

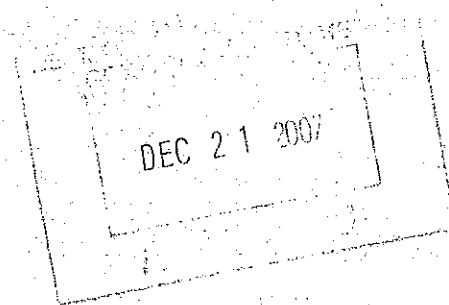
December 21, 2007

Marge Schmuckal  
Zoning Administrator  
389 Congress Street  
Portland, Maine 04101

Dear Marge,

I am writing to you to request the withdrawal of our application for "conditional use status" which was submitted to you on Monday, December 17<sup>th</sup>, 2007. The property address is 38 Armstrong Heights, Portland, Maine 04103. Please feel free to call with questions.

Kirk & Julie Armstrong  
38 Armstrong Heights  
Portland, Maine 04103  
207-878-3634





**CITY OF PORTLAND, MAINE**  
**Planning and Development Department**  
**Zoning Board of Appeals**  
**Conditional Use Appeal Application**

**Applicant Information:**

Name Julie Armstrong (or Kirk Armstrong)

Business Name 38 Armstrong Heights

Address Portland ME 04103

Telephone 747-8595 Fax 747-8599

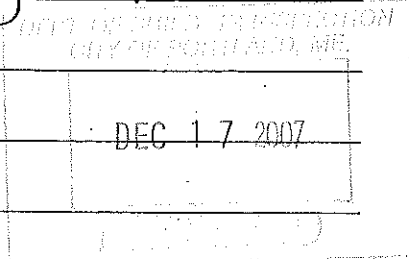
**Applicant's Right, Title or Interest in Subject Property:**

owner - fee simple  
 (e.g. owner, purchaser, etc.): R-2

Current Zoning Designation: residential

**Existing Use of Property:**

single family residence



**Subject Property Information:**

Property Address 38 Armstrong Heights

Assessor's Reference (Chart-Block-Lot) 386-A-B-34

**Property Owner (if different):**

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Conditional Use Authorized by Section 14 - 78

**Type of Conditional Use Proposed:**

single family residence  
with accessory unit (kitchen)  
to allow elderly family  
members a kitchenette  
within a short distance<sup>B</sup> living  
area

**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.

*Also  
Address  
each  
standard  
to the Board*

**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.

Signature of Applicant

Date 12/3/2007

Julie Armstrong  
Kirk Armstrong  
Ralph Coffin  
Arlene Coffin  
38 Armstrong Heights  
Portland, ME 04103  
Tel. (207) 615-1781

December 14, 2007

City of Portland Maine  
Planning & Development Department  
Zoning Board of Appeals  
389 Congress Street, Room 315  
Portland, ME 04101

**Re: Conditional Use Appeal Application  
For Consideration at the January 3, 2008 Meeting**

Dear Committee Members:

For your consideration at the January 3, 2008 Meeting, please find enclosed herewith, our Application for a Conditional Use Appeal. The property at issue has a mailing address of 38 Armstrong Heights, Portland Maine and is referred to as Tax Map/Lot 386-A-B-34. There is also a portion of this lot located in Falmouth, Maine. This portion of the lot is taxed separately by the Town of Falmouth and is identified as Tax Map/Lot R05-75. However, the Town of Falmouth is allowing the City of Portland to make all decisions regarding the building of the addition/accessory unit so long as the setbacks for the Town of Falmouth are met. You may verify this fact with either Marge Schmuckle at the City of Portland or Al Farris at the Town of Falmouth. To enable you to best evaluate this application, I have also enclosed the assessment information from the City of Portland and the Town of Falmouth, as well as the deed recorded in Book 16609 Page 122 in the Cumberland County Registry of Deeds.

Construction on the above-mentioned parcel(s) of land has commenced as proper permits and inspections were obtained. A copy of the associated plans is attached hereto for your reference. As you can see from said plans, we contemplated the installation of a kitchen. However, this was not approved by the City and so we submitted the plans without a kitchen.

The purpose of the accessory unit was to enable me to care for my elderly grandparents, one of which is terminally ill. Although Ralph and Arlene are technically my grandparents, they raised me from the time I was six years old

when my mother died, and are the only parents I have ever known. It was imperative that I give them the gift of being with family and staying out of a nursing home, as they have given so much to me. I also wanted my children to see firsthand that we don't cast aside the elderly, and that we take care of family members.

In order to facilitate this effort, we built a first floor bedroom, bath and a half, and large "great room". Now, we realize that a separate kitchen for my grandparents would allow them some privacy and independence while still affording them an opportunity to eat meals with the family as they wish. Should my grandparents ever leave this unit, we would not seek to rent the unit or establish a separate address/identity for it.

Marge Schmuckle advised us to address the standards noted on the attached application. In regards to those standards, we would like you to take note that:

- (a) there are NOT unique and distinctive characteristics and effects associate with the proposed conditional use: many homes have second kitchens, this kitchen could eventually be removed or changed into a kitchen area for the main house, it would be only for the members of the household and immediate family and not intended for rental use;
- (b) there would NOT be an adverse impact on the health, safety or welfare of the public or surrounding area: this kitchen is small, standard, and not noticeable to anyone outside the home itself, and in combination with the existing kitchen in the main house, would allow our family to provide meals for the large family that we are, and that the number and quality of the appliances is somewhat typical of a large family regardless of whether the "second" kitchen is in a separate area or not;
- (c) such impact does NOT substantially differ from the impact which would normally occur from such a use in this zone: as stated, this kitchen would only allow more convenient access for the residents of the household and not increase the number of occupants or set up a separate household, the number of appliances is reasonable for a large family on a large lot, and that two refrigerators and stoves and dishwashers are commonplace in many houses of the same construction type and size-----these appliances are just set up in different areas of the home.

Additionally, Ms. Schmuckle advised us to address item 2 in the Code of Ordinance Sec. 14-78 (attached for reference). (a) directs that the accessory unit shall be no more than 30% of the gross floor area of the principal building with a minimum of 400 sq. ft. (with conditions). This unit contains over 1400 sq. ft. (b) requires the lot contain over 10,000 sq. ft. and our lot contains over 61,000 sq. ft. in Portland, alone. (c) prohibits outside and open stairways or fire escapes above ground floor and there is only a ground floor involved with only one outdoor entrance onto the main building porch so that the home is a cohesive unit rather than two separate homes. (d) façade materials and roof.

pitch are compatible with the main building and in compliance with subdivision regulations and are clapboard and shingle with same type windows and trim. (e)(i) the building appears and is a single family building; (e)(ii) scale and surface of parking is consistent and unchanged from the original driveway as there are no increases in the number of vehicles to be present from those which already are located on the property. (f) the owner (Julie Armstrong) will occupy the main building and eventually, will incorporate the accessory unit into part of the main house except during bona fide temporary absences. (g) parking space is sufficient for at least eight vehicles as the driveway exists, now.

Thank you for your consideration in the above matter. Your approval will significantly and positively improve the lives of the members of the household and will not adversely affect abutters or the public at large. Should you require further information, or need clarification of any issue, please do not hesitate to contact any of us, as listed on the first page of this cover letter. We appreciate your assistance.

Best Regards,

A large, stylized handwritten signature in black ink, appearing to be 'Julie & Kirk Armstrong and Ralph & Arlene Coffin'.

Julie & Kirk Armstrong and  
Ralph & Arlene Coffin

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

Card Number 1 of 1  
 Parcel ID 386A B034001  
 Location 38 ARMSTRONG HEIGHTS  
 Land Use SINGLE FAMILY

Owner Address ARMSTRONG JULIE L  
 38 ARMSTRONG HEIGHTS  
 PORTLAND ME 04103

Book/Page 16609/122  
 Legal 386-A-B-34  
 AUBURN ST 699  
 (ARMSTRONG HEIGHTS 38)  
 61893 SF

Current Assessed Valuation

Land	Building	Total
\$130,100	\$240,900	\$371,000

Property Information

Year Built 2001	Style Colonial	Story Height 2	Sq. Ft. 2332	Total Acres 1.421
Bedrooms 3	Full Baths 2	Half Baths 1	Total Rooms 8	Attic Unfin
				Basement Full

Outbuildings

Type	Quantity	Year Built	Size	Grade	Condition
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Sales Information

Date	Type	Price	Book/Page
08/07/2001	LAND	\$60,500	16609-122
07/02/2001	LAND	\$38,000	16482-178

Picture and Sketch

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

[Click here](#) to view Tax Roll Information.

