

318-A-33

Liberty C. H. H. H.  
29 Depwood Cir.

318-A-32 Joseph H. H. H. H.  
32 Acadia St 04103

H-17 Cottage Water Dist  
225 Douglas St 04102

A-24 Greater Port Development  
70 Blanchard Rd Group  
Cumberland Ctr, Me 04021

A-05 Dep. - Gr. Port Dev.

315-K-6 Port Water Dist - Dep.

#29 Deepwoods Drive

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Joseph E. Gray, Jr., Director, Planning & Urban Development  
FROM: Warren J. Turner, Zoning Enforcement Inspector *Warren J. Turner* DATE: September 1, 1937  
SUBJECT: Lot #11, Pineloch Woods, Phase I, Deepwoods Drive

Mr. Hermes, the new Superintendent of Schools for Portland, came in to see if he can place his garage so that the rear corner abuts the 50 foot right-of-way of the Portland Water District. Please see the attached sketch.

The lot is triangular and is therefore difficult to utilize. He has a sketch which would place the rear corner of the garage just next to the boundary of the right-of-way,

It appears that a variance could be needed if the Portland Water District right-of-way is owned by the Water District. If half of the right-of-way is on land which Mr. Hermes owns and pays taxes for, then it would be creditable toward his setbacks he needs for his garage (5 feet for an attached garage). I suspect that Mr. Hermes does not own half of the Water District right-of-way, and that it is owned by the District.

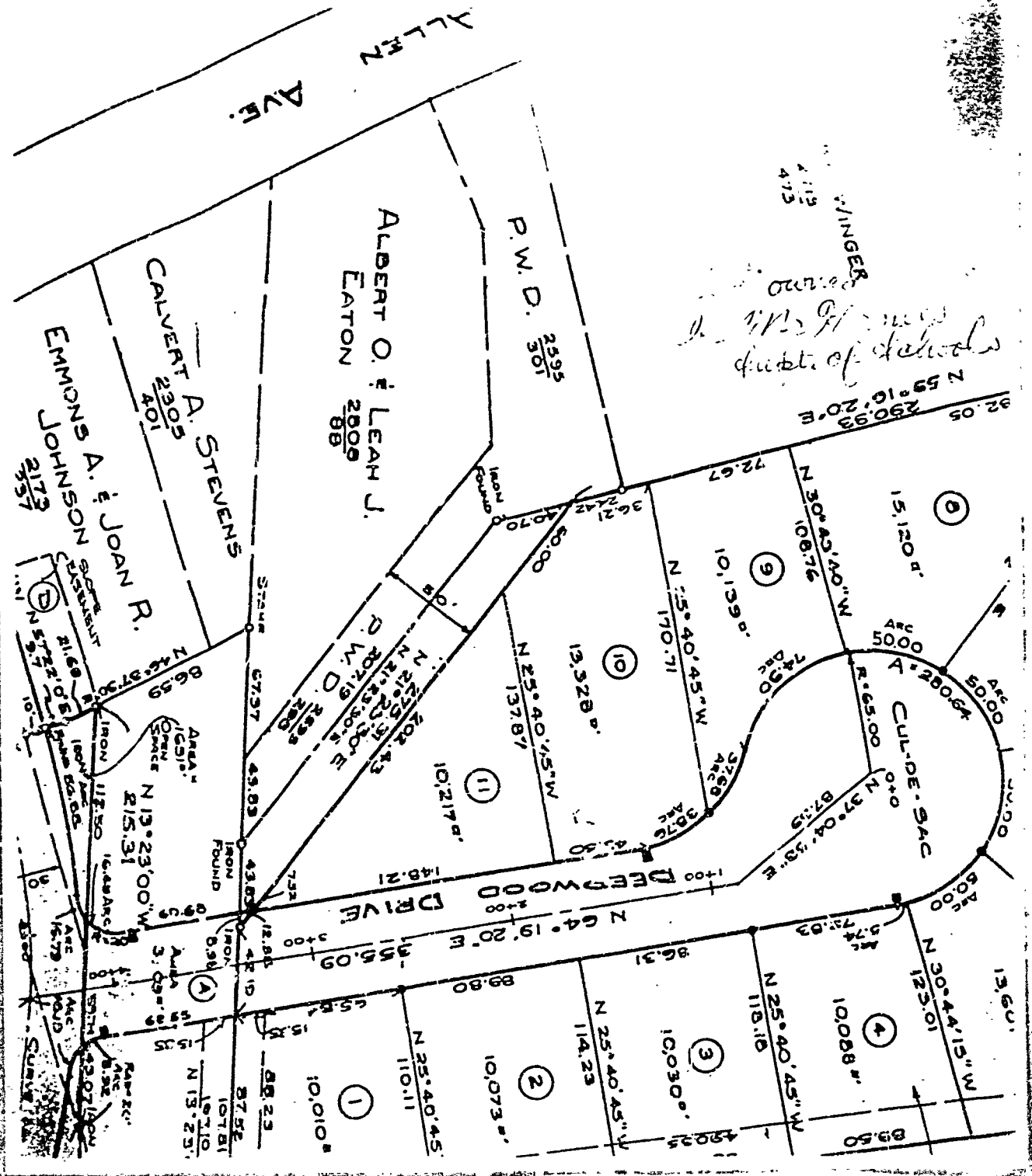
Since this right-of-way guarantees that the adjacent area will not be built upon in the same way that the lot was handled for Joe McDonough, by an administrative exception authorized by the Planning Director.

