

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

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

August 5, 2011

Lillian Caiazzo  
54 Farnham Street  
Portland, ME 04103

RE: 52-56 Farnham Street  
CBL: 310 F010  
ZONE: R-3

Dear Ms. Caiazzo:

At the August 4, 2011 meeting, the Zoning Board of Appeals voted 4-1 to grant your practical difficulty appeal with the condition that when the pool is removed, all set back limits will be restored. I am enclosing a copy of the Board's decision.

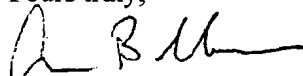
I am also enclosing the Certificate of Variance Approval. **The original must be recorded in the Cumberland County Registry of Deeds within 90 days of August 4, 2011, when it was signed.** Failure to record the Certificate will result in it being voided. Our office must be provided with a copy of the recorded Certificate of Variance showing the recorded book and page.

Now that the practical difficulty appeal has been approved, your permit (#2011-05-1195) to install the 25' diameter pool with attached deck (after the fact) will be moved forward in the review process. The permit cannot be issued until we receive a copy of the recorded certificate of variance. You have six months from the date of the hearing, August 4, 2011, referenced under section 14-473(e), to obtain the building permit, or your Zoning Board approval will expire.

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

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,



Ann B. Machado  
Zoning Specialist

Cc. file

RECEIVED

AUG 26 2011

Dept. of Building Inspections  
City of Portland Maine



Doc#: 40246 Bk:28885 Pg: 330

CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

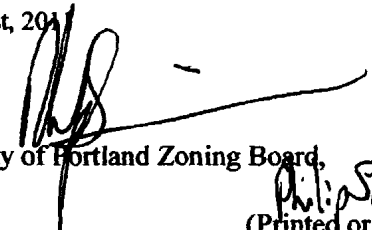
I, Philip Saucier, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 4th day of August, 2011, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

- 1. **Current Property Owner: Lillian Caiazzo**
- 2. **Property: 54 Farnham Street, Portland, ME CBL: 310-F-010**  
Cumberland County Registry of Deeds, Book: 9330 Page: 292  
Last recorded deed in chain of Title: September 25, 1990

3. **Variance and Conditions of Variance:**

To grant relief from section 14-432(b) of the Land Use Zoning Ordinance to allow an existing pool an approximate seven foot rear setback to the property line instead of the required ten foot rear setback and to allow an approximate eight foot setback from the principal structure instead of the required ten foot.  
*With the condition that when the pool is removed, all setback limits will be restored.*

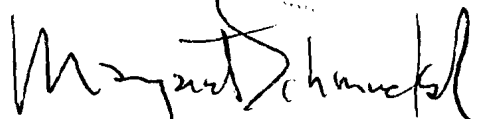
IN WITNESS WHEREOF, I have hereto set my hand and seal this 4th day of August, 2011

  
\_\_\_\_\_, Chair of  
City of Portland Zoning Board,  
*Philip Saucier*  
(Printed or Typed Name)

STATE OF MAINE  
Cumberland, ss.

Then personally appeared the above-named Philip Saucier 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 August 4, 2011.

Received  
Recorded Register of Deeds  
Aug 11, 2011 01:32:40P  
Cumberland County  
Pamela E. Lovley

  
(Printed or Typed Name)  
- Notary Public  
Margaret Schmuckal  
My term expires June 28, 2012

SEAL

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.

# CITY OF PORTLAND, MAINE

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# ZONING BOARD OF APPEALS

## ZONING BOARD APPEAL DECISION

**To: City Clerk**

**From: Marge Schmuckal, Zoning Administrator**

**Date: August 5, 2011**

**RE: Action taken by the Zoning Board of Appeals on August 4, 2011.**

**Members Present:** Phil Saucier (chair), Mark Bower, Matthew Morgan, William Getz (acting secretary) and Sara Moppin

**Members Absent:** Gordon Smith and Elyse Wilkinson

### **1. New Business:**

#### **A. Practical Difficulty Variance Appeal:**

52-56 Farnham Street, Lillian Caiazzo, owner, Tax Map 310, Block F, Lot 010, R-3 Residential Zone:

An above ground pool and deck were installed at the property in 1995 without a building permit. The applicant applied for an after the fact permit (#2011-05-1195) for the pool and deck to bring her property into compliance. The existing pool does not meet the requirements of section 14-432(b). The appellant is requesting a variance to reduce the required ten foot setback to seven feet from the rear property line and eight feet from the principal structure. Representing the appeal is the owner. **The Board voted 4-1 to grant the variance to reduce the required setbacks for the pool with the condition that when the pool is removed, all set back limits will be restored.**

#### **Enclosure:**

Decision for Agenda from August 4, 2011

Original Zoning Board Decisions

One dvd

CC: Mark Rees, City Manager

Penny St. Louis, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

**CITY OF PORTLAND, MAINE**  
**ZONING BOARD OF APPEALS**

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**"Practical Difficulty" Variance Appeal**

**DECISION**

*Mark Bower  
William Getz  
Phil Sancier  
Matthew Morgan  
Sara Moppin*

Date of public hearing: August 4, 2011

Name and address of applicant: Lillian Caiazzo  
54 Farnham St.  
Portland, ME 04103

Location of property under appeal: 54 Farnham St.

**For the Record:**

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

*Lillian Caiazzo 54 Farnham St. (owner)*

*George Earley 29 William St. (Friend)*

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

*Letter from neighbor <sup>Leon</sup>~~Jim~~ Fogg of 46 Farnham*

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 setback from the principal structure and rear lot line for an existing above-ground pool. Section 14-432(b) of the Land Use Code provides that "no part of any swimming pool shall be located closer than ten (10) feet from the principal structure, nor closer than ten (10) feet from the side or rear lot lines." The pool is located seven (7) feet from the rear lot line and eight (8) feet from the principal structure.

"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 5 Not Satisfied     

Reason and supporting facts:

*Set back variance*

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 5 Not Satisfied 0

Reason and supporting facts:

*Increased cost of removal and replacement of deck. Pools are permitted in the zone.*

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 5 Not Satisfied     

Reason and supporting facts:

The unique circumstance are due to prior advice from a contractor. No other properties in the area have this issue and the advice makes this property unique.

