

Department of Planning & Urban Development

Marge Schmuckal
Zoning Administrator

Jeff Levine
Director, Planning Department



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MAR 27 2014

CITY OF PORTLAND
ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Dept. of Building Inspections
City of Portland Maine

Applicant Information:

David + Sylvia Sprague
NAME

BUSINESS NAME

34 Tucker Ave
ADDRESS

Portland, Me 04103

207-242-2345
TELEPHONE #

owner
APPLICANT'S RIGHT, TITLE OR INTEREST
(eg; owner, purchaser, etc)

R-3
CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:

single family w/ m-law
apartment

Subject Property Information

34 Tucker Ave Ptld.
PROPERTY ADDRESS

332-A-002
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)
NAME same

ADDRESS

CONDITIONAL USE AUTHORIZED BY

SECTION 14 - 88(a)(2)

TYPE OF CONDITIONAL USE

PROPOSED: addition to increase space
add accessory dwelling unit
over garage

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

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

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

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

David Sprague
SIGNATURE OF APPLICANT

3-31-14
DATE

3-31-14

To Zoning Board of Appeals:

Re: Addition to 34 Tucker Ave. Portland, ME.

We would like to add a third garage bay with a bedroom on the second floor. There is currently a large apartment/room over the garage 19' X 21' = 399 sq. ft. Part of which is a full bathroom -7 X 9 = 63 sq. ft.

By adding the 12 X 24' addition, it will provide a separate bedroom to the apartment and provide for off-road parking. The access would be from a staircase at the back of the new garage addition. This would be the second access. The primary access now is via an enclosed staircase between the house and the existing garage. A side door at ground level of the new addition would provide access without engaging the garage door. (which will be auto from the car.)

Also adding a small kitchenette in the existing room converting a closet to a small counter with a stove and sink.

The room is currently occupied by my son. We anticipate him moving out this summer and would like to either rent it or have family stay there. (I would like to rent it; my wife wants to have family stay there)

Other than the enlargement of the garage by adding a third bay, the only other change would be a dormer over the middle door for architectural enhancement.

I've attached a page addressing each paragraph of the Ordinance Section 14-88(a) regarding guidelines for accessory units.

Thank you for your work

David & Sylvia Sprague

34 Tucker Ave.

Portland, ME. 04103

Cover letter for Conditional use Appeal App. 34 Tucker Ave.

Answers to guidelines for conditional use by paragraph:

2a. Total sq. ft. of house including new addition:

Total sq ft. of addition: 528. Upstairs addition $12 \times 20 = 240$

plus garage addition $12 \times 24 = 288$ Total: 528

Total of accessory dwelling, including addition: 400 existing plus 240 = 640 sq ft. (upstairs only)

Total house sq ft. (including garage space and accessory dwelling) is 3400 sq ft.

The accessory unit will be a total of (upstairs without the garage dimensions) 400 plus 240 = 640

640 is 18.82% of 3400. If you add the downstairs addition of garage the total is 928.

928 is 27.29% of 3400 sq. ft.

2b. New access will be at rear inside of garage addition. Current access is stairway between house and existing garage. No open outside stairs.

2.c Addition will conform to existing structure. Only change will be a dormer in front over the center garage bay.

2d. Lot size is 25,669 sq. ft. (see plot map attached)

2g. There'll be no reduction of existing living area.

2h. Third bay garage will be for parking for the additional space.

2i. I. Compatible with existing structure. Only addition is a dormer in front.

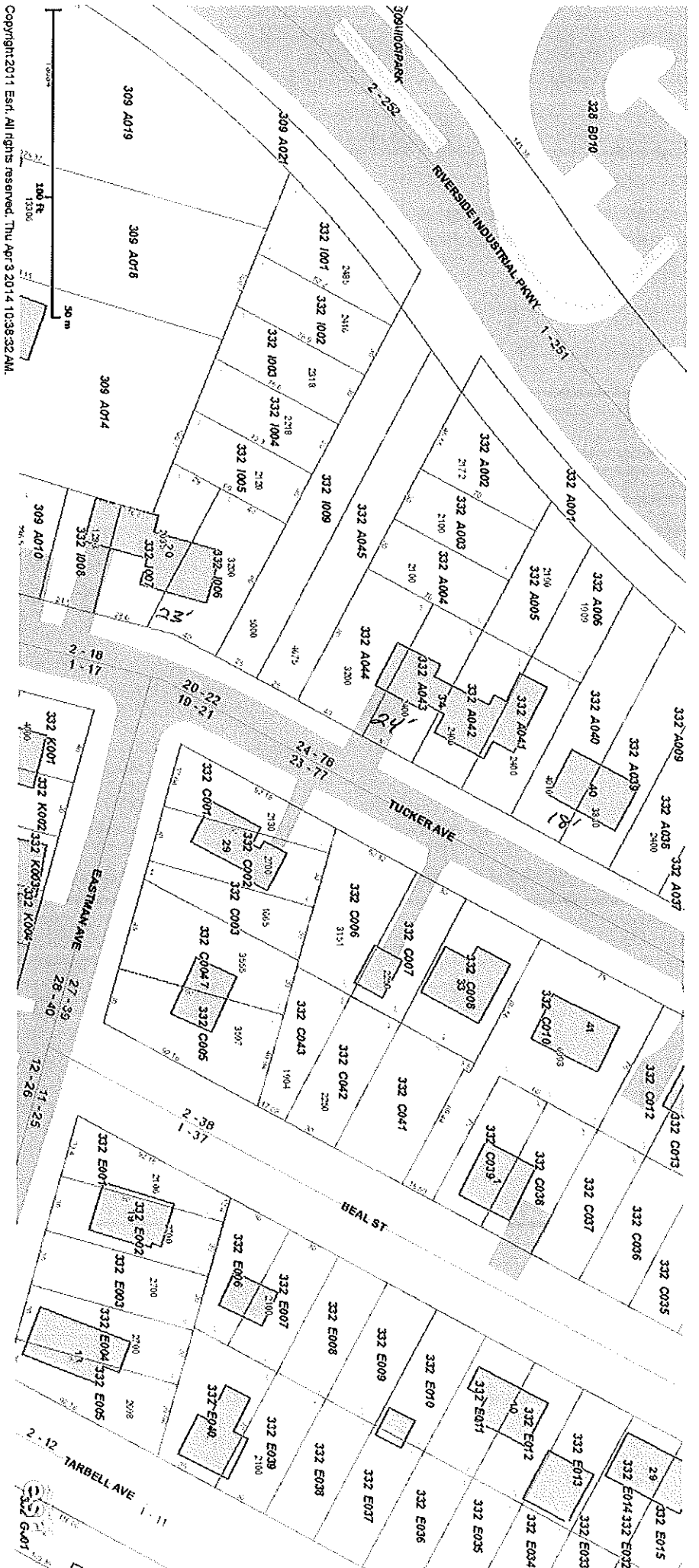
2i. II. Garage will provide parking.