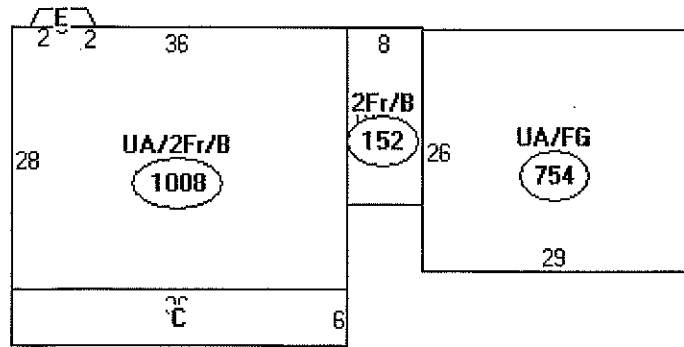
Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

[New Search!](#)

**PAGE 1**



**PAGE 2**



Descriptor/Area

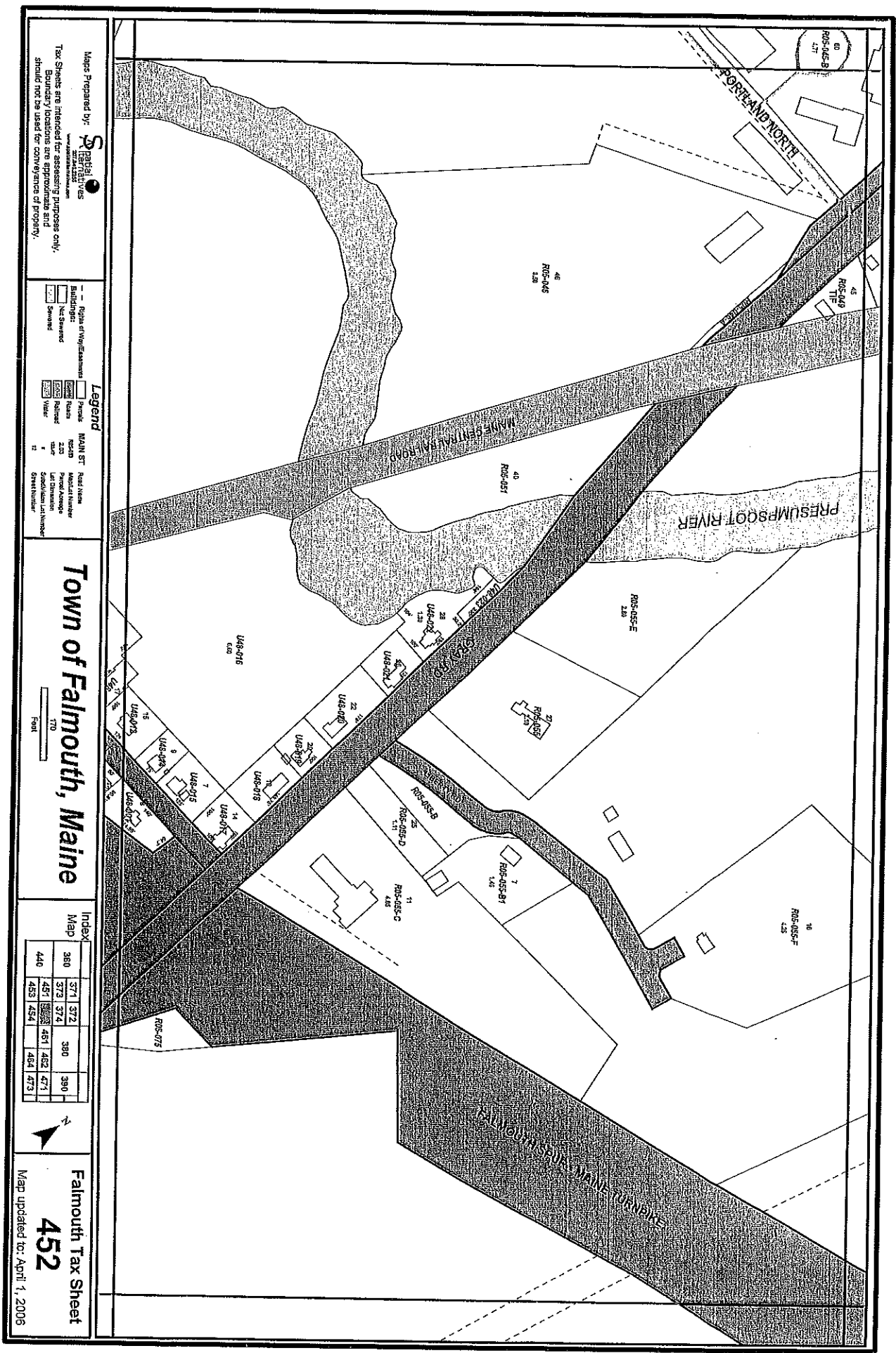
- A: UA/2Fr/B  
1008 sqft
- B: 2Fr/B  
152 sqft
- C: OFF  
216 sqft
- D: UA/FG  
754 sqft
- E: FBAY  
12 sqft



**New Map-Lot :** R05-075  
**Old Map-Lot :**  
**Owner :** ARMSTRONG JULIE L  
**Co-Owner :**  
**Street Number :** 0  
**Street Name :** GRAY RD  
**Location :** GRAY RD  
**Mailing Addr :** 38 ARMSTRONG HTS  
**City :** PORTLAND  
**State :** ME  
**Zip :** 04103

**View Assessment Card(s): No. 1**

**PAGE 4**



Maps Prepared by: **Spartan GIS**  
 2024-1333  
 2024-1333  
 Tax Sheets are intended for assessing purposes only. Boundary locations are approximate and should not be used for conveyance of property.

**Legend**

Regions of Vot/Districts:  Towns

Buildings:  Not Shaded  Shaded

MAINT ST:  Road Name  Road Number  Road Average  Last Observation  Street Number

U48-016 620

U48-015 7

U48-014 14

U48-013 15

U48-012 22

U48-011 22

U48-010 22

U48-009 22

U48-008 22

U48-007 22

U48-006 22

U48-005 22

U48-004 22

U48-003 22

U48-002 22

U48-001 22

R05-046 128

R05-045 45

R05-044 116

R05-043 45

R05-042 45

R05-041 45

R05-040 45

R05-039 45

R05-038 45

R05-037 45

R05-036 45

R05-035 45

R05-034 45

R05-033 45

R05-032 45

R05-031 45

R05-030 45

R05-029 45

R05-028 45

R05-027 45

R05-026 45

R05-025 45

R05-024 45

R05-023 45

R05-022 45

R05-021 45

R05-020 45

R05-019 45

R05-018 45

R05-017 45

R05-016 45

R05-015 45

R05-014 45

R05-013 45

R05-012 45

R05-011 45

R05-010 45

R05-009 45

R05-008 45

R05-007 45

R05-006 45

R05-005 45

R05-004 45

R05-003 45

R05-002 45

R05-001 45

# Town of Falmouth, Maine

Index Map

380	371	372	380	390
440	457	458	461	471
480	481	482	483	484
485	486	487	488	489

Falmouth Tax Sheet  
**452**  
 Map updated for: April 1, 2006

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

KNOW ALL PERSONS BY THESE PRESENTS, that NOM LLC, a Maine limited liability company, of 14 Anchorage Place, County of Cumberland, City of South Portland, and State of Maine, for consideration paid, grants to Julie L. Armstrong, of South Portland, Maine, with mailing address of 15 Karynel Drive, South Portland, ME 04106, with **WARRANTY COVENANTS**, the land in the City of Portland and Town of Falmouth, County of Cumberland, State of Maine, described as follows:

Lot No. 34 as depicted on the Auburn Pine Subdivision Plan recorded in the Cumberland County Registry of Deeds in Plan Book 199, Page 393.

The property described herein is conveyed subject to the general notes and Conditions set forth on said plan together with the Declaration of Restrictions and Covenants for Auburn Pines as set forth in an instrument dated August 16, 1999 and recorded in the Cumberland County Registry of Deeds in Book 14981, Page 172. Also conveying an easement for access and installation and maintenance of utilities over and within the streets and ways shown on said Plan.

The premises are conveyed subject to and together with the benefit of a Declaration of Easements and Maintenance Agreement of even date herewith and recorded immediately prior hereto. In addition to such rights in said Declaration, there is also hereby conveyed an easement for the installation of underground electrical and telecommunications services within a strip of land 10 feet in width parallel and adjacent to the southeasterly boundary of the Detention Easement (as described in said Declaration and shown on the Plan) extending from the easterly side of Auburn Street to the southerly boundary of Lot 34; provided, however, that if such electrical and telecommunications services are actually installed within the Driveway and the Lot 34 Easement, then this easement shall terminate and expire.

Being a portion of the premises conveyed to Grantor herein by deed dated June 27, 2001, recorded in the Cumberland County Registry of Deeds, Book 16482, Page 178.

IN WITNESS WHEREOF, the said NOM, LLC has caused this instrument to be signed and sealed in its name by Kevin Cloutier, its Member, thereunto duly authorized, on August 3, 2001.

MAINE REAL ESTATE TAX PAID

BK 16609 PG 123

WITNESS:

Debbie White

NOM LLC

By: [Signature]  
Name: Kevin Cloutier  
Title: Member

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss

August 3, 2001

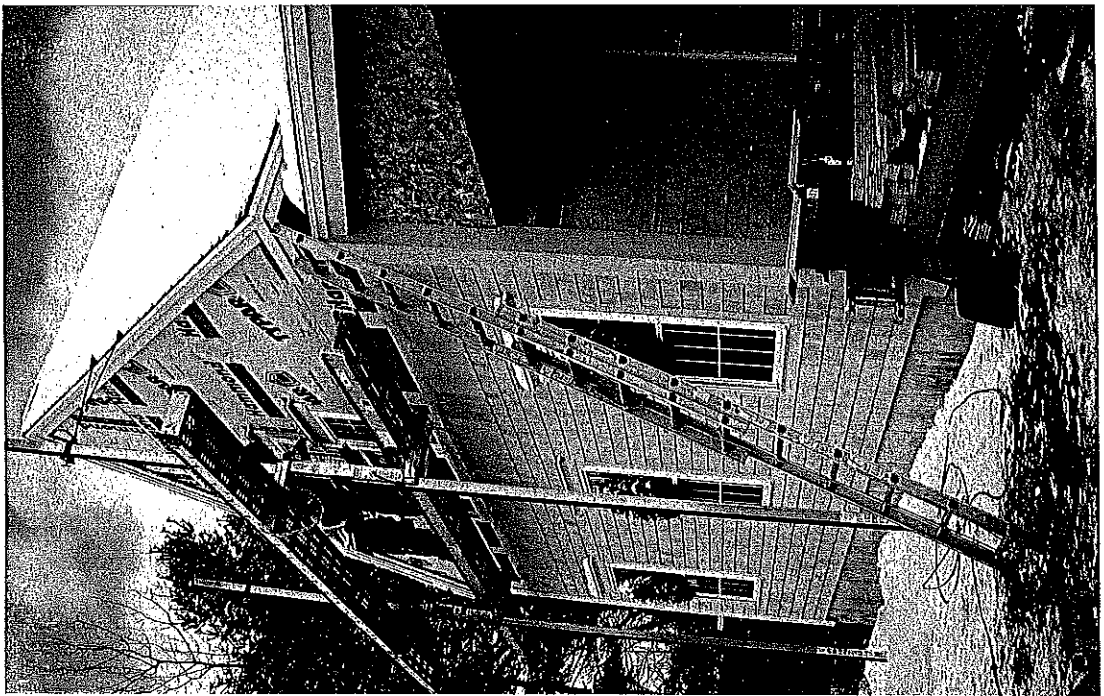
Then personally appeared the above named Kevin Cloutier, Member of said NOM LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said NOM LLC.

