

Form # P 04

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND PERMIT ISSUED
BUILDING DEPARTMENT

Permit Number: **SEP 30 2010**

Please Read Application And Notes, if Any, Attached

This is to certify that URENECK PAUL E & LAURENCE ANGEL Harry Dent
has permission to Change of use from Single Family Home - Single Family Home - accessory dwelling unit w/ interior renovation
AT 28 WHALEBOAT RD Call 393-1003001

provided that the person or persons, firm or corporation accepting this permit shall comply with
of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating
the construction, maintenance and use of buildings and structures, and of the application on file
this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is lath or other work is used-in. 2 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____
Health Dept. _____
Appeal Board _____
Other _____
Department Name

Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-0997	Issue Date:	CBL: 393 1003001
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Location of Construction: 28 WHALEBOAT RD	Owner Name: URENECK PAUL E & LAURA AN	Owner Address: 28 WHALEBOAT RD	Phone:
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Business Name:	Contractor Name: Larry Dontello	Contractor Address: 257 Blackstrap Rd Falmouth	Phone: 2072327220
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Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	Zone: R-2
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Past Use: Single Family Home	Proposed Use: Single Family Home w/ accessory dwelling unit - Change of use from Single Family Home to Single Family Home w/ accessory dwelling unit w/ interior renovations - addition is 20'x25' w/ deck, ramp	Permit Fee: \$420.00	Cost of Work: \$40,000.00	CEO District: 5
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FIRE DEPT: N/A	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R3 Type: 5B IRC, 2003
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Proposed Project Description: Change of use from Single Family Home to Single Family Home w/ accessory dwelling unit w/ interior renovations - addition is 20'x25' w/ deck & ramp	Signature:	Signature:
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied		
Signature:		Date:

Permit Taken By: Idobson	Date Applied For: 08/16/2010	Zoning Approval	
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland N/A</p> <p><input type="checkbox"/> Wetland</p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input checked="" type="checkbox"/> Site Plan setback expansion</p> <p>Major <input type="checkbox"/> Minor <input type="checkbox"/> MM <input checked="" type="checkbox"/></p> <p>Date: 9/13/10</p>	<p>Zoning Appeal</p> <p><input checked="" type="checkbox"/> Variance ^{practical diff} _{denied for side setback}</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input checked="" type="checkbox"/> Conditional Use ^{approved} _{for m-law addition with condition to meet R-2 zone setback requirements}</p> <p><input type="checkbox"/> Interpretation</p> <p><input checked="" type="checkbox"/> Approved</p> <p><input checked="" type="checkbox"/> Denied</p> <p>Date: 9/2/10</p>	<p>Historic Preservation</p> <p><input checked="" type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Does Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p>Date:</p>
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PERMIT ISSUED
SEP 30 2010
City of Portland

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT _____ ADDRESS _____ DATE _____ PHONE _____

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE _____ DATE _____ PHONE _____

10-19

NOT able to verify setback
requested letter confirmation
from surveyor.

20 x 25 original returned
SMH

to

OK to close in

frame, day, plus day

RLA

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-0997	Date Applied For: 08/16/2010	CBL: 393 I003001
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Location of Construction: 28 WHALEBOAT RD	Owner Name: URENECK PAUL E & LAURA AN	Owner Address: 28 WHALEBOAT RD	Phone:
Business Name:	Contractor Name: Larry Dontello	Contractor Address: 257 Blackstrap Rd Falmouth	Phone (207) 232-7220
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	

Proposed Use: Single Family Home w/ accessory dwelling unit -Change of use from Single Family Home to Single Family Home w/ accessory dwelling unit w/ interior renovations - addiiton is 20' x 25' w/ deck & ramp	Proposed Project Description: Change of use from Single Family Home to Single Family Home w/ accessory dwelling unit w/ interior renovations - addition is 20' x 25' w/ deck & ramp
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 09/13/2010

Note: 9/23/10 Received revised plotplan & building plans. Addition is now 20' x 25'.

Ok to Issue:

- 1) All conditions on this accessory dwelling unit shall be maintained during the life of it's use. This is not a full two unit building. The owner must live in one of the units, along with other requirements listed in the Ordinance.
- 2) This property shall remain a single family dwelling with an accessory dwelling unit. Any change of use shall require a separate permit application for review and approval.
- 3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Jonathan Rioux **Approval Date:** 09/30/2010

Note:

Ok to Issue:

- 1) The design load spec sheets for any engineered beam(s) not identified on plan; and window header specs.
- 2) Framing detail with spans, connections, and sizing required for deck/ ramp prior to construction.
- 3) Ventilation required in bathroom.
- 4) Code compliant emergency escape required in every sleeping room.
- 5) One (1) hour wall/ roof fire-resistance rating assembly (from sub-floor to ceiling) required between the accessory unit and dwelling unit.
- 6) Fastener schedule per the IRC 2003
- 7) Hardwired interconnected smoke detector and Carbon Monoxide detector hardwired or plug in both with battery backup shall be installed in all bedrooms, protecting the bedrooms, and on every level.
- 8) Permit approved based on the plans submitted and reviewed w/owner/contractor, with additional information as agreed on and as noted on plans.
- 9) Separate permits are required for any electrical, plumbing, sprinkler, fire alarm HVAC systems, heating appliances, including pellet/wood stoves, commercial hood exhaust systems and fuel tanks. Separate plans may need to be submitted for approval as a part of this process.

Comments:

8/24/2010-mes: on 8/16/2010 We received an appeal application to go forward with this permit. The signing off of this permit must wait for ZBA approvals 1st.

9/10/2010-amachado: Received revised plans (reduced) for addition. Applicant will submit full size, scalable plans. Applicant submitted application for administrative authorization to planning.

Location of Construction: 28 WHALEBOAT RD	Owner Name: URENECK PAUL E & LAURA AN	Owner Address: 28 WHALEBOAT RD	Phone:
Business Name:	Contractor Name: Larry Dontello	Contractor Address: 257 Blackstrap Rd Falmouth	Phone (207) 232-7220
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	

9/13/2010-mes: received revised plans showing how the property will meet the R-2 setback of 12' - The ZBA did not grant a reduction of the side yard, but granted the conditional use appeal if the applicant showed that they met the required setback.

9/22/2010-jrioux: Need stamped structural drawing for roof supports, and or change of bld. plans.

9/22/2010-amachado: Received revised siteplan & building plans. Addition will now be 20' x 25' to avoid having to do leve 1 minor residential siteplan.

9/30/2010-jrioux: Spoke with Owner, she will submit specs for support beam: foundation footings, deck/ ramp, and header sizing prior to construction.

9/30/2010-jrioux: Email from Owner st. "foundation walls will be 8" thick. The foundation footings will be 8" thick x 24" wide. The foundation would be coated with typical foundation coating below grade".

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

or email: buildinginspections@portlandmaine.gov

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the City of Portland Inspection Services for the following inspections. Appointments must be requested 48 to 72 hours in advance of the required inspection. The inspection date will need to be confirmed by this office.

- **Please read the conditions of approval that is attached to this permit!! Contact this office if you have any questions.**
- **Permits expire in 6 months, if the project is not started or ceases for 6 months.**
- **If the inspection requirements are not followed as stated below additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue with construction.**

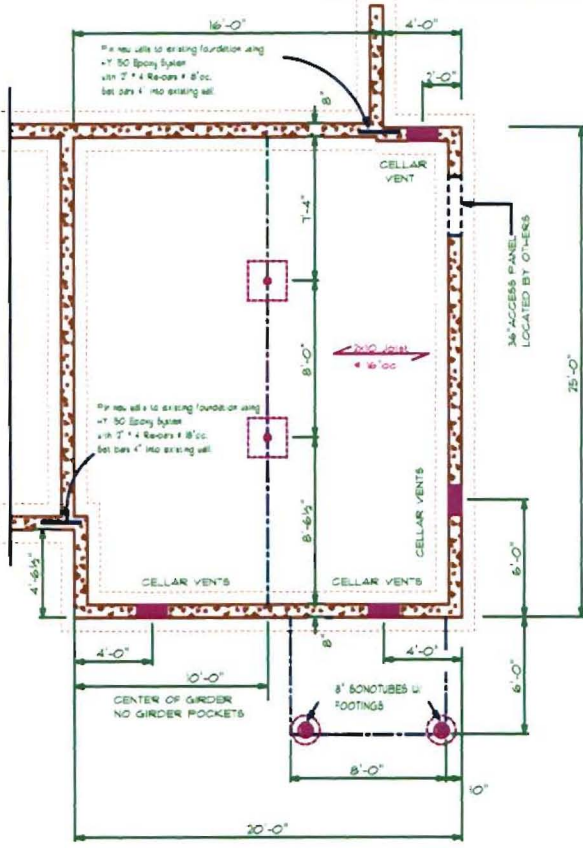
 X **Footing/Building Location Inspection: Prior to pouring concrete or setting precast piers**

 X **Framing/Rough Plumbing/Electrical: Prior to Any Insulating or drywalling**

 X **Final/Certificate of Occupancy: Prior to any occupancy of the structure or use.**

The project cannot move to the next phase prior to the required inspection and approval to continue, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

IF THE PERMIT REQUIRES A CERTIFICATE OF OCCUPANCY, IT MUST BE PAID FOR AND ISSUED TO THE OWNER OR DESIGNEE BEFORE THE SPACE MAY BE OCCUPIED.

