

Department of Planning & Urban Development

Marge Schmuckal
Zoning Administrator

Jeff Levine
Director Planning & Urban Development



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JUL - 1 2013

CITY OF PORTLAND
ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Dept. of Building Inspections
City of Portland Maine
Applicant Information:

TIMOTHY RAYMOND
NAME

BUSINESS NAME

110 CORB AVE
ADDRESS

PORTLAND, ME 04102

207-252-9774
TELEPHONE #

CO-OWNER WITH LETTER OF PERMISSION
APPLICANT'S RIGHT, TITLE OR INTEREST
(eg: owner, purchaser, etc)

R-2 RESIDENTIAL
CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:

Single Family Home

Subject Property Information

110 CORB AVE
PROPERTY ADDRESS

210 B ~~606~~ 011 ~~001~~ 012
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)
JUDITH RAYMOND
NAME

P.O. Box 36
ADDRESS

FRYEBURG, ME 04037

CONDITIONAL USE AUTHORIZED BY

SECTION 14 - 78(a)(2)

TYPE OF CONDITIONAL USE
PROPOSED:

Added Garage with Accessory
APARTMENT

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. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
3. Such impact differs substantially from the impact which would normally occur from such a use in that 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 OF APPLICANT

7/1/13
DATE

July 1, 2013

To the **Zoning Board of Appeals:**

I am submitting the required plans and information to the board with the intent to add a 2 car garage with a rentable accessory studio apartment above the garage at the property on 110 Cobb Ave. Portland, ME 04102.

The current owner on the deed is my mother, Judith P. Raymond for whom I have submitted a signed letter by her granting me the right to represent her regarding the property. We are also in the process of adding my name to the Deed as a co-owner.

I believe I have included all the necessary information, please notify me if I have missed something and I will be sure to provide it.

Sincerely,

Tim Raymond

110 Cobb Ave

Portland, ME 04102

207-252-9774

Raymondtim22@gmail.com

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JUL - 9 2013

July 1, 2013

ADDENDUM TO COVER LETTER

Dept. of Building Inspections
City of Portland Maine

To the **Zoning Board of Appeals**:

I am submitting this addendum to cover items I missed in my original cover letter.

I, Timothy W. Raymond, as co-owner of the property located at 110 Cobb Avenue, reside their full time.

Standards: My existing house is approximately 1836 sq. ft. of living space plus another 130sq. ft. (Shown incorrectly in the plans as 12' x 13' it will be 10' x 13') thank you Ann Machado for catching this. The garage will be 28' x 24' equaling 2 floors 672 sq. ft. each being a total of 1344 sq. ft. This gives the total structure 3336 sq. ft. with the proposed apartment occupying 672 sq. ft. of the space. Which is 20.1% of the area well below the 30% requirement.

The three standards listed on the conditional use permit application are as follows.

1. *there are unique or distinctive characteristics or effects associated with the proposed conditional use;*

In response to this standard I have included pictures of my two closest neighbors, one of whom has an attached two car garage with an accessory apartment and the other has a renovated garage structure turned into an apartment in whole. My request for a conditional use permit is a request to modify my property as other properties in the neighborhood have been.

2. *There will be an adverse impact on the health, safety, or welfare of the public surrounding the area.*

The impact on the health, safety and welfare will be non-existent. Parking will be on my property & I already have landscaping in place that will buffer the structure. The structure will be built to code with proper egress windows for the living areas.

Waste & recycling will be taken care of appropriately and timely with the city services.

The water and waste water will be tied into my existing water and sewer.

3. Such impact differs substantially from the impact which would normally occur for such a use in that zone.

I am proposing minor additional paving for outside parking as noted on the site plan. I expect the occupant of the apartment to have the option to park in the garage.

The stairs will be internal to the garage having no external exposure at all above the ground floor.

The addition will be sided with matching vinyl siding to the existing house. Roof pitches have been made to match where possible and kept visually appealing.

The 24' x 28' footprint keeps my setbacks at 14' for the side yard and 25' off of the back lot line.

The plans keep the garage setback from the front of the house by 13' reducing the visual impact from the street. The plans also keep the roofline below the existing roofline keeping it from overpowering the house. Some other garages with living or storage space above them in the neighborhood, are large and almost dwarf the house they are attached to, and I am doing everything I can to avoid that.

