

From: dalourie <dalourie@maine.rr.com>
To: Ann Machado <AMACHADO@portlandmaine.gov>
CC: Stephen Paulding <docsteve14@aol.com>
Date: 9/26/2012 4:36 PM
Subject: Board of Appeals

Per your request, this will confirm that I represent Dr. Paulding, and that he does not wish the ZBA to consider his appeal at this time.

--
This message was sent from the Law Offices of David A. Lourie. Any questions should be addressed to David A. Lourie, 189 Spurwink Avenue, Cape Elizabeth, ME 04107, and 97 India Street, Portland ME 04101; (207)799-4922/cell phone (207)749-3642/Fax (207)221-1688.

This communication may contain attorney-client privileged or confidential matters, and is exempt from disclosure under applicable law. Dissemination or further distribution is prohibited. Please "reply" to advise me of its receipt to avoid any repetition.
Please be advised that any tax advice contained in this communication and any attachment or enclosure is not intended to be relied upon nor can it be used by any taxpayer for the purpose of avoiding tax penalties.

WITHDRAW

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, October 4, 2012 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 appeal:

1. New Business

A. Practical Difficulty Variance Appeal:

21 Quiet Lane, Carol & Stephen Paulding, owners, Tax Map 388A, Block A, Lot 053, R-

2 Residential Zone: There is an existing twelve foot by fourteen foot deck on the rear of the house that was built without a permit. The applicants have applied to enclose the existing deck as a solarium, but the deck does not meet the required rear setback. The appellants are requesting a variance for the rear setback from the required 25 feet to 19.2 feet [section 14-80(d)(2)(a)]. The deck also encroaches 5.8 feet into a 25' wide "No Cut Zone" that was on the approved Subdivision Plan. Representing the appeal are the owners.

2. Other Business

Election of Chair and Secretary for the Zoning Board of Appeals.

