



Jeff Levine, AICP, Director  
Planning & Urban Development Department

Ann Machado  
Zoning Administrator

**CITY OF PORTLAND ZONING BOARD OF APPEALS**

**Conditional Use Appeal Application**

**Applicant Information:**

NAME  
JAMES P. GUIDI  
BUSINESS NAME  
  
BUSINESS ADDRESS  
319 MAIN STREET  
CUMBERLAND ME 04021  
BUSINESS TELEPHONE & E-MAIL  
207-653-7873 jguidi@maine.ir.com  
APPLICANT'S RIGHT/TITLE/INTEREST

**Subject Property Information:**

PROPERTY ADDRESS  
240 Brighton Ave  
CHART/BLOCK/LOT (CBL)  
186 A F009-001  
PROPERTY OWNER (If Different)  
SILVIA GUIDI  
ADDRESS (If Different)  
  
PHONE # AND E-MAIL

CURRENT ZONING DESIGNATION  
R-5

CONDITIONAL USE AUTHORIZED BY  
SECTION 14-118A-5

**EXISTING USE OF THE PROPERTY:**

2-UNIT Residential

RECEIVED

AUG 14 2017

**TYPE OF CONDITIONAL USE PROPOSED:**

4-Unit Residential

Dept of Building Inspection

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

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

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]  
SIGNATURE OF APPLICANT

8-1-17  
DATE

Cover Letter

Zoning Board of Appeals  
City of Portland  
Portland, Amine 04101

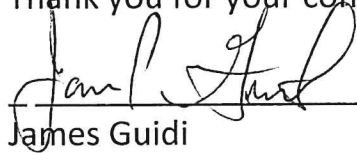
RE: 240 Brighton Ave

August 3, 2017

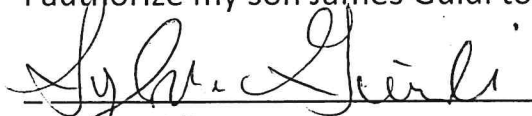
Dear Board:

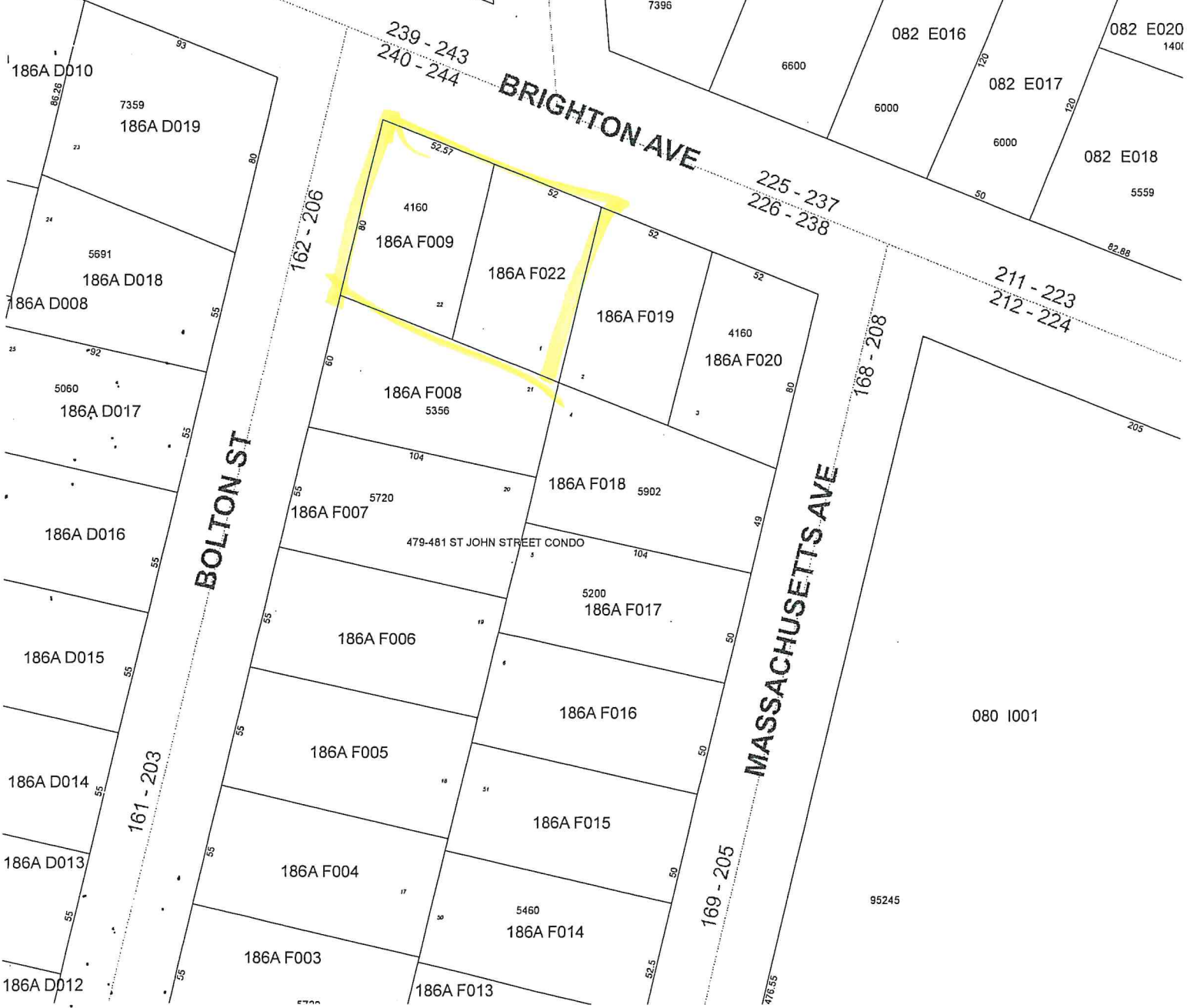
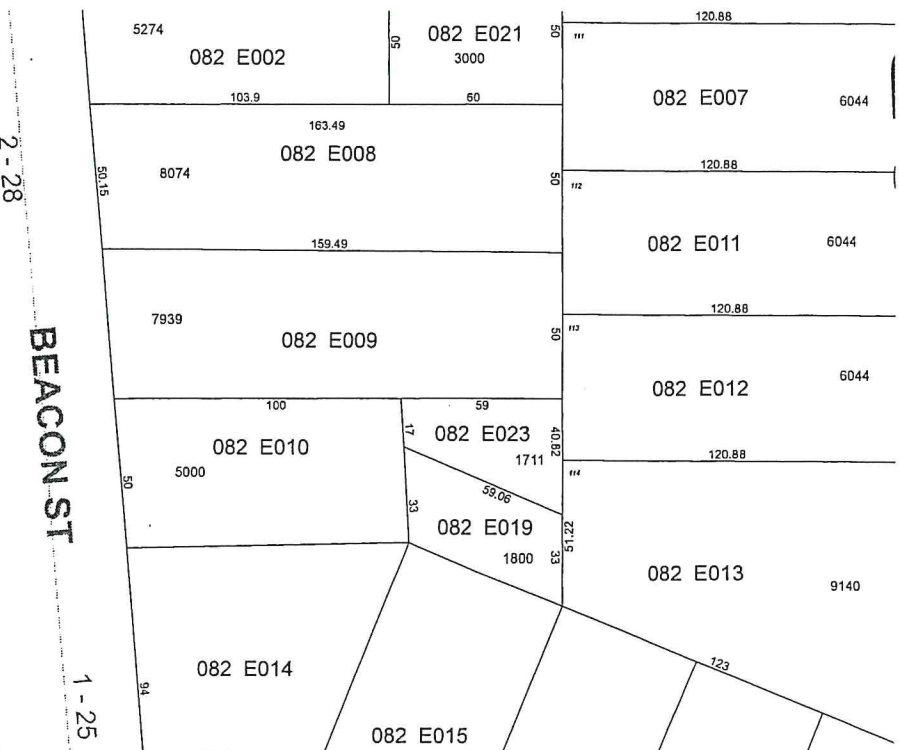
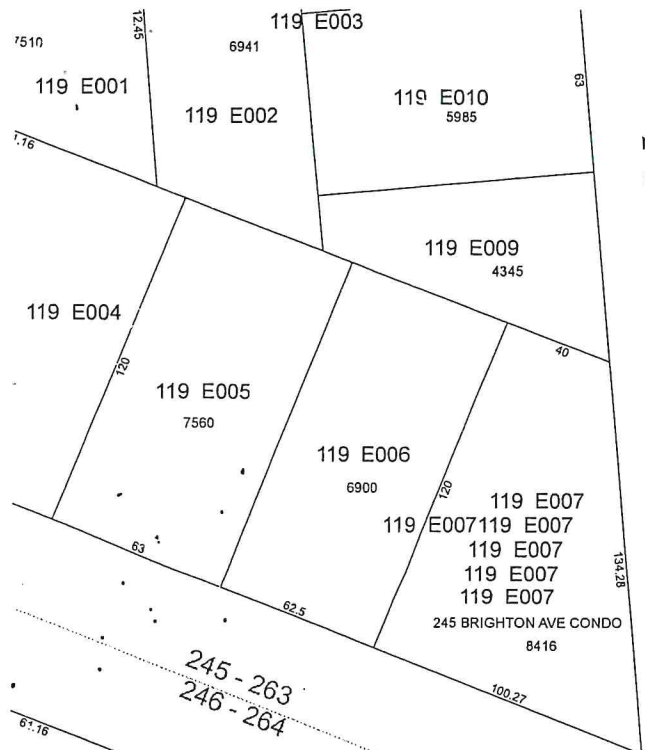
I am representing my elderly Mother, Sylvia Guidi, in this appeal. This Multi-Unit residential building is listed as a 2-Unit. However there are 4 residential Units in the Building. The Code Enforcement office and the City Attorney have asked me to submit this application with this Board in an effort to make this Building a "Legal" 4-Unit.

