

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Philip Saucier-chair
Sara Moppin
Jill E. Hunter
Gordan Smith-secretary
William Getz
Mark Bower

October 14, 2010

Dale Heselton
345 Palmer Avenue
Portland, ME 04103

RE: 345 Palmer Avenue
CBL: 353 C008
ZONE: R-2

Dcar Mr. Heselton,

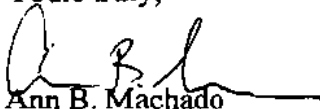
At the October 7, 2010 meeting, the Zoning Board of Appeals voted 4-0 to grant the conditional use appeal to add an accessory dwelling unit to your single family home. I have enclosed a copy of the Board's decision.

Your change of use permit (#10-1104) has been approved by zoning and moved forward in the review process to building inspections. The change of use permit for the conditional use must be issued within six months of the date of the hearing, October 7, 2010, referenced under section 14-474(f), or the Zoning Board approval will expire.

I have enclosed a Level I: Minor Residential Site Plan Application. Section 14-78(a)(2)(e) states that adding an accessory dwelling unit is subject to article V which is site plan review. Please submit the application to our office. If you have any questions, please call me at 874-8709.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Yours truly,



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

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

R-2 Residential Zone Accessory Unit

Conditional Use Appeal

DECISION

Date of public hearing: October 7, 2010

Name and address of applicant: Mary Heselton
345 Palmer Avenue
Portland, ME 04103

Location of property under appeal: 345 Palmer Avenue

For the Record:

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

Mary Heselton, Applicant
Dale Hesselton, 1350 Forest Ave

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

Findings of Fact and Conclusions of Law:

Applicant is proposing to add an accessory dwelling unit to her single family residence. The gross floor area of the principal building is 2,128 sq. ft. The proposed accessory unit would be 638.4 sq. ft., which is equal to 30% of the gross floor area of the principle building. The lot area is 15,602 sq. ft.

A. Conditional Use Standards pursuant to Portland City Code §14-78(a)(2):

1. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit.

Satisfied Not Satisfied

Reason:

Existing Dwelling is 2,128 sq ft.
Proposed accessory unit is 638.4 sq ft.
Per plans

2. Lot area shall be eight thousand (8,000) square feet for single-family dwellings in existence as of May 1, 1984, and lot area shall be ten thousand (10,000) square feet for single-family dwellings constructed after May 1, 1984.

Satisfied Not Satisfied

Reason:

Lot area is 15,602 Sq. ft. per plans

3. There shall be no open outside stairways or fire escapes above the ground floor.

Satisfied Not Satisfied

Reason:

Single ~~story~~^{story} addition, per plans

4. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling.

Satisfied Not Satisfied

Reason:

Roof pitches + Building materials to match existing, per plans

5. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.

Satisfied Not Satisfied

Reason: no change to parking/driveway

6. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

Satisfied Not Satisfied

Reason: testimony that both units to be occupied by owners

7. Parking shall be provided as required by division 20 of this article: 1 off-street parking space per new unit (14-332(a)(2)).

Satisfied Not Satisfied

Reason:

testimony that property will have more than necessary prg.

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes ___ No

Reason and supporting facts:

photos indicate similarity to abutments

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes ___ No

Reason and supporting facts:

no testimony against Application

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes ___ No

Reason and supporting facts:

per testimony

Conclusion: (check one)


Option 1: The Board finds that all of the standards (1 through 7) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.

Option 2: The Board finds that all of the standards (1 through 7) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, 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 not all of the standards (1 through 7) described in section A above have been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Please note that, pursuant to Portland City Code 14-78(a)(2)(e), if approved the project shall be subject to article V (site plan) of this chapter for site plan review and approval.

Dated: 10/7/10



Board Chair

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: October 12, 2010

RE: Action taken by the Zoning Board of Appeals on October 7, 2010.

Members Present: Phil Saucier (chair), William Getz, Gordon Smith (secretary), Mark Bower

Members Absent: Sara Moppin, and Jill Hunter

1. Old Business:

A. Practical Difficulty Variance Appeal:

27 Sherman Street, Michael DeAngelis, owner, Tax Map 036, Block E, Lot 015, R-6 Residential Zone:

The applicant is proposing to add a five foot by twenty foot porch to connect the existing back and side porch. The appellant is requesting a variance for the side setback from the required ten feet to nine feet [section 14-139(1)(d)(3)]. The appellant is also requesting a variance for the rear setback from the required twenty feet to ten feet [section 14-139(1)(d)(2)]. Finally the appellant is requesting an increase in the maximum allowable lot coverage. Section 14-139(1)(e) gives the maximum allowable lot coverage as fifty percent. Presently, the permitted structure on the lot covers 52.52% of the lot. The appellant is requesting a variance to increase the lot coverage to 54.63%. Representing the appeal is the owner. **The Board voted 4-0 to grant the practical difficulty variance appeal to reduce the required side setback to nine feet, the required rear setback to ten feet and to increase the maximum allowable lot coverage to 54.63% in order to add a side porch.**

2. New Business:

A. Disability Variance Appeal:

220-224 Virginia Street, Hazel Rideout, owner, Tax Map 400, Block B, Lots 021 & 022, R-3

Residential Zone: The appellant is seeking a disability variance under section 14-473(c)(2) to install a handicap ramp. The appellant is requesting a front yard setback of eight feet instead of the required twenty five foot setback [section 14-90(d)(1)]. Representing the appeal is the contractor, David DiPietro.

The Board voted 4-0 to grant the disability variance appeal to reduce the required front setback to eight feet in order to install a handicap ramp.

