painting. The third floor front apartment only has one legal exit and needs a fire escape for a second exit. The existing third floor rear vacant rooms need to be repaired. Other miscellaneous repairs needed are plumbing work, smoke detectors, and back hall electrical work.

(a) The subject property consists of a structure which by reason of its size could accommodate one more dwelling unit.

(b) By reason of the building's condition, the structure cannot be economically used or maintained as is.

(c) The existing uses in the immediate vicinity of the subject property are of multi-family dwellings.

(d) Adequate provision has been made for on-site parking spaces in a number sufficient to meet the requirements of Section 602.14.

(e) The conversion of the subject property to accommodate one more dwelling unit would not significantly interfere with the use and enjoyment of other land in the vicinity.

(f) None of the foregoing conditions have been deliberately created by the owners and no alternative available to the owners other than a variance to permit an increase in the permitted number of dwelling units would suffice to permit the economic use and maintenance of the subject property.

FINANCIAL ANALYSIS STATEMENT

	2/3 total	3/4 total
	Yearly Expenses Before Conversion*	Yearly Expens After Conversio
Yearly mortgage or loan debt service (exclude equity)	3 Family	4 Family
Amount of Mortgage <u>29,000</u>	2180	2794
Dates of Term <u>25 yrs 2004</u>		
Interest Rate <u>11 3/4 %</u>		
Total Cost of Conversion <u>\$7,200</u>	2255	3207
Cost of planned repairs <u>\$20,000</u>		
Real Estate Taxes	1193	1432
Insurance (exclude personal property)	265	319
Water and Sewer (only renter(s) costs)	312	412
Heat (only if you pay tenant(s) heat costs) <small>Rental of gas hot water heaters</small>	168	168
Electricity (only if you pay tenant(s) electricity costs).		
Legal	25	35
Audit		
Trash removal		
Maintenance	66	75
Repairs	200	225
Snow Removal		
Lawn Care		
Supplies	66	75
Payroll		
Reserve for replacement	200	225
Reserve for vacancy <u>5%</u>	255	411
Advertising	20	30
Management and bookkeeping		
TOTAL YEARLY COST	7505	9408
TOTAL RENTAL INCOME	5100	8230
No. of Apartments		
Rents Apartment 1 <u>\$225 unheated</u>		
Apartment 2 <u>owners</u>		
Apartment 3 <u>200 unheated</u>		
4 <u>260 unheated</u>		

\*All figures must include only the costs or percentage of costs attributable to the rental units and not the personal living costs of the owner's unit. If this is a 2-family house, only 50% of cost is eligible if the owner occupies one unit.

**RECEIVED**  
 SEP 26 1983  
 DEPT. OF BLDG. INSP.  
 CITY OF PORTLAND

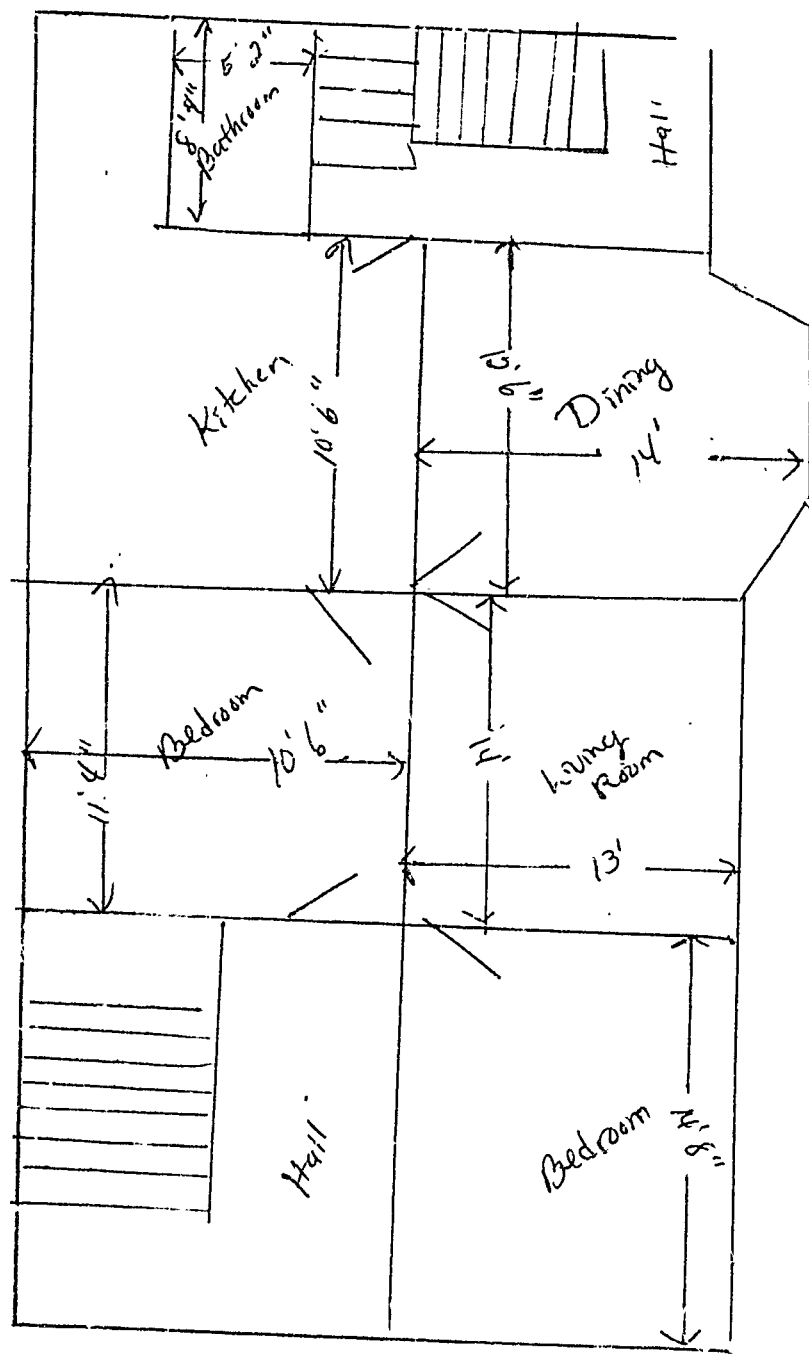
Repairs \$20,000  
Conversion \$7,200

Repairs only before conversion  
\$10,000 9% 10yr. }  
10,000 14% 10yr. }  $\times \frac{2}{3} = \$2255$

Repairs and Conversion  
\$20,000 9% 10yr. }  
7,200 12% 10yr. }  $\times \frac{3}{4} = \$3207$