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 5 Not Satisfied     

Reason and supporting facts:

Abutter support variance, 16 year no complaints,

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

Satisfied 5 Not Satisfied     

Reason and supporting facts:

The advice of the contractor was the action that caused the difficulty

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

Satisfied 5 Not Satisfied     

Reason and supporting facts:

*increased expence*

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

Satisfied 5 Not Satisfied     

Reason and supporting facts:

*16 years*

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 5 Not Satisfied     

Reason and supporting facts:

**Conclusion:** (check one)

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

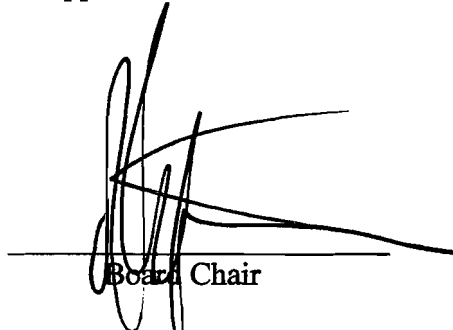
4/1  Option 2: The Board finds that while the standards described above (1 through 8) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

*When the pool is removed all set back limits will be restored.*

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

Dated:

*8/4/2011*



Board Chair



members Present: Philip Saucier - Matthew Morgan, SARA Moppin,  
Mik Bower, William Getz (acting secy)  
**CITY OF PORTLAND, MAINE**

**ZONING BOARD OF APPEALS**  
members Absent: Gordon Smith, Elyse Wilkinson

**APPEAL AGENDA**

6:30 pm Commencement

The Board of Appeals will hold a public hearing on Thursday, August 4, 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. New Business**

**A. Practical Difficulty Variance Appeal:**

52-56 Farnham Street, Lillian Caiazzo, owner, Tax Map 310, Block F, Lot 010, R-3

Residential Zone: An above ground pool and deck were installed at the property in 1995 without a building permit. The applicant applied for an after the fact permit (#2011-05-1195) for the pool and deck to bring her property into compliance. The existing pool does not meet the requirements of section 14-432(b). The appellant is requesting a variance to reduce the required ten foot setback to seven feet from the rear property line and eight feet from the principal structure. Representing the appeal is the owner.

**2. Adjournment:**

-7:00 pm

Granted  
with conditions  
6/4/11



City of Portland, Maine  
 Planning and Development Department  
 Zoning Board of Appeals  
 Practical Difficulty Variance Application

Applicant Information:

Lillian Caiazzo  
 Name

Business Name

54 FARWAM ST  
 Address

PORTLAND, ME 04103

207-828-3843  
 Telephone Fax

Applicant's Right, Title or Interest in Subject Property:

owner  
 (e.g. owner, purchaser, etc.):

Current Zoning Designation: R-7

Existing Use of Property:

Home - single family

Subject Property Information:

54 FARWAM ST PORTLAND  
 Property Address

310-F-10  
 Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone Fax

Practical Difficulty Variance from Section 14 - 432 (b)

8' from house  
 7' from rear property line

JUN 29 2011

10:07 AM

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

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

Lillian Caiazzo  
 Signature of Applicant

June 22, 2011  
 Date

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 all the following conditions are found to exist:

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

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2. The granting of the variance will not have an unreasonably detrimental effect on either the use or fair market value of the abutting properties:

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3. The Practical Difficulty is not the result of action taken by the applicant or a prior owner:

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4. No other feasible alternative is available to the applicant, except a variance:

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

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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:

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

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8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. Section 435, nor within a shoreland of flood hazard zone as defined in this article:

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

The property is unique in that it abuts an undeveloped wooded area to the back. The variance requested will have no impacts on neighboring property owners. In addition, the addition placed on the back of the main house by a previous owner, due to its siting limits the dimensions in which the existing pool can be situated.

2. The granting of the variance will not have an unreasonably detrimental effect on either the use or fair market value of the abutting properties:

None. As stated above, the granting of the requested variance only relates to the distance of the existing pool from the requesting property owner's home and the undeveloped, wooded lot behind the property. The placement of the pool is in compliance with regulations regarding the neighboring properties to each side and does not result in a detrimental effect on the fair market value of these properties.

- 3 The Practical Difficulty is not the result of action taken by the applicant or a prior owner:

My family placed the pool there back in 1995, but my husband, who has passed away, contracted the work out. I believed at the time that all work was performed in compliance with regulations. I also understood that our contractor guaranteed that all permitting procedures had been followed and the pool project had city approval.

- 4 No other feasible alternative is available to the applicant except a variance:

No. The variance requested is the only manner of resolving the apparent infraction that would that would not cause undue financial duress to me.

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

None. The variance will merely legalize the situation that has been in place for the last 16 years. During this time there has been no harm to the natural environment and no impacts on neighboring properties.

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:

A strict enforcement of the standards would result in my having to remove my pool, which is permitted use in my zone. If there is a variation from the standards it is minimal (about 3 feet) and only between my home and the wooded lot to the back.

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

Yes. Strict application of the standards will result in my having to pay someone to remove and dispose of the current pool; resiting, permitting and installation of a new pool (which would be more expensive today) that would only end up being a few feet narrower. I have limited income and these expenses would pose a significant economic injury. Furthermore, the removal of the pool would reduce the value of my property.

8. The property is not located, in whole or in part, within a shoreland area as defined in 38 M.R.S.A. Section 435, nor within a shoreland of flood hazard zone as defined in this article:

No. The property is not located in a shoreland area or within a flood zone.

June 22, 2011

City of Portland  
Zoning Board of Appeals  
389 Congress Street  
Portland, ME 04101

I am respectfully requesting a variance regarding the placement of my above ground pool located at 54 Farnham Street.

My husband contracted out the installation of the pool in 1995 and to the best of my knowledge, the work was done within compliance of all regulations. Unfortunately, he has since passed away and this issue has now become a burden for me.

My life style has been affected significantly since his death and this pool offers some enjoyment even though he is no longer here to share it with me. In the 16 years I have had this pool, there has been no harm to the natural environment of my neighborhood, nor any complaints from or impacts on my neighbors' property.

I urge you to consider my variance application and please consider the economic impact that will place on my now limited income for the sake of moving it three feet closer to a wooded lot behind my home. Lastly, I fear the removal of the pool will reduce the value of my home in an already weakened real estate market.

Thank you for your consideration.

