

Department of Planning & Urban Development

Marge Schmuckal
Zoning Administrator

Jeff Levine
Director, Planning & Urban Development



CITY OF PORTLAND
ZONING BOARD OF APPEALS
Practical Difficulty Variance Application

Applicant Information:

Carol and Stephen Paulding
NAME

N/A
BUSINESS NAME

21 Quiet Ln.
ADDRESS
Portland, ME 04103

878-3288
TELEPHONE #

Owner
APPLICANT'S RIGHT, TITLE OR INTEREST
(eg; owner, purchaser, etc)

CURRENT ZONING DESIGNATION R-2

EXISTING USE OF PROPERTY:
Residential

Single family dwelling

Subject Property Information

21 Quiet Ln.
PROPERTY ADDRESS
388 A-A-053
R-2 Zone Lot 2
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)
Carol Paulding
NAME
Same
ADDRESS

878-3288
TELEPHONE #

PRACTICAL DIFFICULTY VARIANCE
FROM SECTION 14- 80(d)(2)(a)

RECEIVED RECEIVED

SEP - 7 2012

SEP - 7 2012

Dept. of Building Inspections
City of Portland Maine
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 Practical Difficulty Variance as described above, and certifies that the information supplied herein is true and correct to the best of his OR her knowledge and belief.

Carol R. Paulding
SIGNATURE OF APPLICANT

9/05/12
DATE

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

"Practical Difficulty" variance standards pursuant to Portland City Code §14-473(c)(3):

1. The need for the variance is from dimensional standards of the Land Use Zoning Ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied _____ NOT Satisfied _____ (deny the appeal)
Reason and supporting facts:

Relates to setback requirement.

2. Strict application of the provisions of the ordinance would create a *Practical Difficulty*, meaning it would both (1) preclude a use of the property which is permitted in the zone in which it is located, and also (2) would result in significant economic injury to the applicant. ("Significant Economic Injury" means the value of the property, if the variance was denied, would be substantially lower than its value if the variance were granted.) To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

Satisfied _____ NOT Satisfied _____ (deny the appeal)
Reason and supporting facts:

Removal of the deck, if required, would eliminate second egress from the main floor and would reduce the house value. Reducing the size of the deck would likewise reduce substantially its use and also the value of the house.

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3. 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 _____ (deny the appeal)
Reason and supporting facts:

This property backs up to a buffer of woods which cannot not be built upon

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use, or fair market value, of abutting properties.

Satisfied _____ Not Satisfied _____ (deny the appeal)
Reason and supporting facts:

No current or future property would be impacted

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied _____ Not Satisfied _____ (deny the appeal)
Reason and supporting facts:

Although the deck was added subsequent to original house construction, it was intended from the beginning and is shown in the sketch of the property in its current dimensions on the Tax Assessor's site.

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6. No other feasible alternative is available to the applicant, except the variance.

Satisfied _____ Not Satisfied _____ (deny the appeal)
Reason and supporting facts:

*There is no other location for the deck
but its current location.*

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

Satisfied _____ Not Satisfied _____ (deny the appeal)
Reason and supporting facts:

There will be no effect on the environment.

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

Satisfied _____ Not Satisfied _____ (deny the appeal)
Reason and supporting facts:

Not near the shore.

Zoning Board of Appeals
389 Congress St. Room 315
Portland, Maine 04101

Dear Sir and/or Madame,

We are Stephen and Carol Paulding, owners and residents of the house at 21 Quiet Lane, Portland. Due to a recent application to enclose our deck with a sunroom we were made aware that our deck was not in compliance with the rear setback requirement. A subsequent survey revealed that the deck intrudes into the 25 ft rear setback by 4.8 feet.

The deck was constructed after the original construction of the house, but a deck was intended from the beginning, since the rear slider door opens a full story above the ground. We admit to a faulty assumption that the deck was included in the original building permit process, since we were not shown the site plan and permit at that time.