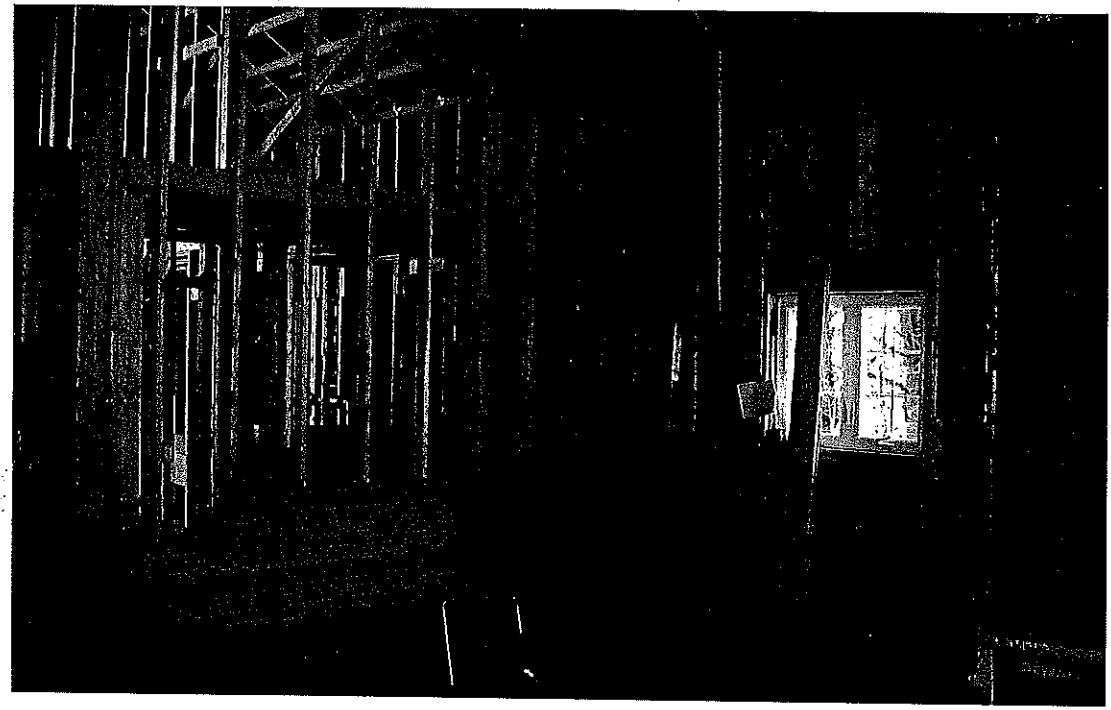
Before me,  
Debbie White  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

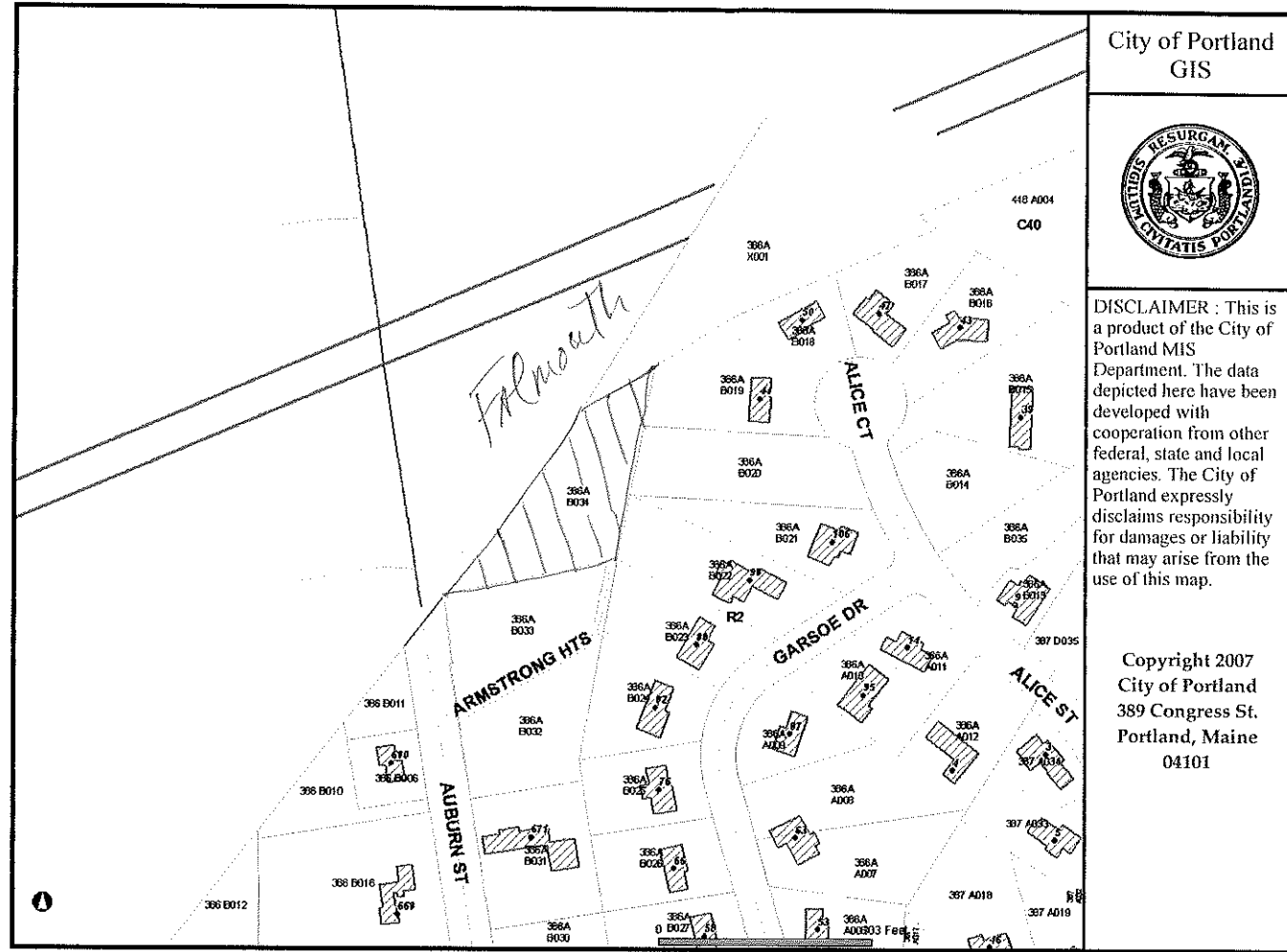
DEBBIE L. WHITE  
Notary Public, Maine  
My Commission Expires April 10, 2004