2j. Owner occupied principal unit except for winter vacation.

Standards on the Conditional Use Appeal Application:

1. Converting the living space to an accessory dwelling doesn't create any change. The only unique change will be the added garage bay and the dormer, which will enhance the appearance.
2. There is ample parking for the owner and the proposed garage bay will provide another spot for parking. Safety concerns will not be affected or influenced since the change only adds space to the existing room. A second egress will improve safety.
3. The space is currently occupied by my son. He parks in our driveway. Making the accessory dwelling would not make a substantial impact on how it's being used.

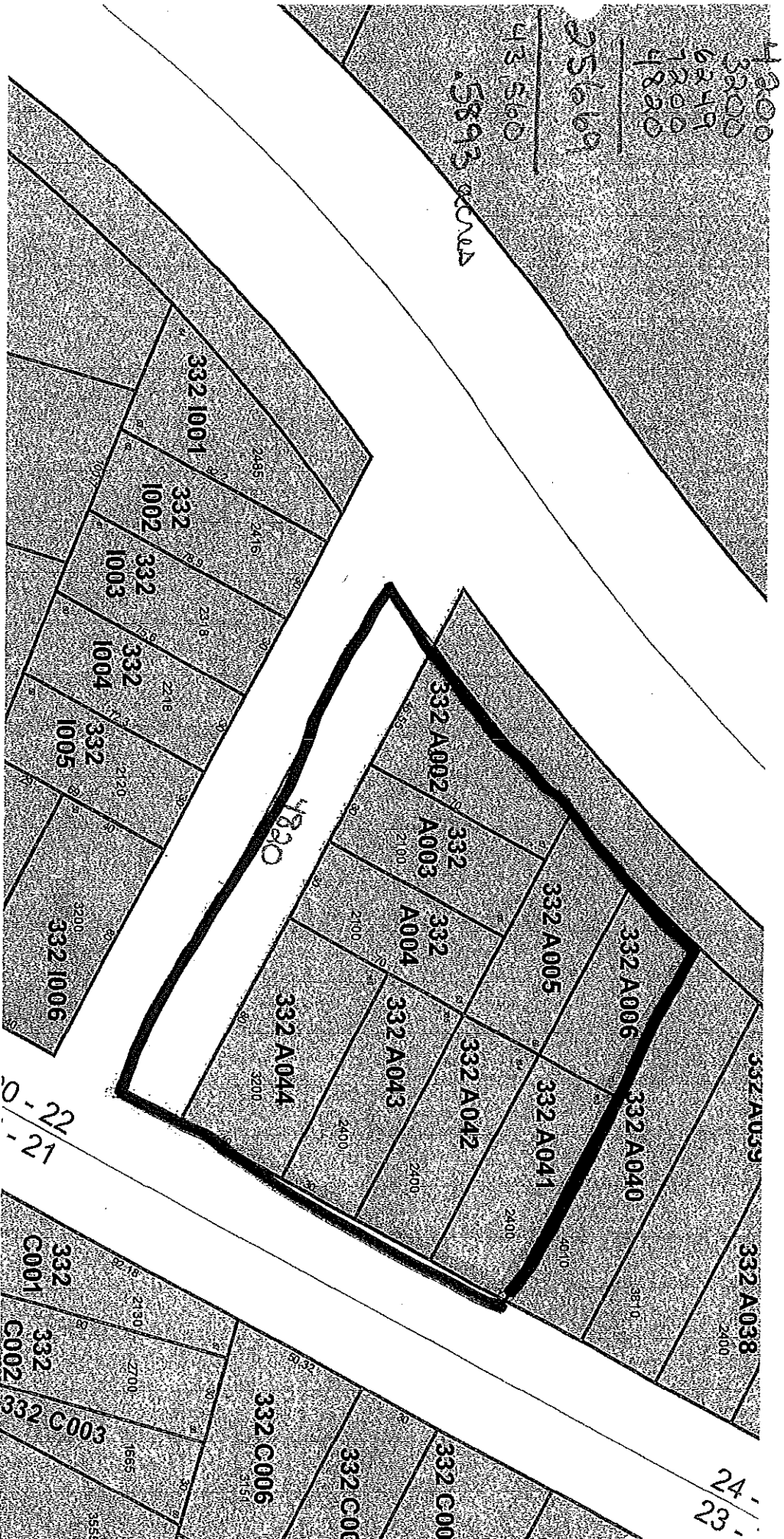
34 Tucker Ave.