B. Conditional Use Appeal:

491-501 Allen Avenue, Richard Libby, owner, Tax Map 400, Block D, Lot 012, R-3 Residential Zone:

The appellant is seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to his single family dwelling. Representing the appeal is the owner. **The Board voted 4-0 to grant the conditional use appeal to add an accessory dwelling unit.**

C. Practical Difficulty Appeal:

343-349 Palmer Avenue, Mary Heselton, owner, Tax Map 353, Block C, Lot 008, R-2 Residential Zone:

The appellant is pursuing a conditional use appeal to add an accessory dwelling unit to her single family dwelling. Section 14- 78(a)(2)(g) requires that parking for the accessory dwelling unit shall meet the parking requirements. Section 14-332(a)(2) requires that one additional parking space is required for the additional unit. Section 14-336(a) states that the required off street parking cannot be located in the front yard setback. The appellant is requesting a variance for the front yard setback from a required twenty-five feet [section 14-80(d)(1)] to thirteen feet for the required off street parking. Representing the appeal is the owner's ex-husband, Dale Heselton. **The appeal was withdrawn because section 14-332(a)(2) no longer requires an additional parking space if the parking spaces that exist exceed one space for each dwelling unit.**

D. Conditional Use Appeal:

343-349 Palmer Avenue, Mary Heselton, owner, Tax Map 353, Block C, Lot 008, R-2 Residential Zone:

The appellant is seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to her single family dwelling. Representing the appeal is the owner's ex-husband, Dale Heselton. **The Board voted 4-0 to grant the conditional use appeal to add an accessory dwelling unit.**

2. Other Business:

Election of Chair and Secretary for the Zoning Board of Appeals. The Board voted to postpone the elections until the next meeting.

Enclosure:

Decision for Agenda from October 7, 2010

Original Zoning Board Decision

One dvd

CC: Joseph Gray, City Manager

Penny St. Louis Lirtell, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

Members Present: Phil Swiret - Gordon Smith - Bill Getz -

CITY OF PORTLAND, MAINE

MARK Bower

ZONING BOARD OF APPEALS

Members Absent: Jill Hunter - SARA Hoppin -

APPEAL AGENDA

Wed at 9:00am to meet with New ZBA member

The Board of Appeals will hold a public hearing on Thursday, October 7, 2010 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:

Granted
A-Ø

1. Old Business:

A. Practical Difficulty Variance Appeal:

27 Sherman Street, Michael DeAngelis, owner, Tax Map 036, Block E, Lot 015, R-6 Residential Zone: The applicant is proposing to add a five foot by twenty foot porch to connect the existing back and side porch. The appellant is requesting a variance for the side setback from the required ten feet to nine feet [section 14-139(1)(d)(3)]. The appellant is also requesting a variance for the rear setback from the required twenty feet to ten feet [section 14-139(1)(d)(2)]. Finally the appellant is requesting an increase in the maximum allowable lot coverage. Section 14-139(1)(e) gives the maximum allowable lot coverage as fifty percent. Presently, the permitted structure on the lot covers 52.52% of the lot. The appellant is requesting a variance to increase the lot coverage to 54.63%. Representing the appeal is the owner.

Granted
A-Ø

2. New Business:

A. Disability Variance Appeal:

220-224 Virginia Street, Hazel Rideout, owner, Tax Map 400, Block B, Lots 021 & 022, R-3 Residential Zone: The appellant is seeking a disability variance under section 14-473(c)(2) to install a handicap ramp. The appellant is requesting a front yard setback of eight feet instead of the required twenty five foot setback [section 14-90(d)(1)]. Representing the appeal is the contractor, David DiPietro.

intended to be removed when
No longer Needed

Granted
A-Ø

B. Conditional Use Appeal:

491-501 Allen Avenue, Richard Libby, owner, Tax Map 400, Block D, Lot 012, R-3 Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to his single family dwelling. Representing the appeal is the owner.

C. Practical Difficulty Appeal:

343-349 Palmer Avenue, Mary Heselton, owner, Tax Map 353, Block C, Lot 008, R-2 Residential Zone: The appellant is pursuing a conditional use appeal to add an accessory dwelling unit to her single family dwelling. Section 14-78(a)(2)(g) requires that parking for the accessory dwelling unit shall meet the parking requirements. Section 14-332(a)(2) requires that one additional parking space is required for the additional unit. Section 14-336(a) states that the required off street parking cannot be located in the front yard setback. The appellant is requesting a variance for the front yard setback from a required twenty-five feet [section 14-80(d)(1)] to thirteen feet for the required off street parking. Representing the appeal is the owner's ex-husband, Dale Heselton.

off street
parking
required
see 332(a)(2)

Granted
A-Ø

D. Conditional Use Appeal:

343-349 Palmer Avenue, Mary Heselton, owner, Tax Map 353, Block C, Lot 008, R-2

Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to her single family dwelling. Representing the appeal is the owner's ex-husband, Dale Heselton.

3. Other Business:

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

4. Adjournment: 7:30pm



**Planning and Development Department
Zoning Board of Appeals
Conditional Use Appeal Application**

Applicant Information:

Mary Heselton

Name

N/A

Business Name

345 Palmer Avenue

Address

Portland, Maine 04103

207-939-7087

Telephone

Fax

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

Owner

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

Current Zoning Designation: R-2

Existing Use of Property:

Single-family home

Subject Property Information:

345 Palmer Avenue, Portland, Maine 04103

Property Address

353-C-8

Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Same

Name

Address

Telephone

Fax

Conditional Use Authorized by Section 14 - 7B(a)2

Type of Conditional Use Proposed:

Add in-law apartment to existing house.

SEP 20 2010

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:

- (a) There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- (b) There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- (c) 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.

