



Jeff Levine
Director, Planning & Urban Development

Ann Machado
Zoning Administrator

CITY OF PORTLAND
ZONING BOARD OF APPEALS
Practical Difficulty Variance Application

Applicant Information:

SCOTT REBAN
NAME

334 BROADVIEW RD
ADDRESS

STARBOROUGH ME 04072

(207) 303-7207 scott@heatdoctorllc.com

[REDACTED]
PHONE # & E-MAIL

CONTRIBUTOR
APPLICANT'S RIGHT/TITLE/INTEREST
(EG; owner, purchaser, etc)

R-2
CURRENT ZONING DESIGNATION

Subject Property Information:

COBB AVENUE
PROPERTY ADDRESS

210 A 10,11,12,13
CHART/BLOCK/LOT (CBL)

NOEL POIRIER
PROPERTY OWNER (if different)

[REDACTED]
ADDRESS

[REDACTED]
PHONE # & E-MAIL

PRACTICAL DIFFICULTY VARIANCE
FROM SECTION [REDACTED]
14-80(K)

EXISTING USE OF PROPERTY:

VACANT LOT

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

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

[Signature]
SIGNATURE OF APPLICANT
11/22/14

9/28/16
DATE

The following words have the meanings set forth below:

1. **Dimensional Standards**: Those provisions of the article which relate to lot area, lot coverage, frontage and setback requirements
2. **Practical Difficulty**: A case where strict application of the dimensional standards of the Ordinance to the property for which a variance is sought, would BOTH preclude a use of the property which is permitted in the zone in which it is located AND also result in significant economic injury to the applicant.
3. **Significant Economic Injury**: The value of the property, if the variance were denied, would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that the denial of the variance would mean the practical loss of all beneficial use of the land.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Zoning Board of Appeals (ZBA) 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:

“Practical Difficulty” variance standards pursuant to Portland City Code §14-473(c)(3):

1. The need for the variance is from dimensional standards of the Land Use Zoning Ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied _____ NOT Satisfied _____ (deny the appeal)
Reason and supporting facts:

THE LOT HAS APPROXIMATELY 25' OF ROAD FRONTAGE INSTEAD OF 50'.

2. Strict application of the provisions of the ordinance would create a **Practical Difficulty**, meaning it would both (1) preclude a use of the property which is permitted in the zone in which it is located, and also (2) would result in significant economic injury to the applicant. (“*Significant Economic Injury*” means the value of the property, if the variance was denied, would be substantially lower than its value if the variance were granted.) To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

Satisfied _____ NOT Satisfied _____ (deny the appeal)
Reason and supporting facts:

- 1) STRICT APPLICATION OF THE ROAD FRONTAGE REQUIREMENT WOULD PRECLUDE RESIDENTIAL USE OF THE LOT.
- 2) THE PROPERTY WAS PURCHASED WITH THE ASSUMPTION THAT THE LOT WAS BUILDABLE BASED ON REPRESENTATIONS OF THE CITY. SEE TAX MAP ATTACHED.

3. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

THE CITY VACATED THE STREET BY MISTAKE,
RENDERING LOT UNBUILDABLE.

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use, or fair market value, of abutting properties.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

THE PROPOSED USE IS CONSISTENT WITH THE
SURROUNDING AREA.

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

THE PRACTICAL DIFFICULTY IS CAUSED BY
THE CITY'S VACATION OF THE STREET.

6. No other feasible alternative is available to the applicant, except the variance.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

THE LOT IS UNBUILDABLE WITHOUT THE VARIANCE.

7. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

THE PROPOSED USE IS FOR A RESIDENTIAL LOT,
CONSISTENT WITH THE NEIGHBORHOOD.

8. 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.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

THE LOT IS NOT LOCATED IN SHORELAND,
OR FLOOD ZONE. SEE SURVEY.

area as of June 1, 1983;

- d. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.
- (b) *Minimum area per dwelling unit:* Ten thousand (10,000) square feet.
 - (c) *Minimum street frontage:* Fifty (50) feet.
 - (d) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: Twenty-five (25) feet.

2. *Rear yard:*

- a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.

- b. Accessory detached structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. *Side yard:*

- a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:

Scott Regan
334 Broadturn Rd
Scarborough, ME 04074
cell (207) 3037207
email scott@heatdoctorllc.com

To: Portland Planning Dept
RE: Site plan review and practical difficulty variance
Property: Cobb Ave, Chart 210, Block A, Lot 10, 11, 12, 13
Date: September 28, 2016

Property owner: Noel Poirier
280 Brighton Ave
Portland, ME 04102
cell (207) 671-3757
email noelpoirier@icloud.com

The owner is seeking a variance to grant relief from the following:

Section 14-80(c), to allow approximately twenty-five (25) feet of road frontage instead of the required fifty (50) feet

The City of Portland has previously granted the same variance to the abutting property located at 110 Cobb Avenue on March 3, 2005. Please see attached certificate of variance approval.

The owner respectfully requests that the Board grant the request for the same reasons and with the same conditions.



OWEN HASKELL, INC.

Professional Land Surveyors

390 U.S. Route 1, Unit 10 • Falmouth, ME 04105 • 207/774-0424 • FAX: 774-0511 • www.owenhaskell.com

March 30, 2016

SURVEY DESCRIPTION
REMAINING LOT

A certain lot or parcel of land with the buildings there on, situated on the northerly side of Cobb Avenue in the City of Portland, County of Cumberland and State of Maine, being depicted on a plan entitled "Boundary Survey and Lot Split, 101 Cobb Avenue, Portland, Maine made for Mark Poirier" by Owen Haskell, Inc. Dated March 30, 2016, and being bounded and described as follows:

Beginning on the northerly sideline of Cobb Avenue at the southwesterly corner of land now or formerly of Barbara Wilkinson recorded in deed book 4485, page 141, also being the southeasterly corner of the parcel labeled "Remaining Lot" as shown on said plan;

Thence, S 46°49'31" W along northerly sideline of said Cobb Avenue 50.00 feet to an angle point in said avenue;

Thence, S 47°17'31" W continuing along the northerly sideline of said Cobb Avenue 40.14 feet to the western terminus of the accepted portion of Cobb Avenue;

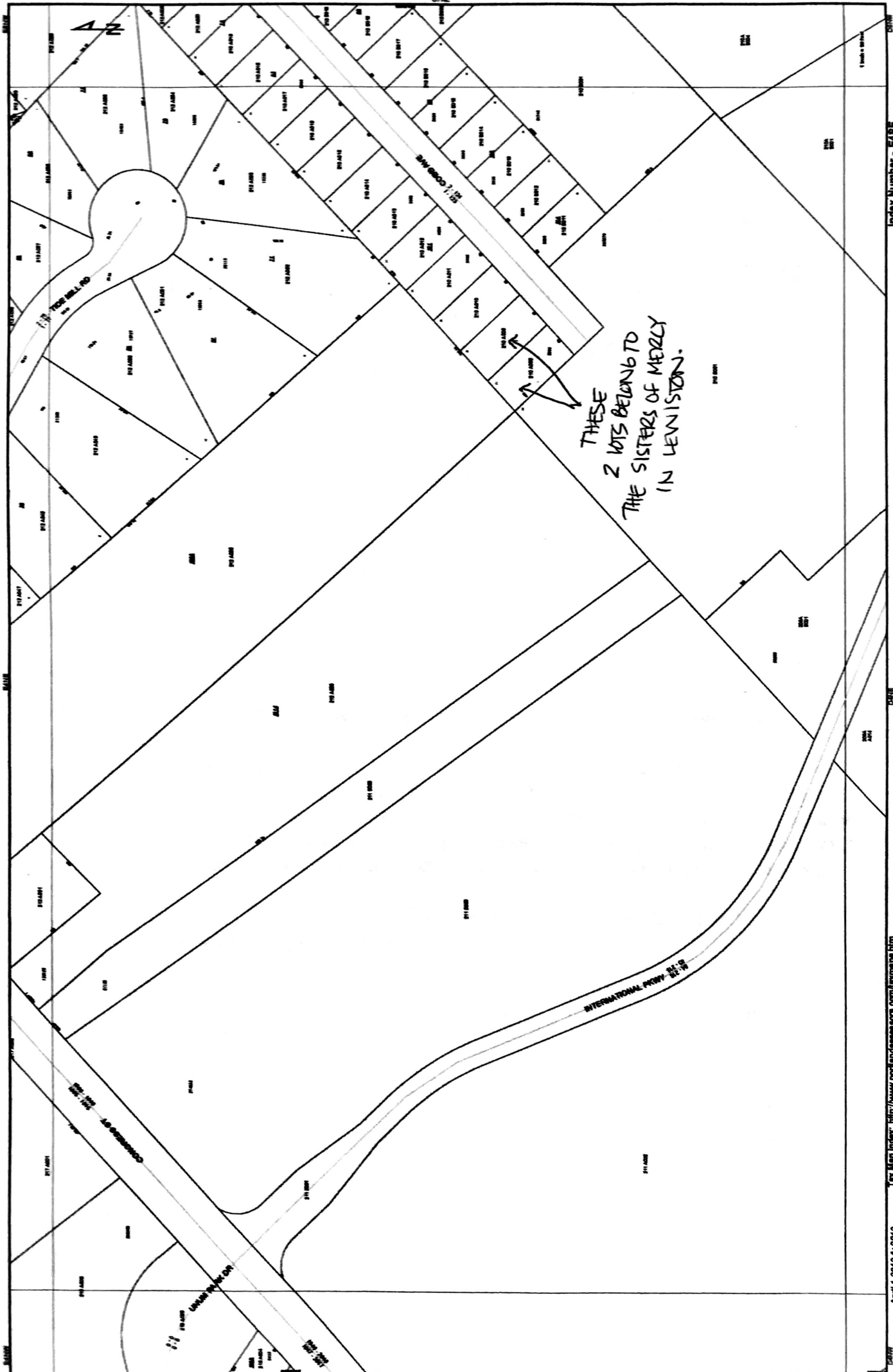
Thence, S 47°17'31" W along the northerly sideline of the unaccepted portion of Cobb Avenue and through the land of the grantor 9.86 feet;

