

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

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

August 23, 2010

Lewis McDonald
145 Auburn Street
Portland, ME 04103

RE: 145 Auburn Street
CBL: 374 B008
ZONE: R-3

Dear Mr. McDonald:

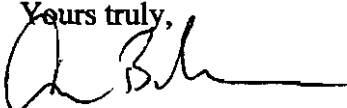
At the August 19, 2010 meeting, the Zoning Board of Appeals voted 4-0 to deny the variance appeal to waive the requirement that the property be owner occupied. The owner of the property must live in one of the dwelling units. I have enclosed a copy of the Board's decision.

I have also enclosed a receipt for payment of the notices and processing fee. You will find an invoice for \$81.85 for the legal advertisement that is still owed on the appeal. Please submit your payment on receipt of the invoice.

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

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,



Ann B. Machado
Zoning Specialist

Cc. file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

"Undue Hardship" Variance Appeal

DECISION

Date of public hearing: August 19, 2010

Name and address of applicant: Lewis McDonald
145 Auburn Street
Portland, ME

Location of property under appeal: 145 Auburn Street

For the Record:

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

Lewis McDonald, Applicant

Amod DAMELLE, 153 Auburn St.

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

Findings of Fact and Conclusions of Law:

The applicant is requesting an “undue hardship” variance from section 14-88(a)(2)(j). That section permits an accessory dwelling unit as a conditional use, but requires that either the accessory unit or principal unit be occupied by the lot owner, except for bona fide temporary absences. The applicant was granted a conditional use permit in 2004 for the accessory dwelling unit and is now asking for a variance from the requirement that he occupy either the principal or accessory unit. The property is located in the R-3 residential zone.

“Undue Hardship” Variance standard pursuant to Portland City Code §14-473(c)(1):

1. The land in question cannot yield a reasonable return unless a variance is granted. (Note: “Failure to yield a ‘reasonable return’ means ‘the practical loss of all beneficial use of the land.’ . . . Reasonable return does not mean maximum return.” *Rowe v. City of South Portland*, 730 A.2d 673, 675 (Me. 1999) (citations omitted).)

Satisfied ____ Not Satisfied ____

Reason and supporting facts:

2. 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 ____

Reason and supporting facts:

3. The granting of a variance will not alter the essential character of the locality.

Satisfied _____ Not Satisfied _____

Reason and supporting facts:

4. The hardship is not the result of action taken by the applicant or a prior owner.

Satisfied _____ Not Satisfied _____

Reason and supporting facts:

Conclusion: (check one)

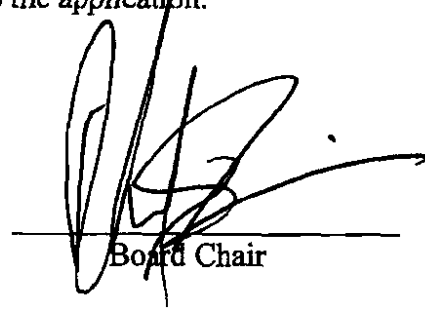
Option 1: The Board finds that the standards described above (1 through 4) have been satisfied and therefore GRANTS the application.

Option 2: The Board finds that while the standards described above (1 through 4) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that the standards described above (1 through 4) have NOT all been satisfied and therefore DENIES the application.

Dated:

8/18/10



Board Chair

O:\OFFICEMARYC\ZBA\variance appeal undue hardship McDonald.doc

The Board does not have jurisdiction to grant a variance to allow a two-family dwelling in an R-3 zone, pursuant to Sec. 14.473(c).

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: August 20, 2010

RE: Action taken by the Zoning Board of Appeals on August 19, 2010.

Members Present: Phil Saucier (chair), Gordon Smith (secretary), Sara Moppin, and William Getz

Members Absent: Jill Hunter

1. New Business:

A. Practical Difficulty Variance Appeal:

615 Forest Avenue, James Andrews, owner, Tax Map 125, Block N, Lot 003, B-2b Community Business Zone: The applicant is seeking a variance from the residential density requirements of the B-2b zone. The current use of the property is commercial on the first floor with two residential dwelling units above. The appellant is seeking to add a third dwelling unit on the first floor. Section 14-182(a)(2) allows multi-family dwellings in the B-2b zone in any structure with commercial uses in the first floor. In order to determine the maximum residential density for property located off-peninsula in the B-2b zone, the residential density requirements of the nearest residential zone apply [section 14-185(a)(5)(b)(i)]. The nearest residential zone is R-3, and it requires 6,500 square feet of land area per dwelling unit [section 14-90(b)]. The applicant's total lot size is 2,183 square feet. The applicant is requesting a variance from the 6,500 square feet of land area per dwelling unit requirement, which would result in 727 square feet of land area per dwelling unit if a third unit is permitted. Representing the appeal is the owner. **The Board voted 4-0 to deny the variance appeal to allow a dwelling unit to be added to the first floor of the building.**

B. Interpretation Appeal:

1445 Forest Avenue, Michael Mulkern, owner, Tax Map 340, Block D, Lot 003, R-3 Residential Zone: The appellant is seeking a variance to add one dwelling unit to an existing two family dwelling in the R-3 zone. A multi-family dwelling is not a permitted use in the R-3 Zone [section 14-87(a)]. Section 14-473(c)(4)(a) does not allow a use variance to be granted in a low density residential district (IR-1, IR-2, IR-3, R-1, R-2, R-3) for a use that is only allowed in a medium or high density residential district (R-4, R-5, R-6). The applicant is challenging the interpretation of section 14-473(c)(4)(a), arguing that they should be permitted to apply for a variance. Representing the appeal is the owner. **The Board voted 4-0 to deny the interpretation appeal.**

C. Variance Appeal:

1445 Forest Avenue, Michael Mulkern, owner, Tax Map 340, Block D, Lot 003, R-3 Residential Zone: The current legal use of the property is two residential dwelling units. The appellant would like to add a third dwelling unit. Section 14-87(a) lists the permitted residential uses in the R-3 zone. Multifamily

dwelling units are not permitted. The applicant is requesting a use variance to be allowed to add one additional dwelling unit to the property for a total of three dwelling units. Representing the appeal is the owner. **The Board voted 4-0 to accept the withdrawal of the variance appeal.**

D. Conditional Use Appeal:

173 Neal Street, Pramod Shrestha, lessee, Tax Map 054, Block G, Lot 023, B-2b Community Business Zone & R-6 Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-183(b)(1) to have a silk screening and embroidery business. Representing the appeal is Pramod Shrestha, the lessee. **The Board voted 4-0 to grant the conditional use appeal allowing the applicant to have a silk screening and embroidery business.**

E. Variance Appeal:

141-151 Auburn Street, Lewis McDonald, owner, Tax Map 125, Block B, Lots 008 & 013, R-3 Residential Zone: The appellant was granted a conditional use appeal on January 22, 2004 to add an additional dwelling unit to his single family home. Section 14-88(a)(2)(g)(iii) requires the owner to occupy one of the dwelling units. The applicant is requesting a variance to waive the requirement that the property has to be owner occupied. Representing the appeal is the owner. **The Board voted 4-0 to deny the variance to waive the requirement that the property be owner occupied.**

Enclosure:

Decision for Agenda from August 19, 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: Philip Saucier - Gordon Smith - Bill Getz - SARA

CITY OF PORTLAND, MAINE

moyppm

ZONING BOARD OF APPEALS

Member absent: Jill Hunter

APPEAL AGENDA

called to order 6:40

The Board of Appeals will hold a public hearing on Thursday, August 19, 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:

1. New Business:

A. Practical Difficulty Variance Appeal:

4-0

Denied

615 Forest Avenue, James Andrews, owner, Tax Map 125, Block N, Lot 003, B-2b Community Business Zone: The applicant is seeking a variance from the residential density requirements of the B-2b zone. The current use of the property is commercial on the first floor with two residential dwelling units above. The appellant is seeking to add a third dwelling unit on the first floor. Section 14-182(a)(2) allows multi-family dwellings in the B-2b zone in any structure with commercial uses in the first floor. In order to determine the maximum residential density for property located off-peninsula in the B-2b zone, the residential density requirements of the nearest residential zone apply [section 14-185(a)(5)(b)(i)]. The nearest residential zone is R-3, and it requires 6,500 square feet of land area per dwelling unit [section 14-90(b)]. The applicant's total lot size is 2,183 square feet. The applicant is requesting a variance from the 6,500 square feet of land area per dwelling unit requirement, which would result in 727 square feet of land area per dwelling unit if a third unit is permitted. Representing the appeal is the owner.