Based upon availability of  
financing as quoted to  
Mr. and Mrs. Field

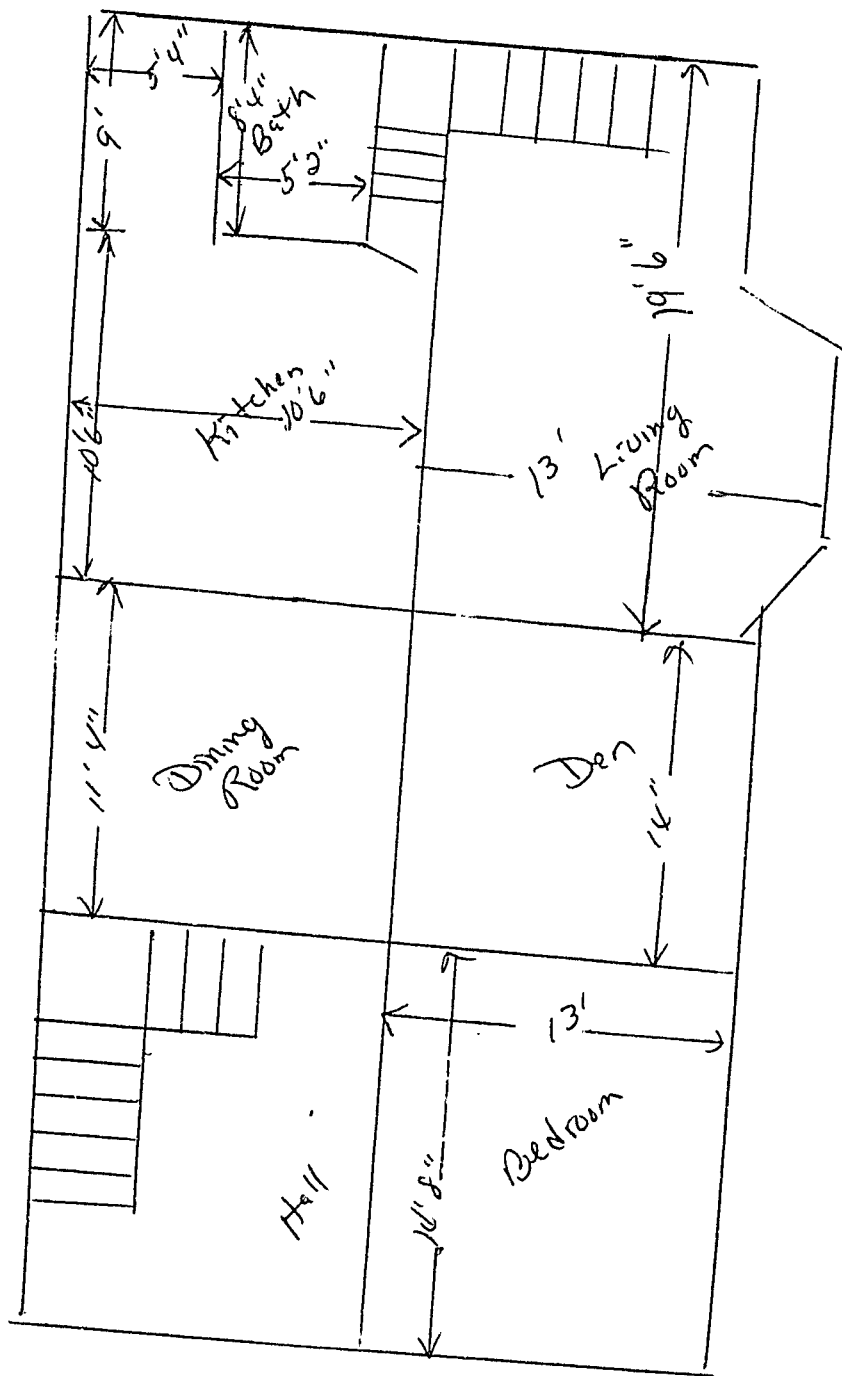
First Floor  
Stays the Same



Irving Street

Sawyer St

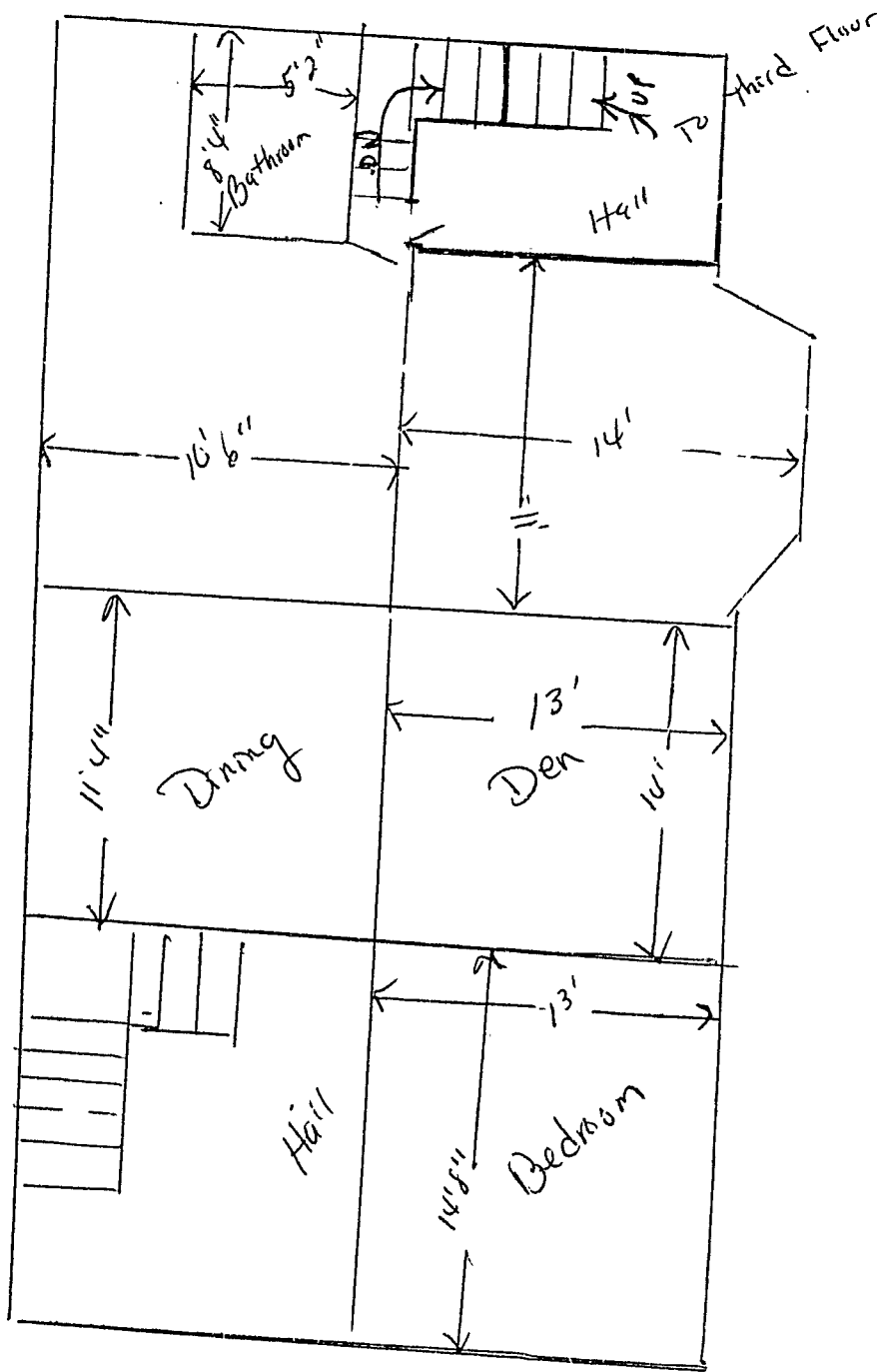
Second Floor  
Existing Now



Living St  
Garage

Sawyer

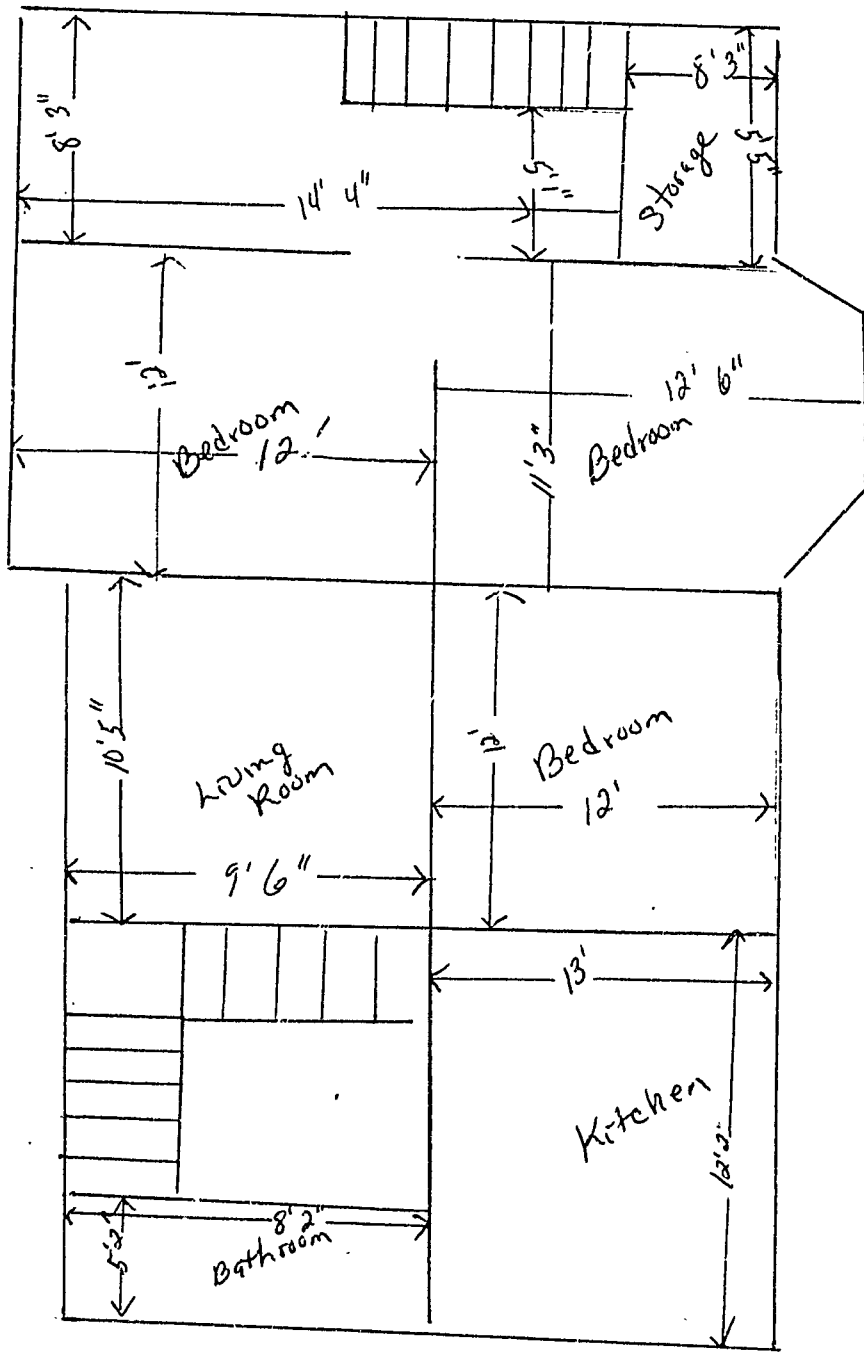