Thank you for your consideration,

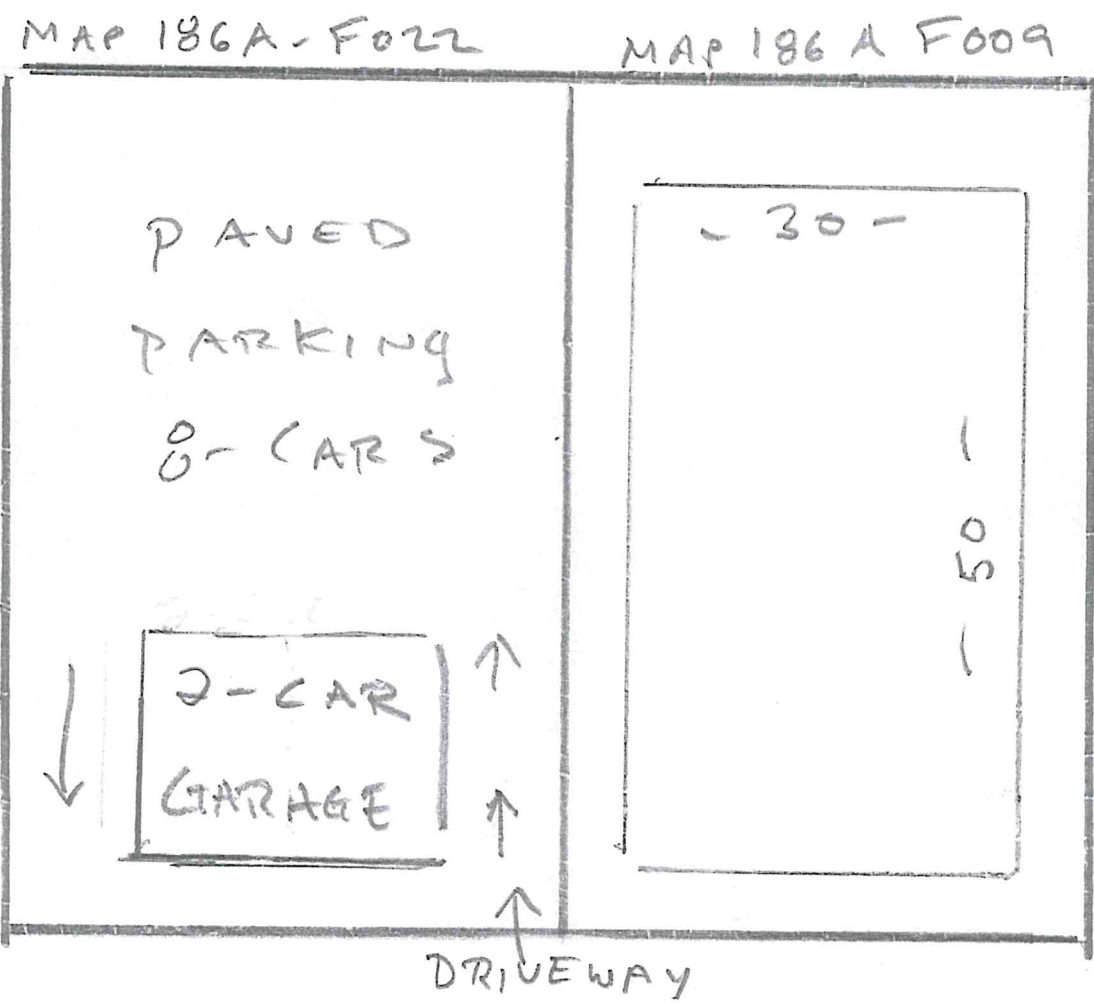
  
James Guidi

I authorize my son James Guidi to represent me in this matter

  
Sylvia Guidi



Plot Plan  
234 Brighten Ave  
&  
240 brighten Ave

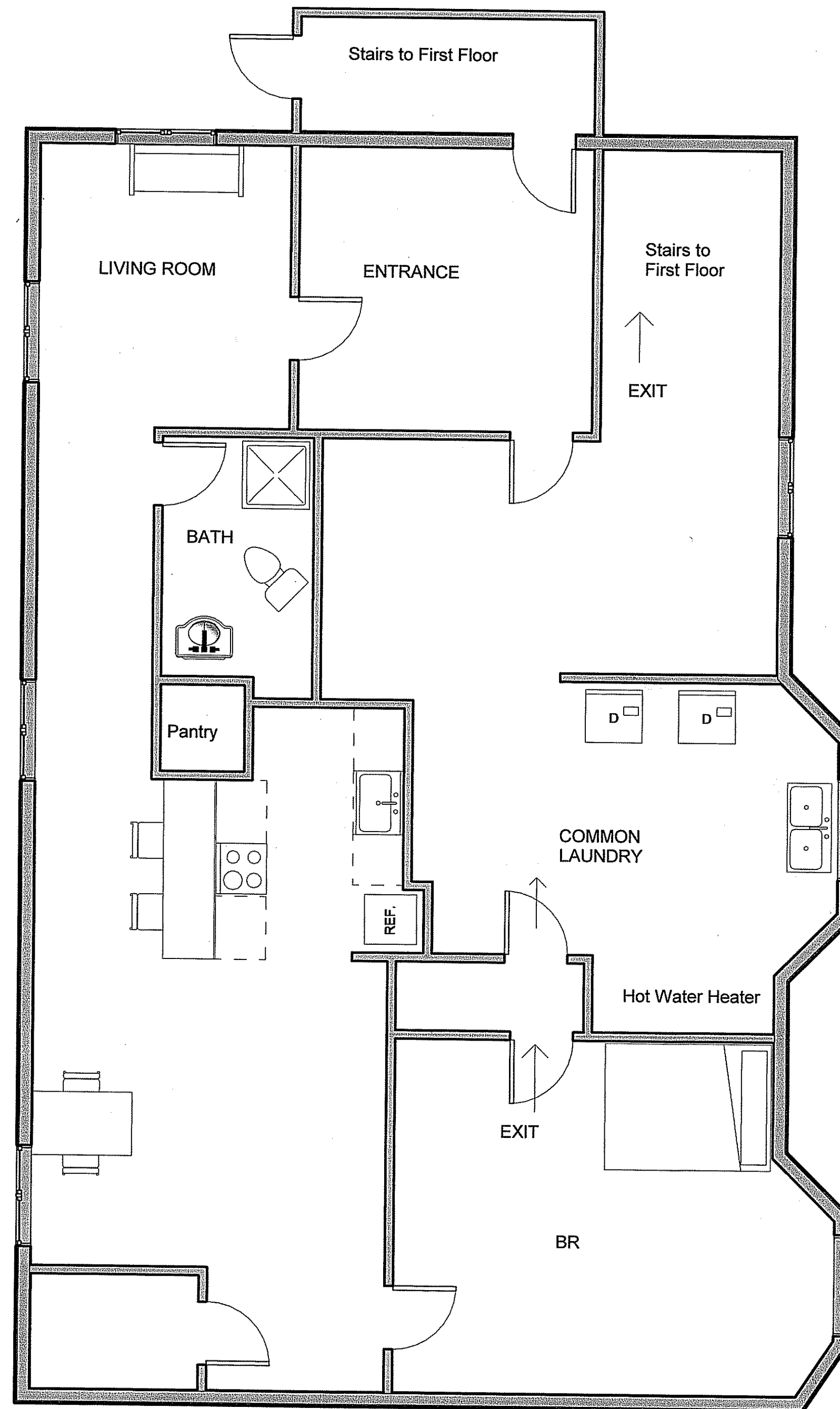


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Brighton Ave >>>> (towards Westbrook)