3. Adjournment:

WITHDRAWN



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

MEMORANDUM

TO: Marge Schmuckal, Zoning Administrator

FROM: Barbara Barhydt, Development Review Services Manager

DATE: September 25, 2012

SUBJECT: 21 Quiet Lane

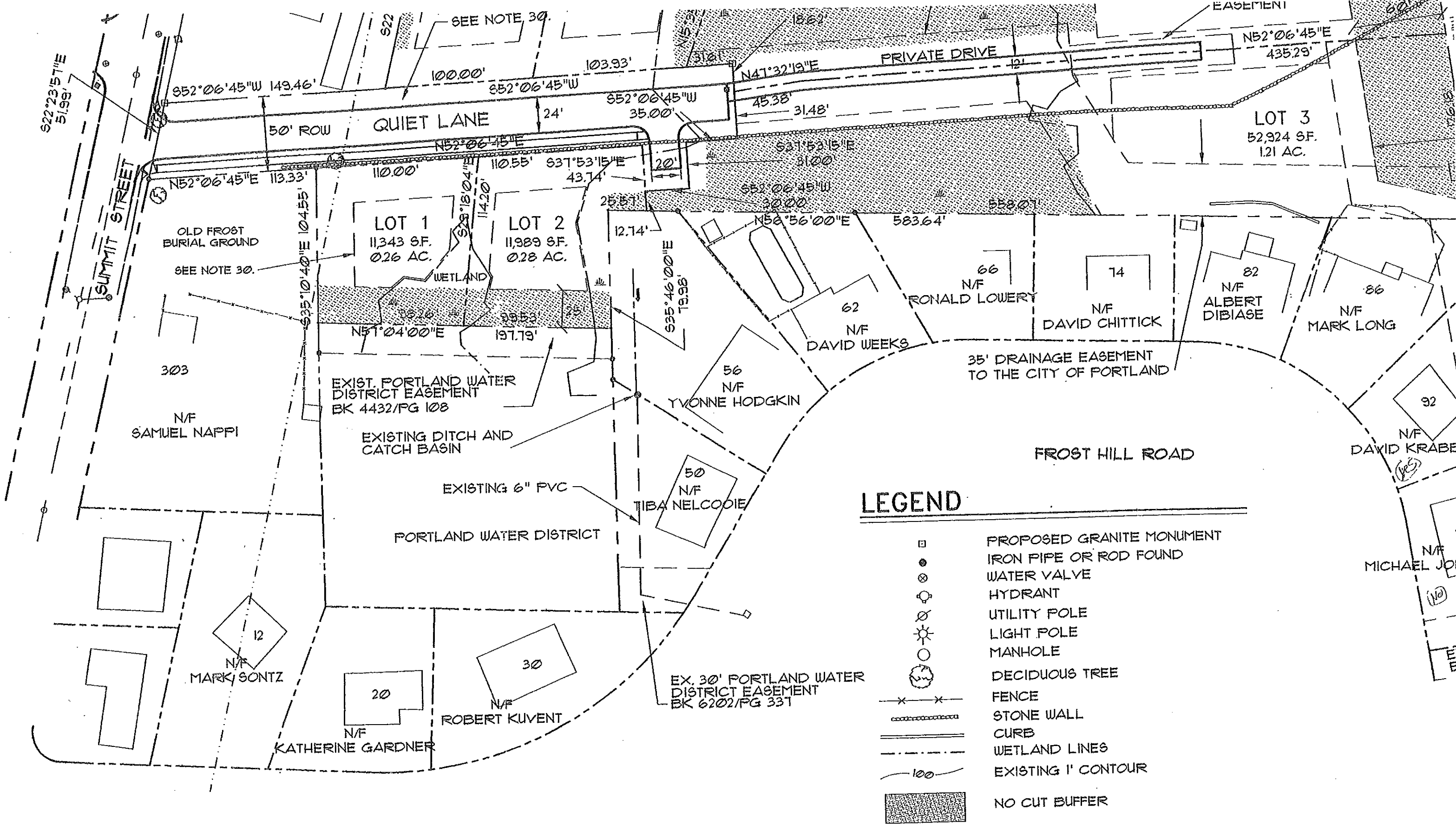
The Hidden Acres Subdivision, which includes Quiet Lane, was approved by the Planning Board on November 23, 1999. The subdivision plat was recorded at the Registry of Deeds on May 10, 2000. The subdivision plat shows a no-cut buffer area and there are areas delineated with the no-cut buffer that are also identified as wetlands. Note #31 on the subdivision plat states the following:

No standing trees, timber or undergrowth shall be removed in the no-cut buffers as shown on the plans, except in the event any such tree or timber presents a dangerous or unsafe condition.

Under the subdivision standard for scenic and natural beauty, the Planning Board report states that the no cut buffers are shown "...to indicate the limit of disturbance during construction. Some of these no cut areas have been revised since the Planning Board's workshop on this item to reflect areas which will be re-graded [sic] as needed for management of stormwater. "

Excerpts of the subdivision plan and the site plan are attached, which include Lot #2 (21 Quiet Lane). The wetland extends along the two side property boundaries, but is not shown within the no-cut area along the rear line. The grading of the site was to occur outside of the no-cut buffer and drainage easements are shown in other areas of the subdivision, but are not shown on this lot.

Based upon a review of the file, it appears that the property owner will need to seek an amendment to the subdivision plat from the Planning Board for the deck that extends into the no cut area; however it appears that the deck does not impact a wetland. The existing survey for 21 Quiet Lane shows a shed located in the no-cut area, which should be relocated out of the no-cut buffer.