Second Floor  
Proposed



5' Burst  
H

Sawyer St

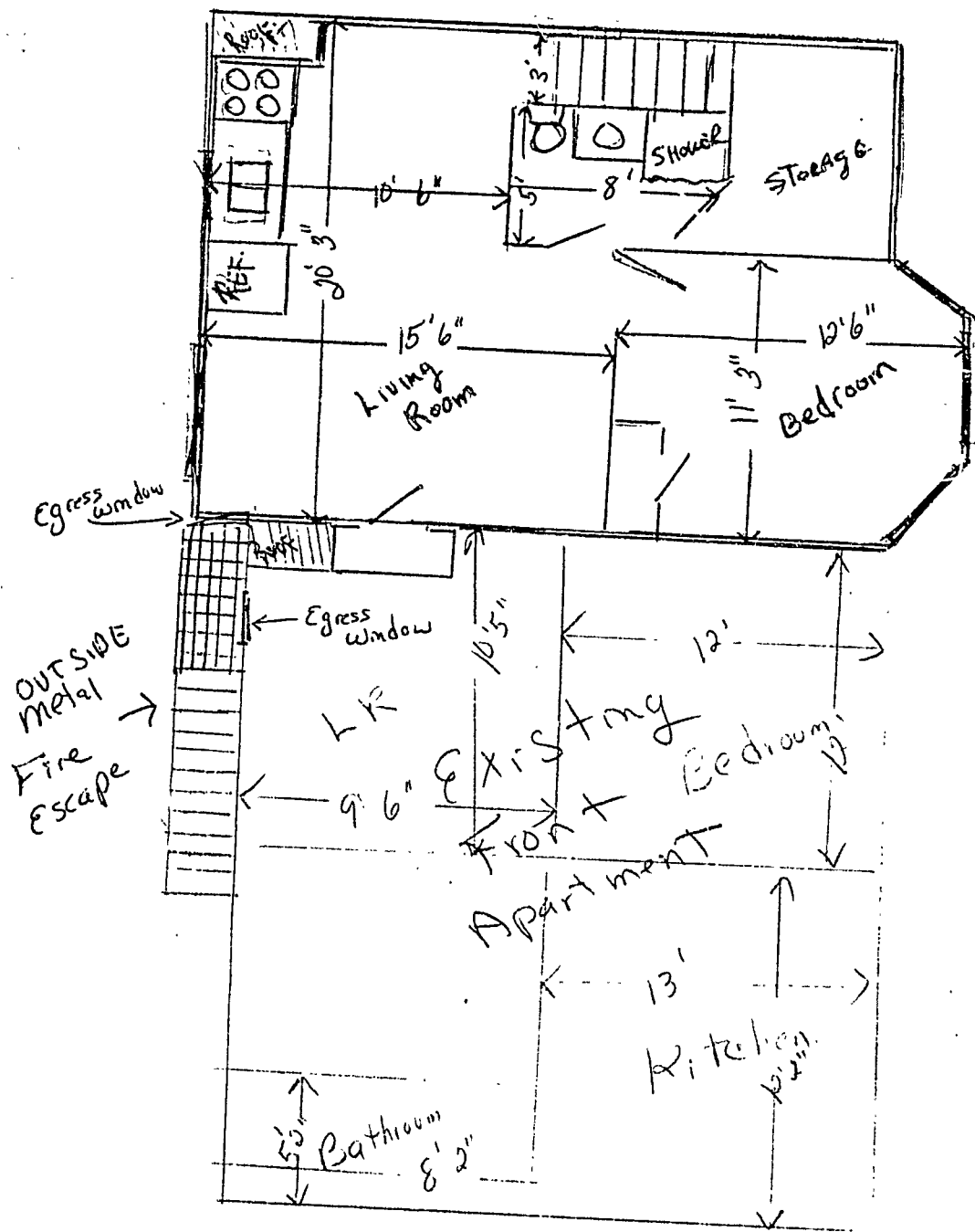
Third Floor  
Now



FS  
Front

Sawyer St

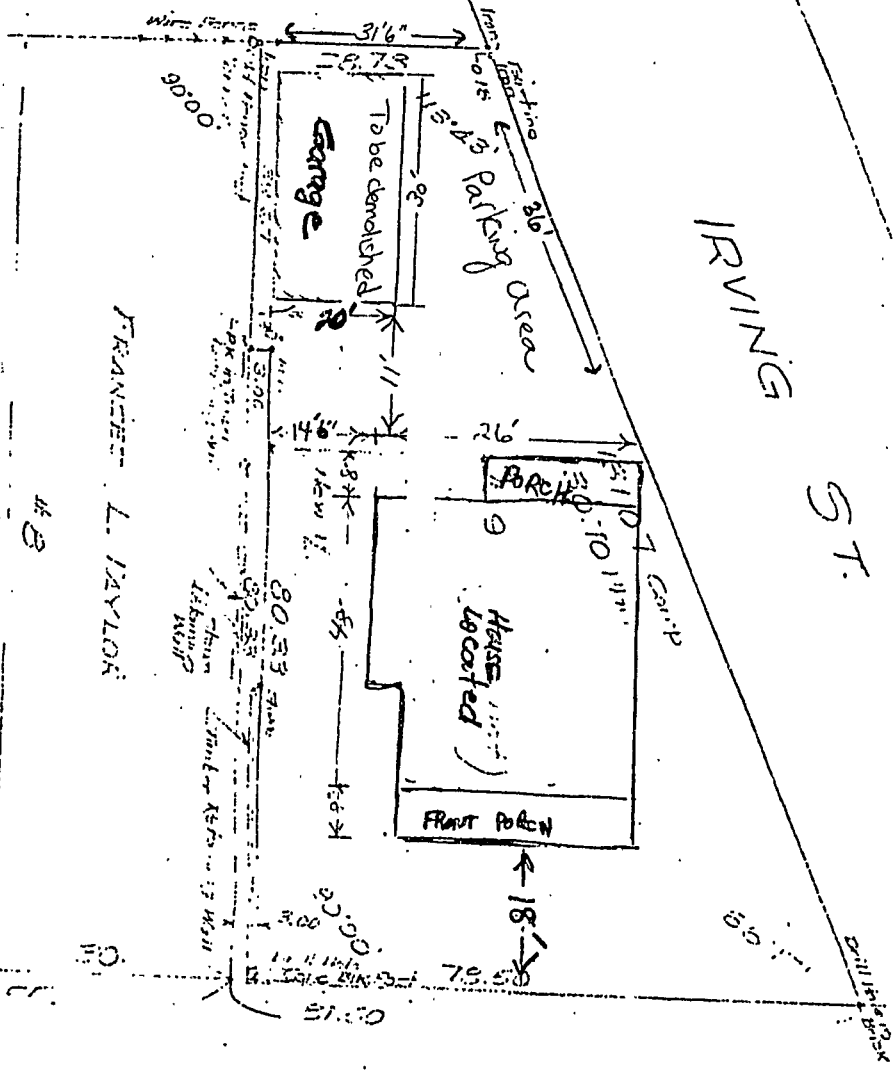
Proposed 4<sup>th</sup> Apartment  
Third Floor



Irving Street

Sawyer Street

ARFETH WARDEN



IRVING ST.

