

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
Application And
Notes, if Any,
Attached

BUILDING DEPARTMENT

PERMIT

Permit Number: 070926

PERMIT ISSUED

DEC 10 2007

324 A001001

This is to certify that MOSES KELLY & BRIAN STONE JTS
 has permission to Change of use to - 2 Dwelling units (no structure)
 AT 1920 FOREST AVE

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is altered or closed-in.
 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____
 Health Dept. _____
 Appeal Board _____
 Other _____
Department Name

12/10/07 *Chet S. R.*
 Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-0926	Issue Date: 12/10/07	CBL: 324 A001001
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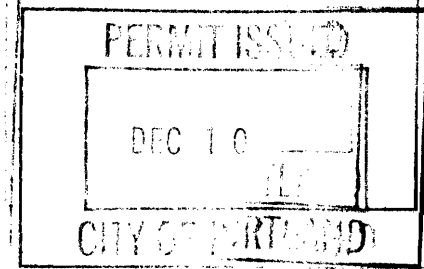
Location of Construction: 1920 FOREST AVE	Owner Name: MOSES KELLY & BRIAN STONE	Owner Address: 16 GOODRIDGE AVE	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Dwellings	Zone: B-2

Past Use: Retail w/ 1 dwelling unit	Proposed Use: 2 Dwelling Units	Permit Fee: \$105.00	Cost of Work: \$105.00	CEO District: 5
Proposed Project Description: Change of use to - 2 Dwelling Units (no construction)		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R-2 Type: 5B IBC-2003	
		Signature:	Signature: 12/10/07 [Signature]	

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)	
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	Signature: _____ Date: _____

Permit Taken By: Idobson	Date Applied For: 08/02/2007	Zoning Approval	
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p>	<p>Special Zone or Reviews</p> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan Exemption 2007-0208 Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> OK w/ condition Date: 12/5/07 [Signature]	<p>Zoning Appeal</p> <input checked="" type="checkbox"/> Variance Proached Difficultly <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved 4-0 <input type="checkbox"/> Denied Date: 7/17/07	<p>Historic Preservation</p> <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied [Signature] Date:
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CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-0926	Date Applied For: 08/02/2007	CBL: 324 A001001
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Location of Construction: 1920 FOREST AVE	Owner Name: MOSES KELLY & BRIAN STONE	Owner Address: 16 GOODRIDGE AVE	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Dwellings	

Proposed Use: 2 Dwelling Units	Proposed Project Description: Change of use to - 2 Dwelling Units (no construction)
------------------------------------------	-----------------------------------------------------------------------------------------------

Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Ann Machado **Approval Date:** 12/05/2007

Note: See letter dated 8/3/07.

Ok to Issue:

Needs one parking space for the change of use and one for the existing unit.

ZBA appeal 9/20/07 was practical difficulty for land area per dwelling unit to have the use be two dwelling units. Appeal was granted.

12/05/07 Brian Stone's lawyer, Richard Bryant, came in and revised the application to be a change of use to two dwelling units.

- 1) With the issuance of this permit and the certificate of occupancy, this property shall be a two family dwelling. Any change of use shall require a separate permit application for review and approval.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Chris Hanson **Approval Date:** 12/10/2007

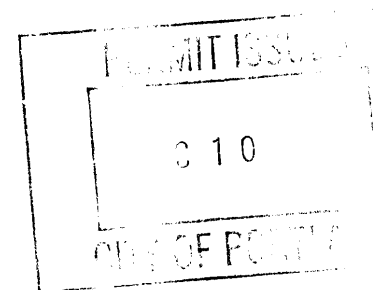
Note:

Ok to Issue:

- 1) This is a Change of Use ONLY permit. It does NOT authorize any construction activities.
- 2) Hardwired interconnected battery backup smoke detectors shall be installed in all bedrooms, protecting the bedrooms, and on every level.
- 3) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.

Comments:

8/3/2007-amachado: Section 14-185(a)(2) lists the minimum lot size as 10,000 square feet for non-residential uses. The lot is only 5608 square feet so it does not meet the minimum lot size. See letter dated 8/3/07.





General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>1920 Forest Ave</u>		
Total Square Footage of Proposed Structure		Square Footage of Lot <u>6000 5600</u>
Tax Assessor's Chart, Block & Lot Chart# Block# Lot#	Owner: <u>BRIAN STONE</u>	Telephone: <u>807-6178</u>
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: <u>BRIAN STONE</u> <u>PO BOX 1073</u> <u>PORTLAND ME.</u> <u>04104</u>	Cost Of Work: \$ _____ Fee: \$ <u>30</u> C of O Fee: \$ <u>75</u>
Current legal use (i.e. single family) <u>REPACK 1 ONE DWELLING UNIT 105</u> If vacant, what was the previous use? Proposed Specific use: REPACK 1 ONE DWELLING UNIT 105 <u>2 DWELLING UNITS</u> Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>CHANGE OF USE - NO CONSTRUCTION</u>		
Contractor's name, address & telephone: Who should we contact when the permit is ready: <u>BRIAN STONE</u> Mailing address: _____ Phone: <u>807-6178</u>		