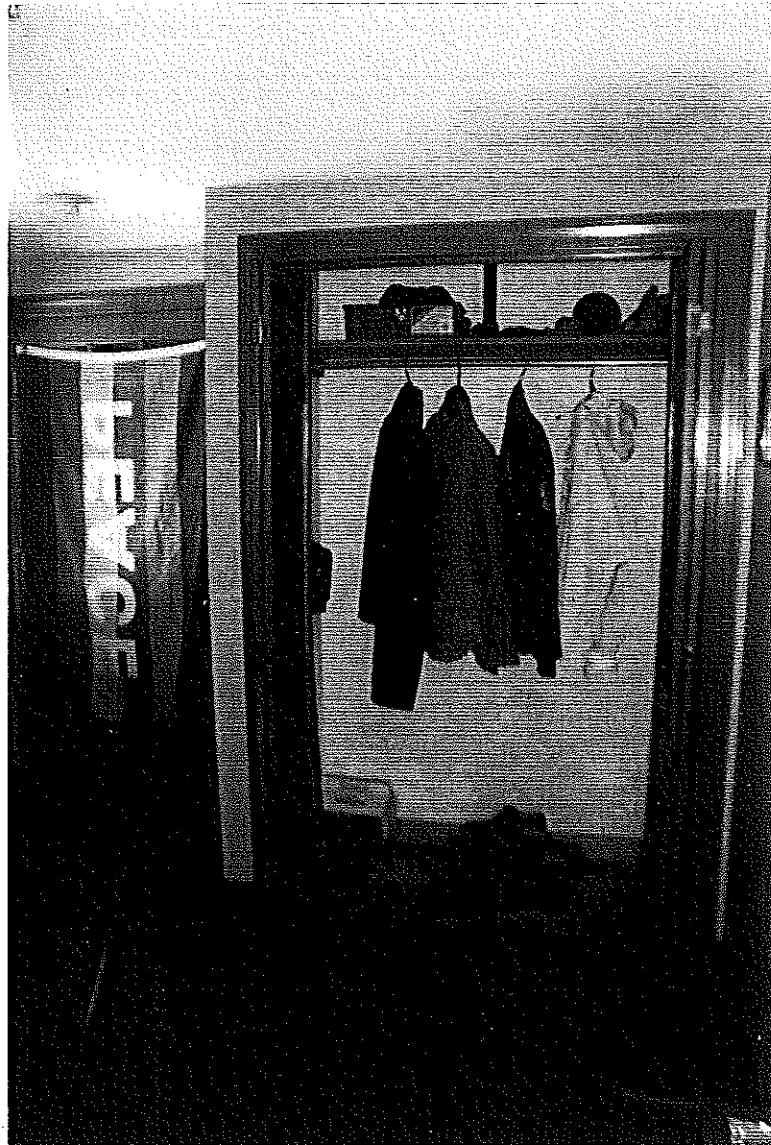


Copyright 2011 Est. All rights reserved. Thu Apr 3 2014 10:38:32 AM.

Front yard average - $18 + 23 = 41' \div 2 = 20.5'$

Sprague - 34 Tucker Ave
Plot Map.



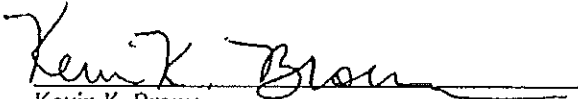


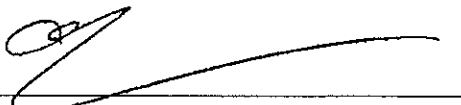
WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Kevin K. Brown of 34 Tucker Avenue Portland, ME for consideration paid, grants to David W. Sprague and Sylvia W. Sprague of 675 Belgrade Road, Mount Vernon, ME with WARRANTY COVENANTS, as joint tenants, the premises in the City of Portland, County of Cumberland and State of Maine, being more particularly described in Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said Kevin K. Brown has caused this instrument to be signed this 2/15/2012

MAINE REAL ESTATE TAX PAID


Kevin K. Brown


Witness

State of Maine
County of Cumberland

Then personally appeared before me this, 15th day of February, 2012 the said Kevin K. Brown and acknowledged the foregoing to be his voluntary act and deed.

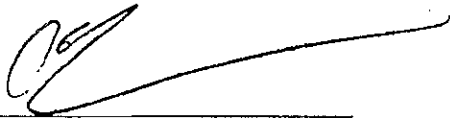

Notary Public/Maine Attorney at Law
Commission Expiration: _____
Charles H. McLaughlin

EXHIBIT "A"

LEGAL DESCRIPTION

A certain lot or parcel of land, with the buildings thereon, situated on Tucker Avenue, in the City of Portland, County of Cumberland and State of Maine, being lots numbered one hundred sixty-three (163), one hundred sixty-four (164), and one hundred sixty-five (165) as shown on plan of Forest Avenue Terrace owned by Jacob W. Wilbur, by A. L. Eliot, C. E., dated May 7, 1910 and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 5.