234

240



DAN GUIDI

**Basement Plan**  
240 BRIGHTON AVE

Sept. 14, 2017

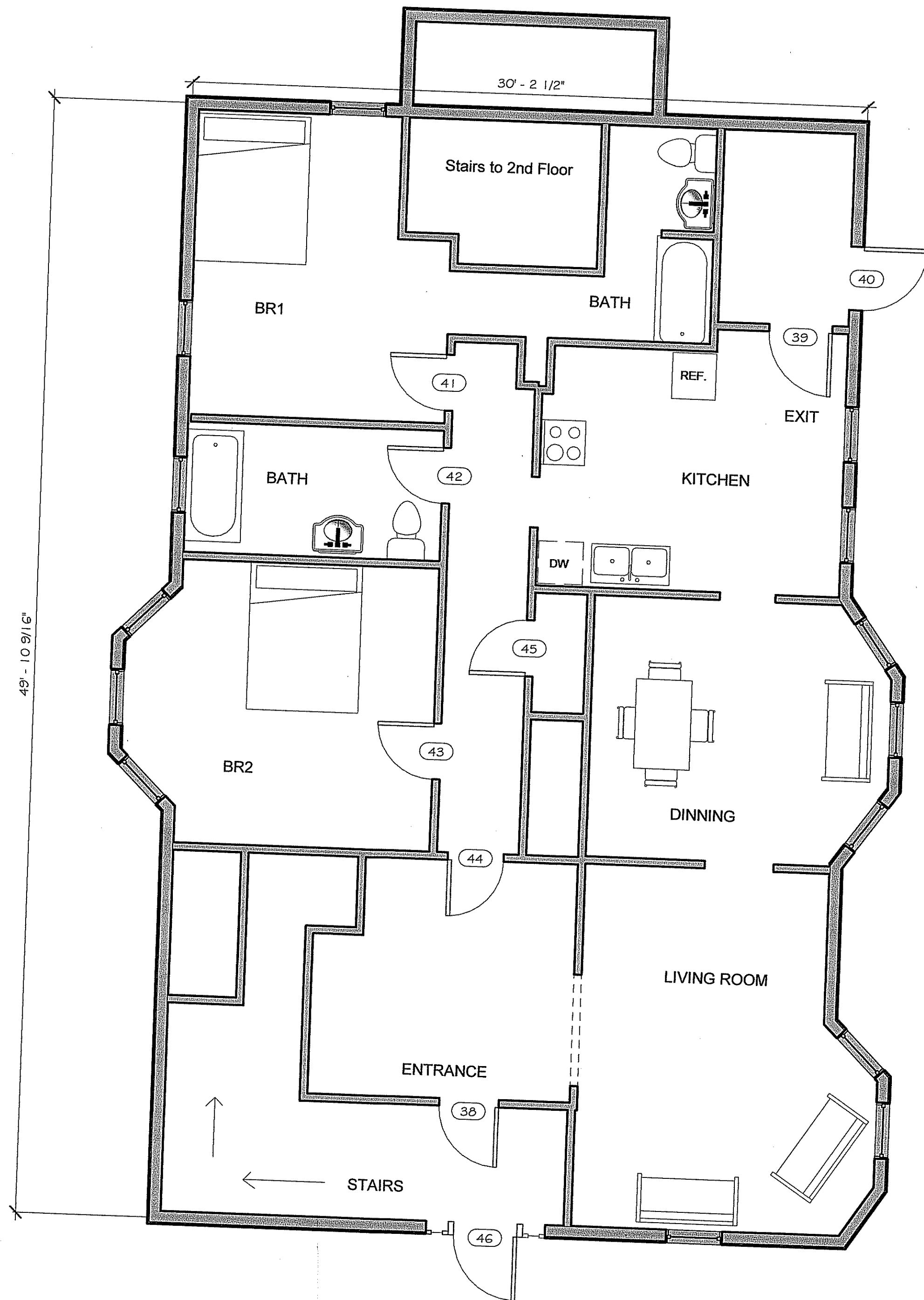
DAN GUIDI

1/4" = 1'-0"