I, undersigned hereby makes application for a conditional use permit as above described, and certified that information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Mary Heselton
Signature of Applicant

September 19, 2010
Date

MARY HESELTON
345 Palmer Avenue
Portland, Maine 04103
207-939-7087

Via Hand Delivery

September 19, 2010

Zoning Board of Appeals
Portland City Hall
389 Congress Street, Room 315
Portland, Maine 04101

***Re: Application (Conditional Use Appeal) to Portland Zoning Board of Appeals (ZBA)
345 Palmer Avenue in Portland, Maine***

Dear Sir or Madame,

I am appealing a stay of my building permit submitted to the City of Portland on September 1, 2010, regarding my property listed at the above address. I understand that the ZBA hearing will take place on October 7, 2010.

I propose to build an in-law apartment, which will be attached to the rear of my house. In particular, the accessory unit shall be 30% of the gross floor area of my house (2,128 square feet in existing home and 638.4 square feet in proposed unit). My current house, built in 1990, sits upon a 15,602 square foot lot. I will not attach to the proposed unit any open, outside stairways or fire escapes above the ground floor. The one-level addition in back of my home is designed to be compatible with the architectural style of my current home (including facade materials, building form, roof pitch, and exterior doors), preserving the single-family appearance of the building.

Please note that I am also applying for a practical difficulty variance with the ZBA so that I can retain the area of my current driveway, which is wide enough to accommodate three vehicles. This driveway space will sufficiently accommodate the vehicles of all occupants in the house and the addition. I plan to occupy the accessory unit and my daughter, who will eventually own the property, will live in the principal dwelling.

Please find enclosed for filing the following documents:

- ◆ Copy of Appeal Application;
- ◆ Plot plan showing the site and location of all structures, existing and proposed, in relation to the lot lines. Also included is a floor plan showing dimensions of proposed rooms and structures;

Zoning Board of Appeals

September 19, 2010

Page 2 of 2

- ◆ Copy of tax map with the property highlighted (shown as 343 Palmer Avenue according to the Portland Assessor's Office) and Portland Assessor's webpage regarding property;
- ◆ Photos (5) of property;
- ◆ Deed to property; and
- ◆ \$100.00 check for application fee.

This building project will blend in with the existing house and neighborhood. Furthermore, the addition will enhance the value of the property and make it more attractive and practical, which is beneficial to surrounding property owners. Conversely, there will be no adverse impact upon the health, safety, or welfare of my neighbors and the public. The addition is located behind the current house and is only a single level accessory unit and will not substantially impact the residential character of the zoning area.

Please note that my ex-husband, Dale Heselton, will be representing my interests at the ZBA hearing. Feel free to contact me with questions. Thank you.

Sincerely, 

Mary Heselton

Enclosures

9332

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that We, STANLEY EATON & DEBRA EATON a/k/a DEBORAH EATON of 49 EUCLID AVENUE, PORTLAND, MAINE 04103 and JAMES LOMBARDO & DEBORAH LOMBARDO of 68 EUCLID AVENUE, PORTLAND, MAINE 04103 in consideration of ONE DOLLAR (\$1.00) and other valuable consideration paid by DALE H. HESELTON and MARY I. HESELTON of 63 PALMER AVENUE, PORTLAND, MAINE 04103, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said DALE H. HESELTON and MARY I. HESELTON their heirs and assigns forever AS JOINT TENANTS NOT AS TENANTS IN COMMON the follow described property;

A certain lot or parcel of land situated in the City of Portland, County of Cumberland, and State of Maine, being further described on the attached Exhibit A.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said DALE H. HESELTON and MARY I. HESELTON their heirs and assigns, to them and their use and behoof forever.

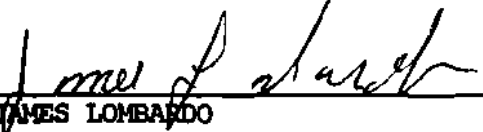
And Grantors, in their said capacity, do covenant with the said DALE H. HESELTON and MARY I. HESELTON their heirs and assigns, that they are lawfully seized in fee of the premises, that they are free of all encumbrances; that they have good right to sell and convey the same to the said DALE H. HESELTON and MARY I. HESELTON to hold as aforesaid; and that they and their successors shall and will warrant and defend the same to the said DALE H. HESELTON and MARY I. HESELTON their heirs and assigns forever, against the lawful claims and demands of all persons, in their said capacity.

IN WITNESS WHEREOF, the said STANLEY EATON, DEBRA EATON, a/k/a DEBORAH EATON, JAMES LOMBARDO and DEBORAH LOMBARDO have hereunto set our hands and seals, this 4th day of March, 1991.

MAINE REAL ESTATE TRANSFER TAX PAID


STANLEY EATON


DEBRA EATON, a/k/a DEBORAH EATON


JAMES LOMBARDO



DEBORAH LOMBARDO

STATE OF MAINE
CUMBERLAND, ss.

March 4, 1991

Then personally appeared the above named STANLEY EATON, DEBRA EATON, a/k/a DEBORAH EATON, JAMES LOMBARDO and DEBORAH LOMBARDO and acknowledged the foregoing to be their free act and deed.

Before me,


CHARLES H. McLAUGHLIN, IV
Attorney at Law

QUITCLAIM DEED WITH COVENANTS
33 M.R.S.A. Section 761 et seq.

KNOW ALL BY THESE PRESENTS, that **Dale H. Heselton, of Portland, Maine**, for valuable consideration received, hereby grants to **Mary I. Heselton of Portland, Maine**, with **QUITCLAIM COVENANTS**, his one-half interest in that certain lot or parcel of land, with any improvements thereon, located at **345 Palmer Avenue**, City of Portland, County of Cumberland and State of Maine, as more fully described in **Exhibit A** attached hereto and fully incorporated herein by reference.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 18th day of August, 2010.