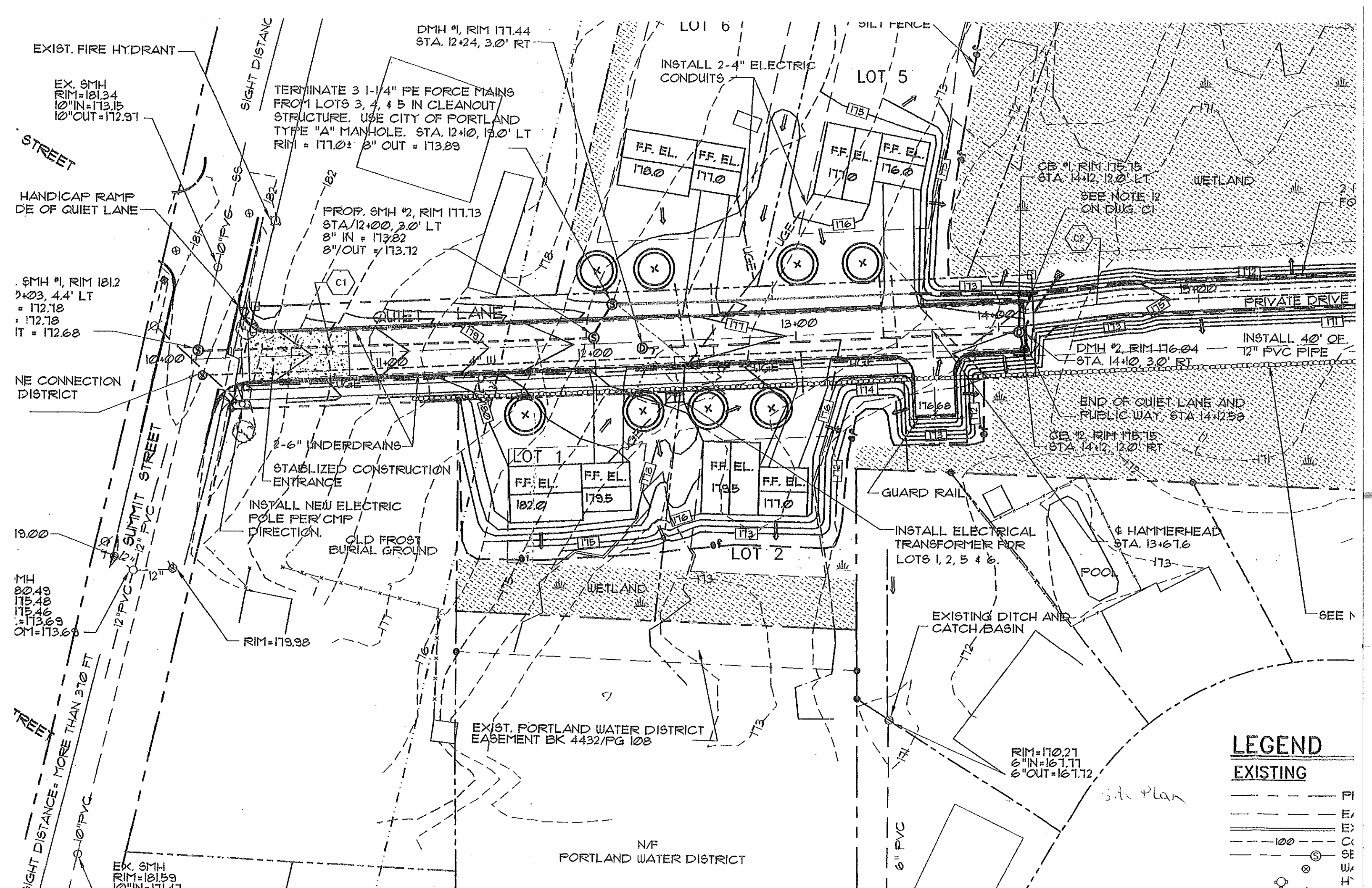


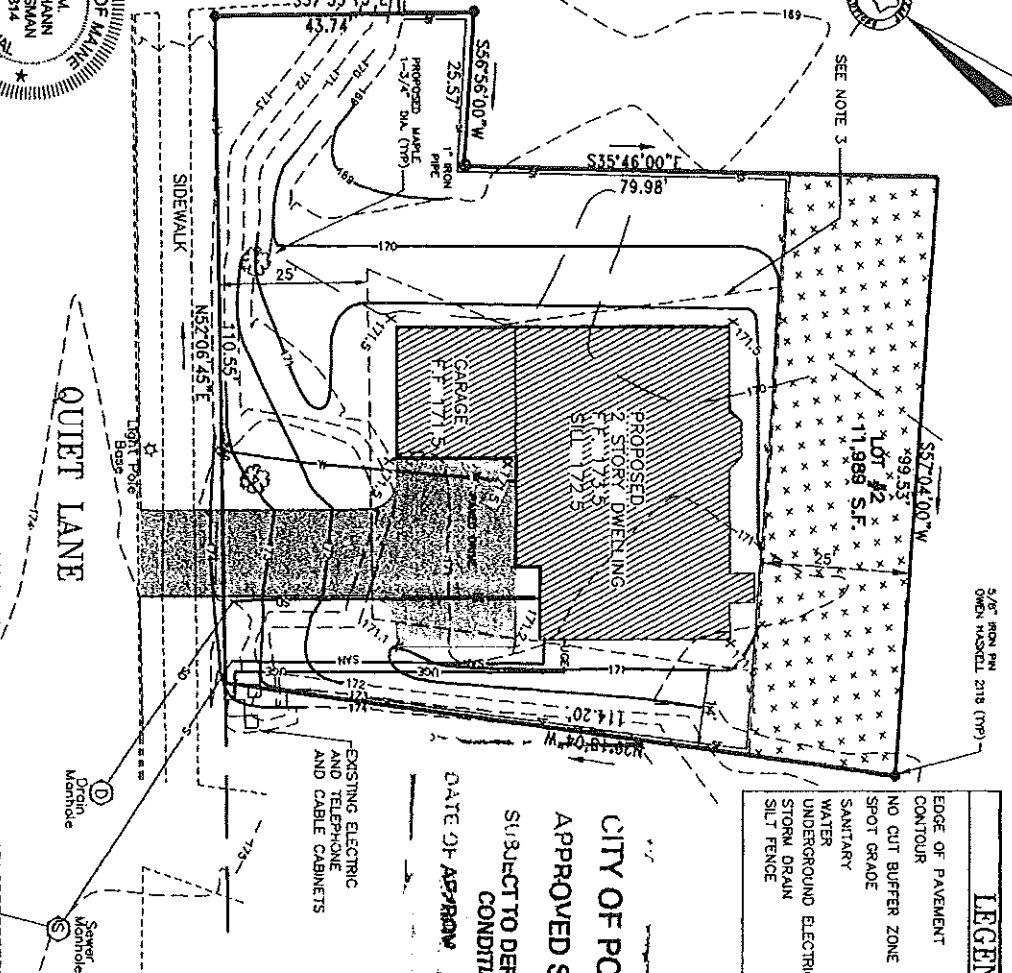
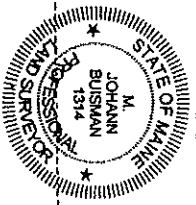
LEGEND

- PROPOSED GRANITE MONUMENT
- IRON PIPE OR ROD FOUND
- WATER VALVE
- HYDRANT
- UTILITY POLE
- LIGHT POLE
- MANHOLE
- DECIDUOUS TREE
- FENCE
- STONE WALL
- CURB
- WETLAND LINES
- EXISTING 1' CONTOUR
- NO CUT BUFFER

SUBDIVISION PLAN, APPROVED
CITY OF PORTLAND PLANNING

PLANNING REQUIREMENTS





LEGEND	
EDGE OF PAVEMENT	EXISTING
CONTOUR	PROPOSED
NO CUT BUFFER ZONE	X 174.2'
SPOT GRADE	— 5 —
SANITARY	— W —
WATER	— W —
UNDERGROUND ELECTRIC	— U —
STORM DRAIN	— S —
SILT FENCE	— S —