My plan is to general contract and complete the majority of the construction work myself with the help of friends, except for: excavation & foundation work, heating & plumbing and electrical will all be subbed to the required licensed subcontractors to meet permit requirements.

Sincerely,

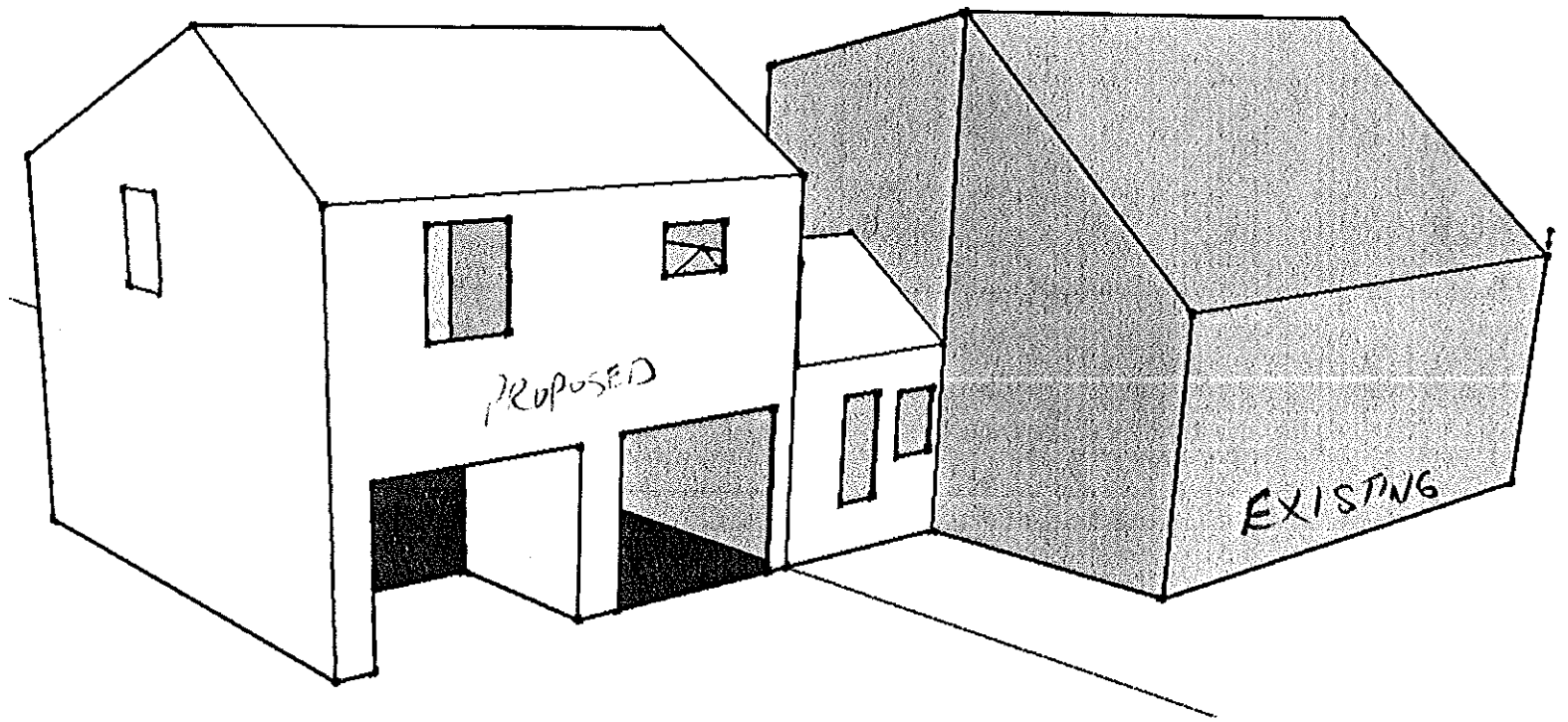
Tim Raymond

110 Cobb Ave

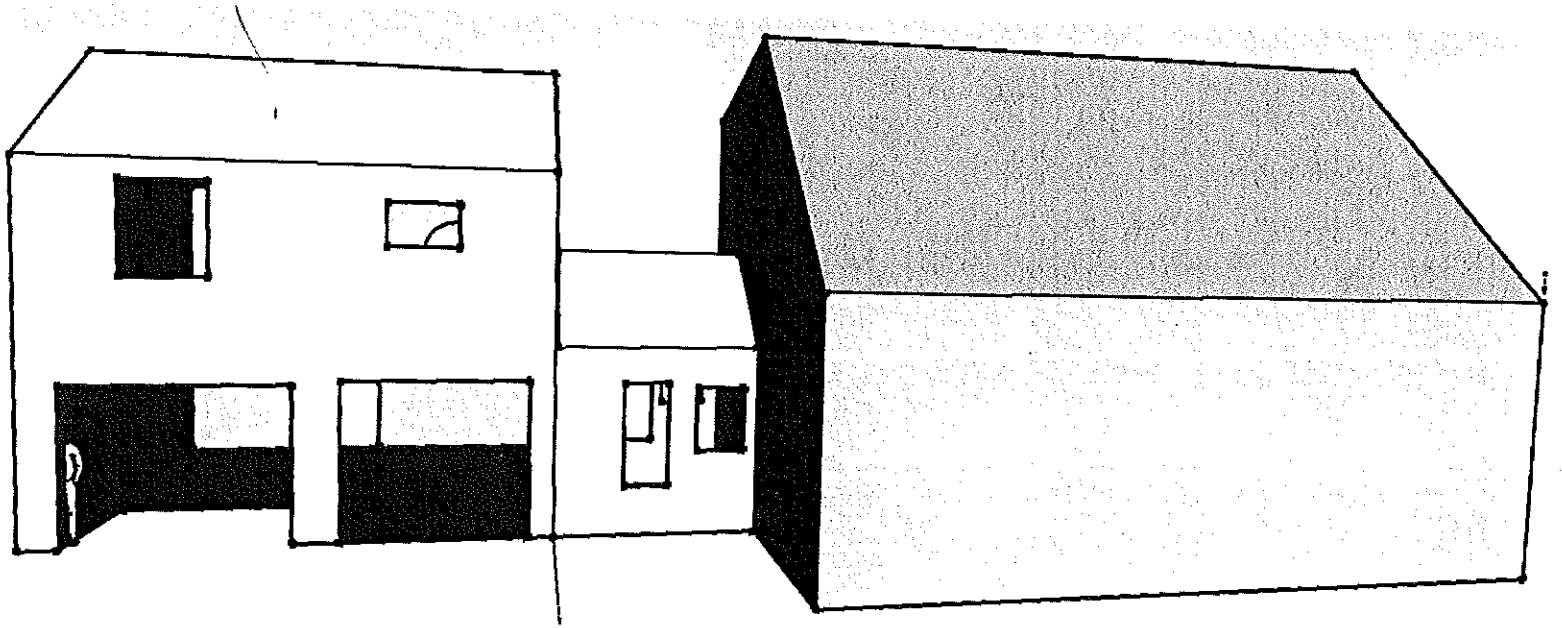
Portland, ME 04102

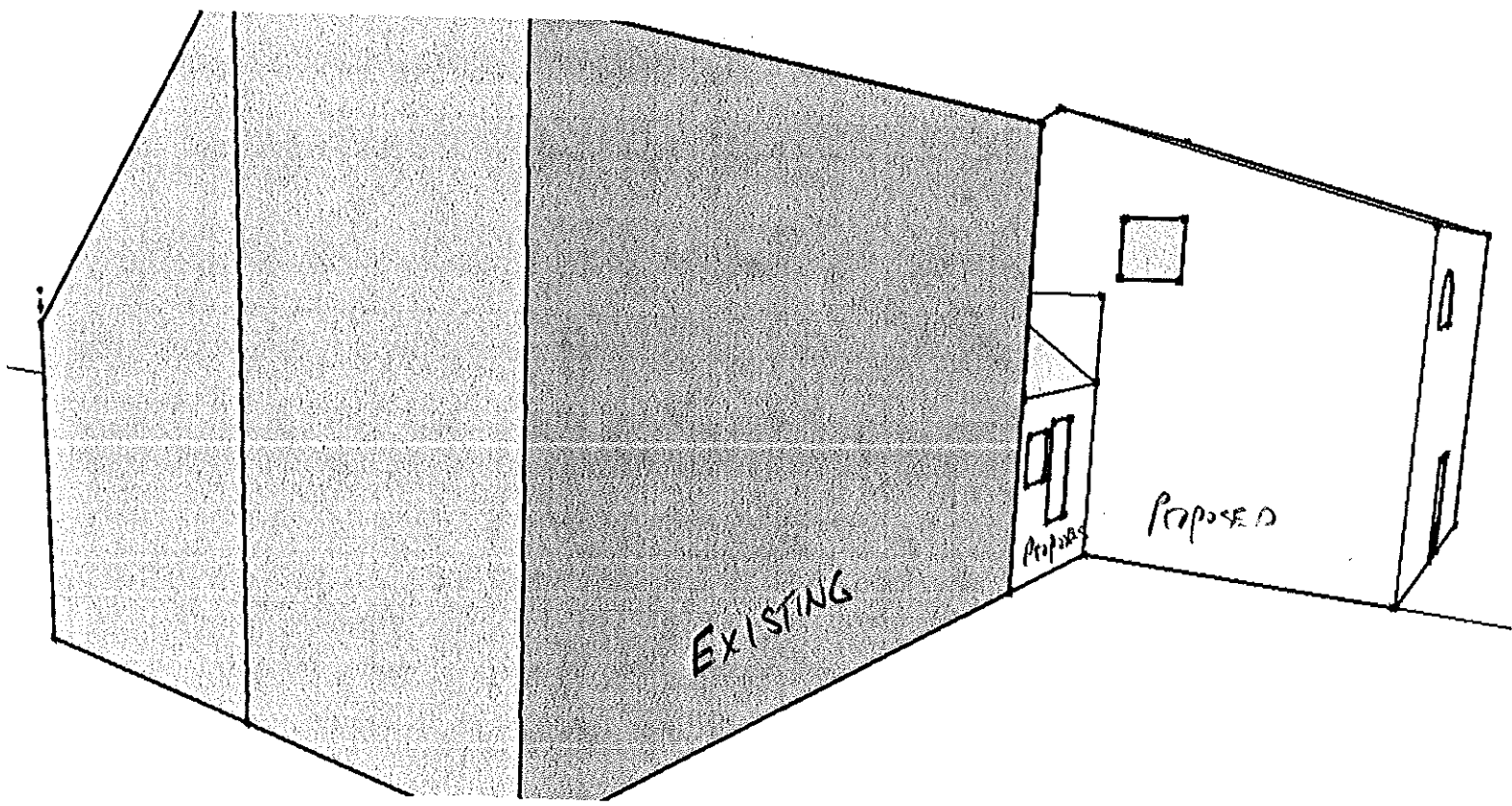