[Signature]
Witness

[Signature]
Dale H. Heselton

State Of Maine
Cumberland, ss:

August 18, 2010

Personally appeared the above-named Dale H. Heselton and acknowledged the foregoing to be his free act and deed.

Before me,

[Signature]
Notary Public/Attorney At Law

Ahlya C. Whitten
Type or Print Name

AHLYA C. WHITTEN
Notary Public, Maine
My Commission Expires May 8, 2017

SEAL

Borrower Tracy, Dale H. & Mary I. Heselton

Property Address 345 Palmer Avenue

City Portland

County

Cumberland

State ME

Zip Code 04103-1651

Lender/Client cPort Credit Union

Address 50 Riverside Industrial Parkway, Portland, ME 04103

Deed 9332 Bk 9426 Pg 81

EXHIBIT A

A certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows, to wit: LOT 63, in Deering Run Subdivision - Phase II containing approximately 18,603 square feet, as shown on the recording plat of Deering Run Subdivision - Phase II dated April 30, 1987 and recorded in the Cumberland County Registry of Deeds in Book 164, Page 51.

THIS conveyance is made subject to the notes, easements and restrictions shown on said plan; an easement granted to the Portland Water District recorded in said Registry of Deeds in Book 7933, Page 179; a sewer and drainage easement dated August 6, 1987, granted to the City of Portland as shown on said plan, to be recorded; a Site Location Order issued by the Department of Environmental Protection recorded in said Registry of Deeds in Book 7804, Page 173; and the restrictions set forth in Exhibit A hereto.

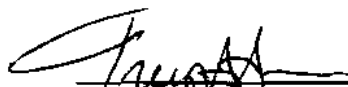
HENCE the same premises conveyed to the Grantors herein by warranty deed of George Reichert and Dolores F. Reichert dated November 30, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 66.

Received
Recorded Register of Deeds
Aug 18:2010 03:04:30P
Cumberland County
Pamela E. Lovley


QUITCLAIM DEED WITH COVENANTS
33 M.R.S.A. Section 761 et seq.

KNOW ALL BY THESE PRESENTS, that **Mary I. Heselton**, of **Portland, Maine**, for valuable consideration received, hereby grants to **Mary I. Heselton of Portland, Maine and Tracy J. Heselton of Portland, Maine**, with **QUITCLAIM COVENANTS**, one-half interest in that certain lot or parcel of land, with any improvements thereon, located at **345 Palmer Avenue, City of Portland, County of Cumberland and State of Maine**, as more fully described in **Exhibit A** attached hereto and fully incorporated herein by reference.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 18th day of August, 2010.



Witness



Mary I. Heselton

State Of Maine
Cumberland, ss:

August 18, 2010

Personally appeared the above-named **Mary I. Heselton** and acknowledged the foregoing to be his free act and deed.

Before me,



Notary Public/Attorney At Law

Ahlya C. Whitten

Type or Print Name

SEAL

Borrower Tracy, Dale H. & Mary I. Heselton

Property Address 345 Palmer Avenue

City Portland County Cumberland State ME Zip Code 04103-1651

Lender/Client cPort Credit Union Address 50 Riverside Industrial Parkway, Portland, ME 04103

Deed 8332 Bl 249 Page 81

EXHIBIT A

A certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows, to wit: LOT 63, in Deering Run Subdivision - Phase II containing approximately 16,602 square feet, as shown on the recording plat of Deering Run Subdivision - Phase II dated April 30, 1987 and recorded in the Cumberland County Registry of Deeds in Book 164, Page 51.

THIS conveyance is made subject to the notes, mortgages and restrictions shown on said plan; an easement granted to the Portland Water District recorded in said Registry of Deeds in Book 7933, Page 179; a sewer and drainage easement dated August 6, 1967, granted to the City of Portland as shown on said plan, to be recorded; a Site Location Order issued by the Department of Environmental Protection recorded in said Registry of Deeds in Book 7804, Page 173; and the restrictions set forth in Exhibit A hereto.

BEYOND the same premises conveyed to the Grantors herein by unitarily deed of George Baichert and Dolores W. Baichert dated November 30, 1990 and recorded in the Cumberland County Registry of Deeds in Book 3603, Page 64.

Received
Recorded Register of Deeds
Aug 18, 2010 03:04:30P
Cumberland County
Paulea E. Lovley

345 PALMER AVE – INLAW APARTMENT

345 PALMER AVENUE
PORTLAND, ME 04103



DRAWN BY:



75 Bishop St.
Portland, Maine 04103
207-878-8511 Fax 207-878-8515
E-Mail fmc@fmcadd.com

NOTE:
THIS DRAWING IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
IF USED FOR CONSTRUCTION, THE CONTRACTOR ASSUMES ALL RESPONSIBILITY
FOR LOCAL CODE COMPLIANCE.
ALL DRAWINGS, PLANS, SPECIFICATIONS, ETC. ARE PROVIDED TO OUR
CLIENTS BASED UPON INFORMATION PROVIDED BY THE CLIENT
AND DRAWN IN ACCORDANCE WITH COMMON BUILDING PRACTICES
AND LOCAL CODES. NONE OF THE EMPLOYEES OF FMC CADD DRAFTING
SERVICES, INC. ARE REGISTERED ARCHITECTS, ENGINEERS OR LAND
SURVEYORS. ALL DIMENSIONS AND SPECIFICATIONS SHOULD BE ADVISED
BY CLIENT AND/OR CONTRACTOR BEFORE ACTUAL CONSTRUCTION
BEGINS. IF DIMENSIONS AND SPECIFICATIONS ARE NOT REVIEWED
BY CLIENT AND/OR CONTRACTOR BEFORE ACTUAL CONSTRUCTION
BEGINS, FMC CADD DRAFTING SERVICES, INC. WILL BE HELD HARMLESS.
FMC CADD DRAFTING SERVICES, INC. ASSUMES NO LIABILITY FOR CHANGES
AND/OR REVISIONS MADE TO PLANS BY CLIENT AND/OR CONTRACTOR.