Rod Hermes resides at 29 Deepwoods Drive. His office phone is 7750900 and his residence phone is 878-2039.

Please advise this office if we can process a building permit with such a special exception.

cc: P. Samuel Hoffses, Chief, Inspection Services  
Kathleen Taylor, Code Enforcement Officer

Lot # 39 Deepwood Drive





FINDINGS OF FACT  
ALL APPEALS

TYPE OF APPEAL Space & Bulk Variance

1. Name of Applicant Rodney C. & Phillis J. Hermes

2. Address of Applicant 29 Deepwood Drive

3. Right of applicant to appeal.  
Owner X  
Option to Purchase

4. Location of property under appeal 29 Deepwood Drive

5. Zone in which the property is located R-2

6. Present use of property Single family house

7. Proposed use if the appeal is granted.  
Single family house with 2 car garage

8. Names and addresses of those appearing in support of the application:  
Rodney C. Hermes

9. Names and addresses of those appearing in opposition to the application:

10. Listing of the documentary evidence presented to the Board (e.g., plans, photos, maps, etc.)

Lot # 59 Deepwood  
Drive. VARIANCES

A variance may be granted if the Board finds that it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Ordinance would result in "undue hardship". The following questions must all be answered, with supporting findings of fact, in order to grant the appeal.

1. Can the land yield a reasonable return (not the highest return) without the granting of a variance?

Yes 6 deny the appeal)  
No 0

Reasons (including evidence) location of the garage  
not essential to reasonable return

2. Are there factors which are unique to this property, and not to the general conditions of the neighborhood, which create a need for a variance?

Yes 5  
No 1 (deny the appeal)

Reasons (including evidence) \_\_\_\_\_

3. Will the granting of the variance alter the essential character of the locality?

Yes 0 (deny the appeal)  
No 6

Reasons (including evidence) \_\_\_\_\_

4. Is the hardship a result of action taken by the applicant or a prior owner (self-created hardship)?

Yes 6 (deny the appeal)  
No 0

Reasons (including evidence) Owner was aware of  
garage location at the time of purchase

St # 29 Degeon  
Drive.

If the appeal is granted, does the Board wish to impose conditions which will further the intent and purpose of this Ordinance?

Yes \_\_\_\_\_

No \_\_\_\_\_

Specific Conditions \_\_\_\_\_

Reasons \_\_\_\_\_

Date of Public Hearing Nov. 19, 1987

Motion \_\_\_\_\_

(including conditions and findings of fact) \_\_\_\_\_

Votes in F. ... -0

Votes Opposed -6  
Philip C. King  
Thomas J. ...  
M. ...  
W. ...  
...  
Christopher C. ...