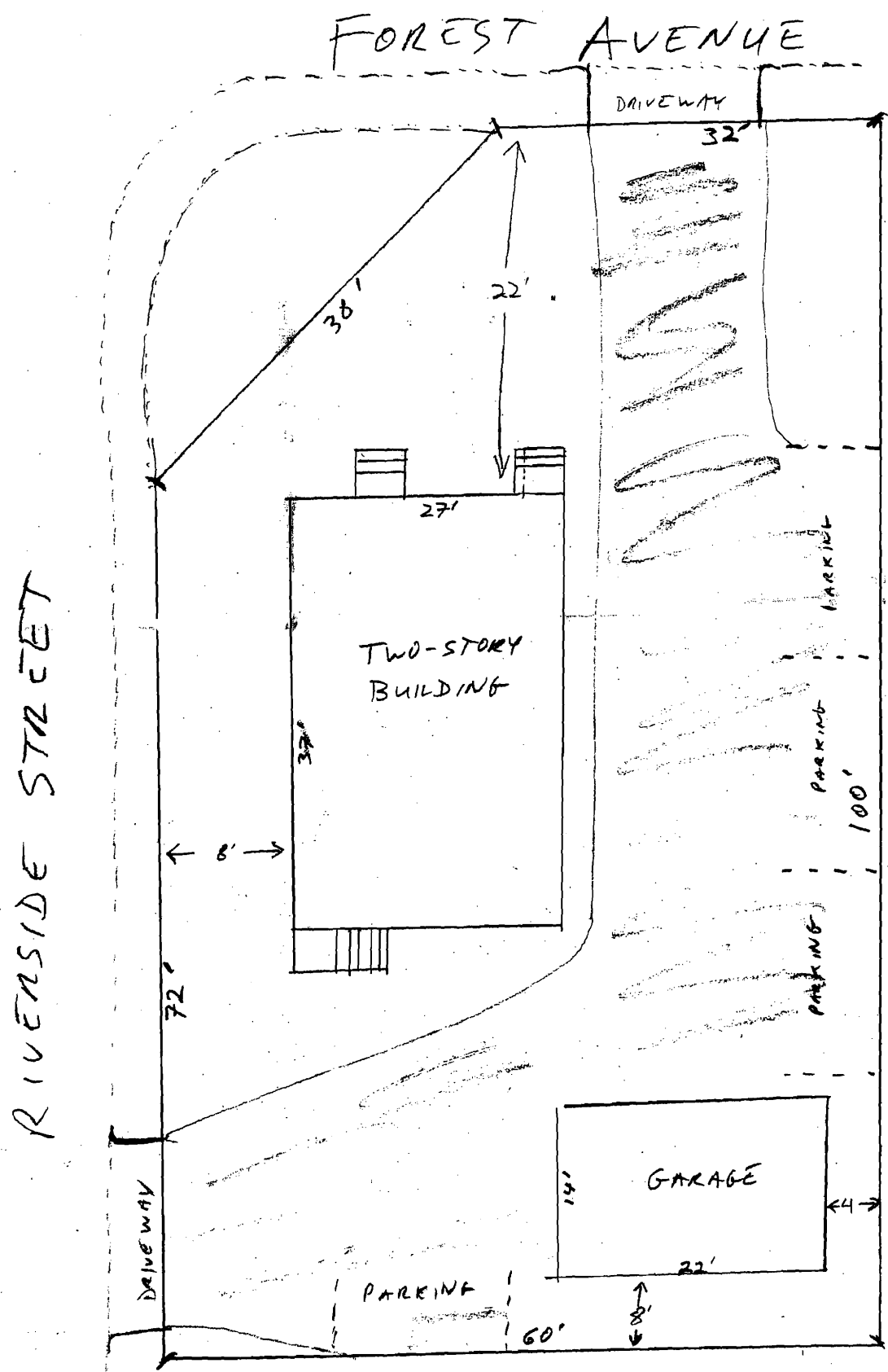
Please submit all of the information outlined in the Commercial Application Checklist.
Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: <u>Brian Stone</u> DEC	Date: <u>8/2/07</u>
---------------------------------------------------	---------------------

This is not a permit; you may not commence ANY work until the permit is issued.



PLOT PLAN OF 1920 FOREST AVE.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: 9-20-07

Name and address of applicant: Kelley Moses & Briza Stone

Location of property under appeal: 1918-1920 Forest Ave
324 A 001

For the Record:

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

Richard Bryant 20 Junk St Portland
c/o Van Meer & Belanger

Todd Closson 745 Riverside St Portland

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

various photos

plot plan

deed description showing 60x100

Findings of Fact and Conclusions of Law:

“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

4-0

Reason: Lot, which was 6000sf, reduced to 5604

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.

