



Michael A. Russell, MS, Director
Permitting and Inspections Department

Ann Machado
Zoning Administrator

**CITY OF PORTLAND
ZONING BOARD OF APPEALS**

Practical Difficulty Variance Application

Applicant Information:

Jayne Pasquale
NAME

84 Pennell Ave
ADDRESS

Portland, ME 04103

207-956-1197 jpasquale@tectamenca.com
PHONE # & E-MAIL

owner
APPLICANT'S RIGHT/TITLE/INTEREST
(EG; owner, purchaser, etc)

CURRENT ZONING DESIGNATION

Subject Property Information:

84 Pennell Ave
PROPERTY ADDRESS

344 D020001
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)

ADDRESS

PHONE # & E-MAIL

PRACTICAL DIFFICULTY VARIANCE
FROM SECTION 14-

EXISTING USE OF PROPERTY:

Single Family home

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

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

Jayne Pasquale
SIGNATURE OF APPLICANT

2-28-17
DATE

The following words have the meanings set forth below:

1. **Dimensional Standards**: Those provisions of the article which relate to lot area, lot coverage, frontage and setback requirements
2. **Practical Difficulty**: A case where strict application of the dimensional standards of the Ordinance to the property for which a variance is sought, would BOTH preclude a use of the property which is permitted in the zone in which it is located AND also result in significant economic injury to the applicant.
3. **Significant Economic Injury**: 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 the denial of the variance would mean the practical loss of all beneficial use of the land.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Zoning Board of Appeals (ZBA) 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:

“Practical Difficulty” variance standards pursuant to Portland City Code §14-473(c)(3):

1. The need for the variance is from dimensional standards of the Land Use Zoning Ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied _____ NOT Satisfied _____ (deny the appeal)
Reason and supporting facts:

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 (2) would 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:

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 _____ (deny the appeal)

Reason and supporting facts:

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 _____ (deny the appeal)

Reason and supporting facts:

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

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

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

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

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

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

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 _____ (deny the appeal)

Reason and supporting facts:



Michael A. Russell, MS, Director
Permitting and Inspections Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND
ZONING BOARD OF APPEALS
Practical Difficulty Variance Application

Applicant Information:

Jayne Pasquali
NAME

84 Pennell Ave
ADDRESS

Portland 04103

207-950-1197
PHONE # & E-MAIL

Owner
APPLICANT'S RIGHT/TITLE/INTEREST
(EG; owner, purchaser, etc)

CURRENT ZONING DESIGNATION

Subject Property Information:

84 Pennell Ave
PROPERTY ADDRESS

34A-D020001
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)

fectraamenca.com
ADDRESS

PHONE # & E-MAIL

PRACTICAL DIFFICULTY VARIANCE
FROM SECTION 14-

EXISTING USE OF PROPERTY:

Single family Home

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

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

Jayne Pasquali
SIGNATURE OF APPLICANT

3.22.18
DATE

The following words have the meanings set forth below:

1. **Dimensional Standards**: Those provisions of the article which relate to lot area, lot coverage, frontage and setback requirements
2. **Practical Difficulty**: A case where strict application of the dimensional standards of the Ordinance to the property for which a variance is sought, would BOTH preclude a use of the property which is permitted in the zone in which it is located AND also result in significant economic injury to the applicant.
3. **Significant Economic Injury**: 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 the denial of the variance would mean the practical loss of all beneficial use of the land.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Zoning Board of Appeals (ZBA) 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:

"Practical Difficulty" variance standards pursuant to Portland City Code §14-473(c)(3):

1. The need for the variance is from dimensional standards of the Land Use Zoning Ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied _____ NOT Satisfied _____ (deny the appeal)
Reason and supporting facts:

My addition is currently in the setback on the side and a variance is needed due to this.

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 (2) would 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:

I would not be able to utilize my side entrance if I had to remove the structure and I am unable to pay to have it taken back & rebuilt. I am a single mother to 3 kids two in college and one graduating this year and going to college in the fall and I am a student as well. I put every dime I have into this addition and I have nothing else given that I had to get a land survey and pay for this hearing.

My last money I had has been used to...

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 _____ (deny the appeal)

Reason and supporting facts:

Yes. - The general conditions of the neighborhood is fine and this issue is specific to my property.

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 _____ (deny the appeal)

Reason and supporting facts:

NO - Granting the variance will not produce undesirable change. It will only add to the overall property values in my neighborhood.

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

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

NO. - I provided professionally drawings, provided clarification to the city. I received an email advising my permit was approved and advised my builder. I was not aware that he had not scheduled a survey inspection and he was unaware that I hadn't either he was unfamiliar with the process as was I. Finding out now they implemented

a session once per week to meet the code officer to

wasn't available nor an option when I applied. I would have utilized this resource. The process is cumbersome and vague for a layperson unfamiliar with construction & the requirements.

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

Satisfied Not Satisfied (deny the appeal)
Reason and supporting facts:

NO. - Financially I am unable to do any further modifications or rebuild it a variance is the best option and my neighbor is agreeable to a variance. He bought the property knowing that the addition was there.

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

Satisfied Not Satisfied (deny the appeal)
Reason and supporting facts:

NO. The variance will not have any effect on the natural environment at all.

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 (deny the appeal)
Reason and supporting facts:

NO. - I am not located near a Shoreland.

Attn: Zoning Board of Appeals

I submitted an application with all the necessary forms, drawings and paperwork to add an 8'X16' addition to the side of my house to replace stairs that were disintegrating on the side of my house, which I fell and broke my foot on in June of 2017.

I was asked to provide some clarification to my plans which I did and I then was advised via email on 11/4/17, that I was all set and my permit should have been approved on Friday (I've provided copies of this email). We started immediately to dig the 4' holes for the sonotubes and started construction. On Monday 11/6/17 when I arrived at work I pulled up my permit to print it off and saw that it said I need to have an inspection. I called to schedule it and they were scheduling two weeks out. I was told that I would receive a call the morning of my scheduled inspection. I received a call from Duane around 7:30 AM on the date of my inspection and I told him the situation and he said he would contact his supervisor and get back to me before he came out for the inspection. I did not hear from him all day until I called his office and left a message around 3:30 PM that day. He call me back around 3:50 and told me he was going on vacation and that he would have one of his co-workers contact me the next week to come out to do the inspection. I waited to hear from someone and no one contacted me. I called Duane back the week after that when he was back from his vacation and he came out a few days later and advised me that I need to have a survey done because I may be in the set back. I was unaware that I needed to do that as I followed the guidelines and we went by the drawings I submitted that were approved. Duane stated not to do any further construction until a survey was complete which I did comply with. I paid \$800.00 for a one line survey which they advised I was in fact in the setback zone. I made an appointment to go in and talk with Ann Machado and she advised that even though my neighbor said he has no problem giving me a variance that it didn't work that way which is what I had been told by the inspector that if my neighbor agrees to a variance then there isn't an issue. I am a single mother, I work two jobs and I support 3 children, two are in college and 1 a senior in high school. I had to spend an additional \$800.00 on a survey and now an additional \$300 to \$400 to bring this issue before the zoning board. I have depleted the money I had saved to finish my addition and I do not have the money to pay to have it taken back 3 feet (I've provided a quote from a contractor in Portland). That will cost me more than it was to build it. My friend who built it is a carpenter and he did my building as a favor very cheap to help me out. I've had many questions and although the staff in the permits department is very kind and helpful they were really unable to answer the questions I had while I was starting this process. I understand that the city has started a weekly time slot where you can come in and meet the code officer to ask questions and discuss the process. This would have been beneficial to me as I really did not understand how the process works and did my best to navigate it. I tried to do the right thing by getting a permit because that is the rule. I understand that my lack of understanding is not an excuse but I did try to do everything right and by the book. My neighbor has agreed to a variance and will either come to the meeting or will send in a letter. I ask that you please consider all of the circumstances and grant my variance as this would cause a serious financial hardship on me and would decrease the value of my property as I am unable to afford a rebuild or a tear down.