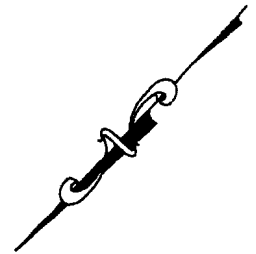
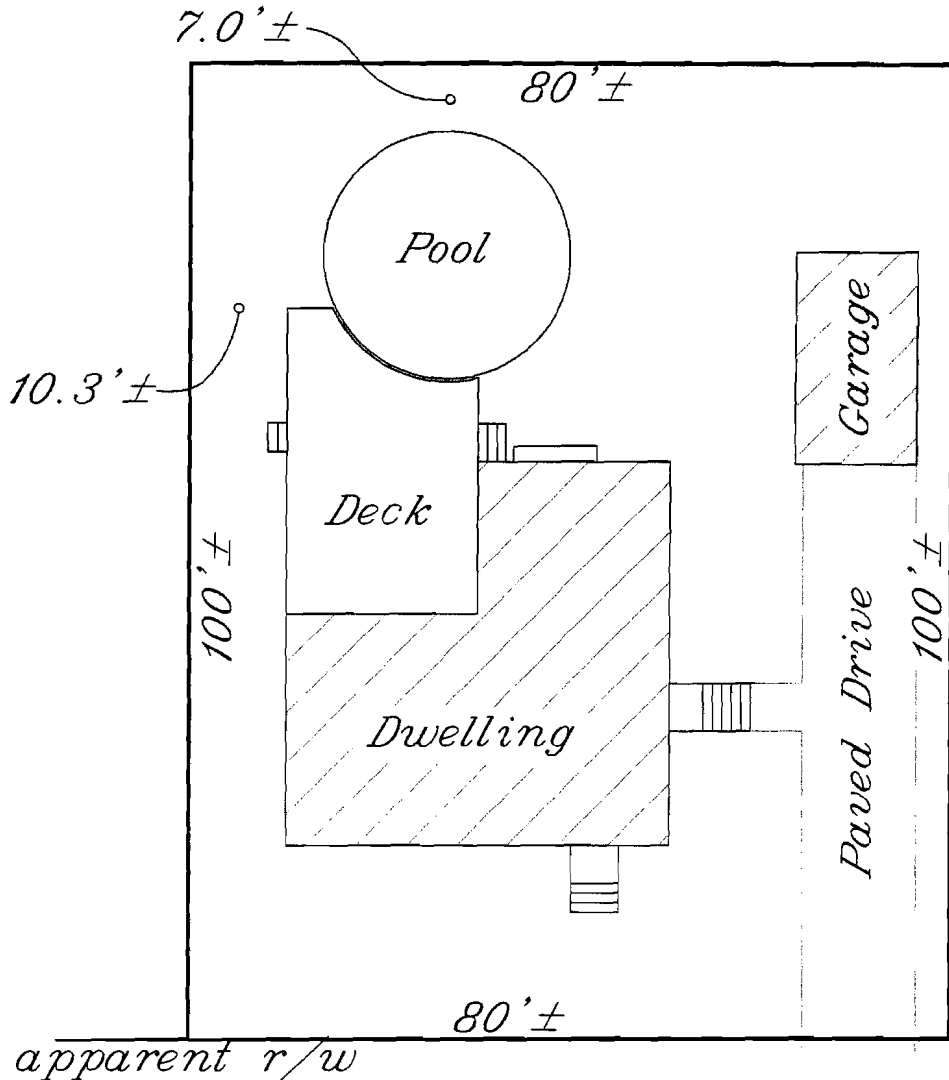


Lillian Caiazzo

878-3843

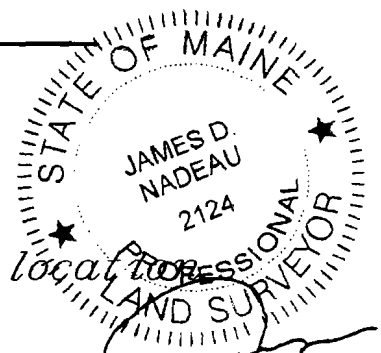
  
**James D. Nadeau, LLC**  
 Professional / Land Surveyors

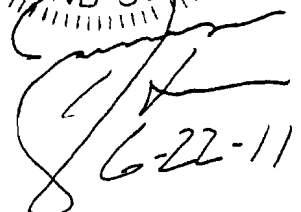
Certified Floodplain Managers  
 Certified Underground Utility Locators



**Farnham Street**  
 ← To Forest Avenue

*Recommend Boundary Survey for accurate  
 Apparent Boundary Lines Shown  
 Geometric Shape Per Tax Map*



  
 6-22-11

046681

9390 792

WARRANTY DEED

Joint Tenancy

# Know all Men by these Presents,

**That** I, ARTHUR L. EDWARDS, of Portland, County of Cumberland and State of Maine

in consideration of One Dollar (\$1.00) and other valuable considerations

paid by EUGENE N. CAIAZZO, JR. and LILLIAN CAIAZZO

whose mailing address is 401 Stevens Avenue  
Portland, Maine 04103

the receipt whereof I do hereby acknowledge, do hereby **give, grant, bargain, sell and convey** unto the said EUGENE N. CAIAZZO, JR. and LILLIAN CAIAZZO

as joint tenants and not as tenants in common, their heirs and assigns forever,

A certain lot or parcel of land, with the buildings thereon, situated on the southeasterly side of Farnham Street, in the City of Portland, County of Cumberland and State of Maine, being Lot 14 and a strip of land thirty (30) feet in width from the southwesterly side of Lot 13 as shown on plan recorded in the Cumberland County Registry of Deed, in Plan Book 12, Page 16.

The premises herein conveyed have a frontage of Farnham Street of eighty (80) feet and extend back southeasterly along the line of Lot 15 on the southwesterly side, and a line parallel therewith and eighty (80) feet therefrom on the northeasterly side, one hundred (100) feet to the rear line of said lots.

Being the same premises conveyed to the Grantor herein by Deed of Jack E. Cartland and Joy B. C. Fowler dated October 31, 1973 and recorded in the Cumberland County Registry of Deeds in Book 3482, Page 122.

MAINE REAL ESTATE TAX PAD

**To have and to hold** the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said EUGENE N. CAIAZZO, JR. and LILLIAN CAIAZZO as joint tenants and not as tenants in common, their heirs and assigns, to their own use and behoof forever.

**And** I do **renewant** with the said Grantees, their heirs and assigns, that I AM lawfully seized in fee of the premises, that they are free of all encumbrances

that I have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and MY heirs shall and will **warrant and defend** the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

**In Witness Whereof,** I the said

ARTHUR L. EDWARDS

~~and~~

~~husband/wife of the said~~

joining in this deed as Grantor , and relinquishing and conveying all rights by descent and all other rights to the above described premises, have hereunto set MY hand and seal this 25th day of the month of September , A.D. 19 90 .

**Signed, Sealed and Delivered**

**in presence of**

*Cheryl M. McKinnon*

*Arthur L. Edwards*  
ARTHUR L. EDWARDS

.....  
.....  
.....  
.....

987 0840 283



State of Maine, County of CUMBERLAND ss. SEPTEMBER 25, 1990 .