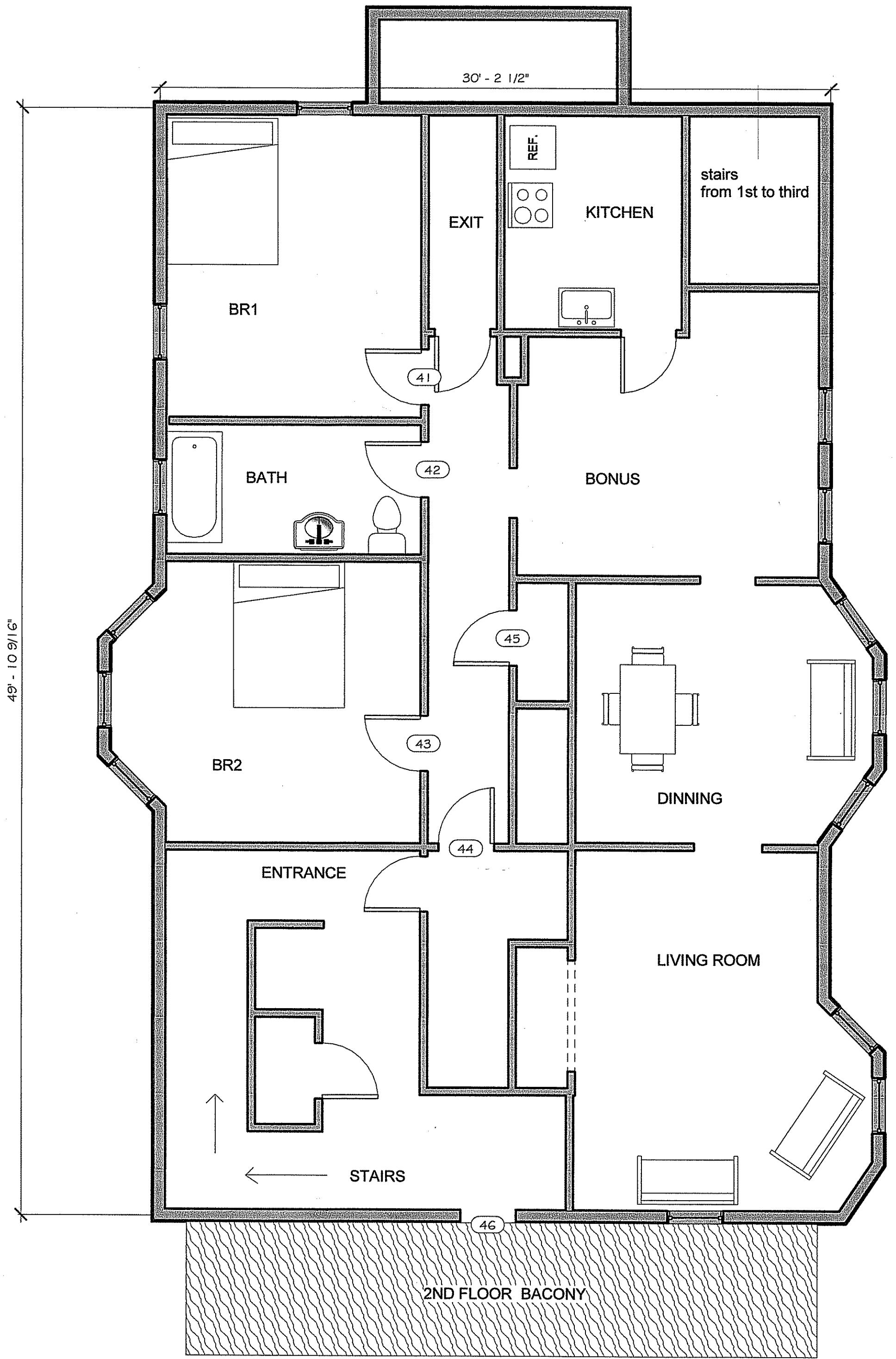
Window Schedule		
Type Mark	Count	Family and Type
L	14	Double Hung with Trim: 30" x 48" 2

Door Schedule	
Mark	Family and Type
37	Double-Glass 1: 68" x 84"
38	Single-Flush: 32" x 84"
39	Single-Flush: 34" x 80"
40	Single-Flush: 34" x 80"
41	Single-Flush: 30" x 80"
42	Single-Flush: 30" x 80"
43	Single-Flush: 30" x 80"
44	Single-Flush: 30" x 80"
45	Single-Flush: 30" x 80"
46	Single-Raised Panel with Sidelights: 34" x 84"