CITY OF PORTLAND
APPROVED SITE PLAN
 SUBJECT TO DEPARTMENTAL
 CONDITIONS
 DATE OF APPROVAL: 8-30-01

NOTES

- BOUNDARY LINES BASED UPON PLAN REFERENCE IN NOTE 4.A. BELOW.
- DATUM: HORIZONTAL - BASED UPON PLAN REFERENCE IN NOTE 4.A. BELOW.
 VERTICAL - BASED UPON BOUNNET BOLT OF HYDRANT AT THE CORNER OF OF ABBEY LANE AND CURTIS ROAD. DATUM ELEVATION 138.45'
- THE SET BACK AS SHOWN ON THE EAST SIDE OF THE PROPERTY IS BASED UPON A 20' SETBACK FROM WETLANDS LOCATION HAS BEEN DIGITIZED FROM PLAN REFERENCED IN NOTE 4.A. BELOW.
- PLAN REFERENCES:
 A. PLAN ENTITLED "SUBDIVISION PLAN HIDDEN ACRES SUMMIT STREET, PORTLAND, MAINE" DATED 4/13/00.
 B. NO STANDING TREES, TIMBER OR UNDERGROWTH SHALL BE REMOVED IN EVENT ANY SUCH TREE OR TIMBER PRESENTS A DANGEROUS OR UNSAFE CONDITION.
 C. CONTRACTOR SHALL INSTALL AND MAINTAIN SILT FENCE IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES.

SITE PLAN OF LAND
IN
PORTLAND
MAINE

SCALE: 1" = 20'
 PREPARED FOR: CHASE CUSTOM HOMES & FINANCE, INC.
 ONE PERCY HAWKES ROAD
 WINDHAM, MAINE 04092
 DATE: AUGUST 30, 2001