Then personally appeared the above named ARTHUR L. EDWARDS

and acknowledged the foregoing instrument to be HIS free act and deed.

Before me,

*Meryl M. McFarlane*  
11/90  
Notary Public  
Attorney at Law

CHESTER A. MADISONSON  
NOTARY PUBLIC  
STATE OF MAINE  
EXPIRES SEPTEMBER 25, 1991

Printed Name, .....

SEAL

1990 SEP 25 PM 2:20

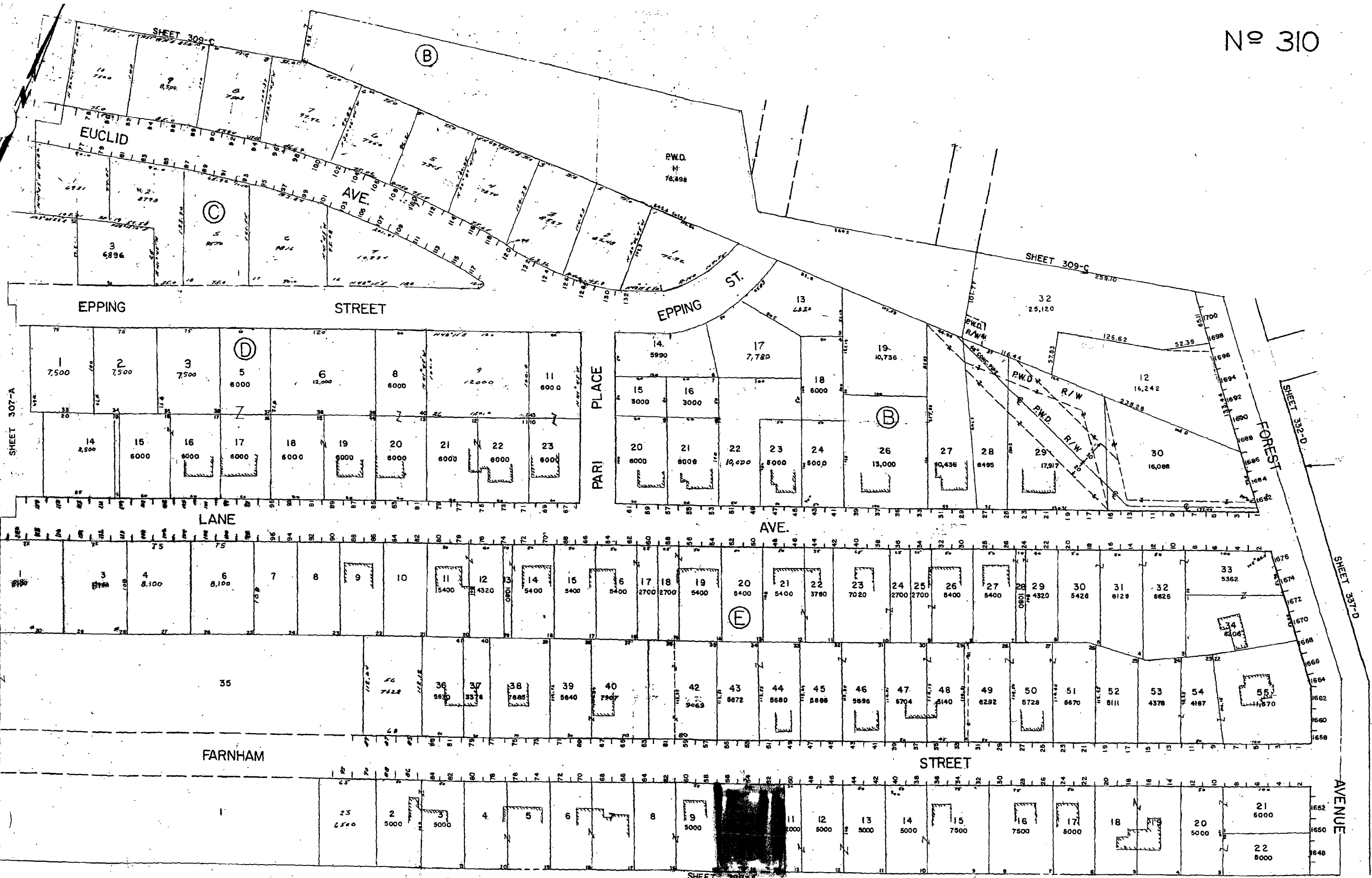
CUMBERLAND COUNTY

*[Signature]*

6-26-2011

MY NEIGHBOR, LILLIAN CRAZZO  
HAS HAD A POOL IN HER YARD FOR  
THE LAST SEVERAL YEARS. IT BEEN  
NO PROBLEM TO ME IN ANY WAY.