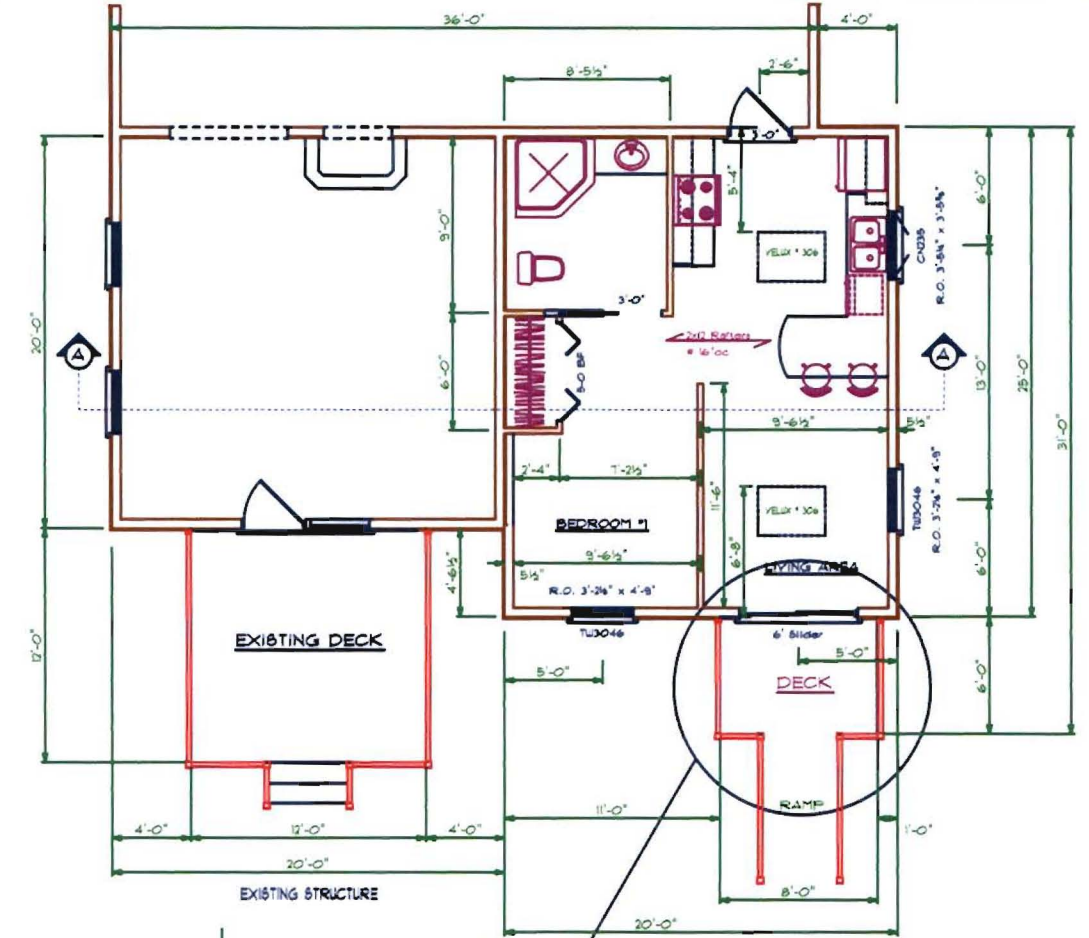


Foundation Plan
1/4" = 1'-0"

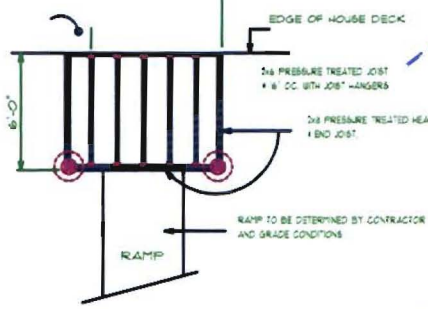
RECEIVED

SEP 30 2010

Dept. of Building Inspections
City of Portland Maine



Floor Plan
1/4" = 1'-0"



WAYNE PARADIS INC.
Custom Design & Carpentry Service
Tel: 892-3424
Cell: 889-7641
wparadis@nyfast.com
http://www.paradisinc.com/index.html

Revision # 2 Change Building Size to 800 SF Sep. 22, 2010	
Revision # 1 Change Building Size & Deck Size Sep. 09, 2010	
Note: Owner to check plans for compliance with all applicable codes	
Floor Plan & Foundation - Custom 500 SF Addition	
Plan For:	2/3
Janet Hunnewell	
Drawn by:	Wayne Paradis
	Jul. 30, 2010

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

INVOICE FOR PERMIT FEES

Application No: 10-0997	Applicant: URENECK PAUL E & LAURA AN
Project Name: Change of use from Single Family	Location: 28 WHALEBOAT RD
CBL: 393 I003001	Development Type:
Invoice Date: 08/16/2010	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due		Payment Due Date
\$0.00		\$0.00		\$495.00		\$420.00		\$75.00		On Receipt

First Billing

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Certificate of Occupancy	1	\$75.00
Building Permit Fee First \$1000	1	\$30.00
Building Permit Fee Add'l \$1000	1	\$390.00
		<hr/> \$495.00
Total Current Fees:	+	\$495.00
Total Current Payments:	-	\$420.00
Amount Due Now:		\$75.00

 Detach and remit with payment

Bill to: URENECK PAUL E & LAURA ANGELONE JTS
 28 WHALEBOAT RD
 PORTLAND, ME 04103

CBL 393 I003001
Application No: 10-0997
Invoice Date: 08/16/2010
Invoice No: 38160
Total Amt Due: \$75.00
Payment Amount:



General Building Permit Application 2010

If you or the property owner owns real estate or personal property within the City, payment arrangements must be made before permit is issued. **Dept. of Building Inspections City of Portland Maine**

Location/Address of Construction: <u>28 Whaleboat Rd</u>		
Total Square Footage of Proposed Structure/Area <u>500 sq ft</u>		Square Footage of Lot <u>14,155 sq ft</u>
Tax Assessor's Chart, Block & Lot Chart# <u>393</u> Block# <u>1003</u> Lot# <u>24-28</u>	Applicant *must be owner, Lessee or Buyer* Name <u>Janet Hunnewell</u> Address <u>28 Whaleboat Rd</u> City, State & Zip <u>Portland, Me 04103</u>	Telephone: <u>749-6176</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ _____ C of O Fee: \$ _____ Total Fee: \$ _____
Current legal use (i.e. single family) <u>Single family</u> If vacant, what was the previous use? _____ Proposed Specific use: <u>adding a handicap addition for my mom</u> Is property part of a subdivision: <u>Presumptive Biver</u> If yes, please name <u>Place</u> Project description: <u>I would like to add a handicap addition onto my home for my mom, it would include a small kitchen, bathroom, living room and bedroom.</u>		
Contractor's name: <u>Larry Onatello</u> Address: <u>P.O. Box 1084</u> City, State & Zip <u>Portland, Me 04104</u> Telephone: <u>878-8900</u> Who should we contact when the permit is ready: <u>Janet Hunnewell</u> Telephone: <u>749-6176</u> Mailing address: <u>28 Whaleboat Rd Portland, Me 04103</u>		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

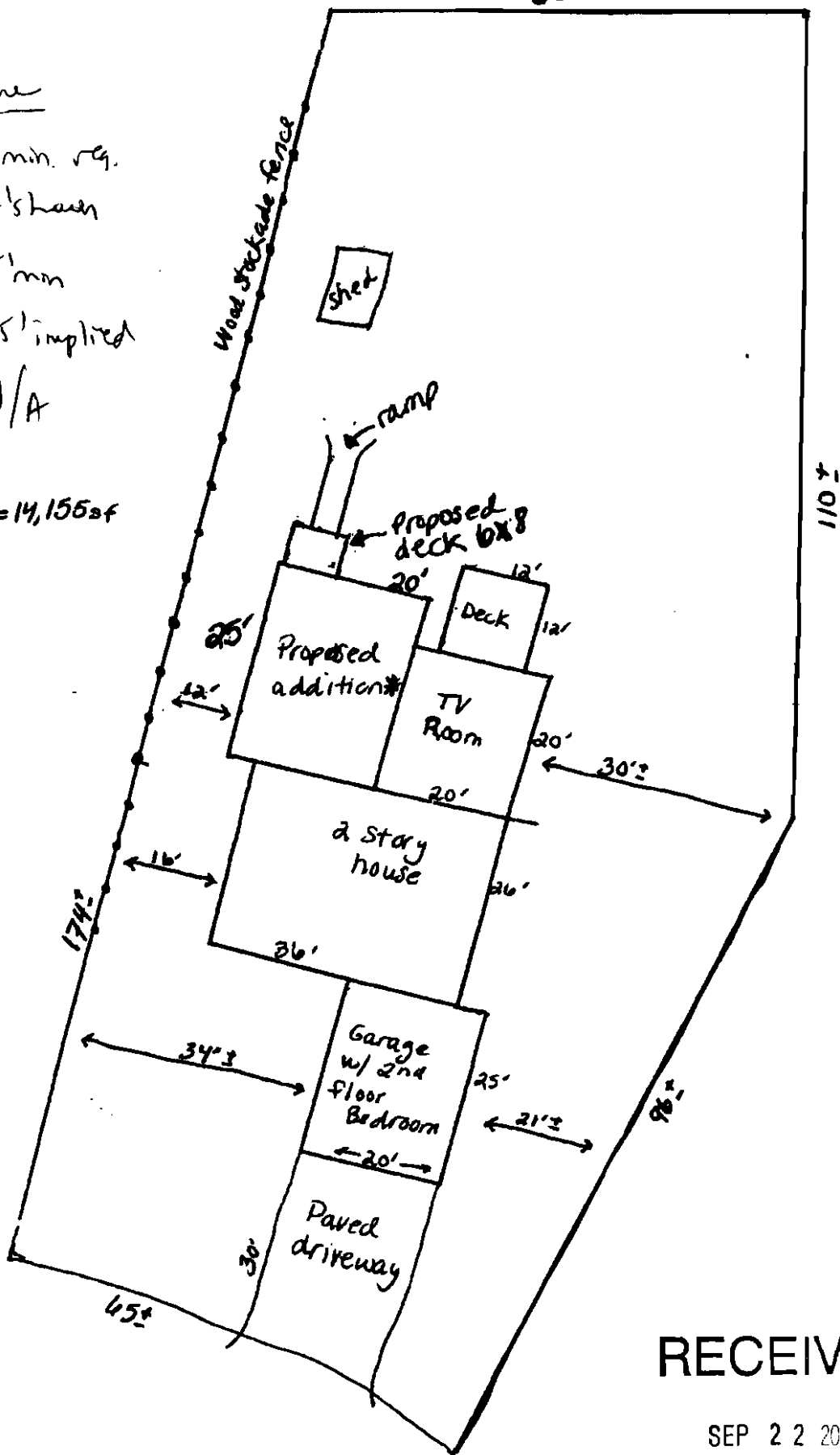
I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: Janet Hunnewell Date: 6/12/10

This is not a permit; you may not commence ANY work until the permit is issued.