Said lots numbered 163, 164 and 165 measure each thirty (30) feet in width by eighty (80) feet in depth.

Also a certain lot or parcel of land with any buildings thereon in the City of Portland, County of Cumberland and State of Maine, and being lots numbered sixty-seven (67), sixty-eight (68), sixty-nine (69) and seventy (70), as shown on said plan of Forest Avenue Terrace.

Excepting, however, from the above described lots, that portion thereof conveyed by Ronald O. Brown to the City of Portland by deed dated November 11, 1963 and recorded in said Registry of Deeds in Book 2816, Page 188, and also any portion that may have been taken by the City of Portland by Certificate of Taking dated August 19, 1963 and recorded in said Registry of Deeds in Book 2794, Page 114.

Also conveying herewith that portion of the vacated Kelley Street abutting lots 65, 66, 67 and 68 on Plan of Forest Avenue Terrace dated May 7, 1910 and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 5 as set forth in an instrument dated November 4, 2011 and recorded in the Cumberland County Registry of Deeds in Book 29099, Page 87.

Also a certain lot or parcel of land, with the buildings thereon, situated on Tucker Avenue, in the City of Portland, County of Cumberland and State of Maine, being lot numbered one hundred sixty-six (166), as shown on Plan of Forest Avenue Terrace owned by Jacob W. Wilbur, by A. L. Eliot, C. E., dated May 7, 1910, and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 5.

Also conveying any interest I may have in the paper street known as Short Street, also known as Kelly Street, as shown on said Plan of Forest Avenue Terrace referenced above. Short Street, also known as Kelly Street, was vacated by the City of Portland as evidenced by instrument dated September 16, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13326, Page 19.

Also a certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine, being lots numbered sixty-five (65) and sixty-six (66), as shown on Plan of Forest Avenue Terrace owned by Jacob W. Wilbur, by A. L. Eliot, C. E., dated May 7, 1910, and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 5. The two properties are referred to in property tax maps as 332 A-3-4 Kelly Street.

Said lots numbered 65 and 66 measure each thirty (30) feet in width by seventy (70) feet in depth.

Being the same premises conveyed to Kevin K. Brown by deed dated January 30, 2003 and recorded in the Cumberland County Registry of Deeds in Book 18791, Page 197. Reference is also made to a deed dated February 2, 2012 and recorded in said Registry of Deeds in Book 29320, Page 131 and a deed dated February 10, 2012 and recorded in said Registry of Deeds in Book 29342, Page 3.

Addition to garage and upstairs apartment at 34 Tucker St. Portland, Maine 04103

Garage with auto door on street level. Frost wall – cement slab w/drain. Curve driveway to the existing one.

Access to upstairs from inside the garage via stairway on back of garage wall with a landing at the top and a steel entry door at the top of the stairs. Current access is via stairway between the main house and the existing garage.

Steel entry door on side/front of addition at street level.

Upstairs will consist of a bedroom addition with closet. An entryway at the rear of the main room and an entryway from the main room to the bedroom at the mid-point of the room.

2X6 walls – 2x10 floor joists with 5/8" sheetrock on the ceiling of the garage. 2x8 pre-built trusses.

Dormer at front above the middle bay of the garage roof.

New architectural roof shingles over the new and existing garage.

Interior finished with ½ " sheetrock – ceiling light – wall switches – outlets – and closet light with wall switch. 4 foot kneewall at front to match existing main room kneewall.

Change electric service for the apartment to it's own service meter.

34 Tucker Ave addition to garage

Electrical for kitchenette

Plug-in for stove

Outlet for refrigerator

Grounded plug for counter-top

Electric for garage and bedroom addition

Bring electric from main house to box in garage addition.

Switch & lights at top and bottom of stairs.