Respectfully

Jayne Pasquali

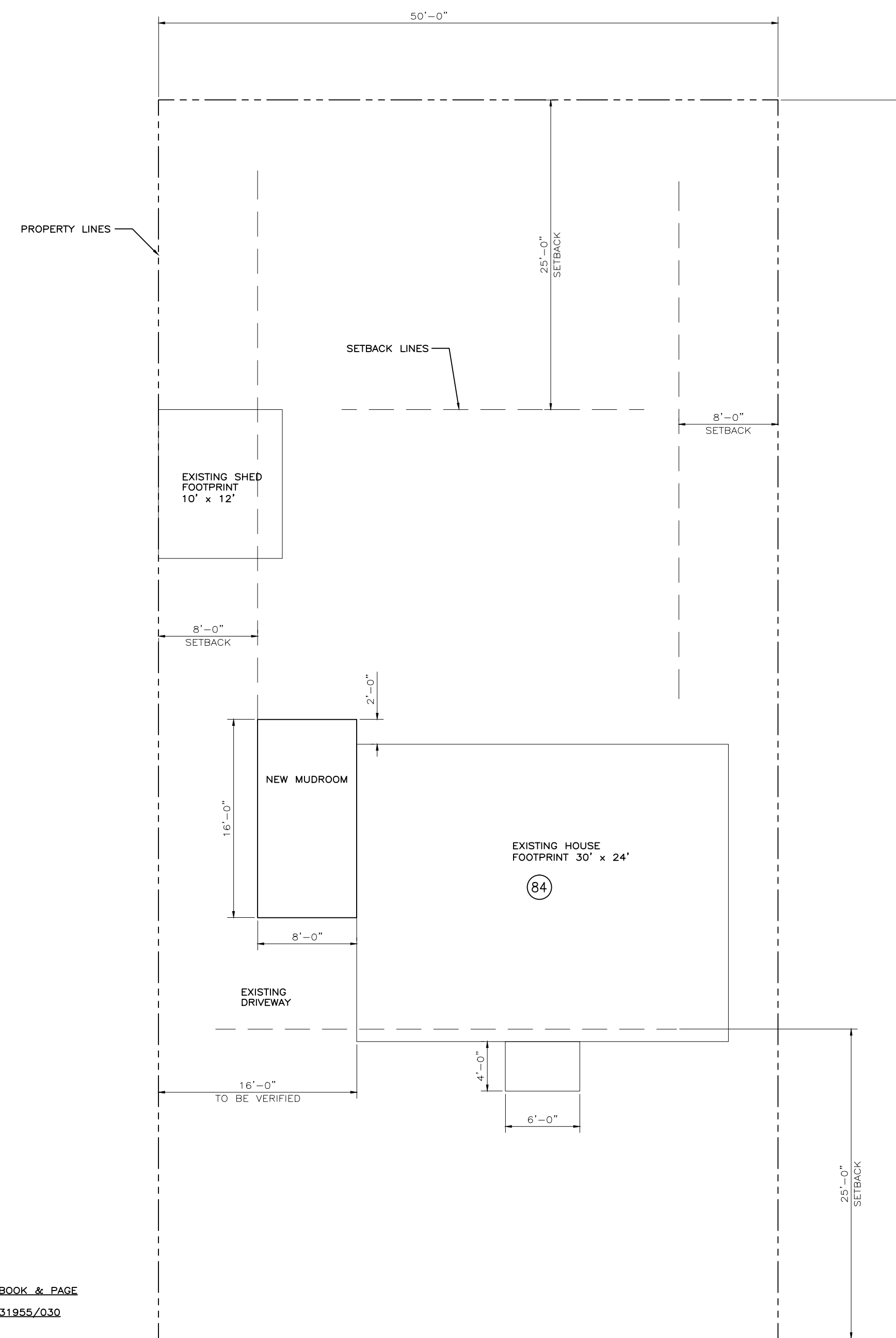
84 Pennell Ave., Portland



City of Portland Maine GIS Viewer

with Web AppBuilder for ArcGIS





BOOK & PAGE
31955/030

LEGAL DESCRIPTION
344-D-20
PENNELL AVE 84-86

CIVIC ADDRESS
84 PENNELL AVENUE
PORTLAND, MAINE
04103

PENNELL AVE

1 PLOT PLAN

Scale: 1/8" = 1'-0"

REV	REASON	DATE

revisions

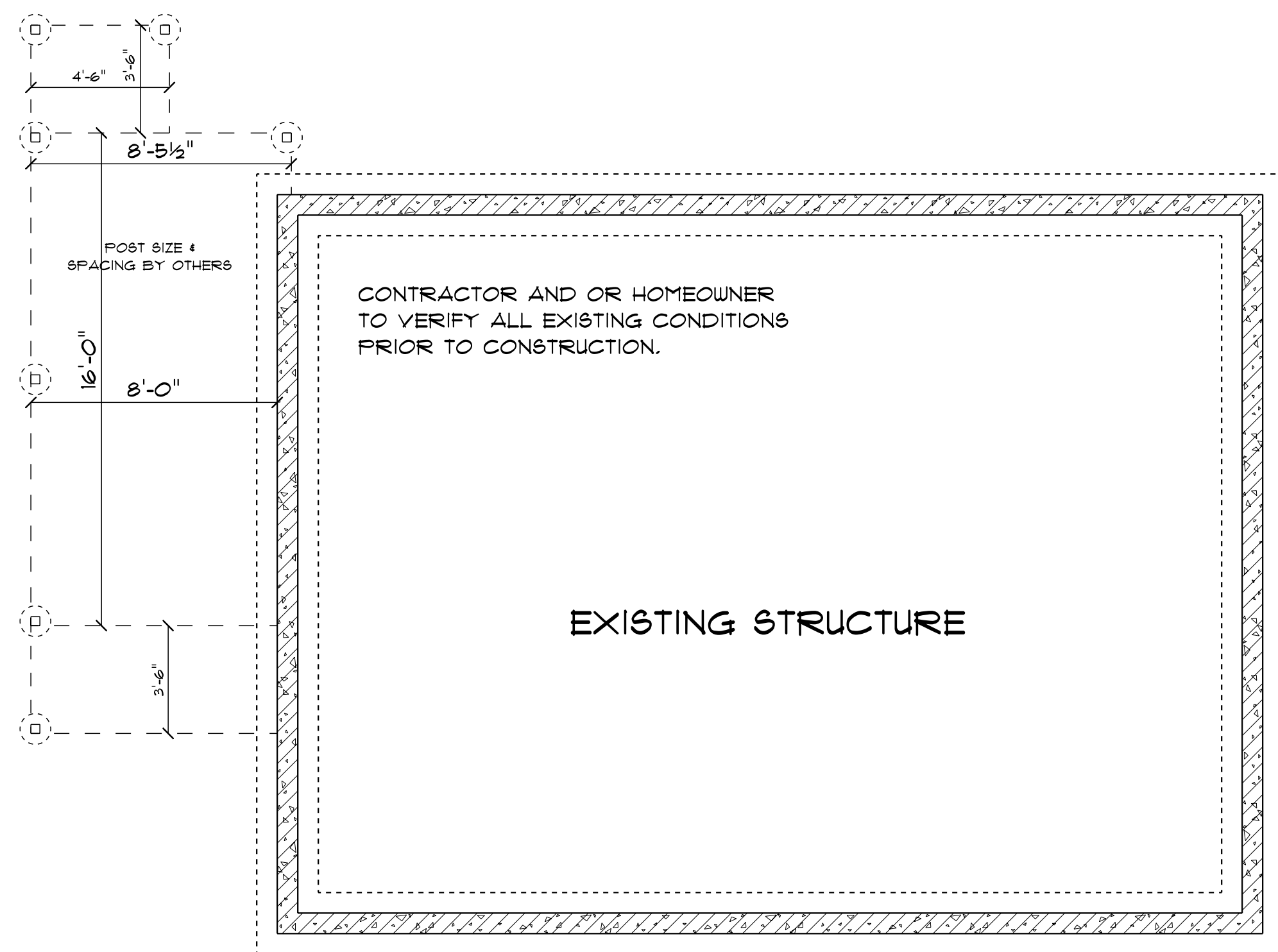
project
JAYNE PASQUALI
MUDROOM ADDITION
PERMITTING
PORTLAND, MAINE