LAWYER ST.

FRANKLIN L. LAYTON



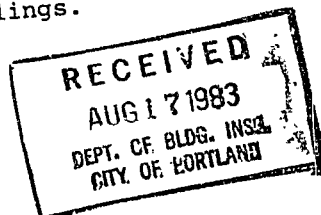
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The following repairs are needed: The back end of the building is in desperate need of a porch and replacement of siding. The rotting garage needs to be demolished and the parking area needs new pavement. The building needs a new roof and all outside trim needs painting. The third floor front apartment only has one legal exit and needs a fire escape for a second exit. The existing third floor rear vacant rooms need to be repaired. Other miscellaneous repairs needed are plumbing work, smoke detectors, and back hall electrical work.

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(b) By reason of the building's condition, the structure cannot be economically used or maintained as is.

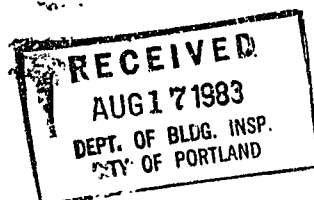
(c) The existing uses in the immediate vicinity of the subject property are of multi-family dwellings.

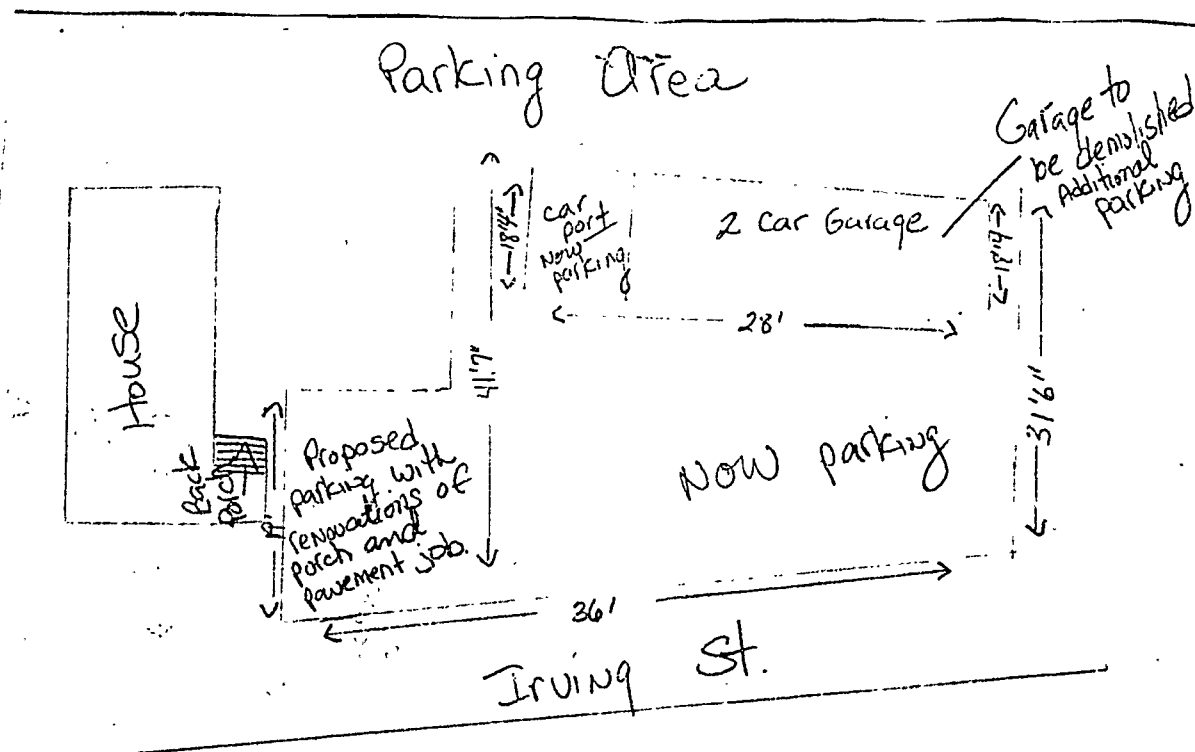


(d) Adequate provision has been made for on-site parking spaces in a number sufficient to meet the requirements of Section 602.14.

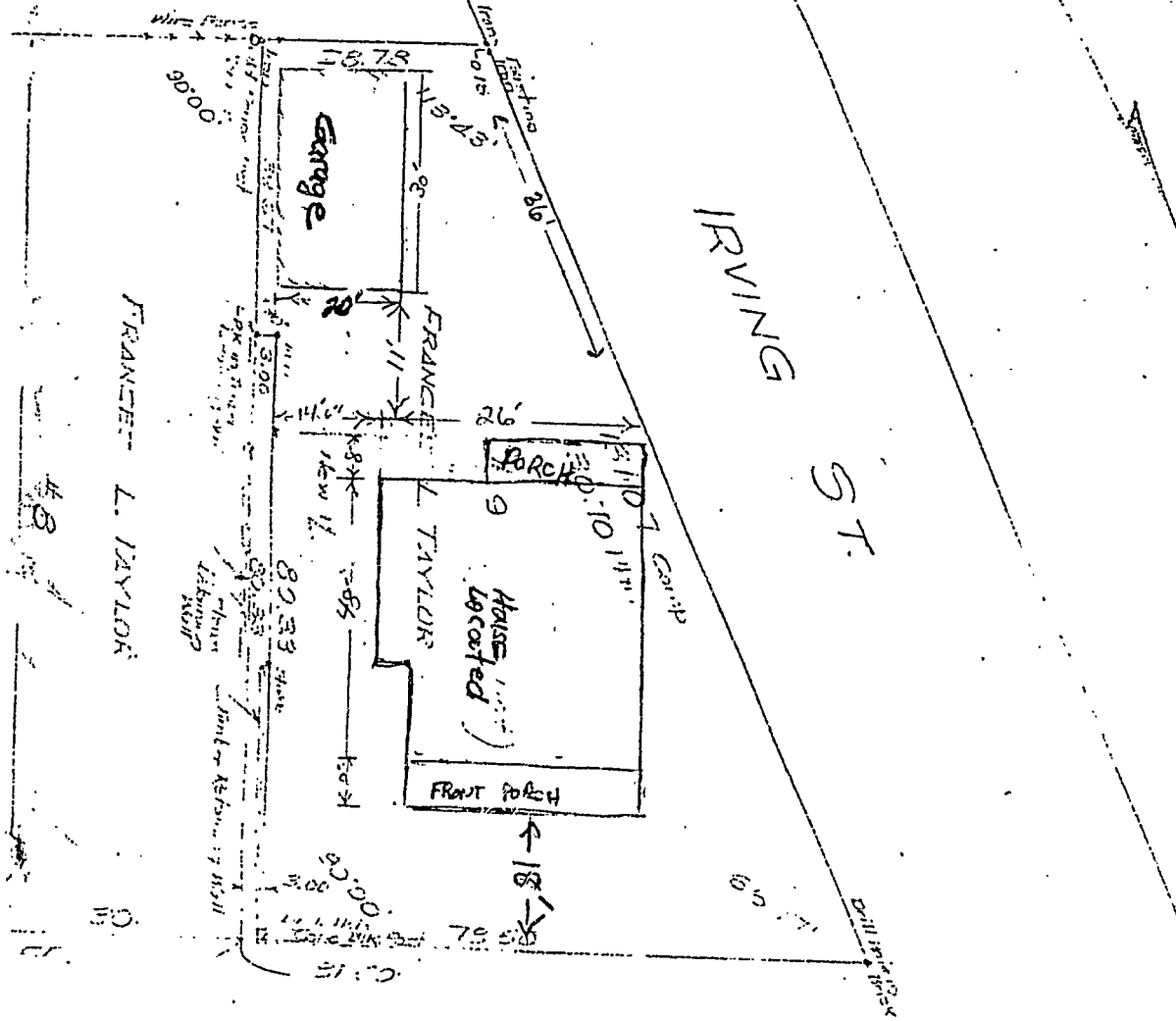
(e) The conversion of the subject property to accommodate one more dwelling unit would not significantly interfere with the use and enjoyment of other land in the vicinity.