B. Interpretation Appeal:

4-0
Denied

1445 Forest Avenue, Michael Mulkern, owner, Tax Map 340, Block D, Lot 003, R-3 Residential Zone: The appellant is seeking a variance to add one dwelling unit to an existing two family dwelling in the R-3 zone. A multi-family dwelling is not a permitted use in the R-3 Zone [section 14-87(a)]. Section 14-473(c)(4)(a) does not allow a use variance to be granted in a low density residential district (IR-1, IR-2, IR-3, R-1, R-2, R-3) for a use that is only allowed in a medium or high density residential district (R-4, R-5, R-6). The applicant is challenging the interpretation of section 14-473(c)(4)(a), arguing that they should be permitted to apply for a variance. Representing the appeal is the owner.

C. Variance Appeal:

4-0
Withdrawn

1445 Forest Avenue, Michael Mulkern, owner, Tax Map 340, Block D, Lot 003, R-3 Residential Zone: The current legal use of the property is two residential dwelling units. The appellant would like to add a third dwelling unit. Section 14-87(a) lists the permitted residential uses in the R-3 zone. Multifamily dwellings are not permitted. The applicant is requesting a use variance to be allowed to add one additional dwelling unit to the property for a total of three dwelling units. Representing the appeal is the owner.

4-0

D. Conditional Use Appeal:

173 Neal Street, Pramod Shrestha, lessee, Tax Map 054, Block G, Lot 023, B-2b

GRANTED

Community Business Zone & R-6 Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-183(b)(1) to have a silk screening and embroidery business. Representing the appeal is Pramod Shrestha, the lessee.

E. Variance Appeal:

141-151 Auburn Street, Lewis McDonald, owner, Tax Map 125, Block B, Lots 008 & 013, R-3 Residential Zone:

4-0
DENIED

The appellant was granted a conditional use appeal on January 22, 2004 to add an additional dwelling unit to his single family home. Section 14-88(a)(2)(g)(iii) requires the owner to occupy one of the dwelling units. The applicant is requesting a variance to waive the requirement that the property has to be owner occupied. Representing the appeal is the owner.

The Board Does not have the right to grant this variance
2. Adjournment

↓
8:20pm



**City of Portland, Maine
 Department of Planning and Urban Development
 Zoning Board of Appeals
 Variance Appeal Application**

Applicant Information:

LEWIS E. MCDONALD
 Name

Business Name

145 AUBURN STREET
 Address

797-7446
 Telephone Fax

Applicant's Right, Title or Interest in Subject Property

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

Current Zoning Designation: R_3

Existing Use of Property:

TWO FAMILY DWELLINGS ON A DOUBLE LOT

Subject Property Information:

145 AUBURN STREET
 Property Address

~~374 B 8¹³ AUBURN ST. 144~~
 Assessor's Reference (Chart-Block-Lot)

151 374 B 008 001
 Property Owner (if different):

Name

Address

797-7446
 Telephone Fax

Variance from Section 14 - 88(c)(2)(g)(iii)

RECEIVED

JUL 30 2010

**Dept. of Building Inspections
 City of Portland Maine**

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

The undersigned hereby makes application for a 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.

Lewis E. McDonald
 Signature of Applicant

7/30/10
 Date

Except as specifically provided by the ordinance, a variance may be granted by the Board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. In order for the Board to find "undue hardship", the applicant must answer ALL of the following questions, and provide supporting evidence. The Board will consider this evidence in deciding whether to grant the appeal.

1. Can the land yield a reasonable return (not the highest return) without the granting of a variance?

Yes _____ (deny the appeal)

No _____

Reasons I cannot qualify under temporary absences. For owner-occupied property - see explanation attached to questions # 2 & 4. Both my residence & rental unit will have to be vacated without a variance.

2. Are there factors which are unique to this property, and not to the general conditions of the neighborhood, which create a need for a variance?

Yes _____

No _____ (deny the appeal)

Reasons See attached explanation

3. Will the granting of the variance alter the essential character of the locality?

Yes _____ (deny the appeal)

No _____

Reasons There would be no change to physical structures of property in any way

4. Is the hardship a result of the action taken by the applicant or a prior owner (self-created hardship)?

Yes _____ (deny the appeal)

No _____

Reasons See attached explanation

It is up to the applicant to decide whether to file an appeal after reviewing the above requirements.

Lewis E. McDonald
145 Auburn Street
Portland, Maine 04103

Telephone: (207) 797-7446

July 26, 2010

**City of Portland, Maine
Department of Planning and Urban Development
Zoning Board of Appeals
Variance Appeal Application**

Re: Cover letter required by application and answers to questions # 2 and # 4 of variance application.

Statement of what I want to do, as required by the application instructions:

My property is zoned R-3. On 06/07/2004 the City issued a Certificate of Occupancy approving change of use from single family dwelling w/garage & workshop to two-family dwellings. The lot size is 140' X 225', or .71 acres (a double lot). The enclosed photos reflect two distinct homes as opposed to what would fall within the classification of a multi-family building. I believe this falls within Sec. 14-86, Purpose of R-3 residential zoning. Within the body of this section it is stated:

To provide for medium-density residential development characterized by single-family homes on individual lots and **also to provide for planned residential unit developments on substantially sized parcels.**

Currently, I live in the cape unit and rent the ranch style unit. I am advised by the City, in order to rent the ranch style, the property has to be owner-occupied. My request is the property be non-owner occupied. I am retired and spend about six months of the year in Florida. Throughout this period, my home is vacant. In addition to costing me taxes, insurance and maintenance on my home, I feel it is subject to vandalism, fire and other hazards of a vacated property. My retirement plans are to move to Florida for eight months of the year and travel the remaining four. As a result of this I would not qualify under the owner-occupied property. Without a variance approved by the city for the property to be non-owner occupied both my residence and the rental unit would have to be vacated. This would expose the property to all the hazards of vacated property. **Furthermore, it places an "undue hardship" on me.**

I thank you in advance for your consideration of this request. I am attaching a separate statement addressing questions # 2 and # 4 of the application.

Sincerely,

**LEWIS E. MCDONALD
145 AUBURN STREET
PORTLAND, MAINE 04103**

TELEPHONE: (207) 797-7446

July 26, 2010

**City of Portland, Maine
Department of Planning and Urban Development
Zoning Board of Appeals
Variance Appeal Application**

Re: Question # 2 and # 4 of variance application

I have put forth answers that address the question of unique factors to this property and secondly, the hardship placed on me, not self created.

Question # 2.

The property is a double lot with two well maintained homes on it. This is unique in that most homes in this area are on single lots with single homes. Much of this area is surrounded by RP and B-1 zoning. Directly across the street from me is the First Lutheran Church. To the immediate South of me is a single family home which abuts RP- Zoning occupied by H & R Block. Directly across the street from them is a CPA firm, zoned R-P. Northgate Shopping Plaza abuts the H & R business. To the North of my property we find single family homes, telephone company, variety store, filling station and homes with apartments. My request is simply to allow me to rent my home to a family to bring about the best use for it. From owner-occupied to non-owner occupied. This request does not require any change in the physical layout or appearance of my property. I have discussed this with my neighbors and they have no objection to this request.

Question # 4.

The following statement addresses the hardship placed on me (not self-created). It is with great reluctance on my part to reduce this to writing. However, the question is asked and I therefore, will answer.

I purchased this property March 31, 1983. I had reviewed the zoning map and it was identified as B-1, (business zone). At that time I was conducting an accounting and tax business on Forest Avenue. I bought the property with the intent of operating my business from this location.

The following events took place after I acquired the property:

Immediately following my purchase, a public corporation, namely; Seven Eleven, offered to buy my property. They too acted on the zoning map. They gave me a deposit. They were advised, by the City of Portland, the zoning map was incorrect. They forfeited their deposit.

In January of 1985, I appeared before the zoning board of appeals for an interpretation of the zoning map issue. They declined to make the interpretation on the basis they felt they did not have the authority to do so. They recommended I request a zone change from R-3 to R-P.

In November of 1986 I appeared before the City Council requesting the zone change. The paperwork requesting the change was prepared by the City. Within the body of it the statement was made I wanted to expand my practice. This was never my intent and never expressed by me. Quite the contrary, mine was a small practice and my intent was to keep it that way. The zoning map issue came up as the council reviewed my request. Needless to say, it was declined. Councilor MacWilliams spoke to me after the denial and advised me to have an attorney represent me on this issue. The following day The Portland Press Herald wrote a full page article on this. Within a couple of days I called and spoke with the City Attorney, David Lourie. The purpose of my call was to get a clarification of statements made at the Council meeting. Before I could ask him the question, he made the statement, and I quote, **"You embarrassed the city and do not call my office again"**. My intent was never to embarrass the City. He slammed the phone down on me.