SHEET LIST

- A0 COVER SHEET
- A1 SITE PLAN
- A2 FIRST FLOOR PLAN
- A3 ROOF PLAN
- A4 FOUNDATION PLAN
- A5 ELEVATIONS
- A6 SECTIONS
- A7 SECTIONS

PROJECT INFORMATION

OWNER:
HESELTON, DALE & MARY

ADDRESS:
345 PALMER AVENUE
PORTLAND, ME 04103

ZONING	R2
FRONT SETBACK	25 FT
SIDE SETBACK	12 FT
REAR SETBACK	25 FT
CURRENT PROPERTY SIZE	15,602 sq ft (0.358 ACRES)
EXISTING BUILDING COVERAGE SQ. FT.	1,729 sq ft
GARAGE	400 sq ft
TOTAL	2,129 sq ft
MAXIMUM ACCESSORY COVERAGE:	30% or 638.4 sq ft (CODE SECTION 14-70 pg. 66)
PROPOSED BUILDING COVERAGE SQ. FT.	638.3 sq ft

PROPERTY OF



345 PALMER AVE - INLAW APARTMENT

345 PALMER AVENUE, PORTLAND, ME 04103

COVER SHEET

3.

2.

1.

REVS: -

CODE: -

TOWN: PORTLAND

DATE: 9-1-10

SCALE: NTS

DESIGNED: JUR

DRAWN: JUR

TITLE:

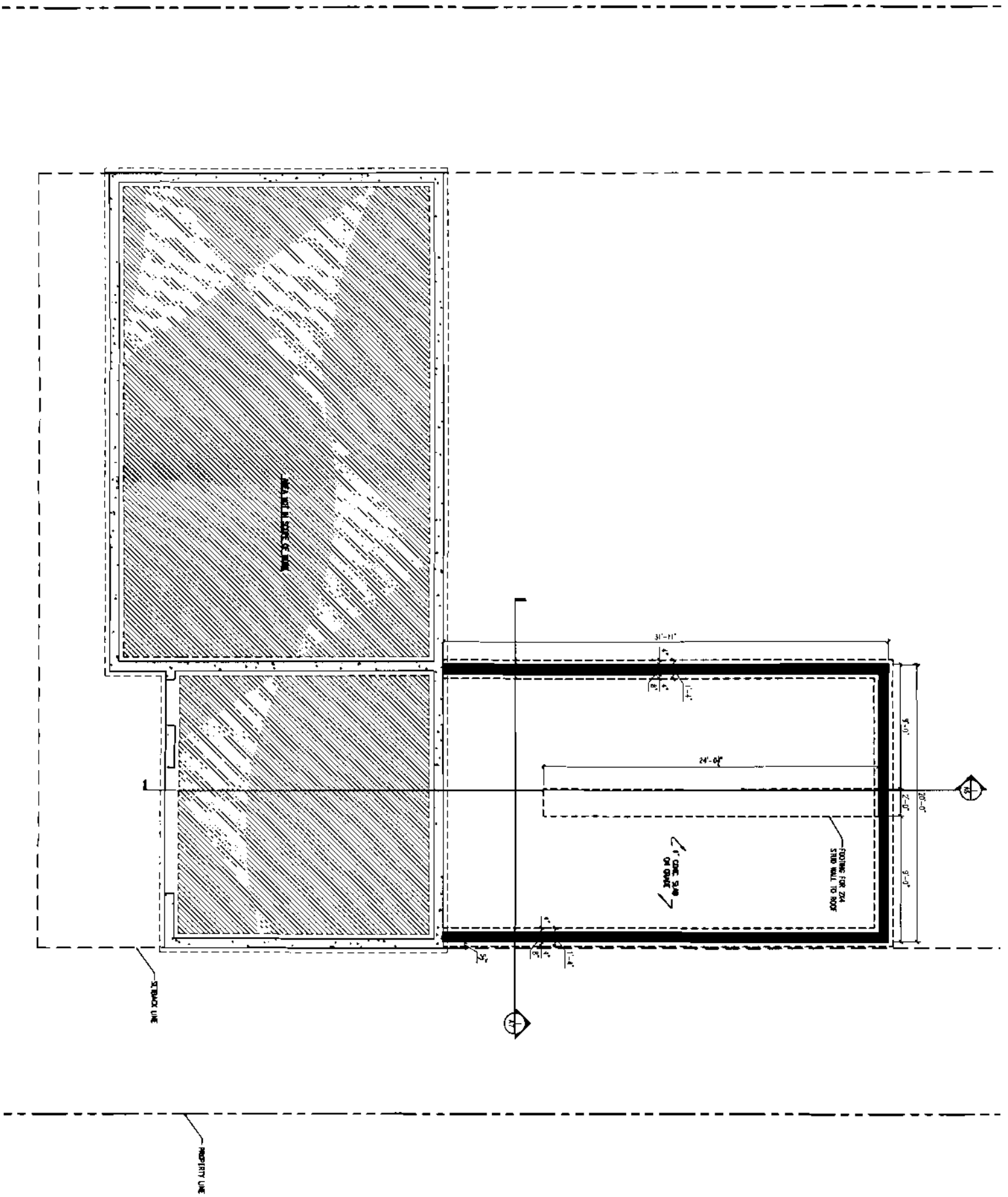
COVER SHEET

FILE:

SHEET: A0

NOTE
 THIS DRAWING IS PROVIDED FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS SHOWN ON THIS DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS SHOWN ON THIS DRAWING.

