

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

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

June 21, 2010

Jean & Peter Scanlon
74 Roaring Brook Road
Portland, ME 04103

RE: 74 Roaring Brook Road
CBL: 397 A016
ZONE: R-2

Dear Mr. & Ms. Scanlon:

At the June 17, 2010 meeting, the Zoning Board of Appeals voted 4-0 to grant the practical difficulty appeal to allow the maximum allowable lot coverage to be 24.63%. I have enclosed a copy of the Board's decision.

I am also enclosing the Certificate of Variance Approval. **The original must be recorded in the Cumberland County Registry of Deeds within 90 days of June 18, 2010, when it was signed.** Failure to record the Certificate will result in it being voided. Our office must be provided with a copy of the recorded Certificate of Variance showing the recorded book and page.

Now that the practical difficulty appeal to increase the maximum allowable lot coverage was approved, the building permit to build the 12' x 16' deck (#10-0475) will be moved forward in the review process. The permit will not be issued until we receive a copy of the recorded Certificate of Variance. The building permit must be issued and construction begun within six months of the date of the hearing, June 17, 2010, referenced under section 14-473(e), or the Zoning Board approval will expire.

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,



Ann B. Machado

Zoning Specialist

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: June 21, 2010

RE: Action taken by the Zoning Board of Appeals on June 17, 2010.

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

Members Absent: Phil Saucier

1. New Business:

A. Practical Difficulty Variance Appeal:

70-76 Roaring Brook Road, Peter & Jean Scanlon, owners, Tax Map 397, Block A, Lot 016, R-2

Residential Zone: The appellants applied for a building permit to build a twelve foot by sixteen foot deck at the rear of their house. Section 14-80(e) gives the maximum allowable lot coverage as twenty percent. Presently, the permitted structure on the lot covers 22.71% of the lot. The appellants are requesting a variance to increase the lot coverage from 22.71% to 24.63%. Representing the appeal are the owners. **The Board voted 4-0 to grant the practical difficulty appeal allowing the applicants to increase the maximum allowable lot coverage to 24.63%.**

B. Practical Difficulty Variance Appeal:

395 -397 Spring Street, Vilean Taggersell & Robert Levine, owners, Tax Map 061, Block A, Lot 001, R-4

Residential Zone: The applicants are proposing to add a twenty-two foot by twelve foot porch with a seven foot by thirteen foot mudroom to the rear of their house. Section 14-105(e) gives the maximum allowable lot coverage as thirty percent. Presently, the permitted structure on the lot covers 40.83% of the lot. The appellants are requesting a variance to increase the lot coverage to 43.85%. Representing the appeal are the owners. **The Board voted 4-0 to grant the practical difficulty appeal allowing the applicants to increase the maximum allowable lot coverage to 43.85%. This variance was granted for a period of two years and will expire if work has not significantly commenced by June 17, 2012.**

Enclosure:

Decision for Agenda from June 17, 2010

Original Zoning Board Decision

One dvd

CC: Joseph Gray, City Manager

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

Alex Jacgerman, Planning Division

Members Present: William ^{Acting Sec} Goetz - Jill Hunter - Sara Mappin

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

members absent: Philip Saucier

Gordon Smith
Acting Chair

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, June 17, 2010 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:

called to order at: 6:35 pm

1. New Business:

4-0
Granted

A. Practical Difficulty Variance Appeal:

70-76 Roaring Brook Road, Peter & Jean Scanlon, owners, Tax Map 397, Block A, Lot 016, R-2 Residential Zone: The appellants applied for a building permit to build a twelve foot by sixteen foot deck at the rear of their house. Section 14-80(e) gives the maximum allowable lot coverage as twenty percent. Presently, the permitted structure on the lot covers 22.71% of the lot. The appellants are requesting a variance to increase the lot coverage from 22.71% to 24.63%. Representing the appeal are the owners.

B. Practical Difficulty Variance Appeal:

4-0
Granted

395 -397 Spring Street, Vilean Taggersell & Robert Levine, owners, Tax Map 061, Block A, Lot 001, R-4 Residential Zone: The applicants are proposing to add a twenty-two foot by twelve foot porch with a seven foot by thirteen foot mudroom to the rear of their house. Section 14-105(e) gives the maximum allowable lot coverage as thirty percent. Presently, the permitted structure on the lot covers 40.83% of the lot. The appellants are requesting a variance to increase the lot coverage to 43.85%. Representing the appeal are the owners.

~~requesting 18 month~~ 2 years

2. Adjournment:

7:40 pm

RECEIVED

JUL - 2 2010

Dept. of Building Inspections
City of Portland Maine



Doc#: 31349 Bk:27869 Pg: 34

CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Gordon Smith, the Acting Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 17th day of June, 2010, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Current Property Owner: Peter F & Jean M. Scanlon**
2. **Property: 74 Roaring Brook Road, Portland, ME 04103 CBL: 397-A-016**
Cumberland County Registry of Deeds, **Book 25337 Page 293**
Last recorded deed in chain of Title: July 31, 2007
3. **Variance and Conditions of Variance:**
To grant relief from section 14-80(e) of the Land Use Zoning Ordinance to allow a lot coverage of 24.63% for the addition of a twelve foot by sixteen foot deck at the rear of the house instead of the required 20% maximum permitted.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 18th day of June, 2010.

, Acting Chair of
City of Portland Zoning Board,
Gordon Smith

(Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Gordon Smith and acknowledged the above certificate to be his free act and deed in his capacity as Acting Chairman of the Portland Board of Appeals, with his signature witnessed on June 18th, 2010.

Received
Recorded Register of Deeds
Jun 24 2010 09:43:26A
Cumberland County
Pamela E. Lovley

(Printed or Typed Name)
Notary Public

Margaret Schmuckal

My Term Expires June 28, 2012

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

SEAL

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: June 17, 2010

Name and address of applicant: Peter & Jean Scanlon
74 Roaring Brook
Portland, ME 04103

Location of property under appeal: 74 Roaring Brook Rd.

For the Record: Present: Sara Appolin, Jill Hunter, Gordon Smith, William Getz

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

Peter + Jean Scanlon
74 Roaring Brook Portland

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

Photos of house and patio

Findings of Fact and Conclusions of Law:

The applicant is seeking a variance from section 14-80(e) of the City Code, which sets maximum lot coverage for the R-2 Residential Zone at 20%. The applicants proposed to build a 12' x 16' deck at the rear of their house. The deck would replace an existing patio. Currently, the permitted structures on the lot cover 22.71% of the lot. The deck would increase lot coverage to 24.63%.