R-2 zone
 side - 12' min. req.
 12' shown
 rear 25' min
 25' implied
 front: N/A

Lot size = 14,155 sf



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SEP 22 2010

TOTAL P.001

Dept. of Building Inspections
 City of Portland Maine



Side Elevation
1/4" = 10"



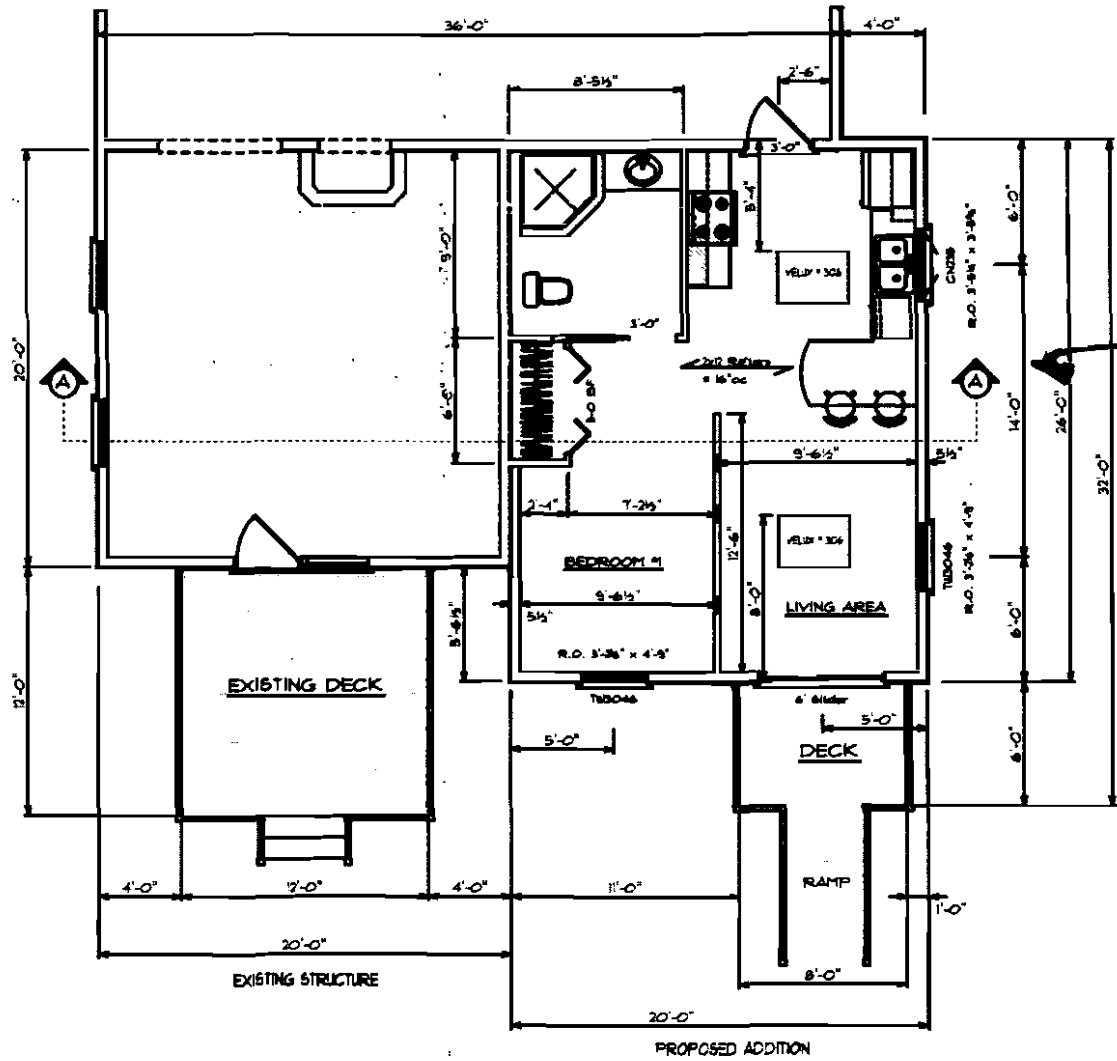
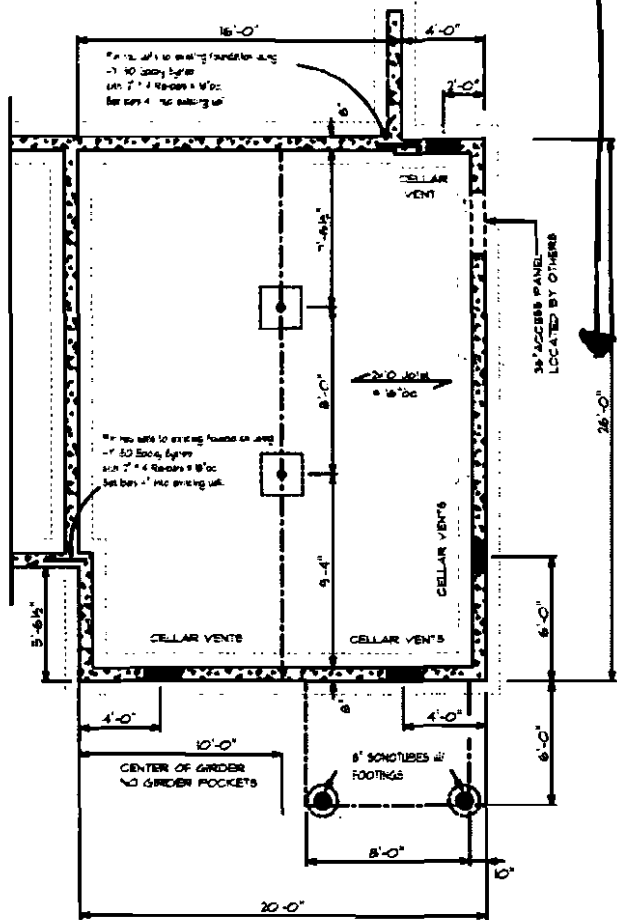
Rear Elevation
1/4" = 10"



Revision # 1 Garage Building Stair & Deck Stair Sep. 09, 2010	
Note: Owner to check plans for compliance with all applicable codes	
Elevations	Circle 322 of Additions
Plan For:	1 3
Drawn by:	Wayne Paradis
	Jul. 20, 2010

* Structure will be 25' NOT 26' *

* Structure will be 25' NOT 26' *



Foundation Plan
1/4" = 1'-0"

Floor Plan
1/4" = 1'-0"

Revision # 1 Ceiling Building
Size 4 Deck Size Sep. 03, 2010
Note: Owner to check plans for
compliance with all applicable codes

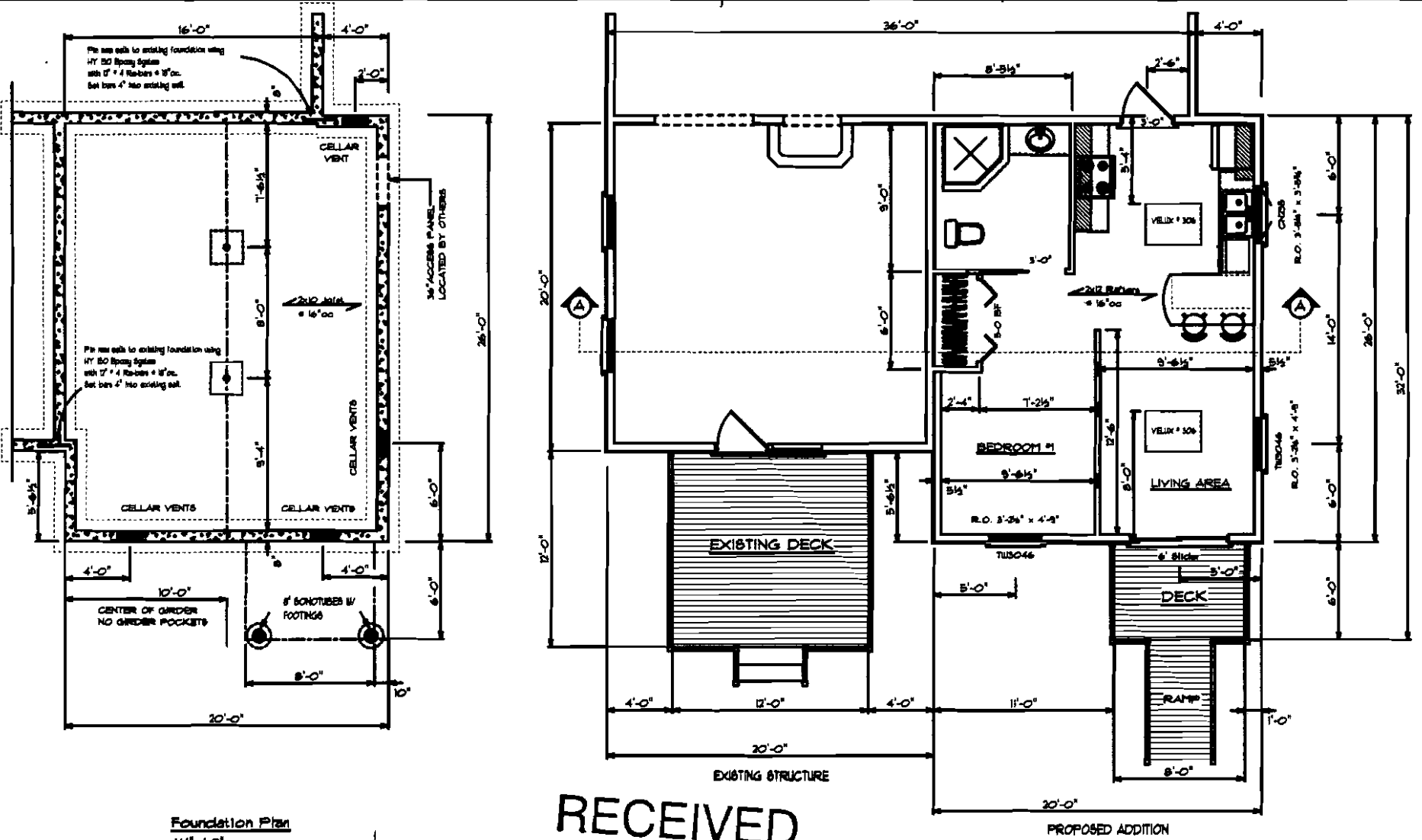
Floor Plan & Foundation Codes 300 & 301

Plan For:	2 3
Janet Hunnswell	
Drawn by:	Wayne Paradis
	Jul. 20, 2010

WAYNE PARADIS INC.
 Custom Design &
 Carpentry
 Service
 Tel: 882-3424
 Cell: 889-7641