In January of 1987 I engaged the firm of **Richardson, Tyler & Troubh**, for my legal rights on the zoning map conflict. **Their research concluded the city is estopped from claiming my property is R-3. It is legally B-1.** I have included their letter reflecting this opinion. I did not pursue my legal rights for reason that I prefer not to put in writing.

In the late eighties, I wanted to renovate my kitchen. I called the city, asking if I needed a permit for this. He advised me, based on what I planned to do, I did not need a permit. I do not recall the name of the individual. **The following day he called and stated the answer was no and due to the embarrassment I caused the city, I would never be able to do anything with my property as long as I own it.** He did not even give me the courtesy to explain I never had any intentions of embarrassing the city.

On many occasions, inspectors would show up at my home to inspect it. It reached the point, on a given occasion, an inspector showed up at my home. He did not even knock, but rather just walked in. I asked him what he was there for and he said to inspect the property. I had enough of this harassment. Ordered him off my property and placed a telephone call to Mr. Warren Turner. Reluctantly, I told him, if anymore inspectors

showed up on my property I would physically remove them. That brought to an end these harassments.

Within this time frame I had an above ground swimming pool installed. The inspector from the city reviewed the installation. The ground around the pool is on an angle pitched upward. He went out about twenty feet on the upper ground and said the pool has to be four feet above finished ground. I explained to him I had flowers planted at the base of the external part of the pool. Further, the code calls for a pool to be four feet above finished ground. I discussed this with three persons at city hall. They insisted the inspector was correct. I told them I disagreed and asked them if they would agree if I tilled up forty inches around the pool. They agreed. I complied. It is my understanding the city code is based on a national code. The correct measurement is **two inches**. **I tilled up forty inches of my lawn only to satisfy an harassment dictated by someone within city hall.**

In December of 1993 I discussed, with one of my clients, Robert Vail, his thoughts on whether he felt my property would qualify for a second building on my lot due to it's size. I asked him because he was involved on zoning issues in a neighboring town. He filed the application on my behalf. In January of 1994, we received a letter of denial. Neither of us could understand this. I called **Councilor Charles Harlow** and explained my situation. He said he would look into it for me. He called me the following day and his words were, **"YOU ARE GETTING SCREWED"**. His words, not mine. Within days of his call I received a letter from the city rescinding the denial and giving me approval for a second building.

On April 2, 2004 I received correspondence from the city informing me an **independent revaluation** firm working closely with City staff had arrived at a new valuation of my property. This was done throughout the City. I felt it was a fair value. When I received my tax bill it reflected an increase of **\$ 168,000 over the valuation placed on it by the independent firm**. I called the City assessors office concerning this increase. They advised me they felt the value placed on the property was too low, so they increased it. It was during this period I built the ranch style unit at a cost to me of **\$ 35,000** which is evidenced by my depreciation schedule I file with the IRS. It was obvious to me I was at the mercy of the City of Portland. Under my circumstances, it would not do any good to appeal this.

I recently received a legal opinion on the zoning map issue from a reputable firm in Portland. They are of the opinion I have an excellent case against the city. My position now is the same as it was in the eighties, I do not want to take legal action against a city I reside in. If I received a ruling, by the courts, in my favor the value of my property would be many times over what it is today. I did not buy this property to make money as a result of zoning. My intent was always to live here and conduct a neighborhood accounting and tax service. **Had I been granted R-P zoning years ago as recommended by the Planning Board I would not have had the harassment nor the situation I have today. I am still of the opinion my property qualified to be**

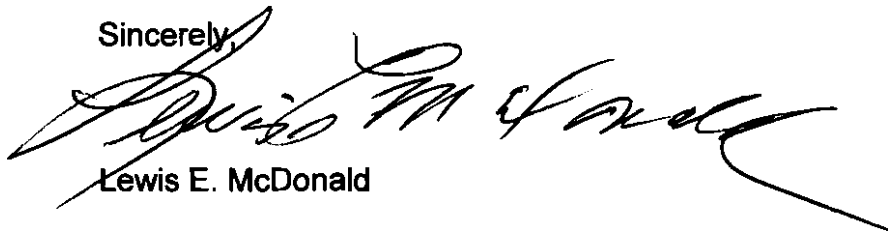
rezoned to R-P. It is interesting to note, **seventy feet** from my property, we have H & R Block and across the street from them a CPA firm.

I do not request a variance due to the unfortunate circumstances that I have outlined above. I do not know who gave the directive that resulted in the above events and quite frankly, I do not care. My request is simple: Allow me to have a non-occupied, two residences on a double lot. I believe this is the best and optimum use for this property and qualifies under the code, otherwise I am forced to vacate both my residence and the rental unit.

Within the past couple of months I have had discussions with Marge Schmuckal, zoning administrator, and zoning specialist, Ann Machado. Both were very accommodating and helpful.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lewis E. McDonald", written in a cursive style. The signature is positioned above the printed name.

Lewis E. McDonald

THIS IS NOT A BOUNDARY SURVEY

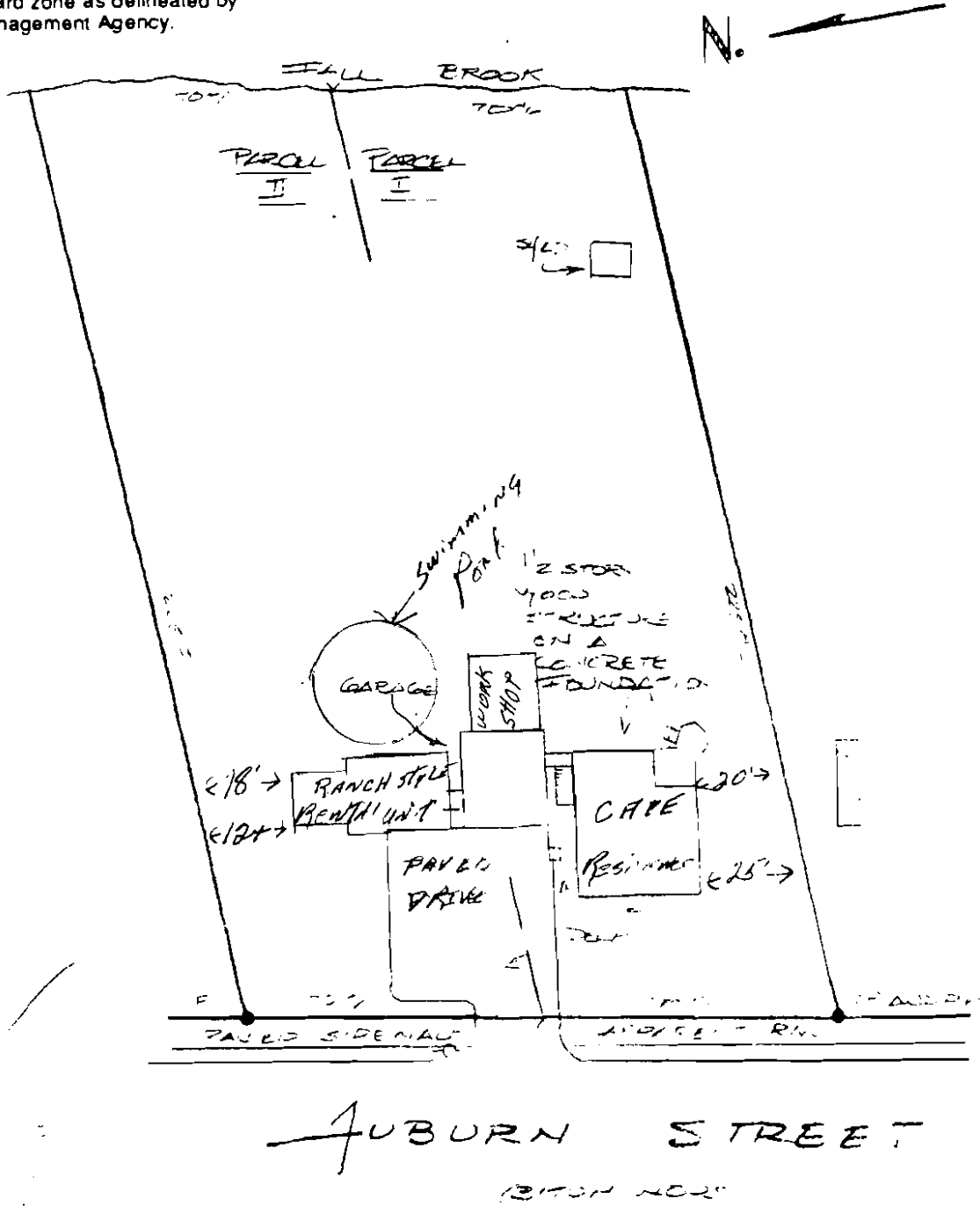
INSPECTION OF PREMISES

145 AUBURN ST
PORTLAND, MAINE

Job Number: 177-22
Inspection Date: 06/18/92
Scale: 1" = 40'

I HEREBY CERTIFY TO NORTHEAST
LAND TITLE, FLEET AND ITS
TITLE INSURER
The monumentation is ~~not~~ in harmony with current
deed description.
The building setbacks are ~~not~~ in conformity with
town zoning requirements.
The land and not the dwelling do ~~not~~ appear to fall
within the special flood hazard zone as delineated by
the Federal Emergency Management Agency.

