

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 Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

Members Present: Phil Saucier - 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.

Jill Hunter
no longer required
sec 14-332(a)(2)

Granted
A-0

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
 Practical Difficulty Variance Application

Parking in front
Yes

Applicant Information:

Mary Heaelton

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

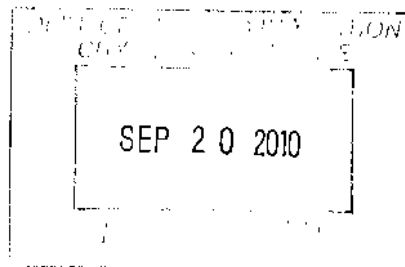
Address

Telephone

Fax

Practical Difficulty Variance from Section 14 - 473(c)⁽³⁾₍₂₎

14-336



WITHDRAW

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

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

Mary Heaelton

Signature of Applicant

September 19, 2010

Date

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Board of Appeals may grant a variance from the dimensional standards of this article when strict application of the provisions of the ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

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

I am requesting a variance so that I can keep my driveway the same size, even though I am adding an addition to the back of my house - a unique circumstance regarding only my property.

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

The granting of the variance will not adversely affect the value of my neighbor's property; the variance will allow me to keep my lawn the same size, which will be more aesthetically pleasing for my neighbors, maintaining their

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

The applicant has not taken actions, which would cause the practical difficulty.

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

Increasing the size of the driveway would eliminate applicant's lawn, which will interfere with the residential integrity of the single-family home appearance.

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

In fact, granting the variance will preserve the natural environment by maintaining the lawn and landscaping.

6. Strict application of the dimensional standards of the ordinance to the subject property will preclude a use which is permitted in the zone in which the property is located:

Strict application of the dimensional standards of the ordinance will preclude the owner from using the property in a residential manner by turning a driveway into a quasi parking lot.

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

Increasing the size of the driveway will add significant costs without any real benefit to the applicant.

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

N/A

The following words have the meanings set forth below:

- a.) **Dimensional Standards**: Those provisions of this article which relate to lot area, lot coverage, frontage and setback requirements.
- b.) **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 would result in significant economic injury to the applicant.
- c.) **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 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.

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

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Robin 135 | (207) 874-8486

Home | About Us | Assessor's Office | Department Information | Property Information | Parcel Information | Services | Search

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:

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	

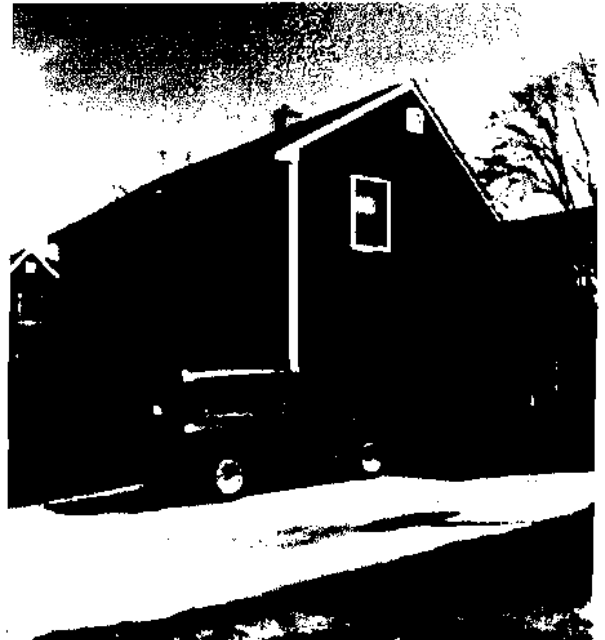
Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

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](#)



Sales Information:

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

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.

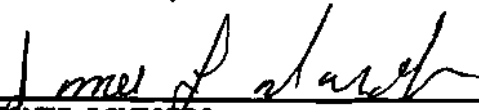
And Grantors, in their said capacity, do covenant with the said DALE H. HESELTON and MARY I. HESELTON their heirs and assigns, that they are lawfully seized in fee of the premises, that they are free of all encumbrances; that they have good right to sell and convey the same to the said DALE H. HESELTON 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 5, 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

Instr 9552 Bk 9486 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 43, in Dearing Run Subdivision - Phase II containing approximately 15,602 square feet, as shown on the recording plat of Dearing Run Subdivision - Phase II dated April 30, 1987 and recorded in the Cumberland County Registry of Deeds in Book 164, Page 31.