Garage door opener

2 plug-in outlets in garage

Switch and exterior light at side door of garage addition

Upstairs in bedroom

Switch and lights in bedroom

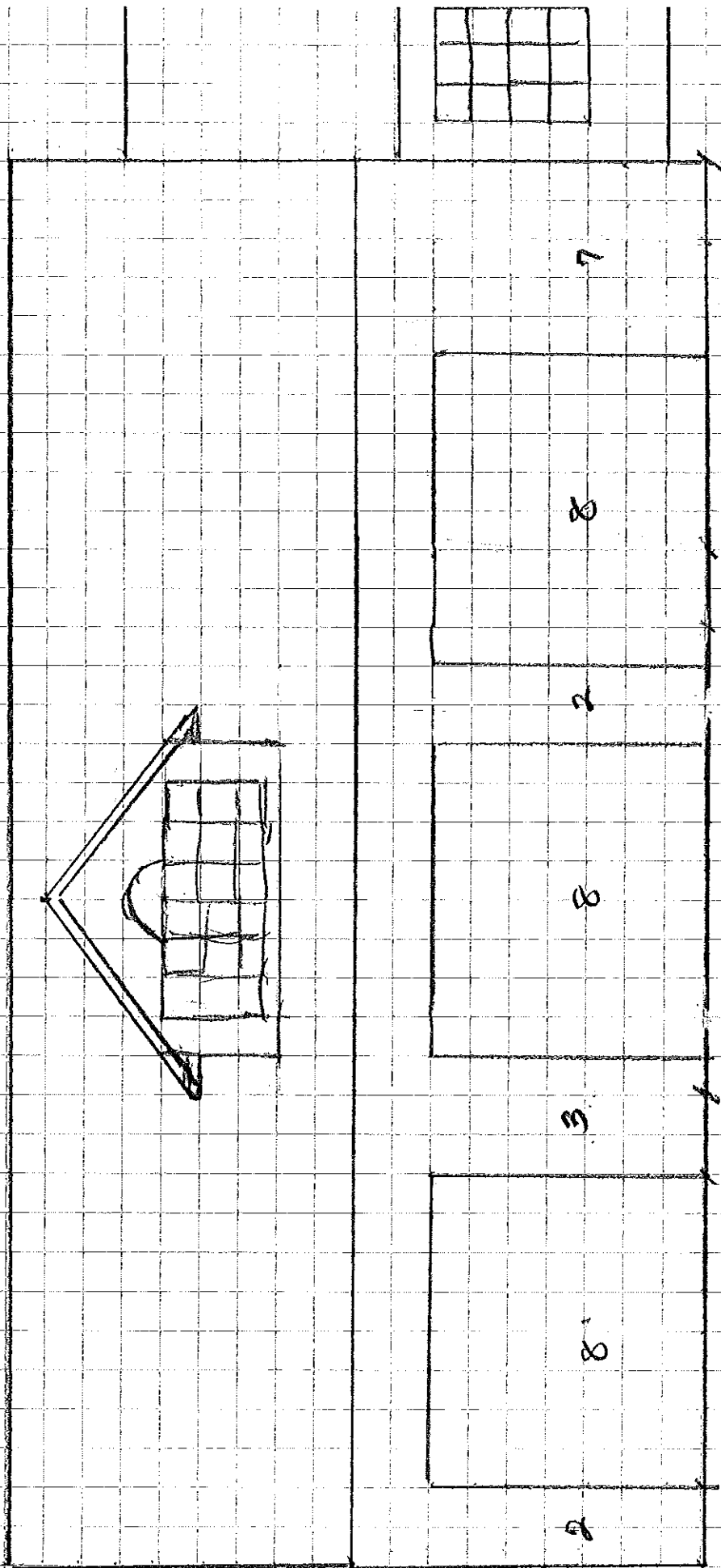
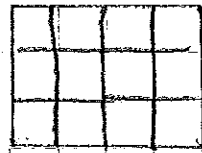
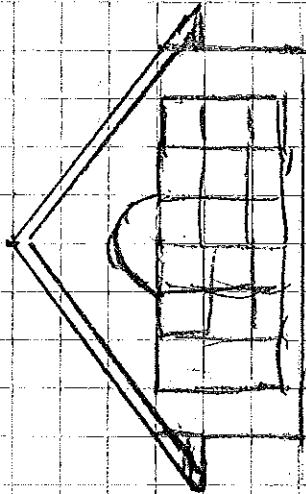
4 outlets in bedroom

Switch and light in addition bedroom closet.

Also wired smoke detectors existing in existing bedroom and entry hallway

New smoke detectors in new bedroom and garage.