Sam B. Fogg  
46 FARNHAM ST  
PORTLAND, ME  
04103









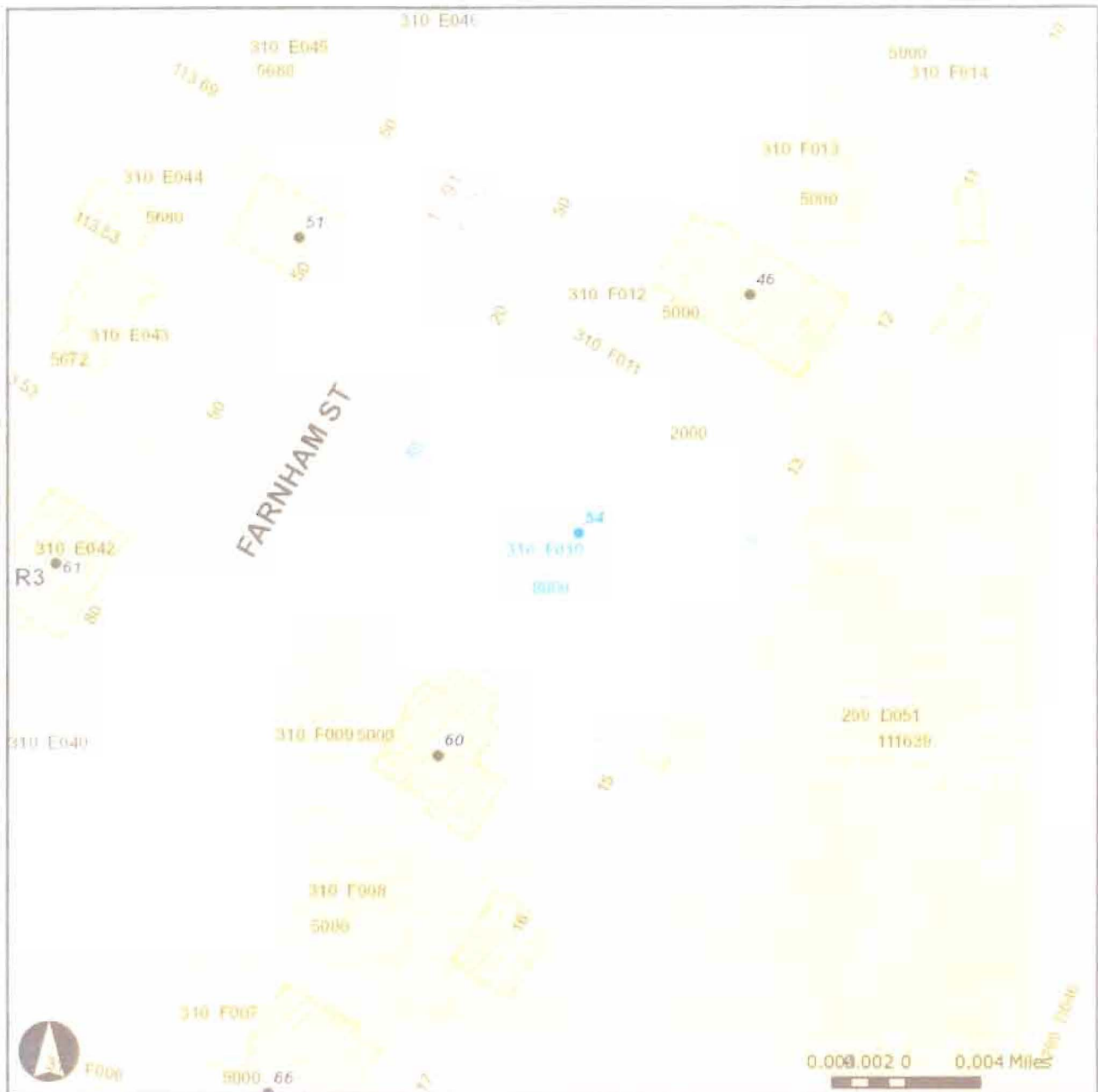








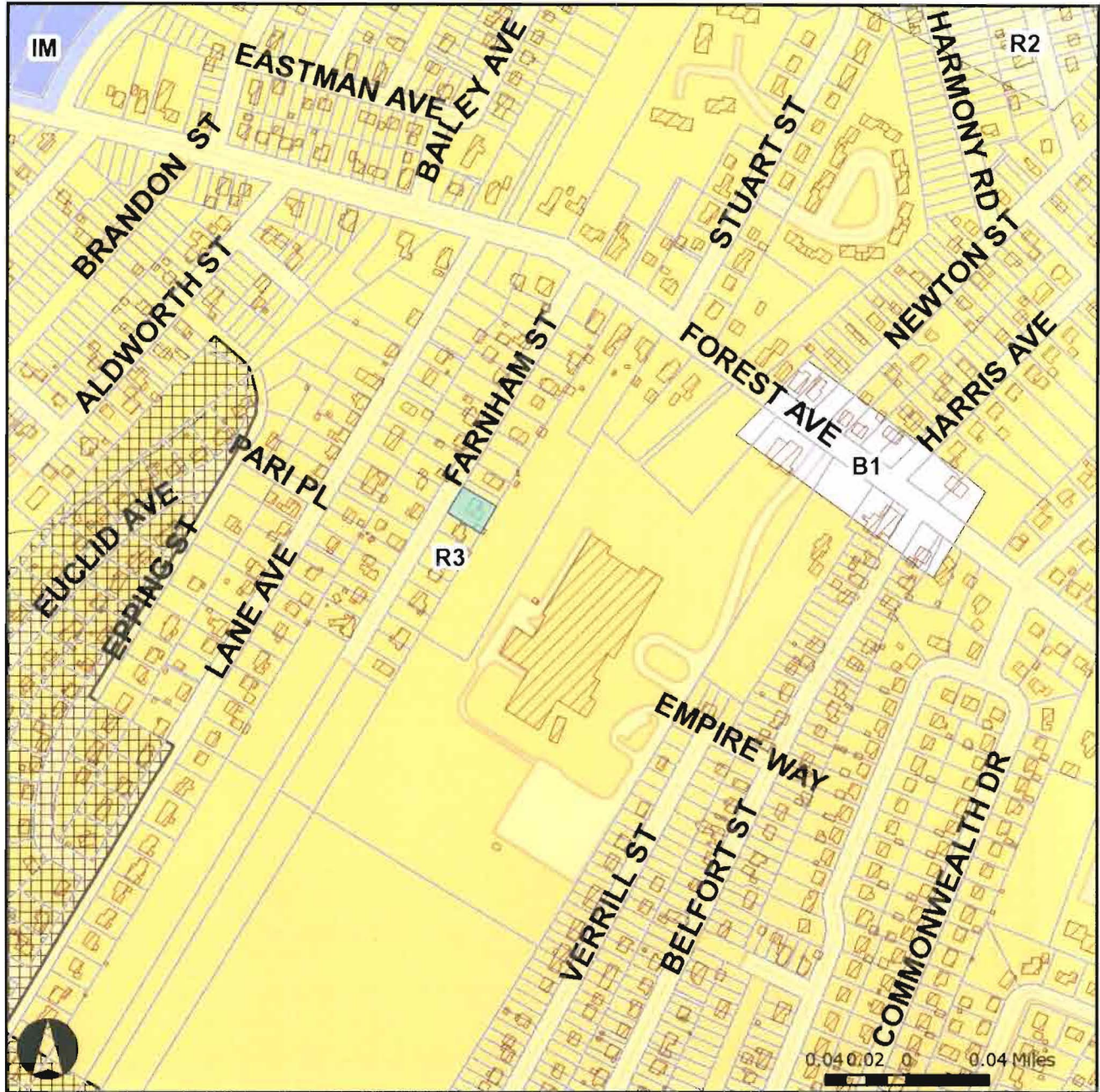
# Map



<p>Parcel:</p> <p>Interstate:</p> <p>Street:</p> <p>Building:</p> <p>  Building</p> <p>  Out Buildings</p>	<p>Stream Overlay Zone:</p> <p>  <input type="checkbox"/> Stream protection</p> <p>Island Zoning:</p> <p>  <input type="checkbox"/> C43</p> <p>  <input type="checkbox"/> I-R</p> <p>  <input type="checkbox"/> L-TS</p> <p>  <input type="checkbox"/> I-R1</p> <p>  <input type="checkbox"/> I-R2</p>	<p>Zoning (continued):</p> <p>  <input type="checkbox"/> R2 Residential</p> <p>  <input type="checkbox"/> R3 Residential</p> <p>  <input checked="" type="checkbox"/> R4 Residential</p> <p>  <input type="checkbox"/> R5 Residential</p> <p>  <input type="checkbox"/> R6 Residential</p> <p>  <input type="checkbox"/> ROS Recreation Open</p> <p>  Space</p>	<p>Zoning (continued):</p> <p>  <input type="checkbox"/> C25</p> <p>  <input type="checkbox"/> C26</p> <p>  <input type="checkbox"/> C27</p> <p>  <input type="checkbox"/> C28</p> <p>  <input type="checkbox"/> C29</p> <p>  <input type="checkbox"/> C30</p> <p>  <input type="checkbox"/> C31</p>
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# Map