SEA

RECEIVED  
RECORDED REGISTRY OF DEEDS  
2001 AUG -7 PH 2: 11  
CUMBERLAND COUNTY  
John B O'Brien





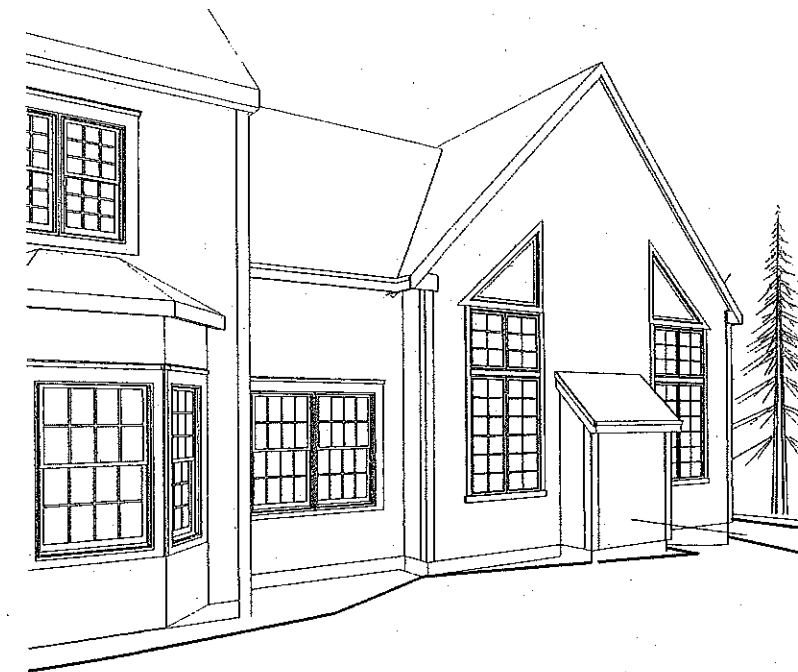
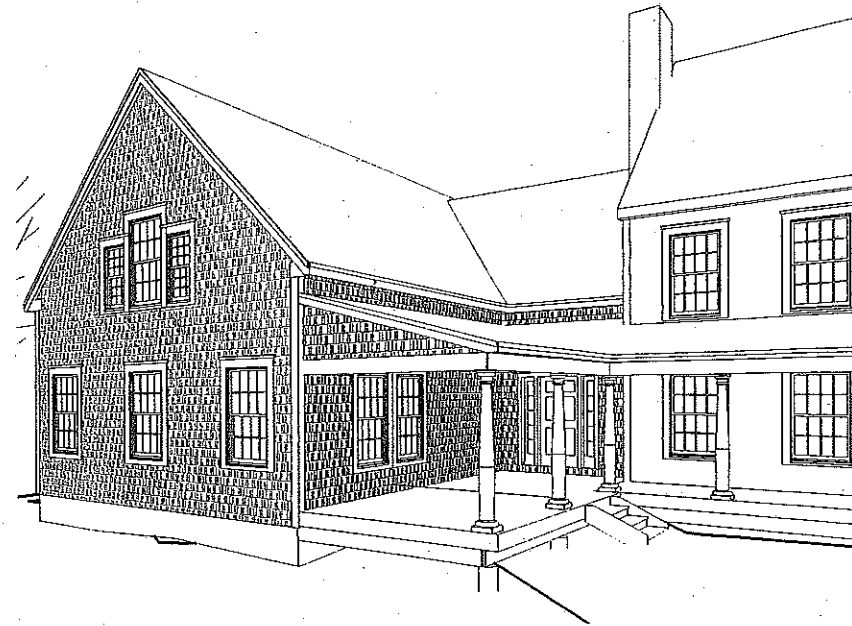


# Armstrong-Coffin Residence

38 Armstrong Heights  
Portland, ME

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- P1.0 Proposed Site Plan
- A1.0 Existing/ Demolition Foundation Plan
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- A6.3 Proposed Rear Elevation
- A6.4 Proposed Side (North) Elevation
  
- A7.1 Proposed Cross Section and Details
- A7.2 Proposed Long. Section and Details





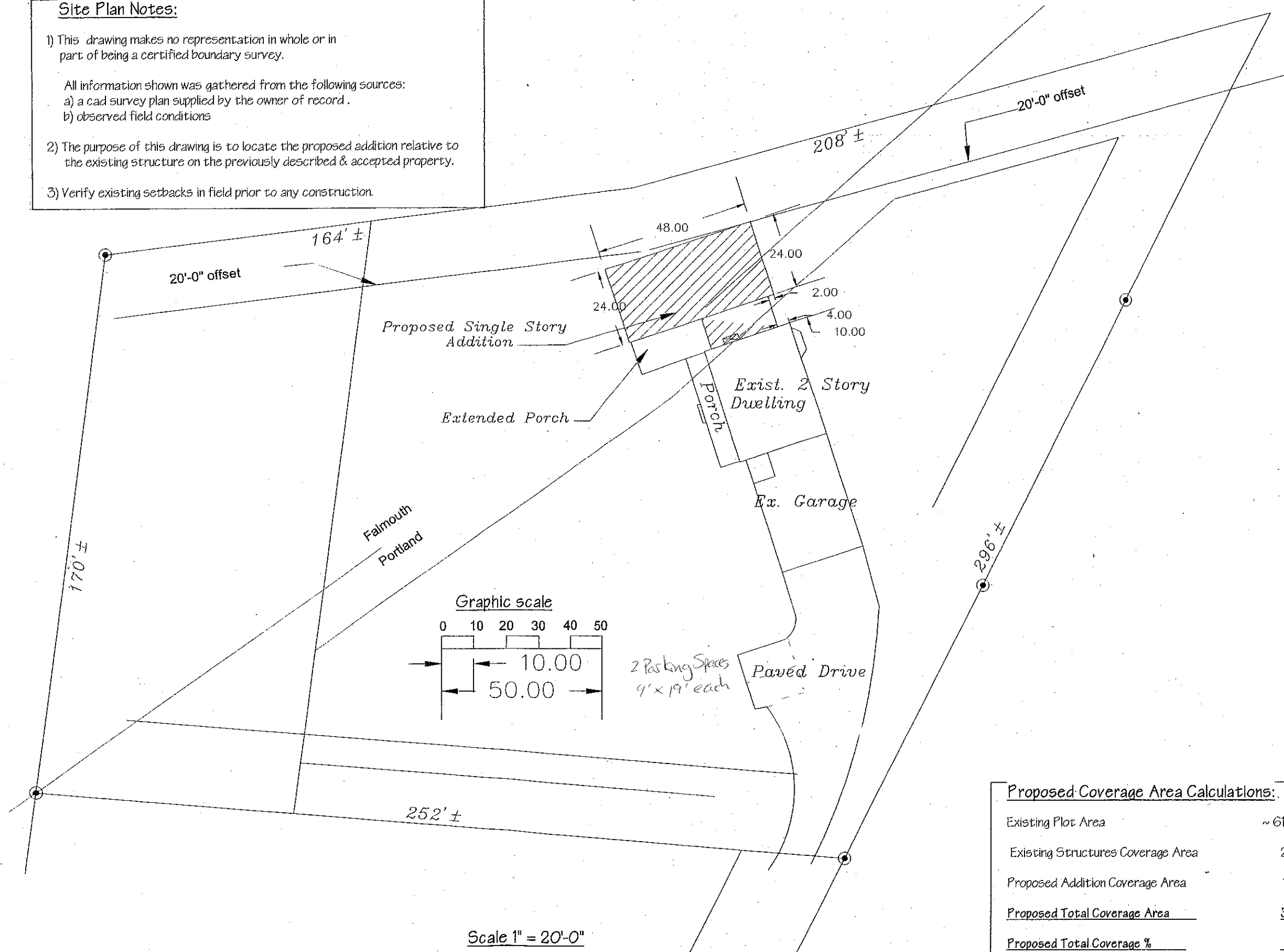
**Site Plan Notes:**

1) This drawing makes no representation in whole or in part of being a certified boundary survey.

All information shown was gathered from the following sources:  
 a) a cad survey plan supplied by the owner of record.  
 b) observed field conditions

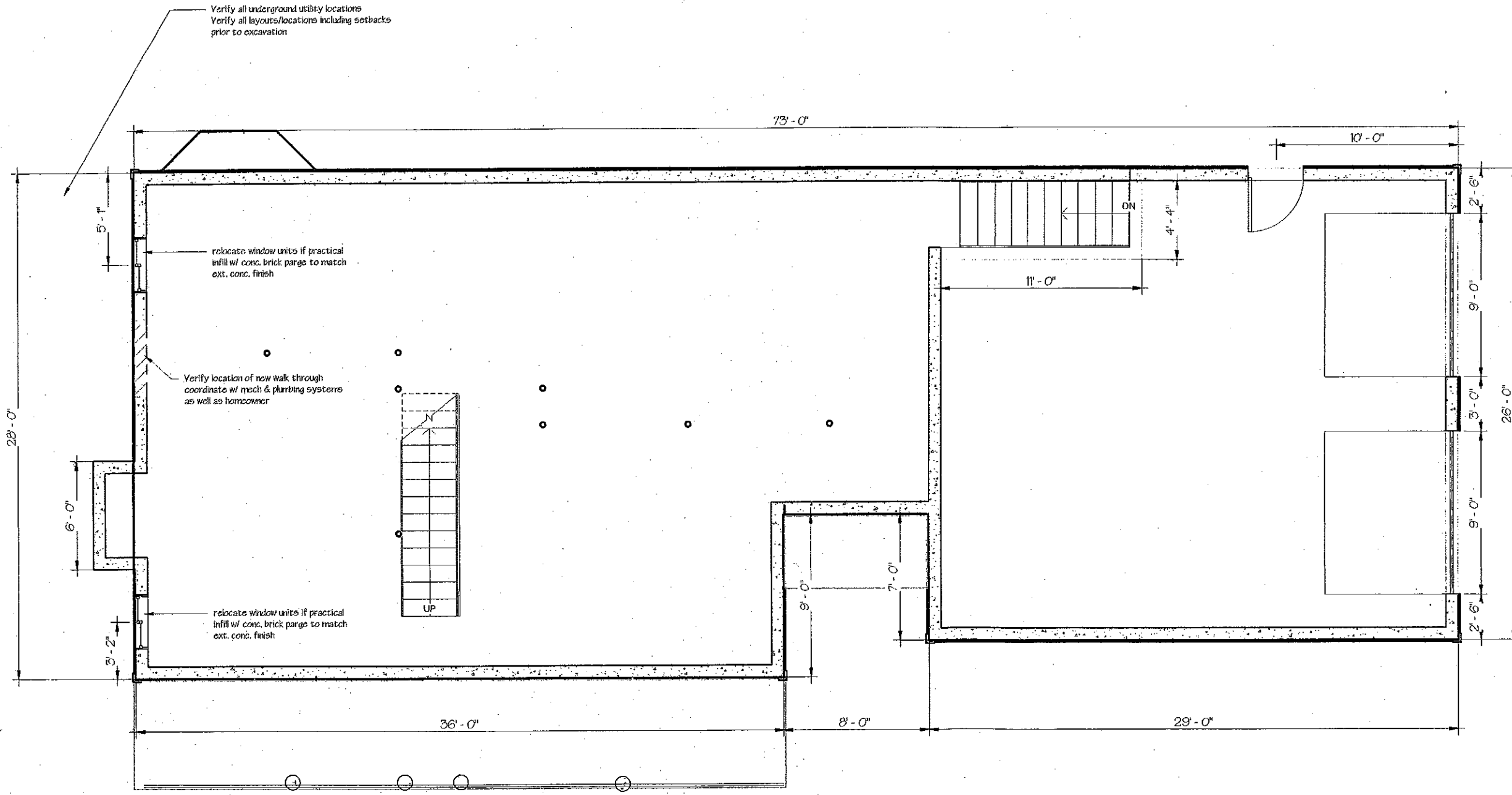
2) The purpose of this drawing is to locate the proposed addition relative to the existing structure on the previously described & accepted property.