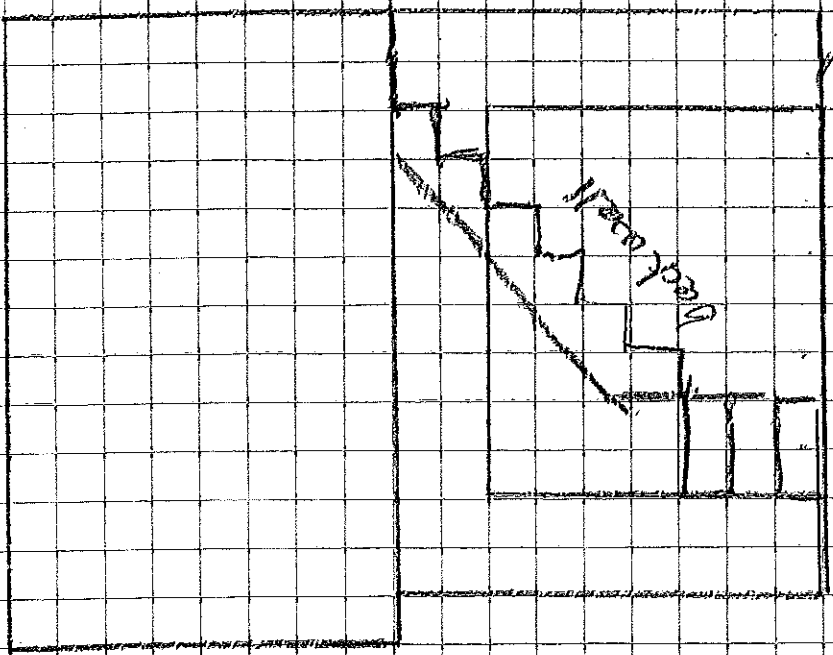
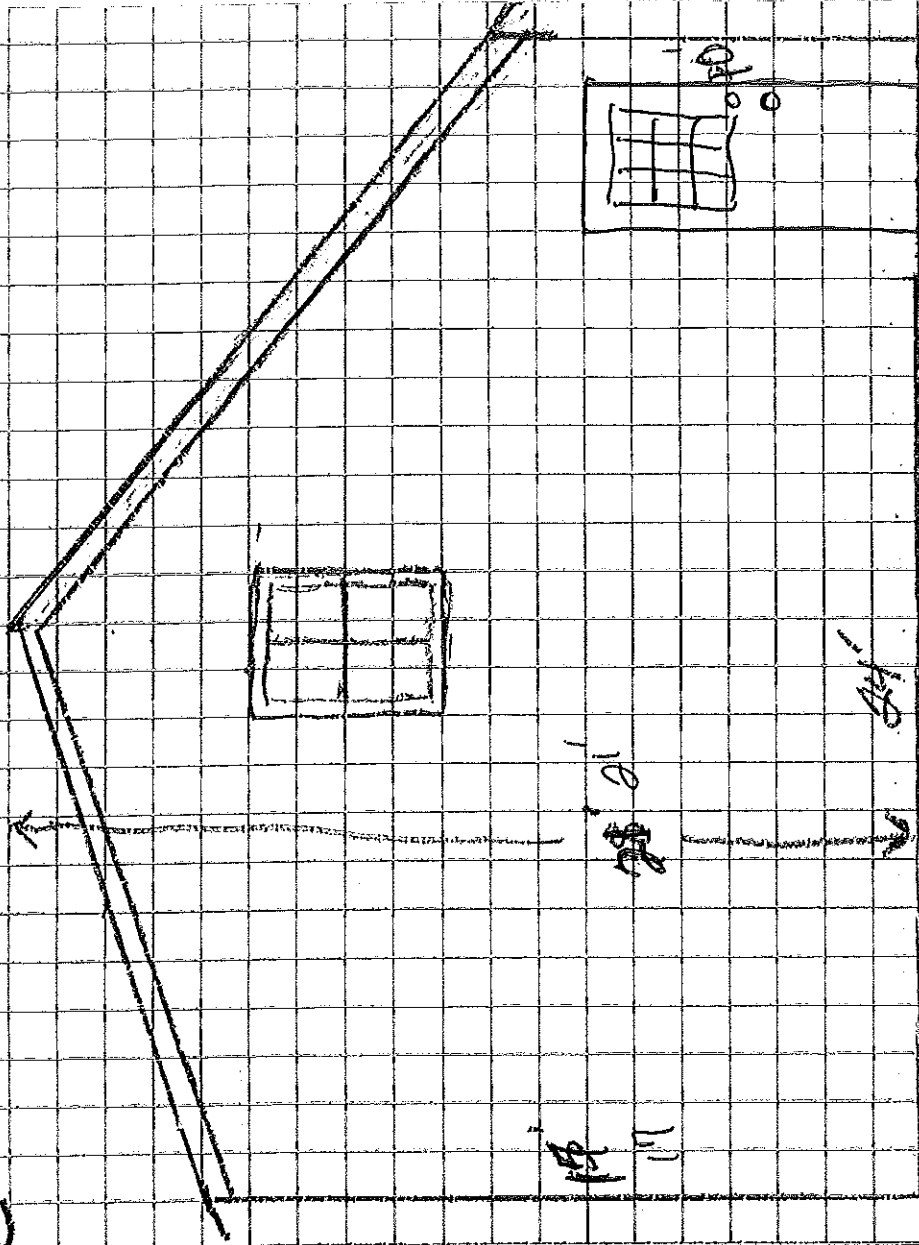
FRONT



32'