207-252-9774

Raymondtim22@gmail.com

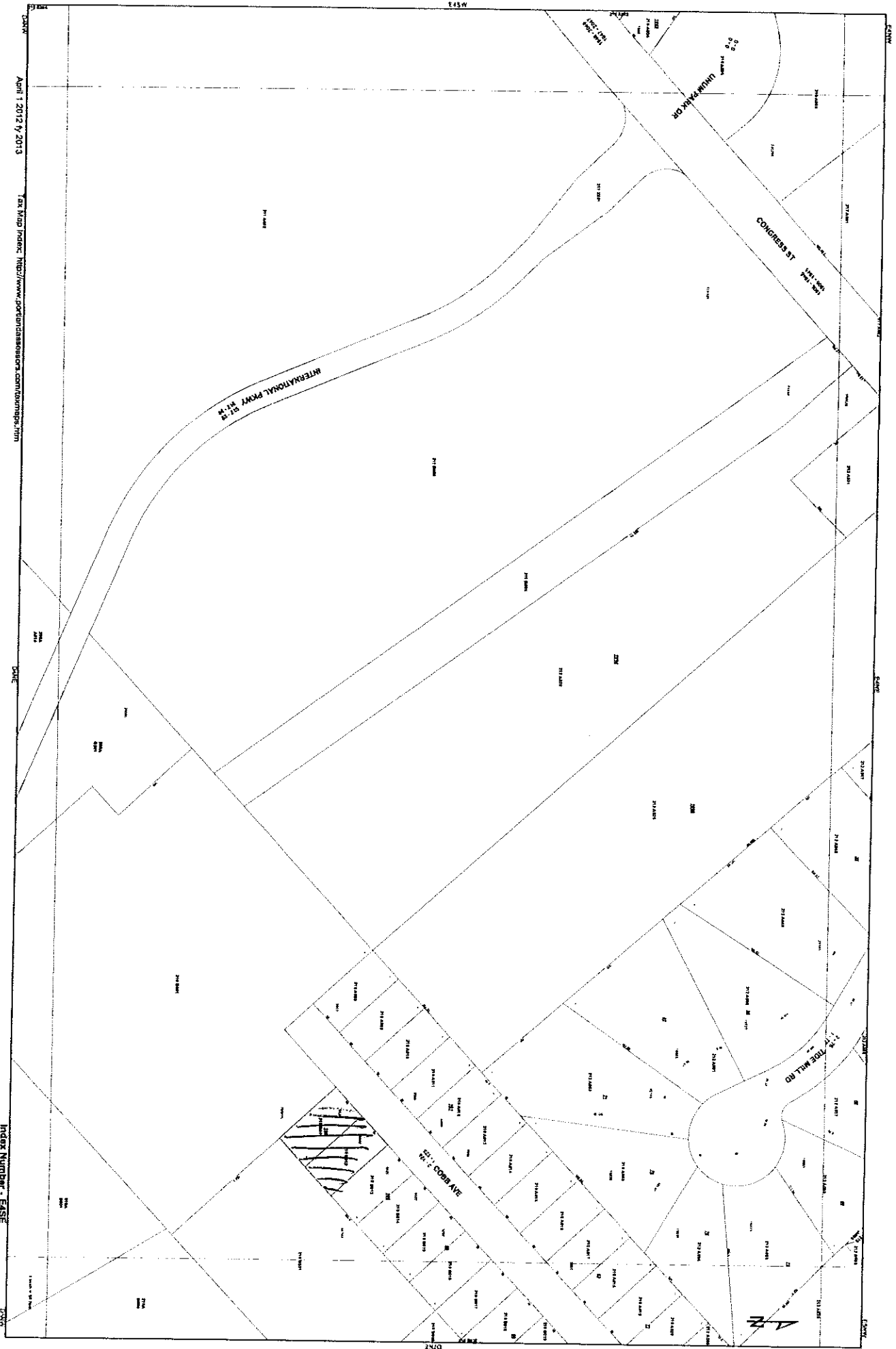


3-D Images of project
"Almost" to scale





Backyard



April 1 2013 by 2013

as Map Index: <http://www.garmin.com/index.htm>

Index Number - ESSE

List of direct abutters to 110 Cobb Ave.

101 Cobb Ave (across the street)

210 A010001 Katherine Fournier Single Family

108 Cobb Ave (directly next door)

210 B013001 Tarlan Ahmadov Single Family with 2 garage and apartment