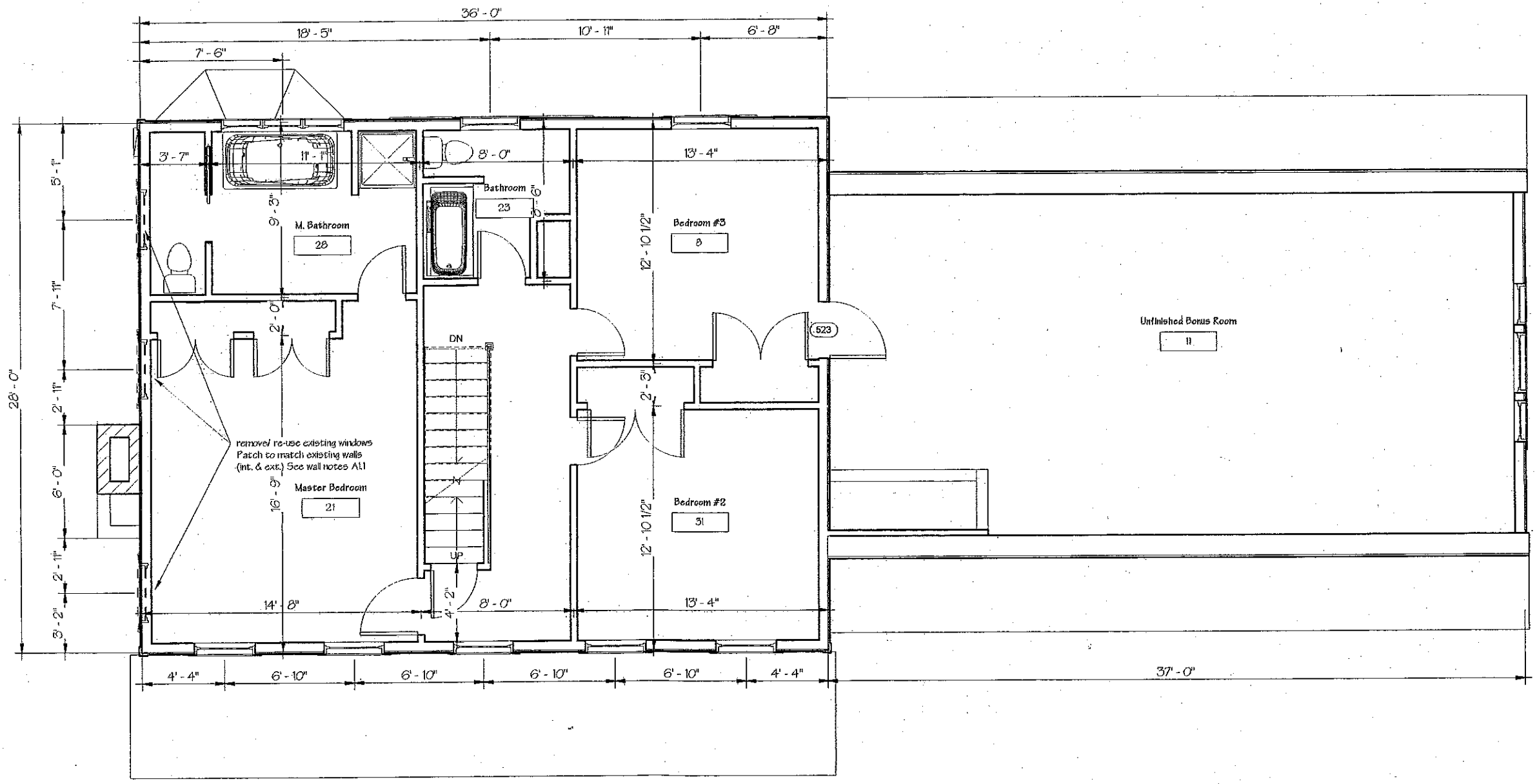
3) Verify existing setbacks in field prior to any construction.

