

**Ann Machado - Bay Street**

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**From:** "Tom Jewell" <tjewell@jewellandboutin.com>  
**To:** "Ann Machado" <AMACHADO@portlandmaine.gov>  
**Date:** 12/9/2010 2:44 PM  
**Subject:** Bay Street

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On behalf of Bay Street Realty Trust, I withdraw the two pending appeals to the ZBA. The issues those sought to address are moot do to the acquisition of the neighboring property from the City and the issuance of the building permit.

Thomas F. Jewell, Esq.  
Jewell & Boutin, P.A.  
477 Congress Street  
Suite 1104  
Portland, ME 04101  
Tel: (207) 774-6665  
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**Ann Machado - 34 Bay Street**

**From:** "Tom Jewell" <tjewell@jewellandboutin.com>  
**To:** <amachado@portlandmaine.gov>  
**Date:** 5/4/2010 12:18 PM  
**Subject:** 34 Bay Street

Per our conversation, until we get an answer on our effort to buy a portion of the adjoining property from the City, please do not place the interpretation appeal or variance on the ZBA agenda. I will let you know as soon as we receive an answer to our purchase request.

Please confirm that you received this email.

Thomas F. Jewell, Esq.  
Jewell & Boutin, P.A.  
477 Congress Street, Suite 1104  
Portland, Maine 04101  
Tel: (207) 774-6665  
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**RECEIVED**

**MAY - 4 2010**

**Dept. of Building Inspections  
City of Portland Maine**



**City of Portland, Maine**  
**Department of Planning and Urban Development**  
**Zoning Board of Appeals**  
**Variance Appeal Application**

**Applicant Information:**Bay Street Realty Trust

Name

c/o Jewell & Boutin, P.A.

Business Name

477 Congress Street, Suite 1104

Address

Portland, Maine 04101(207) 774-6665

Telephone

Fax

**Applicant's Right, Title or Interest in Subject Property Owner**

(e.g. owner, purchaser, etc.):

**Current Zoning Designation:** R-3**Existing Use of Property:**vacant**Subject Property Information:**34 Bay Street

Property Address

156-B-14

Assessor's Reference (Chart-Block-Lot)

**Property Owner (if different):**

Name

Address

Telephone

Fax

**Variance from Section 14 -** 90(f)**RECEIVED****APR - 2 2010****Dept. of Building Inspections  
City of Portland Maine****WITHDRAW**

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

The undersigned hereby makes application for a 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.

  
Signature of Applicant4/2/10  
Date

Except as specifically provided by the ordinance, a variance may be granted by the Board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. In order for the Board to find "undue hardship", the applicant must answer ALL of the following questions, and provide supporting evidence. The Board will consider this evidence in deciding whether to grant the appeal.

1. Can the land yield a reasonable return (not the highest return) without the granting of a variance?

Yes \_\_\_\_\_ (deny the appeal)      No xx

Reasons not buildable

2. Are there factors which are unique to this property, and not to the general conditions of the neighborhood, which create a need for a variance?

Yes xx      No \_\_\_\_\_ (deny the appeal)