client

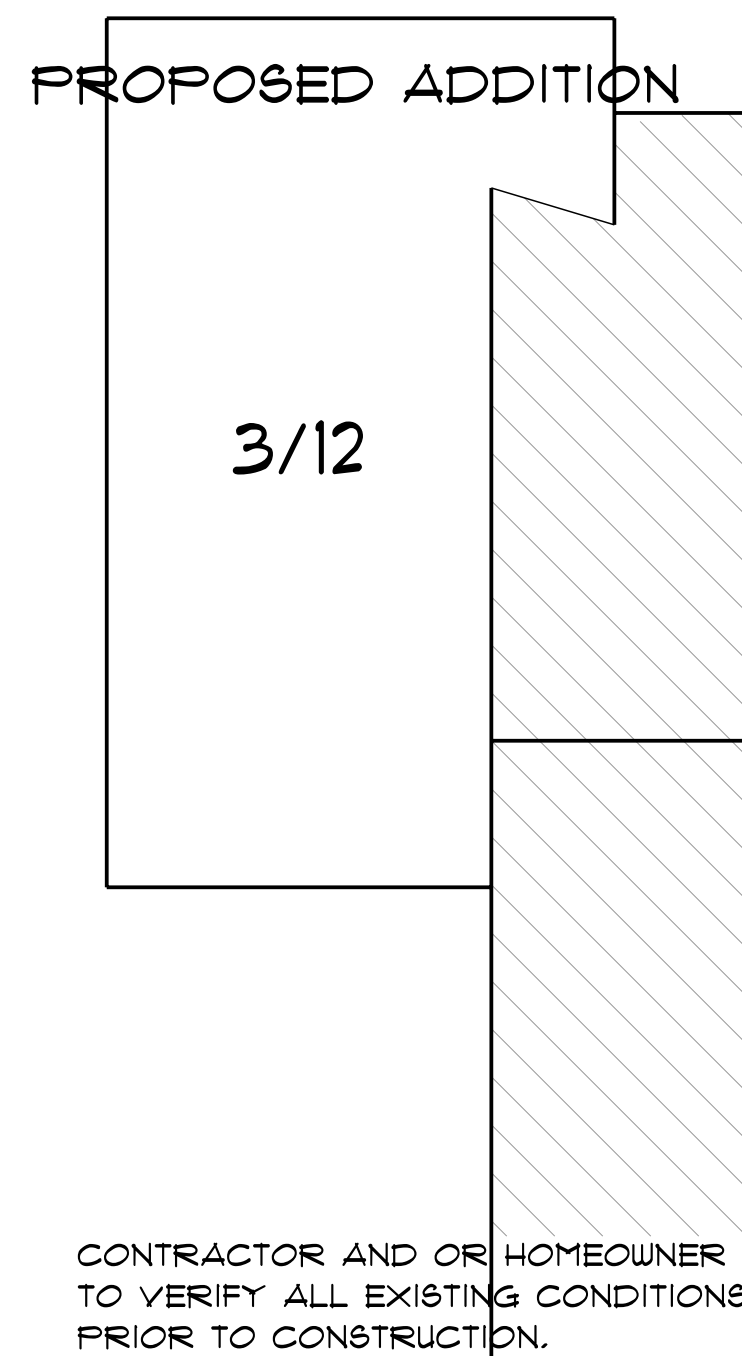
content
PLOT PLAN

drawn by;
checked by;
date; 9/7/2017
drawing no.