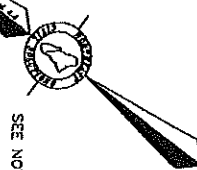
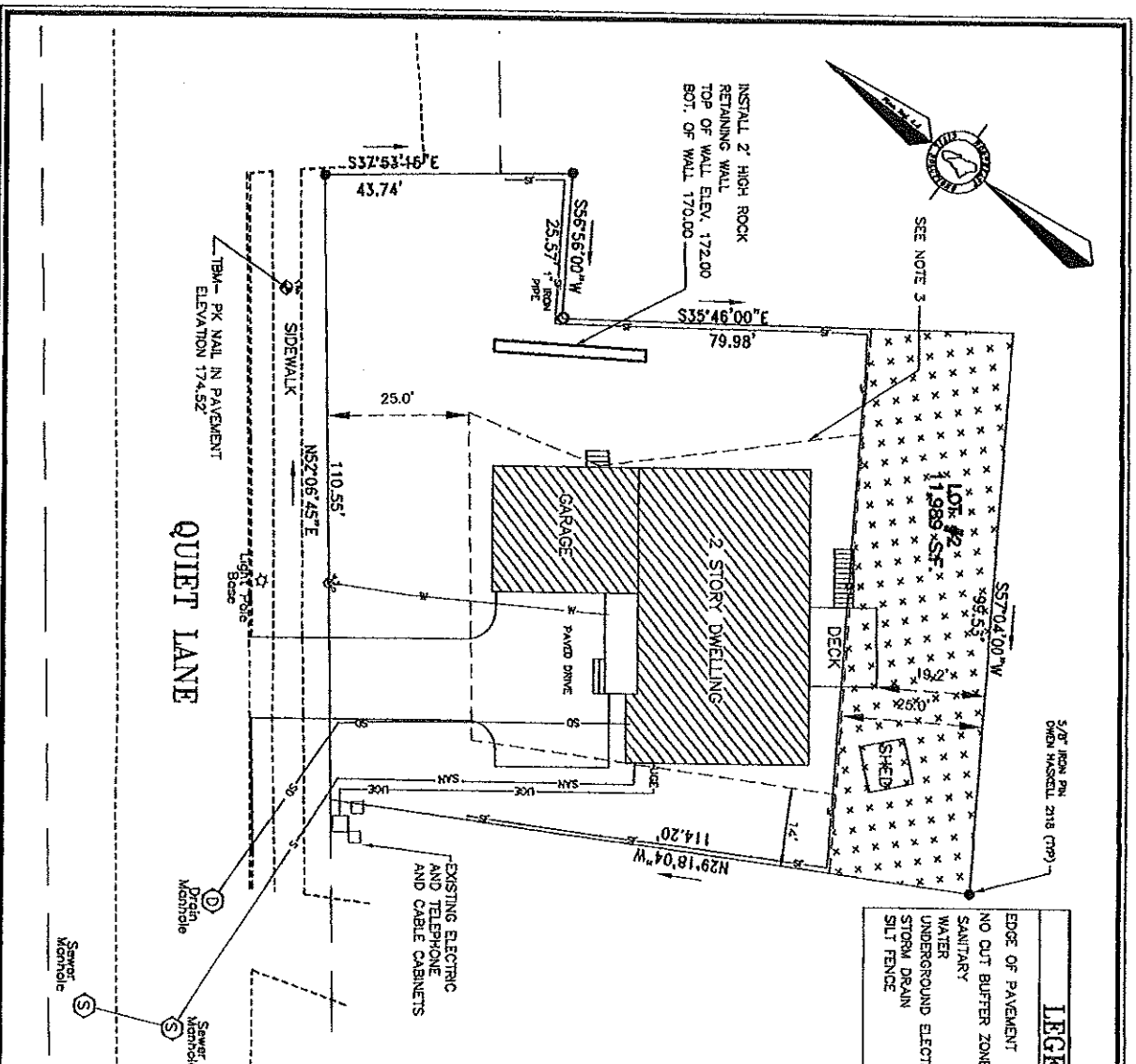
*5 ft according to
arbitrary
site plan*

Now we request a variance to allow the deck, since no one can build in the woods behind us. We would request a favorable consideration.

