CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Philip Saucier-chair Sara Moppin Matthew Morgan Gordan Smith-secretary Mark Bower William Getz Elyse Wilkinson

October 24, 2011

Sally B. Trice 100 Dorset Street Portland, ME 04102

RE:

100 Dorset Street

CBL:

275 I031

ZONE:

R-3

Dear Ms. Trice,

At the October 20, 2011 meeting, the Zoning Board of Appeals voted 6-0 to deny your practical difficulty appeal to reduce your front yard setback to build a larger side entry porch. I am enclosing a copy of the Board's decision.

You will also find an invoice for \$194.87 for the fees that are still owed on the appeal for the cost of the legal ad, the cost of the noticing and the processing fee. Please submit your payment on receipt of the invoice.

Now that your practical difficulty appeal has been denied, you may either revise your permit application to just rebuild the existing side entry porch or you may withdraw your permit. If you decide to revise your building permit application, you will need to submit revised plans. If you decide to withdraw your application, you are entitled to get some of the money back from the original permit fee. You need to submit your request in writing and include the original receipt that you received when you applied. Please feel free to contact me at 207-874-8709 if you have any questions.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Yours truly,

Zoning Specialist

Cc. file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: October 21, 2011

RE: Action taken by the Zoning Board of Appeals on October 20, 2011.

Members Present: William Getz, Elyse Wilkinson, Gordon Smith (secretary), Phil Saucier

(chair), Mark Bower and Sara Moppin

Members Absent: Matthew Morgan

1. Old Business

A. Interpretation Appeal:

512 Island Avenue, Peaks Island, Keith Ivers, prospective buyer, Tax Map 090, Block AA, Lots 001, 002 & 005, I-B Island Business Zone: The applicants are challenging the Zoning Administrator's determination that the proposed parking of fuel trucks and other trucks is permitted in the I-B Zone as "off-street parking" [sections 14-233(f) & 14-331]. Representing the appeal is David A. Lourie, esquire. The Zoning Board of Appeals heard the appeal on October 13, 2011. The Board will vote on the final findings of fact and take the final vote at the October 20, 2011 meeting. The Zoning Board of Appeals voted 5-0 to approve the findings of fact and voted 5-0 to deny the appeal (Phil Saucier recused himself).

2. New Business

A. Practical Difficulty Variance Appeal:

96-100 Dorset Street, Sally B. Trice, owner, Tax Map 275, Block I, Lot 031, R-3 Residential Zone: The applicant is proposing to replace an existing side entry porch with a larger entry porch. The appellant is requesting a variance for the front setback from the required twenty-five feet to twenty-four feet, four inches [section 14-90(d)(1)]. Representing the appeal is the owner. The Board voted 6-0 to deny the variance to reduce the required front setback in order to expand the side porch.

B. Conditional Use Appeal:

491-501 Allen Avenue, Richard Libby, owner, Tax Map 400, Block D, Lot 012, R-3 Residential Zone: The applicant was granted a Conditional Use Appeal on October 7, 2010 to add an accessory dwelling unit to his single family dwelling [section 14-88(a)(2)]. The Conditional Use approval expired. The appellant is again seeking a

Conditional Use appeal to add an accessory dwelling unit to his single family dwelling. Representing the appeal is the owner. The Board voted 6-0 to grant the conditional use appeal to add an accessory dwelling unit to the single family home.

3. Other Business:

Election of Chair and Secretary for the Zoning Board of Appeals. Gordon Smith was elected chair and Sara Moppin was elected secretary.

Enclosure:

Decisions for Agenda from October 20, 2011
One dvd
CC: Mark Rees, City Manager
Penny St. Louis, Director, Planning & Urban Development
Alex Jaegerman, Planning Division
Mary Davis, Housing and Neighborhood Services Division

CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: October 20, 2011

Name and address of applicant:

Sally Trice

100 Dorset St.

Portland, ME 04102

Location of property under appeal:

100 Dorset St.

For the Record:

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

Sally Thice, Applicant

Craig Wood

Clizabeth trice, PORTLAND

Laure Trice, PORTLAND

Stephanic Trice, Venice, CA

Stephanic Trice-Gill, WRSTBROOK

Exhibits admitted (e.g. renderings, reports, etc.):

8" Staks (1 per Board Member)

Findings of Fact and Conclusions of Law:

The subject property is located in an R-3 residential zone. The applicant is seeking a variance from the front yard setback in order to build a deck on the side of the house. The deck would replace an existing porch. Section 14-90(d)(1) of the Land Use Code sets the minimum front yard setback at twenty-five feet. The porch would be located twenty-four feet and four inches from the property line.

"Practical Difficulty" Variance standard pursuant to Portland City Code §14-473(c)(3):
1. The application is for a variance from dimensional standards of the zoning ordinance (lot area, lot coverage, frontage, or setback requirements).
Satisfied Not Satisfied
Reason and supporting facts:
variance regreet for front Setballe
2. Strict application of the provisions of the ordinance would create a practical difficulty, meaning it would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant. "Significant economic injury" means 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 denial of the variance would mean the practical loss of all beneficial use of the land.
Satisfied Not Satisfied
Reason and supporting facts:
value of Horse / property with a deck
Wat Vorantooved not assistite a significant economic
What void not a significant ecanamic
Benefit de present inability to
Build slightly larger deale would no-
Deckthat is 8" Shorter unid not create sig. evan. in Tur.
Snokier would not create sig. evan, in Turn

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
Reason and supporting facts:
testmeny + maps of reighborryood indicai
Most all houses in vizinity are equally
testmeny t maps of resolution indicai Nort all houses in vizinity are equally Non-conforming with respect to Front settone
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
Reason and supporting facts:
letters of support from verybbacks inducate
letters of support from verywhals inducate no adverse charge to treighborhood.
5. The practical difficulty is not the result of action taken by the applicant or a prior owner.
Satisfied Not Satisfied
Reason and supporting facts:
Reason and supporting facts: Zaning created ofter Horse was Built
Built

6. No other feasible alternative is available to the applicant, except a variant	nce.
Satisfied Not Satisfied	
Reason and supporting facts:	
festing That deck what I	ariance
testing that deck want is would not soit proposed use Seatry for two people	, ranely
Seatry for two people	
7. The granting of a variance will not have an unreasonably adverse effect natural environment.	on the
Satisfied Not Satisfied	
Reason and supporting facts: Was as a section of the section of t	ce
minimal difference w/ variant.	
8. The property is not located, in whole or in part, within a shoreland area, defined in 38 M.R.S.A. § 435, nor within a shoreland zone or flood hazard zone.	as
Satisfied Not Satisfied	
Reason and supporting facts:	
Per zoning administrative	

Conclusion: (check one)

Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application.

Option 2: The Board finds that while the standards described above (1 through 8) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that the standards described above (1 through 8) have NOT all been satisfied and therefore DENIES the application.

ard Chair

Dated:

Oct. 20, 2011

O:\OFFICE\MARYC\ZBA\variance appeal practical difficulty Trice.doc

STOWA

Phil, Savaler, Goodin Snath, Siza Magni Bill betz, Elyse Wilson, Mirk Boner.

CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS

Shuh, 6:32

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, October 20, 2011 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1. Old Business:

A. Interpretation Appeal:

512 Island Avenue, Peaks Island, Keith Ivers, prospective buyer, Tax Map 090, Block AA, Lots 001, 002 & 005, I-B Island Business Zone: The applicants are challenging the Zoning Administrator's determination that the proposed parking of fuel trucks and other trucks is permitted in the I-B Zone as "off-street parking" [sections 14-233(f) & 14-331]. Representing the appeal is David A. Lourie, esquire. The Zoning Board of Appeals heard the appeal on October 13, 2011. The Board will vote on the final findings of fact and take the final vote at the October 20, 2011 meeting.

2. New Business

derive

A. Practical Difficulty Variance Appeal:

96-100 Dorset Street, Sally B. Trice, owner, Tax Map 275, Block I, Lot 031, R-3 Residential Zone: The applicant is proposing to replace an existing side entry porch with a larger entry porch. The appellant is requesting a variance for the front setback from the required twenty-five feet to twenty-four feet, three inches [section 14-90(d)(1)]. Representing the appeal is the owner.

B. Conditional Use Appeal:

491-501 Allen Avenue, Richard Libby, owner, Tax Map 400, Block D, Lot 012, R-3 Residential Zone: The applicant was granted a Conditional Use Appeal on October 7, 2010 to add an accessory dwelling unit to his single family dwelling [section 14-88(a)(2)]. The Conditional Use approval expired. The appellant is again seeking a Conditional Use appeal to add an accessory dwelling unit to his single family dwelling. Representing the appeal is the owner.

3. Other Business:

Election of Chair and Secretary for the Zoning Board of Appeals.

4. Adjournment:

End 7:57.

Godon chair. Som Surty



Planning and Development Department Zoning Board of Appeals Practical Difficulty Variance Application

Applicant Information:	Subject Property Information:
Sally B Trice	100 Dorset St. Partland
Name	Property Address 275-I-31
Business Name	Assessor's Reference (Chart-Block-Lot)
100 Dowset St.	
Portland 04102	Property Owner (if different):
Torque Tio	Name
774-0923	
Telephone Fax	Address
Applicant's Right, Title or Interest in Subject Property:	
Owner	mata-bases ma
(e.g. owner, purchaser, etc.):	Telephone Fax
Current Zoning Designation:	Practical Difficulty Variance from Section 14-4736X3
Existing Use of Property:	14-95(a)(i)
Private home	
THVALE HOME	mets and
	RECEIVED
	MECLIVED
	OCT - 3 2011
	Dept. of Building Inspections
	City of Portland Maine
•	
NOTE: If site plan approval is requir	red, attach preliminary or final site plan.
	at at Discontinuous and a state of the state
The undersigned hereby makes application for a Prac	rical Difficulty variance as above described, and
	er is true and correct to the best of his/her knowledge
nd belief.	

Signature of Applicant

ate

Notwithstanding the provisions of subsections 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 <u>all</u> 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 i	s from dimensional standard	is of the land Use Zoning	Ordinance (lot area
	lot coverage, frontage, or s	etback requirements).		
	Satisfied	Not Satisfied	(deny the appeal)	

Reason and supporting facts: I wish to replace a small and aging side porch with a small deck by extending the porch forward from (and including) the current footprint.

(See photo #1 of house)
(See house layout #1 with current porch)
(See house layout #2 with proposed deck)

Since my house was built in the 1950's, the setback requirement has been increased to 25 feet. This means that not only could I not extend the deck flush with the front of my house (never my intention), neither can I extend it to even two feet back from the front. The ordinance require that I shorten it an additional 8 inches.

(See photo #2: tip of ruler measuring 8 inches to 25 ft. setback)

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 would (2) 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:

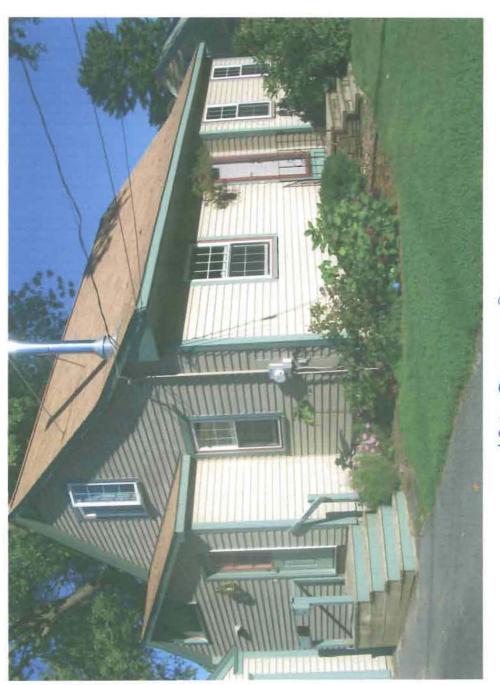
- Decks are permitted in my neighborhood, but since the back of my house has no entrance, nor would it lend itself to adding one, the side location, in a sunny corner, would be perfect.
- 2) For me to simply replace the existing porch would do nothing to enhance the value of my property. And without the 8-inch variance I am requesting, the deck would be so small as to accommodate only one chair instead of two; this also would do little to enhance the value of the property.

However, extending it the extra 8 inches would allow for two chairs, thereby significantly enhancing the function of the property and substantially increasing its value. Also, if at a future date a ramp were needed, the deck would facilitate the maneuvering of a wheelchair.

(See Letter #1 from realtor)

3.	The need for a vari	ance 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 suppor	ting facts:
	rooms lend thems entrance.	my house has no back entrance, nor would the configuration of the elves to adding one, the logical place for a deck is at the existing side to #3 showing proposed front edge of deck without variance)
1	The granting of the	variance will not produce an undesirable change in the character of the
	9	not have an unreasonably detrimental effect on wither the use or fair market
	lue of abutting prope	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
VC		
	Satisfied	Not Satisfied(deny the appeal)
-	Reason and suppor	ting facts:
		f the variance will actually enhance the character and fair market value od and provide a visible meeting place/connection with neighbors.
	(See photo #4 show setback.)	wing 100 Dorset St and abutting neighbors, with current generous
		etters #2 and 3 from abutting neighbors).
E	The practical difficult	Ity is not the result of action taken by the applicant or a prior owner.
٠.	. The practical difficult	ity is not the result of action taken by the applicant of a prior owner.
	Satisfied	Not Satisfied(deny the appeal)
-		
_	Reason and suppor	ting facts:
	The practical diffi	iculty is not the result of action taken by me or a prior owner.