4-0

Satisfied Not Satisfied

Reason: Use currently

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

4-0

Satisfied Not Satisfied

Reason:

4-0

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: no effect by

4-0

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

Satisfied Not Satisfied

Reason: City road widening project

4-0

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

Satisfied Not Satisfied

Reason: Owner tried other options

4-0

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

Satisfied Not Satisfied

Reason: no environment

4-0

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

Satisfied Not Satisfied

Reason:

Conclusion: (check one)


4-0

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.

Dated: 9-20-07


Board Chair

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-sec
Peter Thornton
Kate Knox
Jill E. Hunter
David Dore, chair
Gordon Smith

September 24, 2007

Kelley Moses & Brian Stone
48 Bramhall St.
Portland, ME 04102

RE: 1918-1920 Forest Ave.
CBL; 324 A001
ZONE: B2

Dear Ms Kelley & Mr. Stone:

As you know, at its September 20, 2007, meeting, the board voted 4-0 to grant the Practical Difficulty Variance Appeal.

I am enclosing your Certificate of Variance Approval; **the original must be recorded in the Cumberland County Registry of Deeds within 90 days of September 25, 2007, when it was signed.** Failure to record the Certificate will result in its being voided.

Enclosed please find please find the billing for the Zoning Board Appeals legal ad and abutter's notification also a copy of the Board's decision; along with a building permit to submit to the inspections office for your change of use from one retail space and one dwelling unit to two dwelling units. You have six months from the date of this letter, referenced under section 14-474 (f) to apply for the change of use permit.

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

Cc: Richard Bryant, Attorney
File



(Duplicate)

CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, David Dore, 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 twentieth day of September, 2007, 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: Brian Stone and Kelly Moses**
2. **Property:** 1918-1920 Forest Avenue, Portland, ME **CBL:** 324-A-001
Cumberland County Registry of Deeds, Book 24123, Page 011
Last recorded deed in chain of Title: June 29, 2006
3. **Variance and Conditions of Variance:**
To grant relief from section 14-14-120(a) & (b) of the closest residential zone, R-5, which rules this location for residential uses, to allow approximately 5,608 square foot of land area instead of the required 6,000 square foot.

IN WITNESS WHEREOF, I have hereto set my hand and seal this

25th day of September, 2007.

2 November 1, 2007


, Chair of
City of Portland Zoning Board, David Dore

(Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named David Dore 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 September 25, 2007.

2 November 1, 2007


(Printed or Typed Name)

Notary Public

Margaret Schmuckal

My term expires June 28, 2012

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

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, September 20, 2007 at 6:30 p.m. on the second floor, Room 209, City Hall, 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: September 21, 2007

RE: Action taken by the Zoning Board of Appeals on September 20, 2007.

The meeting was called to order at 6:45pm.

Roll call as follows:

Members Present: Philip Saucier (acting chair), Jill Hunter, Peter Coyne and Gordon Smith.

Members Absent: Kate Knox, Peter Thornton and David Dore.

1. Old Business:

A. Interpretation Appeal:

69 George Street, Janet Kantz, owner, Tax Map #157 Block A Lot 004 in the R3 Residential Zone. The Appellants are seeking an Interpretation Appeal concerning the construction of a new house located at 69 George Street in regards to sections 14-47, the definitions of front and side setbacks; 14-86, the purpose statement of the R-3 zone; 14-87 (a) 5 - single family, single component manufactured housing placement on the lot; and 14-90 (f) the minimum lot width requirement of 65 feet. Representing the appeal is the applicant / abutter, Dale and Pricilla Doucette located at 79 George Street. Continued from the meeting of August 16, 2007, to discuss retaining wall setbacks. Continued from the meeting of September 6, 2007, due to a lack of quorum of the members who heard the original appeal. **Board voted 4-0 and denied part one and part two of the Interpretation Appeal.**

2. New Business:

A. Practical Difficulty Variance Appeal:

1918-1920 Forest Avenue, Kelley Moses and Brian Stone, owners, Tax Map # 324 Block A Lot #001, in the B2 Business Zone. The Appellant is seeking a Practical Difficulty Variance Appeal. The property is located in a B-2 zone which allows residential uses (14-182 (a)) permitted in the closest residential zone, which in this case is R-5. The B-2 zone (14-185) also refers to the closest residential zone for the dimensional requirements. Appellant is requesting a change of use from one retail space and one dwelling unit to two (2) dwelling units. Section 14-120 (a) & (b) of the R-5 zone requires a minimum of 6,000 square foot of land area instead of the approximate 5,608 square foot shown. Representing the owners for the appeal is the attorney Richard Bryant. **Board voted 4-0 and granted the Practical Difficulty Variance Appeal.**