OWNER: LEWIS E McDONALD



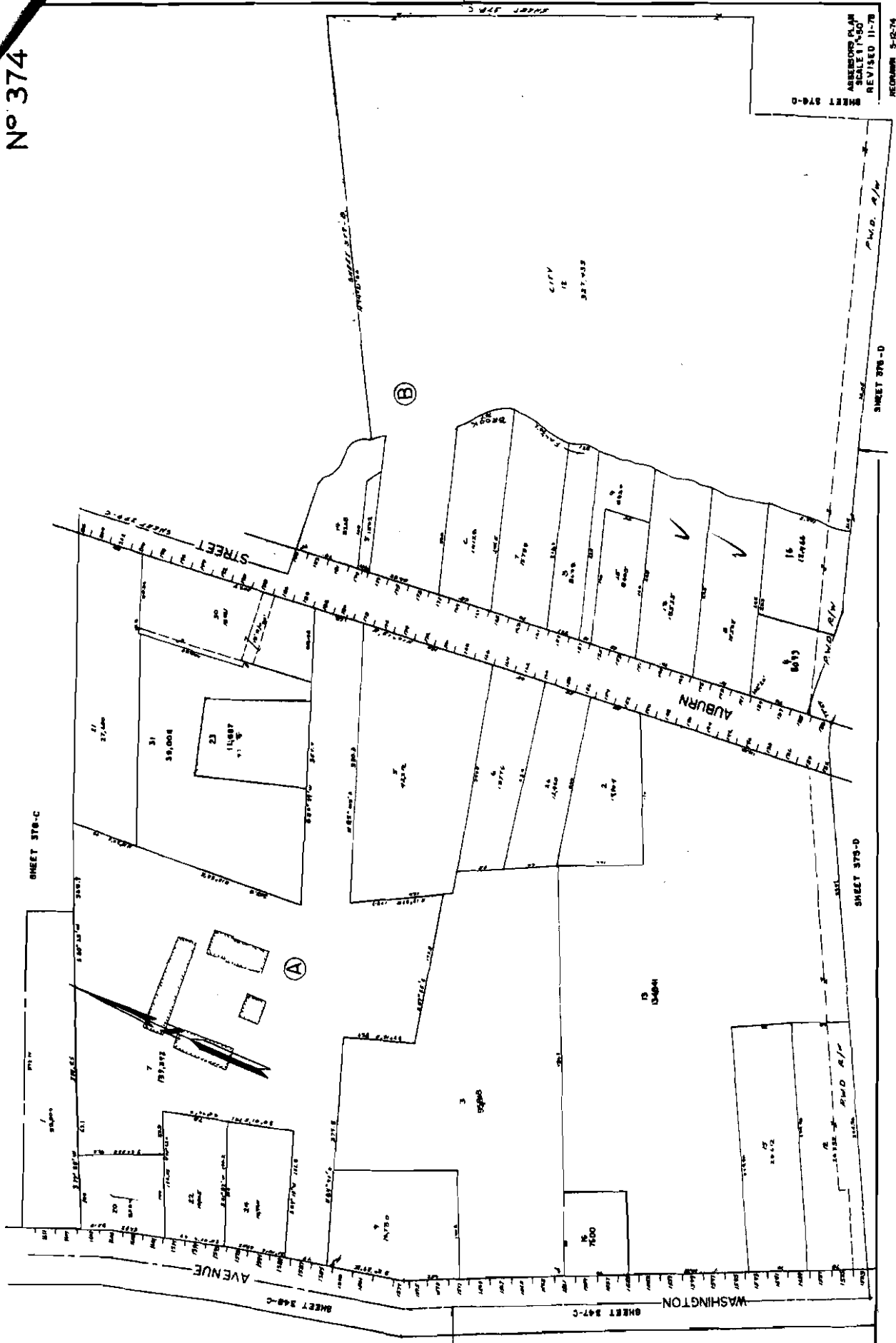
THIS PROPERTY IS SUBJECT TO ALL
RIGHTS AND EASEMENTS OF RECORD.
THOSE THAT ARE EVIDENT ARE SHOWN
THIS PLAN MIGHT NOT REVEAL
CONFLICTS WITHIN ABUTTING DEEDS

BRUCE R. BOWMAN, INC.
48 Mill Road
Cumberland, Maine 04021
Phone: (207)829-3959

PLAN BOOK _____ PAGE _____ LOT _____
DEED BOOK _____ PAGE _____ COUNTY CUMBERLAND

THIS PLAN IS NOT FOR RECORDING Drawn by: JMM

Nº 374



SHEET 378-D
 ABBEYSON PLAN
 SCALE 1"=50'
 REVISED 11-78
 RECORDED 5-12-74

B

Quit-Claim Deed

Without Covenant (Release)

From

Carl D. Weymouth, et al.,

To

RET. TO:
 N

Lewis E. McDonald
145 AUBURN STREET
PORTLAND, ME 04103

Dated March 31, 19 83

State of Maine.

ss. Registry of Deeds.

Received 19

at H., M., M., and

recorded in Book Page

Attest: Register.

FREDERICK T. MCGONAGLE

ATTORNEY AT LAW

79 STATE STREET
GORHAM, MAINE 04038

1983

APR 7

FORM 1205 MAINE Quit Claim Deed without Covenant

10040



TUTTLE LAW PRINT PUBLISHERS, PORTLAND, ME 04101

Know All Men By These Presents,

273

That We, Carl D. Weymouth, of Standish and Louise W. Hohorst, of South Portland, both in the County of Cumberland and State of Maine

in consideration of One Dollar (\$1.00) and other valuable considerations

paid by Lewis E. McDonald, of 145 Auburn Street, Portland, Maine 04103

married

joining in this deed as Grantors , and relinquishing and conveying our right by descent and all other rights in the above described premises, have hereunto set our hands and seals this 31st day of March in the year of our Lord one thousand nine hundred and eighty-three.

Signed, Sealed and Delivered

in presence of

Frederick T. McGeorge
To
All Three

Carl D. Weymouth
Carl D. Weymouth
Lola R. Weymouth
Lola R. Weymouth
Louise W. Hohorst
Louise W. Hohorst

State of Maine,
CUMBERLAND

} ss.

March 31, 1983

Personally appeared the above named

Carl D. Weymouth

and acknowledged the above

instrument to be his free act and deed.

Before me,

Frederick T. McGeorge
~~Justice of the Peace~~

APR 7 1983

~~Notary Public~~

Att-at-law

REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE

Received at 11:55 AM, and recorded in

BOOK 6145 PAGE 273

James J. Walsh

Register

the receipt whereof we do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said Lewis E. McDonald, his

heirs and assigns forever,

A certain lot or parcel of land, together with the buildings thereon, situated on the Easterly side of Auburn Street, in Portland, in said County and State, and bounded and described as follows:

Beginning on the Easterly line of said street, at the Northwesterly corner of the lot of land conveyed to Maurice E. Willey by Fred E. Lovejoy, by deed dated August 2, 1938, and recorded in Cumberland County Registry of Deeds, Book 1556, Page 394; thence Northerly by said line of said Auburn Street, Seventy (70) feet to an iron stake; thence Easterly on a line parallel to the Northerly line of said land conveyed to Maurice E. Willey by Fred E. Lovejoy, Two Hundred Twenty-five (225) feet, more or less, to an iron pipe driven in the center line of Fall Brook; thence Southerly following the course of the center of said Fall Brook, Seventy (70) feet, more or less, to the Northerly line of said land conveyed to said Willey, and thence Westerly along the Northerly line of said land conveyed to said Willey, Two Hundred Twenty-five (225) feet, more or less, to said Auburn Street and the point of beginning.

Being the same premises conveyed to Ernest D. Weymouth and Ethel J. Weymouth by Stuart F. Harris, et al., by deed dated June 20, 1944, and recorded in the Cumberland County Registry of Deeds, in Book 1752, Page 91.