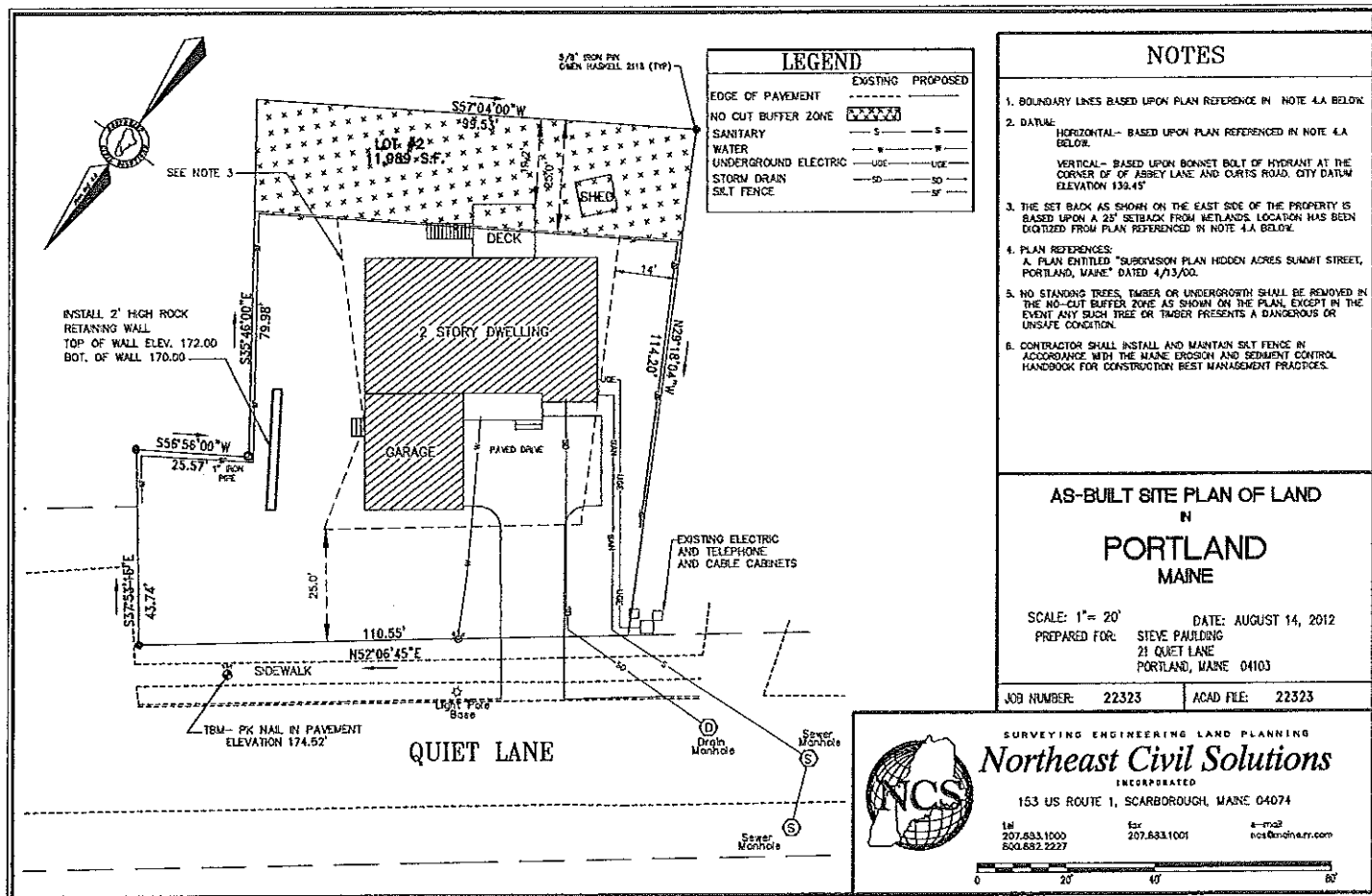
JOB NUMBER: 22323 ACAD FILE: 22323



Northeast Civil Solutions
 SURVEYING ENGINEERING LAND PLANNING
 INCORPORATED

153 US ROUTE 1, SCARBOROUGH, MAINE 04074
 Tel: 207.833.1000 Fax: 207.833.1001
 800.832.2227 ncs@northeastcivil.com

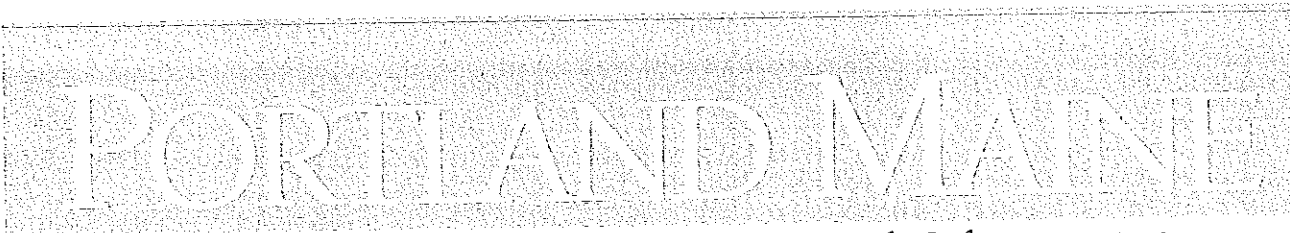
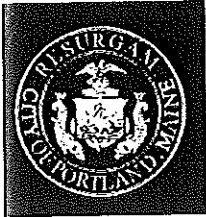




DEPT. OF BUILDING INSPECTION
 CITY OF PORTLAND, ME

AUG 20 2012

RECEIVED



Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

*Jeff Levine - Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

August 7, 2012

Steve & Betsy Paulding
21 Quiet Lane
Portland, ME 04103

RE: 21 Quiet Lane – 388A-A-053 – R-2 Zone - permit application #2012-07-4580

Dear Mr. and Mrs. Paulding,

I am in receipt of a permit application to enclose an existing deck as applied for by Wintergreen Solariums. I have the original approved site plan from 2001 which is on file, showing the original house and setbacks including a no cut buffer zone.

First of all, I find no permit on file for the original deck. Such an addition does require a building permit. Apparently the deck was erected without the required review and permit. Based upon the original approved survey site plan, I believe the added deck is located in the required rear setback and within the no cut buffer zone as depicted on the approved site plan (enclosed). The R-2 zone in which this property is located requires a minimum 25 foot rear setback under section 14-80(d)(2).