“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 Not Satisfied

Reason and supporting facts:

24.63% is beyond the 20% standard.

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

Reason and supporting facts:

A back injury preclude one of the residents from using the backyard.

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

Reason and supporting facts:

The access to the house is unique to the Scanlon's.

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

Reason and supporting facts:

Similar to other properties of the neighborhood.

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

Satisfied Not Satisfied

Reason and supporting facts:

The overage of the 20% was already out of compliance and was permitted by properly

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

Satisfied Not Satisfied

Reason and supporting facts:

*explored and discussed options as railing and ramps.
No significant difference*

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

Satisfied Not Satisfied

Reason and supporting facts:

*The is no addition environmental harm and
may increase the pervious surface*

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

Reason and supporting facts:

Testimony

Conclusion: (check one)

Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application. *Moppin Motion - Hunter Second*

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: *passed 4-0*

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

Dated:

6/17/10


Board Chair



**Planning and Development Department
Zoning Board of Appeals
Practical Difficulty Variance Application**

Applicant Information:

PEER + JEAN SCANLON
Name

Business Name

74 ROARING BROOK RD.
Address

PORTLAND, ME 04103

207-797-2864
Telephone Fax

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

OWNER
(e.g. owner, purchaser, etc.):

Current Zoning Designation: R2

Existing Use of Property:

RESIDENTIAL

Subject Property Information:

74 Roaring Brook Rd
Property Address

397-A-16
Assessor's Reference (Chart-Block-Lot)

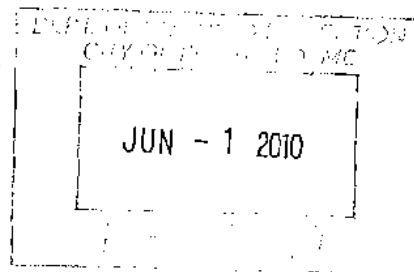
Property Owner (if different):

Name

Address

Telephone Fax

Practical Difficulty Variance from Section 14 - 80(e)



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

The undersigned hereby makes application for a Practical Difficulty Variance 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.

Peer + Jean Scanlon
Signature of Applicant

May 28, 2010
Date

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Board of Appeals 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:

1. The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood:

THE REAR OF MY PROPERTY ADJOINS AN OPEN 7 1/2' WIDE STRIP OF PROPERTY OWNED BY PLYMOUTH WASTE DISTRICT FOR THEIR UNDERGROUND PIPING. NO FURTHER BUILDING THERE.

2. The granting of the variance will not have an unreasonably detrimental effect on either the use or fair market value of the abutting properties:

A DECK WILL SIMPLY REPLACE AN EXISTING PATIO; NO DETRIMENTAL EFFECT ON ADJACENT.

3. The Practical Difficulty is not the result of action taken by the applicant or a prior owner:

THIS IS SIMPLY HOW THE LOTS WERE ALLOCATED (100'x100') AT PROJECT'S DEVELOPMENT.

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

MY WIFE IS EXPERIENCING BACK ISSUES GOING UP AND DOWN STEPS TO PATIO. A DECK WOULD PROVIDE A FLAT LEVEL SURFACE FROM THE HOUSE.

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

THERE ALREADY IS AN EXISTING PATIO IN THE SAME AREA; A DECK WILL SIMPLY REPLACE THE PATIO.

6. Strict application of the dimensional standards of the ordinance to the subject property will preclude a use which is permitted in the zone in which the property is located:

MOST RESIDENCES IN THE AREA ALREADY HAVE DECKS; THESE LOTS APPEAR TO BE OF THE SAME SIZE.

7. Strict application of the dimensional standards of the ordinance to the subject property will result in significant economic injury to the applicant:

WIFE IS "MEDICAL" WORSENING TO APPLICANT DUE TO HAVING TO STEP DOWN TO PATIO CONTINUOUSLY.

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

PROPERTY IS STRICTLY IN AN R1 RESIDENTIAL AREA DEVELOPED IN THE MID '80'S.

The following words have the meanings set forth below:

- a.) Dimensional Standards: Those provisions of this article which relate to lot area, lot coverage, frontage and setback requirements.
- b.) Practical difficulty: A case where strict application of the dimensional standards of the ordinance to the property for which a variance is sought 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.
- c.) Significant Economic Injury: 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.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

1
May 28, 2010

City of Portland
Planning and Development Department
Zoning Board of Appeals
389 Congress St.
Room 315
Portland, Maine

Subject: Denial of Permit to construct a deck due to Practical Difficulty Variance Sec. 14-80(e)

Reference: property located at 74 Roaring Brook Rd., owned by Peter & Jean Scanlon;;

Lot 46; Parcel ID: 397-A-016-001; R2.

Enclosed please find a check in the amount of \$150 as required to initiate an appeal process..

My original submission sought to obtain a permit for a deck that would come within the setback limitation of 25 feet. At that time I had pointed out that this shouldn't be a problem for anyone as a 76' open land strip throughout the project was owned by the Portland Water District and used for underground piping. Nothing would ever be built there.

Kindly refer to correspondence dated May 10, 2010 authored by Marge Schmuckal, Zoning Administrator, wherein a request for the construction of a deck at the rear of our residence was denied. The setback issue was approved but since the property took up more than the required maximum of 20% (14-80 (e)) of the lot came into play. As I understand it, an exception to the 20% requirement was granted back when the Pine Lock Woods Project was to be developed. The deck would increase the percentage a minimal amount.

My submission to Marge, which you have on file along with the plans, explains the need for a deck to replace the original patio. To reiterate, we are in our mid and late 60's and my wife's back -injured from a previous accident, is taking a beating by stepping down onto the lower patio steps. As a result we are not able to take advantage of our back yard.

I have attached the completed Appeals Application for review. Should there be any further questions I have listed my phone number below.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter F. Scanlon". The signature is written in a cursive style with a large, prominent initial "P".

Peter F. Scanlon
74 Roaring Brook Rd.
Portland, Maine
797-2864

Kate

as mentioned you already have file for this under the request for permit
see to Mass Schuchel.