90 Cobb Ave. (house 2 doors down)

210 B15001 Bernice Profenno Single family with renovated "garage into apartment"



PROPOSED SITE



EXISTING DRIVEWAY + SITE



Close up of site



109 Cobb AVE



108 Cobb Ave from my property.



90 Cobb Ave W084

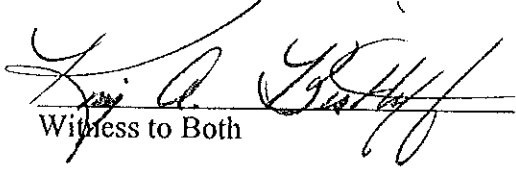
WARRANTY DEED
(Maine Statutory Short Form)

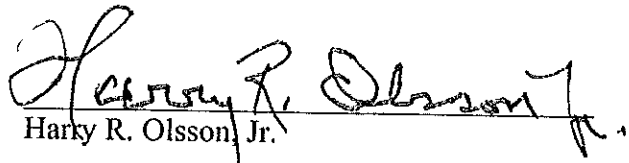
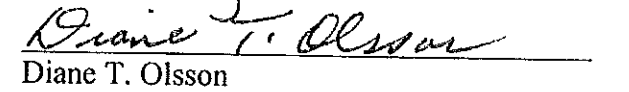
KNOW ALL PERSONS BY THESE PRESENTS, that We, **Harry R. Olsson, Jr. and Diane T. Olsson**, of Manchester Center, County of Bennington and State of Vermont, for consideration paid, do hereby GRANT to **Judith P. Raymond**, of Fryeburg, County of Cumberland and State of Maine, whose mailing address is PO Box 36, Fryeburg, ME 04037, with Warranty Covenants, the land together with all buildings thereon situated in Portland, County of Cumberland, and State of Maine, being more particularly described as follows:

See attached Exhibit A – Property Description

WITNESS my hand and seal this 1st day of June, 2006

Signed, Sealed, and Delivered
in the presence of:


Witness to Both

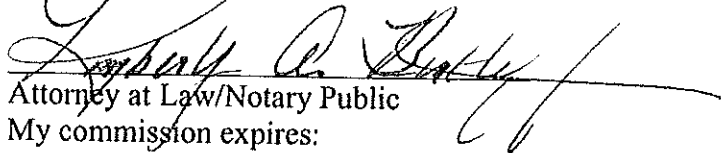

Harry R. Olsson, Jr.

Diane T. Olsson

STATE OF MAINE
COUNTY OF CUMBERLAND

June 1, 2006

Personally appeared the above-named **Harry R. Olsson, Jr. and Diane T. Olsson**, and acknowledged the foregoing instrument to be their free act and deed.

Before me,


Attorney at Law/Notary Public
My commission expires:

Printed Name

Kimberly A. Bintliff,
Notary Public, Maine
My Commission Exp. 10/13/12

EXHIBIT A

Order No: 1192947 (Raymond)

EXHIBIT 'A'

TWO CERTAIN LOTS OR PARCELS OF LAND SITUATED IN SAID PORTLAND WESTERLY OF WESTBROOK STREET AND BEING LOTS NO. 60 AND 61 AS SHOWN ON PLAN OF LAND AT STROUDWATER, PORTLAND, MAINE, SURVEYED FOR LILLIAN M. PARKER, MAY, 1923, BY E.C. JORDAN & CO., RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 15, PAGE 33. SAID LOTS ARE MORE FULLY BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTHEASTERLY SIDE OF COBB AVENUE THIRTEEN HUNDRED ELEVEN AND SEVENTY-SEVEN HUNDREDTHS (1311.77) FEET SOUTHWESTERLY FROM THE POINT OF INTERSECTION OF SAID WESTERLY SIDE LINE OF WESTBROOK STREET AND SAID SOUTHEASTERLY SIDE LINE OF COBB AVENUE; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO SAID COBB AVENUE BY LOT NO. 62 AS SHOWN ON SAID PLAN ONE HUNDRED (100) FEET TO A STAKE AND LAND OF LILLIAN M. PARKER; THENCE SOUTHWESTERLY ONE HUNDRED (100) FEET BY LAND OF SAID LILLIAN M. PARKER TO A STAKE AND LOT NO. 59 AS SHOWN ON SAID PLAN; THENCE NORTHWESTERLY BY SAID LOT NO. 59 AND AT RIGHT ANGLES TO SAID COBB AVENUE ONE HUNDRED (100) FEET TO SAID COBB AVENUE; THENCE NORTHEASTERLY BY SAID COBB AVENUE ONE HUNDRED (100) FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE RIGHT TO PASS AND REPASS OVER SAID COBB AVENUE TO AND FROM SAID WESTBROOK STREET, AND SUBJECT TO RESTRICTIONS AND CONDITIONS CONTAINED IN PRIOR DEEDS OF SAID LOTS.

SUBJECT TO AN EASEMENT DEED FOR TURNAROUND AS GRANTED TO THE CITY OF PORTLAND BY HARRY R. OLSSON, JR. AND DIANE T. OLSSON DATED MAY 2, 2005 AND RECORDED IN BOOK 23428, PAGE 262 AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS.

REFERENCE IS MADE TO A CITY OF PORTLAND CERTIFICATE OF VARIANCE APPROVAL DATED MARCH 7, 2005 AND RECORDED IN BOOK 22431, PAGE 238 AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS.

BEING THE SAME PREMISES CONVEYED TO HARRY R. OLSSON AND DIANE T. OLSSON BY VIRTUE OF A DEED FROM ERNEST C. MILLS, JR., ALSO KNOWN AS ERNEST MILLS, JR., RECORDED ON APRIL 8, 1999 IN SAID REGISTRY OF DEEDS AS BOOK 14670, PAGE 313.