Also another certain lot or parcel of land, together with the buildings thereon, situated on the Easterly side of Auburn Street, in said Portland, and bounded and described as follows:

Beginning on the Easterly line of said street, at the Northwesterly corner of the lot of land conveyed to Annie R. Cooper by Suburban Homes, Inc., by warranty deed dated April 9, 1942, and recorded in Cumberland County Registry of Deeds, in Book 1671, Page 189; thence running Northerly by said Auburn Street, Seventy (70) feet to an iron stake; thence running Easterly on a line parallel to the Northerly line of land conveyed to Annie R. Cooper by Suburban Homes, Inc., Two Hundred Twenty-five (225) feet, more or less, to an iron pipe driven in the center line of Fall Brook; thence running Southerly following the course of the center of said brook, Seventy (70) feet, more or less, to the Northeasterly corner of said land conveyed to said Annie R. Cooper by Suburban Homes, Inc.; and thence running Westerly along the Northerly line of land conveyed to said Annie R. Cooper by Suburban Homes, Inc., Two Hundred Twenty-five (225) feet, more or less, to said Auburn Street and the point of beginning.

Being the same premises conveyed to the said Ernest D. Weymouth and Ethel J. Weymouth by Sidney M. Hamilton, by deed dated November 15, 1944, and recorded in the Cumberland County Registry of Deeds, in Book 1762, Page 377.

Title to the subject premises has been derived by the said Grantors herein

To have and to hold, the same, together with all the privileges and appurtenances thereunto belonging, to

Lewis E. McDonald, his

him

the said

275

heirs and assigns forever.

In Witness Whereof,

We, the said Carl D. Weymouth and Lola R. Weymouth, wife of the said Carl D. Weymouth and Louise W. Hohorst, being unmarried

joining in this deed as Grantors, and relinquishing and conveying our right by descent and all other rights in the above described premises, have hereunto set our hands and seals this 31st day of March in the year of our Lord one thousand nine hundred and eighty-three.

Signed, Sealed and Delivered

in presence of

Frederick T. [Signature]
[Signature]
All Three

Carl D. Weymouth
Carl D. Weymouth
Lola R. Weymouth
Lola R. Weymouth
Louise W. Hohorst
Louise W. Hohorst

State of Maine,
CUMBERLAND

} ss.

March 31, 1983

Personally appeared the above named

Carl D. Weymouth

and acknowledged the above











HARRISON L. RICHARDSON
WILLIAM K. TYLER
WILLIAM B. TROUBH
ROBERT L. HAZARD JR.
EDWIN A. HEISLER
ROBERT E. NOONAN
JOHN S. WHITMAN
ROBERT J. PIAMPJANO
RICHARD J. KELLY
WENDELL G. LARGE
KEVIN M. GILLIS
MICHAEL P. BOYD
THOMAS E. GETCHELL
JOHN W. CHAPMAN
EVE H. CIMMET
WILLIAM S. WILSON JR.
MICHAEL RICHARDS
ELIZABETH G. STOUDEUR
BARRI LYNN BLOOM
WILLIAM W. MCCANDLESS JR.
ROGER P. PRINCE
GARY D. VOGEL
KEVIN M. NOONAN
JAMES A. MCCORNACK
DANIEL F. GILLIGAN

RICHARDSON, TYLER & TROUBH
ATTORNEYS AT LAW
465 CONGRESS STREET
PO BOX 15340
PORTLAND, MAINE 04101

AREA CODE 207
774-5821

HAND DELIVERED

January 12, 1987

Lewis E. McDonald
145 Auburn Street
Portland, Maine 04103

Re: Opinion Letter

Dear Mr. McDonald:

I have enclosed an opinion letter which discusses the legal aspects of the zoning controversy concerning your lot located at 145 Auburn Street, Portland. Bill Troubh has reviewed the opinion letter and concurs with it.

I would appreciate it if you would please call me upon your return from vacation so that we may discuss the opinion letter and, also, your upcoming appearance in front of the Portland Planning Board. I will be out of the office all day on Monday, January 12, but will be in first thing on the following Tuesday morning. If you need something on Monday, please feel free to call Bill Troubh.

Very truly yours,

Roger P. Prince
(RPP)
Roger P. Prince

RPP/bns
Encl.

HARRISON L. RICHARDSON
WILLIAM K. TYLER
WILLIAM B. TROUBH
ROBERT L. HAZARD JR.
EDWIN A. HEISLER
ROBERT E. NOONAN
JOHN S. WHITMAN
ROBERT J. PIAMPANO
RICHARD J. KELLY
WENDELL G. LARGE
KEVIN M. GILLIS
MICHAEL P. BOYO
THOMAS E. GETCHELL
JOHN W. CHAPMAN
EVE H. CIMMET
WILLIAM S. WILSON JR.
MICHAEL RICHARDS
ELIZABETH G. STOUDE
BARRI LYNN BLOOM
WILLIAM W. MCCANDLESS JR.
ROGER P. PRINCE
GARY D. VOGEL
KEVIN M. NOONAN
JAMES A. MCCORMACK
DANIEL F. GILLIGAN

RICHARDSON, TYLER & TROUBH
ATTORNEYS AT LAW
465 CONGRESS STREET
P.O. BOX 15340
PORTLAND, MAINE 04101

AREA CODE 207
774-5921

IN REPLY REFER TO:

January 9, 1987

Mr. Lewis E. McDonald
145 Auburn Street
Portland, ME 04103

Re: 145 Auburn Street, Portland

Dear Mr. McDonald:

You have asked our office to review the relevant facts and law concerning a zoning issue which involves your property located at 145 Auburn Street in Portland, Maine. The facts, as presented to us, are as follows.

The real estate in question, located at 145 Auburn Street, is a single lot with a residential building (Cape Cod home) located thereon. You purchased this property in March of 1983 intending to renovate the interior of the existing structure and move your accounting offices into it. Prior to your purchase you reviewed a copy of the Portland Zoning Map to ensure that the lot was appropriately zoned. The zoning map indicated that the lot was, indeed, zoned B-1 (Commercial).

After purchasing the property, you moved your existing accounting offices to a professional building in the immediate area in order to generate a local clientele prior to renovations. Your intention was to renovate the Cape Cod and then move in during 1986 having already established your practice.

In January of 1985 you were approached by 7-11 Company and asked whether you would be willing to sell the lot located at 145 Auburn Street. Negotiations ensued and a purchase price of \$128,000 was agreed upon and a Purchase and Sale Contract signed. 7-11 intended to tear down the existing Cape Cod and put up a new structure. Part of their agreement with you was that they would put offices into this new structure to accommodate your accounting practice. However, when 7-11 submitted their plans to the City of Portland, they were informed that the parcel was actually zoned R-3 (Residential) which precluded them from going forward. Therefore, the sale was cancelled.

The version of the Portland Zoning Map existent when you purchased the 145 Auburn Street property in 1983 did indicate on its face that the parcel was zoned B-1. Apparently, that designation was incorrect due to a draftsman's error. Fragmentary

Mr. Lewis E. McDonald
Re: 145 Auburn Street, Portland
January 6, 1987
Page 2

maps prepared pursuant to earlier zone change requests show the B-1 zone ending at a point south of your lot - at a point equal to the boundary of the adjacent RP zone. The zone change requests in question and accompanying fragmentary maps were made in December 1958 and June 1968. However, the complete Portland Zoning Map was revised after June 1968. Obviously, that revision should have incorporated all changes made prior thereto. Unfortunately, in attempting to incorporate said changes the draftsman apparently made an error and indicated that the B-1 zone extended further north than indicated by the fragmentary maps. The mistake encompassed both your lot and, also, an adjoining lot which abuts the "actual" B-1 boundary line.

You purchased the 145 Auburn Street property in reliance upon the affirmative representations made by the Portland Zoning Map and would not have purchased it had you known that the city would claim it was zoned R-3. After the proposed sale to 7-11 fell through you appeared before the Portland Zoning Board of Appeals on January 9, 1986 and explained your situation. You requested an interpretation as to whether the parcel is considered B-1 or R-3 but the Board declined to take a vote on the matter indicating that they didn't believe they had authority to make this type of decision. Apparently, they also indicated that you could bring this matter before them again if you so desired.

The question in this case is whether the City of Portland is estopped from claiming that your lot located at 145 Auburn Street is zoned for R-3 (Residential) purposes only. Our research indicates that the City is so estopped.

