



Jeff Levine, AICP, Director  
Planning & Urban Development Department

Ann Machado  
Zoning Administrator

**CITY OF PORTLAND ZONING BOARD OF APPEALS**  
**Conditional Use Appeal Application**

**Applicant Information:**

NAME Jacqueline Wiegleb

BUSINESS NAME n/a

BUSINESS ADDRESS \_\_\_\_\_

BUSINESS TELEPHONE & E-MAIL \_\_\_\_\_

APPLICANT'S RIGHT/TITLE/INTEREST Owner

CURRENT ZONING DESIGNATION R2

**Subject Property Information:**

PROPERTY ADDRESS 2065 Washington Ave Ext. Portland 04103

CHART/BLOCK/LOT (CBL) 385A A003 001

PROPERTY OWNER (If Different) \_\_\_\_\_

ADDRESS (If Different) \_\_\_\_\_

PHONE # AND E-MAIL 207-400-7158 JWiegleb@gmail.com

CONDITIONAL USE AUTHORIZED BY SECTION 14- 14-78 78a2

**EXISTING USE OF THE PROPERTY:**

Single family home with existing apartment over the garage. Has been in place for many years (potentially constructed in 1990s) and prior to my purchase in 2015.

**TYPE OF CONDITIONAL USE PROPOSED:**

Requesting Conditional Use permit to use the existing apartment as an Accessory unit.

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

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

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

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

Jacqueline Wiegleb  
SIGNATURE OF APPLICANT

09-14-2017  
DATE

September 14, 2017

**To:** City of Portland Zoning Board of Appeals

**Referencing:** 2065 Washington Ave Ext. Portland, ME 04103

**From:** Jacqueline Wiegleb  
(207) 400-7158  
2065 Washington Ave Ext. Portland, ME 04103

Dear Zoning Board of Appeals.

I am writing concerning the house that I purchased on August 28, 2015. At the time of purchase the prior owner, Ann Burrill, represented to me that she had fully completed the process of obtaining a conditional use permit and had also completed the process required to obtain a permanent change of use from a single family dwelling to a two-unit dwelling. Based on the prior owner's representation my mortgage company provided financing so that I could purchase and owner-occupy the property. I have conducted all business on-site in accordance with Portland requirements for a two-unit dwelling including registering the rental unit with the Housing Safety Office (which has inspected both units), paying taxes based on a two-unit building, and actively working to ensure that I am providing a safe, quality rental unit to my tenant. It has only recently come to my attention that the property is not regarded as a legal two unit due to the prior owner's failure to fully complete the change of use process.

I am submitting a Conditional Use Appeal Application to obtain a conditional use permit for the existing apartment within the home to be treated as an "Accessory Dwelling Unit". No alterations are being made to the existing floorplan/footprint.

Key points of compliance with City of Portland Code of Ordinances Section 14-78 (a) (2):

- a) The apartment meets the square footage minimums at 650 sq. ft. and the percentage of the gross floor plan (2721 sq. ft.) at 24%. No portion of the unit has less than 2/3 of its floor-to-ceiling height above the average adjoining ground level.
- b) The property is .35 acre.
- c) The building materials, door, and roofline match the current house and keeps the single-family appearance of the home intact.
- d) The parking lot is paved, professionally landscaped, is blocked from view by high hedges, and has space available for the house and the apartment, and off-street parking will be covered in the lease.
- e) As the homeowner, I reside in the principal dwelling.

The intended use of the "Accessory Dwelling Unit" is as a residential rental for one or two people. No surrounding properties will be impacted. No unsanitary or harmful conditions will be created.

The dwelling complies with all standards listed on the Conditional Use Appeal Application:

1. The volume and type of vehicle traffic to be generated: 1 car per 1 or 2 tenants  
Hours of operation: Residential = 24 hours  
Pavement will not be expanded

Parking Spaces already exist and the number of parking spaces required will not be substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and

2. It is a residential 1 bedroom apartment, so will not cause unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting or litter; and
3. The design and operation including landscaping, screening, arrangement of structures, and materials storage, and trash or waste generation, are already in place and will not have a greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone. There will be no signs, no loading, and no deliveries.

No site plan is necessary.

Thank you for your consideration; I am hopeful that you will be able to grant this conditional use. Please contact me if I can clarify or provide any additional information.