Received
Recorded Register of Deeds
Jun 02:2006 10:46:20A
Cumberland County
John B O'Brien

FOR MORTGAGE LENDER USE ONLY

GENERAL NOTES: (1) DISTANCES SHOWN ARE TAKEN FROM PROVIDED TITLE REFERENCES SHOWN BELOW. (2) THE PURPOSE OF THIS INSPECTION IS TO RENDER AN OPINION AS FOLLOWS: A) DWELLING AND ACCESSORY STRUCTURE'S COMPLIANCE WITH RESPECT TO MUNICIPAL ZONING SETBACKS, AND B) FLOOD ZONE DETERMINATION BY HORIZONTAL SCALING ON BELOW REFERENCED FEMA MAP. (3) THIS INSPECTION EXCEPTS OUT ALL TECHNICAL STANDARDS CURRENTLY SET FORTH BY STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS. (4) THIS INSPECTION IS TO BE USED ONLY BY THE BELOW LISTED LENDER, TITLE ATTORNEY & TITLE INSURER AND IS NOT TO BE USED BY ANOTHER PARTY FOR BOUNDARY LINE LOCATIONS OR LAND TITLE OPINIONS. (5) A BOUNDARY SURVEY SHOULD BE PERFORMED TO RENDER A PROFESSIONAL OPINION PERTAINING TO BOUNDARY LINE LOCATIONS, BASEMENTS, RIGHTS OF WAY, ENCUMBRANCES, ENCROACHMENTS, AND/OR CONFLICTS WITH ABUTTER'S DEEDS.

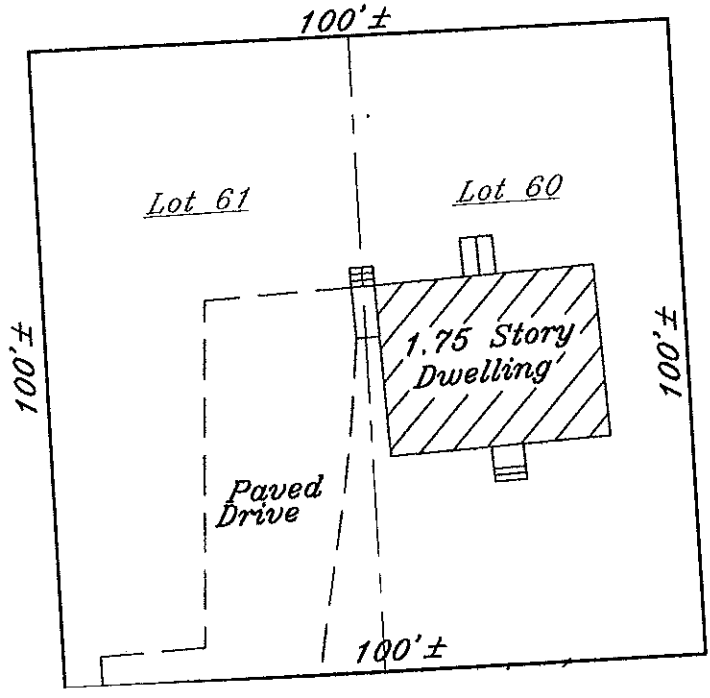
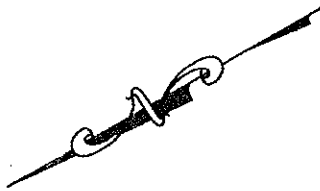
REV. 1/20/06

**THIS SKETCH IS NOT TO BE USED FOR CONSTRUCTION PURPOSES
THE LOCATION OF IMPROVEMENTS SHOWN ARE APPROXIMATE ONLY.**

ADDRESS: 110 Cobb Avenue
Portland, Maine

INSPECTION DATE: 5-8-06

SCALE: 1" = 30'



Ann Machado - Tim Raymond - 110 Cobb Ave.

From: "Dave Hastings III" <dhastings@hastings-law.com>
To: "Ann Machado" <AMACHADO@portlandmaine.gov>
Date: 7/8/2013 9:45 AM
Subject: Tim Raymond - 110 Cobb Ave.
CC: "Ted Raymond" <htr04037@hotmail.com>
Attachments: Deed 110 Cobb Ave, Portland.pdf

Ann,

Attached is a copy of the executed deed to Timothy and Judith Raymond of the 110 Cobb Ave property. I am sending the original to the registry for recording.