© 2010 Wayne Paradis Inc.
 http://www.wayneparadis.com

* Succeeded ~~the~~ plan now 25' deep not 26' 9/22/10 *



RECEIVED

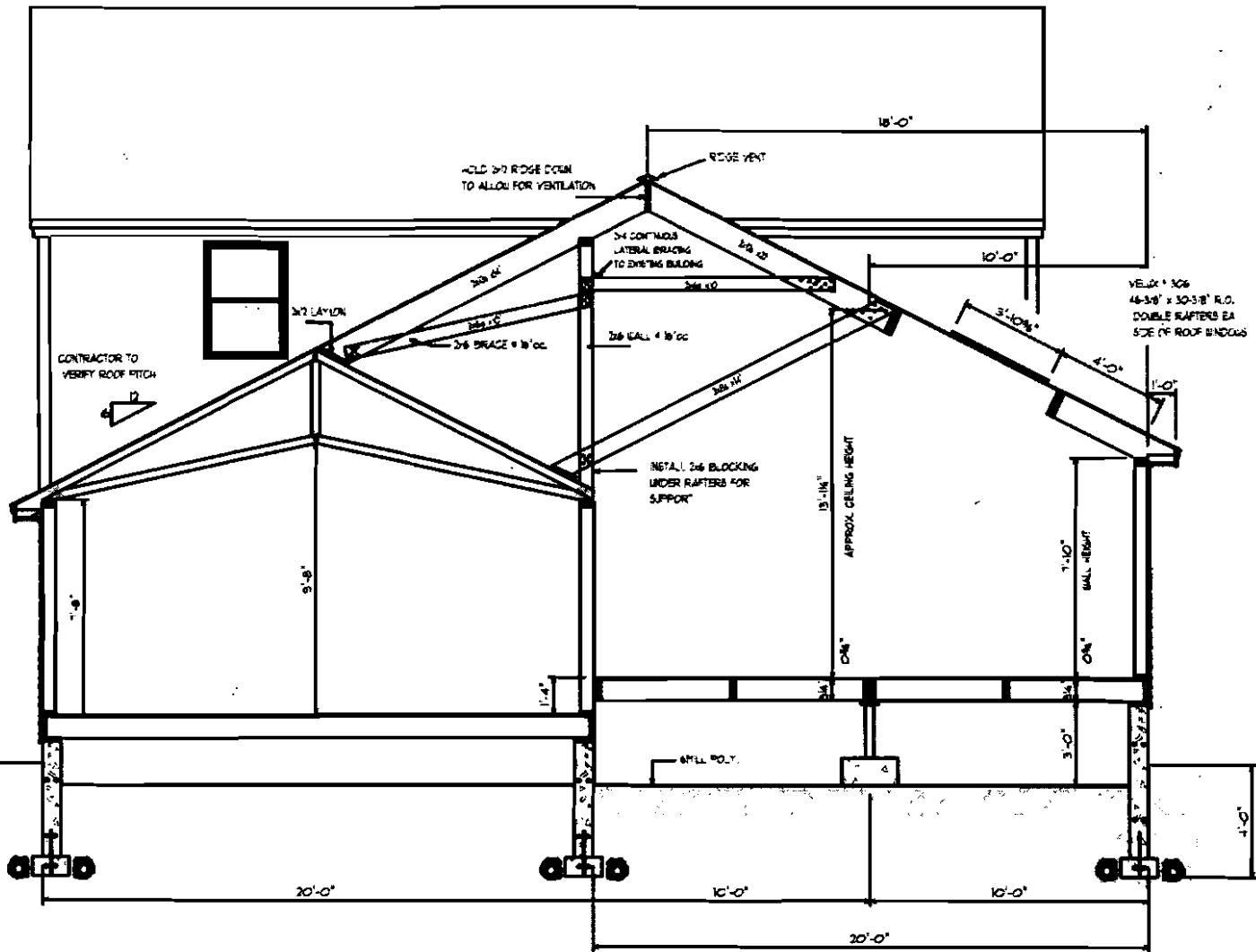
SEP 13 2010

Dept. of Building Inspections
City of Portland Maine

Floor Plan
1/4" = 1'-0"

WAYNE PARADIS INC.
Custom Design & Carpentry Service
Tel: 889-3484
Cell: 889-7841
www.paradisinc.com
http://www.paradisinc.com

Revision # 1 Garage Building Size & Deck Size Sep. 09, 2010	
Note: Owner to check plans for compliance with all applicable codes	
Floor Plan & Foundation	Garage 120 sq Addition
Plan For:	2 3
Janet Hunnawell	
Drawn by: Wayne Paradis	JUL 20, 2010



ROOF SYSTEM:

ASPHALT SHINGLES
 DRIFEDGE • EAVES • RAKE
 ICE • WATER EAVE PROTECTION • EAVES • VALLEYS
 5/8" TAG ADVANTECH ROOF SHEATHING
 2x12 RAFTERS @ 16" oc.
 2x6 TIES @ 16" oc.

EXTERIOR WALLS:

CLAPBOARDS TO MATCH EXISTING
 TYVEK HOUSE WRAP OR EQUIVALENT
 1/2" OSB SHEATHING
 2x6 STUDS @ 16" oc.

LOWER FLOOR:

3/4" T&G ADVANTECH SUB-FLOOR GLUED TO JOIST
 2x10 JOIST @ 16" oc
 3-2x12 GIRDERS W/ 2x12 LEDGERS OR HANGERS
 3-1/2" STEEL LALLY COL.
 2x6 PRESSURE TREATED BILLS

Section "A"
 3/8" = 1'-0"

WAYNE PARADIS INC.



Revision # 1 Carriage Building
 Size & Deck Size Sep. 09, 2010

Note: Owner to check plans for
 compliance with all applicable codes

Section "A" Custom 100 of Addition

Plan Per:	3 3
Janet Hunnswell	
Drawn by:	Wayne Paradis Jul. 20, 2010

WARRANTY DEED
Joint Tenancy
Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, That

Paul E. Ureneck and Laura Angelone

of 28 Whaleboat Road, Portland, ME 04103

for consideration paid, grant to **Derek S. Webb and Janet L. Hunnewell**

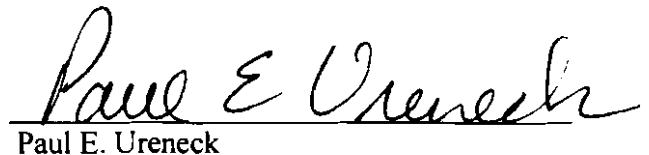
of 128 Pennell Avenue, Portland, ME 04103

with **warranty covenants**, as joint tenants the land in Portland, County of Cumberland, and State of Maine, described on the attached **EXHIBIT A**.

WITNESS our/my hand(s) and seal(s) this 15th day of June, 2010.

*Signed, Sealed and Delivered in
presence of:*




Paul E. Ureneck


Laura Angelone

MAINE REAL ESTATE TAX PAID

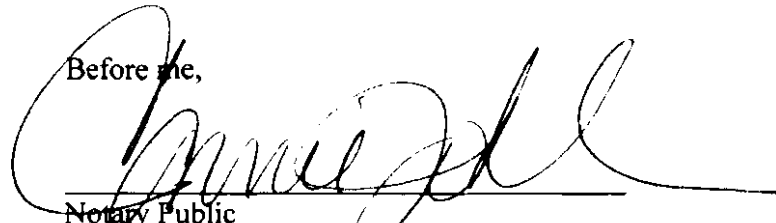
STATE OF MAINE

June 15, 2010

COUNTY OF Cumberland

Then personally appeared the above named Paul E. Ureneck and acknowledged the foregoing instrument to be His free act and deed.

Before me,



Notary Public

Printed Name:

Connie Jo Minervino

My Commission Expires

Notary Public, Maine

My Commission Exp. 12/29/2014

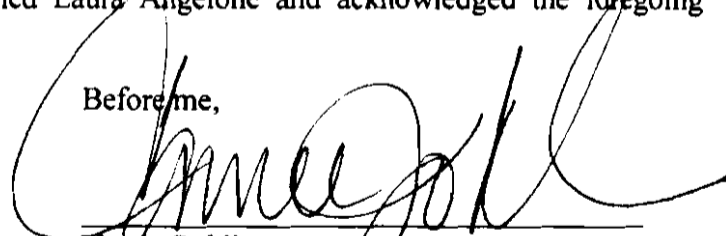
STATE OF MAINE

June 15, 2010

COUNTY OF Cumberland

Then personally appeared the above named Laura Angelone and acknowledged the foregoing instrument to be Her free act and deed.