Sincerely,



Jacqueline Wiegleb

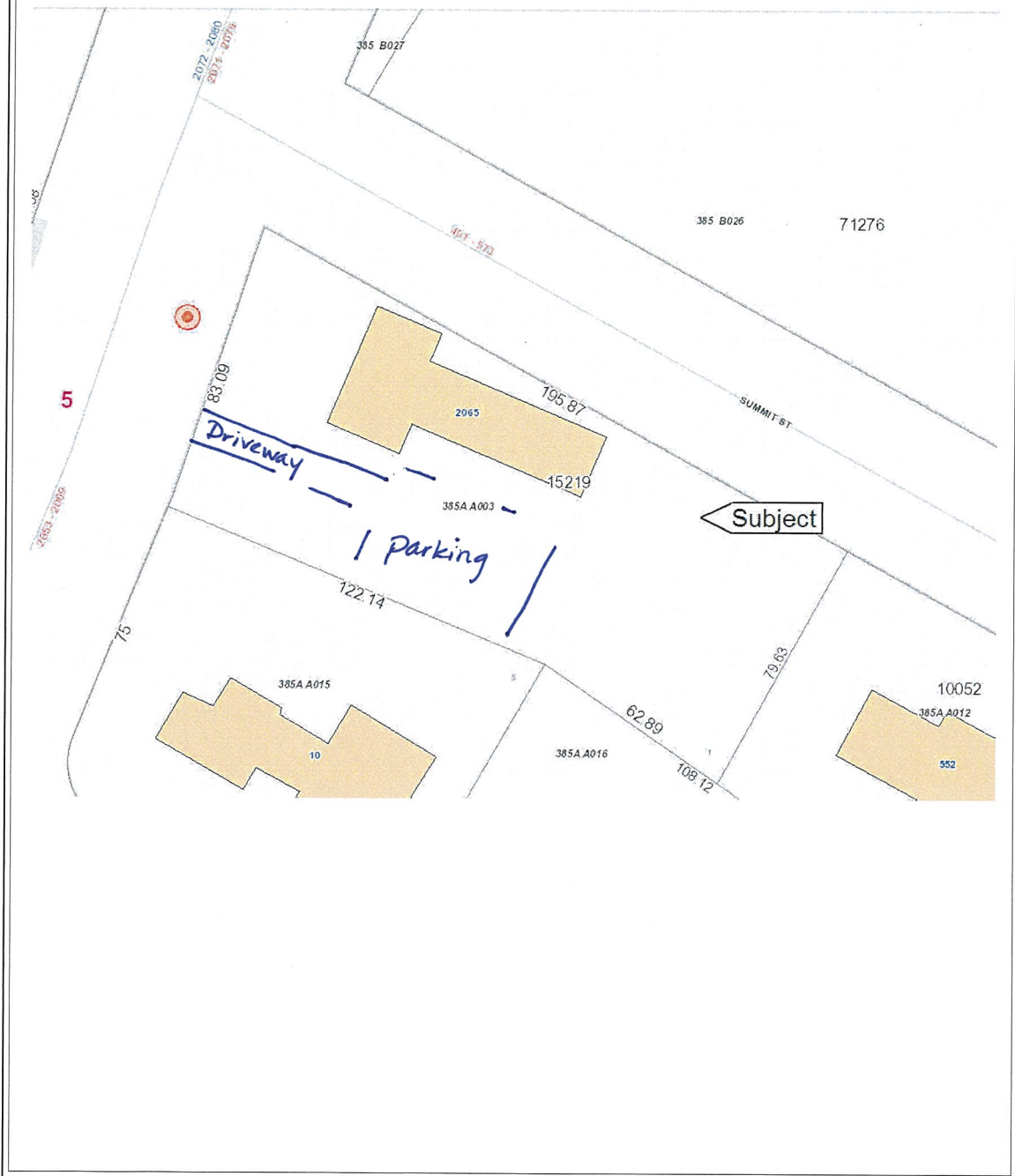
(207) 400-7158

[jwiegleb@gmail.com](mailto:jwiegleb@gmail.com)

PLAT MAP

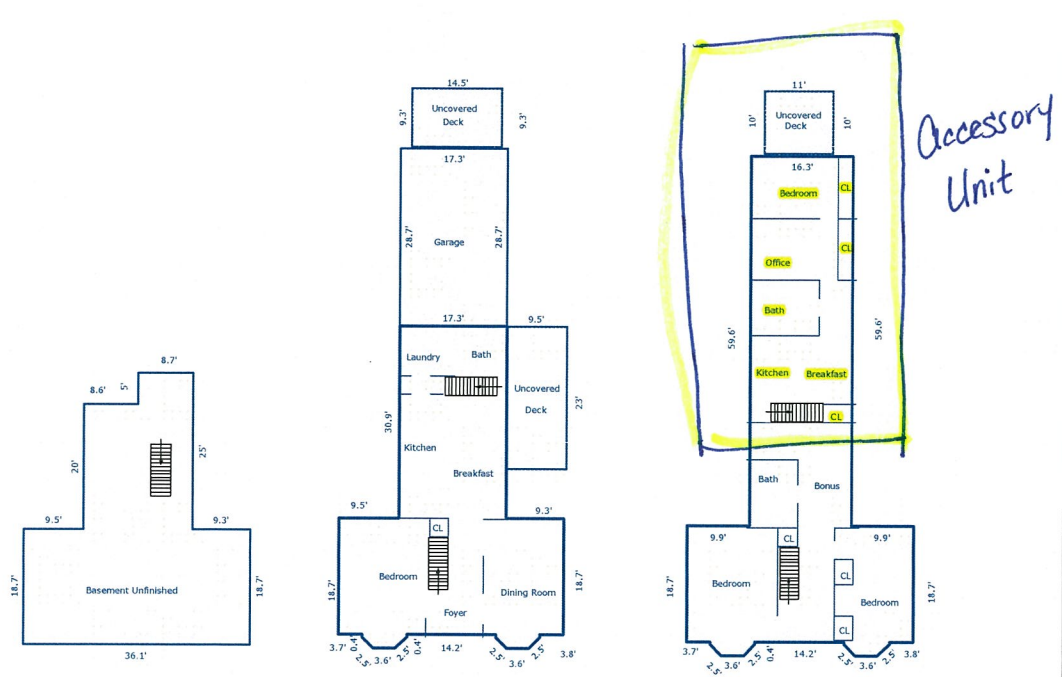
Borrower: Jacqueline Wiegleb	File No.: JW1507136
Property Address: 2065 Washington Ave	Case No.: 231-1321406
City: Portland	State: ME
Lender: PMAC Lending Services, Inc.	Zip: 04103