Parcels	Stream Overlay Zone	Zoning (continued)	Zoning (continued)
Interstate	Stream_protection	R2 Residential	C25
Streets	Island Zoning	R3 Residential	C26
Buildings	C43	R4 Residential	C27
Building	I-B	R5 Residential	C28
Out Building	I-TS	R6 Residential	C29
	I-R1	ROS Recreation Open	C30
	I-R2	Space	C31



# PORTLAND MAINE

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

*Penny St. Louis - Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

June 3, 2011

*received appeal June 29, 2011.*

Lillian Caiazzo  
54 Farnham Street  
Portland, ME 04103

RE: 54 Farnham Street – 310-F-010 – R-3 Zone

Dear Ms. Caiazzo,

I am in a receipt of a permit application to install a 25' diameter above ground pool with an attached deck. Your permit is being denied because the pool is not meeting the requirements of 14-432(b) which states: "No part of any swimming pool shall be located closer than ten (10) feet from the principal structure, nor closer than ten (10) feet from the side or rear lot lines."

The submitted plot plan for this application indicates that the pool is 6 feet from the rear property line and 8 feet from the principal structure instead of the required 10 feet.

It is my understanding that the deck and pool have already been installed without a permit. The application that was submitted was for an after-the-fact approval. As stated above, this permit has been denied based on the requirement that 10 foot setbacks are required to your rear property line and from your pool to your house.

You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

If you choose not to appeal, you will need to remove the pool and/or reorientation the pool so that it meets the Ordinances. This office will need revised plans showing what changes you intend to make to bring the pool into compliance. Your property will be inspected within 30 days for compliance.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

roof signs, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitation herein prescribed for buildings.

(b) *Public art.* Except in residential zones, public art that has been individually accepted by the city council for inclusion within the public art collection, pursuant to Article XI, Public Art Program of the Land Use Code, (Section 14-852(c)), shall not be subject to the height limitations for buildings within the underlying zone.

(c) *Temporary wind anemometer towers.* Temporary wind anemometer towers may be erected above the height limitation for buildings within the underlying zone, subject to receiving Board of Appeals approval and FAA approval, if necessary.  
(Code 1968, § 602.19.I; Ord. No. 428-83, § 1, 4-25-83; Ord. No. 36-89, § 3, 6-28-89; Ord. No. 96-08/09, 11-17-08; Ord. No. 29-09/10, 8-3-09 emergency passage)

#### **Sec. 14-431. Yards.**

The height in stories or feet of that part of the principal building adjoining a yard shall be used in determining the required width or depth of that yard, but in no case shall any higher part of the building be closer to the property line than width or depth of yard required for that height. In case an addition is to be made to a building which existed on June 5, 1957, the side yard spaces of which complied with the ordinance in effect on that date, the aggregate side yards may be the same as required on that date, provided the yard on the side where the addition is intended would comply with the minimum width required by the present ordinance. Yards as prescribed for residential uses shall be required for an apartment house or hotel erected above the ground floor of a building where the ground floor is designed exclusively for business purposes.

(Code 1968, § 602.19.J)

#### **Sec. 14-432. Swimming pools.**

Outdoor swimming pools accessory to dwellings, apartment houses, hotels or motels shall be permitted on lots, provided the following conditions are met:

(a) No swimming pool shall be sited in the front yard.

(b) No part of any swimming pool shall be located closer than ten (10) feet from the principal structure, nor closer than ten (10) feet from the side or rear lot lines.

(Code 1968, § 602.19.K; Ord. No. 271-77, 5-16-77; Ord. No. 90-88, 7-19-88)



## City of Portland Zoning Board of Appeals

July 27, 2011

Lillian Caiazzo  
54 Farnham Street  
Portland, ME 04103

Dear Ms. Caiazzo,

Your Practical Difficulty Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, August 4, 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





# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

Receipts Details:

**Tender Information:** Cash  
**Tender Amount:** 100.00

Receipt Header:

**Cashier Id:** amachado  
**Receipt Date:** 6/29/2011  
**Receipt Number:** 4694

Receipt Details:

Referance ID:	1111	Fee Type:	PZ-Z1
Receipt Number:	0	Payment Date:	
Transaction Amount:	100.00	Charge Amount:	100.00
Job ID: Project ID: 2011-296 - 54 Farnham Street - Practical Difficulty Appeal			
Additional Comments:			

Thank You for your Payment!





# PORTLAND MAINE

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

Receipts Details:

**Tender Information:** Check , Check Number: 2105

**Tender Amount:** 214.00

Receipt Header:

**Cashier Id:** amachado

**Receipt Date:** 8/5/2011

**Receipt Number:** 5647

Receipt Details:

Referance ID:	1140	Fee Type:	PZ-N1
Receipt Number:	0	Payment Date:	
Transaction Amount:	41.25	Charge Amount:	41.25
Job ID: Project ID: 2011-296 - 54 Farnham Street - Practical Difficulty Appeal			
Additional Comments:			

Referance ID:	1142	Fee Type:	PZ-ZP
Receipt Number:	0	Payment Date:	
Transaction Amount:	50.00	Charge Amount:	50.00
Job ID: Project ID: 2011-296 - 54 Farnham Street - Practical Difficulty Appeal			
Additional Comments:			

Referance ID:	1155	Fee Type:	PZ-L2
Receipt Number:	0	Payment Date:	
Transaction Amount:	122.75	Charge Amount:	122.75
Job ID: Project ID: 2011-296 - 54 Farnham Street - Practical Difficulty Appeal			
Additional Comments:			

**Thank You for your Payment!**



**From:** Joan Jensen <jjensen@pressherald.com>  
**To:** Ann Machado <AMACHADO@portlandmaine.gov>  
**Date:** 7/25/2011 11:04 AM  
**Subject:** Re: Zoning Board of Appeals Legal Ad  
**Attachments:** Portland 7:29.pdf