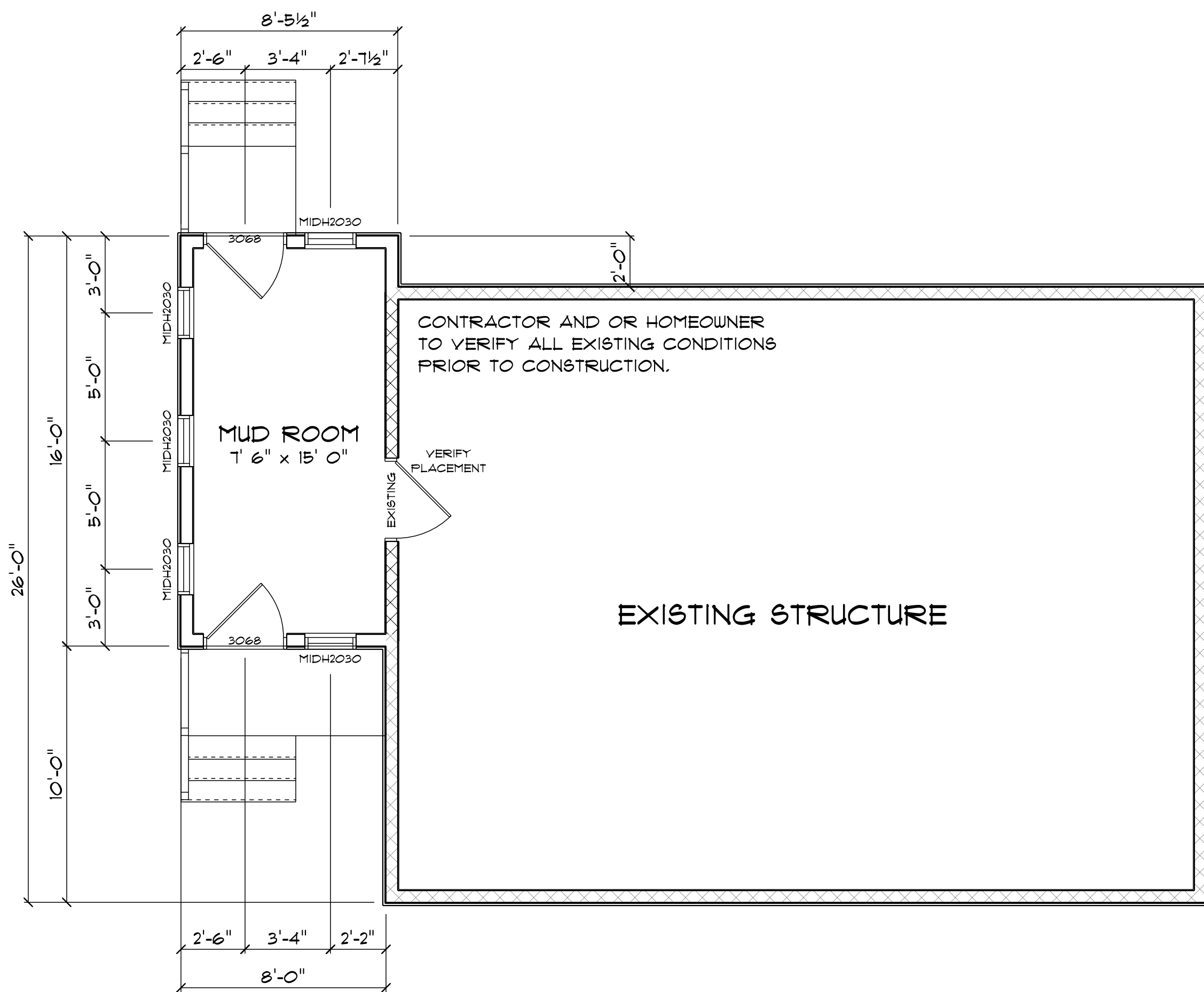
S-01



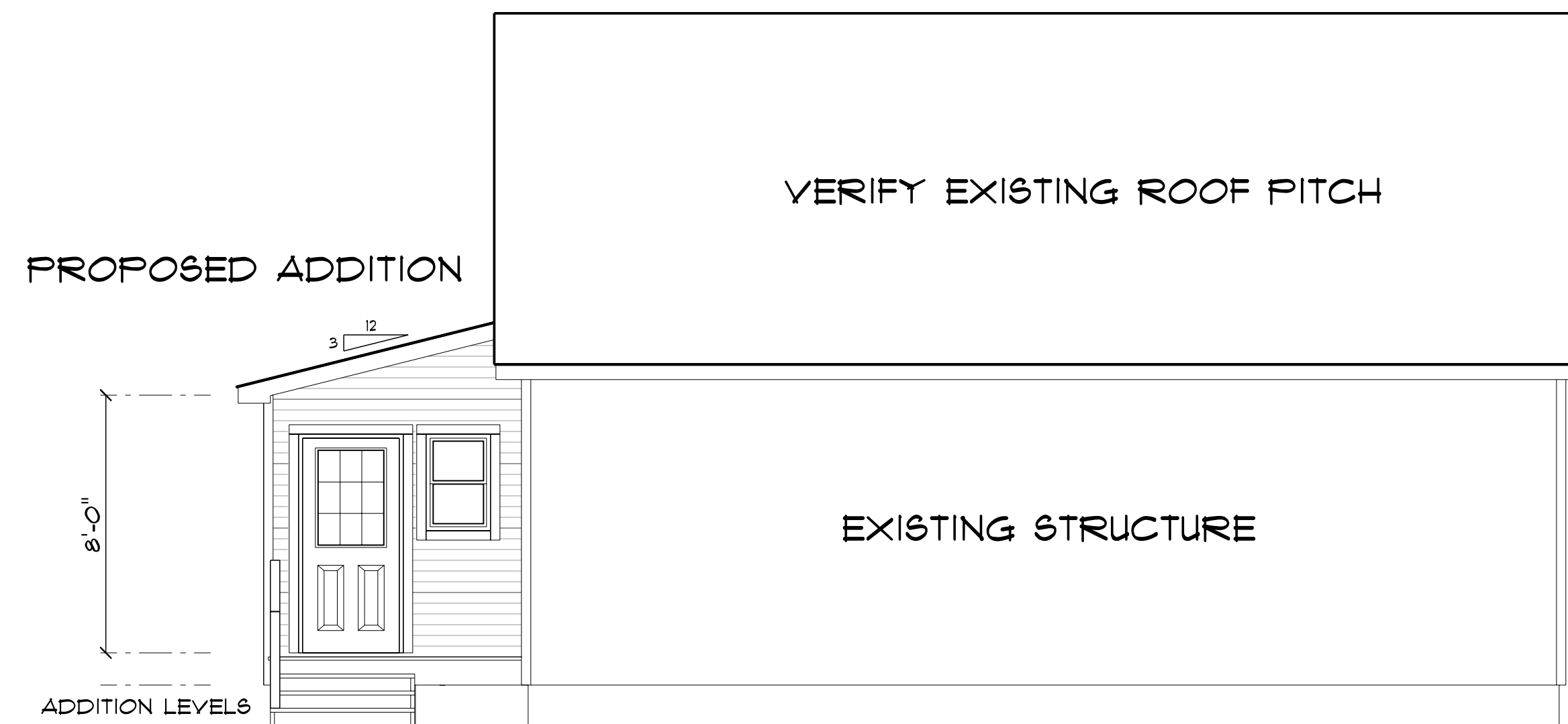
FOUNDATION
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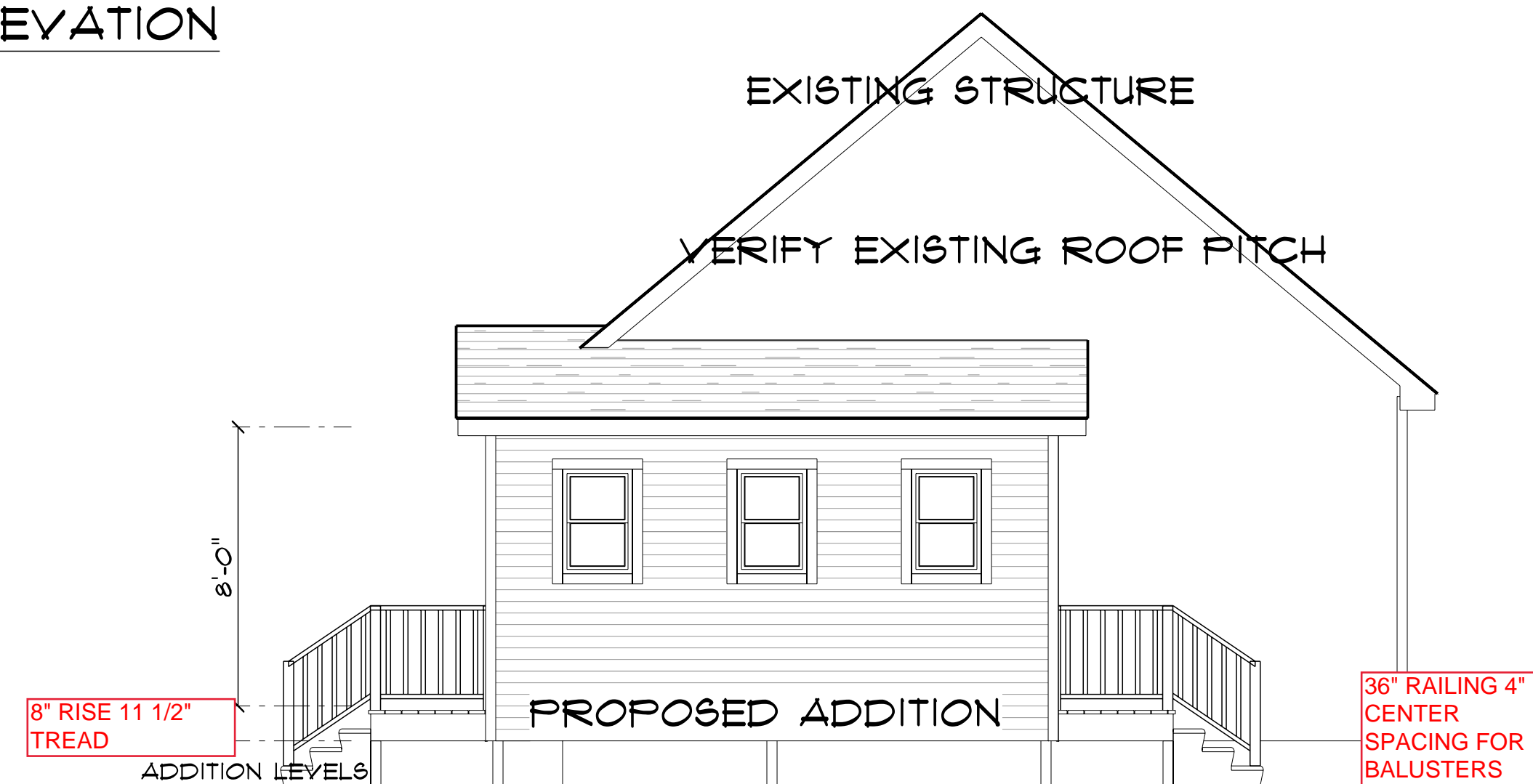
ROOF VIEW
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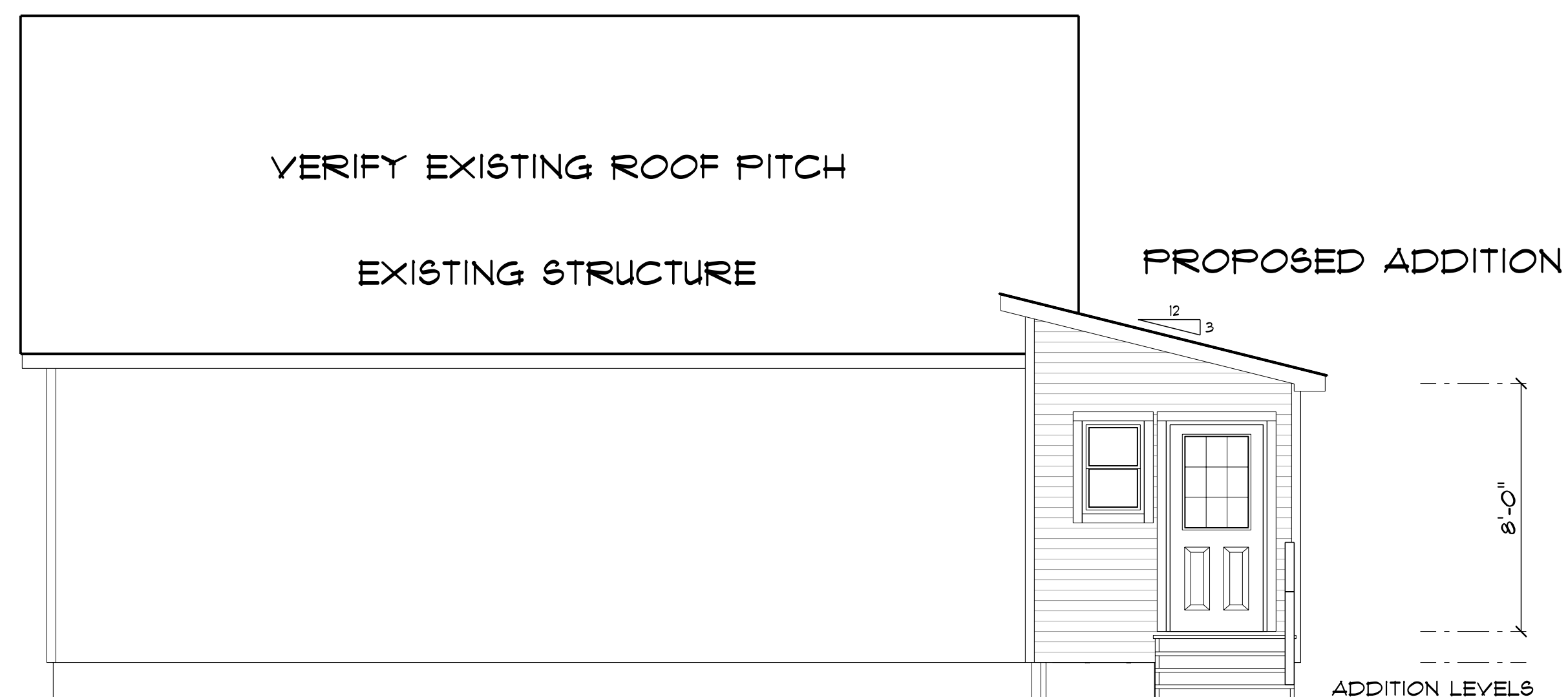
FIRST FLOOR
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FRONT ELEVATION
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LEFT ELEVATION
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REAR ELEVATION
SCALE: 1/4" = 1'-0"