B. Conditional Use Appeal:

136 Ocean Avenue, Diane Gullikson, owner Tax Map #138 Block D Lot #028 in the R5 Residential Zone. The Appellant is seeking a Conditional Use Appeal under section 14-118 (c) 3 of the City of Portland Zoning Ordinance. Appellant is requesting a Change of Use from a single

family home to single family home and a daycare facility for up to twelve children. Representing the Appeal is Roxanne Gullikson (daughter of the owner). **Board voted 4-0 and granted the Conditional Use Appeal.**

3. Other Business: None

4. Adjournment: 8:00pm

Enclosure:

Agenda of September 20, 2007

Copy of Board's Decision

CC: Joseph Gray, City Manager

Alex Jaegerman, Planning Department

Lee Urban, Planning & Development Director

T.J Martzial, Housing & Neighborhood Services



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

Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator

August 3, 2007

Brian Stone
PO Box 1073
Portland, ME 04104

RE: 1920 Forest Avenue – 324 A001 – B-2 – Change of use to lodging house – permit #
07-0926

Dear Mr. Stone,

I am in receipt of your application to change the use of the building at 1920 Forest Avenue from one retail space and one dwelling unit to a lodging house with five rooms and one dwelling unit. Under section 14-185(a)(2) of the ordinance, the minimum lot size in the B-2 zone for a nonresidential use is 10,000 square feet. The lot for 1920 Forest Avenue is 5,608 square feet. Since you do not meet the minimum lot size, I must deny your application to change part of the building into a five room-lodging house.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty 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. If you choose not to file an appeal, you are entitled to get most of your money back if you bring in the original receipt you got when you applied for the permit.

Please feel free to call me if you have any questions.

Sincerely,

Ann B. Machado
Zoning Specialist
(207) 874 -8709

30 day period up

Sept. 3rd

on Sept 20th agenda

practical difficulty to change
to two d.u.



APPLICATION FOR EXEMPTION FROM SITE PLAN REVIEW

2007-0208

Applicant

Application Date

Applicant's Mailing Address

Project Name/Description

Consultant/Agent/Phone Number

Address of Proposed Site

CBL: _____

Description of Proposed Development:

Please Attach Sketch/Plan of Proposal/Development

Applicant's Assessment
(Yes, No, N/A)

Planning Office
Use Only

Criteria for Exemptions:

See Section 14-523 (4) on back side of form

- a) Within Existing Structures; No New Buildings, Demolitions or Additions
- b) Footprint Increase Less Than 500 Sq. Ft.
- c) No New Curb Cuts, Driveways, Parking Areas
- d) Curbs and Sidewalks in Sound Condition/Comply with ADA
- e) No Additional Parking/ No Traffic Increase
- f) No Stormwater Problems
- g) Sufficient Property Screening
- h) Adequate Utilities