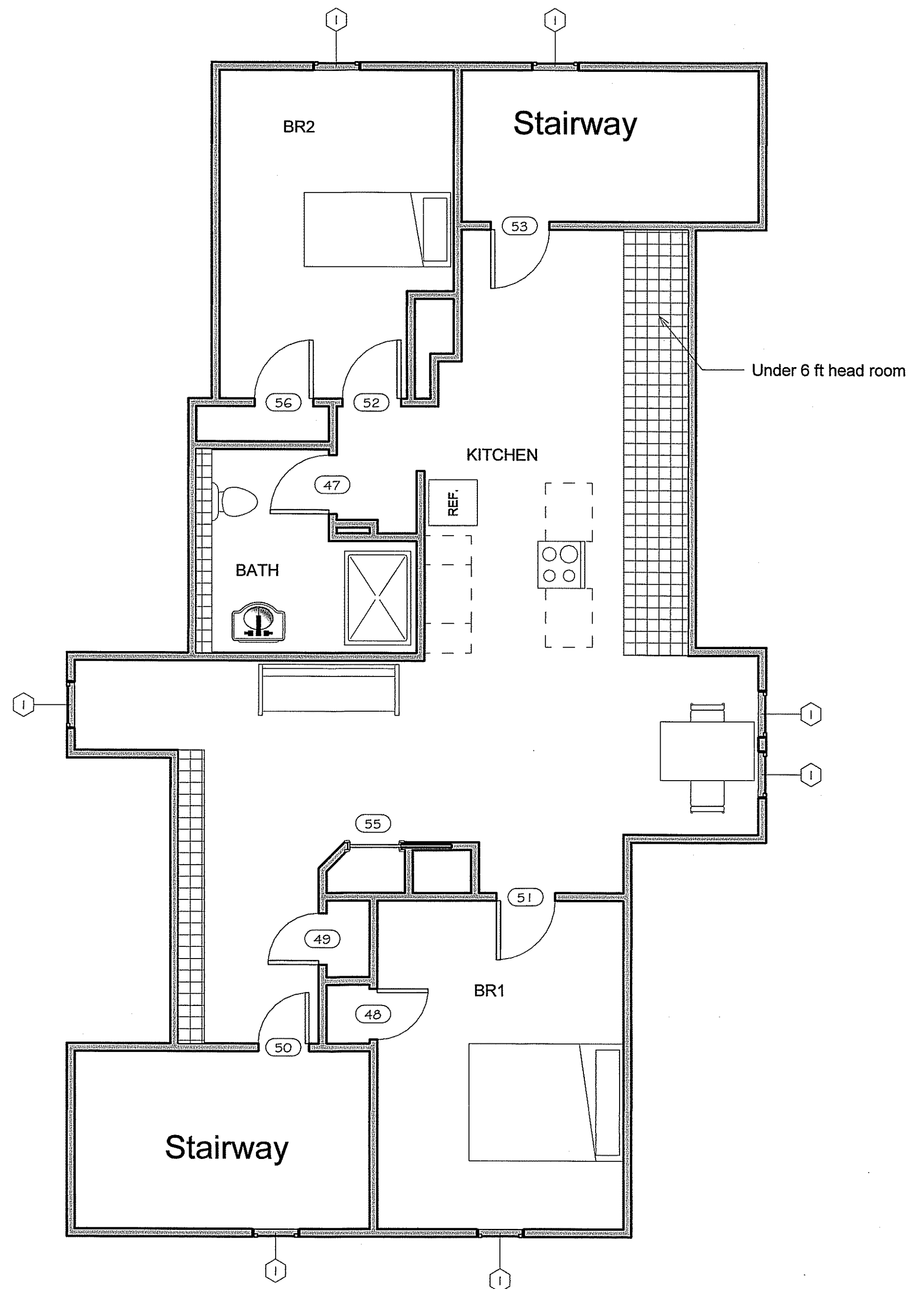
Window Schedule		
Type Mark	Count	Family and Type
L	14	Double Hung with Trim: 30" x 48" 2

Door Schedule	
Mark	Family and Type
37	Double-Glass 1: 68" x 84"
41	Single-Flush: 30" x 80"
42	Single-Flush: 30" x 80"
43	Single-Flush: 30" x 80"
44	Single-Flush: 30" x 80"
45	Single-Flush: 30" x 80"
46	Single-Flush: 30" x 84"
48	Single-Flush: 30" x 80"
49	Single-Flush: 30" x 80"
50	Single-Flush: 30" x 80"
51	Single-Flush: 30" x 80"



Window Schedule		
Type Mark	Count	Family and Type
I	7	Double Hung with Trim: 24" x 48"

Door Schedule	
Mark	Family and Type
37	Double-Glass 1: 68" x 84"
47	Single-Flush: 30" x 80"
48	Single-Flush: 26" x 80"
49	Single-Flush: 26" x 80"
50	Single-Flush: 26" x 80"
51	Single-Flush: 30" x 80"
52	Single-Flush: 30" x 80"
53	Single-Flush: 30" x 80"
55	Door-Interior-Single-Pocket-2_Panel-Wood: Door-Interior-Single-Pocket-2_Panel-Wood
56	Single-Flush: 30" x 80"







WARRANTY DEED

(Maine Statutory Short Form)

KNOW ALL MEN BY THESE PRESENTS, That FOREST L. BARTER and DORIS L. BARTER, of Portland, Maine, for consideration paid, grants to JOSEPH P. GUIDI and SYLVIA R. GUIDI, of 43 Chenery St., Portland, Maine, as joint tenants, with WARRANTY COVENANTS, the land with the buildings thereon located Portland, County of Cumberland, State of Maine, bounded and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO, MADE A PART HEREOF AND INCORPORATED BY REFERENCE HEREIN

Being the same premises conveyed to the Grantors herein by deed from John Weston Walsh, et al. dated January 31, 1957 and recorded in the Cumberland County Registry of Deeds in Book 2336, Page 62.