8
8
8
8

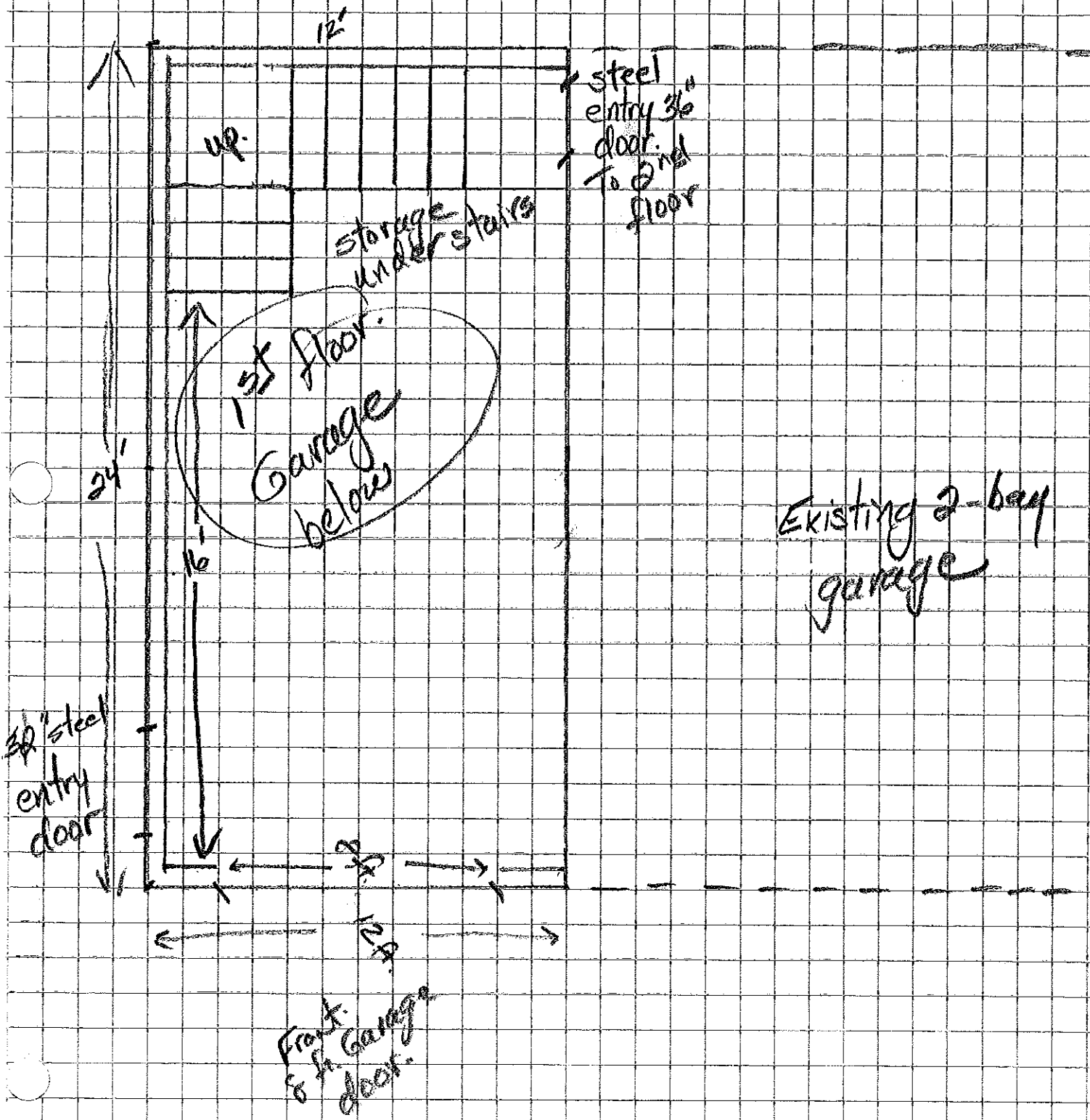
Sprague
34 Tucker Ave



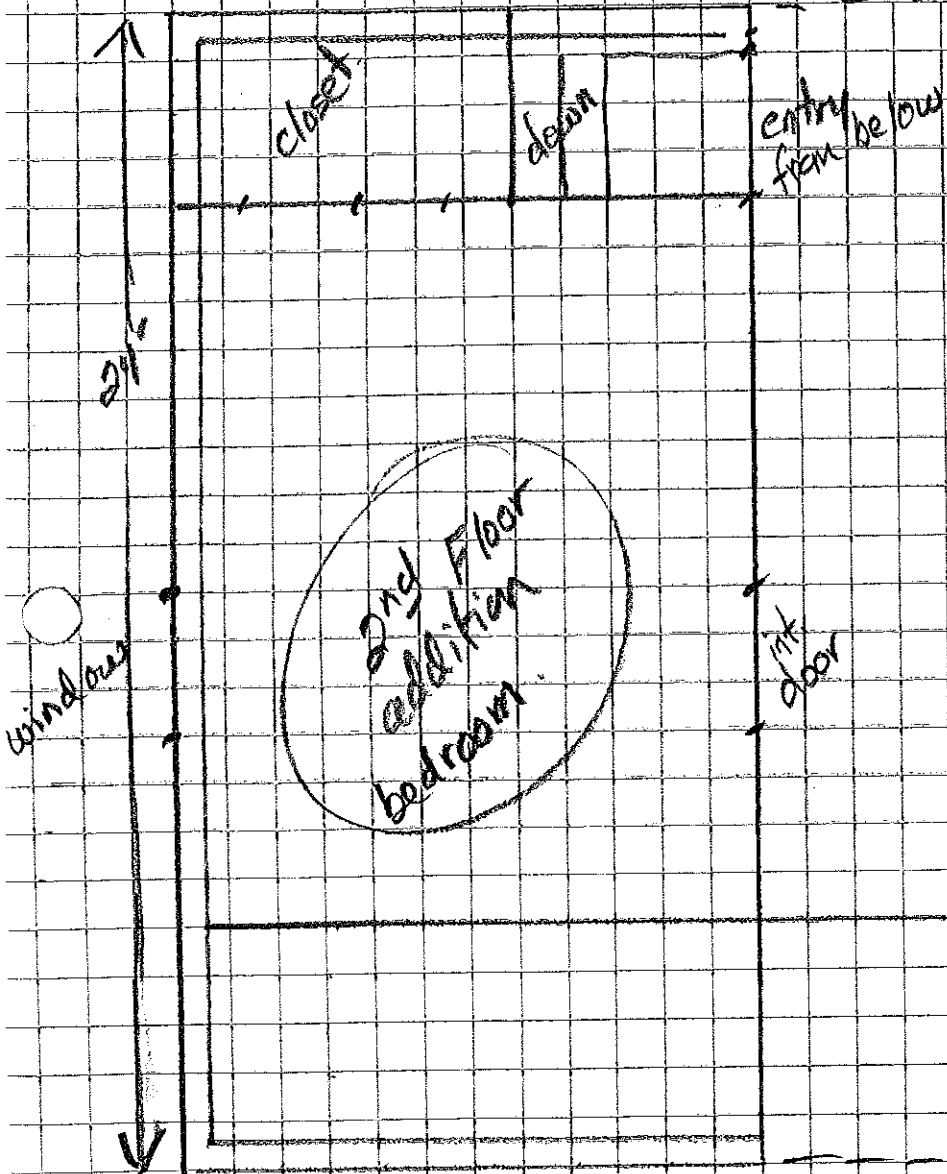
Home at Sprague
34 Tucker Ave

Sprague
34 Tucker Ave

2x6 walls

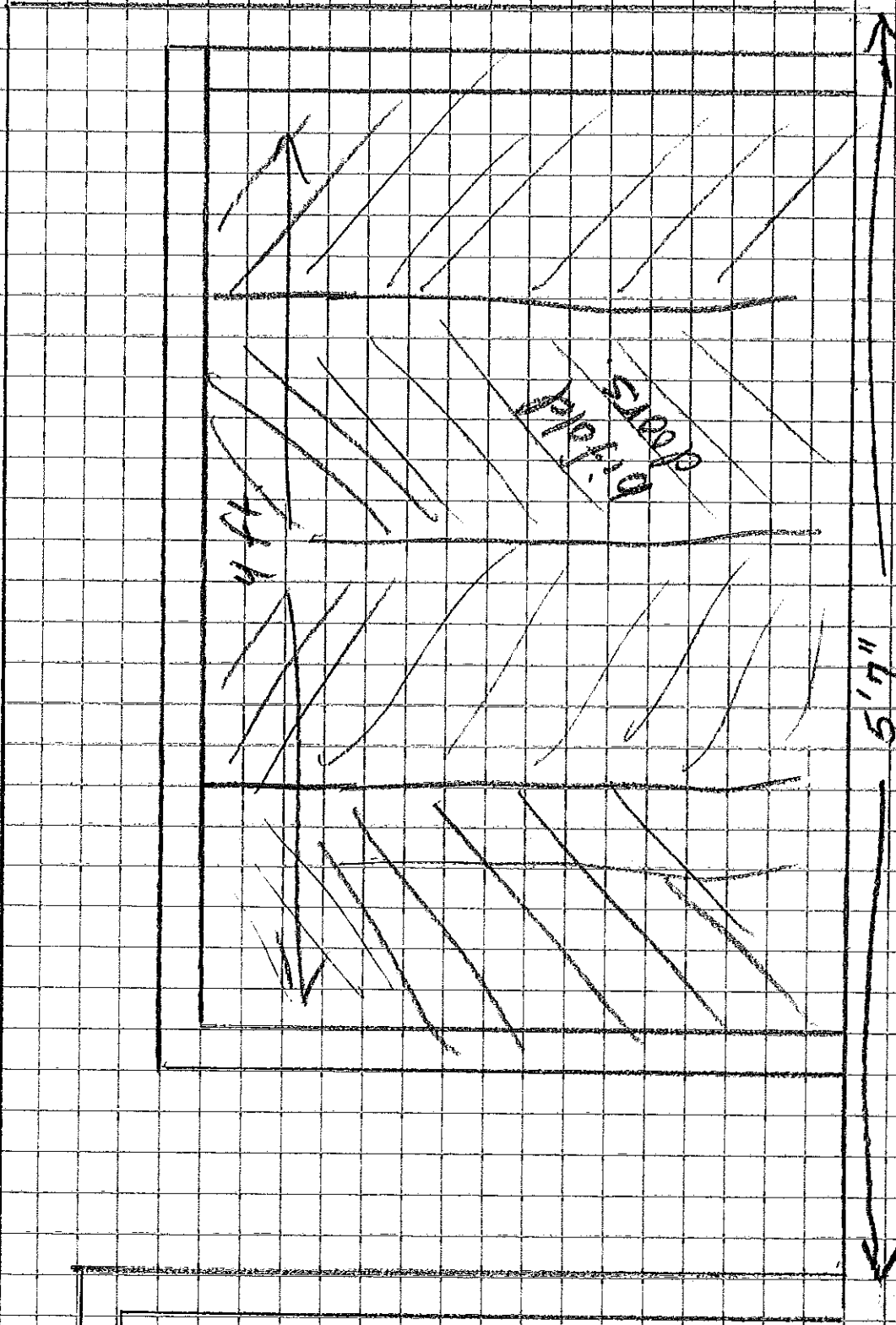


Sprague
34 Tucker Ave



existing 2nd floor
in ~~late~~ apt. living space
20' x 20'

4 ft. knee wall