X

NA

✓

✓

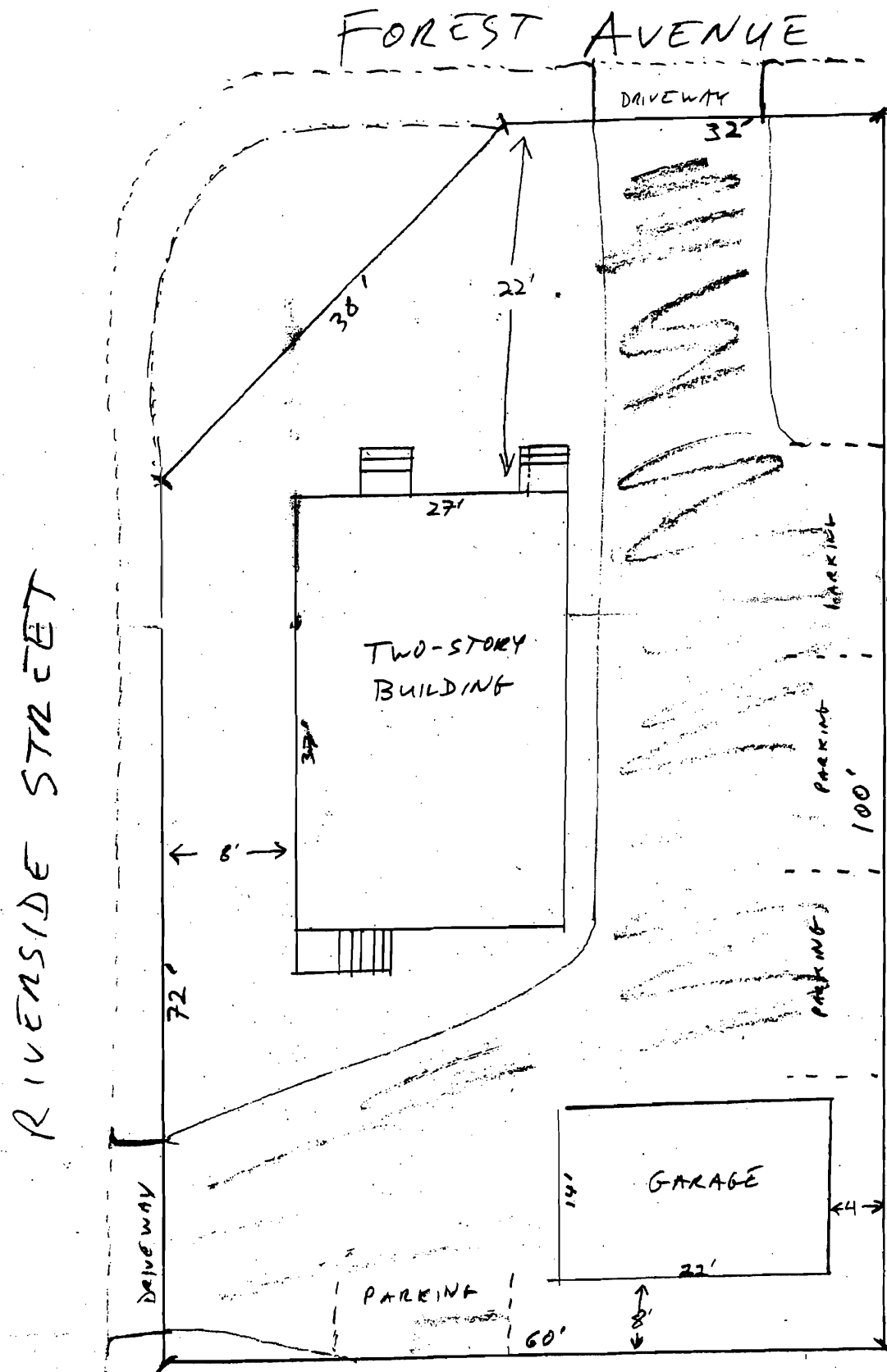
✓

✓

✓

✓

Planning Division Use Only



SEP 1
 1920

PLOT PLAN OF 1920 FOREST AVE.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-sec
Peter Thornton
Kate Knox
Jill E. Hunter
David Dore, chair
Gordon Smith

September 24, 2007

Kelley Moses & Brian Stone
48 Bramhall St.
Portland, ME 04102

RE: 1918-1920 Forest Ave.
CBL: 324 A001
ZONE: B2

Dear Ms Kelley & Mr. Stone:


As you know, at its September 20, 2007, meeting, the board voted 4-0 to grant the Practical Difficulty Variance Appeal.

I am enclosing your Certificate of Variance Approval; **the original must be recorded in the Cumberland County Registry of Deeds within 90 days of September 25, 2007, when it was signed.** Failure to record the Certificate will result in its being voided.

Enclosed please find please find the billing for the Zoning Board Appeals legal ad and abutter's notification also a copy of the Board's decision; along with a building permit to submit to the inspections office for your change of use from one retail space and one dwelling unit to two dwelling units. You have six months from the date of this letter, referenced under section 14-474 (f) to apply for the change of use permit.

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

Cc: Richard Bryant, Attorney
File

~~CITY OF PORTLAND, MAINE~~

ZONING BOARD OF APPEALS

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Date: September 21, 2007

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Roll call as follows:

Members Present: Philip Saucier (acting chair), Jill Hunter, Peter Coyne and Gordon Smith.

Members Absent: Kate Knox, Peter Thornton and David Dore.

1. Old Business:

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2. New Business:

A. Practical Difficulty Variance Appeal:

1918-1920 Forest Avenue, Kelley Moses and Brian Stone, owners, Tax Map # 324 Block A Lot #001, in the B2 Business Zone. The Appellant is seeking a Practical Difficulty Variance Appeal. The property is located in a B-2 zone which allows residential uses (14-182 (a)) permitted in the closest residential zone, which in this case is R-5. The B-2 zone (14-185) also refers to the closest residential zone for the dimensional requirements. Appellant is requesting a change of use from one retail space and one dwelling unit to two (2) dwelling units. Section 14-120 (a) & (b) of the R-5 zone requires a minimum of 6,000 square foot of land area instead of the approximate 5,608 square foot shown. Representing the owners for the appeal is the attorney Richard Bryant. **Board voted 4-0 and granted the Practical Difficulty Variance Appeal.**

B. Conditional Use Appeal:

136 Ocean Avenue, Diane Gullikson, owner Tax Map #138 Block D Lot #028 in the R5 Residential Zone. The Appellant is seeking a Conditional Use Appeal under section 14-118 (c) 3 of the City of Portland Zoning Ordinance. Appellant is requesting a Change of Use from a single

family home to single family home and a daycare facility for up to twelve children. Representing the Appeal is Roxanne Gullikson (daughter of the owner). **Board voted 4-0 and granted the Conditional Use Appeal.**