Sincerely,

Carol R. Paulding *Stephen B. Paulding*

Stephen and Carol Paulding



LEGEND	
EDGE OF PAVEMENT	EXISTING PROPOSED
NO OUT BUFFER ZONE	XXXXXX
SAUNTIARY	— S —
WATER	— W —
UNDERGROUND ELECTRIC	— UE —
STORM DRAIN	— SD —
SILT FENCE	— SF —

NOTES

- BOUNDARY LINES BASED UPON PLAN REFERENCE IN NOTE 4.A BELOW.
- DATE: HORIZONTAL— BASED UPON PLAN REFERENCE IN NOTE 4.A BELOW. VERTICAL— BASED UPON BOUNDARY SOLI OF HYDRANT AT THE CORNER OF OF ABBEY LANE AND CURTIS ROAD. CITY DATUM ELEVATION 139.45'
- THE SET BACK AS SHOWN ON THE EAST SIDE OF THE PROPERTY IS BASED UPON A 25' SETBACK FROM WETLANDS. LOCATION HAS BEEN DOTTED FROM PLAN REFERENCE IN NOTE 4.A BELOW.
- PLAN REFERENCES: A. PLAN ENTITLED "SUBDIVISION PLAN HIDDEN ABBES SAUNTI STREET, PORTLAND, MAINE" DATED 4/13/00.
- NO STANDING TREES, TIMBER OR UNDERGROWTH SHALL BE REMOVED IN THE NO-CUT BUFFER ZONE AS SHOWN ON THE PLAN, EXCEPT IN THE EVENT ANY SUCH TREE OR TIMBER PRESENTS A DANGEROUS OR UNSAFE CONDITION.
- CONTRACTOR SHALL INSTALL AND MAINTAIN SILT FENCE IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES.