Dave

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JUL - 8 2013

Dept. of Building Inspections
City of Portland Maine

David R. Hastings III
Hastings Law Office, P.A.
376 Main Street
P.O. Box 290
Fryeburg, ME 04037
(207) 935-2061
(207) 935-3939 (fax)
dhastings@hastings-law.com

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JUL - 8 2013

Dept. of Building Inspections
City of Portland Maine

WARRANTY DEED

JUDITH P. RAYMOND, of Fryeburg, Oxford County, Maine, for consideration paid, grants to **TIMOTHY W. RAYMOND**, of 110 Cobb Avenue, Portland, Maine 04102, as to a one-tenth interest in common and undivided, and to **JUDITH P. RAYMOND**, of Fryeburg, Oxford County, Maine (mailing address: P.O. Box 36, Fryeburg, Maine 04037) as to a nine-tenths interest in common and undivided, with **WARRANTY COVENANTS**, as tenants in common:

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

“Two certain lots or parcels of land situated in said Portland westerly of Westbrook Street and being Lots No. 60 and 61 as shown on Plan of Land at Stroudwater, Portland, Maine surveyed for Lillian M. Parker, May, 1923, by E.C. Jordan & Co., recorded in Cumberland County Registry of Deeds in Plan Book 15, Page 33. Said Lots are more fully bounded and described as follows: Commencing at a point on the southeasterly side of Cobb Avenue thirteen hundred eleven and seventy-seven hundredths (1311.77) feet southwesterly from the point of intersection of said westerly side line of Westbrook Street and said southeasterly side line of Cobb Avenue; Thence southeasterly at right angles to said Cobb Avenue by Lot No. 62 as shown on said Plan one hundred (100) feet to a stake and land of Lillian M. Parker; Thence southwesterly one hundred (100) feet by land of said Lillian M. Parker to a stake and Lot No. 59 as shown on said Plan; Thence northwesterly by said Lot No. 59 and at right angles to said Cobb Avenue one hundred (100) feet to said Cobb Avenue; Thence northeasterly by said Cobb Avenue one hundred (100) feet to the point of beginning.

Together with the right to pass and repass over said Cobb Avenue to and from said Westbrook Street, and subject to restrictions and conditions contained in prior deeds of said Lots.

Reference is made to a City of Portland Certificate of Variance approval dated March 7, 2005 and recorded in Book 22431, Page 238 at the Cumberland County Registry of Deeds.”

The property is conveyed subject to an easement for turnaround conveyed by Judith P. Raymond to the City of Portland dated November 30, 2010, and recorded in said Registry at Book 28046, Page 21.

Meaning and intending to convey the property conveyed to me by Harry R. Olsson, Jr. and Diane T. Olsson by deed dated June 1, 2006, and recorded in said Registry at Book 24023, Page 297.

In witness whereof I set my hand this 8th day of July 2013.

David Hastings
Witness

Judith P. Raymond
Judith P. Raymond

STATE OF MAINE
COUNTY OF OXFORD

July 8, 2013

Personally appeared the above named Judith P. Raymond and acknowledged the foregoing instrument to be her free act and deed.

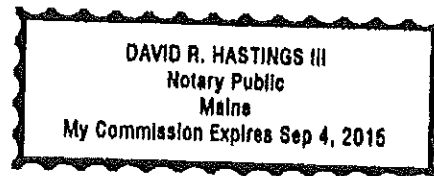
Before me,

David Hastings III

Name:

Notary Public

My commission expires on:

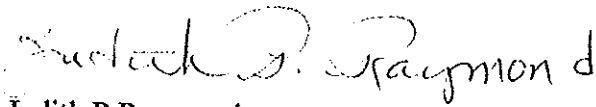


To: Portland Board of Appeals
And others who may be concerned

Mar. 31, 2011

Dear representatives of Portland, Maine,

I hereby authorize Timothy W. Raymond to represent me in the matter of obtaining conditional use and permitting of an addition to my property known as 110 Cobb Ave., Portland, Maine

A handwritten signature in cursive script that reads "Judith P. Raymond". The signature is written in dark ink and is positioned above the printed name.

Judith P Raymond

3/31/2011