1 FOUNDATION PLAN
 A4 SCALE: 1/4" = 1'-0"

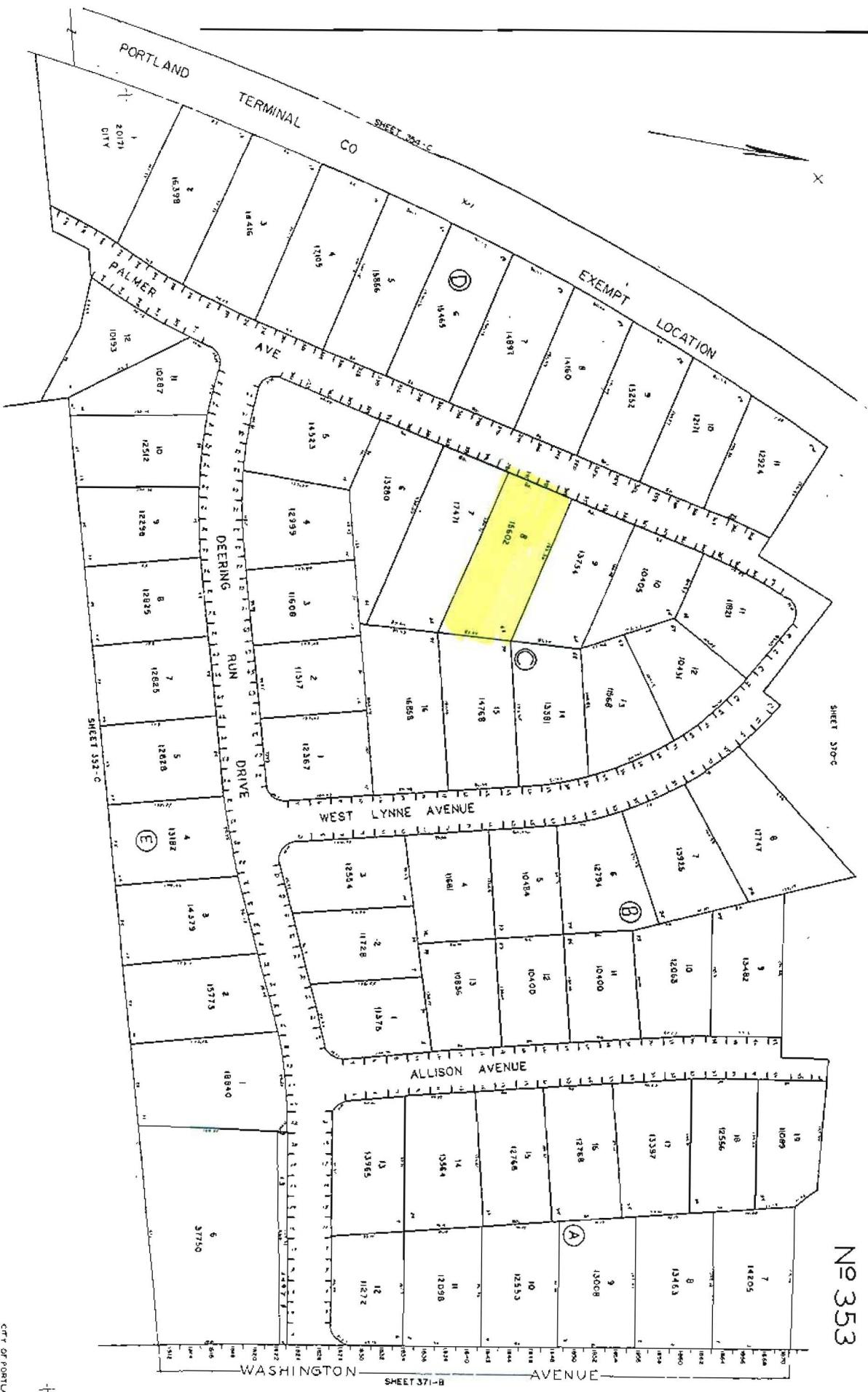


345 PALMER AVE - INLAW APARTMENT
 345 PALMER AVENUE, PORTLAND, ME 04103
FOUNDATION PLAN

FIG CADD Engineering Resource Center
 75 Midway St.
 Portland, Maine 04103
 207-478-8311 Fax 207-478-8213
 E-Mail: fig@figcadd.com

SHEET: A4	FILE: PUM	TITLE: FOUNDATION	DRAWN: JLR	DESIGNED: JLR	SCALE: 1/4" = 1'-0"	DATE: 9-1-10	TOWN: PORTLAND	CODE: -	REVS: -	1.	2.	3.
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PROPERTY OF



№ 353

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E-Services](#) [Calendar](#) [Jobs](#)

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

Current Owner Information:

Services

- [Applications](#)
- [Doing Business](#)
- [Maps](#)
- [Tax Relief](#)
- [Tax Roll](#)
- [G.A.A.](#)

CBL 353 C008001
Land Use Type SINGLE FAMILY
Property Location 343 PALMER AVE
Owner Information HESELTON DALE H & MARY I JTS
 345 PALMER AVE
 PORTLAND ME 04103
Book and Page 9486/80
Legal Description 353-C-8
 PALMER AVE 343-349
Acres 15602 SF
 0.358

Current Assessed Valuation:

TAX ACCT NO.	37844	OWNER OF RECORD AS OF APRIL 2010
LAND VALUE	\$76,300.00	HESELTON DALE H & MARY I JTS
BUILDING VALUE	\$164,200.00	345 PALMER AVE
HOMESTEAD EXEMPTION	(\$10,000.00)	PORTLAND ME 04103
NET TAXABLE - REAL ESTATE	\$230,500.00	
TAX AMOUNT	\$4,130.56	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Card 1 of 1

Year Built 1990
Style/Structure Type CAPE
Stories 2
Bedrooms 3
Full Baths 2
Half Baths 1
Total Rooms 7
Attic NONE
Basement FULL
Square Feet 1728

[View Sketch](#) [View Map](#) [View Picture](#)



Best viewed at 800x600, with Internet Explorer



Sales Information:

Sale Date	Type	Price	Book/Page
3/4/1991	LAND + BUILDING	\$0.00	9486/80









City of Portland Zoning Board of Appeals

September 29, 2010

Dale Heselton
345 Palmer Avenue
Portland, ME 04103

Dear Mr. Heselton,

Your Practical Difficulty Appeal and Conditional Use Appeal have been scheduled to be heard before the Zoning Board of Appeals on **Thursday, October 7, 2010 at 6:30 p.m.** in Room 209, located on the second floor of City Hall.