**CITY OF PORTLAND, MAINE**  
ZONING BOARD OF APPEALS



MERRILL S. SELTZER  
Chairman

JOHN C. KNOX  
Secretary

PETER F. MORELLI  
THOMAS F. JEWELL  
DAVID L. SILVERNAIL  
MICHAEL E. WESTORT  
CHRISTOPHER DINAH

29 Deepwood Drive

All persons interested either for or against this Space and Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, November 19, 1987 at 7:00 p.m. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the property as required by the Ordinance.

Mr. Rodney C. Hermes, owner of the property at 29 Deepwood Drive, under the provisions of Section 14-473(c)1 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to grant a variance permitting construction of a two car garage at the above location which will come to the easement property line instead of the 5 foot setback required by the City Zoning Ordinance. This property is in the R-2 Residence Zone.

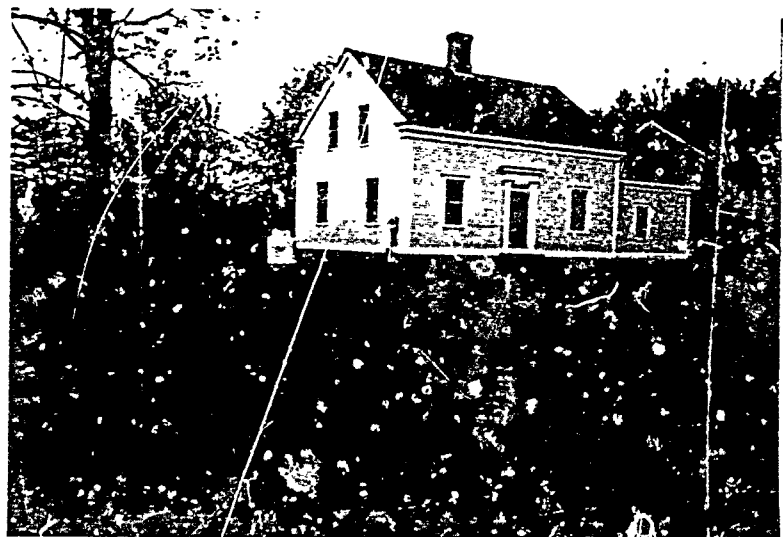
LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-473(c)1 of the Zoning Ordinance have been met.

John C. Knox  
Secretary

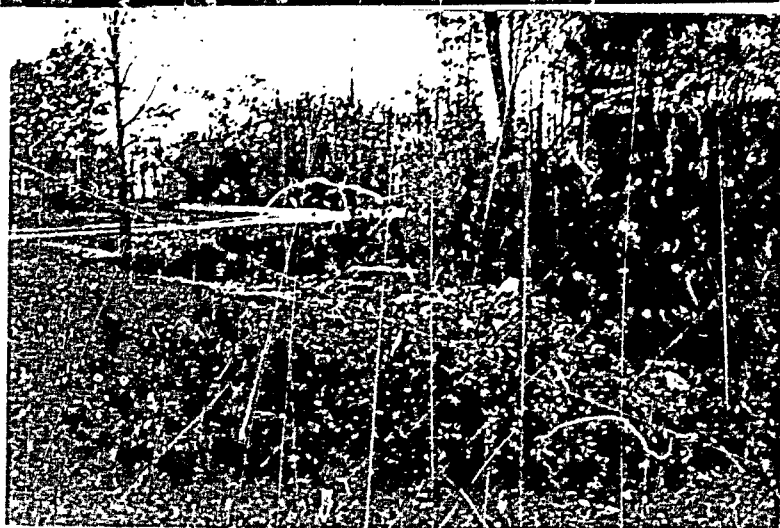
/el  
10/20/87

[illegible]

# 34  
Deepwood  
Farm



T-29  
Deepwood  
Drive.