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 4, 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.

BEING the same premises conveyed to the Grantees herein by warranty deed of George Balchert and Dalarna F. Balchart dated November 30, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9403, Page 64.

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.

[Signature]
Witness

[Signature]
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,

[Signature]
Notary Public/Attorney At Law

Aniya C. Whitten
Type or Print Name

SEAL

Borrower Tracy, Dale H. & Mary I. Heselon

Property Address 345 Palmer Avenue

City Portland

County

Cumberland

State ME

Zip Code 04103-1851

Lender/Client cPort Credit Union

Address 50 Riverside Industrial Parkway, Portland, ME 04103

Instr 9332 Bk 9496 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 18,602 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 154, 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 4, 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.

BEING the same premises conveyed to the Grantees herein by warranty deed of George Reichert and Dalrose F. Reichert dated November 30, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9428, Page 66.

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

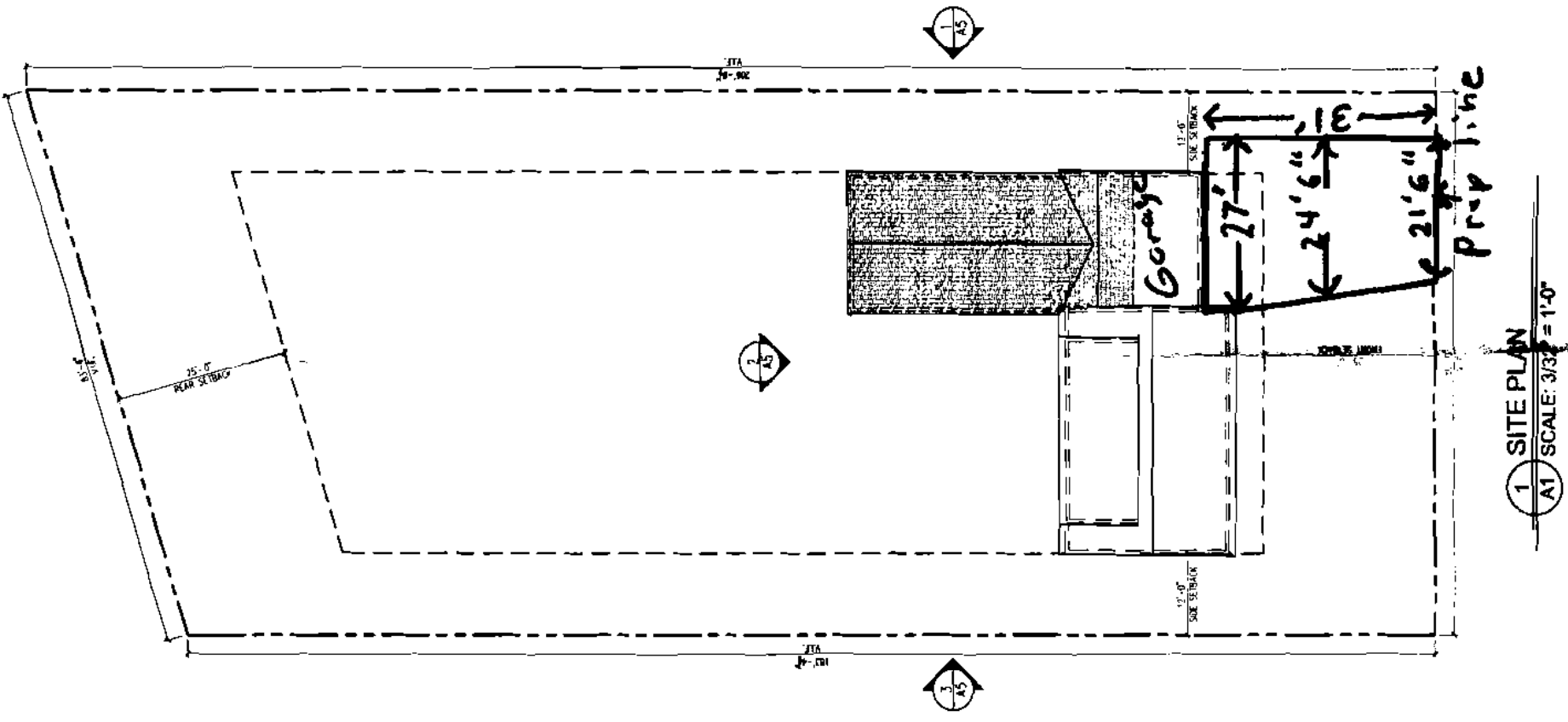
PROPERTY OF
 75 Bailey St.
 Portland, Maine 04103
 207-625-6211 Fax: 207-625-6215
 E-Mail: info@fmcabd.com