AS-BUILT SITE PLAN OF LAND

PORTLAND IN MAINE

SCALE: 1" = 20'
 PREPARED FOR: STEVE PAULDING
 21 QUIET LANE
 PORTLAND, MAINE 04103

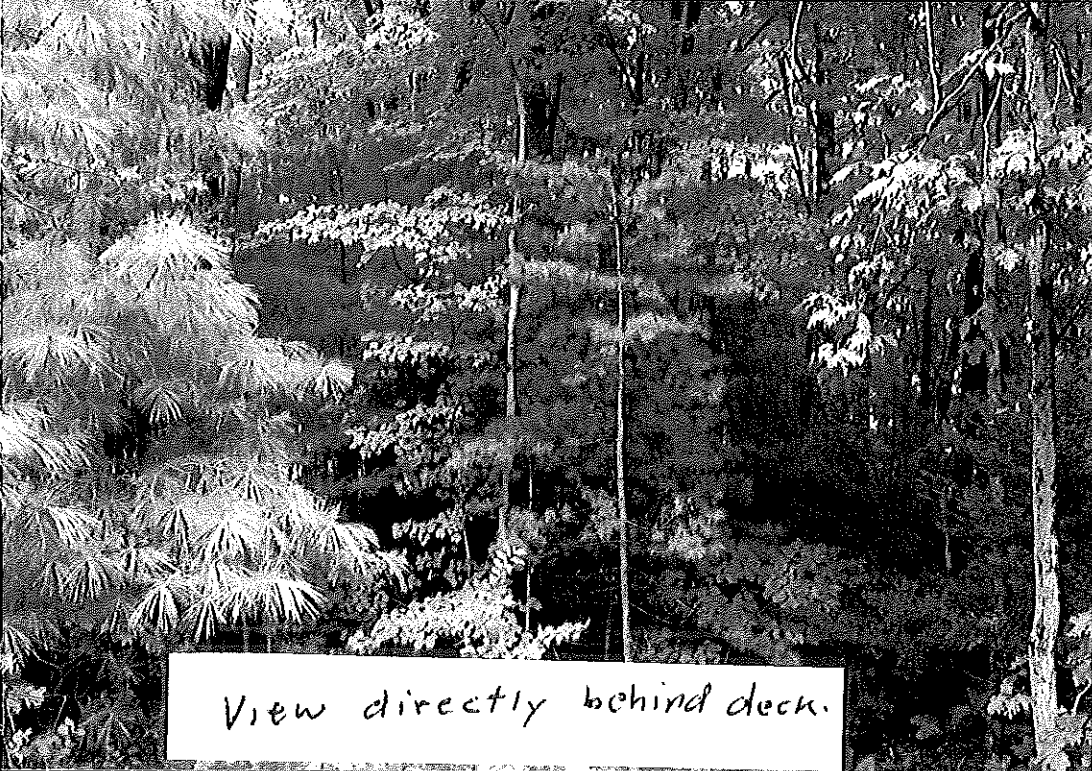
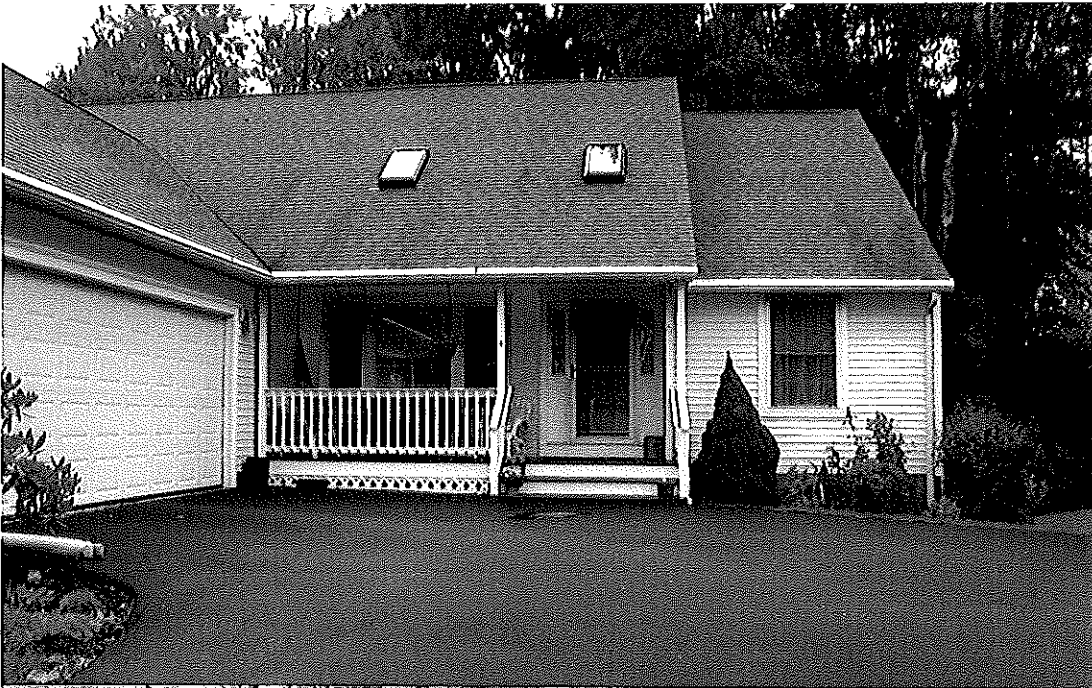
DATE: AUGUST 14, 2012
 JOB NUMBER: 22323
 ACAD FILE: 22323



Northeast Civil Solutions

SURVEYING ENGINEERING LAND PLANNING
 INCORPORATED
 153 US ROUTE 1, SCARBOROUGH, MAINE 04074
 TEL: 207.883.1000 FAX: 207.883.1001
 860.882.2222
 E-MAIL: p@northeastcivil.com
 WWW: www.northeastcivil.com





View directly behind deck.



WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that it, **Chase Custom Homes & Finance, Inc.**, a Maine corporation with a place of business in Windham, Maine, for consideration paid, grants to **Carol R. Paulding**, of Cumberland, Maine, whose mailing address is: 240 Main Street, Cumberland, Maine 04021, with **WARRANTY COVENANTS**, the land in of City of Portland, County of Cumberland, State of Maine, described as follows:

All that certain lot or parcel of land, together with the buildings and improvements thereon, located in the City of Portland, Cumberland County, Maine, being bounded as described as **Lot 2** as shown on a plan entitled "Hidden Acres, Summit Street, Portland, Maine, Subdivision Plan" prepared by Pinkham & Greer, dated October 13, 1999, as revised through April 13, 2000, and recorded in the Cumberland County Registry of Deeds in Plan Book 200, Page 216 (the "Plan").