WITNESS our hands and seals this 31st day of July, 2003

MAINE REAL ESTATE TAX PAID

[Signature] FOREST L. BARTER

to Both [Signature] DORIS L. BARTER

STATE OF MAINE  
CUMBERLAND, ss.

July 31, 2003

Then personally appeared the above named Forest L. Barter and acknowledged the foregoing instrument to be his/her free act and deed.

Before me,

[Signature]  
Notary Public ATTORNEY-at-LAW

Printed Name: DANIEL J. DESMOND

**Exhibit A**

A certain lot or parcel of land with the buildings thereon situated in the City of Portland at Longfellow Highlands in the County of Cumberland and State of Maine, and bounded and described as follows:

Beginning at the point of intersection of the southwesterly sideline of Brighton Avenue with the southeasterly sideline of Bolton Street;

Thence southwesterly along the southeasterly sideline of Bolton Street, a distance of eighty feet to land now or formerly of Ella C. Turner;

Thence southeasterly and parallel with Brighton Avenue along the said Turner land, a distance of fifty-two and  $57/100$  (52.57) feet to a point;

Thence northeasterly and parallel with Bolton Street, a distance of eighty (80) feet to said Brighton Avenue;

Thence northwesterly along the southwesterly sideline of Brighton Avenue, a distance fifty-two and  $57/100$  (52.57) feet to the point of beginning.

Said lot being lot numbered twenty-two as shown on Plan of Longfellow Highlands made for George T. Edwards, June 20, 1905 from surveys of E.C. Jordan & Co., Civil Engineers, dated 1901. Said plan being recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 7.

The above described lot is hereby conveyed subject to the exception, reservation, restriction and condition that no building or part of building shall be erected within 10 feet or the northerly line of said Turner land.

Also, another certain lot or parcel of land with the buildings thereon, situated in the City of Portland at Longfellow Highlands, so called, bounded and described as follows:

Beginning at a point in the Southwesterly sideline of Brighton Avenue, which point is distant southeasterly a distance of fifty-two and  $57/100$  (52.57) feet from the intersection of the southwesterly sideline of Brighton Avenue with the southeasterly sideline of Bolton Street;

Thence southwesterly parallel with Bolton Street, a distance of eighty (80) feet to land now or formerly of Ella C. Turner;

Thence southeasterly and parallel with Brighton Avenue along said Turner land, a distance of fifty-two and  $57/100$  (52.57) feet, more or less, to a point distant at right angles from said Bolton Street one hundred four (104) feet;

Thence northeasterly and again parallel with Bolton Street, a distance of eighty (80) feet to said Brighton Avenue;

Thence northwesterly along the southwesterly sideline of Brighton Avenue, a distance of fifty-two and 57/100 (52.57) feet, more or less, to the point of beginning. Said lot being lot number one (1) as shown on record plan of Longfellow Highlands, made for George. T. Edwards June 20, 1905 from surveys of E. C. Jordan & Co., Civil Engineers, dated 1901 and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 7.

The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

Being the same premises conveyed to the mortgagors herein by Warranty Deed of Forest L. Barter and Doris Barter of even or recent date to be recorded herewith.

S:\CFreeman\Clients\G\Guidi-106554\Exhibit A.wpd

Received  
Recorded Register of Deeds  
Aug 04 2003 11:39:27A  
Cumberland County Clerk  
John B. O'Brien

## Memo

### R5 Zone Conditional Use Standards

#### Letters A-H

- A. We meet this condition as we are not adding more than 2 units and the total is not greater than 4
- B. We meet this condition as these units will not be sold as condominium units
- C. We meet this condition as we will only rent these new units to tenants that earn less than 80% of the AMI. We will submit evidence to the City of Portland upon request
- D. We meet this condition as the 2 new units are greater than 400 square feet and the space was not taken from existing units
- E. We meet this condition as the additional units required minimum renovations and was limited to doors and interior walls
- F. We meet this condition as the parking requirement has been met as there are 2 Parking spaces per unit
- G. We meet this condition as there are NO outside stair cases
- H1 . We meet this condition as No exterior alterations were done
- H2 . We meet this condition as there were no changes to the Parking area.