Thence, N 42°42'29" W continuing through the land of the grantor 100.00 feet to the southerly line of land now or formerly of Christ Church of Portland;

Thence, N 47°17'31" E along the southerly line of said Christ Church of Portland and the southerly line of land now or formerly of John W. & Valerie Wipfler 59.45 feet;

Thence, N 46°49'31" E continuing along the southerly line of said John W. & Valerie Wipfler and the southerly line of land now or formerly of Shawn & Katherine Losier 49.60 feet to the northwesterly corner of land of said Barbara Wilkinson;

Thence, S 43°10'29" E along the westerly line of Barbara Wilkinson 100.00 feet to the point of beginning. Containing 10,946 S.F. or 0.25 acres, more or less.



THESE
2 LOTS BELONG TO
THE SISTERS OF MERZLY
IN LEWISTON.



© 2016 Google

Google Earth

feet
meters





Florenty

11111
11111

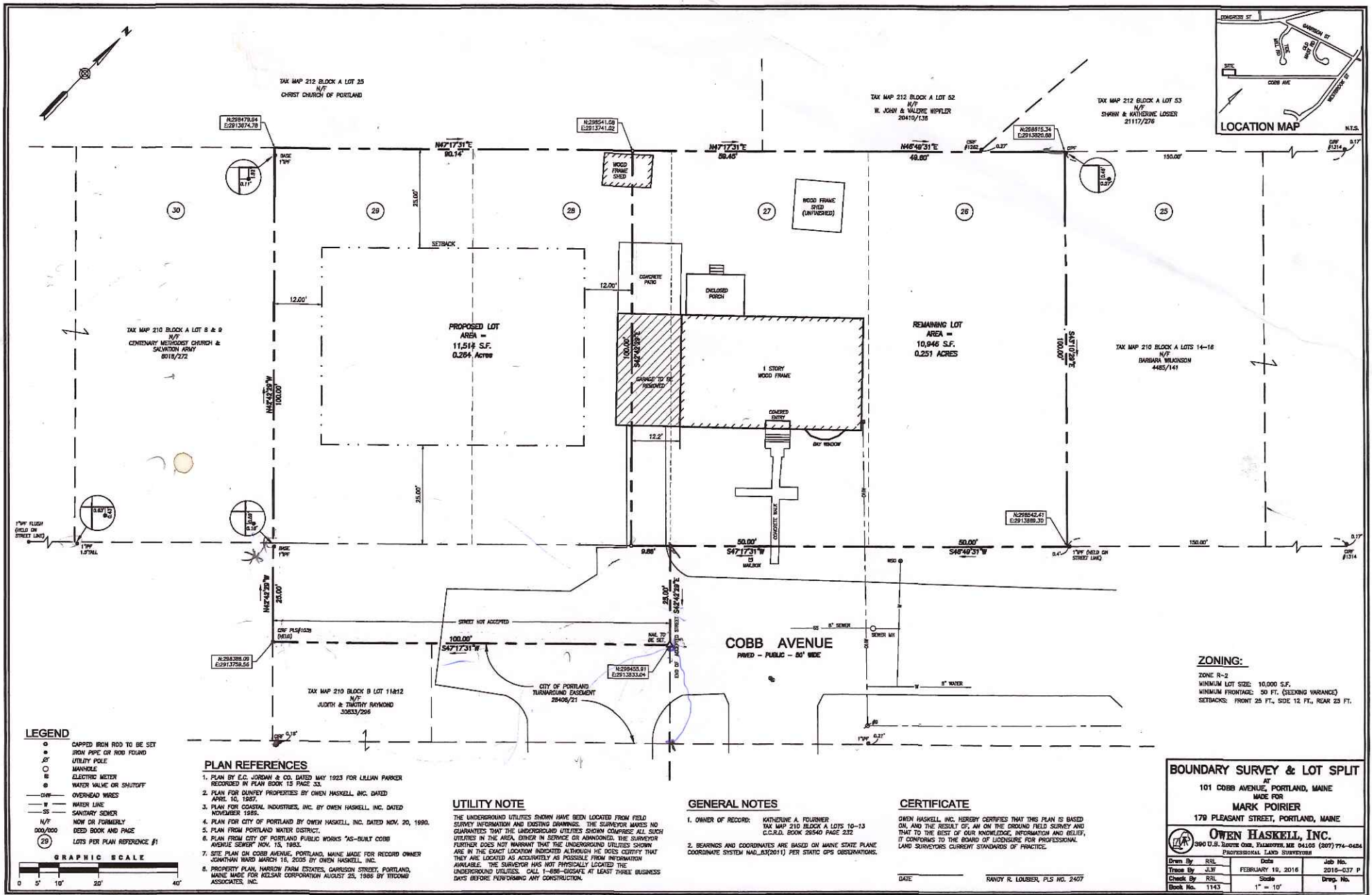






50' FRONTAGE

SETBACK 25 FRONT REAR
12 SIDE SIDE



LEGEND

- CAPPED IRON ROD TO BE SET
- IRON PIPE OR ROD FOUND
- ⊕ UTILITY POLE
- MANHOLE
- ⊕ ELECTRIC METER
- ⊕ WATER VALVE OR SHUTOFF
- OVERHEAD WIRES
- WATER LINE
- SANITARY SCHER
- N/A NOW OR FORMERLY
- 000/000 DEED BOOK AND PAGE
- (28) LOTS PER PLAN REFERENCE #1

GRAPHIC SCALE

0 5' 10' 20' 40'

- PLAN REFERENCES**
1. PLAN BY E.C. JORDAN & CO. DATED MAY 1923 FOR LILLIAN PARKER RECORDED IN PLAN BOOK 13 PAGE 33.
 2. PLAN FOR DIVERTY PROPERTIES BY OWEN HASKELL, INC. DATED APRIL 10, 1987.
 3. PLAN FOR COASTAL INDUSTRIES, INC. BY OWEN HASKELL, INC. DATED NOVEMBER 1988.
 4. PLAN FOR CITY OF PORTLAND BY OWEN HASKELL, INC. DATED NOV. 30, 1990.
 5. PLAN FROM PORTLAND WATER DISTRICT.
 6. PLAN FROM CITY OF PORTLAND PUBLIC WORKS "AS-BUILT COBB AVENUE SCHER" NOV. 15, 1983.
 7. SITE PLAN ON COBB AVENUE, PORTLAND, MAINE MADE FOR RECORD OWNER JONATHAN WARD MARCH 19, 2005 BY OWEN HASKELL, INC.
 8. PROPERTY PLAN HARRISON FROM STATES, GARRISON STREET, PORTLAND, MAINE MADE FOR KELSAR CORPORATION AUGUST 25, 1985 BY TITCOMB ASSOCIATES, INC.

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-00SAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION.

GENERAL NOTES

1. OWNER OF RECORD: KATHERINE A. FOURNIER
TAX MAP 210 BLOCK A LOTS 10-13
C.O.D. BOOK 28540 PAGE 232
2. BEARINGS AND COORDINATES ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM NAD_83(2011) PER STATIC GPS OBSERVATIONS.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON-THE-GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

DATE: _____ RANDY R. LOUISER, PLS INC. 2497

ZONING:

ZONE R-2
MINIMUM LOT SIZE: 10,000 S.F.
MINIMUM FRONTAGE: 50 FT. (SEEKING VARIANCE)
SETBACKS: FRONT 25 FT., SIDE 12 FT., REAR 25 FT.

BOUNDARY SURVEY & LOT SPLIT

101 COBB AVENUE, PORTLAND, MAINE
MADE FOR
MARK POIRIER
179 PLEASANT STREET, PORTLAND, MAINE

OWEN HASKELL, INC.
390 U.S. STREET, PORTLAND, MAINE 04103 (207) 774-0454
PROFESSIONAL LAND SURVEYOR

Drawn By: RRL	Date: FEBRUARY 10, 2016	Job No. 2016-037 P
Checked By: JLR	Scale: 1" = 10'	Dwg. No. 1
Book No. 1143		

MAINE REAL ESTATE TAX-Paid

Return to:
New England Title, LLC
2320 Congress Street
Portland, ME 04102

DLN1001640006439

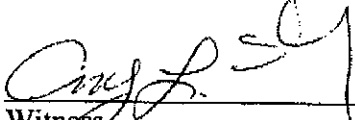
WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that I, Katherine A. Fournier-Babcock f/k/a Katherine A. Fournier, of Portland, County of Cumberland, State of Maine, for consideration paid, GRANT to Noel Poirier of Portland, County of Cumberland and State of Maine, whose mailing address is 179 Pleasant Avenue, Portland, Maine, with **WARRANTY COVENANTS**, the land with buildings thereon in Portland, County of Cumberland and the State of Maine, described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

Meaning and intending to convey the same premises described in deed of Katherine A. Fournier, Personal Representative of Alvin Gordon Brown, Dated April 19, 2012 and recorded in the Cumberland County Registry of Deeds in Book 29540, Page 232.