(f) None of the foregoing conditions have been deliberately created by the owners and no alternative available to the owners other than a variance to permit an increase in the permitted number of dwelling units would suffice to permit the economic use and maintenance of the subject property.





1817 1/2 WARDEN



IRVING ST.

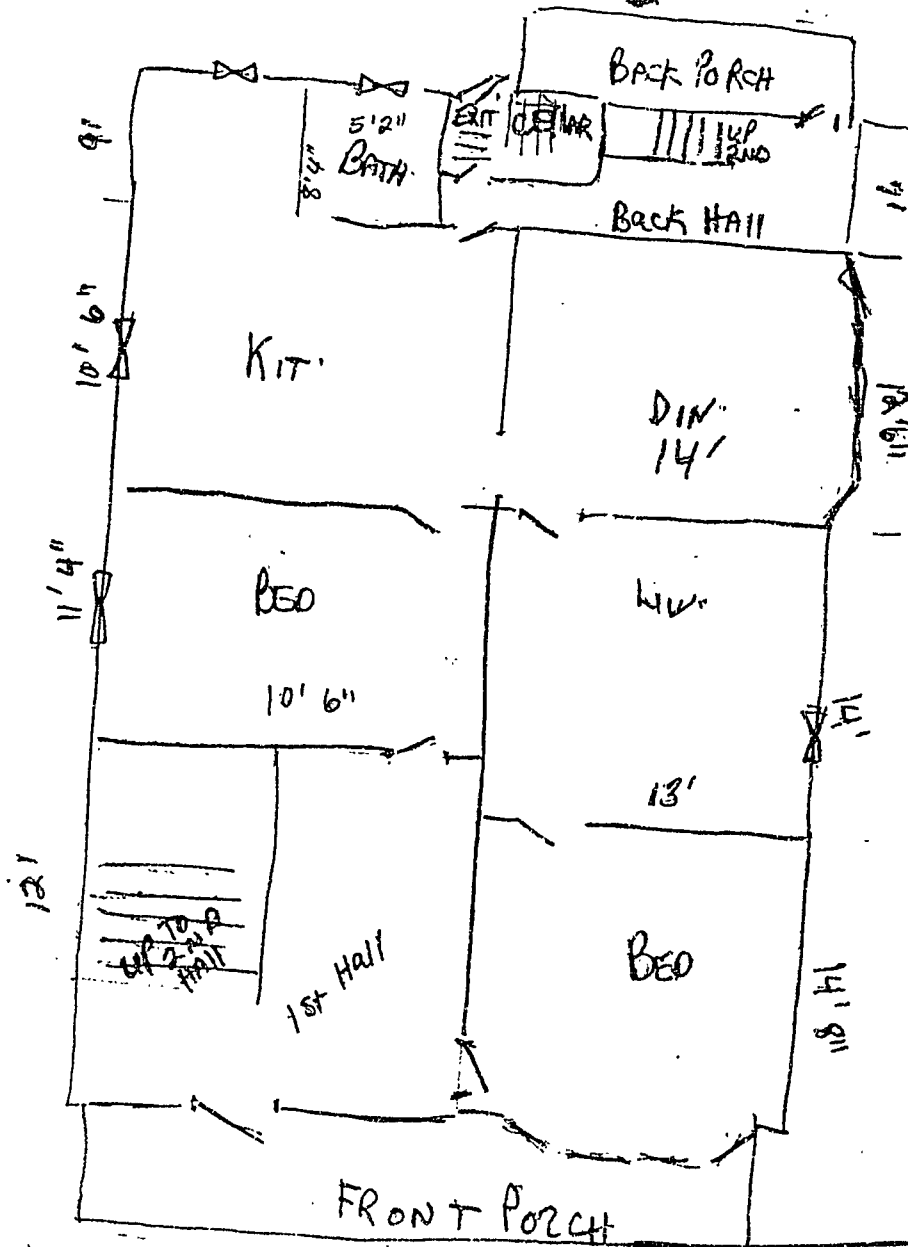
FRANCIS L. TAYLOR

Garage  
House located  
Front Porch

SAWYER ST.