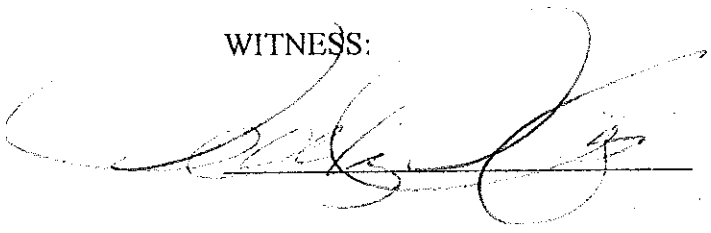
The within premises are hereby conveyed subject to and together with the following:

1. All of the terms, provisions, conditions, and easements, as set forth in a document entitled "HIDDEN ACRES, DECLARATION OF COVENANTS, RESTRICTIONS AND CONDITIONS" dated June 29, 2000, and recorded in the Cumberland County Registry of Deeds in Book 15566, Page 270.
2. All of the General Notes as set forth and shown on the Plan, including without limitation, Note number 30 which limits development of Lot 1 within a 25 foot setback from the adjacent "Old Frost Burial Ground" in accordance with the provisions of a State of Maine law, currently codified at Title 13 MRSA, Section 1371-A.

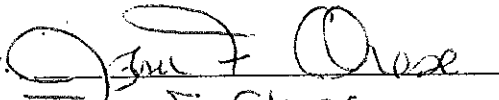
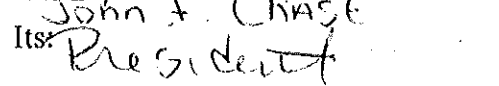
For the grantor's title, see a deed from Nan C. Sawyer, of near or even date herewith and to be recorded herewith in the Cumberland County Registry of Deeds.

WITNESS its hand and seal on February 28, 2002.

WITNESS:



Chase Custom Homes & Finance, Inc.

By: 
John F. Chase
Its: 
President

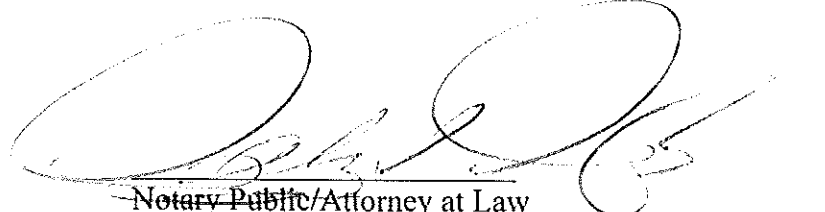
MAINE REAL ESTATE TAX PAID

STATE OF MAINE
COUNTY OF CUMBERLAND ss.

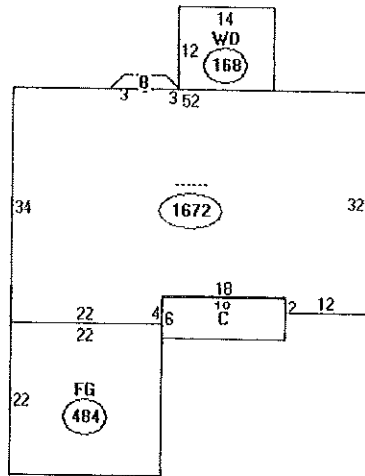
February 28, 2002

Then, personally appeared the above named John F. Mason, as President of said corporation and acknowledged the foregoing instrument to be the free act and deed of said corporation and her/his free act and deed in said capacity.

Before me,


Notary Public/Attorney at Law
Print name: Donnelly S. Douglas
Donnelly S. Douglas
Attorney At Law

RECEIVED
RECORDED REGISTRY OF DEEDS
2002 MAR -1 PM 3: 18
CUMBERLAND COUNTY
John B O'Brien



Descriptor/Area	
A:.....	1672 sqft
B:FBAY	16 sqft
C:DFP	108 sqft
D:FG	484 sqft
E:WD	168 sqft

Sketch with deck
and current dimensions.