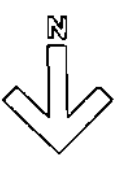
345 PALMER AVE - INLAW APARTMENT
 345 PALMER AVENUE, PORTLAND, ME 04103
 SITE PLAN

1.	REVISED	
2.		
3.		
TOWN: PORTLAND		
DATE: 9-1-10		
SCALE: 3/32" = 1'-0"		
DESIGNED: JLR		
DRAWN: JLR		
TITLE: SITE PLAN		
FILE:		
SHEET:	A1	

RECEIVED
 SEP 28 2010
 Dept. of Building Inspections
 City of Portland Maine



1 SITE PLAN
 A1 SCALE: 3/32" = 1'-0"



THIS DOCUMENT IS THE PROPERTY OF FMC ABD. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF FMC ABD. THE USER OF THIS DOCUMENT AGREES TO HOLD FMC ABD HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS DOCUMENT.



№ 353









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
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

Application No: 10-59500011

Statement Date: 09/29/2010

Project Name: 345 Palmer Ave. Practical

Applicant:

Development Type: ZONING PRACTICAL DIFFICULTY VARIANCE

CBL: 353 - C-008-001 343 PALMER AVE

SUMMARY OF OUTSTANDING FEES

	Charge Amount	Paid	Due
LEGAL AD ZONING BOARD	\$72.70	\$0.00	\$72.70
NOTICING ZONING BOARD	\$49.50	\$0.00	\$49.50
ZONING BOARD OF APPEALS	\$100.00	\$100.00	\$0.00
ZONING PROCESSING FEE	\$50.00	\$0.00	\$50.00
Outstanding Charges	\$272.20	\$100.00	\$172.20

*pd. 10/5
1011*

Detach and remit with payment

Application No: 10-59500011

Project Name: 345 Palmer Ave. Practical

Total Due Now **\$172.20**

Amount Remitted _____

City of Portland

DATE: 9/23/10

TIME: 11:00:25

PZ CASH RECEIPT

PROJECT #: 10-59500011

PROJECT DESC: PRACTICAL DIFFICULTY - 345 PALMER AVE. -

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: 8:49:07

PZ CASH RECEIPT

PROJECT #: 10-59500011
PROJECT DESC: PRACTICAL DIFFICULTY - 345 PALMER AVE. -
RECEIVED FROM: Dale Heselton
RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
---	-----	-----	-----
L2	LEGAL AD ZONING BOARD		72.70
N1	NOTICING ZONING BOARD		49.50
ZP	ZONING PROCESSING FEE		50.00
		TOTAL AMOUNT:	172.20

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	16 ALLISON AVE PORTLAND, ME 04103	16 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	67 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	376 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	26 ALLISON AVE	1
	FITZGERALD MATTHEW F & SALLY M FITZGERALD JTS	408 PALMER AVE PORTLAND, ME 04103	407 PALMER AVE	1
	FOWLER JANICE M	61 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	87 CONTINENTAL DR PORTLAND, ME 04103	87 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	346 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	386 PALMER AVE PORTLAND, ME 04103	386 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	38 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