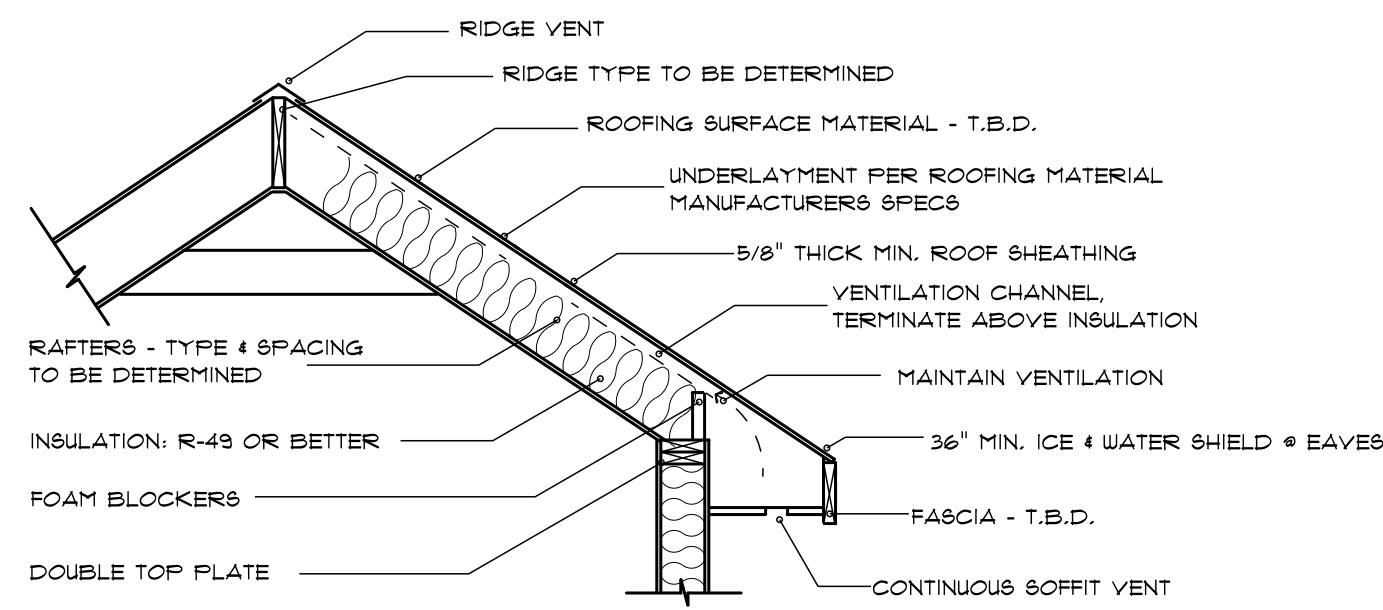
DRAWINGS ARE PROVIDED BY HAMMOND LUMBER COMPANY AS A SERVICE TO ITS CUSTOMERS. THE INFORMATION PRESENTED IN THESE DRAWINGS IS NOT PREPARED OR REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER. HAMMOND LUMBER COMPANY SUGGESTS THAT ITS CUSTOMERS SEEK THE SERVICES OF A REGISTERED ARCHITECT TO OBTAIN TECHNICAL ADVICE AND THAT CUSTOMERS OBTAINING THESE DRAWINGS ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION AND HAMMOND LUMBER COMPANY DISCLAIMS ANY RESPONSIBILITY IF THEY ARE SO USED.

DATE	5/25/2011	SCALE	AS NOTED	SHEET	2
PROJECT	Thursday, September 28, 2011				
DESIGNER	RAB				

DRAWING: AD11113

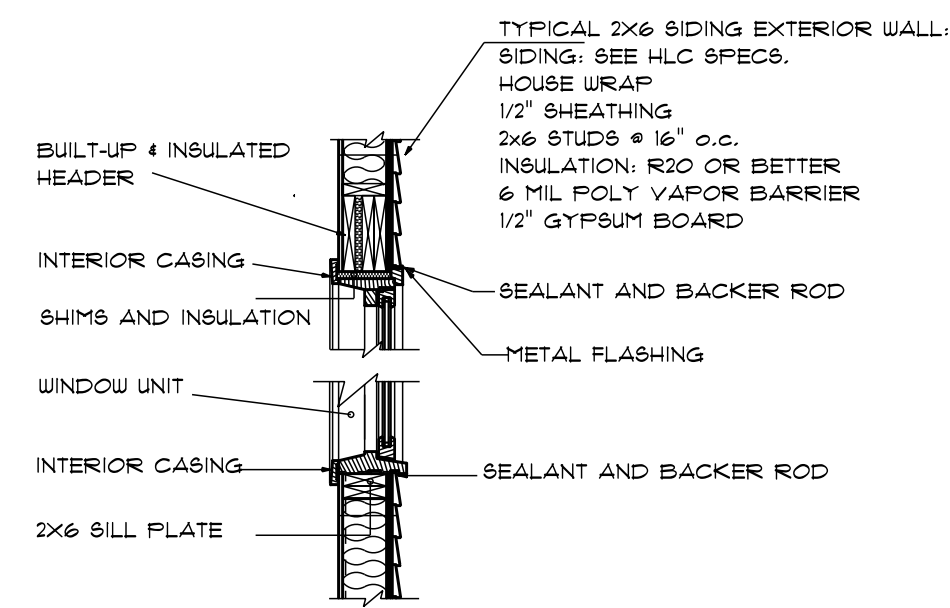
JAYNE PASQUALI
OWNER
8x16 ADDITION
PORTLAND