FOR MORTGAGE LENDER USE ONLY

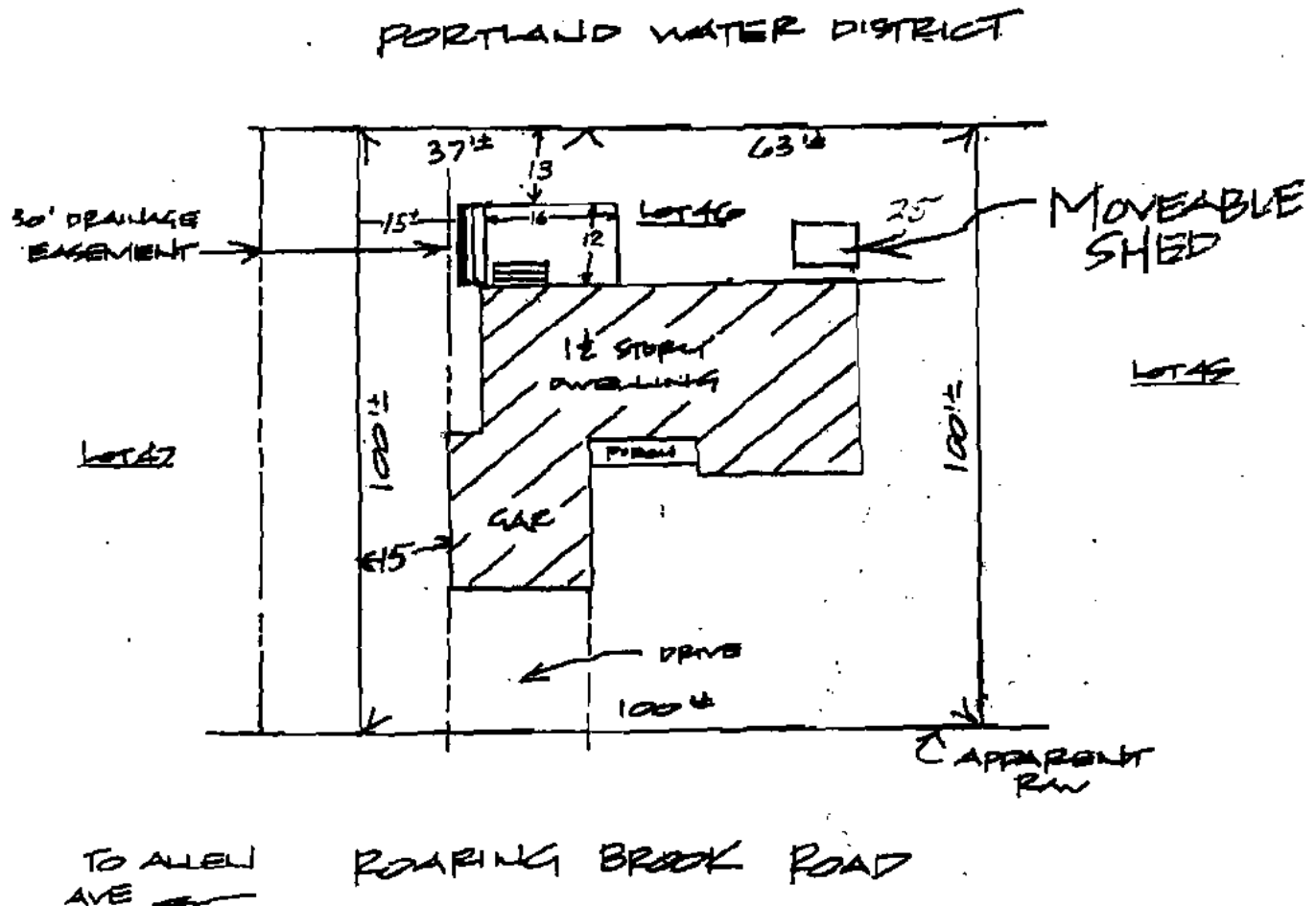
GENERAL NOTES: (1) DISTANCES SHOWN ARE TAKEN FROM PROVIDED TITLE REFERENCES SHOWN BELOW. (2) THE PURPOSE OF THIS INSPECTION IS TO RENDER AN OPINION AS FOLLOWS: A) SWELLING AND ACCESSORY STRUCTURE'S COMPLIANCE WITH RESPECT TO MUNICIPAL ZONING SETBACKS, AND B) FLOOD ZONE DETERMINATION BY HORIZONTAL SCALING ON BELOW REFERENCED FEMA MAP. (3) THIS INSPECTION EXCEPTS OUT ALL TECHNICAL STANDARDS CURRENTLY SET FORTH BY STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS. (4) THIS INSPECTION IS TO BE USED ONLY BY THE BELOW LISTED LENDER, TITLE ATTORNEY & TITLE INSURER AND IS NOT TO BE USED BY ANY OTHER PARTY FOR BOUNDARY LINE LOCATIONS OR LAND TITLE OPINIONS. (5) A BOUNDARY SURVEY SHOULD BE PERFORMED TO RENDER A PROFESSIONAL OPINION PERTAINING TO BOUNDARY LINE LOCATIONS, EASEMENTS, RIGHTS OF WAY, ENCUMBRANCES, ENCROACHMENTS, AND/OR CONFLICTS WITH ANOTHER'S DEEDS.

**THIS SKETCH IS NOT TO BE USED FOR CONSTRUCTION PURPOSES
THE LOCATION OF IMPROVEMENTS SHOWN ARE APPROXIMATE ONLY.**

ADDRESS: 74 Roaring Brook Road
Portland, Maine

INSPECTION DATE: JUNE 25, 2007

SCALE: 1" = 30'



Borrower: SCANLON, Peter & Jean

File No.:

Property Address: 74 Floating Brook Road

Case No.: 9096749

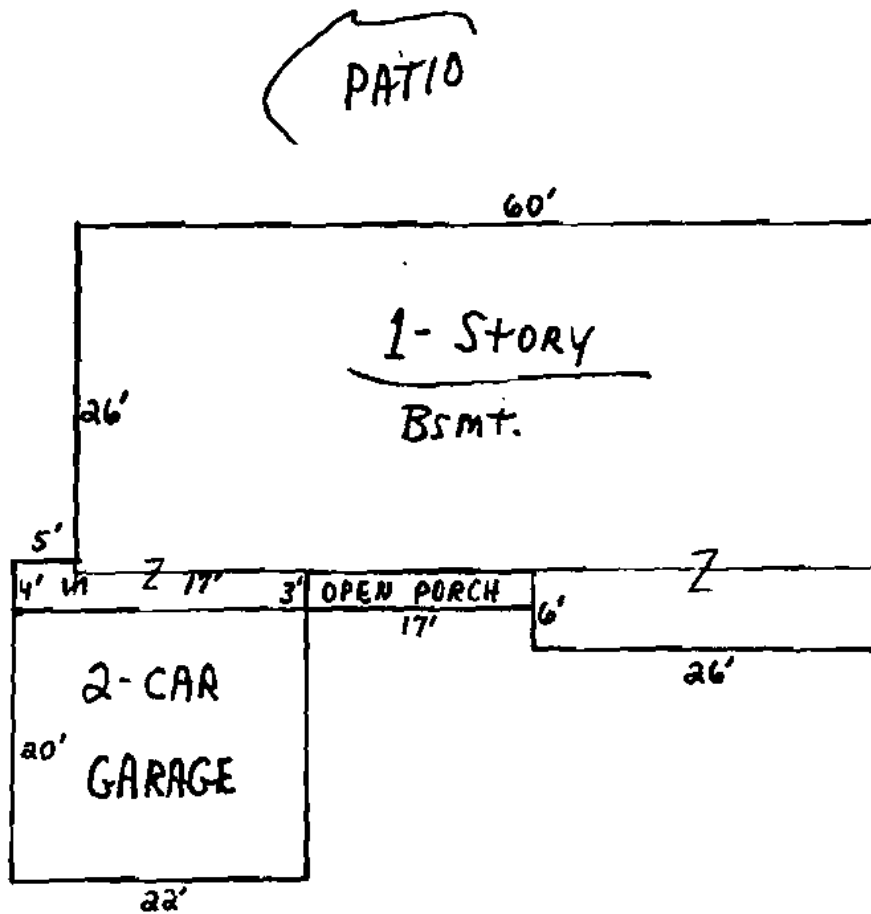
City: Portland

State: ME

Zip: 04103

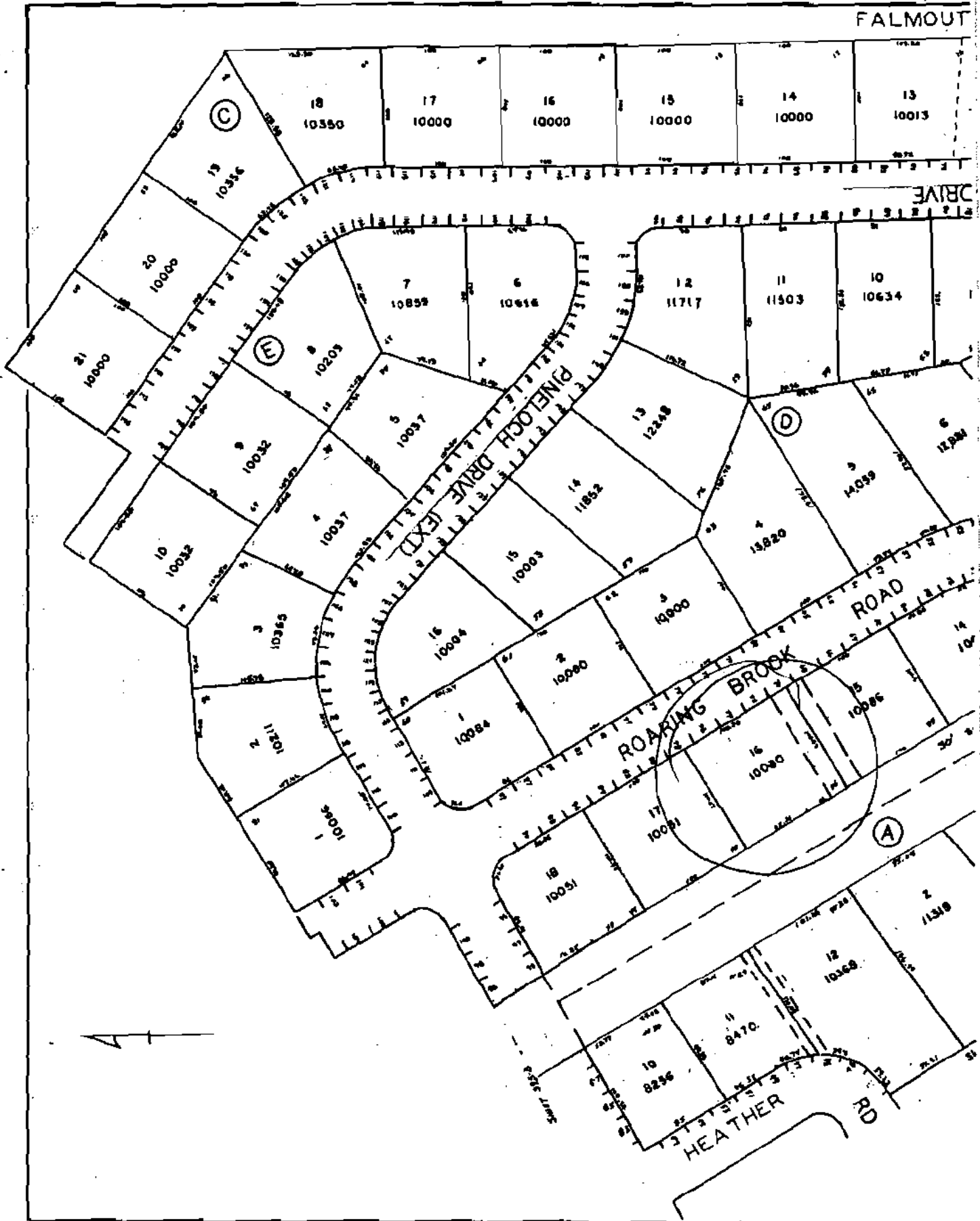
Lender: TD Banknorth, N.A.

NOT TO SCALE
APPROX. LIVING AREA



NOT TO SCALE
APPROX. LIVING AREA

Chart # 397



SHORT FORM WARRANTY DEED

Robert L. Steele and Lois K. Steele, formerly known as Lois K. Thibault, of 74 Roaring Brook Road, Portland, ME 04103, FOR CONSIDERATION PAID, grant to Peter F. Scanlon and Jean M. Scanlon of 119 Ledgewood Drive, Falmouth, ME 04105, as joint tenants and not as tenants in common, with WARRANTY COVENANTS, the following described real property located in the City of Portland, County of Cumberland and State of Maine:

A certain lot or parcel of land, with the buildings thereon, located within that part of Portland known as Pineloch Woods, in the City of Portland, County of Cumberland and State of Maine, and more particularly described as Lot Number 46 on a plan entitled "Recording Plat-Phase I, Pineloch Woods," Portland, Maine, dated March 5, 1986 and recorded in the Cumberland County Registry of Deeds in Plan Book 155, Page 31.