LEGAL ANALYSIS

There is no doubt that equitable estoppel may be applied to a governmental entity in Maine. See, Senator Corporation v. Commissioner of Transportation, Dec. No. 4172 (Me. 1986); Maine School Admin. Dist. No. 15 v. Reynolds, 413 A.2d 523 (Me. 1980). The essence of equitable estoppel is that one who has induced another to believe what is untrue and to act in reliance on the untruth may not later assert the truth. Shackford & Gooch, Inc. v. Town of Kennebunk, 486 A.2d 102, 106 (Me. 1984). The law Court has identified the necessary elements for application of the doctrine of equitable estoppel:

Before the doctrine of estoppel may be invoked, the declarations or acts relied upon must have induced the party seeking to enforce an estoppel to do what resulted to his detriment and what he would not otherwise have done... While waiver rests upon intention, estoppel rests upon misleading conduct.

Roberts v. Maine Bonding & Cas. Co., 404 A.2d 238, 241 (Me. 1979).

Mr. Lewis E. McDonald
Re: 145 Auburn Street, Portland
January 6, 1987
Page 4

zoning ordinance or incorporated therein. Any conflict between said zoning map and a description by meets and bounds shall be resolved in favor of the description by meets and bounds.

- D. County and municipal governments, and districts shall be governed by the provisions of any zoning ordinance.

30 M.R.S.A. §4962.

The City of Portland has, indeed, adopted a zoning map as part of its zoning ordinance. The relevant provision may be found at §14-49 (Zoning map) of the Portland City Code (the "Code").

The zones in §14-48 are shown upon a map in two (2) sheets entitled "Zoning Map of the City of Portland, Mainland" and "Zoning Map of the City of Portland, Islands" dated March, 1958, with amendments, and filed in the office of the Director of Planning and Urban Development, City of Portland, Maine. Such map in two (2) sheets, with amendments, is hereby adopted as part of this article and incorporated in and made a part of this article.

Therefore, the Portland Zoning Map which you reviewed prior to your purchase of the lot at 145 Auburn Street was a specific part of the Portland City Code having been expressly incorporated therein. Given that, how could your reliance thereon have been anything but reasonable? This is especially true given the fact that the map had been revised after the zone changes effectuated in 1958 and 1968. You had no reason to investigate changes made prior to that revision as it was reasonable to expect that all such changes had been incorporated into the revised map. Your only duty would have been to investigate changes made after the effective date of the map. Therefore, the fact that you "reasonably" relied upon the affirmative misrepresentation made by that map is clear.

The third element of estoppel to address is whether you suffered any detriment and did what you otherwise would not have done because of your reliance upon the map. Your specific purpose in purchasing the 145 Auburn Street lot was to use said lot for a professional and/or commercial use. Now the City claims that the lot is zoned R-3 and must be used accordingly. That determination precludes you from operating your accounting business as planned and has already resulted in you losing a very favorable business deal with 7-11. There is also the fact that you moved your whole accounting practice to the Auburn Street area at great expense because you believed that you would be

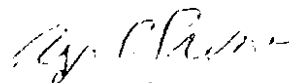
Mr. Lewis E. McDonald
Re: 145 Auburn Street, Portland
January 6, 1987
Page 5

permanently establishing that practice at the 145 Auburn Street address. There is no question that you would never have bought the Auburn Street parcel had you known that the City would later claim it was zoned R-3.

The necessary elements for a proper application of equitable estoppel are clearly present in your case. The argument on your behalf is compelling. Estoppel is an equitable remedy and the equities in this situation clearly favor your position. The City may argue that the misrepresentation made by the zoning map was solely the result of a draftsman's error and that, therefore, it should not be held accountable because the misrepresentation was not intentional. However, that argument must fail because the element of "intent" plays no part in estoppel. See, Roberts, 404 A.2d at 241. In addition, the Law Court has held that misleading conduct resulting from a failure to exercise due care is actionable under the theory of equitable estoppel. Id, 404 A.2d at 241.

Finally, the importance of the issue involved herein must not be forgotten. The Portland Zoning Map has been specifically incorporated into the Portland City Code as a means by which the City and the public can readily identify the various zone boundaries. There are not, to our knowledge, any descriptions of the zone boundaries by meets and bounds available. Therefore, the zoning map is the sole authority. Purchasers and sellers of property in Portland must know that they can rely upon the zoning map as an accurate representation of the boundaries of the various zones. Absent an application of equitable estoppel in this case the whole purpose of the zoning map is defeated.

Very truly yours,


Roger P. Prince



CITY OF PORTLAND

January 11, 1994

RE: 145 Auburn Street - Portland

Mr. L. McDonald
145 Auburn St.
Portland, Maine 04103

Dear Mr. McDonald

This letter is to rescind my previous letter of December 14, 1993 denying the permit application for 145 Auburn Street in Portland. At the meeting in City Hall yesterday, you submitted material demonstrating compliance with the sections of the ordinance identified in my above mentioned letter. Therefore, I am forwarding your application to the Chief of Inspections for his review and approval.

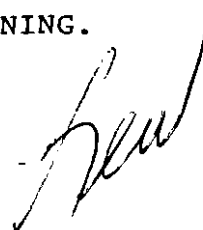
Sincerely,


William D. Giroux
Zoning Administrator

/el

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
P. Samuel Hoffses, Chief of Inspection Services
Charles Lane, Associate Corporation Counsel
David Jordan, Code Enforcement Officer
Robert Vail, General Contracting, Inc., 177 Main St., Cumberland Ctr,
ME, 04021

COUNCILOR HARLOW THANK YOU FOR INTERVENING.





April 2, 2004

MCDONALD LEWIS E KW VET
145 AUBURN ST
PORTLAND, ME 04103

Chart/Block/Lot: 374 B008001 **Class:** RI **Class Code:** MULTI-USE RESIDENTIAL
Property Location: 00145 AUBURN ST

Dear Property Owner,

An independent revaluation firm working closely with City staff recently completed its proposed property valuation analysis for all commercial and residential property in the City of Portland. You will find your proposed new valuation data below:

New estimated value of the property location referenced above is: \$ 142,200

Current value of the property location referenced above is: \$ 149,310

Estimated change in value: \$ -7,110 **Percentage of change: -4.76%**

You should not equate any percentage increase in property value with a corresponding percentage increase in property taxes. (Your property value increasing 70% does not mean a 70% increase in your property taxes.)

Important: This new value DOES NOT have an immediate impact and WILL NOT be used to calculate your upcoming tax bill. The actual tax impact of your new value will not be reflected until the July 2005 billing using a new tax rate that has yet to be determined.

The City decided to suspend the actual implementation of the revaluation process until the next fiscal year (FY06, July 1, 2005 – June 30, 2006) due to the uncertainties regarding property tax relief legislation at the state level. Because of this postponement, it is unclear at this time what the actual impact will be on property taxes 18 months from now. There are issues that need to be resolved before next spring including the City Council considering a phase in of the revaluation over a two-year time period. This action would spread the tax impact over two years cushioning the effect of revaluation.

REAL ESTATE PROPERTY TAX STATEMENT
City of Portland

2007
Fiscal Year
July 1, 2006 - June 30, 2007
Owner of Record as of April 1, 2006
MCDONALD LEWIS E KW VET

145 AUBURN ST
PORTLAND ME 04103

*Mailed
8/7/06*

ACCOUNT NUMBER

38408

CBL

374 - B-008-001

Acres:

0.713

Assessed Property Description

374-B-8-13

AUBURN ST 141-151

31050 SF

CURRENT BILLING DISTRIBUTION

School	\$2,478.81
Debt Repayments	\$650.81
Police	\$344.55
Fire	\$311.05
Public Works	\$277.55
General Government	\$172.27
County Tax	\$157.92
Library	\$124.42
Parks & Recreation	\$114.85
ecomaine (RWS)	\$38.28
Metro Transit District	\$86.14
Health & Human Ser.	\$0.00
Enterprise Funds	\$28.71

CURRENT BILLING INFORMATION

Land Value	\$103,900.00
Building Value	\$206,600.00
Total Value	\$310,500.00
Exemptions	\$4,750.00
Homestead	\$12,350.00
Taxable Value	\$293,400.00
Tax Rate	\$16.31
TOTAL TAX	\$4,785.36
AMOUNT PAID	\$0.00

Remittance Instructions

To avoid standing in line, it is recommended that taxes be paid by mail. Please make check or money order payable to: **CITY OF PORTLAND**. **Credit cards are not accepted for property tax payments.**

Use enclosed envelope to mail in your payment.

Use top right margin for change of address.