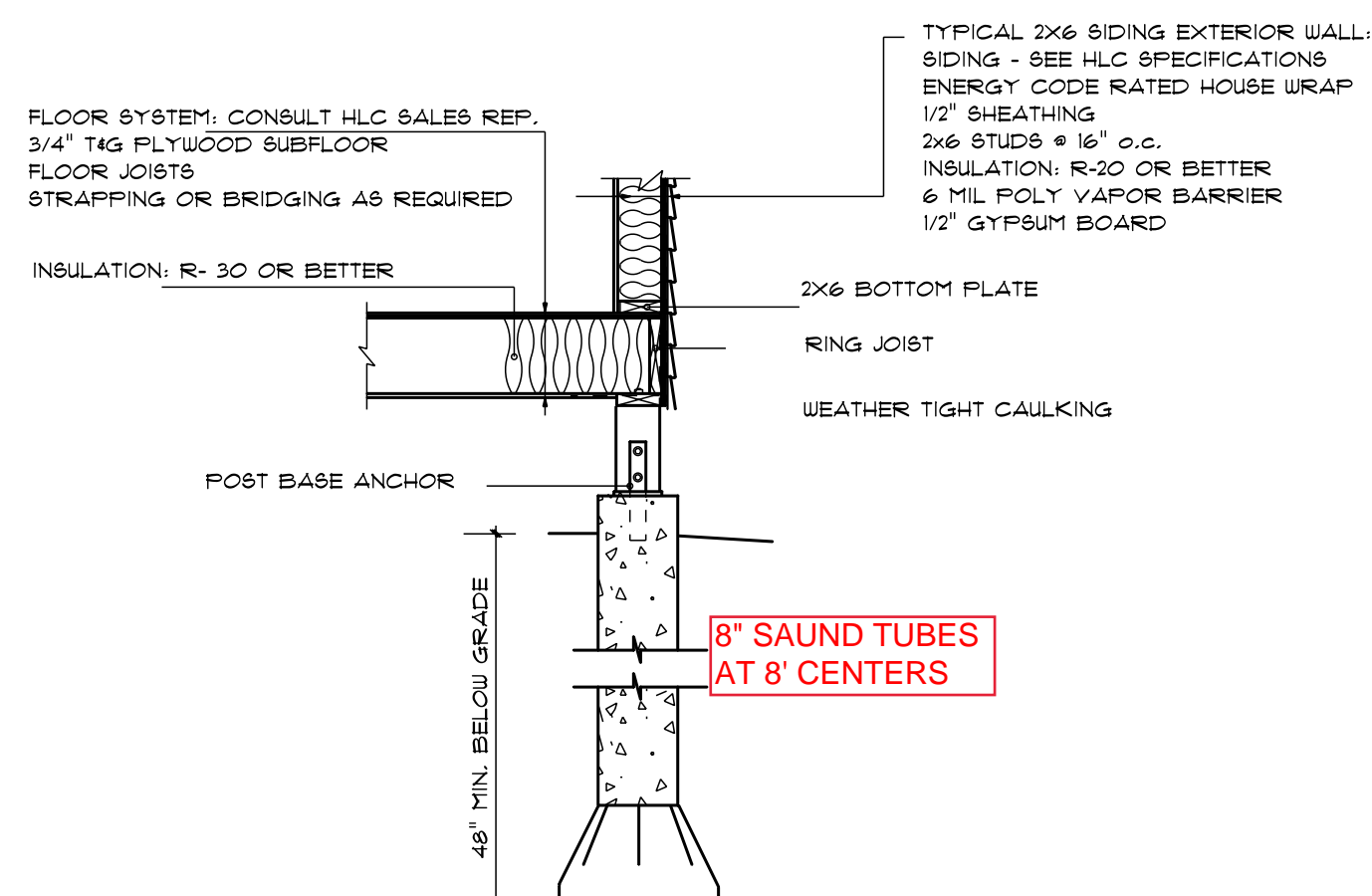
R.2 - STICK FRAMED ROOF DETAIL

REFER TO IRC 2009 FOR CODE REQUIREMENTS.



W.1 - 2X6/SIDING HEADER & SILL

REFER TO IRC 2009 FOR CODE REQUIREMENTS.



F.1 - POST W/ 2x6 WALL

REFER TO IRC 2009 FOR CODE REQUIREMENTS.