This conveyance is made subject to the Declaration of Restrictions dated September 24, 1986 and recorded in the Cumberland County Registry of Deeds in Book 7393, Page 115.

The above described Lot # 46 is subject to a drainage easement for the erection, construction, maintenance, repair and replacement of suitable pipes and conduits for the drainage of storm water, the location of which easement is described as follows:

Beginning at the southeasterly corner of said Lot # 46 as shown on said Plan; thence

South 75° 53' 25" West a distance of one hundred and 23/100 (100.23) feet, more or less, to the southwesterly corner of said Lot # 46 and the easterly boundary of land now or formerly of Portland Water District; thence

North 13° 23' West a distance of fifteen (15) feet, more or less, along the westerly boundary of said Lot # 46 to a point; thence

North 75° 53' 25" East a distance of one hundred and 04/100 (100.04) feet, more or less, to a point along the easterly boundary of said Lot # 46; thence

South 14° 6' 35" East a distance of fifteen (15) feet, more or less, to the point of beginning.

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.

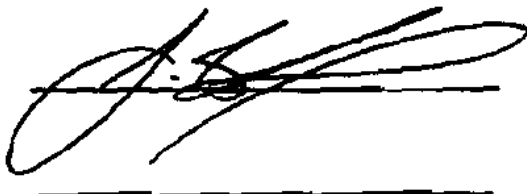
This conveyance is made subject to unpaid real estate taxes for the current tax year, if any, which the Grantees herein, by acceptance of this deed, assume and agree to pay.

Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantors herein by deed of Homer L. Durant and Josephine A. Durant dated December 13, 2002 and recorded in the Cumberland County Registry of Deeds in Book 18550, Page 318.

MAINE REAL ESTATE TAX PAID

WITNESS our hands and seals this 30th day of July, 2007.

WITNESS



Robert L. Steele



Lois K. Steele

STATE OF MAINE
Cumberland County, ss.

July 30, 2007

Personally appeared the above named Robert L. Steele and Lois K. Steele and acknowledged the foregoing instrument to be their free act and deed.

Before me,



James R. Lemieux, Attorney at Law

S:\C:\mason\clients\980610-2000-07\Doc4.mpd



PORTLAND, MAINE

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

*Penny St. Louis Littell- Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

May 10, 2010

Peter Scanlon
74 Roaring Brook Road
Portland, ME 04103

RE: 74 Roaring Brook Road - 397-A-016 - R-2 Zone - permit application #10-0475

Dear Mr. Scanlon,

I am in receipt of your application to construct a 12' x 16' rear deck. We met previously on March 2, 2010 to discuss the deck and its setbacks. Based on the information that you supplied to me, I can accept the proposed 13 foot rear setback under section 14-433. However, when reviewing an application, I must be sure that all requirements of the underlying zone are being met.

First of all, it should be noted that this office never reviewed or approved a shed shown on your plot plan. The shed is currently nonconforming to the R-2 Zone.

Currently the R-2 Zoning Ordinance requires a maximum lot coverage of 20% (section 14-80(e)). After figuring in the square footage of your proposed deck, your lot coverage would be at 24.63% which is over the 20% maximum allowed. Please note that this lot coverage calculation does not include the nonconforming shed. My interpretation of lot coverage includes only structures such as principal buildings, garages, decks, stairs and sheds. It does not include driveways or sidewalks or patios that are concrete or made of pavers.

At this time your permit is on hold and will not be reviewed further. You have the right to appeal my decision. If you would like to exercise your right to appeal, you must do so within 30 days of the date of this letter. Please contact this office for the necessary paperwork that is required to file an appeal. If you have any further questions regarding this matter, please feel free to call me at 874-8695.

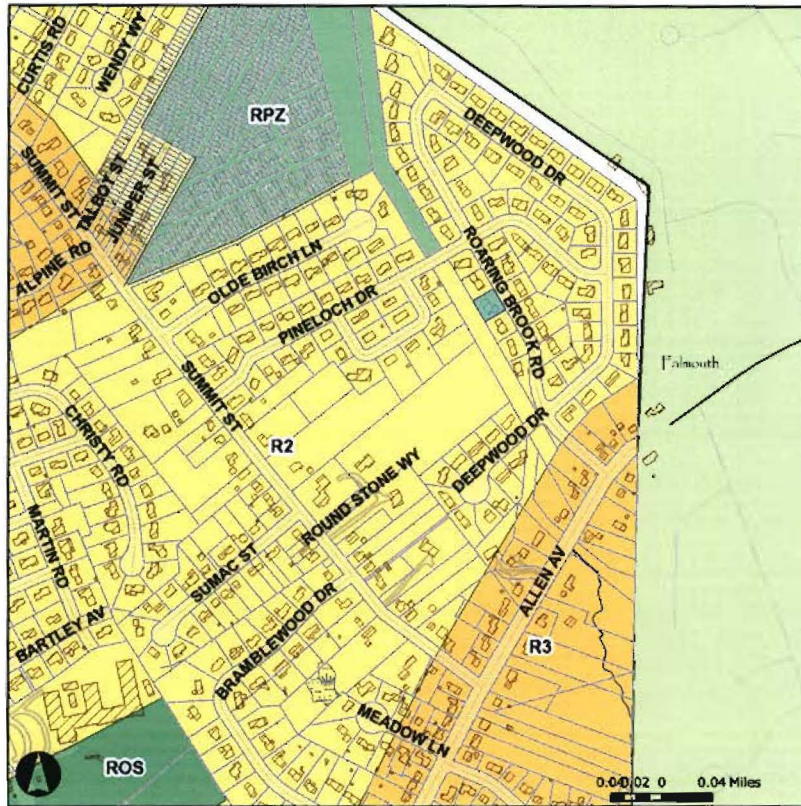
Very truly yours,

Marge Schmuckal
Zoning Administrator





Map



<ul style="list-style-type: none"> Parcels Parcels Interstate Streets Buildings Parcels Traveled Ways Stream Wetland Lake/Pond Jetport Coastal Bluff Overlay Zones 	<ul style="list-style-type: none"> Shoreland Overlay Zone Stream Overlay Zone Island Zoning Zoning 	<ul style="list-style-type: none"> Zoning (continued) Zoning (continued) 	<ul style="list-style-type: none"> Zoning (continued) County Streets ME Towns Ocean
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Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 315 | (207) 874-8486