Witness my hand and seal this 23rd day of February, 2016



Witness

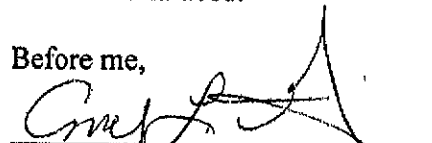


Katherine A. Fournier-Babcock

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

February 23, 2016

Then personally appeared before me the above- named Katherine A. Fournier-Babcock and acknowledged the foregoing instrument to be her free act and deed.

Before me,


Notary Public/ Attorney at Law



AMY L. GIBSON
Notary Public - State of Maine
My Comm. Expires June 9, 2022

EXHIBIT "A"

File No.: Ts16-027C

101 Cobb Avenue
Portland, Maine

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

1. A certain lot or parcel of land situated in said Portland, Westerly of Westbrook Street, and being lot numbered Twenty-six (26) as shown on plan of land at Stroud water, Portland, Maine, surveyed for Lillian M. Parker, May, 1923, by E. C. Jordan & Co., and recorded in Cumberland County Registry of Deeds, Plan Book 15, Page 33.

Said lot is more fully bounded and described as follows: Commencing at a point on the Northwestern side of Cobb Avenue as shown on said plan, which point is Twelve Hundred Forty-seven and Eighty-five hundredths (1247.85,) feet Southwesterly from the point of intersection of said Westerly side line of Westbrook Street and said Northwestern side line of Cobb Avenue; thence Southwesterly by said Cobb Avenue Fifty (50) feet to a stake and lot numbered Twenty-seven (27), as shown on said plan; thence Northwesternly at an angle of $89^{\circ} 46'$ to said Northwestern side line of Cobb Avenue One Hundred (100) feet to a stake and land of Horatio Maxfield; thence Northeasterly by said Maxfield land and land of one Fickett Forty-nine and Six tenths (49.6) feet to a stake and lot numbered Twenty-five (25) as shown on said plan; thence Southeasterly by said lot numbered Twenty-five (25) One Hundred (100) feet to said Cobb Avenue and the point of beginning.

2. A certain lot or parcel of land situated in said Portland Westerly of Westbrook Street and being lot numbered Twenty-seven (27) as shown on plan of land at Stroudwater, Portland, Maine, surveyed for Lillian M. Parker, May, 1923, by E. C. Jordan & Co., recorded in the Cumberland County Registry of Deeds in Plan Book 15, Page 33. Said lot is more fully bounded and described as follows: Commencing at a point on the Northwestern side of Cobb Avenue as shown on said Plan, which point is Twelve Hundred Ninety-seven and Eighty-five one-hundredths (1297.85) feet Southwesterly from the point of intersection of said Westerly side line of Westbrook Street and said Northwestern side line of Cobb Avenue; thence Southwesterly by said Cobb Avenue Fifty (50) feet to a stake and lot numbered twenty-eight (28) as shown on said plan; thence Northwesternly at right angles to said Cobb Avenue One Hundred (100) feet to a stake and land of Horatio Maxfield; thence Northeasterly by said Maxfield land Forty-nine and Six tenths (49.6) feet to a stake and lot numbered twenty-six (26) as shown on said plan; thence Southeasterly by said lot numbered Twenty-six (26) one hundred (100) feet to said Cobb Avenue and the point of beginning. Making an angle of $89^{\circ} 46'$ with the Northwestern side line of Cobb Avenue.
3. A certain lot or parcel of land situated in said Portland Westerly of Westbrook Street, and being lot numbered Twenty-eight (28) as shown on plan of land at Stroudwater, Portland, Maine, surveyed for Lillian M. Parker, May, 1923 by E. C. Jordan & Co. recorded in the Cumberland County Registry of Deeds in Plan Book 15, Page 33.

Said lot is more fully bounded and described as follows: Commencing at a point on the Northwesterly side of Cobb Avenue as shown on said plan, which point is Thirteen Hundred Forty-seven and Eighty-five One hundredths (1347.85) feet Southwesterly from the point of intersection of said Westerly side line of Westbrook Street and said Northwesterly side line of Cobb Avenue; thence Southwesterly by said Cobb Avenue Fifty (50) feet to a stake and lot numbered Twenty-nine (29) as shown on said plan; thence Northwesterly at right angles to said Cobb Avenue One Hundred (100) feet to a stake and land of Horatio Maxfield; thence Northeasterly by said Maxfield land Fifty (50) feet to a stake and lot numbered Twenty-seven (27) as shown on said plan; thence Southeasterly by said lot numbered Twenty-seven (27) One Hundred (100) feet to said Cobb Avenue and the point of beginning.

4. A certain lot or parcel of land situated in said Portland, westerly of Westbrook Street, and being lot number Twenty-nine (29) as shown on plan of land at Stroudwater, Portland, Maine, surveyed for Lillian M. Parker May, 1923 by E. C. Jordan & Co., recorded in the Cumberland County Registry of Deeds in Plan Book 15, Page 33.

Said lot is more fully bounded and described as follows: Commencing at a point on the Northwesterly side of Cobb Avenue as shown on said plan, which point is Thirteen hundred ninety-seven and eighty-five hundredths (1397.85) feet southwesterly from the point of intersection of said Westerly side line of Westbrook Street and said Northwesterly side line of Cobb Avenue; thence Southwesterly, by said Cobb Avenue Fifty (50) feet to a stake and lot numbered thirty (30) as shown on said plan; thence Northwesterly at right angles to said Cobb Avenue One Hundred (100) feet to a stake and land of Horatio Maxfield; thence Northeasterly by said Maxfield land fifty (50) feet to a stake and lot numbered Twenty-eight (28) as shown on said plan; thence southcasterly by said lot numbered Twenty-eight (28) One Hundred (100) feet to said Cobb Avenue and the point of beginning.

All of the foregoing lots are conveyed subject to the following restrictions and conditions imposed by earlier conveyances: That no dwelling house costing less than Two Thousand Dollars (\$2,000) shall be built thereon; and that no building, or part of building, except piazza or steps, shall be built or maintained within fifteen (15') feet of said Cobb Avenue.

October 7, 2016

Noel M. Poirier
280 Brighton Ave
Portland, ME 04102

RE: 101 Cobb Ave
Portland, ME 04102

To Whom It May Concern:

Effective immediately, I grant permission to Mr. Scott Regan to act on my behalf in the following matter:

- Pursuit of obtaining an exception to zoning requirements due to lack of road frontage for the above named real property, of which I am sole owner.

Please contact me at noelpoirier@icloud.com or 207-671-3757 should you have further questions or require additional documentation. Thank you for your consideration and assistance to Mr. Regan in obtaining the necessary exception.

Regards,



Noel M. Poirier

PRACTICAL DIFFICULTY VARIANCE

DECISION

Name and address of applicant: Harry and Diane Olsson
110 Cobb Avenue

Location of property under appeal: 110 Cobb Avenue

Appearances.

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

Jonathan D Ward
14 Raspberry Lane
P.O. Box 304
Port Clyde, ME 04855

Exhibits.

CERTIFICATION BY ZONING ADMINISTRATOR

The Zoning Administer hereby certifies that:

- 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).
- b. 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.

The Zoning Administrator has certified/has not certified that the application comports with each of the above requirements.

Cathleen D. Allen
Secretary

ORDINANCE CRITERIA

Findings of Fact.

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 4 IT IS NOT 0 (deny application)

Comment: City vacated street by mistake rendering lot
unbuildable.

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 4 IT WILL 0 (deny application)

Comment: The proposed use is consistent with the surrounding
area

3. The Practical Difficulty is not the result of action taken by the applicant:

IT IS NOT 4 IT IS 0 (deny application)

Comment: The practical difficulty is caused by the
City's vacation.

4. No other feasible alternative is available to the applicant, except a variance:
IT IS NOT 4 IT IS 0 (deny application)

Comment: The lot is unbuildable without the variance

5. The granting of a variance will not have an unreasonably adverse effect on the natural environment:

IT WILL NOT 4 IT WILL 0 (deny application)

Comment: The use of the lot as a residential lot is consistent with the neighborhood

6. Strict application of the dimensional standards of the ordinance to the subject property will preclude a use which is permitted in the zone in which the property is located.

IT WILL 4 IT WILL NOT 0 (deny application)

Comment: Strict application of the dimensional standards will preclude residential use of the lot.

7. Strict application of the dimensional standards of the ordinance to the subject property will result in economic injury to the applicant.

IT WILL 4 IT WILL NOT 0 (deny application)

Comment: The property was purchased with the assumption that the lot was buildable based on representations of the city.