29  
Dejeuval Drive,



**CITY OF PORTLAND, MAINE**  
ZONING BOARD OF APPEALS



29 Deepwood Drive

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MICHAEL E. WESTORT  
CHRISTOPHER DINAN

October 29, 1987

Rodney C. and Phyllis J. Hermes  
29 Deepwood Drive  
Portland, Maine 04103

Dear Mr. and Mrs. Hermes:

This will acknowledge receipt of your application for a space and bulk variance for your property at 29 Deepwood Drive in Pineloch Woods Subdivision. In your request for a variance you request permission to construct a two car garage addition which would abut a Portland Water District right-of-way for a 24-inch water main which borders this triangular shaped lot.

Due to the fact that your lot is triangular in shape, there is presently only fifteen feet on the side in which your two car garage is located. It is my understanding that if this variance is granted, you will convert the existing garage to a family room and then add a new two car garage on the side in which the right-of-way is located. But in order to attach the garage to the house, it will require this variance so that the new garage may be installed abutting the right of way. The Portland Water District has no objection to this proposal. A letter has been received to this effect from Mr. Donald Wyman, Director of Marketing and Customer Relations.

This item will appear on the agenda for the meeting of the Board of Appeals on Thursday evening, November 19th, 1987, at 7 P.M. in Room 209, City Hall, Portland, Maine. A copy of the agenda for this meeting will be mailed as soon as copies become available for distribution.

Sincerely,

*Warren J. Turner*

Warren J. Turner

Zoning Enforcement Inspector

cc: Merrill S. Seltzer, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director, Planning & Urban Development  
Alexander Jaegerman, Chief Planner  
P. Samuel Hoffses, Chief, Inspection Services  
Kathleen Taylor, Code Enforcement Officer

**CITY OF PORTLAND, MAINE**  
ZONING BOARD OF APPEALS



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MICHAEL E. WESTORT  
CHRISTOPHER DINAN

29 Deepwood Drive

November 24, 1987

Mr. Rodney C. Hermes  
29 Deepwood Drive  
Portland, Maine 04103

Dear Mr. Hermes:

At the evening meeting of the Board of Appeals on November 19th, the Board voted by a unanimous vote to deny your variance request for a waiver of the five (5) foot side yard requirement for an attached two car garage in the R-2 Residence Zone. Section 14-80(4) of the City Zoning Ordinance requires a five foot side yard setback for an attached garage.

A copy of the decision in this matter is enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Warren J. Turner".

Warren J. Turner  
Zoning Enforcement Inspector

Enclosure: Decision

cc: Merrill S. Seltzer, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director, Planning & Urban Development  
Alexander Jaegerman, Chief Planner  
P. Samuel Hoffses, Chief, Inspection Services  
Kathleen Taylor, Code Enforcement Officer



## CITY OF PORTLAND

### VARIANCE APPEAL

#### APPLICATION

Applicant's name and address: RODNEY C. HERMES  
29 DEEPWOOD DR. PORTLAND, ME. 04103

Applicant's interest in property (e.g., owner, purchase, etc.):  
OWNER

Owner's name and address (if different): \_\_\_\_\_

Address of property (or Assessor's chart, block and lot number):  
29 DEEPWOOD DR. PORTLAND, ME. 04103

Zone: R-2 Present use: RESIDENCE

Variance from: Section 14- \_\_\_\_\_

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

The undersigned hereby makes application for a variance as above-described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: OCT. 13, 1981

Rodney C. Hermes  
Signature of Applicant

29

29 Deepwood Drive  
Portland, Maine 04103

October 13, 1987

City of Portland  
Board of Appeals  
Room 315, City hall  
Portland, ME 04102

Dear Board of Appeals:

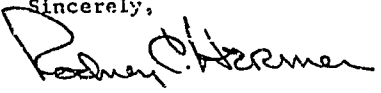
I am seeking a variance that will allow me to appropriately locate a double garage on an irregular shaped lot (Please refer to enclosed Pineloch Woods Subdivision Map - Lot # 11). The existing new home which we recently purchased was placed such that the entry to the garage is on the west side of the home and is only fifteen feet from the neighboring lot line. This turning radius is not sufficient to safely or conveniently enter the garage at either door. We have already damaged one car in seeking to utilize the garage. We recognized this design flaw at the time of purchase and have planned to relocate the garage and convert the present garage to living space. Because of the triangular shape of the lot, the subdivision requirement of an attached garage, and the side set back requirements - we are unable to build a double garage without a variance that will allow a back corner of the garage (See site plan) to come to the East lot line abutting the Portland Water District owned easement. A waiver of the five-foot side setback requirement for the garage corner will not locate a structure near to a neighbor. Street set back requirements are fully met. The Water District owned easement property will not be built upon. I have discussed this variance request with Mr. Donald Wyman and Mr. Norman Twaddel of the Water District. They do not oppose the variance request or consider it obtrusive (See attached letter). No other property is affected.