SECTION DETAILS

SEE R.2 FOR DETAILS

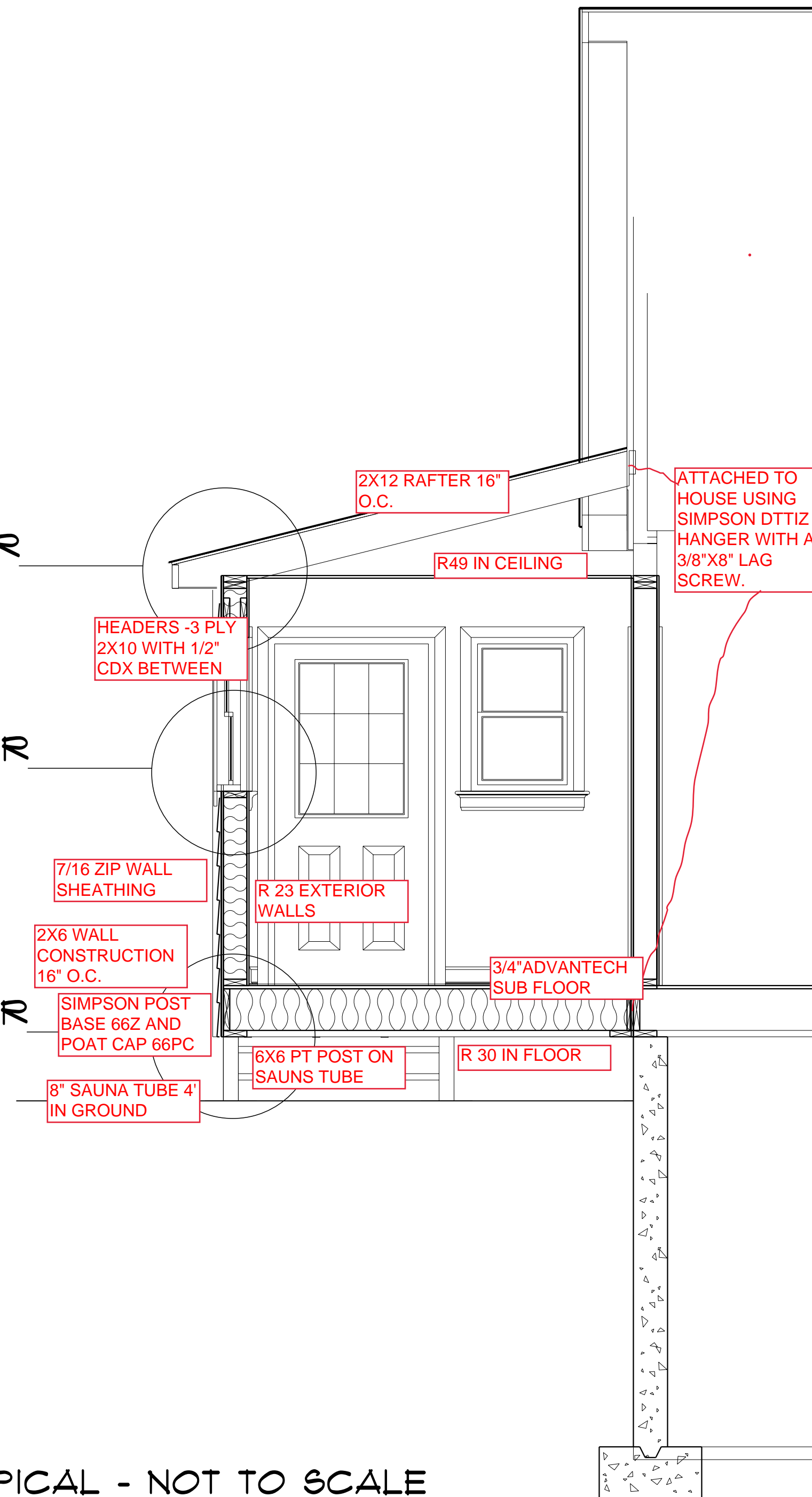
SEE W.1 FOR DETAILS

SEE F.1 FOR DETAILS

TYPICAL - NOT TO SCALE

HAMMOND LUMBER COMPANY HAS SUPPLIED THIS DRAWING FOR ILLUSTRATIVE AND INFORMATIONAL PURPOSES ONLY. THE HOMEOWNER/CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT THE MATERIALS CHOSEN WILL COMPLY WITH LOCAL BUILDING CODES AND/OR STANDARD BUILDING PRACTICES. HAMMOND LUMBER COMPANY SUGGESTS THAT ISN'T CUSTOMERS SEEK THE ASSISTANCE OF A REGISTERED ENGINEER OR ARCHITECT IF FURTHER INFORMATION IS NEEDED. THIS DRAWING IS NOT INTENDED TO BE USED AS A BASIS FOR CONSTRUCTION AND HAMMOND LUMBER COMPANY DISCLAIMS ANY RESPONSIBILITY IF THEY ARE SO USED.

CROSS SECTION



DRAWINGS ARE PROVIDED BY HAMMOND LUMBER COMPANY AS A SERVICE TO OUR CUSTOMERS. THE INFORMATION PRESENTED IN THESE DRAWINGS IS NOT PREPARED BY A REGISTERED ENGINEER OR ARCHITECT. HAMMOND LUMBER COMPANY SUGGESTS THAT ITS CUSTOMERS SEEK THE SERVICES OF A REGISTERED ARCHITECT TO OBTAIN TECHNICAL ADVICE. HAMMOND LUMBER COMPANY DISCLAIMS ANY RESPONSIBILITY IF THEY ARE SO USED.

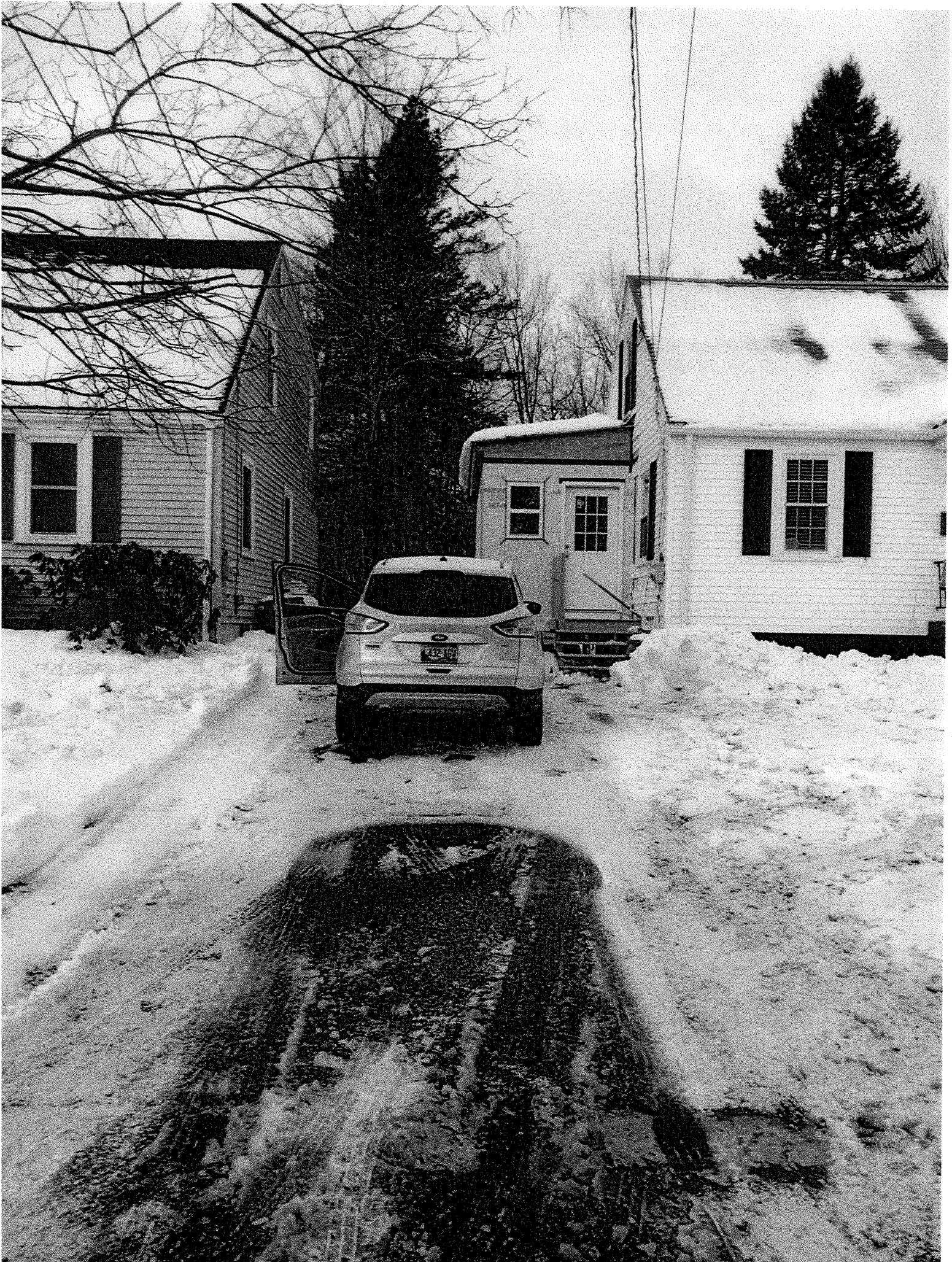
DATE	9/25/2011	SCALE	AS NOTED	SHEET NO.	2
REVISED					
DESIGNED BY	ABB	THURSDAY, SEPTEMBER 29, 2011			
CHECKED BY	RAB				

DRAWING: AD11213

JAYNE PASQUALI
8x16 ADDITION
PORTLAND
OWN









LAKEVIEW
CHINA
207-9...

LA

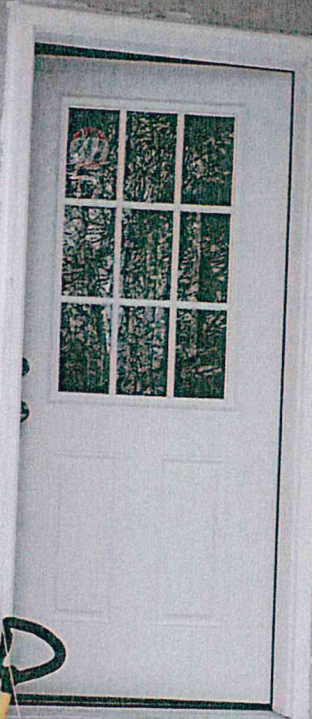
LAKEVIEW
CHINA
207-...