6. No other feasible altern	tive is available to the applicant, except a variance.
Satisfied	Not Satisfied(deny the appeal)
Reason and	upporting facts:
There is no other fe	sible alternative available to me, except a variance.
7. The granting of a var	ance will not have an unreasonably adverse effect on the natural
environment.	
Satisfied	Not Satisfied(deny the appeal)
Reason and supporting	facts:
The granting of a va environment.	riance will not have any adverse effect on the natural
The property is not I	cated, in whole or in part, within a shoreland area, as defined in 38
M.R.S.A. §43S, nor	within a shoreland zone or flood hazard zone.
Satisfied	Not Satisfied(deny the appeal)
Reason and	supporting facts:
	ot located, in whole or in part, within a shoreline area, nor within



100 Dorset St

Current Layout - 100 Doisest St



Tip of ruler marks 25 ft. setback

Sally Trice

From: "Chris Lavoie" <clavoie@kw.com>

To: <strice@maine.rr.com>

Sent: Thursday, September 29, 2011 1:47 PM

Subject: Only 8 inches

September 29th, 2011

To Whom It May Concern:

I visited the home of Sally Trice at 100 Dorset St and saw the site of the proposed extension from a basic side porch to a small deck.

For her to simply replace the existing porch would do nothing to enhance the value of her property. Without the 8-inch variance she is

requesting, this deck would accommodate only one chair instead of two, again doing little to enhance the value of the property.

On the other hand, for her to extend it the 8 inches as she proposes to do would significantly increase the value of the property, while

enhancing its appearance as well. This variance would still keep the deck a generous two feet back from the front corner of the house.

If at a future date a ramp were needed, the enlarged deck would also facilitate the maneuvering of a wheelchair.

This deck would also differentiate the property from similar surrounding properties, therefor increasing the value.

Sincerely,

Chris Lavoie Broker Keller Williams Realty





Measuring Front edge of deck withouts" variance.



100 Dorset St. with abothing houses.

Ryan and Bethany Eling 104 Dorset St Portland, ME 04102

September 27, 2011

To Whom It May Concern,

We are writing in support of our neighbor, Sally Trice, with her request for a variance on a building permit. Sally is hoping to expand the side porch/deck on her house. We feel that this would be a great addition to her home and would only be beneficial for the neighborhood.

The main reason we support Sally is that her request is a modest one. Her proposed deck will not even reach the edge of her house's exterior wall. The deck would be a simple, low-key addition to an already delightful home.

Sally's proposed deck would have many benefits for her and the neighborhood. This project would make her home safer, since the proposed deck will have better steps and more space to walk across. Both our young children love going to Sally's to visit and a safer entrance to the house would be welcome. While modest in size, the deck would allow space for a chair or possibly some plants: that sounds pleasant to us.

Please give Sally's request to build serious reconsideration; we would appreciate it.

Sincerely

Rvan Eling

Rethany Fling

September 26th, 2011

94 Dorset St. Portland, Maine 04102

Dear Ms. Trice,

As next door abutters, we are happy to support your request for a variance to repair and extend you side door porch beyond the current building setback rule.

We understand your current plan does not include extending beyond the front of the house, but if it needed to for safety or functional reasons, or to accommodate a ramp, we support that also.

Sincerely,

Bob and Anne

Robert and Anne Keith, homeowners, 94 Dorset St. 207-653-7755

Letter 3

3 October 2011

City of Portland Zoning Board of Appeals 389 Congress St. Portland ME 04101

Greetings:

I live at 100 Dorset St and wish to replace a small and aging side porch with a small deck by extending the porch forward from (and including) the current footprint.

Since the time that my house was built in the 1950's, the setback requirement has increased to 25 feet. This means that not only could I not extend the new deck flush with the front of the house (never my intention), neither can I extend it to even two feet back from the front. The ordinance requires that I shorten it an additional 8 inches.

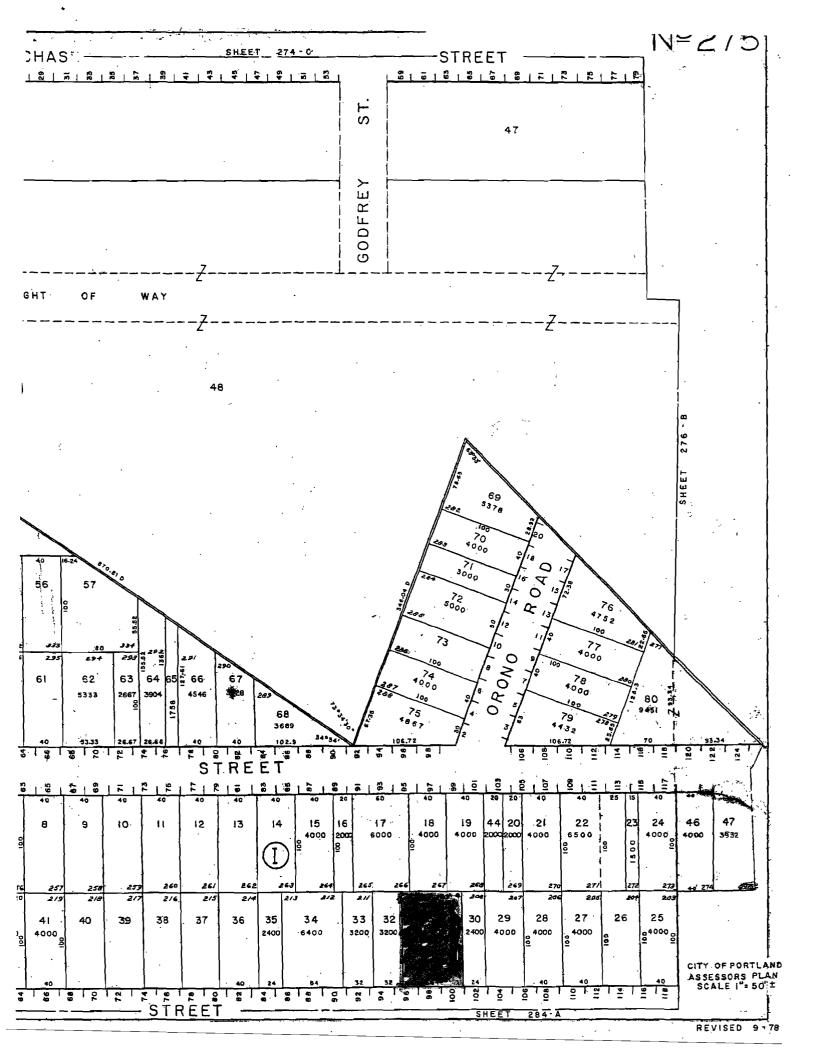
I am therefore requesting a variance of 8 inches so that the deck is large enough to accommodate two chairs.

Sincerely yours,

Sally B. Trice 100 Dorset St.

Portland ME 04102

774-0723



9K 17642P6250

STATE OF MAINE

SUPERIOR COURT

DISTRICT COURT.
Division of So. Cumberland
Location: Portland
Docket No.: POR FM -00-1165

ABSTRACT OF DIVORCE DECREE

The parties acknowledge that they own real property located at 100 Dorset Street, Portland, Maine more particularly described in a Deed recorded in the Cumberland County Registry of Deeds in Book 3150, Page 316, Said property shall become the sole and separate property of Saily Trice, who shall be solely responsible for all outstanding indebtedness on the property and shall indemnify and hold Jack Trice harmless thereon.

