

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

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

October 13, 2010

Richard Libby
495 Allen Avenue
Portland, ME 04103

RE: 495 Allen Avenue
CBL: 400 D012
ZONE: R-6

Dear Mr. Libby,

At the October 7, 2010 meeting, the Zoning Board of Appeals voted 4-0 to grant the conditional use appeal to add an accessory dwelling unit to your single family home. I have enclosed a copy of the Board's decision.

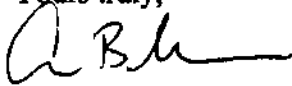
Now that the conditional use appeal has been approved, you need to submit a Change of Use application to the Building Inspections Division to change the use of the property from a single family dwelling to a single family dwelling with an accessory dwelling unit. Enclosed is an application for your change of use. You have six months from the date of the hearing, October 7, 2010, referenced under section 14-474 (f), to apply for the change of use, or your Zoning Board approval will expire.

I have also enclosed an Application for Administrative Authorization. Section 14-88(a)(2)(i) 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 "A B Machado", with a long horizontal flourish extending to the right.

Ann B. Machado
Zoning Specialist

Cc. file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: October 12, 2010

RE: Action taken by the Zoning Board of Appeals on October 7, 2010.

Members Present: Phil Saucier (chair), William Getz, Gordon Smith (secretary), Mark Bower

Members Absent: Sara Moppin, and Jill Hunter

1. Old Business:

A. 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 grant the practical difficulty variance appeal to reduce the required side setback to nine feet, the required rear setback to ten feet and to increase the maximum allowable lot coverage to 54.63% in order to add a side porch.**

2. New Business:

A. Disability Variance Appeal:

220-224 Virginia Street, Hazel Rideout, owner, Tax Map 400, Block B, Lots 021 & 022, R-3

Residential Zone: The appellant is seeking a disability variance under section 14-473(c)(2) to install a handicap ramp. The appellant is requesting a front yard setback of eight feet instead of the required twenty five foot setback [section 14-90(d)(1)]. Representing the appeal is the contractor, David DiPietro.

The Board voted 4-0 to grant the disability variance appeal to reduce the required front setback to eight feet in order to install a handicap ramp.

B. Conditional Use Appeal:

491-501 Allen Avenue, Richard Libby, owner, Tax Map 400, Block D, Lot 012, R-3 Residential Zone:

The appellant is seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to his single family dwelling. Representing the appeal is the owner. **The Board voted 4-0 to grant the conditional use appeal to add an accessory dwelling unit.**

C. Practical Difficulty Appeal:

343-349 Palmer Avenue, Mary Heselton, owner, Tax Map 353, Block C, Lot 008, R-2 Residential Zone:

The appellant is pursuing a conditional use appeal to add an accessory dwelling unit to her single family dwelling. Section 14- 78(a)(2)(g) requires that parking for the accessory dwelling unit shall meet the parking requirements. Section 14-332(a)(2) requires that one additional parking space is required for the additional unit. Section 14-336(a) states that the required off street parking cannot be located in the front yard setback. The appellant is requesting a variance for the front yard setback from a required twenty-five feet [section 14-80(d)(1)] to thirteen feet for the required off street parking. Representing the appeal is the owner's ex-husband, Dale Heselton. **The appeal was withdrawn because section 14-332(a)(2) no longer requires an additional parking space if the parking spaces that exist exceed one space for each dwelling unit.**

D. Conditional Use Appeal:

343-349 Palmer Avenue, Mary Heselton, owner, Tax Map 353, Block C, Lot 008, R-2 Residential Zone:

The appellant is seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to her single family dwelling. Representing the appeal is the owner's ex-husband, Dale Heselton. **The Board voted 4-0 to grant the conditional use appeal to add an accessory dwelling unit.**

2. Other Business:

Election of Chair and Secretary for the Zoning Board of Appeals. The Board voted to postpone the elections until the next meeting.

Enclosure:

Decision for Agenda from October 7, 2010

Original Zoning Board Decision

One dvd

CC: Joseph Gray, City Manager

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

Alex Jaegerman, Planning Division

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

R-3 Residential Zone Accessory Unit

Conditional Use Appeal

DECISION

Date of public hearing: October 7, 2010

Name and address of applicant: Richard Libby
495 Allen Avenue
Portland, ME 04103

Location of property under appeal: 495 Allen Avenue

For the Record:

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

Richard LIBBY, Applicant

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

2 emails from Abbuteres in support

Findings of Fact and Conclusions of Law:

Applicant is proposing to add an accessory unit to his existing single family dwelling. The gross floor area of the principal building is 2,556 sq. feet. The accessory unit will be 754.75 sq. ft., which is equal to 29% of the gross floor area of the principle building. There will be no open outside stairways or fire escapes above the ground floor. The lot size is 22,490 sq. ft.

A. Conditional Use Standards pursuant to Portland City Code §14-88(a)(2):

1. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit.

Satisfied Not Satisfied

Reason and supporting facts:

Existing Structure is 2,556 square feet

30% = 766.8 sq. ft.

Proposed Accessory unit is 754.75 sq. ft.

2. There shall be no open outside stairways or fire escapes above the ground floor.

Satisfied Not Satisfied

Reason and supporting facts:

Included per plans

3. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling.