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 [E-Services](#) |
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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:

Services

Applications

Ooing Business

Maps

Tax Relief

Tax Roll

Q & A

[browse city services a-z](#)

[browse facts and links a-z](#)



[Best viewed at 800x600, with Internet Explorer](#)

CBL	397 A016001
Land Use Type	SINGLE FAMILY
Property Location	74 ROARING BROOK RD
Owner Information	SCANLON PETER F & JEAN M SCANLON ITS
	74 ROARING BROOK RD
	PORTLAND ME 04103
Book and Page	25337/293
Legal Description	397-A-16
	ROARING BROOK RD 70-76
	10030 SF
Acres	0.23

Current Assessed Valuation:

TAX ACCT NO.	40776	OWNER OF RECORD AS OF APRIL 2009
		SCANLON PETER F &
		JEAN M SCANLON ITS
LAND VALUE	\$86,000.00	74 ROARING BROOK RD
BUILDING VALUE	\$190,100.00	PORTLAND ME 04103
NET TAXABLE - REAL ESTATE	\$276,100.00	
TAX AMOUNT	\$4,898.02	

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

Building Information:

Card 1 of 1

Year Built	1987
Style/Structure Type	CAPE
# Stories	1
Bedrooms	3
Full Baths	2
Total Rooms	6
Attic	NONE
Basement	FULL
Square Feet	1787

[View Sketch](#) |
 [View Map](#) |
 [View Picture](#)



Sales Information:

Sale Date	Type	Price	Book/Page
7/31/2007	LAND + BUILDING	\$334,000.00	25337/293
12/1/2002	LAND + BUILDING	\$265,000.00	18550/318
4/30/1999	LAND + BUILDING	\$192,000.00	14717/290

[New Search!](#)

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 10-0475	Issue Date:	CBL: 397 A016001
-----------------------	-------------	---------------------

Location of Construction: 74 ROARING BROOK RD	Owner Name: SCANLON PETER F & JEAN M S	Owner Address: 74 ROARING BROOK RD	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	Zone: R-2

Past Use: Single Family Home	Proposed Use: Single Family Home - install a 12' x 16' deck	Permit Fee: \$50.00	Cost of Work: \$2,800.00	CEO District: 5	10030 th
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: Type:		

Proposed Project Description: install a 12' x 16' deck	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: 05/05/2010	Zoning Approval
-----------------------------	---------------------------------	------------------------

<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> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date:	<p>Zoning Appeal</p> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	<p>Historic Preservation</p> <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:
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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 _____

May 5, 2010

Building Inspection Department
Room 315
389 Congress St.
Portland, Maine

Subject:

Peter F. Scanlon

74 Roaring Brook Rd.

Parcel ID: 397-A-016-001

Lot # 46; R2

Enclosed please find materials required to apply for a permit to construct a deck at the above residence.

The construction layout consists of four pages; a copy of the deed showing ownership; and several photos to provide a better illustration of the project. The estimated material cost of the project will be in the area of \$2,500 - \$2,800. The labor cost is not included as I am retired and plan to do this with the help of a friend, or two. I, however, would estimate a replacement or finished cost in the range of \$3,500 - \$3,800.

This deck will be built over the existing patio. Since the floor of the deck will be a maximum height from ground of 27" there will be no railings. We do, however, plan to use some decorative plant stands of sorts to keep people from the edges.

At issue is the fact that this proposed deck will be placed within the 25" setback requirement. I would point out, however, that the adjoining property is a 76' wide strip owned by the Portland Water District and used by same for their present underground piping.. There could never be any further residential construction in this area so there wouldn't be any visual disturbance or infringement to any neighbors.

Sincerely,

Peter F. Scanlon

Subject:

Peter F. Scanlon/Jean M. Scanlon

74 Roaring Brook Road

Portland, Maine

Parcel ID: 397-A-016-001;

Lot # 46; R2

The following will describe rationale as to why the 25' setback rule should not apply to the construction of a 12' x 16' deck proposed for the above property.

Several years ago my wife suffered a back injury and this plus the fact that we were now in our 60's led us to decide to move into a one story ranch type residence. After living here for just over two years my wife has been experiencing discomfort in stepping down the granite steps leading to the existing patio. As a result we have not been making full use of the patio nor its outdoor grill.

We thought that the simple cure would be to build a deck at roughly the same level as the doorway to the existing patio. Checking further, however, we found that this couldn't as it would enter into the 25' setback requirement area.

Also, while the deck would be in the 25' setback area at the rear of our property, it should be pointed out that the adjoining property consists of a 76' strip of land that runs throughout the Roaring Brook neighborhood. This property is both wooded and open in places and has always been there. It is owned by Portland Water District and used for underground piping. There, of course, would be no further building construction here and thus no ascetic infringement involved.

Hopefully, I've followed the right process and have given you the information you need. If not please feel free to contact me via phone or email as listed below

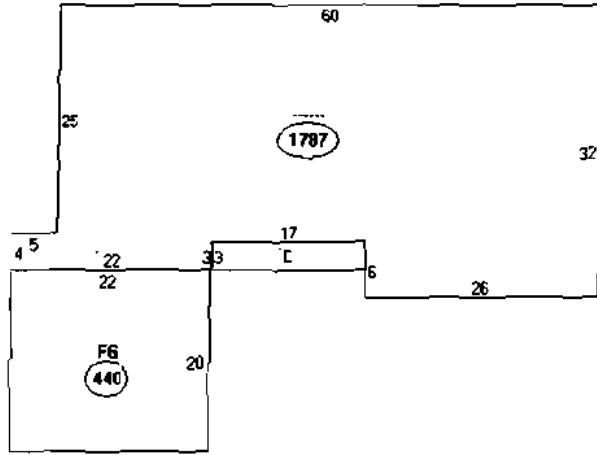
Sincerely,

*original Bldg constructed
1987*

Peter F. Scanlon

797-2864; pscanlo1@maine.rr.com

over lot coverage



Describe/Area	
A: 1787 sqft	1787
B: FG 440 sqft	440
C: DPP 5: sqft	51
	<hr/>
	2278
	12x16 = 192
	<hr/>
	2470 #

Reattached on property

$10,030 \# \times 20\% =$
 ~~$2,006 \#$~~
 $2,006 \# \leftrightarrow$

$2470 \# = 24.63\%$

No shed figured in these cases \rightarrow currently 22.71%



City of Portland Zoning Board of Appeals

June 9, 2010

Jean & Peter Scanlon
74 Roaring Brook Road
Portland, ME 04103

Dear Mr. & Ms. Scanlon,

Your Practical Difficulty Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, June 17, 2010 at 6:30 p.m.** in Room 209, located on the second floor of City Hall.