IN WITNESS WHEREOF, I have bereunto set my hand and affixed the seal of said NINTH DISTRICT Court this 14^{4} day of May, 2002

(SEAL)

Title: Acst: Clerk, District Court
Name: SARAH A. TREFSGER

This certificate is to be recorded in the Registry of Deeds for the County above named.

Return to:

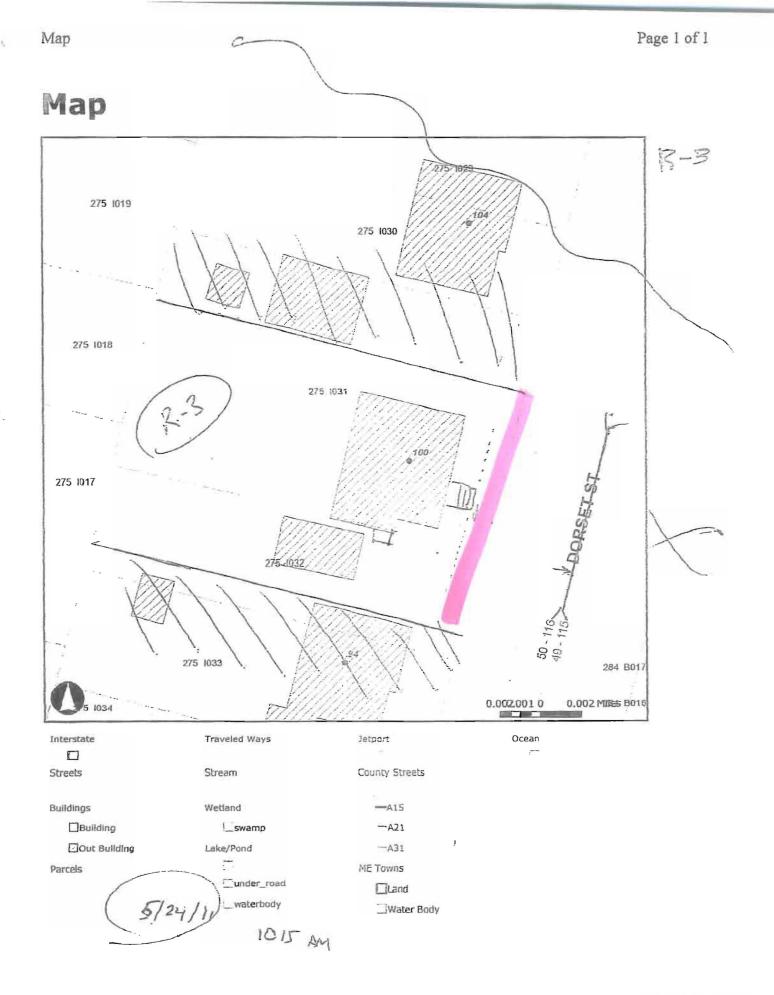
DCCV-20 Rev.(1/86)

Casco Legal Clinic 97 India Street Portland, Maine 04101

RECEIVED
RECORDED REGISTRY OF DEED:
2002 HAY 17 AH 10: 44

CUMBERLAND COUNTY
John B OBuin

Deed



This page contains a detailed description of the Parcel ID you selected. Press the New Search button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

CBL Land Use Type

Property Location Owner Information Book and Page

TRICE SALLY B 100 DORSET ST PORTLAND ME 04102 NCFY04/ Legal Description 275-I-31 DORSET ST 96-100

6400 SE

275 1031001

SINGLE FAMILY

100 DORSET ST

Current Assessed Valuation:

- LEWIS FACE RAN

LAND VALUE BUILDING VALUE

TAX ACCT NO.

\$56,100.00 HOMESTEAD EXEMPTION NET TAXABLE - REAL ESTATE \$147,100.00 TAX AMOUNT

\$56,100.00 100 DORSET ST \$101,000.00 PORTLAND ME 04102 (\$10,000.00) \$2,636.04

31256 OWNER OF RECORD AS OF APRIL 2010 TRICE SALLY 8

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed

Building Information:



FULL FINSH Basement FULL Square Feet 1090

View Sketch



Outbuildings/Yard Improvements:

Card 1

Year Built 1955 Structure GARAGE-WD/CB 12X20 Units Grade C Condition

New Searchi

LAW OFFICES OF RAY R. PALLAS 425 Main Street Westbrook, Maine 04092

TEL. 207-854-2521 FAX 207-854-9649 EMAIL: rpallas@securespeed.not

RAY R. PALLAS

Re:

PERRY H. CLARK OF COUNSEL

October 19, 2011

VIA EMAIL, FACSIMILE AND U.S. REGULAR MAIL

Zoning Board Of Appeals City of Portland 389 Congress Street Portland, Maine 04101

Appeal of Sally B. Trice

96-100 Dorset Street

RECEIVED

OCT 1 9 2011

Dept. of Building Inspections City of Portland Maine

Dear Sirs and Madams:

I write to you on behalf of John Bernard and Arlyne Bernard with respect to the above noted matter, which is scheduled for public hearing on October 20, 2011 at 6:30 p.m.

Mr. and Mrs. Bernard want to oppose the variance being sought by Sally B. Trice. In the past, Ms. Trice has complained about Mr. and Mrs. Bernards' dogs barking when Ms. Trice has visitors that gather in the street area to converse in the evening hours during the summer. The proposed variance would not only bring the Trice and Bernard homes closer together but it would also encourage expanded activity in the front area of the Trice property. That increased activity would undoubtedly disturb the Bernard dogs thereby leading them to bark. This in return would result in new Trice complaints about dogs barking. In that light the Bernards believe that it would be unwise to grant the variance. The setbacks are there to allow each owner to enjoy their property without being disturbed by the neighbors across the street. The Bernards desire that the intent of the setbacks should be supported so as to avoid potential future neighborhood conflicts.

Respectfully submitted:

Ray R. Pallas, Esq., on behalf of John Bernard and

Arlyne Bernard

RRP: rlw

Cc: John and Arlyne Bernard

Danielle West-Chuhta, Esq. - Facsimile and Email

Marge Schmuckal - Facsimile Ann Machado - Facsimile e-mail: rpallas@securespeed.net



LAW OFFICES OF RAY R. PALLAS

425 MAIN STREET

WESTBROOK, MAINE 04092

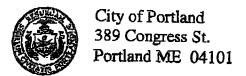
rwarner@securespeed.net

TEL 207-854-2521 FAX 207-854-9649

RAY R. PALLAS

PERRY H. CLARK OF COUNSEL

TO: Marge Schmuckal - Coning
FROM: Jay R. Palles
DATE: 10 19 11
RE: John & Oslune Bernard Sonix appeal of
FAX #: 874-8716 96-100 hlorsof
PAGES, INCLUDING COVER SHEET
This communication is intended only for the use of the Addressee and may contain
information which is privileged, confidential and exempt from disclosure under
applicable law. If the recipient is anyone other than the Addressee or the employee or agent of Addressee responsible for delivering this communication to the intended
recipient, you are hereby notified that any dissemination, distribution or copying of this
communication is strictly prohibited. If this communication is received in error, please notify the sender by telephone (collect) at the above-number and return the original
communication and all copies thereof in recipient's possession to the sender at the above
address by US mail (C.O.D.). Thank you.