All existing structures



## FLOORPLAN SKETCH

Borrower: Jacqueline Wiegleb	File No.: JW1507136
Property Address: 2065 Washington Ave	Case No.: 231-1321406
City: Portland	State: ME
Lender: PMAC Lending Services, Inc.	Zip: 04103



All existing Structure

Sketch by Apex Sketch v5 Standard™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GBA1	First Floor	1234.84	1234.84
GBA2	Second Floor	1671.75	1671.75
BSMT	Basement	1064.57	1064.57
GAR	Garage	496.51	496.51
P/P	Wood Deck	218.50	
	Wood Deck	134.85	
	Wood Deck	110.00	
		463.35	
	<b>Net BUILDING Area</b>	(rounded)	2907

BUILDING AREA BREAKDOWN			
Breakdown			Subtotals
<b>First Floor</b>			
17.3	x	30.9	534.57
36.1	x	18.7	675.07
0.4	x	7.2	2.88
0.4	x	7.2	2.88
0.5	x	1.8	1.62
0.5	x	1.8	1.62
3.6	x	1.8	6.48
3.6	x	1.8	6.48
0.5	x	1.8	1.62
0.5	x	1.8	1.62
<b>Second Floor</b>			
16.3	x	59.6	971.48
0.4	x	7.2	2.88
0.4	x	7.2	2.88
18.7	x	36.1	675.07
0.5	x	1.8	1.62
0.5	x	1.8	1.62
3.6	x	1.8	6.48
3.6	x	1.8	6.48
0.5	x	1.8	1.62
0.5	x	1.8	1.62
20 Items		(rounded)	2907

Subject property



Jacqueline Wiegleb  
2065 Washington Ave.

Exterior Photos Including Parking



06/03/2017 9:29:42 AM



06/03/2017 9:28:47 AM



09/02/2017 2:21:47 PM

Accessory Unit Photos



Kitchen / Dining Area



Kitchen



Heat Unit



Jacqueline Wiegleb  
2065 Washington Ave



Living Room



Bathroom



Bedroom

MAINE REAL ESTATE TAX-Paid

**WARRANTY DEED  
(Maine Statutory Short Form)**

DLN#1001540004388

KNOW ALL PERSONS BY THESE PRESENTS, that, Ann Louise Burrill of 2065 Washington Avenue, Portland County of Cumberland and the State of Maine, for consideration paid, hereby GRANTS to Jacqueline M. Wiegleb whose mailing address is 14 Taylor Street, Portland, ME 04102, with WARRANTY COVENANTS, the land with any buildings thereon situated in Portland, County of Cumberland and State of Maine, described as follows:

See Attached Exhibit A

Meaning and intending to convey the same premises conveyed to Ann Louise Burrill by virtue of a Deed from Geraldine J. Powell dated May 27, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22696, Page 323.

Witness my hand and seal this 28th day of August, 2015.

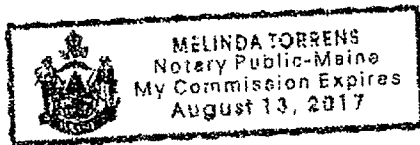
\_\_\_\_\_  
Witness

Ann Louise Burrill  
Ann Louise Burrill

STATE OF MAINE  
COUNTY OF CUMBERLAND

August 28, 2015

Then personally appeared before me the above named Ann Louise Burrill and acknowledged the foregoing instrument to be her free act and deed.



Before me,  
Melinda Torrens  
Notary Public/ Attorney at Law  
Printed Name: Melinda Torrens  
My Comm. Exp: 8/13/2017

**EXHIBIT A**

A certain lot or parcel of land with, any buildings thereon, situated in Portland, County of Cumberland and State of Maine, at the intersection of the southeasterly sideline of Washington Avenue and the southwesterly sideline of Summit Street and being Lot No. 1 on Plan of Fieldstone prepared for Kasprzak, Inc. by Land Plan Associates recorded in the Cumberland County Registry of Deeds in Plan Book 139, Page 31. Reference is hereby made to said Plan for a more particular description of the within conveyed parcel.