Before me,



Notary Public

Printed Name: Connie Jo Minervino

My Commission Expires: Notary Public, Maine

My Commission Exp. 12/29/2014

Exhibit A

Doc#: 29302 Bk:27846 Pg: 164

A certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine, and being more particularly described as Lot 16, shown on a certain recording plat entitled "Presumpscot River Place II" prepared by Land Use Consultants, dated June 26, 1984, recorded in the Cumberland County Registry of Deeds in Plan Book 149, Page 64.

Also conveying the right in common with others to use the streets and ways shown on said plan.

This conveyance is made subject to various utility easements which may effect this lot or this subdivision recorded in the Cumberland County Registry of Deeds in Book 1842, Page 413; Book 2167, Page 435; Book 2267, Page 250; Book 2276, Page 277; Book 2378, Page 202; Book 2448, Page 367; Book 2609, Page 315; Book 3895, Page 85; Book 6298, Page 95; Book 6447, Page 192; Book 6586, Page 97; Book 6812, Page 222; Book 6812, Page 223; and Book 6812, Page 224.

This conveyance is also made subject to the notes and conditions set forth on the subdivision plan recorded in Plan Book 149, Page 64.

This conveyance is also subject to the conditions as set forth in deed from Robert L. Adams, et al to Francis K. Spinazola, et al dated June 17, 1986 and recorded in said Registry of Deeds in Book 7224, Page 174, all of which conditions have been satisfied.

The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

Reference is hereby given to a Deed from William C. Scaplen and Laura L. Scaplen, to Paul E. Ureneck and Laura Angelone dated June 28, 1996, and recorded July 2, 1996, in Book 12593, Page 343 in the Cumberland County Registry of Deeds. Reference is also made to Abstract of Divorce Judgment recorded February 18, 2010 in said Registry of Deeds in Book 27600, Page 203.

Received
Recorded Register of Deeds
Jun 16 2010 10:18:26A
Cumberland County
Pamela E. Lovley

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

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

September 7, 2010

Janet Hunnewell
28 Whaleboat Road
Portland, ME 04103

RE: 24-28 Whaleboat Road
CBL: 393 I003
ZONE: R-2

Dear Ms. Hunnewell:

At the September 2, 2010 meeting, the Zoning Board of Appeals voted 4-0 to deny the practical difficulty appeal to reduce the side yard setback for the proposed addition. The Zoning Board of Appeals also voted 4-0 to grant the conditional use appeal to add an accessory dwelling unit with the condition that the addition not exceed 981 square feet. I am enclosing a copy of the Board's decisions.

Now showing 598 ft

I am also enclosing a receipt for the payment of the legal ad, notices and processing fee for the appeals. The fees for both of your appeals are paid in full.

Since the Board denied your practical difficulty appeal to reduce the side yard setback, you will need to submit new building plans for your building permit that meet the zoning requirements of the R-2 zone. The change of use permit for the conditional use must be issued within six months of the date of the hearing, September 2, 2010, referenced under section 14-474(f), or the Zoning Board approval will expire.

I have also included an Application for Administrative Authorization. Section 14-78(a)(2)(e) states that the project is subject to article V which is siteplan review. The Application for Administrative Authorization is a request to exempt your project from complete or partial siteplan review. If you have any questions about this application, please feel free to contact Barbara Barhydt, Development Review Services Manager, at 874-8699.

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,

A handwritten signature in black ink, appearing to read 'Ann B. Machado', with a long horizontal flourish extending to the right.

Ann B. Machado
Zoning Specialist
(207) 874-8709

Cc. file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: September 3, 2010

RE: Action taken by the Zoning Board of Appeals on September 2, 2010.

Members Present: Phil Saucier (chair), William Getz (acting secretary), Sara Moppin, and Jill Hunter

Members Absent: Gordon Smith

1. New Business:

A. Practical Difficulty Variance Appeal:

24-28 Whaleboat Road, Janet L. Hunnewell & Derek S. Webb, owners, Tax Map 393, Block I, Lot 003, R-2 Residential Zone: The applicants are proposing to build a twenty-two foot by twenty-four foot addition to accommodate a handicapped mother. The appellants are requesting a variance for the side setback from the required twelve feet to ten feet [section 14-80(d)(3)]. Representing the appeal are the owners. **The Board voted 4-0 to deny the practical difficulty variance appeal to reduce the required side setback for the proposed addition.**

B. Conditional Use Appeal:

24-28 Whaleboat Road, Janet L. Hunnewell & Derek S. Webb, owners, Tax Map 393, Block I, Lot 003, R-2 Residential Zone: The appellants are seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners. **The Board voted 4-0 to grant the conditional use appeal to add an accessory dwelling unit with the condition that the addition not exceed 981 square feet.**

C. Practical Difficulty Variance Appeal:

27 Sherman Street, Michael DeAngelis, owner, Tax Map 036, Block E, Lot 015, R-6 Residential Zone: The applicant is proposing to add a five foot by twenty foot porch to connect the existing back and side porch. The appellant is requesting a variance for the side setback from the required ten feet to nine feet [section 14-139(1)(d)(3)]. The appellant is also requesting a variance for the rear setback from the required twenty feet to ten feet [section 14-139(1)(d)(2)]. Finally the appellant is requesting an increase in the maximum allowable lot coverage. Section 14-139(1)(e) gives the maximum allowable lot coverage as fifty percent. Presently, the permitted structure on the lot covers 52.52% of the lot. The appellant is requesting a variance to increase the lot coverage to 54.63%. Representing the appeal is the owner. **The Board voted 4-0 to postpone the practical difficulty variance appeal until the next available meeting, due to the lack of a quorum.**

Enclosure:

Decision for Agenda from September 2, 2010

Original Zoning Board Decision

One dvd

CC: Joseph Gray, City Manager

Penny St. Louis Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

“Practical Difficulty” Variance Appeal

DECISION

Date of public hearing: September 2, 2010 6:30 PM

Name and address of applicant: Janet Hunnewell & Derek Webb
28 Whaleboat Road
South Portland, ME 04106

Location of property under appeal: 28 Whaleboat Rd.

For the Record:

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

Janet Hunnewell applicant

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

Architectural Drawings

Present:

Phil Saucier chair

Sara Moppin

Jill Hunter

William Getz

Findings of Fact and Conclusions of Law:

The subject property is located in an R-2 residential zone. The applicants are seeking a variance from the side setback in order to build an addition on their house. Section 14-80(d)(3) of the Land Use Code sets the minimum side yard setback at twelve feet. The addition would be located ten feet from the side property line.

“Practical Difficulty” Variance standard pursuant to Portland City Code §14-473(c)(3):

1. The application is for a variance from dimensional standards of the zoning ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied ✓4 Not Satisfied

Reason and supporting facts:

Set back requirement

2. Strict application of the provisions of the ordinance would create a practical difficulty, meaning it would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant. “Significant economic injury” means the value of the property if the variance were 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 x4-

Reason and supporting facts:

Other options appear to be possible

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 3 Not Satisfied 1

Reason and supporting facts:

The property is not suited to accommodate a wheel chair accessible

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 4 Not Satisfied

Reason and supporting facts:

No testimony of an undesirable change

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

Satisfied 1 Not Satisfied 3

Reason and supporting facts:

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

Satisfied Not Satisfied 4

Reason and supporting facts:

Other alternatives are possible

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

Satisfied 4 Not Satisfied

Reason and supporting facts:

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 4 Not Satisfied

Reason and supporting facts:

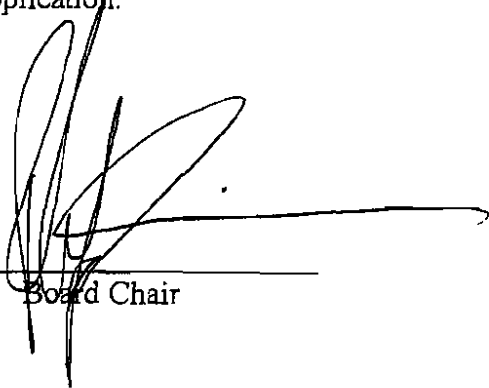
Conclusion: (check one)

___ Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application.

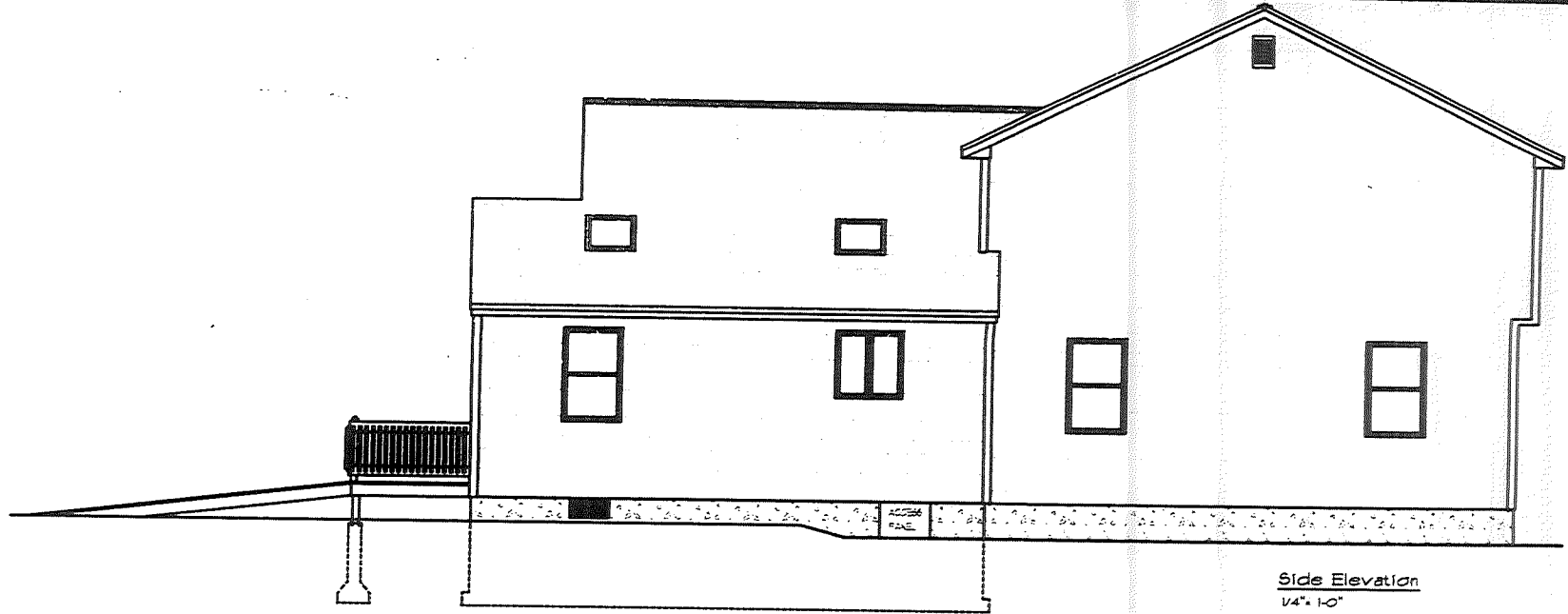
___ Option 2: The Board finds that while the standards described above (1 through 8) have been satisfied, certain additional conditions *must be imposed* to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

4 Option 3: The Board finds that the standards described above (1 through 8) have NOT all been satisfied and therefore DENIES the application.