FIRST-CLASS MAIL U.S. POSTAGE PAID PERMIT NO. 06 PORTLAND, ME

BERNARD ARLYNE & JOHN LOWELL JTS 95 DORSET ST PORTLAND, ME 04102

أوالم المرابا والمقاطة والمنطاطة والمتعادة الماء والماء والماء والماء

IMPORTANT NOTICE FROMESTY OF PORTLAND Re: 96-100 Dorset Street

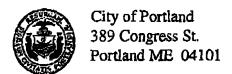
To residents and property owners in the vicinity of 96-100 Dorset Street, the Board of Appeals will hold a public hearing on Thursday, October 20, 2011 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine to hear the following appeal.

Practical Difficulty Variance Appeal:

96-100 Dorset Street, Sally B. Trice, owner, Tax Map 275, Block I, Lot 031, R-3 Residential Zone: The applicant is proposing to replace an existing side entry porch with a larger entry porch. The appellant is requesting a variance for the front setback from the required twenty-five feet to twenty-four feet, three inches [section 14-90(d)(1)]. Representing the appeal is the owner.

For more information you may contact Marge Schmuckal, Zoning Administrator, at 207-874-8695.

10/20/11/26:30



FIRST-CLASS MAIL U.S. POSTAGE PAID PERMIT NO. 06 PORTLAND, ME

BERNARD ARLYNE & JOHN LOWELL JTS 95 DORSET ST PORTLAND, ME 04102

والخيابا بالباسا يتأدانا تدالته أفت اللاسان البرايات

Hs per my phone conversation Barbara, this date, please. , this date, please, be advised, we (Arlyne M. Bernard and Owners Ficulty Variance age, health & transportation our Hearing on Thursday, October 20, 30 pm in room 209 at Portland room 209 = 30 pm in Thank you tor your Thoughtful position. We resided and paid at 95 Dorset St. since new escription of our assessed propen 8000 SF

Sincerely, John L. Bernard 1918/11

RECEIVED

OCT 2 0 2011

Dept. of Building Inspections City of Portland Maine

95 DORSET ST

PORTLAND ME 04102

#2008 P.003 /003 CITY OF PORTLAND July 1, 2011 - June 30, 2012 FY 2012 REAL ESTATE PROPERTY TAX STATEMENT **DUE SEPT 9, 2011 DUE MARCH 9, 2012** AMOUNT PAID INTEREST DUE First Billing PAY THIS AMOUNT \$1,169.01 \$1,169.01 \$0.00 \$0.00 \$1,169,01 284 - B-017-001 Assessed Property Description ACCOUNT NUMBER 31954 CBL: 284 - B-017-001 284-B-17-18 **DORSET ST 93-97** 8000 SF BRING COMPLETE TAX BILL WHEN RE 284 - B-017-001 PAYING IN PERSON Ę **BERNARD ARLYNE &** Please Make Your Check Payable to: JOHN LOWELL JTS Citylof Portland 95 DORSET ST PARTIAL PAYMENTS MAY BE MADE PORTLAND ME 04102 AT ANY TIME RETURN THIS TOP PORTION WITH PAYMENT **KEEP THIS PORTION** ACCOUNT NUMBER 284 - B-017-001 31954 2012 **REAL ESTATE PROPERTY TAX STATEMENT** CBL. City of Portland 284 - B-017-001 Acres: Fiscal Year July 1, 2011 - June 30, 2012 0.184 Owner of Record as of April 1, 2011 Assessed Property Description BERNARD ARLYNE & · 284-B-17-18 JOHN LOWELL JTS **DORSET ST 93-97**

CURRENT BILLING	G DISTRIBUTION	CURRENT BILL	NG INFORMATION
Education Public Safety Debt Service	\$1,180.69 \$334.34 \$315.63	Land Value Building Value Total Value	\$58,700.00 \$79,200.00 \$137,900.00
Public Services General Government Recreation & Facil. Mgmt County Tax Library	\$201.07 \$44.42 \$60.79 \$74.82 \$58.45	Exemptions Homestead Taxable Value Tax Rate TOTAL TAX	\$0.00 \$10,000.00 \$127,900.00 18.28 \$2,338.02
Metro Health & Human Services Enterprise Funds	\$39.75 \$28.06 \$0.00	AMOUNT PAID	\$0.00

Remittance Instructions

To avoid standing in line, it is recommended that taxes be paid by mail. Please make check or money order payable to: CITY OF PORTLAND.

Use enclosed envelope to mail in your payment.

Use right top margin for change of address.

Remit To CITY OF PORTLAND, MAINE FINANCE DEPARTMENT TREASURY AND COLLECTION DIVISION **POBOX 544** PORTLAND, ME 04112-0544

8000 SF

Please see the backside for important information.

Former Owner Name:

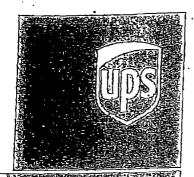
New Owner Address:

of Sale:

Change of Ownership

THE UPS STORE
11 MAIN STREET, SUITE 7
WESTBROOK, ME 04092
TELEPHONE: (207) 856-7011

FAX: (207) 856-7036 MON-FRI: 7:30 TO 6:30 SATURDAY: 8:00 TO 3:00



MARIUP STRUCT

To: Portland Atty. Daniel Chunta 874-8497

Date: October 18, 2011 # of Pages (including cover sheet): 3

From: John L. Bernard Phone #: 1-207-773-5144

Subject: Portland Board of Appeals: Public Hearing

lew Name. ew Low UPS' Rates. Ime Helpful Services.

are not the intended recipient, do not disclose, copy, distribute or use this information. If you received this transmission in error, please call immediately to a return of the documents at no cost to you.

Attn: Marge Schmuckal, Zoning Administrator

To: Board of Appeals City of Portland 389 Congress St. Portland, Me. 04101

Oct. 19, 2011

OCT 2 0 2011

From: Mr. & Mrs. Mario Cardoza 90 Dorset St.

Portland, Maine 04101

Re: Variance Appeal: Sally Trice, owner, tax map 275, Block I, Lot 031, R-3 Residential Zone

To Whom It May Concern:

My husband and I are in favor that Sally Trice replaces her existing side entry porch with a larger entry porch. We are in favor that she rebuilds her side entrance for the following reasons:

- 1. Her current side entrance which is her primary route to enter and exit her home is in need of repair.
- 2. Her recommendations to improve her access to and from her home include the future potential measurements needed for wheelchair accommodations. The width of her porch will have the 48 inches required to allow for 180 degree turn around access and route space in accordance the American's with Disabilities Act (ADA). See attached titles 11 and 111 chapter 4 Dept of Justice, 2010 standards, Accessible Routes (page 118).
- 3. This change will compliment the appearance of her home and the appearance of the neighborhood homes. Currently most of the homes look identical. When we invite guests to our home, because most of the houses look so similar, some people go to the wrong home to look for us. This change will help create a positive individualized home in our neighborhood rather than duplication of having all homes looking the same.
- 4. These changes to improve her use of her home and access to and from her home DO NOT interfere with Public Works (trash pick up, snow plows, fire trucks, ambulances, and police). These measurements proposed for changes to her home improve access for these services to her doorway then compared to her current condition.
- 5. Most importantly, the zoning regulation of section 14-90 (d) (1) regarding the 25 feet front setback does not apply to this home. When this home was built, the house was built closer to the road than the changes she is proposing. This means that the original house was built before this zoning regulation existed. Thus her modifications to be made do not extend beyond the front of the house.
- 6. This street does not have any sidewalks that would be included in the 25 feet measurements, whereas other streets in the R-3 Residential Zone do have sidewalks that would effect this 25 feet measurement.