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 CITY OF PORTLAND

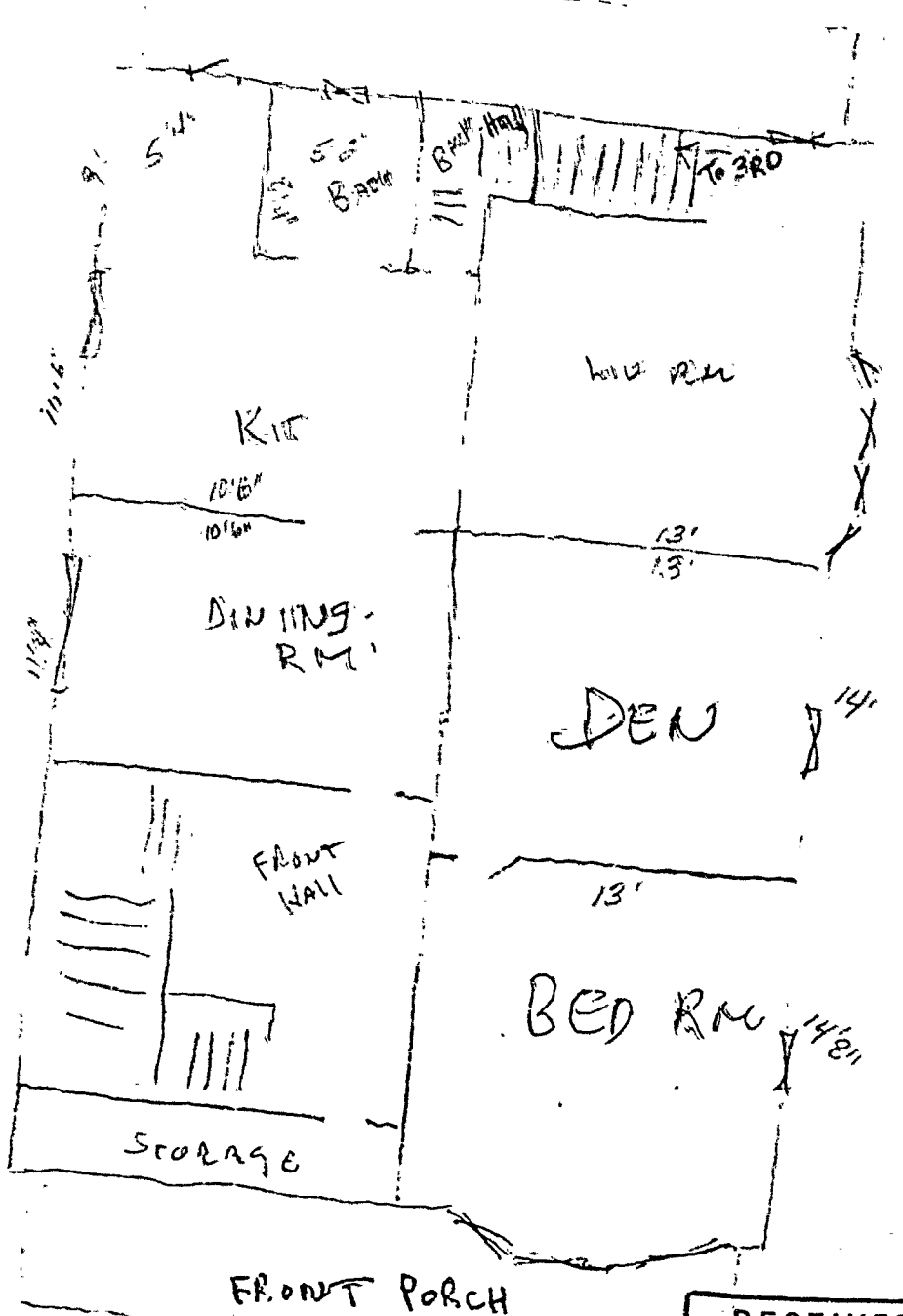
FIRST FLOOR



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CITY OF PORTLAND

NEW

200 PHE

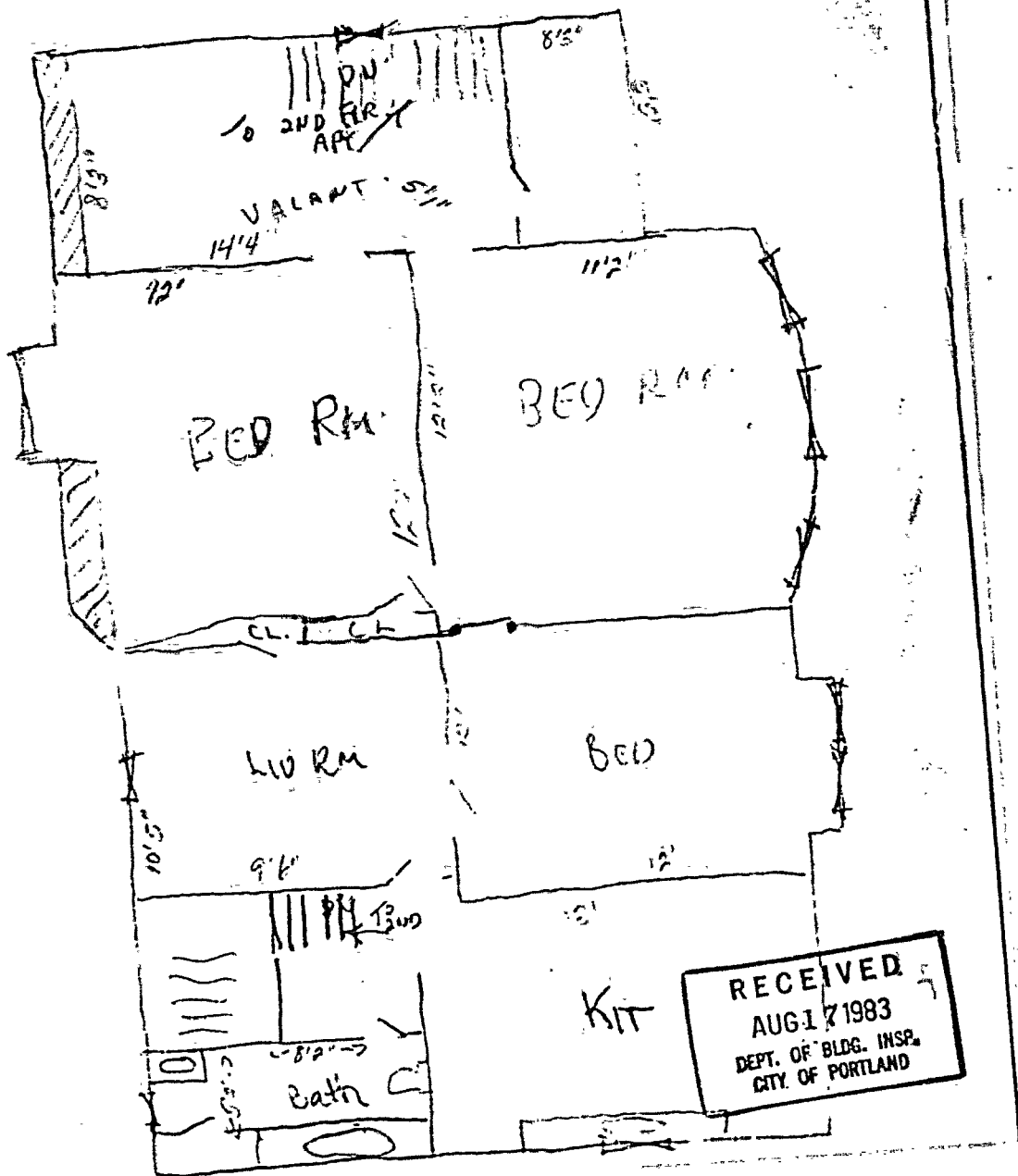


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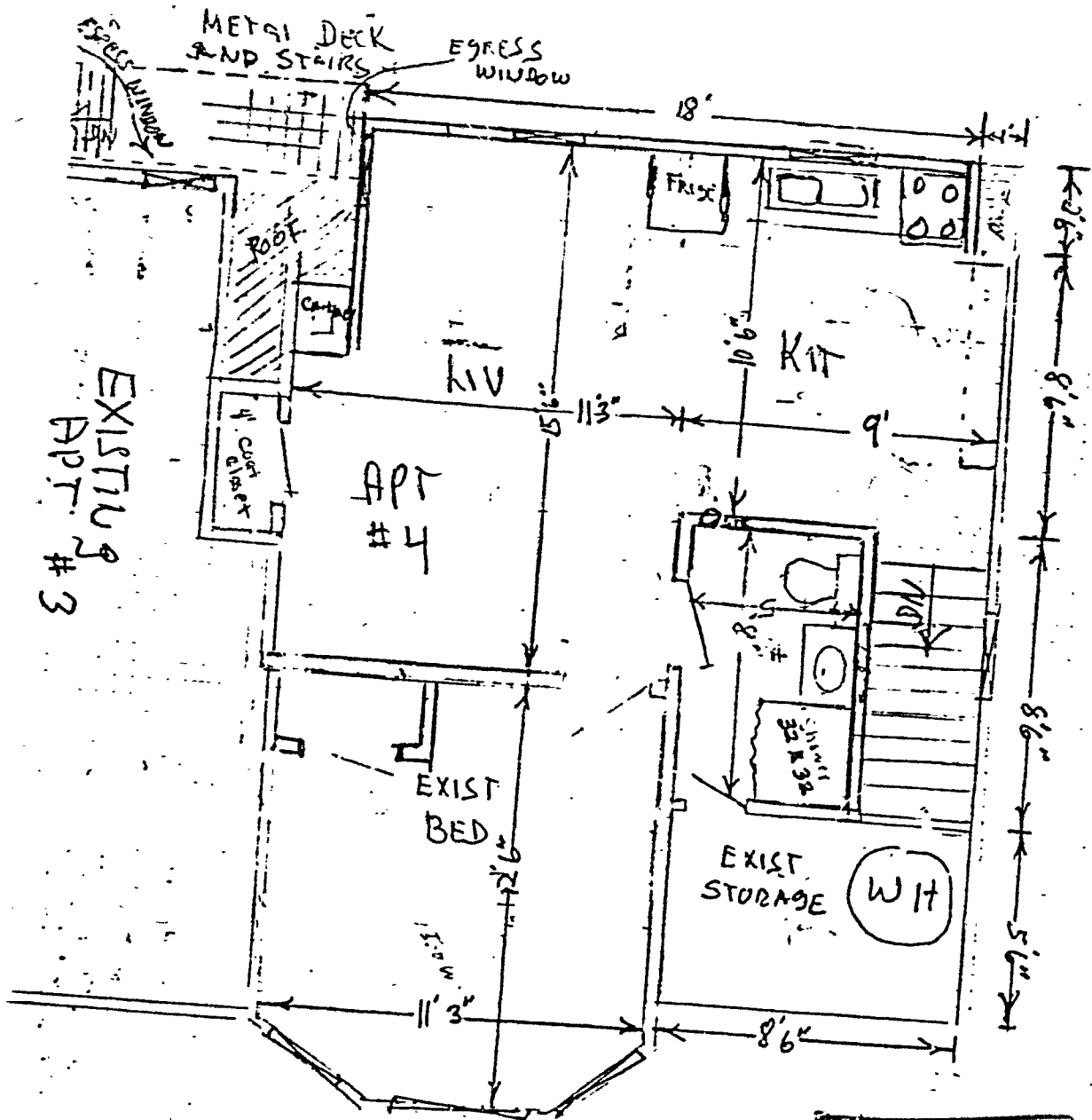


3RD FLR

NOV



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CITY OF PORTLAND



EXISTING  
APT. #3

PROPOSED APT #4  
 EXISTING 3RD FLOOR  
 ROOMS WITH NEW  
 18' DORMER  
 NEW PARTITION + DORMER IN INK

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 CITY OF PORTLAND

1/4" = 1'