Dated: 9/2/10



Board Chair



Side Elevation
1/4" = 1'-0"

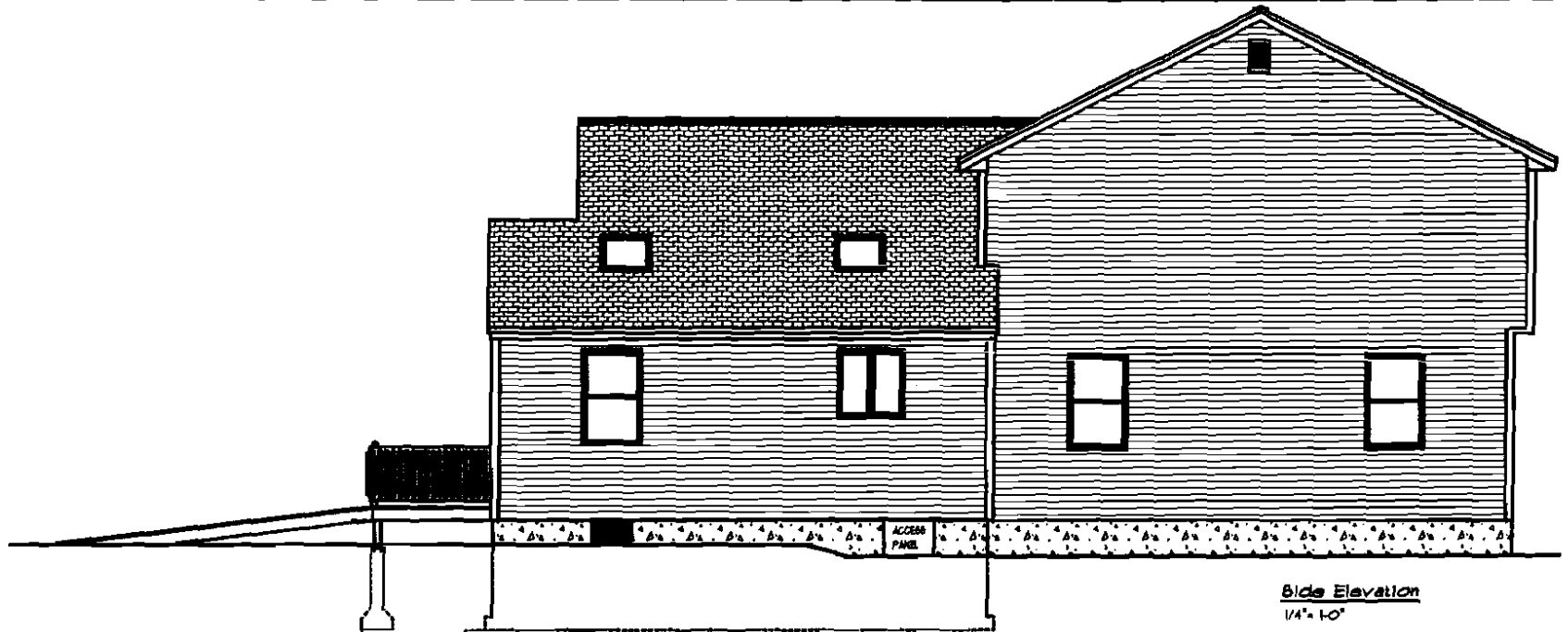


Rear Elevation
1/4" = 1'-0"

Revision # 1 Change Building
Size & Deck Size Sep. 09, 2010
Note: Owner to check plans for
compliance with all applicable codes

WAYNE PARADIS INC.
 Custom Design &
 Carpentry
 Service
 Tel: 892-3424
 Cell: 229-7641
 www.wayneparadis.com
 1010 Wayne Blvd, Tallahassee, FL 32304

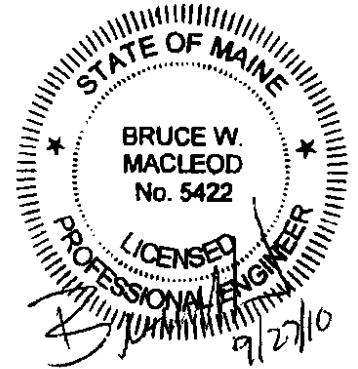
Elevations		Custom 520 SF Addition
Plan For:	1 / 3	
Janet Hunnewell		
Drawn by:	Wayne Paradis	Jul. 20, 2010



Side Elevation
1/4" = 1'-0"



Rear Elevation
1/4" = 1'-0"



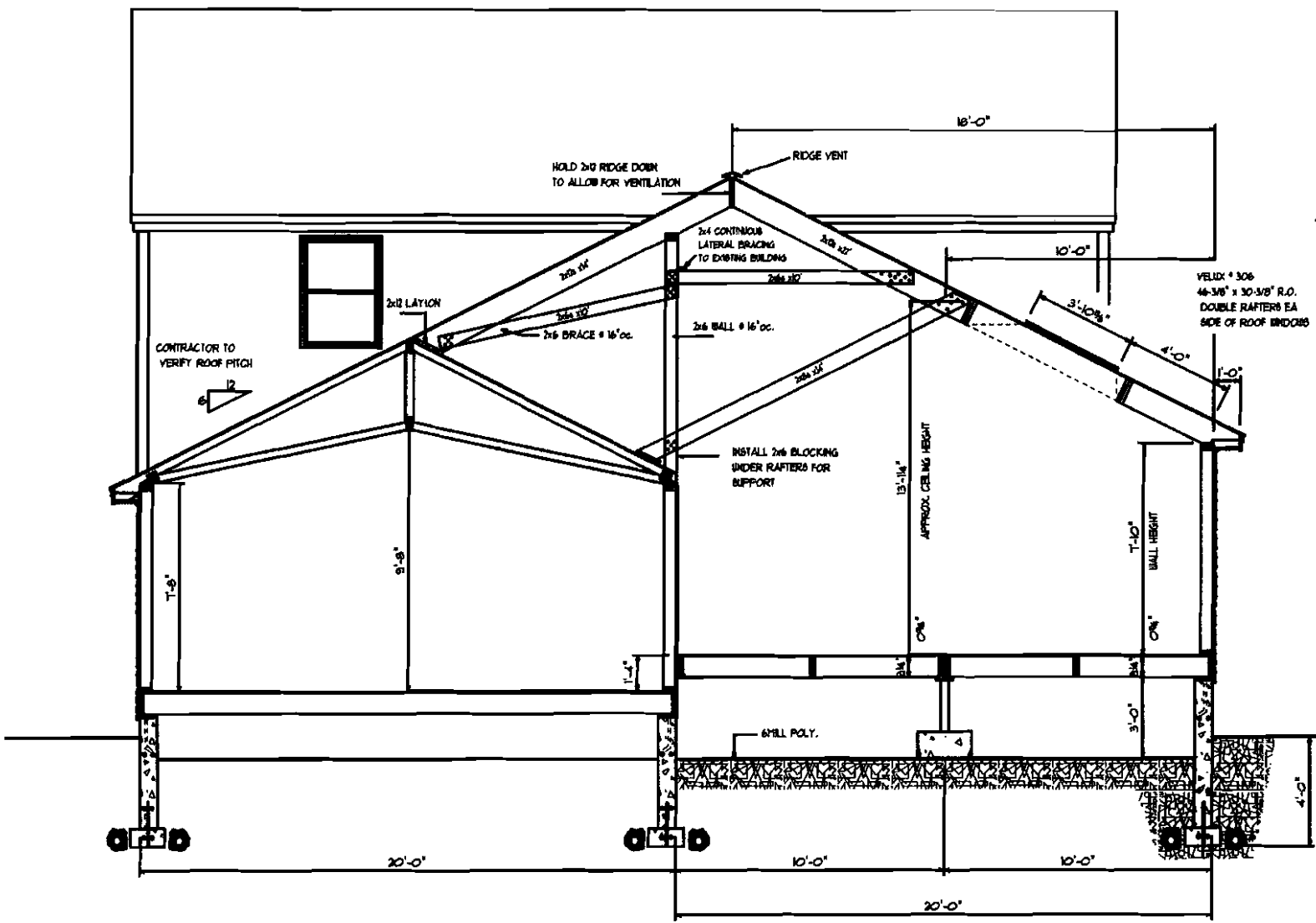
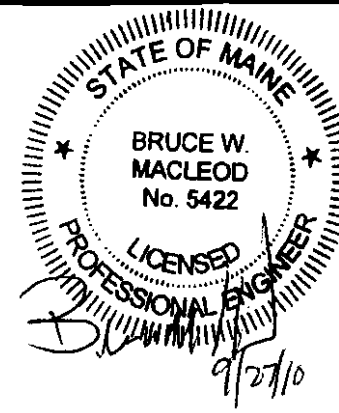
Revision # 2 Change Building
Size to 800 SF Sep. 22, 2010

Revision # 1 Change Building
Size & Deck Size Sep. 09, 2010

Note: Owner to check plans for
compliance with all applicable codes



Elevations		Custom 500 SF Addition
Plan For:		1/3
Janet Hurnswell		
Drawn by:	Wayne Paradis	Jul. 30, 2010



ROOF SYSTEM:

- ASPHALT SHINGLES
- DRIFEDGE • EAVES • RAKE
- ICE & WATER EAVE PROTECTION • EAVES • VALLEYS
- 5/8" T&G ADVANTECH ROOF SHEATHING
- 2x12 RAFTERS @ 16"oc.
- 2x6 TIES @ 16"oc.