Therefore, we look forward to the Board of Appeals voting in favor of Ms. Trice's appeal. We look forward to enjoying her improved side porch.

Sincerely, Margaret and Mario Cardoza

Attachment: Clear width of an accessible Route

Letter 4

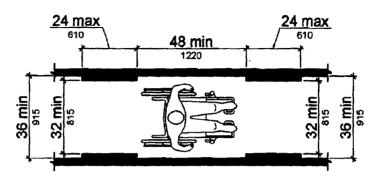


Figure 403.5.1
Clear Width of an Accessible Route

403.5.2 Clear Width at Turn. Where the *accessible* route makes a 180 degree turn around an *element* which is less than 48 inches (1220 mm) wide, clear width shall be 42 inches (1065 mm) minimum approaching the turn, 48 inches (1220 mm) minimum at the turn and 42 inches (1065 mm) minimum leaving the turn.

EXCEPTION: Where the clear width at the turn is 60 inches (1525 mm) minimum compliance with 403.5.2 shall not be required.

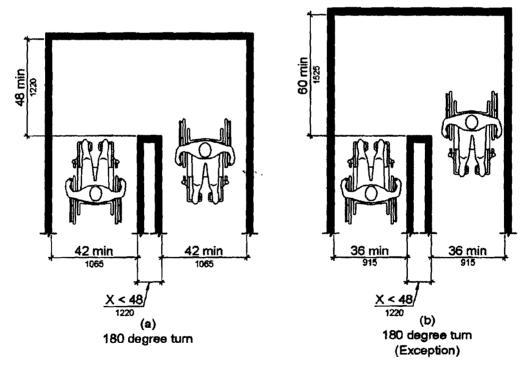


Figure 403.5.2 Clear Width at Turn



City of Portland Zoning Board of Appeals

October 12, 2011

Sally Trice 100 Dorset Street Portland, ME 04102

Dear Ms. Trice,

Your Practical Difficulty Appeal has been scheduled to be heard before the Zoning Board of Appeals on Thursday, October 20, 2011 at 6:30 p.m. in Room 209, located on the second floor of City Hall.

Please remember to bring a copy of your application packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the processing fee, legal ad and the notices for the appeal. The check should be written as follows:

MAKE CHECK OUT TO:

City of Portland

MAILING ADDRESS:

Room 315

389 Congress Street Portland, ME 04101

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely.

Ann B. Machado Zoning Specialist

Cc: File

CITY OF PORTLAND

DEPARTMENT OF PLANNING & DEVELOPMENT

389 Congress Street

Portland, Maine 04101

INVOICE FOR FEES

Application No:

2011-353

Applicant:

Sally Trice

CBL:

275 1031

Application Type: Practical Difficulty Appeal

Location:

100 Dorset Street

Invoice Date: 10/12/11 , 2nd morale 10/24/4

Fee Description	QTY	Fee/Deposit Charge
Legal Advertisement	1	\$87.12
Notices	77	\$57.75
Processing Fee	1	\$50.00
Application Fee	1	\$100.00

Total Current Fees: Total Current Payments:

\$294.87 -\$100.00

Amount Due Now:

\$194<u>.87</u>

Bill to:

CBL:

275 I031

Application No: 2011-353

Sally Trice

Invoice Date: 10/12/11

Total Amount Due: \$194.87

100 Dorset Street

(due on receipt)

Portland, ME 04102

PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life . www.portlandmaine.gov

Receipts Details:

Tender Information: Check, Check Number: 360

Tender Amount: 100.00

Receipt Header:

Cashier Id: amachado Receipt Date: 10/4/2011 Receipt Number: 10635

Receipt Details:

Referance ID:	1225	Fee Type:	PZ-Z1
Receipt Number:	0	Payment Date:	
Transaction Amount:	100.00	Charge Amount:	100.00
Job ID: Project ID: 2	2011-353 - 100 Dorset Street - Practical Diffic	culty	
Additional Comm	ents:		

Thank You for your Payment!

Ann Machado - RE: Zoning Board of Appeals Legal AD

"Joan Jensen" < jjensen@pressherald.com> From:

To: "Ann Machado" <AMACHADO@portlandmaine.gov>

10/11/2011 11:16 AM Date:

Subject: RE: Zoning Board of Appeals Legal AD

Hello,

Joan has left for the day. Your ad will run on Oct. 14, 2011 and the cost is \$174.24. Thank you.

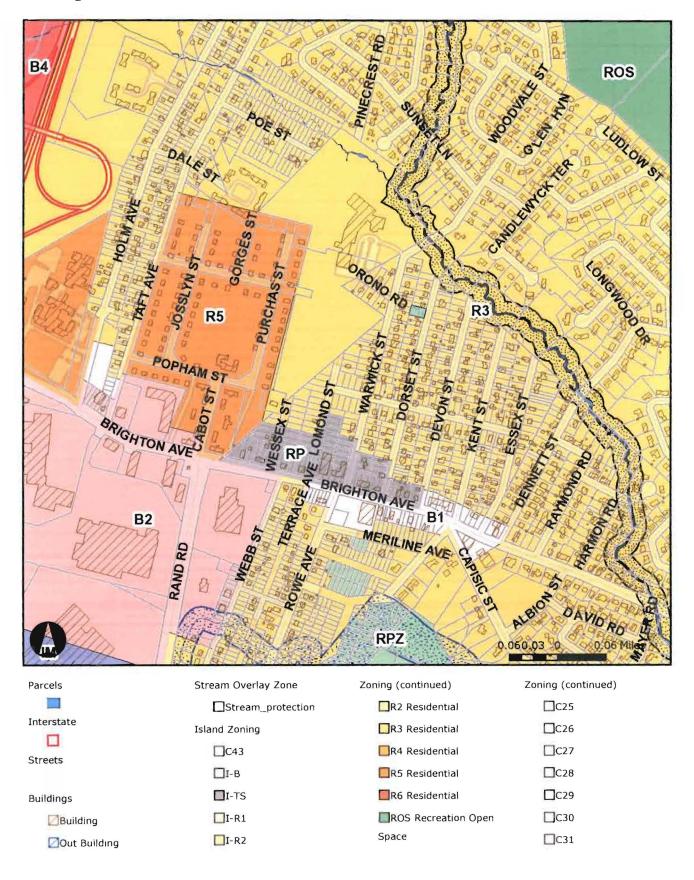
Karen Magnuson Fitzgerald Portland Press Herald/Maine Sunday Telegram Media Adviser ph: 207-791-6141 Fax: 207-791-6910 kmfitzgerald@mainetoday.com