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

YES X

NO _____

Specific Conditions: ~~the same as~~ Any residence constructed on the lot shall be set back

- ① Unless and until the private rights in the vacated way are terminated, any residence constructed on the lot shall be set back (front-set back) from the ^{northern} edge of the vacated way and not the centerline of the vacated way.
- ② A snow plow turn around easement shall be given to the City of Portland if received by the Planning Department during their single family site plan review

Reasons: _____

Date of Public Hearing: March 3, 2005

Motion: TO grant the practical difficulty variance with the conditions
set forth on the previous page.
(including conditions and findings of fact) _____

see attached for findings of fact

Votes in favor

Votes Opposed

collin b. lee
Justin Suter
[Signature]
[Signature]

Rem 315



**CITY OF PORTLAND
CERTIFICATE OF VARIANCE APPROVAL**

I, William Hall, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 3rd day of March 2005, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Current Property Owner: Harry R & Diane T. Olsson**
2. **Property: Cumberland County Registry of Deeds, Book 14670, Page 313**
(Last recorded April 1999 Deed in Chain of Title)
110 Cobb Avenue, Portland, ME CBL: 210-B-011 & 012
3. **Variance and Conditions of Variance:**

To grant relief from section 14-90(4) to allow approximately twenty-five (25) feet of lot frontage instead of the required Fifty (50) feet, with the condition that unless and until the private rights on the vacated way are terminated, any residence constructed on the lot shall be set back (front set back) from the northern edge of the vacated way and not the centerline of the vacated way.

To grant relief from Section 14-403(b) minimum requirements for street improvements with the condition that a snow plow turn around easement shall be given to the City of Portland if so required by the Planning Department during their single family site plan review.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 7th day of March, 2005.

William Hall Chair for The
City of Portland Zoning Board
William Hall
(Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

SEAL

Then personally appeared the above-named William Hall and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on March 3, 2005

Margaret Schmuckel
(Printed or Typed Name)
Notary Public
my term expires June 28, 2005

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

389 Congress St Portland, Maine 04101 (207) 874-8730 FAX 874-8949 TTY 874-8936

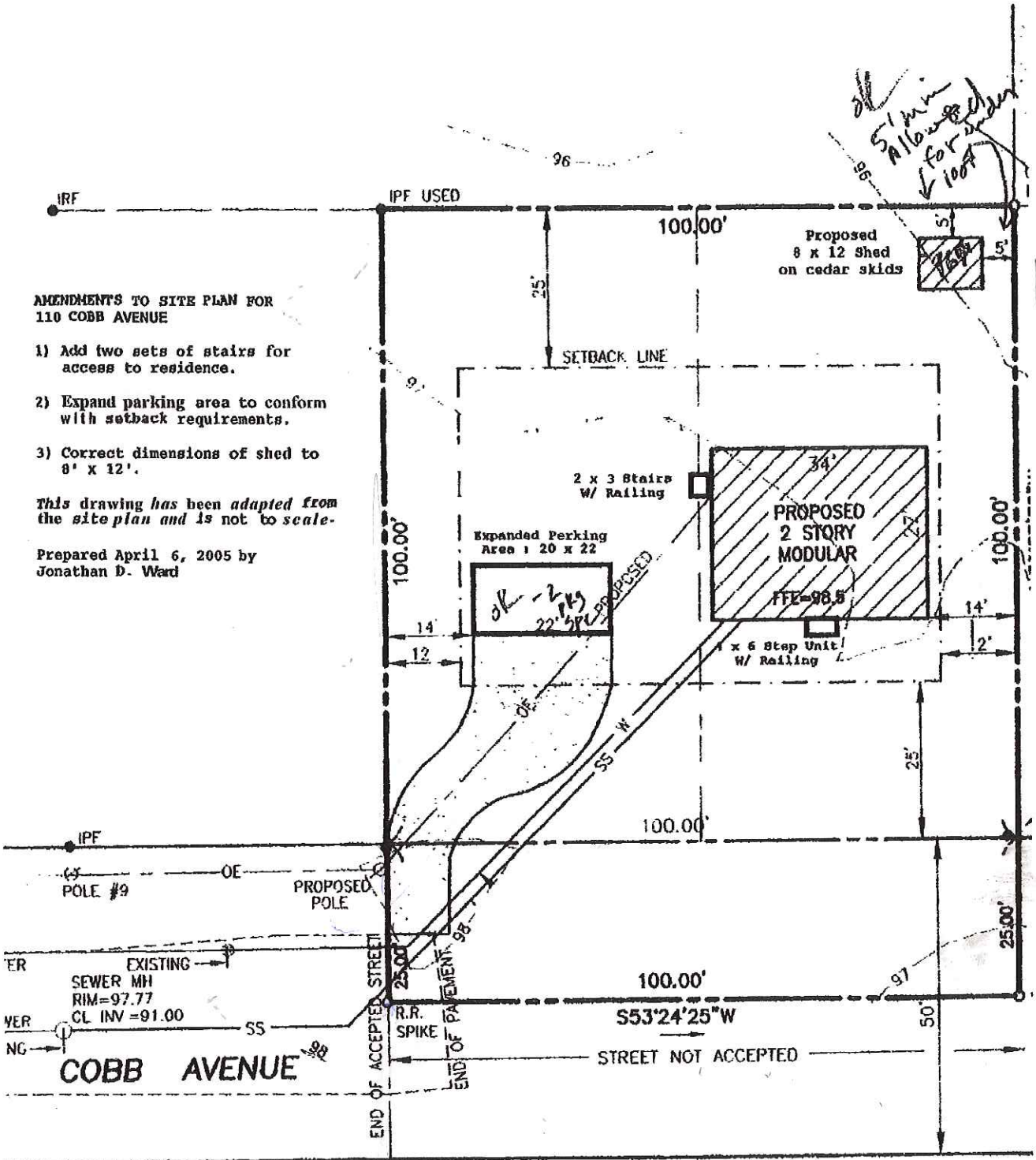
Received
Recorded Register of Deeds
Mar 21, 2005 09:33:28A
Cumberland County
John B O'Brien

**AMENDMENTS TO SITE PLAN FOR
110 COBB AVENUE**

- 1) Add two sets of stairs for access to residence.
- 2) Expand parking area to conform with setback requirements.
- 3) Correct dimensions of shed to 8' x 12'.

This drawing has been adapted from the site plan and is not to scale.

Prepared April 6, 2005 by
Jonathan D. Ward



DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME

APR - 6 2005

RECEIVED

CITY OF PORTLAND

members present: Lee Lowry, Bill Neleski, Julie Brady -
Peter Clifford, Elizabeth Erdowitz

arrived during the initial discussion but did not participate in the vote

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



Members Absent: Sam Sivoblas, Andrew Bracas -

Meeting called to order 7:06 pm, **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, April 22, 1999 to hear the following appeals:

1. Unfinished Business:

None

2. New Business:

4-0 Allowed
to table & continue to the next meeting
A. Conditional Use Appeal

20 Sheridan Street, Jan Pedersen, owner of the property, respectfully petitions the Board to allow for professional offices to be located on the second floor of this residential property Section 14-137(3)b, R-6 Zone. - Should Add 14-434 Parking Misc. Appeal

B. Interpretation Appeal

Granted 5-0
Continued to July 8th

47 Hersey Street, Constance Tidd, owner of the property, respectfully petitions the Board to reverse the Zoning Administrator's Interpretation and to allow Ms. Tidd to replace her one car garage, R-3 Zone.

Continued to next meeting
Postponed to next meeting

102-104 Cumberland Avenue, John Donovan, owner of the property, respectfully petitions the Board to allow for a Functional Division of this property, B-2 Zone.

C. Practical Difficulty Variance

Granted 5-0
Continued to July 8th

47 Hersey Street, Constance Tidd, owner of the property, respectfully petitions the Board to grant relief from the dimensions standards of the Zoning Ordinance 14-90(4) to allow Ms. Tidd to replace her one car garage, R-3 Zone.

4-1
Granted with condition

110 Cobb Avenue, Michelle & Jonathan Ward, agents for the property, respectfully petitions the Board to grant relief from Sections 14-430 (b) and Section 14-80 (3) to allow for construction of a residential home, R-2 zone.

3. Adjournment:

9:30

condition: snowplow turn around easement shall be given if required by the Planning Department during their single family home review site plan review

**EASEMENT DEED FOR
TURNAROUND**

In consideration of the payment of one dollar, Harry R. Olsson, Jr. and Diane T. Olsson, joint tenants with a mailing address at 2313 Barnumville Rd. Manchester Center, Vermont ("Grantor"), hereby grant to CITY OF PORTLAND, a body politic and corporate with a place of business at 389 Congress Street, Portland, Maine 04101 ("Grantee") a perpetual easement over a strip of land (the "Basement Area") running off of Cobb Avenue which Basement Area and property are more particularly described in Schedule A, attached hereto and incorporated herein by reference. This easement is for the purpose of facilitating emergency access (fire, police, etc.), street maintenance and other City purposes (snow plowing, trash removal, etc.) to the Cobb Avenue development.

Being the southerly half of the 35' x 50' easement described on the revised site plan prepared for Jonathan D. Ward by Owen Haskell, Inc. dated May, 2005 and attached hereto as Schedule A.