**REX
WRAP**
OTHER RESISTANT BARRIER
EPR-4012

LAKEVIEW LUMBER
CHINA, MAINE
207-968-2498



Alpha Products
WEATHER RESISTANT BARRIER
866-312-1837
Meets & Exceeds
All Building Code Requirements
ICC ESR-1602





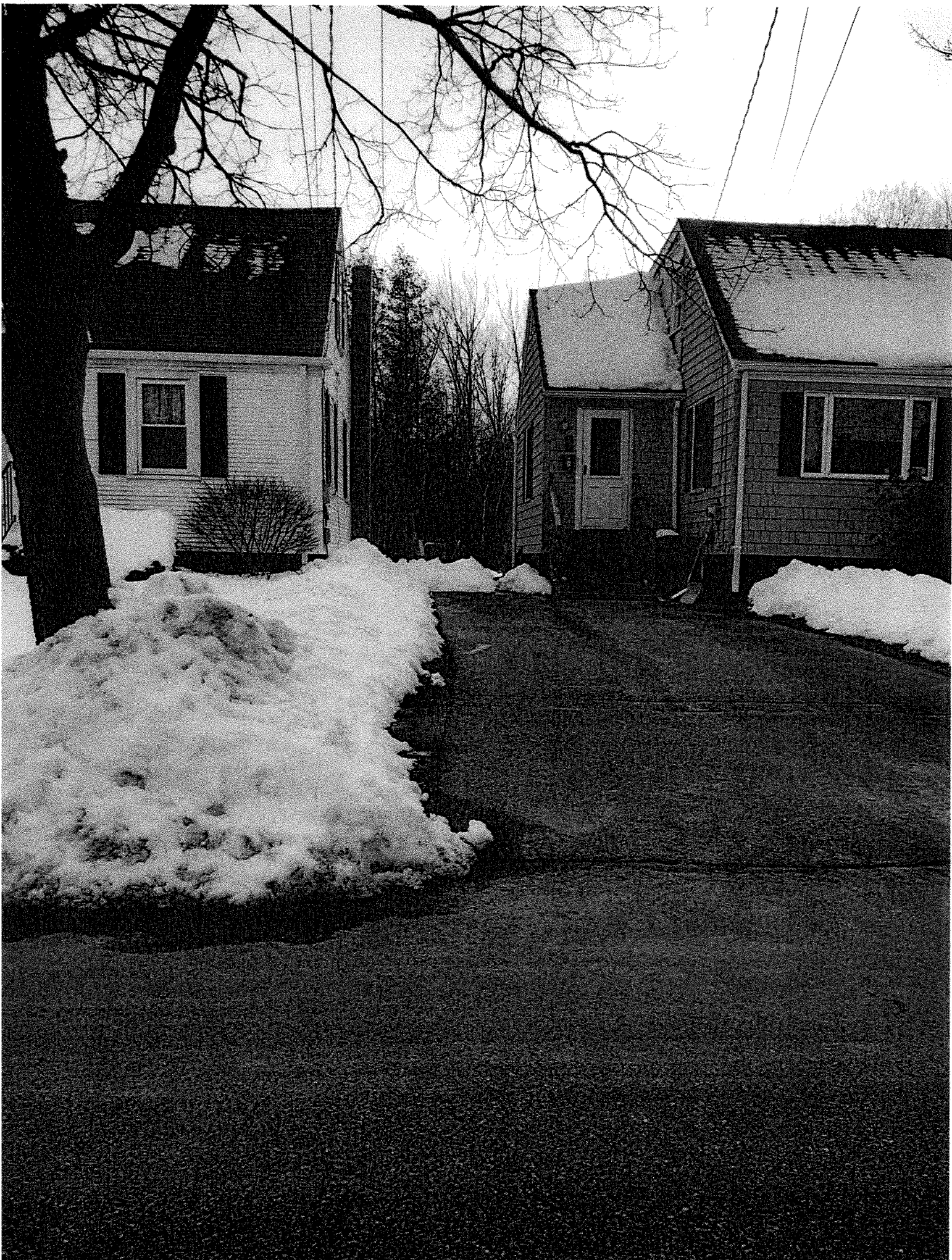
LAKEVIEW LUMBER
CORNWALL, MAINE
207-966-2495











Jayne Pasquali

From: Jayne Pasquali
Sent: Saturday, November 04, 2017 1:55 PM
To: Gregory Gilbert
Subject: Re: 2017-01596_84 Pennell Avenue

Thank you you're the best

Sent from my iPhone

On Nov 4, 2017, at 1:42 PM, Gregory Gilbert <ggilbert@portlandmaine.gov> wrote:

Good Afternoon Jayne,

I hope all is well.

Your application should have been approved on Friday.

Please let me know if you have any other questions or concerns.

Best Regard,

Greg Gilbert
Code Enforcement Officer /
Building Plan Reviewer
Life Safety Plan Reviewer
Permitting and Inspections Department
City of Portland
389 Congress St. Rm 315
Portland, ME 04101
(207) 874-8700

On Thu, Nov 2, 2017 at 9:01 AM, Jayne Pasquali <jpasquali@tectaamerica.com> wrote:

Hi Greg,

I keep checking the website to see if my permit is all set so I just wanted to reach out and make sure I didn't need to send the updated plans to anyone else and if you knew how much longer it could be? Sorry to bother you...

Thanks

Jayne

Jayne Pasquali, Service Administrator

O: [207-878-1732](tel:207-878-1732) | C: [207-956-1197](tel:207-956-1197) | F: [207-878-1733](tel:207-878-1733)

[image007.jpg](#) Tecta America New England f/k/a Delta Roofing, LLC

Follow us on social media!

[image008.jpg](#) <[image009.jpg](#)> <[image010.jpg](#)> <[image011.jpg](#)> <[image012.jpg](#)>

From: Gregory Gilbert [<mailto:ggilbert@portlandmaine.gov>]

Sent: Saturday, October 28, 2017 1:14 PM

To: Jayne Pasquali <jpasquali@tectaamerica.com>

Subject: [2017-01596 84 Pennell Avenue](#)

Good Afternoon Jayne,

I hope all is well.

Please add the following information to the drawings:

- the size of the floor joist
- please edit the rise of the stair, reconfigure to have a max rise of 7 /34"
- Please specify what type of roof covering will be applied

If you have any questions or concerns, please let me know.

Best Regard,

Greg Gilbert

Code Enforcement Officer /

Plan reviewer

Permitting and Inspections Department

City of Portland

389 Congress St, Rm 315

Portland, ME 04101

(207) 874-8700

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

This email has been scanned for spam and viruses by Proofpoint Essentials. [Click here](#) to report this email as spam.

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This email has been scanned for spam and viruses by Proofpoint Essentials. [Click here](#) to report this email as spam.

Return to:

Jayne Pasquali
84 Pennell Avenue
Portland, ME 04103

WARRANTY DEED

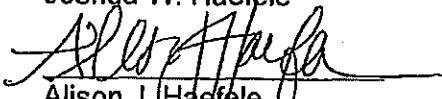
KNOW ALL MEN BY THESE PRESENTS: That we, **Joshua W. Haefele and Alison J. Haefele**, of 84 Pennell Avenue, Portland, ME 04103, for consideration paid, grant to **Jayne Pasquali**, of 35 Clifton Street, Portland, ME 04103, with WARRANTY COVENANTS:

SEE ATTACHED EXHIBIT A.

MEANING and INTENDING to describe and convey the same premises conveyed to the grantors herein by deed of Allyson Strout, dated 8/28/2007 and recorded at Book 26171, Page 73 in the Cumberland County Registry of Deeds.

Executed this 25 day of November, 2014.

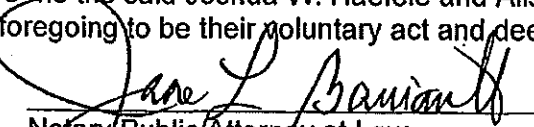

Joshua W. Haefele


Alison J. Haefele

State of Maine
County of Cumberland

11/25/2014

Then personally appeared before me the said Joshua W. Haefele and Alison J. Haefele and acknowledged the foregoing to be their voluntary act and deed.


Notary Public/Attorney at Law
Commission expiration:

Jane L. Barriault
Attorney at Law



MAINE REAL ESTATE TAX PAID

EXHIBIT A

A certain lot or parcel of land, with the buildings thereon, situated on the westerly side of Pennell Avenue in the city of Portland, county of Cumberland, and state of Maine, being Lot No. 21 on a plan of "The Holmsteads" made by E. C. Jordon, C.E., dated September 1921, recorded in Cumberland County registry of deeds in Plan Book 14, Page 70, to which reference may be had for a more particular description.



Received
Recorded Register of Deeds
Dec 05, 2014 03:11:01P
Cumberland County
Pamela E. Lovley