I address the variance requirements as follows:

- A. Insofar as this is a residence the question of reasonable return is not applicable.
- B. The variance request is due to the unique shape of the lot and the existing location of the house and garage. This is not a general condition of the neighborhood and would not have general application, nor will it have a negative effect on any other home.
- C. A variance from the five foot side set back requirement to allow a corner of the garage to come to the easement property line will not alter the essential character of the area.
- D. The hardship is not a result of action I have taken. I am seeking to correct a design problem.

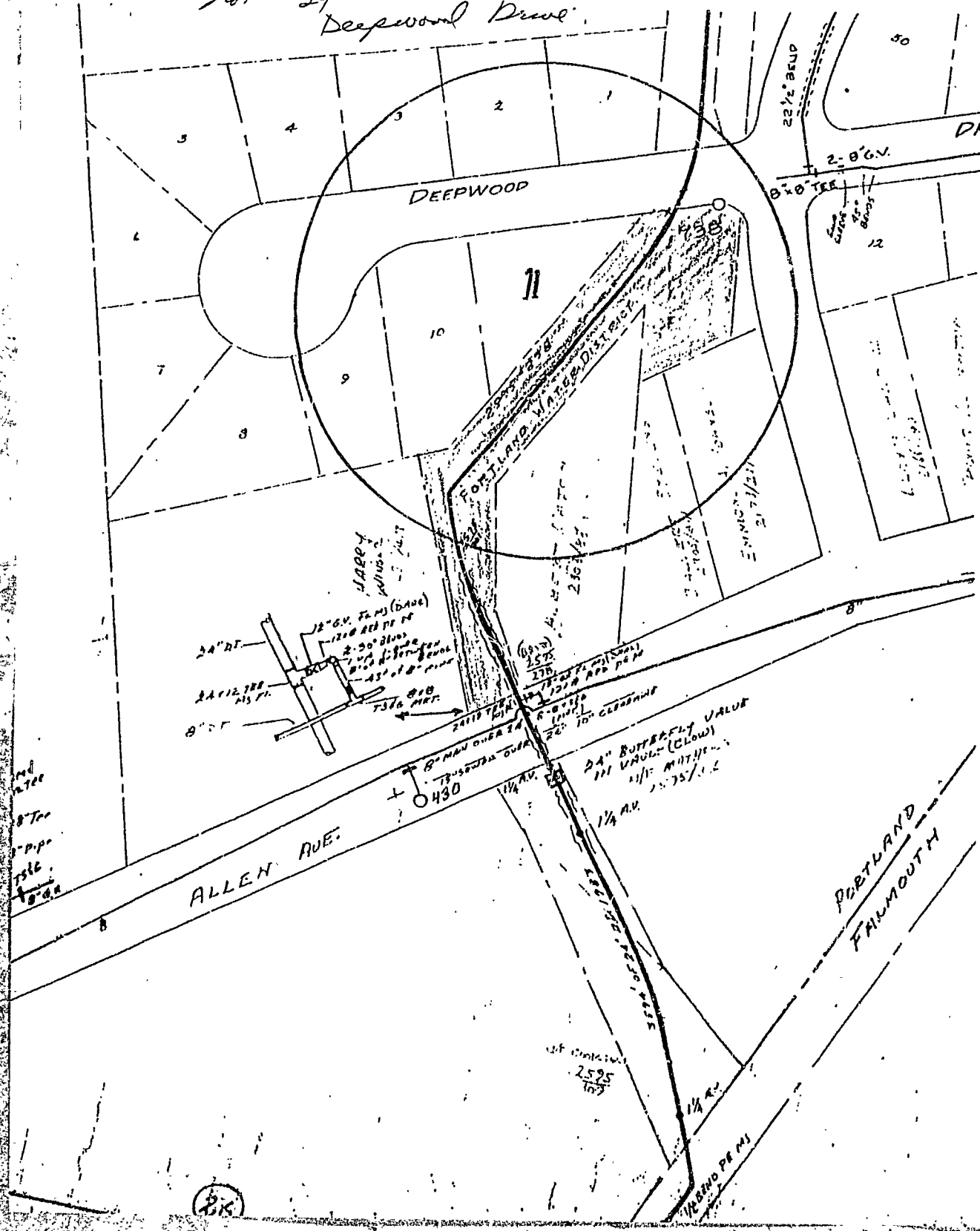
Thank you for your consideration.