Together with and hereby granting to Grantee the perpetual right in its discretion to maintain, replace, relocate and repair within the Basement Area an area, paved or unpaved, capable of serving as a turnaround by motorized vehicles.

Together with and hereby granting to Grantee the perpetual right within the Basement Area to periodically trim trees and to remove dead, diseased or fallen trees (including "leaners") and to selectively clear undergrowth and make plantings to (1) prevent erosion, (2) provide for the safe passage of municipal vehicles, and (3) provide for public safety, all in accordance with good forestry and landscaping management practices.

Both Grantor and Grantee acknowledge that this easement is being granted without claim for damages and provided to Grantee for use by municipal vehicles without charge.

To have and to hold the said Easement and all rights granted hereunder to the said Grantee and their successors and assigns forever.

IN WITNESS WHEREOF, Grantors have caused this easement to be executed this 2nd day of May, 2005.

Harry R. Olsson, Jr.
Harry R. Olsson, Jr.

Diane T. Olsson
Diane T. Olsson

WITNESS: Beth H. Smith

Received
Recorded Register of Deeds
Nov. 28, 2005 11:27:32A
Cumberland County
John B O'Brien

State of Maine
County of Knox, ss.

May 2, 2005

Personally appeared the above-named Harry R. Olsson, Jr. and Diane T. Olsson, of Manchester Center, Vermont, as aforesaid, and each acknowledged the foregoing instrument to be his or her free act and deed.

Before me,

Margaret J. C. Black

Margaret J. C. Black

Notary Public Commission expires 7-7-2009

SEAL

From: Barbara Barhydt
To: Clark, William; Dorr, Jennifer; Schmuckal, Marge; Stone, Melissa
Date: 5/11/2009 4:54:20 PM
Subject: Fwd: Cobb Ave Turnaround Easement - CBL 210-B-011 & 012 - Need Revised Site Plan

Hi Bill:

The one document that you have is signed by Marge Schmuckal and the chair of the Zoning Board of Appeals. I would check with Marge to see what she has regarding that decision.

I don't know if this was part of a subdivision, so we might have some records. Jennifer and Melissa, would you please check our files to see if we have a subdivision plan for this street?

Thank you.

Barbara

>>> William Clark Monday, May 11, 2009 3:41 PM >>>
Hi Barbara,

The districting folks came to me saying the last owner on the left of Cobb Ave was not too happy with City trucks turning around on his land.

We didn't have anything in the vault so I went On-line and found out that the owner was granted a frontage variance in 2005 (deed CCRD 22431/238) with a Sweetheart Deal Turnaround Easement granted from the owner to the City (deed CCRD 23428/262). The deed for the easement called for a revised site plan attached as Schedule A, but it was not attached to the deed when it was recorded.

Would your folks have a copy up there in Planning, or should I contact the surveyor?

Thanks,

Bill

CC: Earley, Steven; Margolis-Pineo, David

From: Jay Reynolds
To: Single Family Signoff
Date: Mon, May 9, 2005 3:37 PM
Subject: #114 Cobb Avenue

ID#2005-0066, CBL 210B011001,

Approvals with conditions have been entered in urban insight for this application

Jay Reynolds
Development Review Coordinator
City of Portland
Planning and Development
(207) 874-8632
jayjr@portlandmaine.gov

*Jonathan D. Ward
Michelle M. Ward
14 Raspberry Lane • PO Box 304 • Port Clyde, ME 04855-0304
Telephone (207) 372-0677 • Pager (207) 580-0677
Email: quagi@midcoast.com*

TO: Portland Planning Dept.
RE: 110 Cobb Ave. Site Plan Review
DATE: March 28, 2005

On March 4, 2005, we were granted a variance to permit construction of a single family residence at 110 Cobb Avenue. This memo accompanies our building permit application.

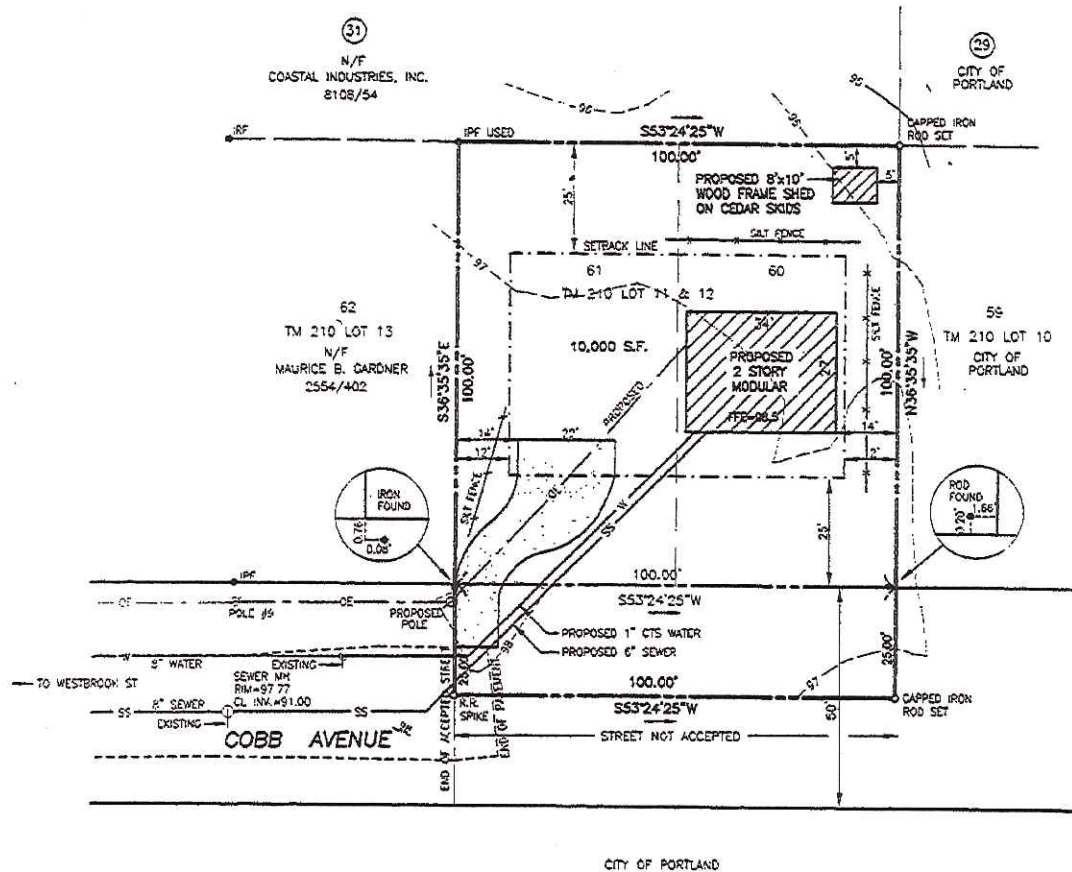
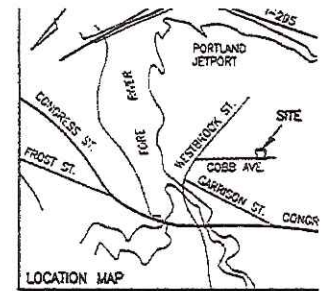
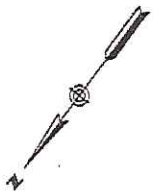
Cobb Avenue has been vacated past the line marked "End of Accepted Street." Though the pavement continues for about 10 feet, the City has no rights past that line. The abutting owners on either side of the vacated street own out to the centerline.

As part of the variance process, we have agreed to grant the City a snow plow turnaround easement "if so required by the planning department during their single family site plan review." Obviously, we would like any turnaround, if required, to blend with the surrounding landscape, and not give drivers the impression that there's a public turnaround at the end of the street.

Currently, plows have been pushing the snow off the end of the pavement and piling it at the indicated point. This is apparently working well and not obstructing the existing driveway. If we place the driveway for 110 directly opposite the one on the other side of the street (as proposed), plows can continue pushing the snow where they have been. Obviously, the plows have been able to turn around at the end of the street up to this point, probably using the existing driveway. We would also like to explore the possibility of using our driveway as part of turnaround. Initially, we do not plan to pave it, so we can expand the width if necessary.

If the Planning Department is agreeable, we'd like to try out this arrangement for the winter of 2005-2006, with the understanding that if it is not acceptable to the City, we will take further steps to accommodate plow operations.

In any case, we would like to meet with Planning Department staff during the site plan review process to look at this issue. We are available most weekdays, but will require advance notice because we live two hours away.



NOTE: ELEVATIONS BASED ON CITY DATUM
P.X. IN POLE #8 ELEV. 100.10

LEGEND:

- IRON PIPE OR ROD FOUND
- HYDRANT
- UTILITY POLE
- MANHOLE
- (E)— OVERHEAD ELECTRIC
- W— WATER MAIN
- SS— SANITARY SEWER

PLAN REFERENCES:

- 1 PLAN BY E. C. JORDAN & CO. DATED MAY 1923 FOR LILLIAN PARKER RECORDED IN PLAN BOOK 13 PAGE 33 LOTS SHOWN THUS 60
- 2 PLAN FOR DUNFEE PROPERTIES BY OWEN HASKELL, INC. DATED APRIL 10, 1987.
- 3 PLAN FOR COASTAL INDUSTRIES, INC. BY OWEN HASKELL, INC. DATED NOVEMBER 1989.
- 4 PLAN FOR CITY OF PORTLAND BY OWEN HASKELL, INC. DATED NOV. 20, 1990.
- 5 PLAN FROM PORTLAND WATER DISTRICT.
- 6 PLAN FROM CITY OF PORTLAND PUBLIC WORKS "AS-BUILT COBB AVENUE SEWER" NOV. 15, 1983.