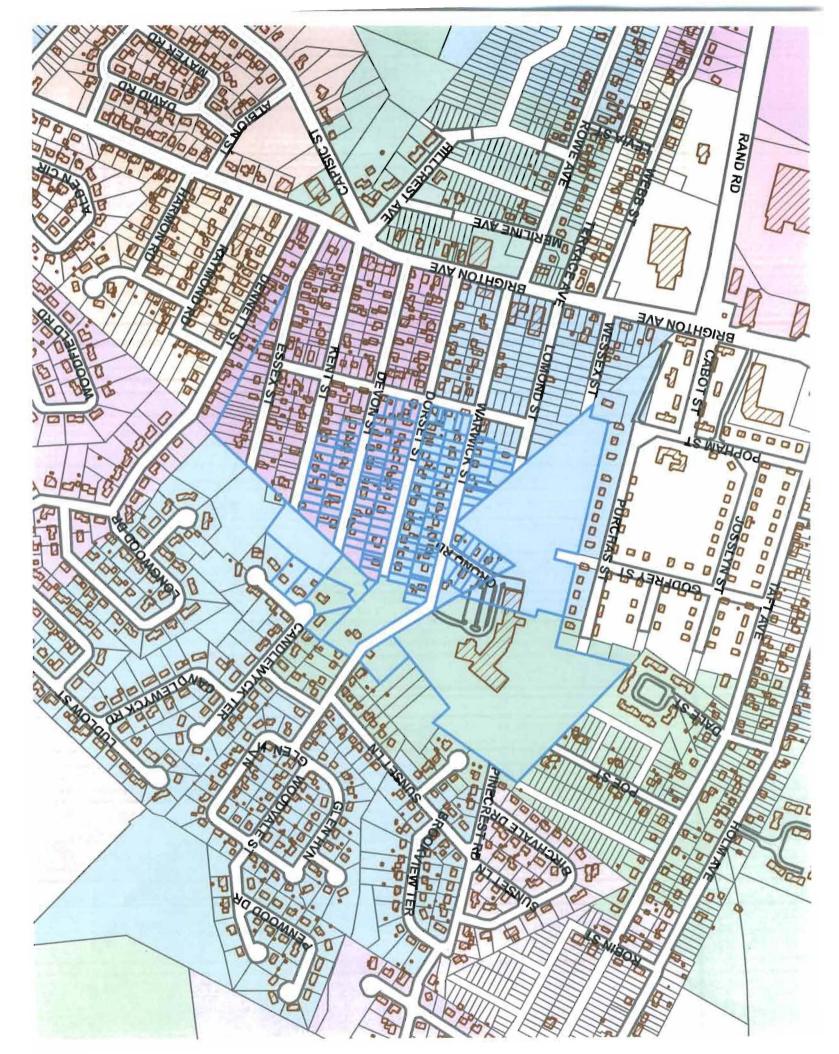
----Original Message----From: "Ann Machado" < AMACHADO@portlandmaine.gov> Sent: Tuesday, October 11, 2011 10:13am To: classified@Pressherald.com Subject: Zoning Board of Appeals Legal AD

Joan -Attached is the Zoning Board of Appeals legal ad for Friday, October 14, 2011. Thanks. Ann Machado 874-8709

Map Page 1 of 2

Map





CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	ADRIEN-DARLING MAGDA	12 ORONO RD PORTLAND, ME 04102	12 ORONO RD	1
	ALLEN FRANKLIN D & LORRAINE JTS	109 CANDLEWYCK TERRACE PORTLAND, ME 04102	CANDLEWYCK TER	0
	ANDERSON EDGAR L & KIMBERLEY K JTS	103 DEVON ST PORTLAND, ME 04102	103 DEVON ST	1
	AUDETTE JOHN F & DONNA M JTS	61 WARWICK ST PORTLAND, ME 04102	61 WARWICK ST	1
	BABCOCK DAVID R & MARIE JTS	104 KENT ST PORTLAND, ME 04102	104 KENT ST	0
	BABCOCK DAVID R VN VET & MARIE JTS	104 KENT ST PORTLAND, ME 04102	104 KENT ST	1
	BERNARD ARLYNE & JOHN LOWELL JTS	95 DORSET ST PORTLAND, ME 04102	95 DORSET ST	1
	BUCKLEY JOHN B	100 DEVON ST PORTLAND , ME 04102	100 DEVON ST	1
	CARDOZA MARIO JR BLIND & MARGARET E CARDOZA JTS	90 DORSET ST PORTLAND, ME 04102	90 DORSET ST	1
	CHIASSON LAWRENCE J & LAURIE A JTS	43 RIGGS ST PORTLAND, ME 04102	43 RIGGS ST	1
	CLARK MICHAEL S	70 DORSET ST PORTLAND, ME 04102	70 DORSET ST	1
	COAKLEY JENNIFER L	82 DEVON ST PORTLAND, ME 04102	84 DEVON ST	1
	CONROY ALEXANDRA	64 WARWICK ST PORTLAND, ME 04102	64 WARWICK ST	1
	COUTURIER KIMBERLEY A & TODD BRENNAN JTS	65 RIGGS ST PORTLAND , ME 04102	65 RIGGS ST	1
	CROCHET MONIQUE Y	95 DEVON ST PORTLAND, ME 04102	95 DEVON ST	1
	DEMARCO JOHN B	29 SONNET LN PORTLAND, ME 04102	61 DORSET ST	0
	DEMARCO JOHN B	29 SONNET LN PORTLAND, ME 04102	63 DORSET ST	1
	DEVOE CARROLL C & THELMA M	102 DEVON ST PORTLAND, ME 04102	99 DORSET ST	0
	DEVOE CARROLL C WWII VET & THELMA W JTS	102 DEVON ST PORTLAND, ME 04102	102 DEVON ST	1
	DOUGLASS DAVID F & CATHRYN S DOUGLASS JTS	67 WARWICK ST PORTLAND, ME 04102	67 WARWICK ST	1
	ECKER HERBERT A III & KATHRYN A ROCHE	60 WARWICK ST PORTLAND, ME 04102	60 WARWICK ST	1
	ELING RYAN H & BETHANY J ELING JTS	104 DORSET ST PORTLAND, ME 04102	104 DORSET ST	1
	ENAIRE MATTHEW L	71 CANDLEWYCK TER PORTLAND, ME 04102	71 CANDLEWYCK TER	1
	FOLEY NICOLE A & BRANDEN CLEMENT JTS	88 KENT ST PORTLAND , ME 04102	88 KENT ST	1
	GUIMOND RAYMOND J WWII VET	60 DORSET ST PORTLAND, ME 04102	60 DORSET ST	1
	HAINS ROBERT C	250 HOLM AVE	80 WARWICK ST	0