Hi Ann,

All set to run your on Friday, July 29.  
The cost is \$123.00 includes \$2.00 online charge. I included a proof.  
Thank you,  
Joan

--

Joan Jensen  
Legal Advertising  
Portland Press Herald/Maine Sunday Telegram  
P.O. Box 1460  
Portland, ME 04104  
Tel. (207) 791-6157  
Fax (207) 791-6910  
Email [jjensen@pressherald.com](mailto:jjensen@pressherald.com)

On 7/25/11 9:22 AM, Ann Machado wrote:

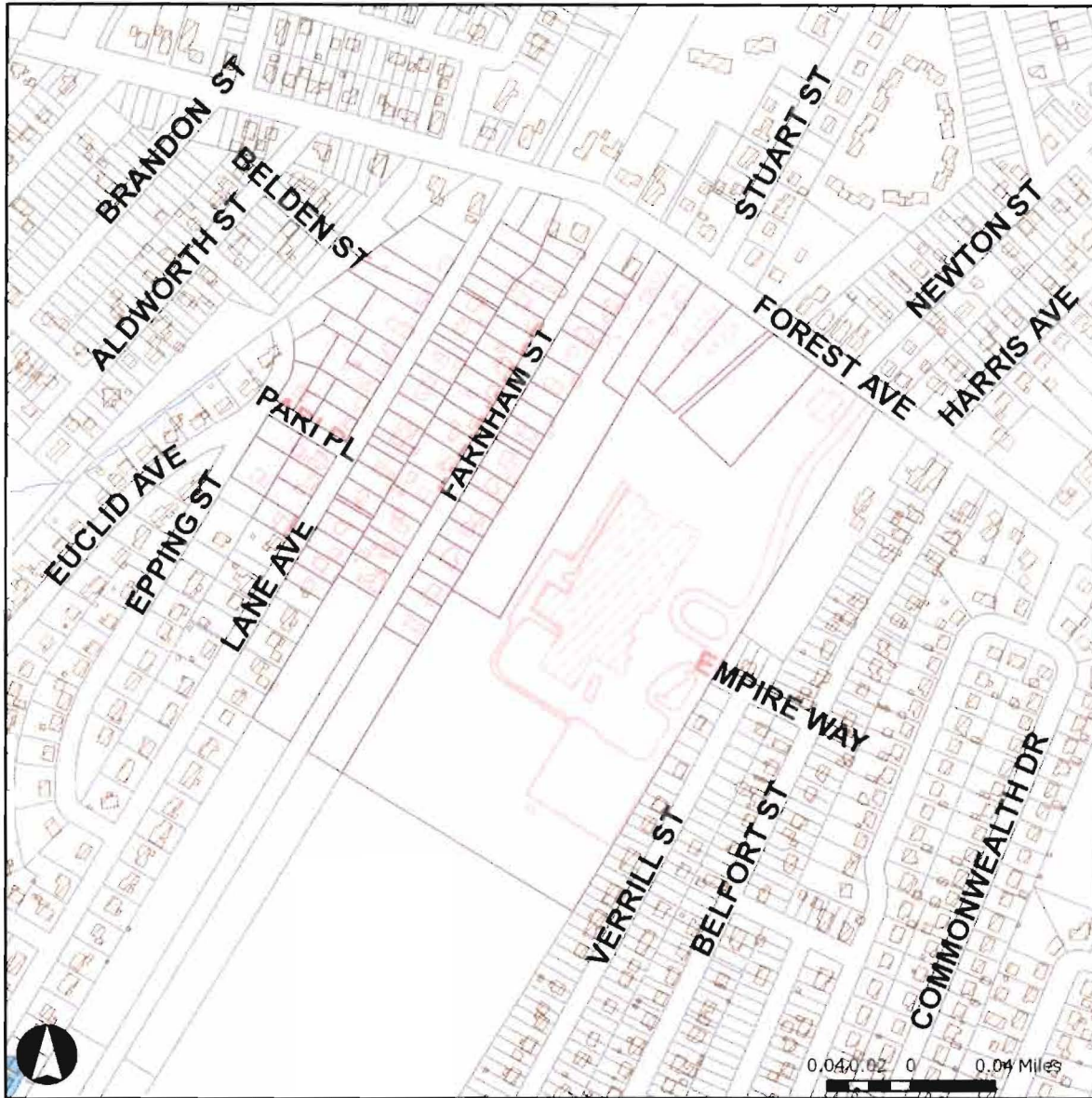
> Joan -  
> Attached is the Zoning Board of Appeals legal ad for Friday, July 29,  
> 2011.  
> Thank you.  
> Ann Machado  
> @874-8709