Reasons other lots have already been built upon

3. Will the granting of the variance alter the essential character of the locality?

Yes \_\_\_\_\_ (deny the appeal)      No xx

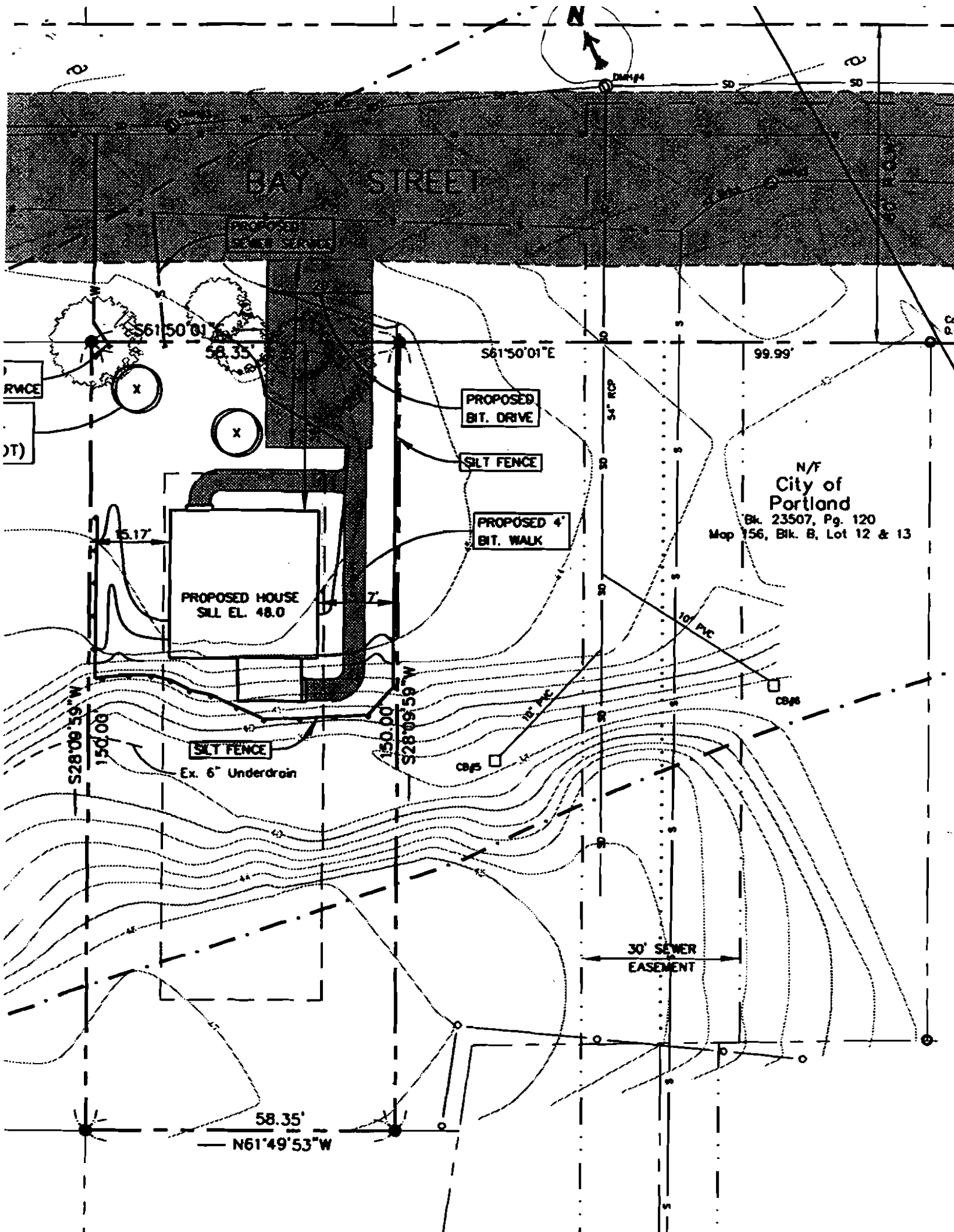
Reasons single family residence proposed in residential neighborhood  
and zone.

4. Is the hardship a result of the action taken by the applicant or a prior owner (self-created hardship)?

Yes \_\_\_\_\_ (deny the appeal)      No xx

Reasons Lot has been in ownership separate from abutters since  
before 1957.

It is up to the applicant to decide whether to file an appeal after reviewing the above requirements.



N/F  
City of  
Portland  
Blk. 23507, Pg. 120  
Map 156, Blk. B, Lot 12 & 13

30' SEWER  
EASEMENT

58.35'  
N61°49'53"W

**TRUSTEE'S DEED**  
**Maine Short Form Deeds Act**

**JOHN S. CAMPBELL**, Trustee under the Trust of John E. Coyne, by the power conferred by law, and every other power, and for consideration paid, grants to the **BAY STREET REALTY TRUST**, having its principal place of business at Portland, Cumberland County, Maine, its successors and assigns, the land in Portland, Cumberland County, Maine, bounded and described as follows: A certain lot or parcel of land situated in the Deering District of the City of Portland and State of Maine, and being Lot numbered eight (8) on Bay Street on plan of land recorded in the Cumberland County Registry of Deeds in Plan Book 8, Page 99.

No right or privilege in any of the proposed street delineated on said plan, excepting Bay Street, Ocean Street and Read Street, shall be taken to be hereby granted or dedicated by implication or otherwise to the public use or to the use of any of the owners of lots indicated on said plan by reason of the foregoing reference to said plan.

Being the same premises conveyed to Robert D. Carney and May K. Carney as joint tenants by Harold B. Emery by deed dated January 22, 1963 and recorded in the Cumberland County Registry of Deeds in Book 2729, Page 223. The said May K. Carney having predeceased the said Robert D. Carney.

Being also the same premises conveyed to John S. Campbell, Trustee under the Trust of John E. Coyne, by deed of Robert E. Flaherty, dated December 19, 2002, and recorded in said Registry of Deeds in Book 18591, Page 178.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Bay Street Realty Trust, its successors and assigns, to her and their use and behoof forever.