		2,0 1001		0.20 711
CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	HAINS ROBERT C	250 HOLM AVE PORTLAND, ME 04102	84 WARWICK ST	0
	HAWES THOMAS H	155 WARWICK ST PORTLAND, ME 04102	155 WARWICK ST	1
	HEFFLEY JAMES E & KELLI A HEFFLEY JTS	98 WARWICK ST PORTLAND , ME 04102	98 WARWICK ST	1
	HUSSEY TIMOTHY J	55 RIGGS ST PORTLAND, ME 04102	55 RIGGS ST	1
	JENKINS MICHAELA M	28 DENNETT ST PORTLAND , ME 04102	28 DENNETT ST	1
	JORDAN JEFFREY A	84 KENT ST PORTLAND , ME 04102	84 KENT ST	1
	JOYCE ANNE E & MARTIN A HEIRS	65 DORSET ST PORTLAND, ME 04102	65 DORSET ST	1
	JUHL SUSAN A & EDWARD H JTS	93 WARWICK ST PORTLAND, ME 04102	93 WARWICK ST	1
	KASERMAN JANINE M & DEAN P MAZZIOTTI JTS	78 WARWICK ST PORTLAND , ME 04102	78 WARWICK ST	1
	KEENAN MARY JO	22 PEARL ST SCARBOROUGH, ME 04074	LOMOND ST	0
	KEENAN MARY JO	22 PEARL ST SCARBOROUGH, ME 04074	70 WARWICK ST	1
	KEITH ROBERT G & ANNE B KEITH JTS	94 DORSET ST PORTLAND , ME 04102	94 DORSET ST	1
	KENT DONALD E & ARLIN L JTS	158 WARWICK ST PORTLAND, ME 04102	158 WARWICK ST	1
	KHOURY COLLEEN & DAVID KARRAKER	73 DORSET ST PORTLAND, ME 04102	71 DORSET ST	1
	KING LAURIE A	90 DEVON ST PORTLAND, ME 04102	90 DEVON ST	1
	LECLERC TAMMY A	114 DORSET ST PORTLAND, ME 04102	114 DORSET ST	1
	LEIGHTON ALLAN R JR	115 DORSET ST PORTLAND, ME 04102	115 DORSET ST	0
	LEIGHTON ALLAN R JR	115 DORSET ST PORTLAND, ME 04102	115 DORSET ST	1
	LENNON CYNTHIA M	62 DEVON ST PORTLAND , ME 04102	62 DEVON ST	2
	LICHTER MARK A	84 DORSET ST PORTLAND, ME 04102	84 DORSET ST	1
	LUJA BENNETT E SR WWII VET & H LENORE JTS	77 DORSET ST PORTLAND, ME 04102	77 DORSET ST	1
	MCCARTHY GAVIN G	73 WARWICK ST PORTLAND , ME 04102	73 WARWICK ST	1
	MERCIER ALFRED J & LORRAINE D JTS	87 CANDLEWYCK TER PORTLAND, ME 04102	87 CANDLEWYCK TER	1
	MITCHELL ROBERT J & SUSAN REINERS MITCHELL JTS	93 CANDLEWYCK TER PORTLAND, ME 04102	93 CANDLEWYCK TER	1
	MOREAU HALE M & LAWRENCE G JTS	74 DEVON ST PORTLAND, ME 04102	74 DEVON ST	1
	MORIN MICHAEL C	51 WARWICK ST PORTLAND , ME 04102	51 WARWICK ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	MURRAY SCOTT J	76 KENT ST PORTLAND , ME 04102	76 KENT ST	1
	NELSON NATHANIEL S & MARIA N TALIENTO JTS	85 DORSET ST PORTLAND , ME 04102	85 DORSET ST	1
-	NESS KIRSTEN L	99 WARWICK ST PORTLAND , ME 04101	99 WARWICK ST	1
	NIELSEN JUDITH M	62 DORSET ST PORTLAND, ME 04102	62 DORSET ST	1
	PAQUETTE CHRISTOPHER T & KELLIE L CARON JTS	89 DORSET ST PORTLAND , ME 04102	89 DORSET ST	1
	PENDLETON DONNA L	18 ORONO RD PORTLAND, ME 04102	18 ORONO RD	1
	PERKINS LAWRENCE A VN VET	66 DEVON ST PORTLAND, ME 04102	66 DEVON ST	2
	PLETTE KRISTEN T	399 GREELY EXT CUMBERLAND, ME 04021	81 WARWICK ST	1
	PLOURDE STEPHANIE A	78 DEVON ST PORTLAND , ME 04102	78 DEVON ST	1
	RIVERA JUAN A & ROSA M RIVERA JTS	11 ORONO RD PORTLAND , ME 04102	11 ORONO RD	1
	ROLAND ASHLEY A	78 DORSET ST PORTLAND, ME 04102	78 DORSET ST	1
	ROY NICOLA JANE	105 DORSET ST PORTLAND , ME 04102	105 DORSET ST	1
	SANBORN GAIL A & MARTHA COSTIN JTS	54 DORSET ST PORTLAND , ME 04102	54 DORSET ST	1
	SARGENT MICHAEL E & STEPHANIE J JTS	73 DEVON ST PORTLAND , ME 04102	73 DEVON ST	1
	SAWYER JOYCE E	87 WARWICK ST PORTLAND, ME 04102	87 WARWICK ST	1
	SIEGEL JAMES P & CATHERINE M JTS	87 DEVON ST PORTLAND , ME 04102	87 DEVON ST	1
	SNYDER JENNIFER L	79 CANDLEWYCK TERRACE PORTLAND, ME 04103	79 CANDLEWYCK TER	1
	SORRELLS STELLA M WID KW	79 DEVON ST PORTLAND , ME 04102	79 DEVON ST	1
	SOTTERY PAUL C & LINNEA D JTS	69 DEVON ST PORTLAND, ME 04102	69 DEVON ST	1
	STEELE JOHN E II & PAULA J STEELE JTS	74 WARWICK ST PORTLAND , ME 04102	74 WARWICK ST	1
	TAYLOR LESLIE J & JANE K TAYLOR JTS	67 LOMOND ST PORTLAND, ME 04102	67 LOMOND ST	1
	TRICE SALLY B	100 DORSET ST PORTLAND , ME 04102	100 DORSET ST	1
	TRUE FRANK L	96 KENT ST PORTLAND, ME 04102	96 KENT ST	1
	TURNER NATHAN & DEANNA MORTON JTS	118 WARWICK ST PORTLAND , ME 04102	118 WARWICK ST	1
	WEATHERBEE JOHN R WWII VET PHYLIS F JTS	108 DORSET ST PORTLAND, ME 04102	108 DORSET ST	1
	WHITE PAUL E SR	113 WARWICK ST	113 WARWICK ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	WILLIAMS JULIE D &	58 MAPLEWOOD DR	119 WARWICK ST	2
	STEPHEN B WILLIAMS	GORHAM, ME 04038		
	WOOD ALSTON D KW VET &	103 WARWICK ST	103 WARWICK ST	1
	H JOYCE JTS	PORTLAND, ME 04102		
	WOYTKEWICZ MARGARET L	65 DEVON ST	65 DEVON ST	1
	WID WWII VET	PORTLAND, ME 04102		