ZONING:

ZONE R-2
MINIMUM LOT SIZE: 10,000 S.F.
MINIMUM FRONTAGE: 50 FT.
SETBACKS: FRONT 25 FT., SIDE 12 FT., REAR 25 FT.

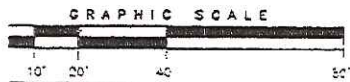


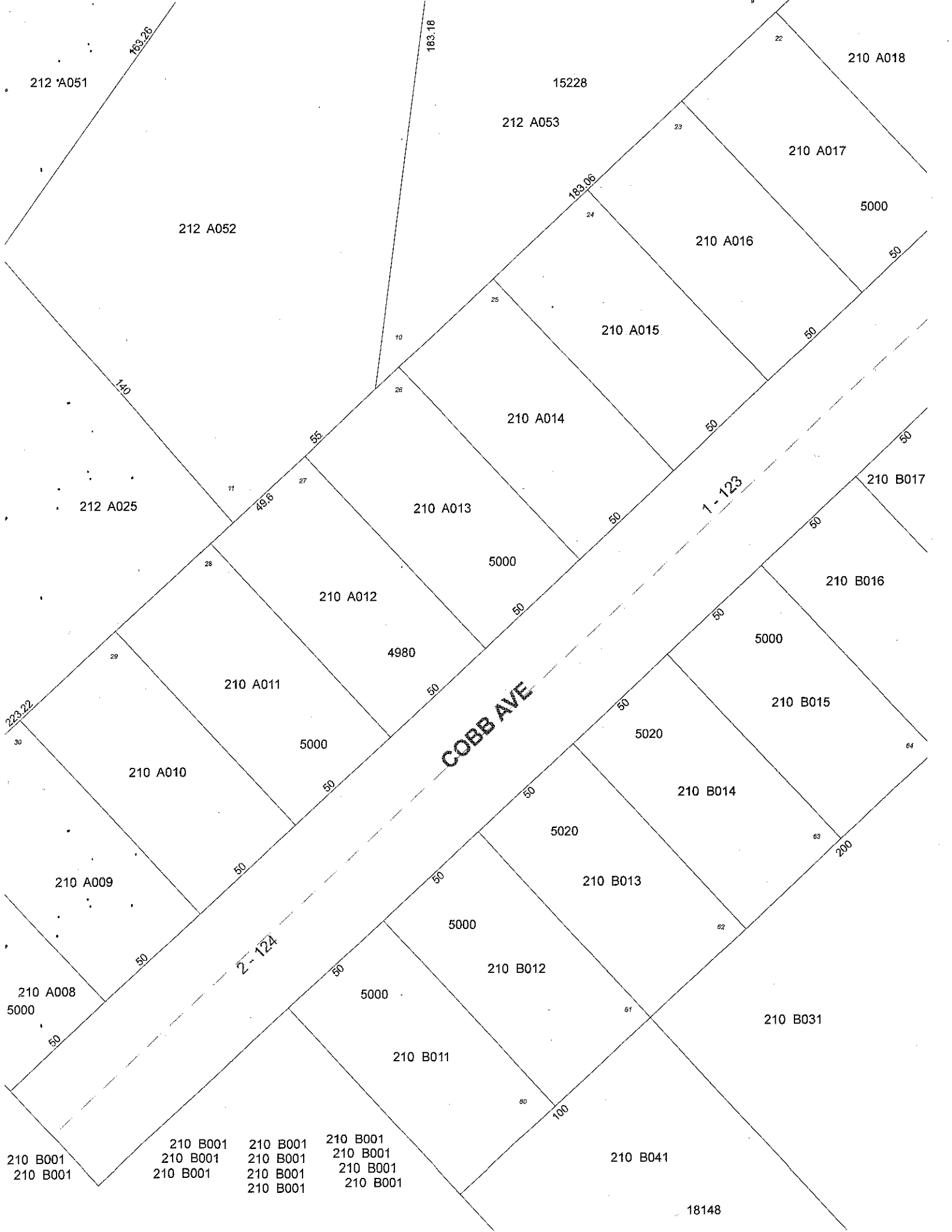
SITE PLAN
ON
COBB AVENUE, PORTLAND, MAINE
MADE FOR RECORD OWNER:
JONATHAN WARD

OWEN HASKELL, INC.
16 CASCO ST., PORTLAND, ME 04101 (207) 774-041
PROFESSIONAL LAND SURVEYORS

Drawn By: RS	Date: MARCH 18, 2005	Job No: 9900SF
Trace By: JLW	Scale: 1" = 20'	Drawn: N
Check By: JPRC		
Block No: 870		15

3124/05





212 A051

163.26

15228

183.18

210 A018

212 A053

210 A017

212 A052

5000

210 A016

140

210 A015

183.06

210 A014

212 A025

210 A013

210 B017

5000

1-123

210 A012

210 B016

4980

5000

210 A011

210 B015

5000

5020

223.22

COBB AVE

210 A010

210 B014

5020

210 A009

210 B013

5000

2-124

210 B012

5000

210 A008
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210 B013

210 B011

210 B031

210 B001
210 B001

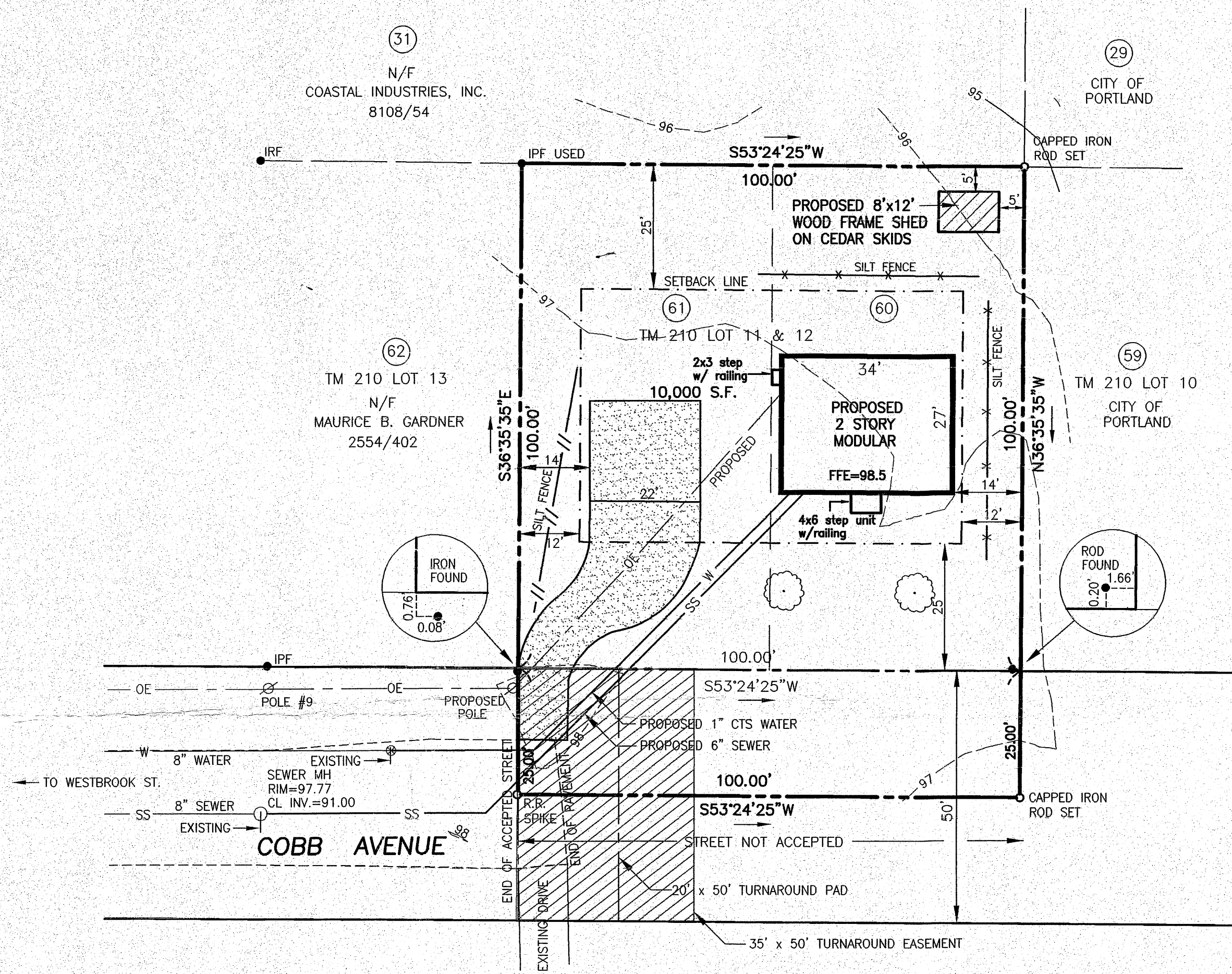
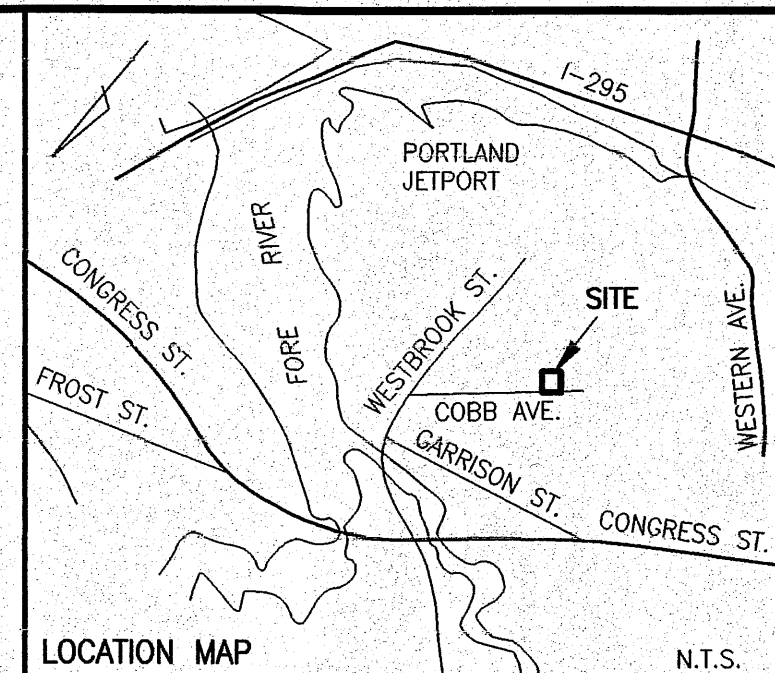
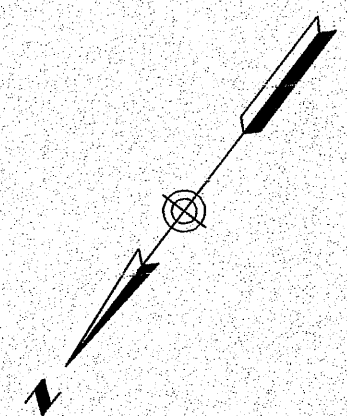
210 B001
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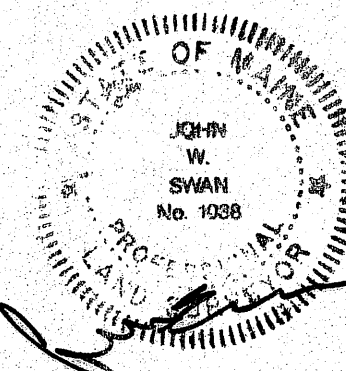