3. Other Business: None

4. Adjournment: 8:00pm

Enclosure:

Agenda of September 20, 2007

Copy of Board's Decision

CC: Joseph Gray, City Manager

Alex Jaegerman, Planning Department

Lee Urban, Planning & Development Director

T.J Martzial, Housing & Neighborhood Services

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: 9-20-07

Name and address of applicant: Kelley Moses & Brick Stone

Location of property under appeal: 1918-1920 Forest Ave
324 A 001

For the Record:

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

Richard Bryant 20 Junk St Portland
c/o Van Meer & Belanger

Todd Closson 745 Riverside St Portland

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

various photos

plot plan

deed description showing 60x100

Findings of Fact and Conclusions of Law:

“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

4-0

Reason: Lot, which was 6000sf, reduced to 5604

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.

4-0

Satisfied Not Satisfied

Reason: Use currently

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

4-0

Satisfied Not Satisfied

Reason:

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.

4-0

Satisfied Not Satisfied

Reason: no effect by

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

4-0

Satisfied Not Satisfied

Reason: City road widening project

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

4-0

Satisfied Not Satisfied

Reason: Owner tried other options

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

4-0

Satisfied Not Satisfied

Reason: no environment

4-0

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

Satisfied Not Satisfied

Reason:

Conclusion: (check one)


4-0

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.

Dated: 9-20-07

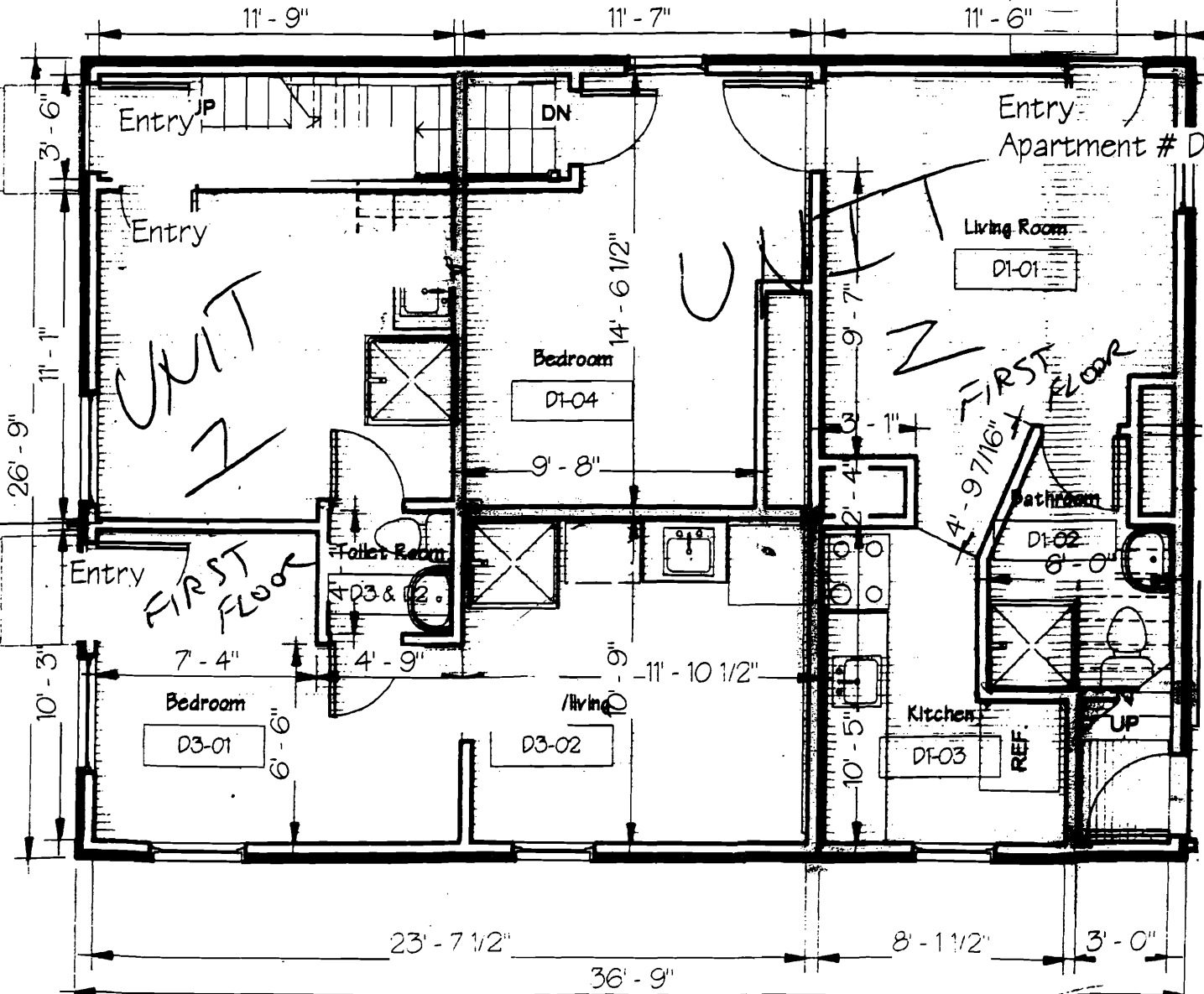

Board Chair

Driveway & Parking

60'-0"

Granite Monument Found

22'-5 1/2" Approx.