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	ADAMS STANLEY M	26 LANE AVE PORTLAND, ME 04103	26 LANE AVE	1
	AMERGIAN MADELYN A	1642 FOREST AVE PORTLAND, ME 04103	1642 FOREST AVE	2
	ARSENAULT PAUL S & JANE B NICHOLSON JTS	95 EPPING ST PORTLAND, ME 04103	95 EPPING ST	1
	BANCROFT & FARNHAM LLC	PO BOX 1123 PORTLAND, ME 04104	67 FARNHAM ST	1
	BESS LISA M	36 FARNHAM ST PORTLAND, ME 04103	36 FARNHAM ST	1
	BUTTERFIELD FERNAN R WWII & F ROGER	78 LANE AVE PORTLAND, ME 04103	78 LANE AVE	1
	BUXTON JEFFREY T & KATHRYN A JTS	40 LANE AVE PORTLAND, ME 04103	40 LANE AVE	1
	CAIAZZO ALPHONSO M	17 FARNHAM ST PORTLAND, ME 04103	17 FARNHAM ST	1
	CAIAZZO LILLIAN	54 FARNHAM ST PORTLAND, ME 04103	54 FARNHAM ST	1
	CYR HELEN M	31 LANE AVE PORTLAND, ME 04103	25 LANE AVE	1
	CYR HELEN M	31 LANE AVE PORTLAND, ME 04103	25 LANE AVE	0
	CYR HELEN M WID WWII VET	31 LANE AVE PORTLAND, ME 04103	31 LANE AVE	1
	DAVIS NEAL S JR LIVING TRUST & JANE E DAVIS LIVING TRUST	59 LANE AVE PORTLAND, ME 04103	59 LANE AVE	1
	DAY SANDRA	92 LANE AVE PORTLAND, ME 04103	92 LANE AVE	1
	DIFFIN MICHAEL L & CHARLENE DIFFIN JTS	75 FARNHAM ST PORTLAND, ME 04103	73 FARNHAM ST	1
	DIPAULO ROSARIO WWII VET & ADELINE A JTS	44 LANE AVE PORTLAND, ME 04103	44 LANE AVE	1
	DUNNELL JEAN B	1670 FOREST AVE PORTLAND, ME 04103	1670 FOREST AVE	1
	EDGAR HERBERT CLARENCE III & ARABELLA PEREZ JTS	27 FARNHAM ST PORTLAND, ME 04103	21 FARNHAM ST	0
	EDGAR HERBERT CLARENCE III & ARABELLA PEREZ JTS	27 FARNHAM ST PORTLAND, ME 04103	27 FARNHAM ST	1
	EDGAR HERBERT CLARENCE III & ARABELLA PEREZ JTS	27 FARNHAM ST PORTLAND, ME 04103	29 FARNHAM ST	0
	FEDERAL HOME LOAN MORTGAGE CORPORATION	1100 VIRGINIA DR FORT WASHINGTON, PA 19034	88 LANE AVE	1
	FOGG BARBARA C	46 FARNHAM ST PORTLAND, ME 04103	46 FARNHAM ST	1
	GALVEZ JIMMY A ETALS JTS	73 LANE AVE PORTLAND, ME 04103	73 LANE AVE	1
	GOULD GREGORY R	31 PARI PL PORTLAND, ME 04103	EPPING ST	0
	GOULD GREGORY R & TERRI A	13 PARI PL PORTLAND, ME 04103	13 PARI PL	1
	GRAY BARBARA A HEIRS	41 FARNHAM ST PORTLAND, ME 04103	41 FARNHAM ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	SWEET KENNETH EARL SR & DEBRA A JTS	41 LANE AVE PORTLAND, ME 04103	41 LANE AVE	1
	TUKEY JILL	69 LANE AVE PORTLAND, ME 04103	EPPING ST	0
	TUKEY JILL	69 LANE AVE PORTLAND, ME 04103	69 LANE AVE	1
	WEBB ROBERT I R & SANDRA A JTS	28 FARNHAM ST PORTLAND, ME 04103	28 FARNHAM ST	1
	WENDT SCOTT A & TINA L WENDT JTS	24 FARNHAM ST PORTLAND, ME 04103	24 FARNHAM ST	1
	WHITE CHRISTOPHER C & SUSAN L JTS	37 FARNHAM ST PORTLAND, ME 04103	37 FARNHAM ST	1
	YEBOAH BARBARA C	45 LANE AVE PORTLAND, ME 04103	45 LANE AVE	1
	ZAZZARA LOUIS C & RHONDA J	1626 FOREST AVE PORTLAND, ME 04103	1626 FOREST AVE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	HINCKS DONALD D WWII VET ELEANOR C HINCKS JTS	32 LANE AVE PORTLAND , ME 04103	32 LANE AVE	1
	HOGLUND ANNETTE M & PETER E JTS	56 LANE AVE PORTLAND, ME 04103	56 LANE AVE	1
	JACKSON DELORES A & DONALD G JTS	79 FARNHAM ST PORTLAND, ME 04103	79 FARNHAM ST	1
	JMC WARREN AVE LLC	247 COMMERCIAL ST ROCKLAND , ME 04856	FARNHAM ST	0
	JMC WARREN AVE LLC	247 COMMERCIAL ST ROCKLAND , ME 04856	FARNHAM ST	0
	LAMBERT LEROY & M CLAIRE JTS	74 FARNHAM ST PORTLAND, ME 04103	74 FARNHAM ST	1
	LECOURS STANLEY A	55 LANE AVE PORTLAND, ME 04103	55 LANE AVE	1
	LEWIS WILLIAM C JR	1630 FOREST AVE PORTLAND, ME 04103	1630 FOREST AVE	3
	MAHAPHANIT WASIN	92 FARNHAM ST PORTLAND , ME 04103	92 FARNHAM ST	1
	MALE SARA SHARKEY & BENJAMIN RICHARD MALE JTS	37 LANE AVE PORTLAND, ME 04103	33 LANE AVE	0
	MALE SARA SHARKEY & BENJAMIN R MALE JTS	37 LANE AVE PORTLAND , ME 04103	37 LANE AVE	1
	MARRINER STEVEN R & ANNE J JTS	70 LANE AVE PORTLAND, ME 04103	70 LANE AVE	1
	MCLELLAN STEVEN J & KAREN K JTS	81 LANE AVE PORTLAND, ME 04103	81 LANE AVE	1
	MILLER DIANE M	64 LANE AVE PORTLAND , ME 04103	64 LANE AVE	1
	MILLER DORIS A & DELONA Y KOITHAHN JTS	8 FARNHAM ST PORTLAND, ME 04103	8 FARNHAM ST	1
	MORIN MICHAEL V & PEGGY A JTS	66 FARNHAM ST PORTLAND , ME 04103	66 FARNHAM ST	1
	NORRIS RONALD E & EUGENIA R JTS	82 FARNHAM ST PORTLAND, ME 04103	82 FARNHAM ST	1
	PENNA LOUIS J	61 FARNHAM ST PORTLAND , ME 04103	61 FARNHAM ST	1
	PERNICE CYNTHIA	51 FARNHAM ST PORTLAND, ME 04103	51 FARNHAM ST	1
	PERNICE CYNTHIA	51 FARNHAM ST PORTLAND, ME 04103	53 FARNHAM ST	0
	PHILLIPS VIRGINIA M HEIRS	19 WALKER ST GLOUCESTER , MA 01930	16 FARNHAM ST	1
	SENDZE KINGSELY K	51 LANE AVE PORTLAND , ME 04103	51 LANE AVE	1
	SHUTTLEWORTH CHERYL W	1662 FOREST AVE PORTLAND , ME 04103	1 FARNHAM ST	1
	SMALL STANLEY B & LOIS A JTS	60 FARNHAM ST PORTLAND, ME 04103	60 FARNHAM ST	1
	SPEAR WILLIS M III	28 BIRCHWOOD AVE YARMOUTH , ME 04096	1638 FOREST AVE	2
	STEELE ELLA F	85 FARNHAM ST PORTLAND, ME 04103	85 FARNHAM ST	1

# Map



PORTGIS.parcels\_Layer1

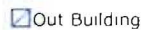


Interstate



Streets

Buildings



Parcels

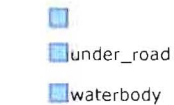
Traveled Ways

Stream

Wetland



Lake/Pond



Jetport

County Streets

A15

A21

A31

ME Towns

Land

Water Body

Ocean



0.04 0.02 0 0.04 Miles