Please remember to bring a copy of your application packet with you to the meeting to answer any questions the Board may have.


I have included an agenda with your appeal highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the legal ad and the notices for the appeal. The check should be written as follows:

MAKE CHECK OUT TO: City of Portland
MAILING ADDRESS: Room 315
389 Congress Street
Portland, ME 04101

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely,


Ann B. Machado
Zoning Specialist

Cc: File

City of Portland

DATE: 6/15/10

TIME: 13:04:48

PZ CASH RECEIPT

PROJECT #: 10-59500003

PROJECT DESC: PRACTICAL DIFFICULTY 74 ROARING BROOK RD

RECEIVED FROM: Peter Scanlon

RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
L2	LEGAL AD ZONING BOARD		86.21
N1	NOTICING ZONING BOARD		53.25

TOTAL AMOUNT:

139.46

City of Portland

DATE: 6/03/10

TIME: 9:02:29

PZ CASH RECEIPT

PROJECT #: 10-59500003

PROJECT DESC: PRACTICAL DIFFICULTY 74 ROARING BROOK RD

RECEIVED FROM: Peter Scanlon

RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
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ZP	ZONING PROCESSING FEE		50.00
Z1	ZONING BOARD OF APPEALS		100.00
		TOTAL AMOUNT:	150.00

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	BACHELDER FRANCIS & ANN-MARIE FASULO JTS	103 ROARING BROOK RD PORTLAND, ME 04103	103 ROARING BROOK RD	1
	BAKER JOEL S & JANE M BAKER JTS	118 ROARING BROOK RD PORTLAND, ME 04103	118 ROARING BROOK RD	1
	BEALE JAMES W & MARY E BEALE JTS	38 HEATHER RD PORTLAND, ME 04103	38 HEATHER RD	1
	BEALE KEITH H WWII VET & RUTH E JTS	71 PINELOCH DR PORTLAND, ME 04103	71 PINELOCH DR	1
	BLACKWELL-MOORE WENDY L & ELIZABETH B BLACKWELL-	81 OLDE BIRCH LN PORTLAND, ME 04103	81 OLDE BIRCH LN	1
	CHANIS PETER J & LISA M WHITED JTS	45 HEATHER RD PORTLAND, ME 04103	45 HEATHER RD	1
	COHEN JAMES I & JOAN FRIEDMAN JTS	62 DEEPWOOD DR PORTLAND, ME 04103	62 DEEPWOOD DR	1
	COLLINS MICHAEL C & DEBORAH J COLLINS JTS	115 ROARING BROOK RD PORTLAND, ME 04103	115 ROARING BROOK RD	1
	COLLOM VINCENT E & DEENA L MALONE-COLLOM JTS	56 ROARING BROOK RD PORTLAND, ME 04103	56 ROARING BROOK RD	1
	DAGGETT DOUGLAS E & TERESA M DONAVAN JTS	84 DEEPWOOD DR PORTLAND, ME 04103	84 DEEPWOOD DR	1
	DEWITT JAMES A & JUANITA M FEJOO-DEWITT JTS	138 PINELOCH DR PORTLAND, ME 04103	138 PINELOCH DR	1
	DOUGHTY DOUGLAS A &	150 DEEPWOOD DR PORTLAND, ME 04103	150 DEEPWOOD DR	1
	DUPERRE PAUL W & CAROLE B JTS	135 PINELOCH DR PORTLAND, ME 04103	135 PINELOCH DR	1
	ELOWITCH DAVID W	81 ROARING BROOK RD PORTLAND, ME 04103	81 ROARING BROOK RD	1
	FENTON JOHN D & DEBRA C JTS	19 ROARING BROOK RD PORTLAND, ME 04103	19 ROARING BROOK RD	1
	FIORE MATTHEW D & LEE-ANN M FIORE JTS	80 PINELOCH DR PORTLAND, ME 04103	80 PINELOCH DR	1
	GALLI GILBERT P & JO-ANN T JTS	73 ROARING BROOK RD PORTLAND, ME 04101	73 ROARING BROOK RD	1
	GERVAIS DENNIS W & HELEN E SMITH-GERVAIS JTS	25 HEATHER RD PORTLAND, ME 04103	25 HEATHER RD	1
	GRATTO SUSAN B & CHRISTOPHER E JTS	33 HEATHER RD PORTLAND, ME 04103	33 HEATHER RD	1
	GREATER PORTLAND GROUP	91 JOHNSON ROAD FALMOUTH, ME 04105	ROARING BROOK RD	0
	HAAS JOHN M & SHERYL D JTS	104 ROARING BROOK RD PORTLAND, ME 04103	104 ROARING BROOK RD	1
	HEADER DAVID J & MICHELE A HEADER JTS	110 ROARING BROOK RD PORTLAND, ME 04103	110 ROARING BROOK RD	1
	HIBBARD ANN P	129 PINELOCH DR PORTLAND, ME 04103	127 PINELOCH DR	1
	HILL JOHN & AMY HILL JTS	124 PINELOCH DR PORTLAND, ME 04103	124 PINELOCH DR	1
	HUDSON SEAMAN K JR & ELLA D JTS	184 DEEPWOOD DR PORTLAND, ME 04103	184 DEEPWOOD DR	1
	HUGHES ROBERT J & KATHERINE H JTS	20 DEEPWOOD DR PORTLAND, ME 04103	20 DEEPWOOD DR	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	ISHERWOOD MONIQUE C & THOMAS A JTS	118 PINELOCH DR PORTLAND, ME 04103	118 PINELOCH DR	1
	JOHNSON SHALENE K	150 PINELOCH DR PORTLAND, ME 04103	150 PINELOCH DR	1
	KATSIAFICAS DONNA M & JAMES N KATSIAFICAS JTS	61 DEEPWOOD DR PORTLAND, ME 04103	61 DEEPWOOD DR	1
	KNOTT CHRISTOPHER A & MARGARET J JACKSON JTS	155 PINELOCH DR PORTLAND, ME 04103	155 PINELOCH DR	1
	KOSKINEN LAURIN HOLST	48 ROARING BROOK RD PORTLAND, ME 04103	46 ROARING BROOK RD	1
	LAFAVORE THOMAS G & CHRISTINE J ALLEN & MARION E	123 ROARING BROOK RD PORTLAND, ME 04103	123 ROARING BROOK RD	1
	LAFFERTY THOMAS M & MAUREEN A LAFFERTY JTS	54 DEEPWOOD DR PORTLAND, ME 04103	54 DEEPWOOD DR	1
	LAWLEY GAIL A	75 OLDE BIRCH LN PORTLAND, ME 04103	75 OLDE BIRCH LN	1
	LEAHY THOMAS J & PAMELA B	149 PINELOCH DR PORTLAND, ME 04103	149 PINELOCH DR	1
	LEGERE JERRY W & CHRISTINE C LEGERE JTS	56 PINELOCH DR PORTLAND, ME 04103	56 PINELOCH DR	1
	LYONS GEORGE & JANICE JTS	57 ROARING BROOK RD PORTLAND, ME 04103	57 ROARING BROOK RD	1
	MAJID ANOUAR & MELISSA MAJID JTS	49 HEATHER RD PORTLAND, ME 04103	49 HEATHER RD	1
	MANN WILLIAM J	90 ROARING BROOK RD PORTLAND, ME 04103	90 ROARING BROOK RD	1
	MARKS DAVID A	132 DEEPWOOD DR PORTLAND, ME 04103	132 DEEPWOOD DR	1
	MARTIN DEWEY A JR & PATRICIA A JTS	97 DEEPWOOD DR PORTLAND, ME 04103	97 DEEPWOOD DR	1
	MCLEOD NORMAN T WWII VET & JUNE S OR SURV	95 SUMMIT ST PORTLAND, ME 04103	95 SUMMIT ST	1
	MERRILL GARY P & TINA G MERRILL	65 ROARING BROOK RD PORTLAND, ME 04103	65 ROARING BROOK RD	1
	MESERVE PAUL A & PATRICIA K JTS	82 ROARING BROOK RD PORTLAND, ME 04103	82 ROARING BROOK RD	1
	MITCHELL DAVID M & KRISTEN N MITCHELL JTS	105 DEEPWOOD DR PORTLAND, ME 04103	105 DEEPWOOD DR	1
	MONTELLO FRANCIS R JR & SYLVIE L JTS	34 DEEPWOOD DR PORTLAND, ME 04103	34 DEEPWOOD DR	1
	MORAN DAVID P & LAURI-ANN MCLELLAN JTS	81 DEEPWOOD DR PORTLAND, ME 04103	81 DEEPWOOD DR	1
	MOULTON STEPHEN E & KAREN L JTS	69 DEEPWOOD DR PORTLAND, ME 04103	69 DEEPWOOD DR	1
	NEMEROFF STEPHEN W & SUZANNE K NEMEROFF JTS	17 HEATHER RD PORTLAND, ME 04103	17 HEATHER RD	1
	OSTWALD ANN C & JOSEPH H JTS	28 DEEPWOOD DR PORTLAND, ME 04103	28 DEEPWOOD DR	1
	PAYNE DAVID A & KAREN E BALDWIN-PAYNE JTS	114 DEEPWOOD DR PORTLAND, ME 04103	114 DEEPWOOD DR	1
	PORTLAND WATER DIST	225 DOUGLASS ST PORTLAND, ME 04102	90 PINELOCH DR	0