NOTE: ELEVATIONS BASED ON CITY DATUM
P.K. IN POLE #8 ELEV. 100.10

- LEGEND:**
- IRON PIPE OR ROD FOUND
 - HYDRANT
 - UTILITY POLE
 - MANHOLE
 - OE — OVERHEAD ELECTRIC
 - W — WATER MAIN
 - SS — SANITARY SEWER
 - PROPOSED TREE

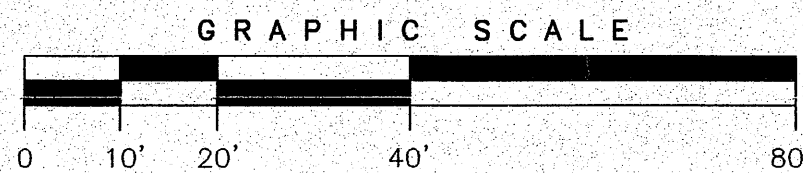
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ZONING:
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MINIMUM LOT SIZE: 10,000 S.F.
MINIMUM FRONTAGE: 50 FT.
SETBACKS: FRONT 25 FT., SIDE 12 FT., REAR 25 FT.



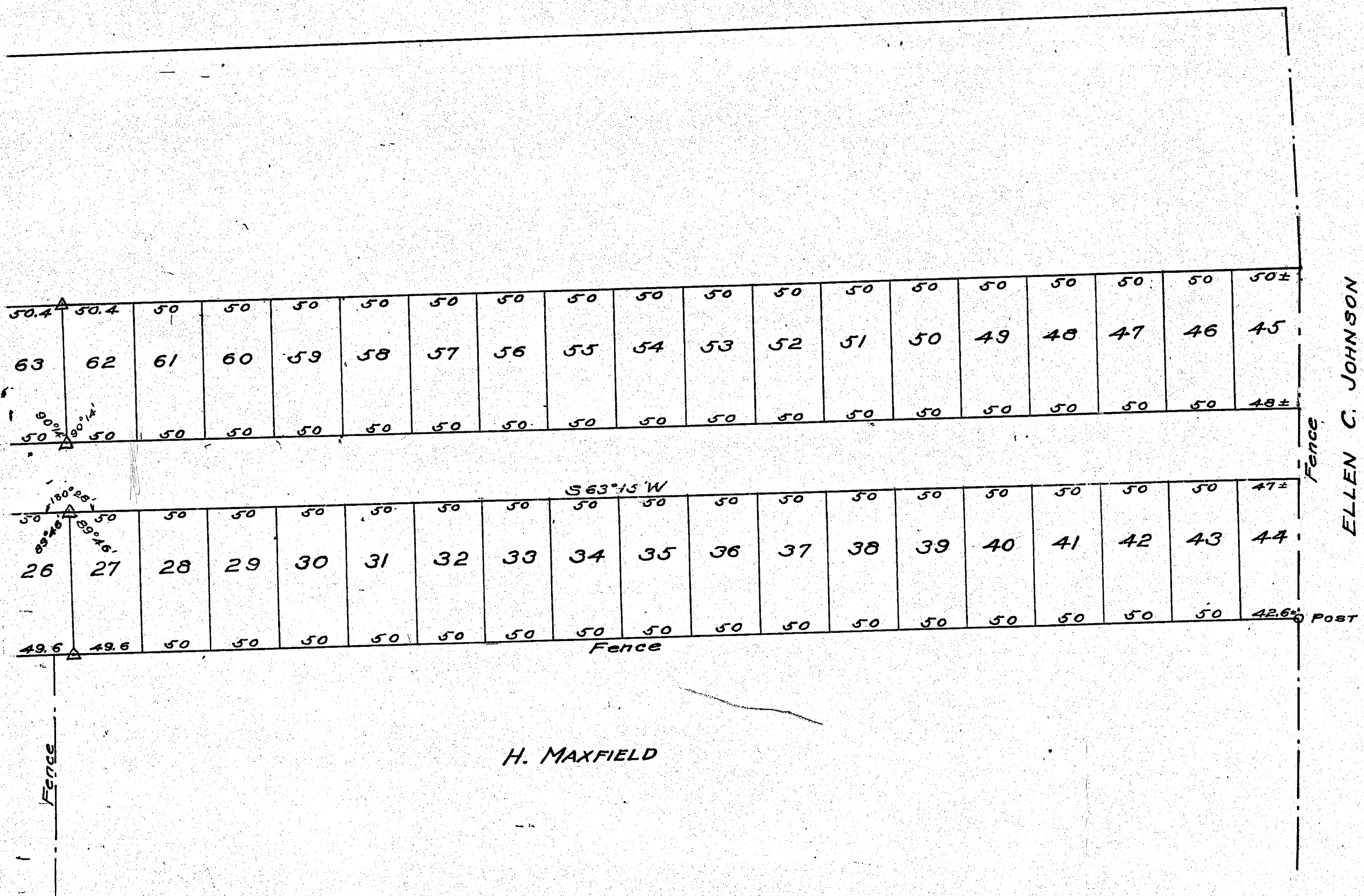
SITE PLAN
ON
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MADE FOR RECORD OWNER:
JONATHAN D. WARD
14 RASPBERRY LANE, PORT CLYDE, MAINE
OWEN HASKELL, INC.
16 CASCO ST., PORTLAND, ME 04101 (207) 774-0424
PROFESSIONAL LAND SURVEYORS

Drawn By	RS	Date	Job No.
Trace By	JLW	MARCH 18, 2005	99009P
Check By	JPRC	Scale	Drwg. No.
Book No	870	1" = 20'	1S



C:\DMS\99009P-2.dwg Wed May 04 13:20:49 2005

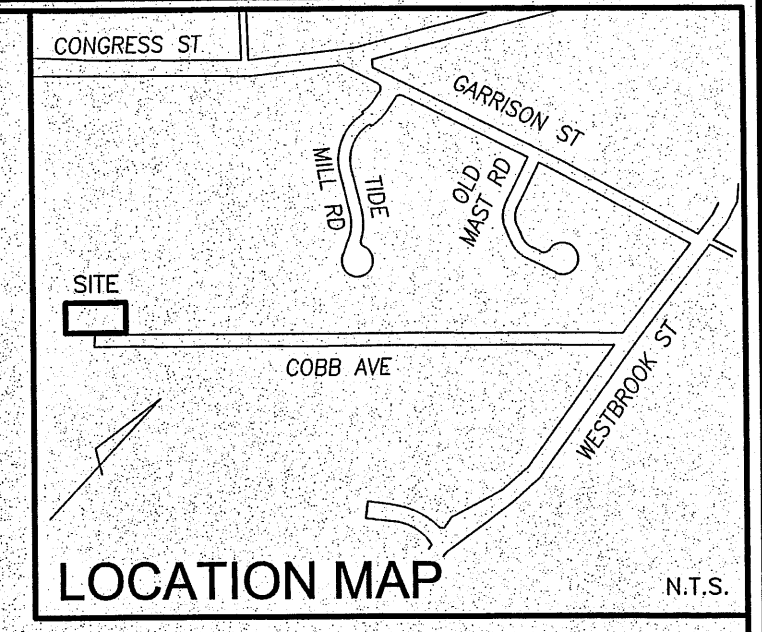
ENR FILE COPY: FRANK, CA 6/4/22
 15 33, 34
 35