Remit To: **CITY OF PORTLAND MAINE**
FINANCE DEPARTMENT
TREASURY AND COLLECTION DIVISION
P O BOX 544
PORTLAND ME 04112-0544



**City of Portland, Maine
Planning and Development Department
Zoning Board of Appeals
Conditional Use Appeal Application**

Applicant Information:

LEWIS E. McDONALD
Name

Business Name

145 AUGUST STREET
Address

PORTLAND, ME 04102

773-1040 773-1040
Telephone Fax

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

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

Current Zoning Designation: R-3

Existing Use of Property:

SINGLE FAMILY

Subject Property Information:

145 AUGUST ST.
Property Address

374 8 8 13 AUGUST ST 141-151
Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone Fax

Conditional Use Authorized by Section 14

Type of Conditional Use Proposed:

TWO FAMILY

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:

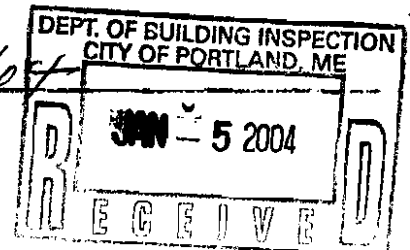
- (a) There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- (b) There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- (c) Such impact differs substantially from the impact which would normally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

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

The undersigned hereby makes application for a conditional use permit 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.

Lewis E. McDonald
Signature of Applicant

11.04.10
Date



Lewis E. McDonald
145 Auburn Street
Portland, Maine 04103

Telephone: (207) 773-1040

January 4, 2004

Zoning Board of Appeals
City of Portland
Portland, Maine 04101


Re: Request for Change of Use

My property, located at 145 Auburn Street, consist of a double lot 140' X 225'. It consists of my primary residence, two car garage and abutting building with over 800 square feet of floor space. In the past I have used this building primarily as an office in home, approved by the City of Portland. Within the past year I have experienced health problems namely; spinal stenosis and arthritis in the back, a ruptured spleen that had to be surgically removed, and recently surgery for clogging arteries. For these reasons I have been forced to reduce my accounting and tax service by about 90 %.

Under these circumstances I believe the best use for my property would be to bring about a change of use from a single family unit to a two family. The property does consist of two lots, 70' X 225'. The second unit is in place and would not require any exterior construction as evidenced by the photos accompanying this request. There will be some minor interior renovations that will have to be done. The unit is landscaped with beautiful perennials and ample parking with a 40' X 40' parking area.

I believe my property is tailored to meet the requirements dictated by the City of Portland's zoning code. I thank you for your time and consideration on this matter.

Respectively submitted,



Lewis E. McDonald

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL

DECISION

Name and address of applicant: Lewis McDonald

Location of property under appeal: 145 Auburn Street

For the Record

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

Lewis McDonald

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

Findings of Fact

1. The proposed conditional use is/is not (circle one) permitted under Section 14- 888 of the Zoning Ordinance, for the following reason(s):

5-0

2. The proposed conditional use does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s): 5-0

3-A. There are are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s): 5-0

3-B. There will/~~will not~~ (circle one) be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s): 5-0

3-C. The impact does/~~does not~~ (circle one) differ substantially from the impact which would normally occur from such a use in this zone, for the following reason(s): 5-0

Conclusion*

After public hearing on _____, and for the reasons above-stated, the accompanying application is hereby (check one)

granted

granted subject to the following condition(s):

denied.

Dated: January 22, 2004

John D. Allen
Secretary of the Board

*The application may be denied only if either the finding for #1 or 2 above is in the negative or the findings for #'s 3-A, 3-B and 3-C above are each in the affirmative.



City of Portland Zoning Board of Appeals

August 5, 2010

Lewis McDonald
145 Auburn Street
Portland, ME 04103

Dear Mr. McDonald,

Your Variance Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, August 19, 2010 at 6:30 p.m.** in Room 209, located on the second floor of City Hall.

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

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

I have also included the bill for the notices for the appeal and a processing fee. You will receive a separate bill for the legal ad. 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: 10-59400005

Statement Date: 08/20/2010

Project Name: 145 Auburn Street

Applicant: Lewis McDonald

Development Type: ZONING USE VARIANCE

CBL: 374 - B-008-001 145 AUBURN ST

SUMMARY OF OUTSTANDING FEES

	Charge Amount	Paid	Due
LEGAL AD ZONING BOARD	\$81.55	\$0.00	\$81.55
NOTICING ZONING BOARD	\$32.25	\$32.25	\$0.00
ZONING BOARD OF APPEALS	\$100.00	\$100.00	\$0.00
ZONING PROCESSING FEE	\$50.00	\$50.00	\$0.00
Outstanding Charges	\$263.80	\$182.25	\$81.55

Detach and remit with payment

Application No: 10-59400005

Project Name: 145 Auburn Street

Lewis McDonald
145 Auburn Street
Portland, ME 04103

Total Due Now **\$81.55**
Amount Remitted _____

Make checks payable to the *City of Portland*, ATTN: Gayle Gurtin, 3rd Floor, 389 Congress Street, Portland, ME 04101.

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

Application No: 10-59400005

Statement Date: 08/06/2010

Project Name: 145 Auburn Street

Applicant: Lewis McDonald

Development Type: ZONING USE VARIANCE

CBL: 374 - B-008-001 145 AUBURN ST

SUMMARY OF OUTSTANDING FEES

	Charge Amount	Paid	Due
NOTICING ZONING BOARD	\$32.25	\$0.00	\$32.25
ZONING BOARD OF APPEALS	\$100.00	\$100.00	\$0.00
ZONING PROCESSING FEE	\$50.00	\$0.00	\$50.00
Outstanding Charges	\$182.25	\$100.00	\$82.25

*pd 8/17/10
5551*

Detach and remit with payment

Application No: 10-59400005

Project Name: 145 Auburn Street

Lewis McDonald
145 Auburn Street
Portland, ME 04103

Total Due Now **\$82.25**
Amount Remitted _____

City of Portland

DATE: 8/04/10

TIME: 16:50:36

PZ CASH RECEIPT

PROJECT #: 10-59400005

PROJECT DESC: VARIANCE APPEAL 145 AUBURN STREET WAIVE

RECEIVED FROM: MCDONALD LEWIS E KW VET

RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
---	-----	-----	-----
Z1	ZONING BOARD OF APPEALS		100.00
		TOTAL AMOUNT:	100.00

City of Portland

DATE: 8/17/10

TIME: 15:15:58

PZ CASH RECEIPT

PROJECT #: 10-59400005

PROJECT DESC: VARIANCE APPEAL 145 AUBURN STREET WAIVE

RECEIVED FROM: MCDONALD LEWIS E KW VET

RECEIPT NUMBER:

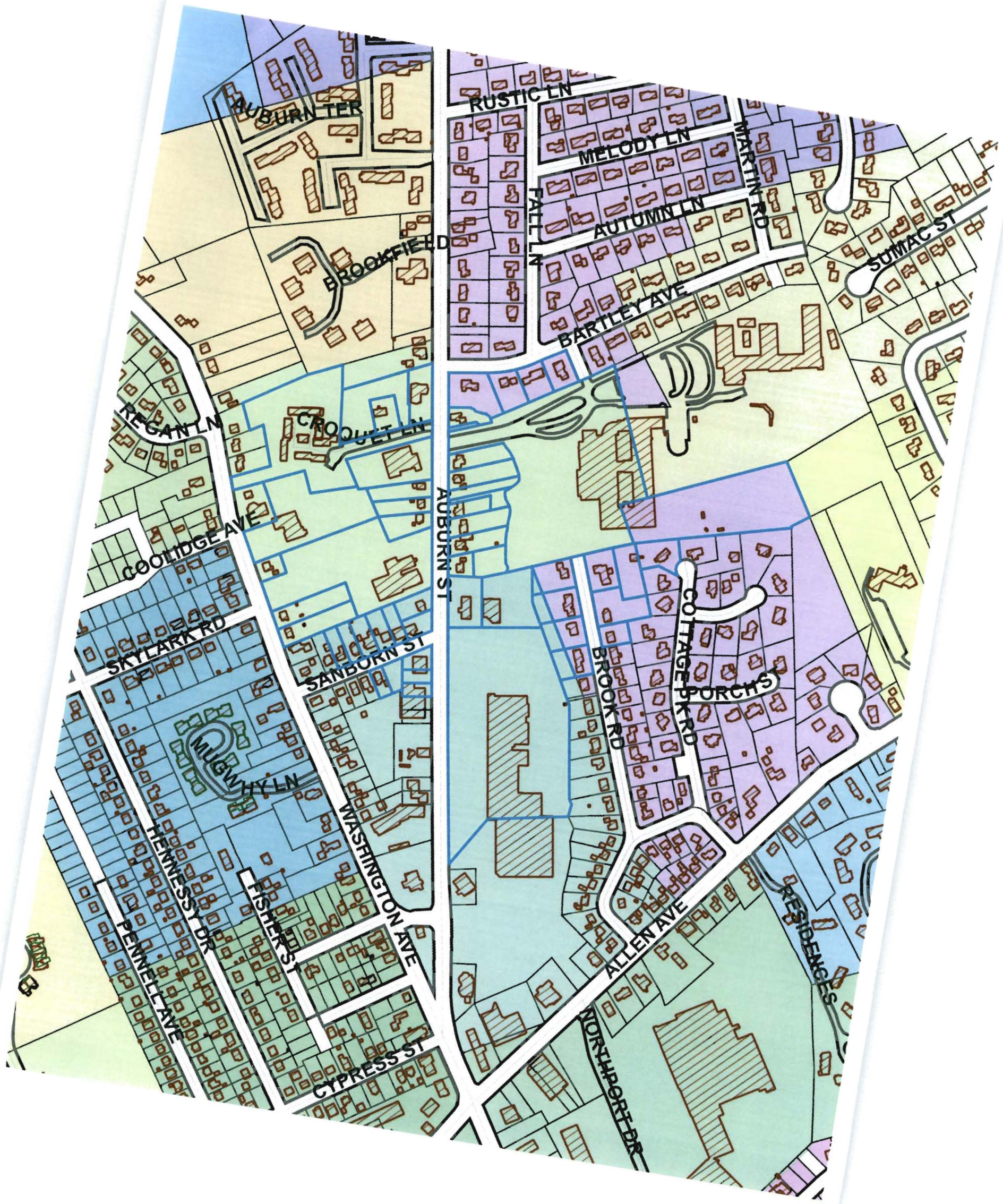
FEE	DESCRIPTION	CREDIT	PAYMENT
N1	NOTICING ZONING BOARD		32.25
ZP	ZONING PROCESSING FEE		50.00