IN WITNESS WHEREOF, I the said John S. Campbell, Grantor, have hereunto set my hand and seal this 10<sup>th</sup> day of the month of November, 2009

SIGNED, SEALED AND DELIVERED  
IN PRESENCE OF

Joyce A. Westort  
Witness

John S. Campbell, Trustee  
TRUST OF JOHN E COYNE

STATE OF MAINE  
CUMBERLAND, ss

November 10, 2009

Then personally appeared the above named John S. Campbell, Trustee under the Trust of John E. Coyne, in his said capacity, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

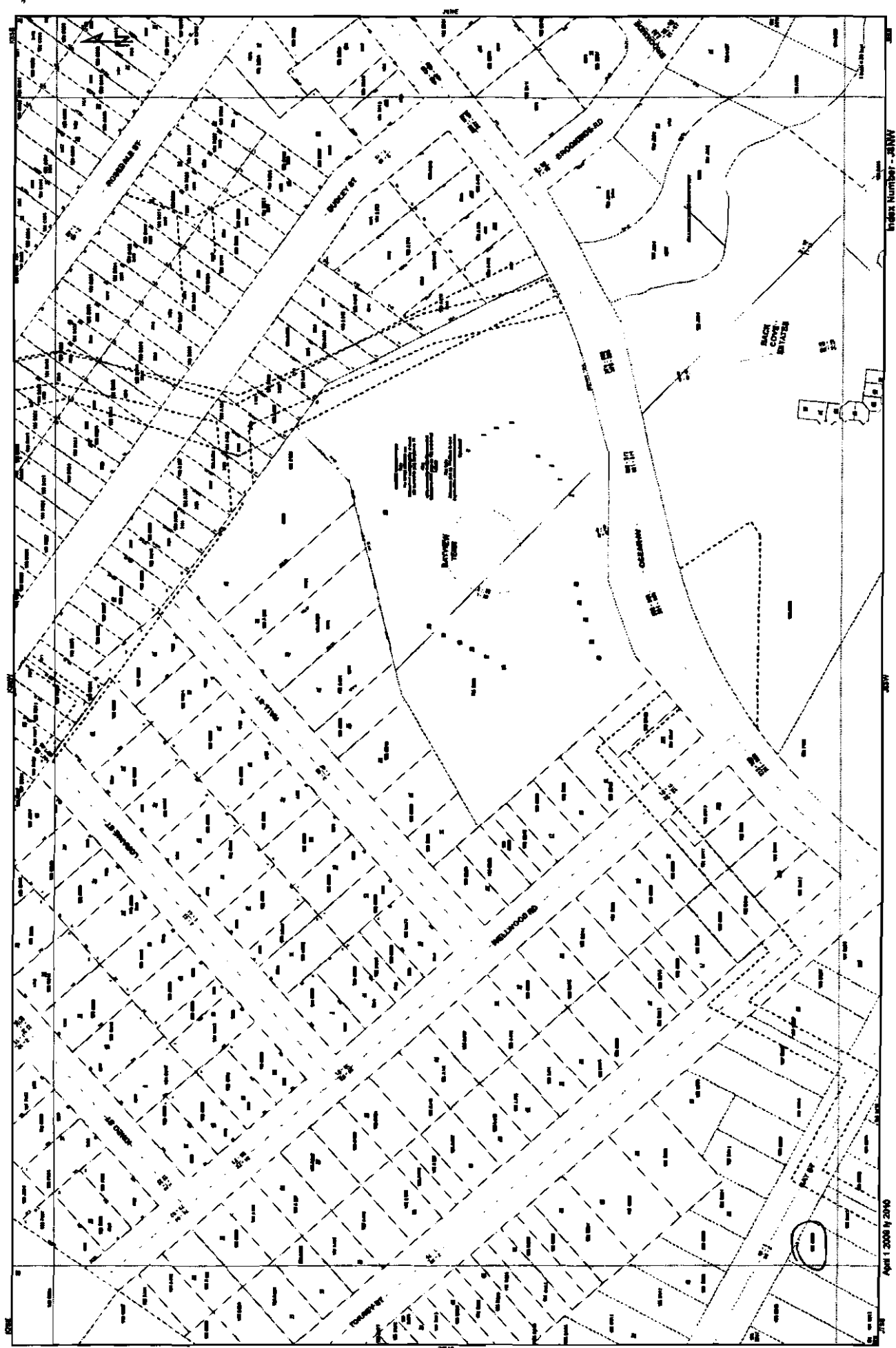
Joyce A. Westort  
Notary Public/Attorney at Law  
Joyce A. Westort  
Printed Name

My Commission expires: 9/21/12

Maine Bar No.:

Received  
Recorded Register of Deeds  
Nov 10, 2009 10:30:29A  
Cumberland County  
Pamela E. Lovley

JOYCE A. WESTORT  
Notary Public, Maine  
My Commission Expires September 21, 2012



Index Number - JANV

April 1, 2008 to 2010

City of Portland

DATE: 4/05/10

TIME: 14:00:18

PZ CASH RECEIPT

PROJECT #: 10-59400001

PROJECT DESC: VARIANCE APPEAL - 34 BAY STREET - MINIMU

RECEIVED FROM: Tom Jewell

RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
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Z1	ZONING BOARD OF APPEALS		100.00
		TOTAL AMOUNT:	100.00