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

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

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

MAKE CHECK OUT TO: City of Portland
MAILING ADDRESS: Room 315
389 Congress Street
Portland, ME 04101

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

Sincerely,

Ann B. Machado
Zoning Specialist

Cc: File

City of Portland

DATE: 9/29/10

TIME: 13:32:16

PZ CASH RECEIPT

PROJECT #: 10-59900008

PROJECT DESC: CONDITIONAL USE - 345 PALMER AVE. - ADD

RECEIVED FROM: Dale Heselton

RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
Z1	ZONING BOARD OF APPEALS		100.00

TOTAL AMOUNT:

100.00

City of Portland

DATE: 10/06/10

TIME: 8:52:16

PZ CASH RECEIPT

PROJECT #: 10-59900008

PROJECT DESC: CONDITIONAL USE - 345 PALMER AVE. - ADD

RECEIVED FROM: Dale Heselton

RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
L2	LEGAL AD ZONING BOARD		72.70
		TOTAL AMOUNT:	72.70

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	BEALE CAMILLA K	30 WEST LYNNE AVE PORTLAND, ME 04103	30 WEST LYNNE AVE	1
	BLACK JOSHUA K	305 PALMER AVE PORTLAND, ME 04103	305 PALMER AVE	1
	BLISS JOHN M & JENNIFER W JTS	65 DEERING RUN DR PORTLAND, ME 04103	65 DEERING RUN DR	1
	BOURQUE JAMES R & MONIKA M MOROZ JTS	38 WEST LYNNE AVE PORTLAND, ME 04103	38 WEST LYNNE AVE	1
	BRUME WALLACE D & ANN W JTS	304 PALMER AVE PORTLAND, ME 04103	304 PALMER AVE	1
	BUCKLEY LUCRETIA J	34 ALLISON AVE PORTLAND, ME 04103	34 ALLISON AVE	1
	CLAYTON RAY J & MICHELE K JTS	58 DEERING RUN DR PORTLAND, ME 04103	58 DEERING RUN DR	1
	COSTABLE JARED L & MOLLY B WOOD JTS	372 PALMER AVE PORTLAND, ME 04103	372 PALMER AVE	1
	COUTURE GILBERT A & JOAN O JTS	18 ALLISON AVE PORTLAND, ME 04103	18 ALLISON AVE	1
	CURRAN SANDRA F	359 PALMER AVE PORTLAND, ME 04103	359 PALMER AVE	1
	DERICE JOAN WID WWII VET	37 DEERING RUN DR PORTLAND, ME 04103	37 DEERING RUN DR	1
	DIMILLO JAMES C & CHARITY M DIMILLO JTS	71 DEERING RUN DR PORTLAND, ME 04103	71 DEERING RUN DR	1
	DIMILLO RUDY J & ANNEMARIE T JTS	91 DEERING RUN DR PORTLAND, ME 04103	87 DEERING RUN DR	1
	DIONNE JENNIFER S & RONALD A DIONNE JTS	4 ALLISON AVE PORTLAND, ME 04103	4 ALLISON AVE	1
	DOHERTY ROGER H & JANICE A JTS	43 WEST LYNNE AVE PORTLAND, ME 04103	43 WEST LYNNE AVE	1
	DONLAN MICHAEL J	25 WEST LYNNE AVE PORTLAND, ME 04103	25 WEST LYNNE AVE	1
	DORR ALAN R JR	44 DEERING RUN DR PORTLAND, ME 04103	44 DEERING RUN DR	1
	DUBAY LAURIE W & WAYNE L JTS	358 PALMER AVE PORTLAND, ME 04103	358 PALMER AVE	1
	ENDRESON LORNA M	352 PALMER AVE PORTLAND, ME 04103	350 PALMER AVE	1
	ESCHAUZIER PETER L & KRISTIN A JTS	49 WEST LYNNE AVE PORTLAND, ME 04103	47 WEST LYNNE AVE	1
	FASULO JAMES A & KATHRYN L	380 PALMER AVE PORTLAND, ME 04103	378 PALMER AVE	1
	PECTEAU DANIEL R & JEAN C FECTEAU JTS	75 CONTINENTAL DR PORTLAND, ME 04103	75 CONTINENTAL DR	1
	FINLEY ERIN P	28 ALLISON AVE PORTLAND, ME 04103	28 ALLISON AVE	1
	FITZGERALD MATTHEW F & SALLY M FITZGERALD JTS	409 PALMER AVE PORTLAND, ME 04103	407 PALMER AVE	1
	FOWLER JANICE M	81 DEERING RUN DR PORTLAND, ME 04103	81 DEERING RUN DR	1
	FRANK KENNETH E & MICHELE M FRANK JTS	324 PALMER AVE PORTLAND, ME 04103	324 PALMER AVE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	GAGNON JOHN P & CARMELA R	353 PALMER AVE PORTLAND, ME 04103	351 PALMER AVE	1
	GILLE JANET ANN	86 DEERING RUN DR PORTLAND, ME 04103	86 DEERING RUN DR	1