TOTAL AMOUNT:

82.25

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	125 AUBURN STREET LLC	5 MILITIA DR LEXINGTON, MA 02421	125 AUBURN ST	1
	A & D REALTY LLC % WINSLOW PROPERTY MGMT	5 MILITIA DR LEXINGTON, MA 02421	91 AUBURN ST	2
	ALM HOLDINGS LLC	110 AUBURN ST PORTLAND, ME 04103	110 AUBURN ST	1
	ANDERSON THEODORE M & THERESA CAIN ANDERSON JTS	165 AUBURN ST PORTLAND, ME 04103	165 AUBURN ST	1
	ARONSON EDITH S & DEBORAH A HENRY JTS	70 COTTAGE PARK RD PORTLAND, ME 04103	70 COTTAGE PARK RD	1
	BROWN C N COMPANY	PO BOX 200 SOUTH PARIS, ME 04281	194 AUBURN ST	1
	BROWNE LANCE E & DONNA J	114 BROOK RD PORTLAND, ME 04103	114 BROOK RD	1
	CFN ASSOCIATES	128 AUBURN ST PORTLAND, ME 04103	128 AUBURN ST	1
	CHARETTE JOHN C & KATYE E THATCHER JTS	183 AUBURN ST PORTLAND, ME 04103	183 AUBURN ST	1
	COTTAGE PARK INC	5 SHINGLE WAY PORTLAND, ME 04103	50 COTTAGE PARK RD	0
	DAMLE AMOD A & TRACI E KRUSE JTS	153 AUBURN ST PORTLAND, ME 04103	153 AUBURN ST	1
	DERICE ROBERT A	9 SANBORN ST PORTLAND, ME 04103	9 SANBORN ST	1
	DERICE ROBERT A	9 SANBORN ST PORTLAND, ME 04103	14 SANBORN ST	0
	DIFILIPPO CARMINE W & GERTRUDE D OR SURV	107 BROOK RD PORTLAND, ME 04103	107 BROOK RD	1
	DIPHILIPPO THELMA	96 BROOK RD PORTLAND, ME 04103	96 BROOK RD	1
	EMMANUEL ASSEMBLY OF GOD	1571 WASHINGTON AVE PORTLAND, ME 04103	1561 WASHINGTON AVE	1
	FARRELL THOMAS B & KATHRYN N JTS	17 BARTLEY AVE PORTLAND, ME 04103	17 BARTLEY AVE	1
	FIRST LUTHERAN CHURCH OF PORTLAND	132 AUBURN ST PORTLAND, ME 04103	138 AUBURN ST	1
	FONTAINE FRANCES F	21 BARTLEY AVE PORTLAND, ME 04103	21 BARTLEY AVE	1
	FOURNIER JOSEPH J & AMIRA F FOURNIER JTS	5 BARTLEY AVE PORTLAND, ME 04103	5 BARTLEY AVE	1
	GAGNE DIANA L	64 WILLIAM KNIGHT RD WINDHAM, ME 04062	99 BROOK RD	1
	GAGNE KRISTEN M	17 SANBORN ST PORTLAND, ME 04103	17 SANBORN ST	1
	HASKELL MARGARET K	1543 WASHINGTON AVE PORTLAND, ME 04103	1543 WASHINGTON AVE	1
	JOHANSEN ROBERTA K	22 SANBORN ST PORTLAND, ME 04103	22 SANBORN ST	1
	LABBE BARBARA L WID WWII VET	27 SANBORN ST PORTLAND, ME 04103	27 SANBORN ST	1
	MACDERMOT LLC	117 AUBURN ST PORTLAND, ME 04103	117 AUBURN ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	MACDONALD LEWIS E	145 AUBURN ST PORTLAND , ME 04103	AUBURN ST REAR	0
	MCDONALD LEWIS E KW VET	145 AUBURN ST PORTLAND, ME 04103	145 AUBURN ST	2
	MILLER ROBERT H JR & DIANE J JTS	23 SANBORN ST PORTLAND, ME 04103	23 SANBORN ST	1
	MORTON DEBORAH	1533 WASHINGTON AVE PORTLAND , ME 04103	1535 WASHINGTON AVE	1
	NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC	PO BOX 1509 BANGOR , ME 04402	172 AUBURN ST	1
	OAKPOINT LLC	88 ROUND HILL RD # 2 NORTHAMPTON , MA 01060	94 AUBURN ST	1
	OLEARY ELIZABETH B WID WWII VET	158 AUBURN ST PORTLAND, ME 04103	158 AUBURN ST	1
	PARISEAU ERIC M & GRACE PARISEAU JTS	106 BROOK RD PORTLAND , ME 04103	106 BROOK RD	1
	ROY WILLIAM V JR & EUGENE B PARKER JTS	13 SANBORN ST PORTLAND, ME 04103	13 SANBORN ST	1
	SAINT-JACQUES MARGARET A & PHILIP W JTS	154 AUBURN ST PORTLAND, ME 04103	154 AUBURN ST	1
	SALISBURY DANIEL C	162 AUBURN ST PORTLAND , ME 04103	162 AUBURN ST	1
	SCOTT CHARLES M & PAMELA S SCOTT JTS	137 AUBURN ST PORTLAND , ME 04103	137 AUBURN ST	1
	SEK LINDA J & THEODORE III JTS	169 AUBURN ST PORTLAND, ME 04103	169 AUBURN ST	1
	SHALOM APARTMENTS INC	PO BOX 560 PORTLAND , ME 04112	184 AUBURN ST	0
	SHALOM HOUSE INC	PO BOX 560 PORTLAND , ME 04112	15 CROQUET LN	1
	SHALOM HOUSE INC	PO BOX 560 PORTLAND , ME 04112	1585 WASHINGTON AVE	11
	SHARMA RAJ & BINA SHARMA JTS	117 BROOK RD PORTLAND , ME 04103	117 BROOK RD	1
	SMITH DEBORAH D	33 BARTLEY AVE PORTLAND , ME 04103	33 BARTLEY AVE	1
	STIVALETTI JERRY WWII VET & ALICE E JTS	124 BROOK RD PORTLAND, ME 04103	124 BROOK RD	1



AUBURN TER

RUSTIC LN

MELODY LN

AUTUMN LN

BROOKFIELD DR

BARTLEY AVE

SUMAC ST

REGAN LN

CROQUET LN

COOLIDGE AVE

SKYLARK RD

SANBORN ST

MUGWY LN

HENNESSY DR

PENELL AVE

FISHERS LN

WASHINGTON AVE

CYPRESS ST

BROOK RD

COTTAGE PK RD

ALLEN AVE

NORTHPORT DR

RESIDENCES

B