Entry^{JP}

DN

Entry
Apartment # D

Entry

Living Room

UNIT 2

Bedroom

UNIT 1

FIRST FLOOR

Entry

Toilet Room

Bathroom

FIRST FLOOR

Bedroom

Living

Kitchen

D3-01

D3-02

D1-03

D1-04

D1-02

23'-7 1/2"

36'-9"

8'-1 1/2"

3'-0"

11'-9"

11'-7"

11'-6"

3'-6"

11'-1"

26'-9"

10'-3"

7'-4"

6'-6"

6'-0"

4'-9"

4'-9"

4'-9"

9'-8"

14'-6 1/2"

9'-8"

11'-10 1/2"

3'-1"

4'-2"

9'-7"

4'-9 7/16"

6'-0"

10'-5"

10'-5"

10'-5"

10'-5"

10'-5"

10'-5"

10'-5"

10'-5"

10'-5"

10'-5"

10'-5"

10'-5"

10'-5"

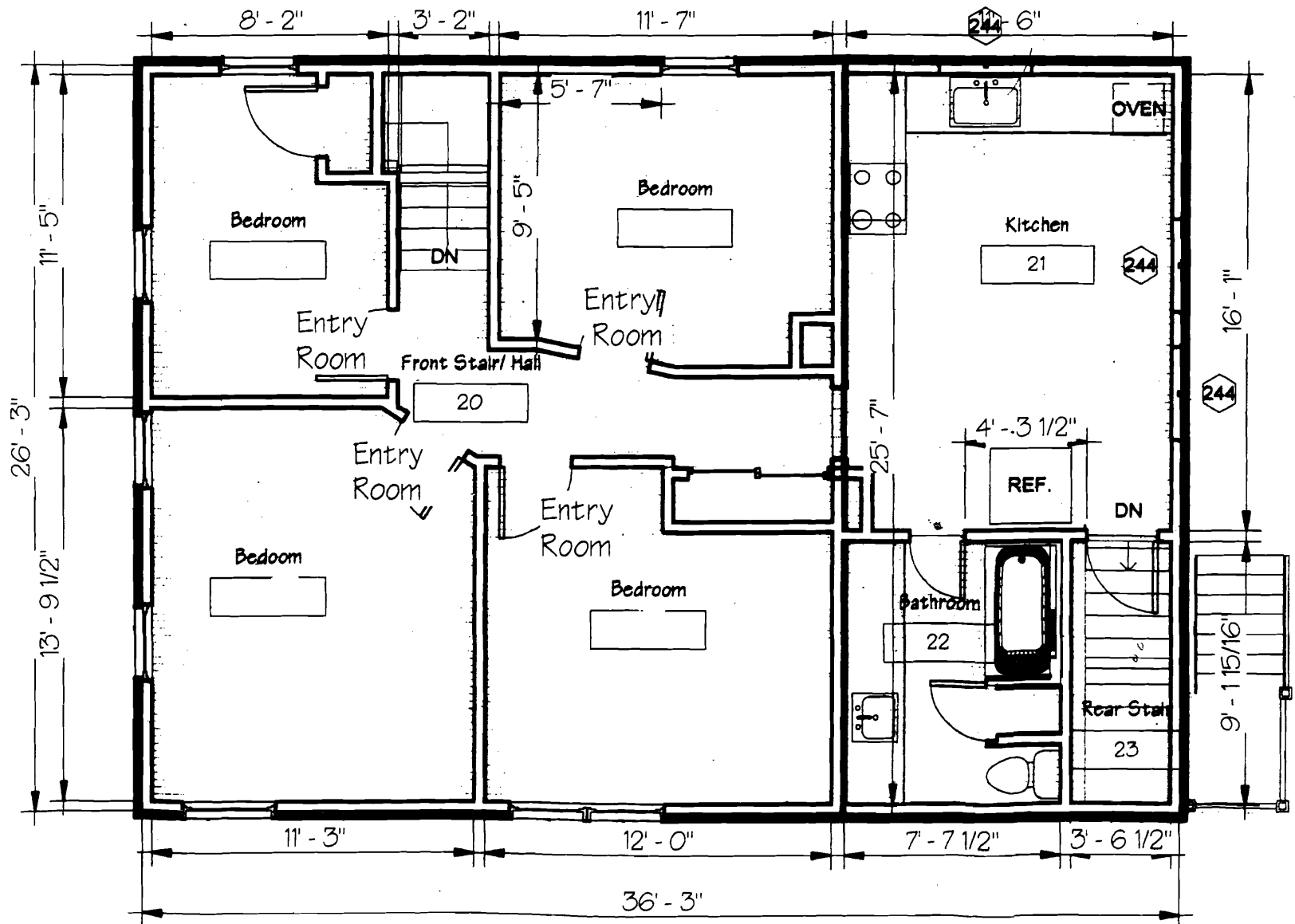
10'-5"