EXTERIOR WALLS:

- CLAPBOARDS TO MATCH EXISTING
- TYVEK HOUSE WRAP OR EQUIVALENT
- 7/16" OSB SHEATHING
- 2x6 STUDS @ 16"oc.

LOWER FLOOR:

- 3/4" T&G ADVANTECH SUB-FLOOR GLUED TO JOIST
- 2x10 JOIST @ 16"oc
- 3-2x12 GIRDERS W/ 2x2 LEDGERS OR HANGERS
- 3-1/2" STEEL LALLY COL.
- 2x6 PRESSURE TREATED BILLS

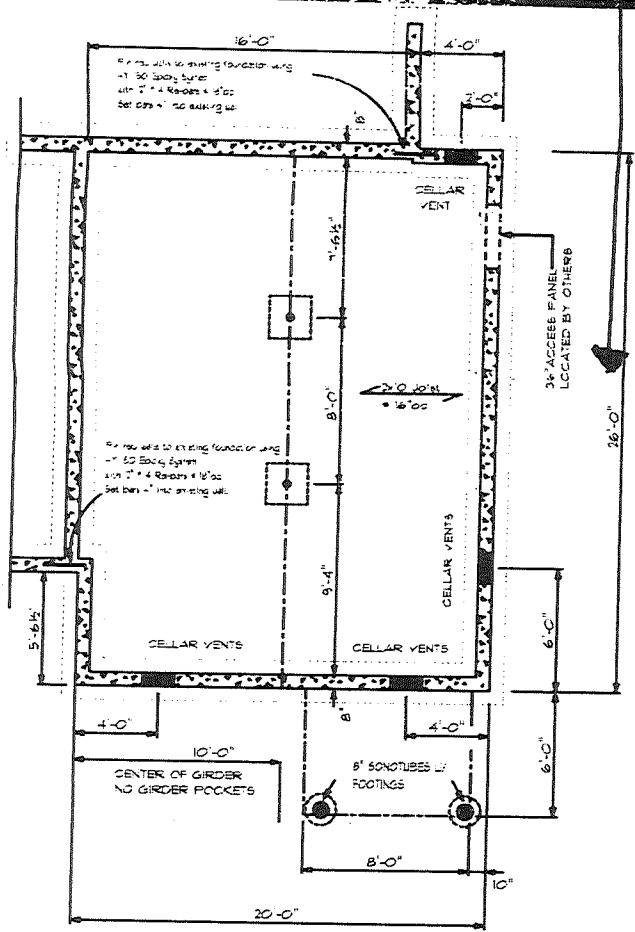
Section "A"
3/8" - 1/0"

WAYNE PARADIS INC.

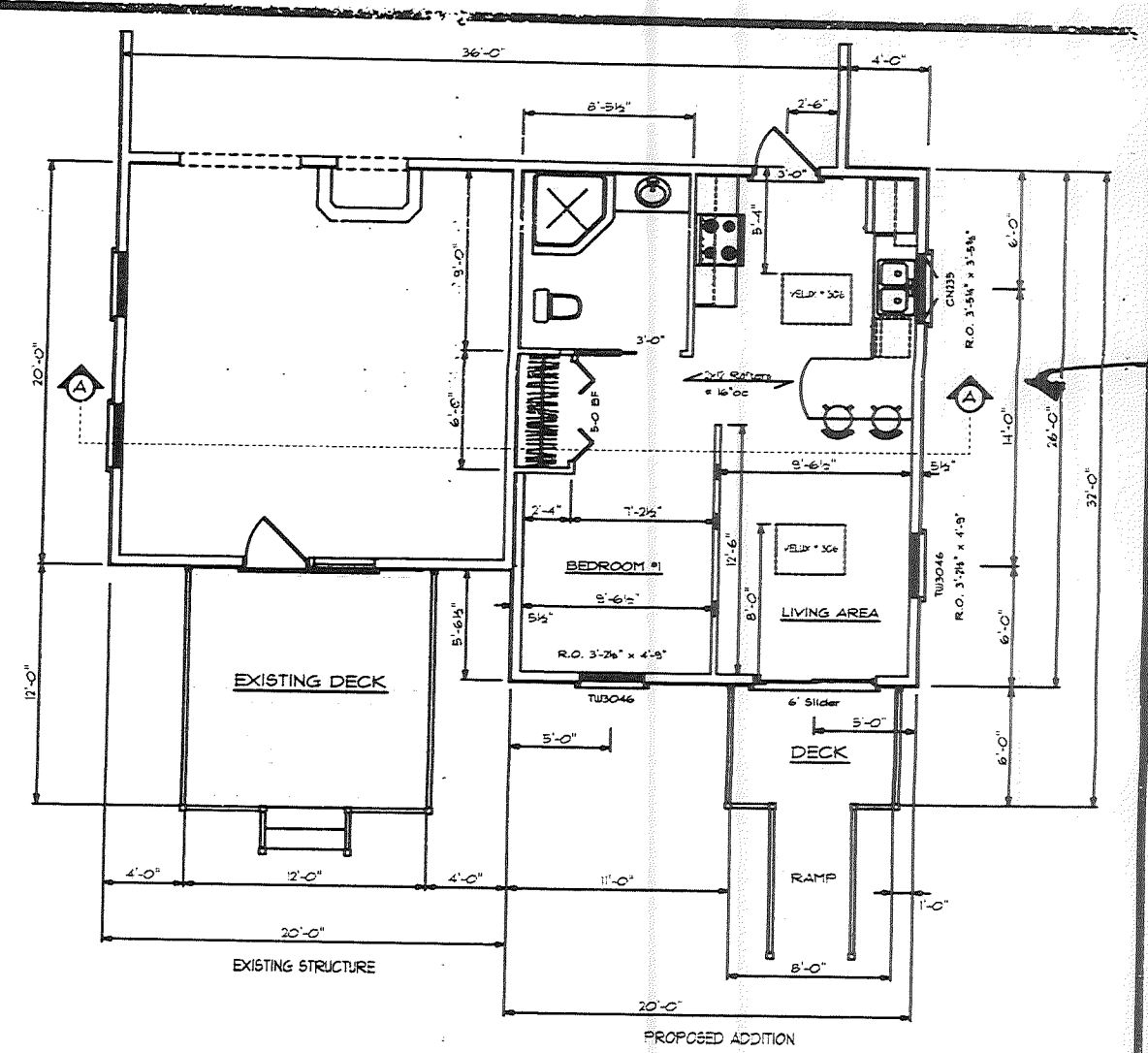
 Custom Design & Carpentry Service
 Tel: 888-3424
 Cell: 288-7641
wparadis@wayneparadis.com
 http://www.wayneparadis.com/index.html

Revision # 2 Garage Building Size to 500 SF Dep. 21, 2010	
Revision # 1 Garage Building Size 1 Deck Size Dep. 08, 2010	
Note: Owner to check plans for compliance with all applicable codes	
Section "A"	Sheet 500 of Another
Plan For:	3 3
Janet Hunnewell	
Drawn by:	Wayne Paradis
	Jun. 20, 2010

* Structure will be 25' NOT 26' *



Foundation Plan
1/4" = 1'-0"



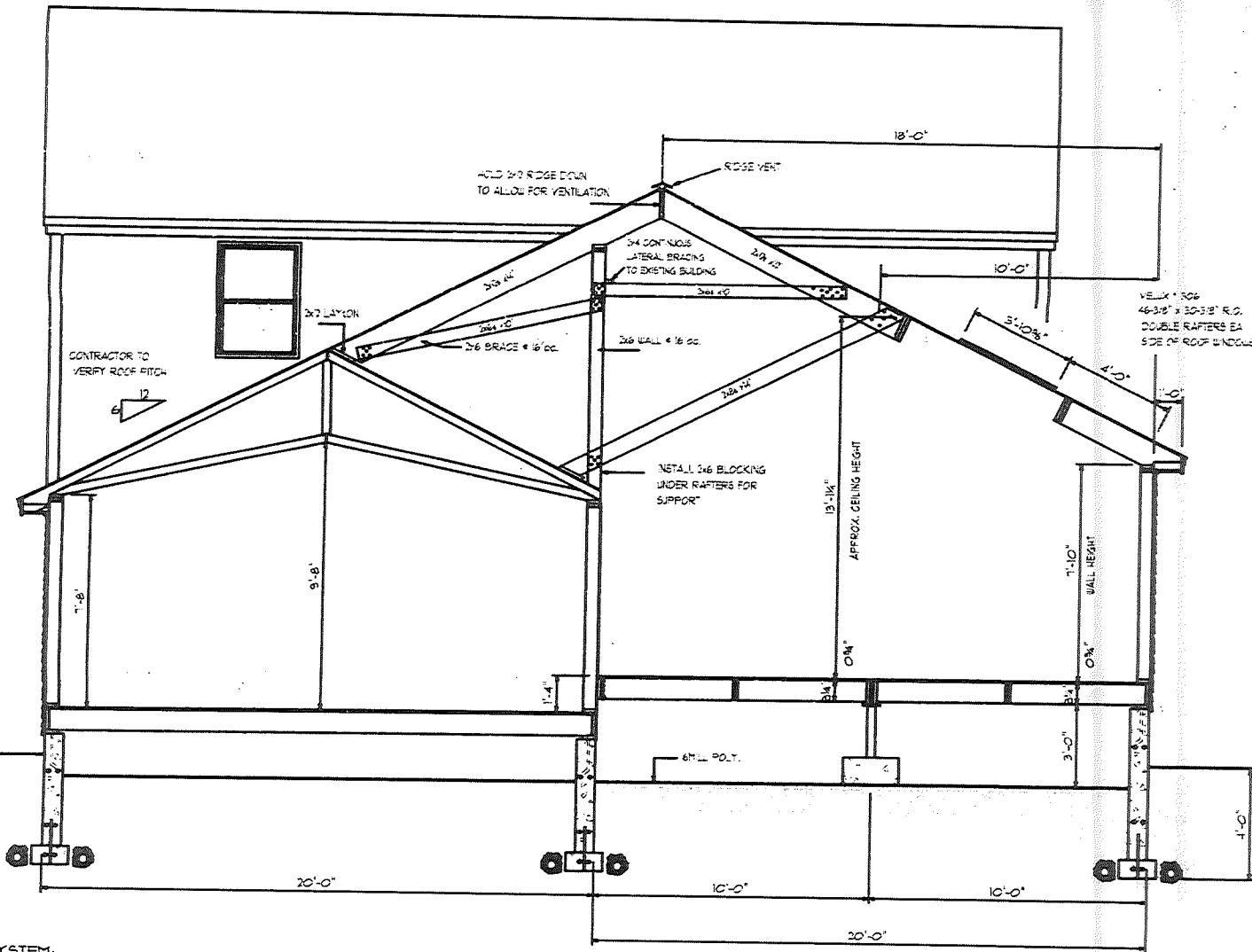
Floor Plan
1/4" = 1'-0"