**FINANCIAL ANALYSIS STATEMENT**

	Yearly Expenses Before Conversion*	Yearly Expense After Conversion
Yearly mortgage or loan debt service (exclude equity)	monthly payment yearly \$3,725.22	mortg. payment \$3,725.22
Amount of Mortgage	\$19,000 in-ally payment 310.44	
Dates of Term	Oct '79 Oct 1979 25yrs	
Interest Rate	11 3/4 %	12.20 % monthly \$253.30 yearly \$3,040.32 \$103.00 \$1,236.00
Total Cost of Conversion	\$27,200 \$7,200 127 10yrs K2 loans	
Real Estate Taxes	\$1,550.00	\$1,800.00
Insurance (exclude personal property)	\$340.00	\$440.00
Water and Sewer (only renter(s) costs)	312.00	\$400.00
Heat (only if you pay tenant(s) heat costs)	—	—
Electricity (only if you pay tenant(s) electricity costs)	\$168.00	Renters expense electric heat
Legal	\$32.50	\$100.00
Audit	—	—
Trash removal	—	—
Maintenance	\$75.00	\$100.00
Repairs	\$500.00	\$300.00
Snow Removal	— owners labor	— owners labor
Lawn Care	— owners labor	— owners labor
Supplies	\$100.00	\$50.00
Payroll	—	—
Reserve for replacement	\$300.00	\$300.00
Reserve for vacancy	\$400.00	\$600.00
Advertising	\$30.00	\$45.00
Management and bookkeeping	— owners labor	— owners labor
<b>TOTAL YEARLY COST</b>	\$7,332.78	\$12,289.10
<b>TOTAL RENTAL INCOME</b>	monthly \$425.00 yearly \$5,100.00	monthly \$1,200.00 yearly \$2,200.00
No. of Apartments	3 now 4 proposed	
Rents	Apartment 1 \$225.00 Apartment 2 owner occupied \$225.00 Apartment 3 \$200.00 Apartment 4 \$260.00	

\*All figures must include only the costs or percentage of costs attributable to the rental units and not the personal living costs of the owner's unit. If this is a 2-family house, only 50% of cost is eligible if the owner occupies one unit.

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ZONING BOARD OF APPEALS



MICHAEL E. WESTCOT  
Chairman

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Secretary

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TIMOTHY E. FLAHERTY  
THOMAS J. MURPHY  
MERRILL S. SELTZER  
GAIL D. ZAYAC

All persons interested either for or against this Dwelling Unit Conversion and Space and Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, September 29, 1983 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property directly abutting, and directly across a street or alley from the subject property, as required by ordinance.

Mr. Clifford M. Field, owner of the property at 46-50 Sawyer Street Corner of 65-75 Irving Street, under the provisions of Section 14-473 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit the Change of Use of the 3-family apartment house, at the above named location, to a 4-family apartment house not issuable under the Zoning Ordinance for the following reasons:

1. The area of the lot on which this building is located is only about 6,660 sq. ft. rather than the 12,000 sq. ft. minimum required by Section 14-117.8 (3,000 sq. ft. per fam.), Space and Bulk Appeal - Section 14-473.a.
2. Such a use is not permitted under Section 14-116.2 of the Ordinance applying to the R-5 Residential Zone in which this property is located, Dwelling Unit Conversion Appeal - Section 14-473.b.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-473.a and Section 14-473.b of the Zoning Ordinance have been met.

Eugene S. Martin  
Secretary

jmr

**CITY OF PORTLAND, MAINE**  
ZONING BOARD OF APPEALS



MICHAEL E. WESTORT  
Chairman

EUGENE S. MARTIN  
Secretary

JACQUELINE COHEN  
TIMOTHY E. FLAHERTY  
THOMAS J. MURPHY  
MERRILL S. SELTZER  
GAIL D. ZAYAC

All persons interested either for or against this Dwelling Unit Conversion and Space and Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, September 15, 1983 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property directly abutting, and directly across a street or alley from the subject property, as required by ordinance.

Mr. Clifford M. Field, owner of the property at 46-50 Sawyer Street Corner of 65-75 Irving Street, under the provisions of Section 14-473 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit the Change of Use of the 3-family apartment house, at the above named location, to a 4-family apartment house not issuable under the Zoning Ordinance for the following reasons:

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2. Such a use is not permitted under Section 14-116.2 of the Ordinance applying to the R-5 Residential Zone in which this property is located, Dwelling Unit Conversion Appeal - Section 14-473.b.

**LEGAL BASIS OF APPEAL:** Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-473.a and Section 14-473.b of the Zoning Ordinance have been met.

Eugene S. Martin  
Secretary

imr

- 138-A-10 - Frances L. Taylor - 44 Sawyer St. 04103
- 13-A-5 - Ivan S. & Elizabeth Warden - 63 Irving St. 04103
- 138-C-1 - Joyce E. McInnis - 49 Sawyer St. 04103
- 138-C-2 - Christine A. & David A. Ross - 45 Sawyer St. 04103
- 137-B-1 - Donald A. & Roberta C. Burgess - 76 Irving St. 04103
- 137-B-2 - Donald N. & Mary J. Burwood - 72 Irving St. 04103
- L7-J-1 - Edith J. & Matteo Colello, Jr. - 51 Sawyer St. 04103
- 137-J-2 - Donald H. & Donna M. McInnis - 89 Irving St. 04103

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

APPLICATION FOR VARIANCES FOR DWELLING UNIT CONVERSIONS

Mr. Clifford M. Field, owner of property at 46-50 Sawyer St. Cor.  
65-75 Irving St.

under the provisions of Section 602.24 C of the Zoning Ordinance of the City of

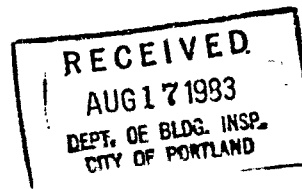
Portland, hereby respectfully petitions the Board of Appeals to permit:

Change of Use of the 3-family apartment house, at the above named location, to a 4-family apartment house not issuable under the Zoning Ordinance for the following reasons:  
1. Such a use is not permitted under Section 14-116.2 of the Ordinance applying to the R-5 Residential Zone in which this property is located, Dwelling Unit Conversion Appeal - Section 14-473.b.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 C(3)(b)(2) of the Zoning Ordinance have been met. (See reverse hereof for said conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If site plan approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

*Clifford M. Field Londa A. Field*  
APPELLANT



602.24 C(3)(b)(2) Variance for Dwelling Unit Conversions.

- (a) The subject property consists of a structure which by reason of its size or the size of the lot on which it is located could legally accommodate more dwelling units than are permitted in the residential zone where it is located.
- (b) By reason of its age, condition or marketability, the structure cannot be economically used or maintained if used for no more than the number of dwelling units permitted in the residential zone where it is located.
- (c) The existing uses in the immediate vicinity of the subject property are not of such nature and condition as to justify rezoning a reasonable area in the vicinity of the subject property to a classification which would permit the economic use and maintenance of the subject property.
- (d) Adequate provision has been made for on-site or off-site parking spaces in a number sufficient to meet the requirements of Section 602.14. If the variance is granted, it would comply with all other provisions of this ordinance and all other codes or ordinances of the City or meets the requirements for a variance of those provisions.
- (e) The conversion of the subject property so as to accommodate more dwelling units than are permitted in the zone in which it is located would not significantly interfere with the use and enjoyment of other land in the vicinity.
- (f) None of the foregoing conditions have been deliberately created by, or with the consent or acquiescence of, the owner, his predecessors in title, or any user of the property in order to bring the subject property within the standards of this section and no alternative available to the owner other than a variance to permit an increase in the permitted number of dwelling units would suffice to permit the economic use and maintenance of the subject property.

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

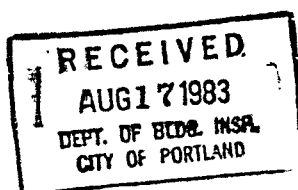
SPACE AND BULK VARIANCE ( ~~OTHER THAN~~ FOR DWELLING UNIT CONVERSIONS)

Mr. Clifford M. Field, owner of property at 46-50 Sawyer St. Cor.  
65-75 Irving St.  
under the provisions of Section 602.24 C of the Zoning Ordinance of the City  
of Portland, hereby respectfully petitions the Board of Appeals to permit:

Change of Use of the 3-family apartment house, at the above named location, to a 4-family  
apartment house not issuable under the Zoning Ordinance for the following reasons:  
1. The area of the lot on which this building is located is only about 6,660 sq. ft.  
rather than the 12,000 sq. ft. minimum required by Section 14-117.8 (3,000 sq. ft. per fam.),  
Space and Bulk Appeal - Section 14-473.a.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of  
Appeals finds that the conditions imposed by Section 602.24 C(3)(b)(1) of  
the Zoning Ordinance have been met. (See reverse side hereof for said  
conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If  
Site Plan approval is required, a preliminary or final site plan is attach-  
ed hereto as Exhibit A.



Clifford M. Field  
APPELLANT

602.24 C(3)(b)(1) Space and Bulk Variances other than for Dwelling Unit Conversions:

(a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.