MINE

*State of Maine, Cumberland ss: Registry of Deeds
 recorded in Plan Book 15, p. 33
 J. H. C. [unclear]*

Book 15, Pg 33



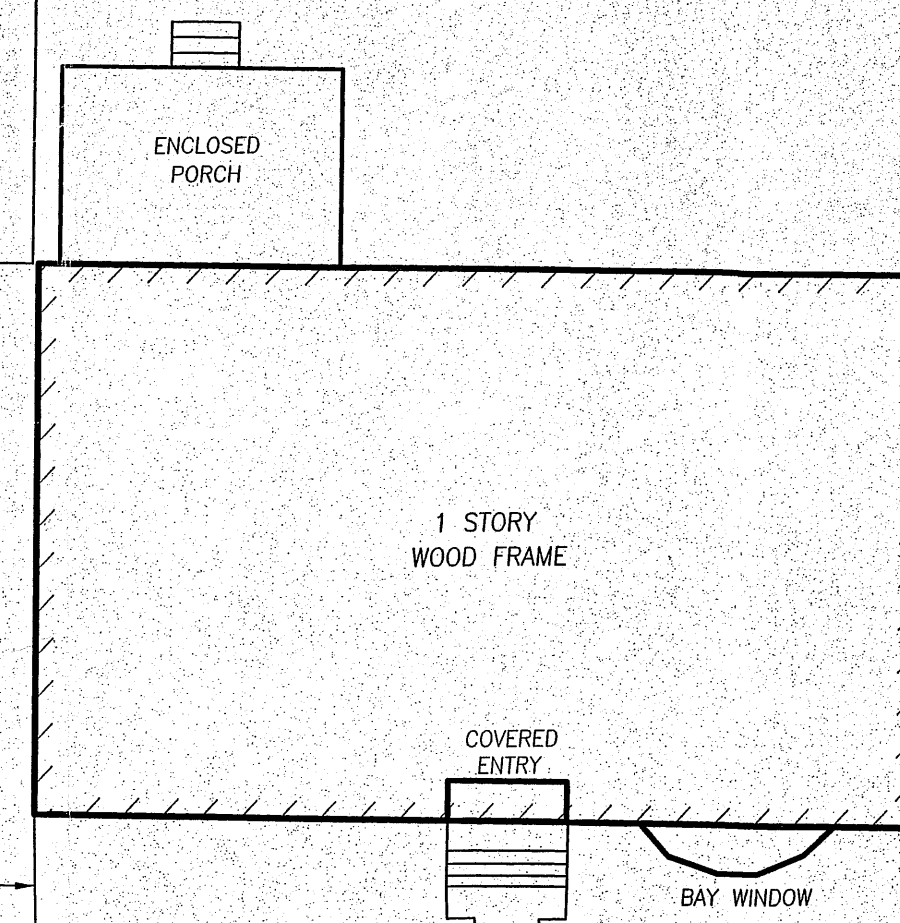
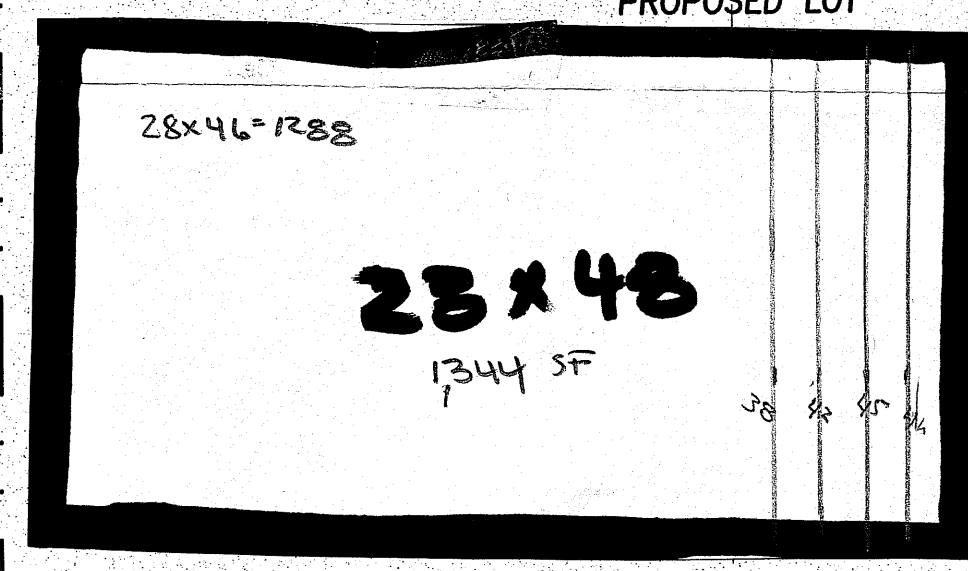
TAX MAP 212 BLOCK A LOT 25
N/F
CHRIST CHURCH OF PORTLAND

TAX MAP 212 BLOCK A LOT 52
N/F
JOHN W. & VALERIE WIPFLER
20410/136

TAX MAP 212 BLOCK A LOT 53
N/F
SHAWN & KATHERINE LOSIER
21117/276

TAX MAP 210 BLOCK A LOT 8 & 9
N/F
CENTENARY METHODIST CHURCH &
SALVATION ARMY
8018/272

TAX MAP 210 BLOCK A LOTS 14-16
N/F
BARBARA WILKINSON
4485/141



REMAINING LOT
AREA =
10,946± S.F.
0.25 ACRES

COBB AVENUE
PAVED - PUBLIC - 50' WIDE

ZONING:
ZONE R-2
MINIMUM LOT SIZE: 10,000 S.F.
MINIMUM FRONTAGE: 50 FT. (SEEKING VARIANCE)
SETBACKS: FRONT 25 FT., SIDE 12 FT., REAR 25 FT.

- LEGEND**
- CAPPED IRON ROD TO BE SET
 - IRON PIPE OR ROD FOUND
 - ⊗ UTILITY POLE
 - MANHOLE
 - ⊗ ELECTRIC METER
 - ⊗ WATER VALVE OR SHUTOFF
 - OHW — OVERHEAD WIRES
 - W — WATER LINE
 - SS — SANITARY SEWER
 - N/F NOW OR FORMERLY
 - 000/000 DEED BOOK AND PAGE
 - (29) LOTS PER PLAN REFERENCE #1

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6. PLAN FROM CITY OF PORTLAND PUBLIC WORKS "AS-BUILT COBB AVENUE SEWER" NOV. 15, 1983.
7. SITE PLAN ON COBB AVENUE, PORTLAND, MAINE MADE FOR RECORD OWNER JONATHAN WARD MARCH 16, 2005 BY OWEN HASKELL, INC.
8. PROPERTY PLAN, HARROW FARM ESTATES, GARRISON STREET, PORTLAND, MAINE MADE FOR KELSAR CORPORATION AUGUST 25, 1986 BY TITCOMB ASSOCIATES, INC.

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION.

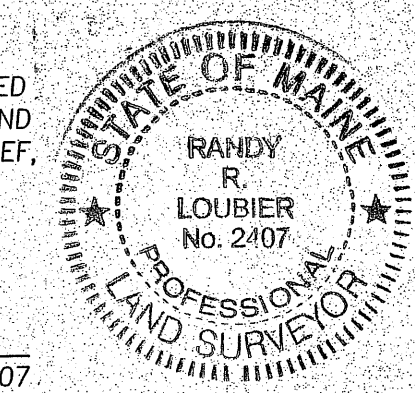
GENERAL NOTES

1. OWNER OF RECORD: KATHERINE A. FOURNIER
TAX MAP 210 BLOCK A LOTS 10-13
C.C.R.D. BOOK 29540 PAGE 232
2. BEARINGS AND COORDINATES ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM NAD_83(2011) PER STATIC GPS OBSERVATIONS.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

4/26/16
DATE
RANDY R. LOUBIER, PLS NO. 2407



BOUNDARY SURVEY & LOT SPLIT
AT
101 COBB AVENUE, PORTLAND, MAINE
MADE FOR
MARK POIRIER
179 PLEASANT STREET, PORTLAND, MAINE

OWEN HASKELL, INC.
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424
PROFESSIONAL LAND SURVEYORS

Drawn By	RRL	Date	MARCH 30, 2016	Job No.	2016-037 P
Trace By	JLW	Scale	1" = 10'	Drwg. No.	1
Check By	RRL				
Book No.	1143				