Your application request is not issuable at this time. If you have any further information to submit verifying a deck permit and meeting the required setbacks, please submit such information as soon as possible.

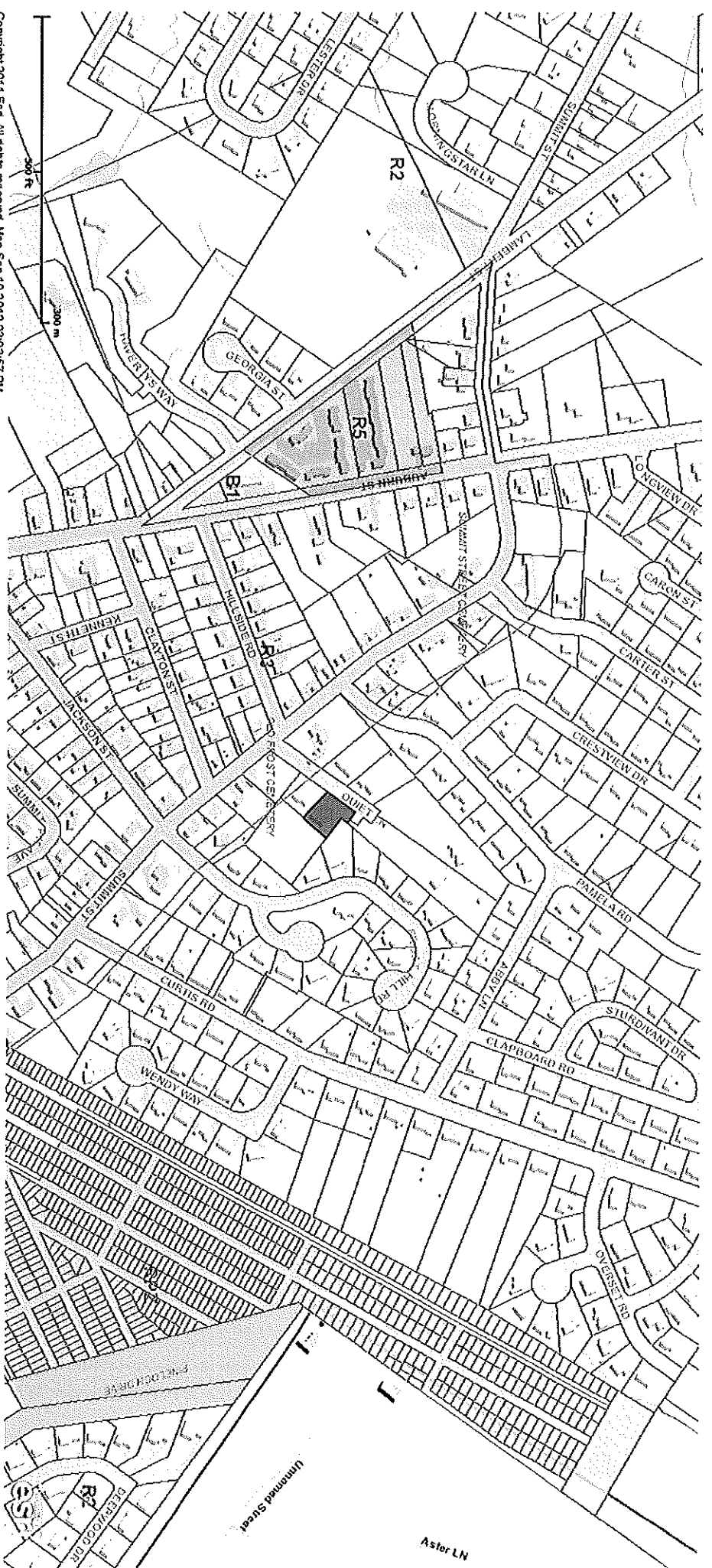
If I do not receive any further information within the next 30 days from the date of this letter, your permit will be denied. Your unpermitted deck may need to be removed at that time as a follow up letter directs. If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