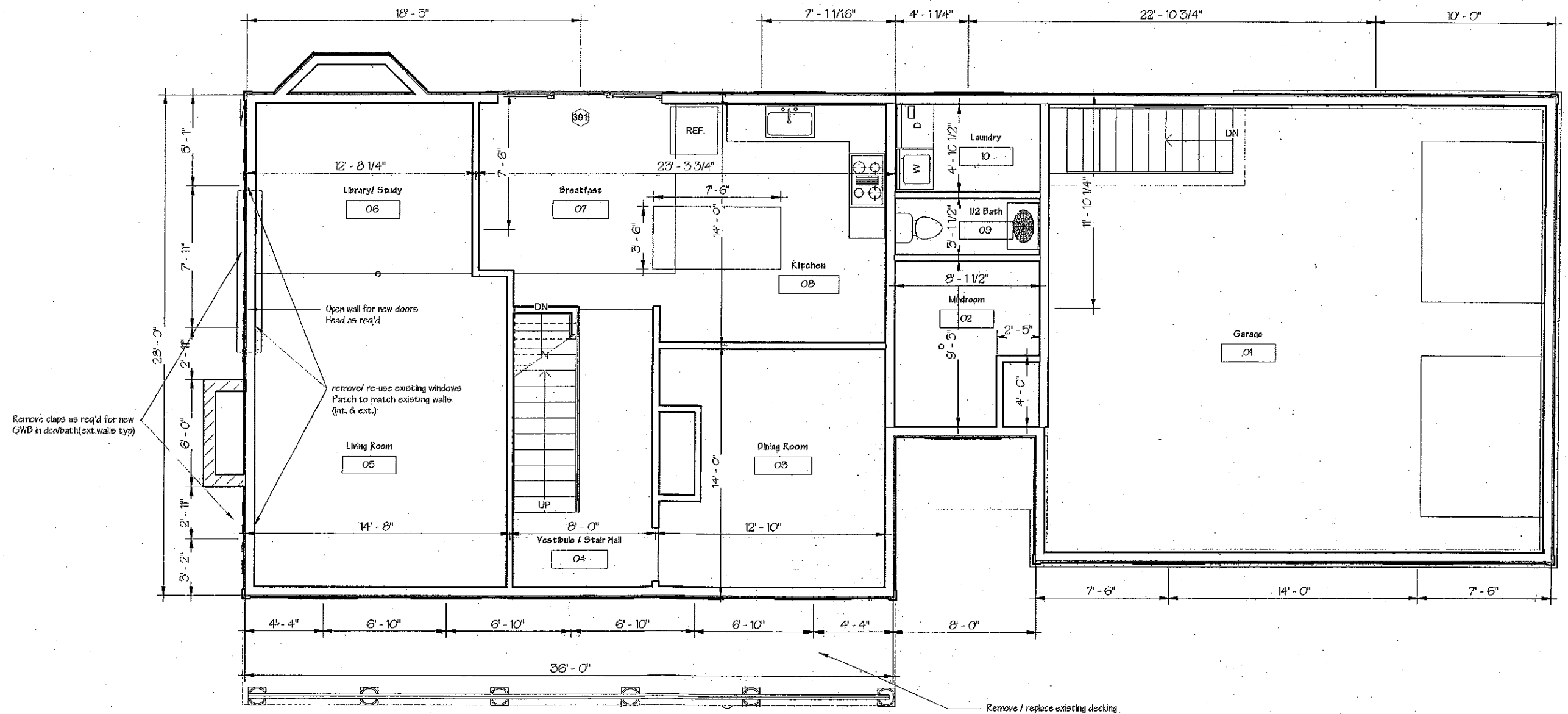


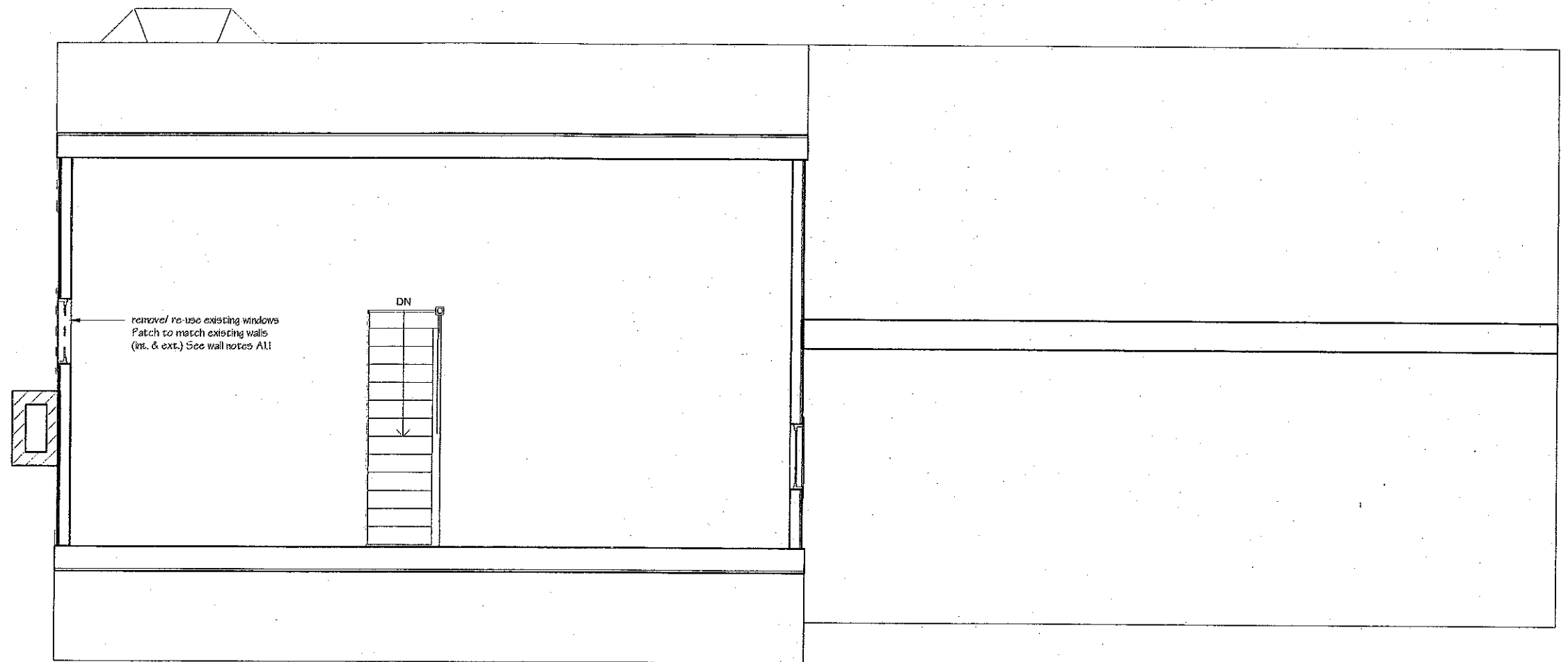
**Proposed Coverage Area Calculations:**

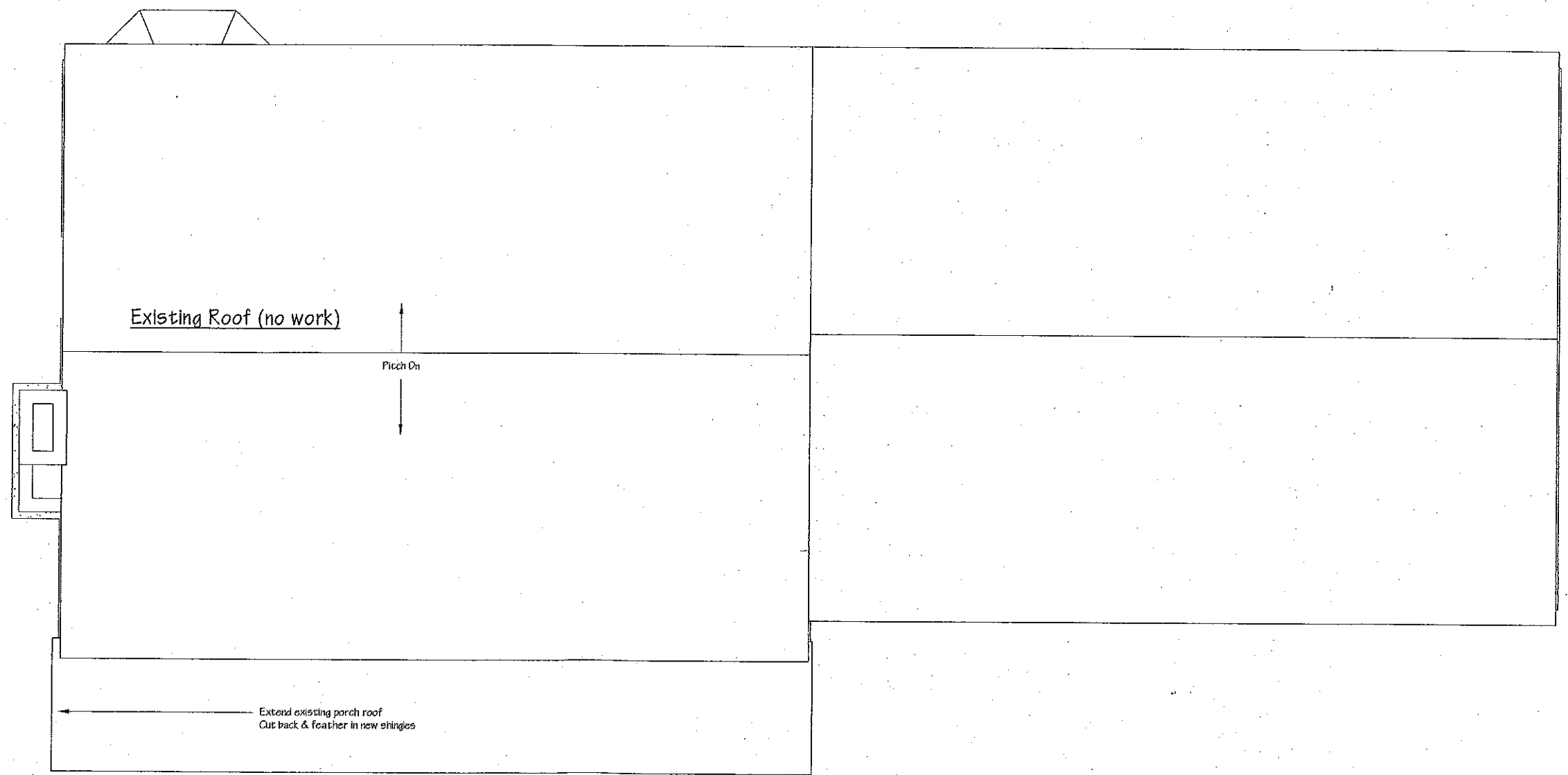
Existing Plot Area	~ 61,893 s.f.
Existing Structures Coverage Area	2,332 s.f.
Proposed Addition Coverage Area	1,372 s.f.
<b>Proposed Total Coverage Area</b>	<b>3,704 s.f.</b>
<b>Proposed Total Coverage %</b>	<b>5.9%</b>