UP

REAR

Approx. Property Line
(per deed description)

2nd
FLOOR
UNIT 1

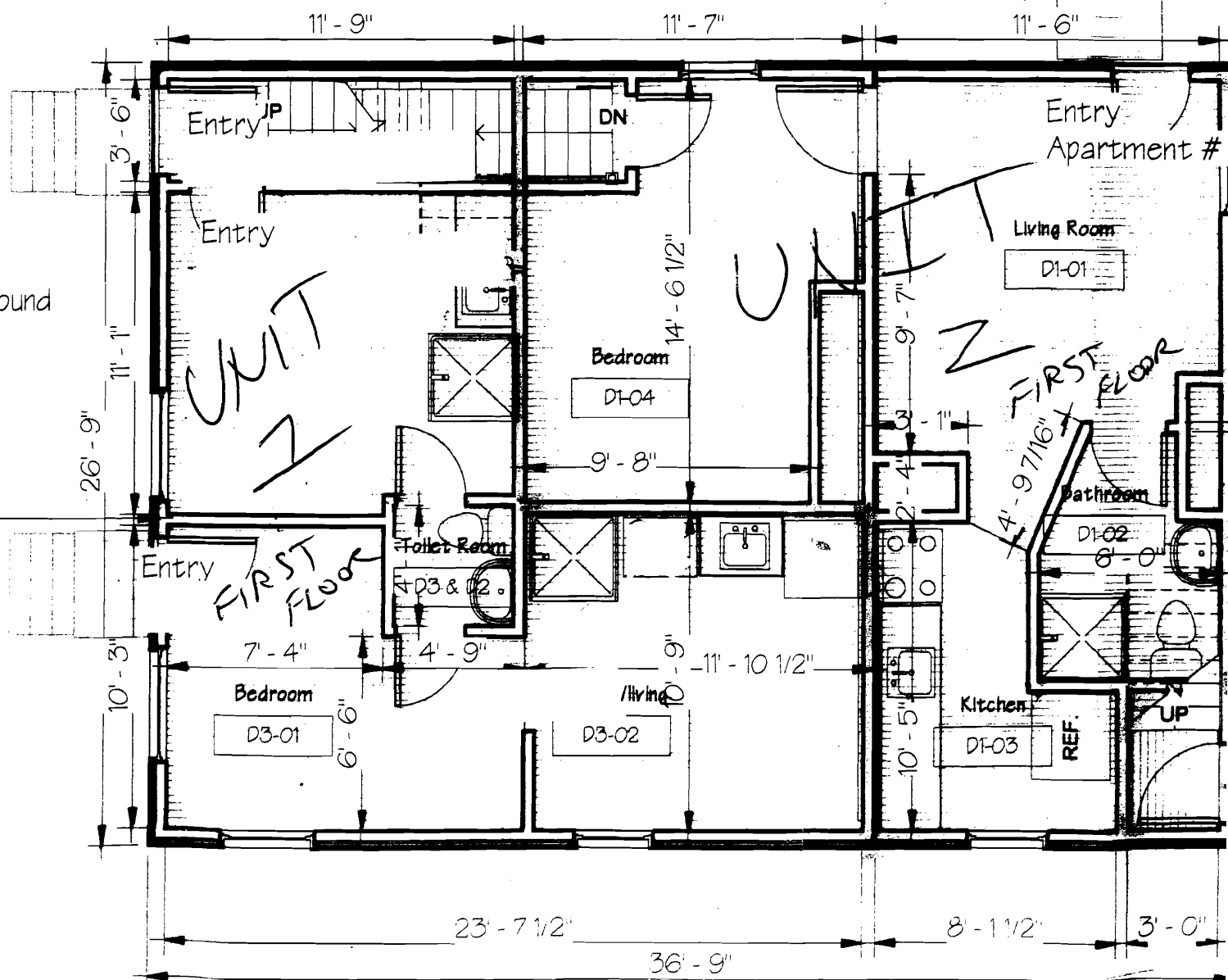


Driveway & Parking

60'-0"

Granite Monument Found

22'-5 1/2" Approx.



Approx. Property Line
(per deed description)

2nd
FLOOR
UNIT 1