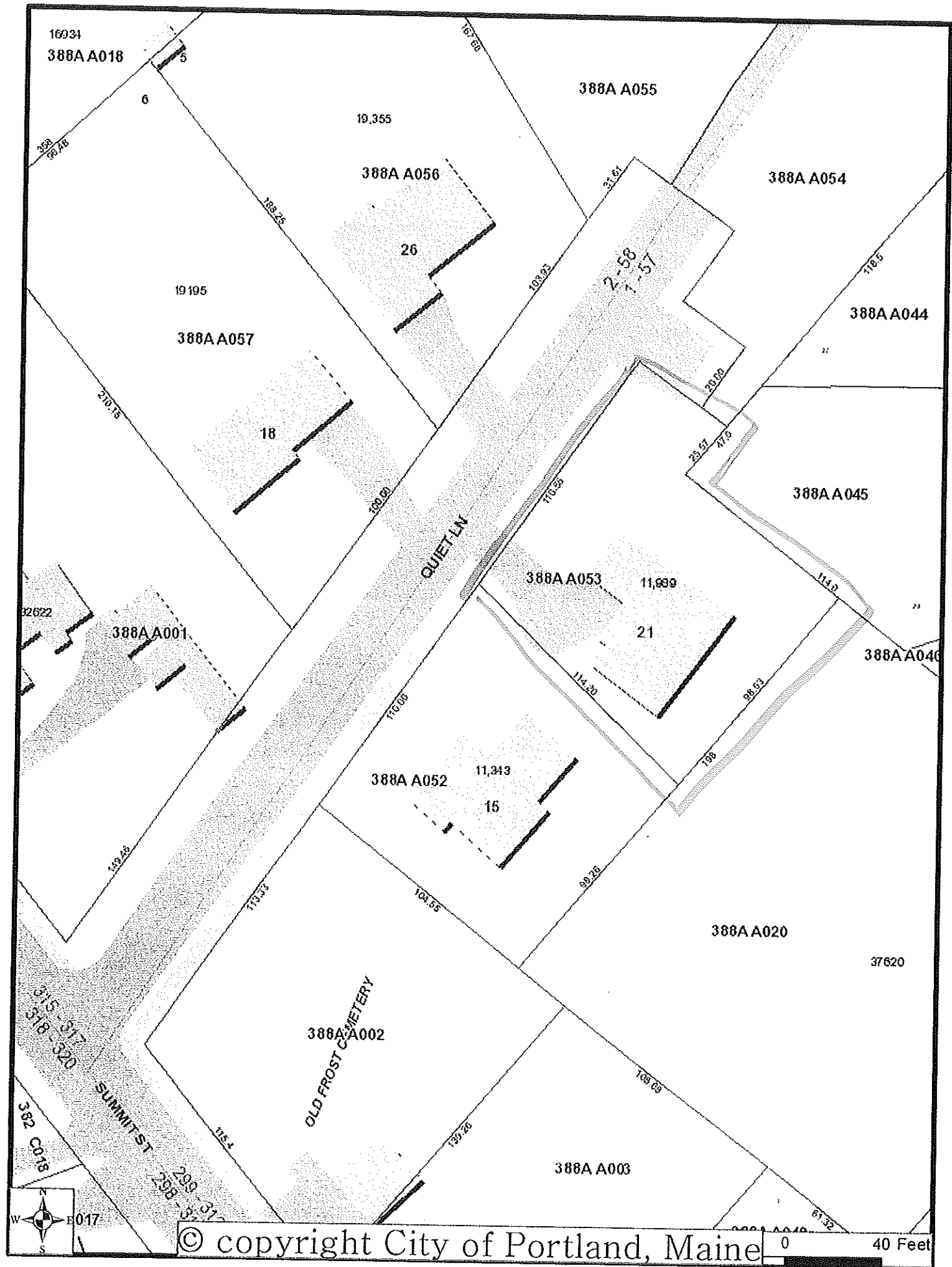
Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: Wintergreen Solariums, 470 Riverside Street, Portland, ME 04103

21 Quiet Lane





© copyright City of Portland, Maine