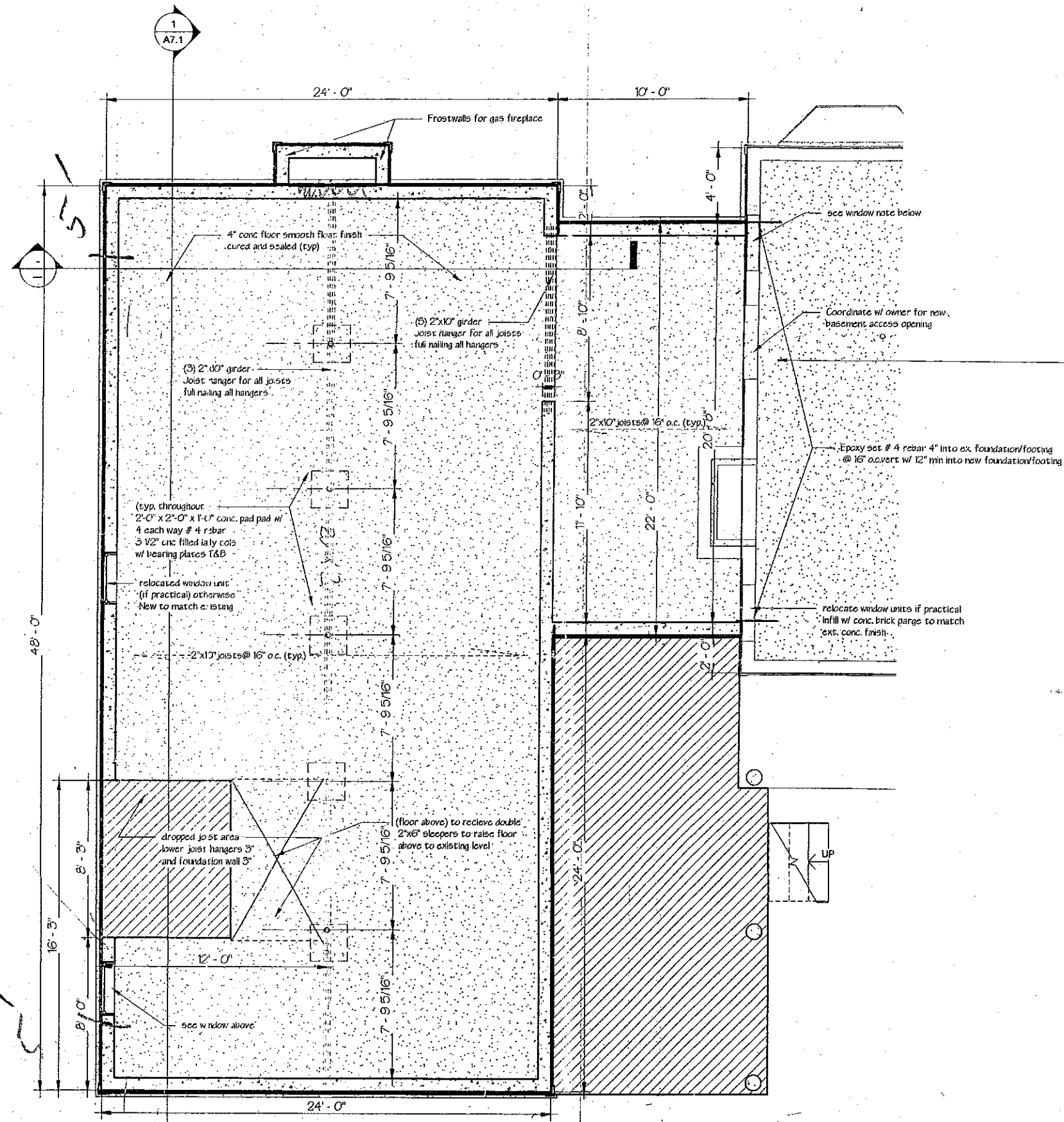






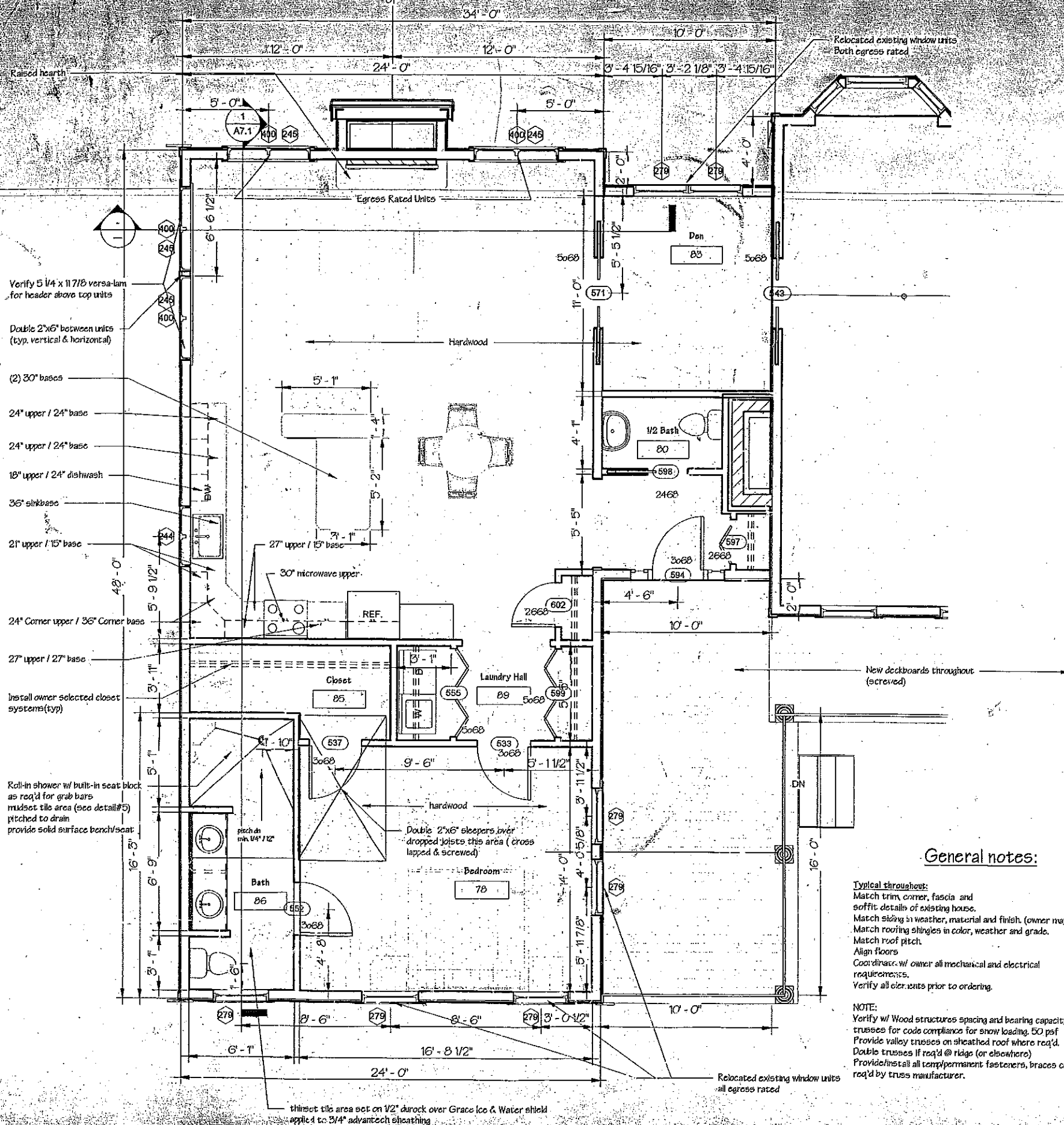






**General notes:**

- 1) Refer to General Notes Dwg. A5.1  
See Dwg. A7.1 & A7.2 for additional footing/foundation notes.
- 2) Verify in Field (I.F.) Setbacks, all dimensions and elevations, coordinate with existing grades and services as req'd.
- 3) All concrete foundations and footings shall receive bituminous waterproofing to finish grade.
- 4) Provide and install continuous perimeter drain bedded on 6" gravel base w/ 16" min gravel cover and drainage matting.
- 5) All foundation walls, footings and garage slab shall be 3000 psi concrete.
- 6) Basement slab shall be 2500 psi concrete, w 6x6 10 wwf over 6 mil poly and compacted 6" crushed stone bed on undisturbed soil.
- 7) Provide and install all required penetrations for all necessary utilities and services. Coordinate all equipment locations and/or additional required items relative to street service elevations and locations.



Verify 5 1/4 x 11 7/8 versa-lam for header above top units

Double 2"x6" between units (typ. vertical & horizontal)

(2) 30" bases

24" upper / 24" base

24" upper / 24" base

18" upper / 24" dishwasher

36" shkb base

21" upper / 15" base

24" Corner upper / 36" Corner base

27" upper / 27" base

Install owner selected closet systems (typ)

Roll-in shower w/ built-in seat block as req'd for grab bars  
 midsct tile area (see detail #5)  
 pitched to drain  
 provide solid surface bench/seat

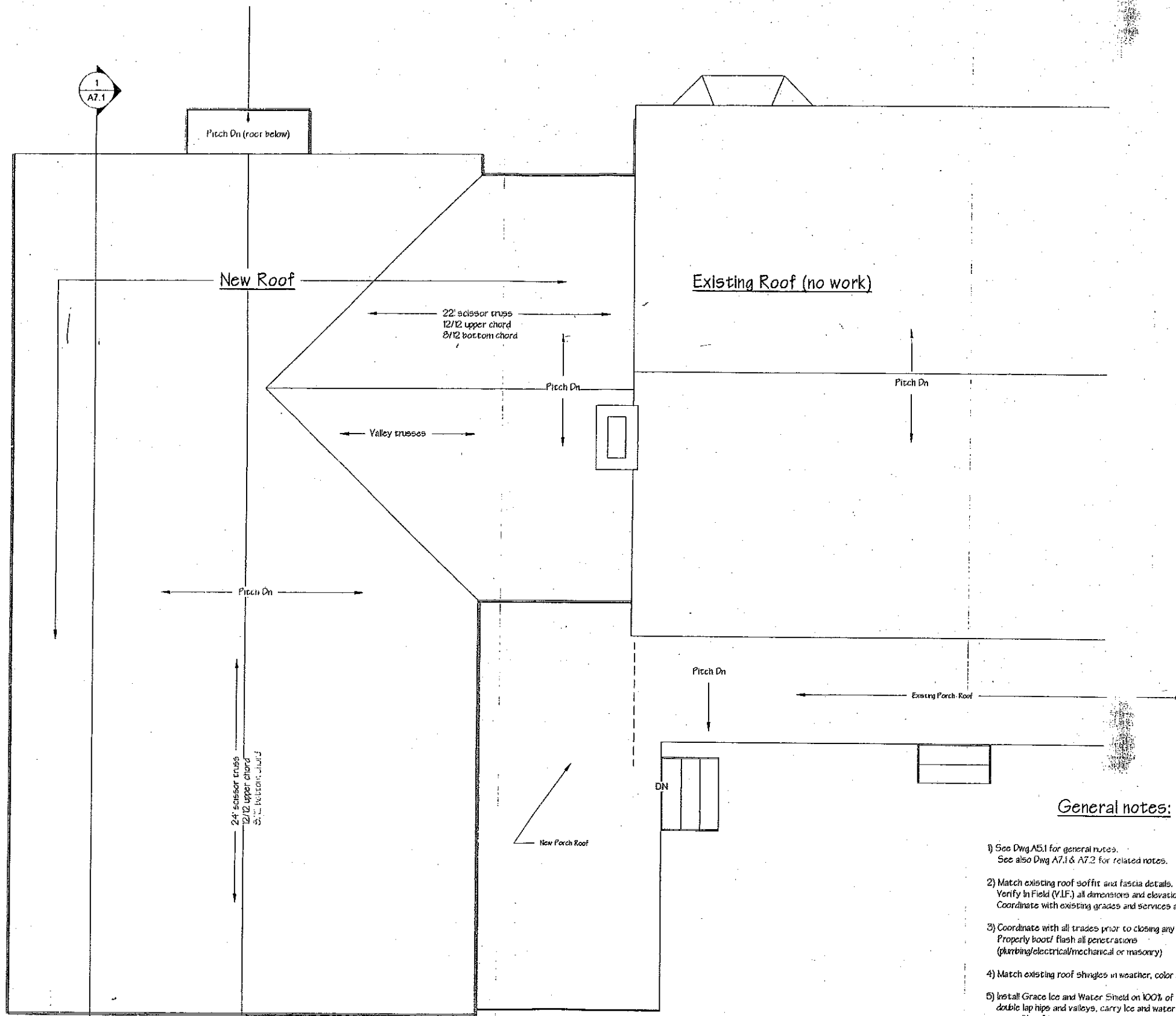
**General notes:**

Typical throughout:  
 Match trim, corner, fascia and soffit details of existing house.  
 Match siding in weather, material and finish. (owner may opt for shingles)  
 Match roofing shingles in color, weather and grade.  
 Match roof pitch.  
 Align floors.  
 Coordinate w/ owner all mechanical and electrical requirements.  
 Verify all elevations prior to ordering.