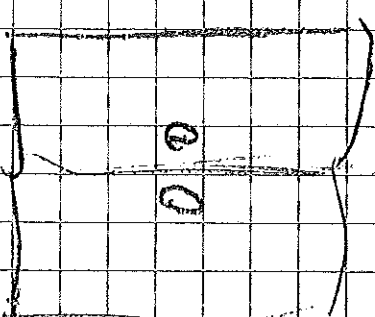


currently a closet w/ bifold doors

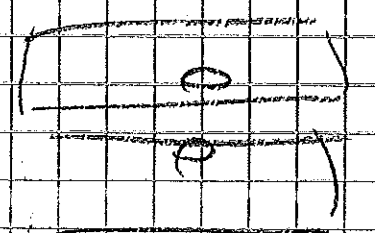
7'6" tall

89" deep

closet
7'6" tall
89" deep



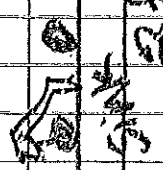
2 ft.



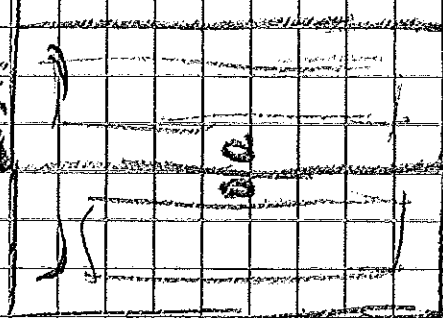
1 ft.



2 ft.



2 ft.



2 ft.

STAIR

STAIR

Clear
with
floor