	GILLIGAN MATTHEW C & MELANIE R GILLIGAN JTS	31 WEST LYNNE AVE PORTLAND, ME 04103	31 WEST LYNNE AVE	1
	GRANT PAUL W & PAMELA J JTS	80 DEERING RUN DR PORTLAND, ME 04103	80 DEERING RUN DR	1
	HEALD ARIAN E & CHRISTINE L PALMER JTS	57 DEERING RUN DR PORTLAND, ME 04103	4 WEST LYNNE AVE	1
	HESELTON DALE H & MARY I JTS	345 PALMER AVE PORTLAND, ME 04103	343 PALMER AVE	1
	INGRISANO SUZANNE R	34 WEST LYNNE AVE PORTLAND, ME 04103	35 WEST LYNNE AVE	1
	JOHNSON BARBARA J & GARY E	81 CONTINENTAL DR PORTLAND, ME 04103	81 CONTINENTAL DR	1
	JUDKINS TERRY A	38 ALLISON AVE PORTLAND, ME 04103	38 ALLISON AVE	1
	LALUMIERE GLEN A & BARBARA E JTS	332 PALMER AVE PORTLAND, ME 04103	332 PALMER AVE	1
	LOVEITT KENNETH E & MARSHA J JTS	22 WEST LYNNE AVE PORTLAND, ME 04103	20 WEST LYNNE AVE	1
	MARION NED G & DEBRA G ETAL JTS	18 WEST LYNNE AVE PORTLAND, ME 04103	16 WEST LYNNE AVE	1
	MCARTHUR CLAYTON I & CHRISTINE M JTS	89 AUBURN ST PORTLAND, ME 04103	92 DEERING RUN DR	1
	MCCALLUM RICHARD & SANDRA M JTS	312 PALMER AVE PORTLAND, ME 04103	312 PALMER AVE	1
	MCCARTHY RICHARD G & CARLENE A JTS	48 WEST LYNNE AVE PORTLAND, ME 04103	48 WEST LYNNE AVE	1
	MCPARTLAN ROBERT P	59 CONTINENTAL DR PORTLAND, ME 04103	59 CONTINENTAL DR	1
	MICKIEWICZ MARY B & JOHN A	339 PALMER AVE PORTLAND, ME 04103	339 PALMER AVE	1
	MITCHELL ROBERT CO INC	423 RIVERSIDE INDUSTRIAL PKWY PORTLAND, ME 04103	423 RIVERSIDE IND PKWY	1
	MOLLER JOHN H & AMY E LONGLEY JTS	67 CONTINENTAL DR PORTLAND, ME 04103	67 CONTINENTAL DR	1
	MORRISON MARY G	320 PALMER AVE PORTLAND, ME 04103	320 PALMER AVE	1
	NICKERSON EUGENE P	72 DEERING RUN DR PORTLAND, ME 04103	72 DEERING RUN DR	1
	NYLEN CAROL	48 ALLISON AVE PORTLAND, ME 04103	48 ALLISON AVE	1
	O'NEAL MICHAEL E & DEBORAH A O'NEAL JTS	66 DEERING RUN DR PORTLAND, ME 04103	66 DEERING RUN DR	1
	PAWLACZYK TOMASZ	348 PALMER AVE PORTLAND, ME 04103	344 PALMER AVE	1
	PEARY ANDREA L & FRANK K DONOVAN JTS	399 PALMER AVE PORTLAND, ME 04103	399 PALMER AVE	1
	PROUTY TIMOTHY J & ANN MARIE TUCKER JTS	51 CONTINENTAL DR PORTLAND, ME 04103	51 CONTINENTAL DR	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	RATHBONE GREG J	366 PALMER AVE PORTLAND, ME 04103	366 PALMER AVE	1
	REICHERT DAVID M & SHIRLEY E JTS	333 PALMER AVE PORTLAND, ME 04103	333 PALMER AVE	1
	RIVERSIDE PROPERTIES LLC	PO BOX 334 WESTBROOK, ME 04098	1 RICE ST	1
	ROSSI LOUIS J SR & JEANNETTE L JTS	50 DEERING RUN DR PORTLAND, ME 04103	50 DEERING RUN DR	1
	ROUSSEAU GARY L & ARLINE C P ROUSSEAU JTS	340 PALMER AVE PORTLAND, ME 04103	340 PALMER AVE	1
	SEYMOUR J BARTON & DAWN C	43 CONTINENTAL DR PORTLAND, ME 04103	43 CONTINENTAL DR	1
	SHAW JAMES E & MARGOE SHAW JTS	385 PALMER AVE PORTLAND, ME 04103	385 PALMER AVE	1
	SHEARER EDWIN A & DARLENE H JTS	22 ALLISON AVE PORTLAND, ME 04103	22 ALLISON AVE	1
	SHER PHILIP A & JUDITH D GLOVSKY-SHER	7 WEST LYNNE AVE PORTLAND, ME 04103	7 WEST LYNNE AVE	1
	SWIGER WENDY E	394 PALMER AVE PORTLAND, ME 04103	394 PALMER AVE	1
	VIOLA PATRICK R III & DEBRA A JTS	388 PALMER AVE PORTLAND, ME 04103	388 PALMER AVE	1
	WALSH BETH A	367 PALMER AVE PORTLAND, ME 04103	363 PALMER AVE	1
	WATSON STANLEY W & TONI S WATSON JTS	38 DEERING RUN DR PORTLAND, ME 04103	36 DEERING RUN DR	1
	WOLFE MICHAEL D & JUDY M JTS	17 WEST LYNNE AVE PORTLAND, ME 04103	17 WEST LYNNE AVE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
Total Listed:	66			66