NOTE:  
 Verify w/ Wood structures spacing and bearing capacity of roof trusses for code compliance for snow loading, 50 psf  
 Provide valley trusses on sheathed roof where req'd.  
 Double trusses if req'd @ ridge (or elsewhere)  
 Provide/install all temporary fasteners, braces connectors as req'd by truss manufacturer.

- 1) All work shall conform to all Local, State and Federal codes. Contractor(s) shall be responsible for the complete and proper execution and completion of all required permits. Copies of completed permits and occupancy permits shall be delivered to the owner prior to final payments.
- The owner may supply items if they wish. The contractor may charge a fair market value labor charge to properly install said items, but may not add profit, overhead or any other charge for the value of said items to the contract.
- Any work in place damaged by the contractor shall be repaired/replaced to the satisfaction of the owner.
- Any items noted herein as Selected By Owner (SelBy Owner, or S.B.O) shall be verified with the owner prior to ordering or purchasing said items.
- 2) Verify in Field (VIF) all dimensions and elevations. Coordinate with existing grades and services as req'd.
- 3) Coordinate with all trades prior to closing any wall/floor etc.
- 4) All interior / exterior wood scheduled for painting shall be back primed. Painting shall consist of 1 coat primer and 2 coats finish in color and finish as selected by owner.
- 5) All walls shall be taped, compounded and sanded smooth, and dusted prior to priming.
- 6) Hardwood floors shall be pre-finished, in grade, type and color selected by owner. Install according to the manufacturer's directions.
- 7) Where tile is to be installed, Provide V2" Durock cement board, glued and screwed, ready for thirset tile application. (Or midsct in shower area)

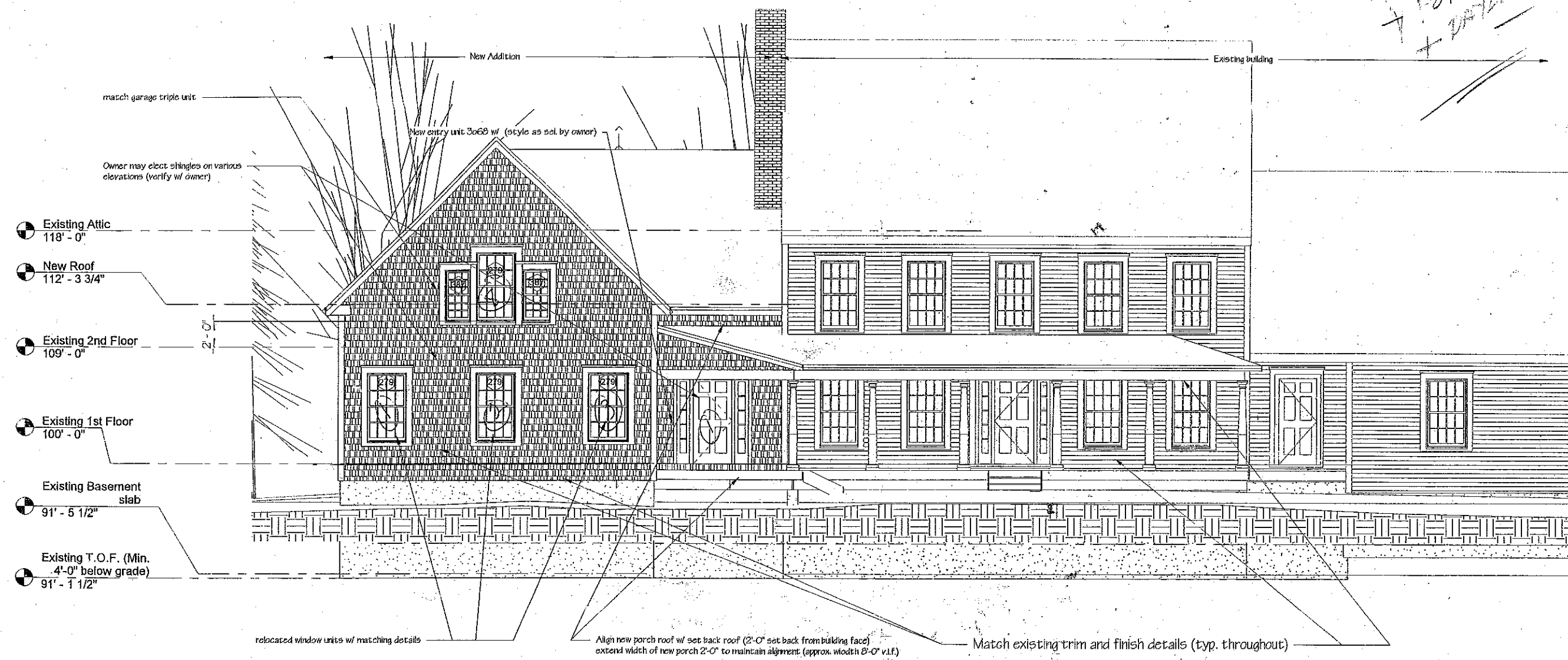




**General notes:**

- 1) See Dwg. A5.1 for general notes. See also Dwg. A7.1 & A7.2 for related notes.
- 2) Match existing roof soffit and fascia details. Verify in Field (V.I.F.) all dimensions and elevations. Coordinate with existing grades and services as req'd.
- 3) Coordinate with all trades prior to closing any wall/floor/roof etc. Properly boot/flash all penetrations (plumbing/electrical/mechanical or masonry).
- 4) Match existing roof shingles in weather, color and quality.
- 5) Install Grace Ice and Water Shield on 100% of the roof substrate. Double lap hips and valleys, carry ice and water Shield 3'-0" vertically up any wall/roof intersection.
- 6) All roof sheathing shall be Advantech 5/8" sheathing. Install according to the manufacturer's directions.
- 7) Provide cont. soffit venting and baffles along with full length Cora-Vent ridge vent.
- 8) Provide 8" aluminum drip edge entire perimeter.
- 9) Provide Prop-A-Vent air chutes as req'd.

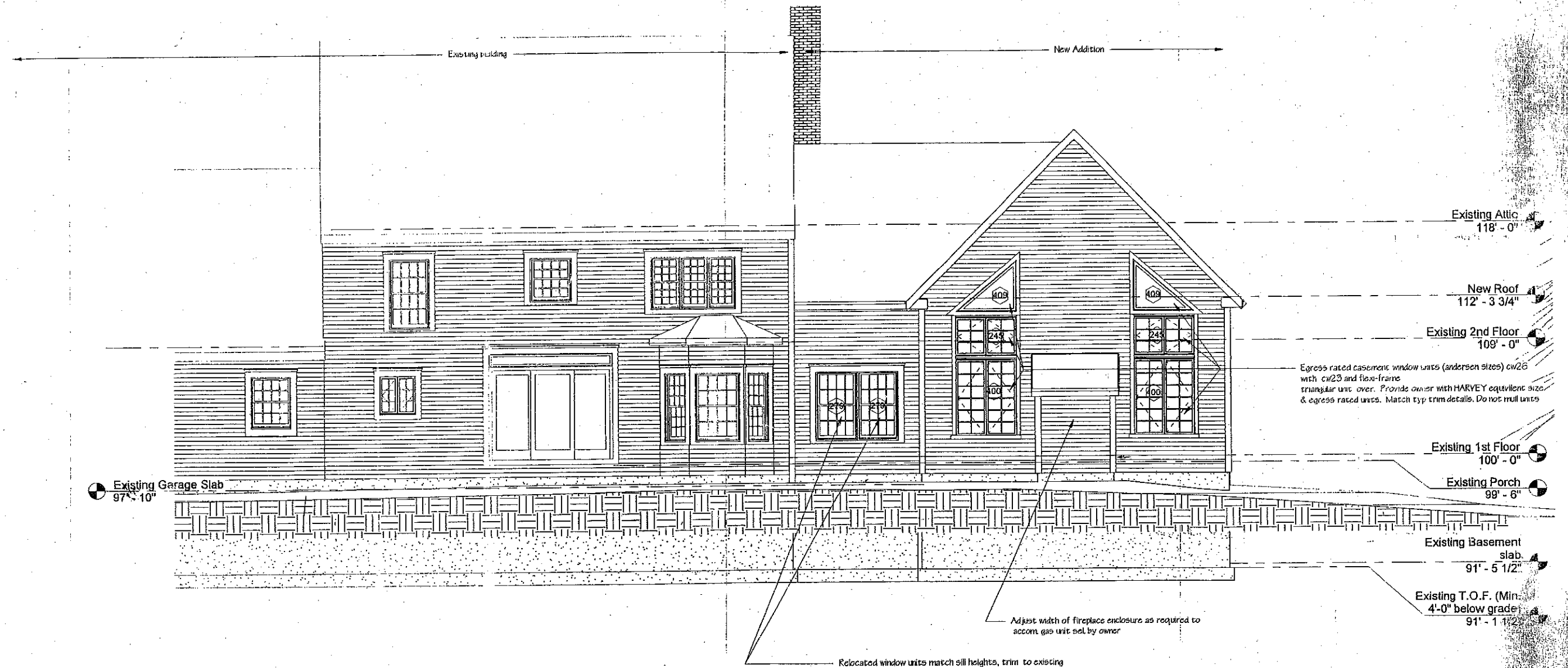
1592 SP. FT.  
 + 1/2 2nd floor  
 T.F. PLACE  
 + PORCH  
 + DAYLITE BA



Verify all elevations in field  
 Align finished first floors  
 Align finished basement floors  
 Align porch roof & floor



Verify all elevations in field  
See Notes Dwg. A6.1



Verify all elevations in field  
See Notes Dwg. A6.1