(b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.

(c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of this property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision.

(d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision.

(e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

**CITY OF PORTLAND, MAINE**  
ZONING BOARD OF APPEALS



MICHAEL E. WESTORT  
Chairman

EUGENE S. MARTIN  
Secretary

JACQUELINE COHEN  
TIMOTHY E. FLAHERTY  
THOMAS J. MURPHY  
MERRILL S. SELTZER  
GAIL D. ZAYAC

October 7, 1983

Clifford M Field  
48 Sawyer Street  
Portland, Maine 04103

RE: Appeal at 46-50 Sawyer St. Cor of 65-75 Irving Street

Dear Mr. Field:

Attached is the decision of the Board of Appeals regarding your petition to change the use of the above named location from 3 to 4 families. Please note that your appeal was denied.

Very truly yours,

*Malcolm G. Ward*  
Malcolm G. Ward  
Zoning Enforcement Officer

MGN/t

9/09/83

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

SPACE AND BULK VARIANCE APPEAL

I. Findings of Fact

- A. Applicant Mr. Clifford M. Field
- B. Property Location 46-50 Sawyer St. Cor. of 65-75 Irving St.
- C. Applicant's Interest in Property:  
 Owner  
 Tenant  
 Other
- D. Property Owner same
- E. Owner's Address 48 Sawyer Street, Portland, Maine 04103
- F. Zone (Circle One):  
R-1 R-2 R-3 **R-5** R-6 R-4  
R-P B-1 B-2 B-3 A-B  
I-P I-I I-2 I-2b I-3 I-3b I-4  
RPZ W-1
- G. Site Plan Approval required \_\_\_\_\_
- H. Present Use of Property 3-family
- I. Section(s) to Which Variance Related 14-117.8 & 14-116.2
- J. Reasons Why Permit Cannot be Issued Area of lot on which bldg. is located is only 6,660 sq. ft. rather than 12,000 sq. ft. min. required and such a use is not permitted under Sec. 14-116.2 of the ordinance apply. to R-5 Residential Zone.
- K. Requested Variance Would Permit Change of Use of the 3-fam. apartment house, at the above named location, to a 4-fam. apartment house.
- L. Notice Sent to \_\_\_\_\_ Adjacent Property Owners

II. Appearances

A. Those Advocating Variance

David Jones, Atty.  
CLIFFORD & LINDA FIELD  
GAIL DI MATTIO

B. Those Opposing Variance

DONALD MGINNIS 47 SAWYER ST.  
MRS. P TAYLOR 44 SAWYER ST.

LETTERS FOR  
DONALD BOURDWIN  
ANDREW MILLS

(Attachments, As Necessary)

III. Exhibits (Any documents, photos, plans, further findings of fact, etc. presented to the Board as part of its records)

PHOTO, FINANCIAL STATEMENT, PLOT PLAN  
FLOOR PLAN - LETTER FROM MR. & MRS. DAVID ROSS OPPOSING.  
LETTER MRS. PHYLLIS M. CURRY - OPPOSING.

IV. Reasons for Decisions - Undue Hardship (The following checklist relates with the Board of Appeals hardship definitions for Space and Bulk variances as contained in Section 602.24C 3.b.(1) (a) through (e)

A. The parcel is exceptional due to physical characteristics or topographic features which amount to more than a mere inconvenience

( ) Yes/Agreement with statement

() No/Disagreement with statement 5 NOT EXCEPTIONAL

Reasons \_\_\_\_\_

B. If yes, the unique physical conditions: (Check One)  
Sec. 602.24C 3.b.(1) (b)

( ) Existed at the time of the enactment of the provision from which a variance is sought; or

( ) Were caused by natural forces; or

( ) Were the result of governmental action

C. Pertinent ordinance provision deprives owner of substantial use or enjoyment of property in the manner commonly enjoyed by owners of property subject to the same provisions (Sec. 602.24C 3.b. (1) (c))

( ) Yes/Agreement with statement

(X) No/Disagreement with statement 5

Reasons ONE MORE DWELLING UNIT THAN OTHERS ON STREET AND DOES NOT DEPRIVE OWNER OF SUBSTANTIAL USE.

D. As evidenced by affirmative answers to either IV. A. or IV. C. above, the variance will not create a special privilege for the applicant. Sec. 602.24C 3.b. (1) (d)

( ) Yes/Agreement with statement

( ) No/Disagreement with statement

Reasons \_\_\_\_\_

E. The variance will not adversely affect neighborhood property in the same zone and will not be detrimental to the general public health and safety Sec.602.24C 3.b. (1) (e)

(X) Yes/Agreement with statement 5

( ) No/Disagreement with statement

Reasons \_\_\_\_\_

V. Specific Relief Granted

After a public hearing held on 9/29/83, the Board of Appeals finds that: (Check One)

( ) Approval - All of the conditions required by Sec. 602.24C 3.b.(1) exist with respect to this property, as evidenced by affirmative responses to all statements set forth in IV. A. through IV. E above, and that a space and bulk variance be granted in this case.

Conditions of Approval (If any) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(7) Disapproval - All conditions required by Sec.602.24C 3.b. (1) do not exist with respect to this property, as evidenced by one or more negative responses to statements set forth in IV. A. through IV. E. above, and that a space and bulk variance should not be granted in this case.

VI. Signatures of Board

DISAPPROVAL: Muel E. Wontas Chairman  
Merrill A. DeBor  
Carl D. Zayac  
Donald P. Higgins  
Thomas J. Murphy

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

VARIANCE FOR DWELLING UNIT CONVERSIONS

Findings of Fact

The applicant is Mr. Clifford M. Field and he is interested in the property located at 46-50 Sawyer St. Cor. 65-75 Irving St. as 4-family. The owner of the property is Mr. Clifford M. Field and his address is 48 Sawyer St., Portland. The property is located in a R-5 Zone. The present use of the property is 3-family.

The applicant respectfully petitions the Board of Appeals for a variance from the provision of Section 14-117.8 & 14-116.2 of the Ordinance to permit Change of Use of the 3-family apartment house, at the above named location, to a 4-family apartment house.

Further Findings of Fact

Appearances

The names and addresses of those appearing in support of the application are: \_\_\_\_\_

\_\_\_\_\_;  
and the names and addresses of those appearing in opposition to the application are: \_\_\_\_\_

Exhibits

The documentary evidence presented to the Board, including, but not by way of limitation, plans, specification, photographs, etc. consisted of the following:

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

REASONS FOR DECISIONS

The subject property consists of a structure which by reason of its size or the size of the lot on which it is located (could/could not) legally accommodate more dwelling units than are permitted in the residential zone where it is located as evidenced by: \_\_\_\_\_

\_\_\_\_\_

By reasons of its age, condition or marketability, the structure (can/can not) be economically used or maintained if used for no more than the number of dwelling units permitted in the residential zone where it is located for the following reasons: \_\_\_\_\_

\_\_\_\_\_

The existing uses in the immediate vicinity of the subject property (are/are not) of such a nature and condition as to justify rezoning a reasonable area in the vicinity of the subject property to a classification which would permit the economic use and maintenance of the subject property, because: \_\_\_\_\_

\_\_\_\_\_

Adequate provision (has/has not) been made for on-site or off-site parking spaces in a number sufficient to meet the requirements of Section 602.14, which requires \_\_\_\_\_ parking spaces.

If the proposed variance should be granted, it (will/will not) comply with all other provisions of this ordinance and all other codes or ordinances of the City or meet the requirements for a variance of those provisions.

The conversion of the subject property so as to accommodate more dwelling units than are permitted in the zone in which it is located (would/would not) significantly interfere with the use and enjoyment of other land in the vicinity as evidenced by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
The foregoing conditions (have/have not) been deliberately created by, or with the consent or acquiescence of, the owner, his predecessors and title, or any user of the property in order to bring the subject property within the standards of this section, as shown by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

There (is/is not) any alternative available to the owner, other than a variance to permit an increase in the number of dwelling units, which would suffice to permit the economic use and maintenance of the subject property because of the following: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SPECIFIC RELIEF GRANTED

After a public hearing held on \_\_\_\_\_, the Board of Appeals find that all of the conditions required by the Ordinance (do/do not) exist with respect to this property and that a variance for dwelling unit conversion should \_\_\_\_\_ be granted in this case.

It is therefore determined that a variance from the provisions of the Zoning Ordinance should \_\_\_\_\_ be granted in this case.

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