Sincerely,

  
Rodney C. Hermes

Enclosures:

Lot # 29  
Deepwood Drive



Lot 29

DEERWOOD

155'

PROPOSED

EXISTING

10' 151'

PORTLAND WATER DISTRICT

22 1/2' 3500'

8' x 8' T.E.R.

130

7/1/27

APPROXIMATE  
SITE PLAN  
1/8" = 1'

DEED DRIVE

30' STREET

EXISTING  
GARAGE

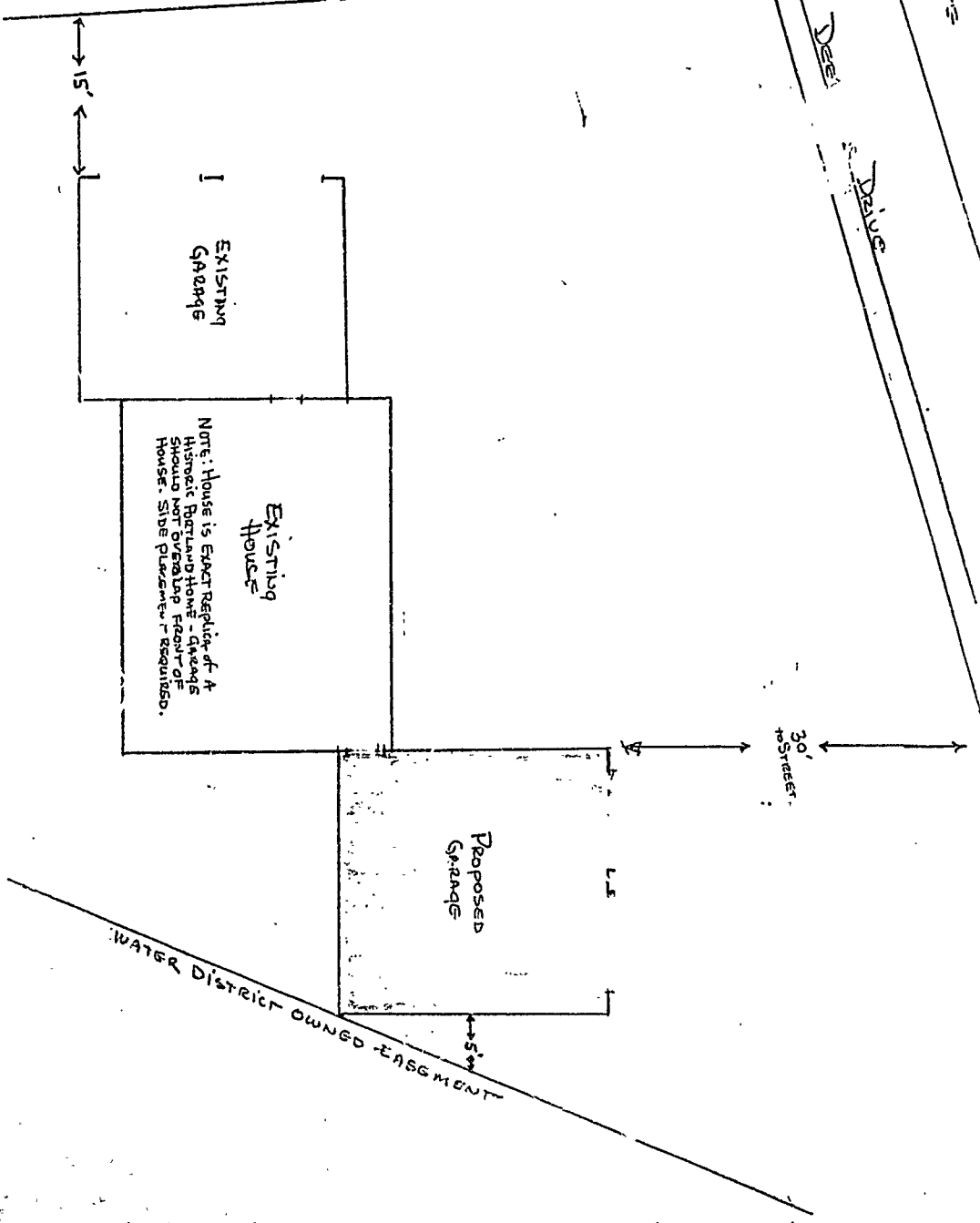
EXISTING  
HOUSE

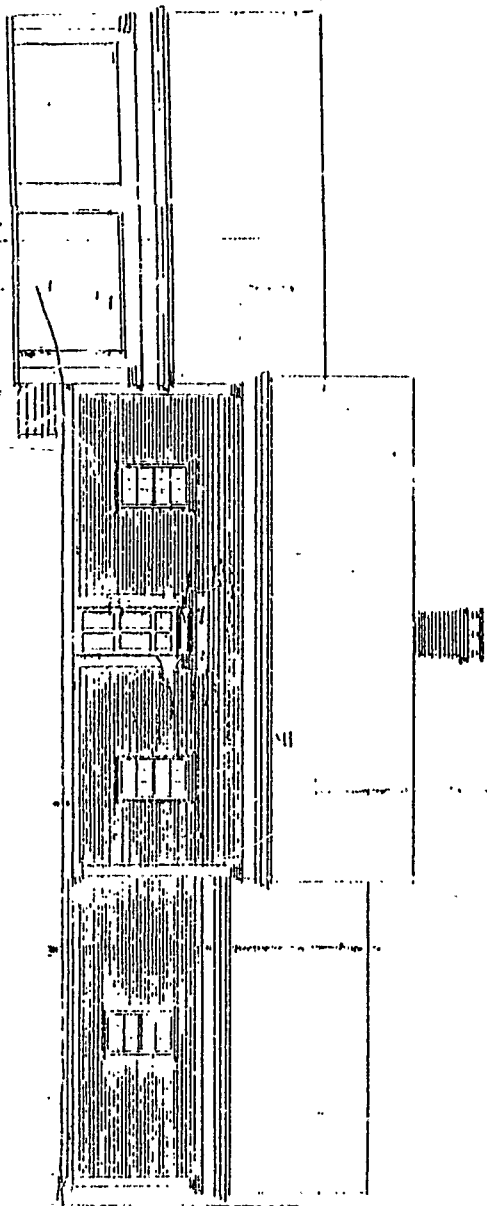
NOTE: House is exact replica of a  
Hinsdale Portland House - Garages  
should not overlap front of  
house. Side placement required.

PROPOSED  
GARAGE

WATER DISTRICT OWNED EASEMENT

Lot # 29  
Deep River Drive





29  
Sequoy  
Drive

Lot #



225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

(207) 774-5961

October 16, 1987

Mr. Rodney C. Hermes  
29 Deepwood Drive  
Portland, ME 04103

Dear Mr. Hermes:

This letter confirms our conversation of October 14th regarding the positioning of a new garage you propose to build at the above address.

It is the District's understanding that you propose to build a 24' x 24' two-car garage that will attach to your house, and abut the District's 24" water main right-of-way that borders the easterly side of your property. After reviewing your plans, the District has no objection to your siting of the garage so that it abuts the sideline of our right-of-way.

Thank you for informing us of your plans.

Very truly yours,

Donald E. Wyman  
Director of Marketing/Customer Relations

DEW/d