* Structure will be 25' NOT 26' *

Revision # 1 Change Building Size & Deck Size Sep. 09, 2010
Note: Owner to check plans for compliance with all applicable codes

WAYNE PARADIS INC.
Custom Design & Carpentry Service
Tel: 892-3424
Cell: 829-7641

Floor Plan & Foundation		Custom 520 SF Addition	
Plan For:		2	3
Jenett Hunnewell			
Drawn by:	Wayne Paradis	Jul. 20, 2010	



ROOF SYSTEM:

- ASPHALT SHINGLES
- DRIFEDGE @ EAVES & RAKE
- ICE & WATER EAVE PROTECTION @ EAVES & VALLEYS
- 5/8" T&G ADVANTECH ROOF SHEATHING
- 2x12 RAFTERS @ 16" OC
- 2x6 TIES @ 16" OC

EXTERIOR WALLS:

- CLAPBOARDS TO MATCH EXISTING
- TYVEK HOUSE WRAP OR EQUIVALENT
- 1/16" OSB SHEATHING
- 2x6 STUDS @ 16" OC

LOWER FLOOR:

- 3/4" T&G ADVANTECH SUB-FLOOR GLUED TO JOIST
- 2x10 JOIST @ 16" OC
- 3-2x12 GIRDERS W/ 2X2 LEDGERS OR HANGERS
- 3-1/2" STEEL LALLY COL.
- 2x6 PRESSURE TREATED SILLS

Section "A"
3/8" @ 1'-0"

WAYNE PARADIS INC.

 Custom Design & Carpentry Service
 Tel: 892-3424
 Cell: 229-7641
 www.wayneparadis.com
 http://www.wayneparadis.com

Revision # 1 Garage Building
 Size & Deck Size Sep. 09, 2010
 Note: Owner to check plans for compliance with all applicable codes

Section "A"		Custom 520 SF Addition
Plan For:	3 / 3	
Janet Hunnswell		
Drawn by:	Wayne Paradis	Jul 20, 2010



CITY OF PORTLAND, MAINE
 Department of Building Inspections

Original Receipt

Sept. 30 2010

Received from James Hummel

Location of Work 58 Wheelers

Cost of Construction \$ _____ Building Fee: _____

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: 7500

Total: _____

Building (1L) _____ Plumbing (1S) _____ Electrical (1E) _____ Site Plan (U2) _____

Other _____

CBL: 393 I 003

Check #: visa Total Collected \$ 7500

**No work is to be started until permit issued.
 Please keep original receipt for your records.**

Taken by: Ray

WHITE - Applicant's Copy
 YELLOW - Office Copy
 PINK - Permit Copy



Application for Administrative Authorization

Portland, Maine

Planning and Urban Development Department, Planning Division

PROJECT NAME: 28 Whaleboat Rd Hunnewell Addition

PROJECT ADDRESS: 28 Whaleboat Rd **CHART/BLOCK/LOT:** 393 1003

APPLICATION FEE IS \$50: _____ **PROJECT DESCRIPTION:** (Please Attach Sketch/Plan of Proposal/Development)

Adding a 20X25 addition onto my existing home at 28 Whaleboat Rd

CONTACT INFORMATION:

OWNER/APPLICANT

CONSULTANT/AGENT

Name: Janet Hunnewell

Address: 28 Whaleboat Rd

Zip Code: 04103

Work #: 523-7412

Cell #: 749-6176

Fax #: 253-1423

Home #: _____

E-mail: jhunnewe@maine.rr.com

Name: _____

Address: _____

Zip Code: _____

Work #: _____

Cell #: _____

Fax #: _____

Home #: _____

E-mail: _____

Criteria for an Administrative Authorizations:
(See Section 14-523 (4) on page 2 of this application)

Applicant's Assessment
Y(yes), N(no), N/A

Planning Division
Use Only

a) Is the proposal within existing structures?	N	2
b) Are there any new buildings, additions, or demolitions?	Y	5
c) Is the footprint increase less than 500 sq. ft.?	Y	5
d) Are there any new curb cuts, driveways or parking areas?	N	2
e) Are the curbs and sidewalks in sound condition?	Y	5
f) Do the curbs and sidewalks comply with ADA?	Y	5
g) Is there any additional parking?	N	2
h) Is there an increase in traffic?	N	2
i) Are there any known stormwater problems?	N	2
j) Does sufficient property screening exist?	Y	5
k) Are there adequate utilities?	Y	5
l) Are there any zoning violations?	N	2
m) Is an emergency generator located to minimize noise?	N	2
n) Are there any noise, vibration, glare, fumes or other impacts?	N	2

IMPORTANT NOTICE TO APPLICANT: The granting of an Administrative Authorization to exempt a development from site plan review does not exempt this proposal from other approvals or permits, nor is it an authorization for construction. You should first check with the Building Inspections Office, Room 315, City Hall (207) 874-8703, to determine what other City permits, such as a building permit, will be required.

Signature of Applicant:

Janet Hunnewell

Date:

9/22/10

Planning Division Use Only

Authorization Granted Partial Exemption Exemption Denied

Standard Condition of Approval: The applicant shall obtain all required City Permits, including building permits from the Inspection Division (Room 315, City Hall (874-8703)) prior to the start of any construction.

Planner's Signature Barbara Barklydt Date Sept 30, 2010

**PROVISION OF PORTLAND CITY CODE
14-523 (SITE PLAN ORDINANCE)
RE: Administrative Authorization**

Sec. 14-523 (b). Applicability

No person shall undertake any development identified in Section 14-523 without obtaining a site plan improvement permit under this article.

(c) **Administrative Authorization.** Administrative Authorization means the Planning Authority may grant administrative authorization to exempt a development proposal from complete or partial site plan review the meet the standards below, as demonstrated by the applicant.

1. The proposed development will be located within existing structures, and there will be no new buildings, demolitions, or building additions other than those permitted by subsection b of this section;
2. Any building addition shall have a new building footprint expansion of less than five hundred (500) square feet;
3. The proposed site plan does not add any new curb cuts, driveways, or parking areas; the existing site has no more than one (1) curb cut and will not disrupt the circulation flows and parking on-site; and there will be no drive-through services provided;
4. The curbs and sidewalks adjacent to the lot are complete and in sound condition, as determined by the public works authority, with granite curb with at least four (4) inch reveal, and sidewalks are in good repair with uniform material and level surface and meet accessibility requirements of the Americans with Disabilities Act;
5. The use does not require additional or reduce existing parking, either on or off the site, and the project does not significantly increase traffic generation;
6. There are no known stormwater impacts from the proposed use or any existing deficient conditions of stormwater management on the site;
7. There are no evident deficiencies in existing screening from adjoining properties; and
8. Existing utility connections are adequate to serve the proposed development and there will be no disturbance to or improvements within the public right-of-way.
9. There are no current zoning violations;
10. Any emergency generators are to be located to minimize noise impacts to adjoining properties and documentation that routine testing of the generators occur on weekdays between the hours of 9 a.m. to 5 p.m. Documentation pertaining to the noise impacts of the emergency generator shall be submitted; and
11. There is no anticipated noise, vibration, glare, fumes or other foreseeable impacts associated with the project.

- a. **Filing the Application.** An applicant seeking an administrative authorization under this subsection shall submit an administrative authorization application for review, detailing the site plan with dimensions of proposed improvements and distances from all property lines, and stating that the proposal meets all of the provisions in standards 1-11 of Section 14-423 (b)1. **The application must be accompanied by an application fee of \$50.**
- b. **Review.** Upon receipt of such a complete application, the Planning Authority will process it and render a written decision of approval, approval with conditions or denial, with all associated findings.
- c. **Decision.** If a full administrative authorization is granted, the application shall be approved without further review under this article, and no performance guarantee shall be required. In the event that the Planning Authority determines that standards a and b of Section 14-523 (b) (1) and at least four (4) of the remaining standards have been met, the Planning Authority shall review the site plan according to all applicable review standards of Section 14-526 that are affected by the standards in this subsection that have not been met. If an exemption or partial exemption from site plan review is not granted, the applicant must submit a site plan application that will undergo a full review by the Planning Board or Planning Authority according to the standards of Section 14-526.

Planning Barbara Barhydt
September 30, 2010

The revised dimensions of the addition bring the addition to 500 sf. The administrative authorization is approved subject to the condition that the all required building permits be obtained from the Inspection Division.

Lot size = 14,155 sf

