

Zoning Division
Marge Schmuckal
Zoning Administrator



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

TO: CHAIRPERSON AND BOARD OF APPEALS MEMBERS: April 21, 1999
FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR
RE: 110 COBB AVENUE - 210-B-11 & 12 - R-2 Zone

As outlined in the applicant's cover letter, the City has taken some legal actions in regards to vacating a portion of Cobb Avenue which has resulted in this property at 110 Cobb Avenue as being unbuildable per the Zoning, Land Use Ordinance. I have spoken to the chair of the committee that reviewed the streets, Bill Tracy. He said that the committee had the understanding that the remaining vacant, undeveloped property at the end of Cobb Avenue was all owned by the Airport and was not privately owned. It was not the committee's intention to force an existing legal, buildable lot into nonconformity and thereby rendering it unbuildable.

The applicant is presenting to the Board a request to relieve the requirements of the two items that negatively affect this property:

- 1). Section 14-80 (3) requires that a lot in the R-2 Residential Zone have a minimum of 50 foot of street frontage. Because of the action taken by the City to vacate this street, this lot no longer has the required footage.
- 2). Section 14-403 (b) requires that prior to the development of a new lot, the street shall be paved from the closest end of pavement to the end of the property being developed. Because of the action taken by the City to vacate portions of this street, the applicant could not comply with this requirement.

The City supports the requests of this applicant. As stated above, it is not the intention of the City to render an existing, buildable lot as unbuildable. The City feels a responsibility to rectify its error and would encourage the Board to grant the requests of the applicant. It is felt that the conditions imposed upon the Board for it's decision making under a Practical Difficulty Variance could be met. The lots are not located in either a floodplain nor shoreland zoning.

It is also understood that all other Zoning requirements such as (but not inclusive) setbacks, height, lot coverage, and parking, shall be met prior to final approvals on the development of this lot.

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NOTICE

97-~~250~~
OCT 16 1997
RECORDED

On September 3, 1997, the Portland City Council passed Order # 84, entitled **Order Excepting Streets From Deemed Vacation**. This Order contains a listing of paper streets subject to 23 M.R.S.A. §3032, and sets forth the City's action on each street in a subdivision that is covered by that statute. The list indicates whether the City elected to continue its public rights in a street, to allow the street to be vacated and terminate the public rights, or to do some combination of the two.

A certified copy of Portland City Council Order #84 is recorded in the Cumberland County Registry of Deeds in Book _____, Page _____
Dated: September 16, 1997

City of Portland
Nadeen M. Daniels
Nadeen M. Daniels, City Clerk

Please start a file -
Streets - ~~to~~ Deemed
vacation 1997.
This can go into
central filing

DEAL

DEAL

July 22, 1997

Street Vac. Project

Brookline Street	Greater Brighton	11	111	Continue	Park Street/Access
Burnside Avenue	The Pines, Section A	16	29	Continue	
Bullwood Lane	Blackburnian Pines	142	68	Continue/Accept	Accept when improvements are completed.
C Street, Peaks Island	Sam Troll	4	60	Continue	
Calumet Avenue, Cushings Island	Edward T. Gignoux	42	17	Continue	
Calumet Avenue, Cushings Island	F.L. Olmsteads Layout of Cushings Island	4	66	Continue	
Calumet Avenue, Cushings Island	Skinney St. F. Thaxler	33	21	Continue	
Cambridge Street	Hawthorne Heights Extension	14	77	Continue	
Caribou Street	Congress Terrace	14	61	Continue	
Caroline Street	Plan of Brighton	11	109	Continue	
Centennial Street Rear, Peaks Island	Robert F. Skillings	11	101	Continue	
Centennial Street Rear, Peaks Island	Thomas Troll	3	42	Continue	
Centennial Street Rear, Peaks Island	Varda Place	80	15	Continue	
Chandler Street	Congress Terrace	14	61	Continue	
Chester Street	Windsor Heights	10	83	Continue	
Christy Road	Glen Oaks Section D	115	78	Accept/Continue	
Christy Road	Glen Oaks Section C	113	21	Accept/Continue	
City Point Road, Peaks Island	Susie C. McAloney	8	121	Continue	
City View Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Cliffstone Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Cobb Avenue	Land of William M. Parker	15	33	Accept/Vacate	Accept up to #100; vacate all beyond #100.
Coburn Street	Marshall Plan	1	29	Vacate	
Coolidge Avenue	Portland Highlands	18	10	Continue	
Corliss Road	C.B. Walton & Company	10	81	Continue/Vacate	Continue between Presump School and Sherwood Street; Vacate remainder
Cornell Street	Hawthorne Heights Extension	14	77	Continue	
Cranston Street	Washington Avenue Gardens	14	46	Continue	
Crescent Road, Peaks Island	Greenwood Gardens	33	33	Continue	
Crest View Drive	Crest View Acres-Section 5	59	22	Continue	
Crystal Road, Peaks Island	Skillings Farm	11	87	Continue	
Cummings Street	Land of L.W. Dyer	7	2	Vacate	Vacate portion between Hsley and Front Streets.
D Street, Peaks Island	Sam Troll	4	60	Continue	
Daggott Street	Ray Gardens	12	103	Continue	
Dakota Street	The Pines, Section A	18	29	Continue	
Dale Street	Portland Gardens	12	23	Continue	
Dalton Street	C.B. Walton & Company	10	81	Continue/Vacate	Continue up to F Street; Vacate from F Street to Presumpscot School
Davenport Avenue	Portland Highlands	18	10	Continue	
Dayton Street	Harris Farms	14	19	Continue	
Dodham Street	Woodforda Gardens	13	75	Continue	
Demerest Street	Ray Gardens	12	103	Continue	
Dorby Road	Oils H. Perry Land Company	14	32	Continue	
Diamond Avenue, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Dover Avenue	Forest Avenue Terrace	12	5	Continue	
Dudley Street	Forest Hills	15	34	Continue/Vacate	Continue 340 feet from Intersection of Lee Street; vacate remainder
E Street	C.B. Walton & Company	10	81	Continue/Vacate	Continue between Presump School and Sherwood Street; Vacate remainder
East Kilder Street	Adams Farm	12	33	Continue/Accept	Accept that portion from Berkshire to Grafton
Eaton Street	Greater Brighton	11	111	Continue	Park Street/Access
Echo Path, Peaks Island	Skillings Farm	11	87	Continue	
Edwards Street, Peaks Island	Henry M. Brackett Estate	9	57	Continue	
Elgilli Street	Half Acre Homes	13	2	Continue	
Elburn Street	Portland Villa Sites	14	7	Continue	
Eleanor Street	Charles L. Goodridge Estate	33	60	Continue	
Elizabeth Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Elmore Street	Forest Hills Extension	15	41	Vacate	
Elmwood Road, Little Diamond Island	Maine Coast Realty Company	12	71	Continue	
Eppling Street	Deering Terrace	12	8	Continue	
Eppling Street	Pine Tree Terrace	30	29	Continue	
Epps Street, Peaks Island	Mary A. Brackett	12	17	Continue	
Ernst Street, Peaks Island	Elizabeth Little John	12	86	Continue	
Euckel Avenue	Pine Tree Terrace	30	29	Continue	
Evergreen Avenue, Peaks Island	Evergreen Landing	15	29	Continue	
Evergreen Ledge, Peaks Island	Quincy M. Sterling	14	89	Continue	
Extension Prince Avenue, Peaks Island	W.S. Trefelthen Estate	13	97	Continue	
F Street	C.B. Walton & Company	10	81	Continue	