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	RAYMONO SUSAN J	90 DEEPWOOD DR PORTLAND, ME 04103	90 DEEPWOOD DR	1
	REYNOLDS MARK V & DENISE A	55 HEATHER RD PORTLAND, ME 04103	55 HEATHER RD	1
	RICHIO DONALD A & NIKKI E JTS	158 DEEPWOOD DR PORTLAND, ME 04103	158 DEEPWOOD DR	1
	RICKETT KEVIN J & TAMMY J RYAN JTS	82 PINELOCH DR PORTLAND, ME 04103	82 PINELOCH DR	1
	RYAN EDWARD J KW VET & MARY C JTS	81 PINELOCH DR PORTLAND, ME 04103	81 PINELOCH DR	1
	RYAN STEVEN D & GERALYN M	75 DEEPWOOD DR PORTLAND, ME 04103	75 DEEPWOOD DR	1
	SCANLON PETER F & JEAN M SCANLON JTS	74 ROARING BROOK RD PORTLAND, ME 04103	74 ROARING BROOK RD	1
	SCHAEFFER ERIC J & LAURA C SCHAEFFER JTS	51 ROARING BROOK RD PORTLAND, ME 04103	51 ROARING BROOK RD	1
	SINCLAIR STEVE J & GAYLE F JTS	111 PINELOCH DR PORTLAND, ME 04103	111 PINELOCH DR	1
	SULLIVAN PETER E & JUDITH ANNE JTS	72 PINELOCH DR PORTLAND, ME 04103	72 PINELOCH DR	1
	THERIAULT REYNOLD C & CAROL J JTS	74 DEEPWOOD DR PORTLAND, ME 04103	74 DEEPWOOD DR	1
	THORNTON-VOGEL MARY I & DONALD V VOGEL JTS	89 DEEPWOOD DR PORTLAND, ME 04103	89 DEEPWOOD DR	1
	TOMASCAK PETER D & ANITA L JTS	140 DEEPWOOD DR PORTLAND, ME 04103	140 DEEPWOOD DR	1
	TRUE JAMES L & DIANE L JTS	143 PINELOCH DR PORTLAND, ME 04103	143 PINELOCH DR	1
	WALLACE WALTER H & HOLLY B WALLACE JTS	87 OLDE BIRCH LN PORTLAND, ME 04103	87 OLDE BIRCH LN	1
	WEBER WILLIAM J & ANN P WEBER TRUSTEES	86 ROARING BROOK RD PORTLAND, ME 04103	86 ROARING BROOK RD	1
	WHITE JONATHAN M	32 ROUNDSTONE WAY PORTLAND, ME 04103	32 ROUNDSTONE WAY	0
	WISE RICHARD B KW VET & AMELIA P WISE	16 HEATHER RD PORTLAND, ME 04103	16 HEATHER RD	1
	WOLF BRUCE A & LINDA C JTS	130 PINELOCH DR PORTLAND, ME 04103	130 PINELOCH DR	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
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Total Listed: 71

68