Satisfied Not Satisfied

Reason and supporting facts:

only exterior alteration is small roof change that will match existing materials

4. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required.

Satisfied Not Satisfied

Reason and supporting facts:

plans indicate lot size is 23,400 sq. ft.

5. No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic.

Satisfied Not Satisfied

Reason and supporting facts:

Both units to exceed 1,000 sq ft.
per plans

6. Parking shall be provided as required by division 20 of this article: 1 off-street parking space per new unit (14-332(a)(2)).

Satisfied Not Satisfied

Reason and supporting facts:

per plans

7. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

Satisfied Not Satisfied

Reason and supporting facts:

Applicant / owner to occupy accessory unit.

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes ___ No

Reason and supporting facts:

no unique characteristics per plans & testimony.

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes ___ No ___

Reason and supporting facts:

testimony of neighbors in favor of Application

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes ___ No ___

Reason and supporting facts:

no different than any other accessory unit

Conclusion: (check one)

Option 1: The Board finds that all of the standards (1 through 7) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.

Option 2: The Board finds that all of the standards (1 through 7) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, 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:

Option 3: The Board finds that not all of the standards (1 through 7) described in section A above have been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

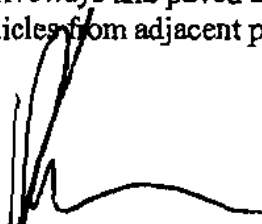
Please note that, pursuant to Portland City Code 14-88(a)(2)(i), if approved the project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

1. Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building; and

2. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.

Dated:

10/7/10



Board Chair

Members present: Phil Sauer - Gordon Smith - Bill Getz - MARK Bower

CITY OF PORTLAND, MAINE

Members Absent: Jill Hunter - SARA Hoppin -

APPEAL AGENDA

Wed at 9:00 AM to meet with New ZBA member

The Board of Appeals will hold a public hearing on Thursday, October 7, 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 Appeals:

Granted
A-Ø

1. Old Business:

A. 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.

Granted
A-Ø

2. New Business:

A. Disability Variance Appeal:

220-224 Virginia Street, Hazel Rideout, owner, Tax Map 400, Block B, Lots 021 & 022,

R-3 Residential Zone: The appellant is seeking a disability variance under section 14-473(c)(2) to install a handicap ramp. The appellant is requesting a front yard setback of eight feet instead of the required twenty five foot setback [section 14-90(d)(1)].

Representing the appeal is the contractor, David DiPietro.

intended to be removed when
No longer needed

Granted
A-Ø

B. Conditional Use Appeal:

491-501 Allen Avenue, Richard Libby, owner, Tax Map 400, Block D, Lot 012, R-3

Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to his single family dwelling. Representing the appeal is the owner.

C. Practical Difficulty Appeal:

343-349 Palmer Avenue, Mary Heselton, owner, Tax Map 353, Block C, Lot 008, R-2

Residential Zone: The appellant is pursuing a conditional use appeal to add an accessory dwelling unit to her single family dwelling. Section 14-78(a)(2)(g) requires that parking for the accessory dwelling unit shall meet the parking requirements. Section 14-332(a)(2) requires that one additional parking space is required for the additional unit.

Section 14-336(a) states that the required off street parking cannot be located in the front yard setback. The appellant is requesting a variance for the front yard setback from a required twenty-five feet [section 14-80(d)(1)] to thirteen feet for the required off street parking. Representing the appeal is the owner's ex-husband, Dale Heselton.

With no longer required under 332(a)(2)

Granted
A-Ø

D. Conditional Use Appeal:

343-349 Palmer Avenue, Mary Heselton, owner, Tax Map 353, Block C, Lot 008, R-2

Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to her single family dwelling. Representing the appeal is the owner's ex-husband, Dale Heselton.

3. Other Business:

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

4. Adjournment: 7:30pm



Planning and Development Department
 Zoning Board of Appeals
 Conditional Use Appeal Application

Applicant Information:

Name Richard Libby

Business Name NA

Address 495+ ALLEN AVE

PORTLAND, ME 04103

Telephone 207-653-4185 Fax N/A

Subject Property Information:

Property Address 495+ ALLEN AVE, PORTLAND, 04103

Assessor's Reference (Char-Block-Lot) 400-D-12

Property Owner (if different):

Name NA

Address _____

RECEIVED

SEP 20 2010

Telephone _____ Fax _____

Conditional Use Authorized Dept. of Building Inspections
City of Portland

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

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

Current Zoning Designation: R-3

Existing Use of Property:

SINGLE family

Type of Conditional Use Proposed:

single-family unit w/
 accessory dwelling unit

Standards:

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- (a) There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- (b) There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- (c) Such impact differs substantially from the impact which would normally occur from such a use in that zone.

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

The undersigned hereby makes application for a conditional use permit 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.

Signature of Applicant Richard Libby

Date Sept 17, 2010

495r Allen Avenue
Portland, ME 04103
September 17, 2010

To the Zoning Board:

I thank you for the opportunity to present my request to the zoning board. I have enclosed in my application packet all information requested. I believe that the details should be more than adequate to make a decision. I reviewed the three Standards on the application form. I believe the documentation I've provided will show that the answer to each is a no.

What do I want to do? Quite simply, I want to convert a portion of the total living space of my home into a small, separate living space, at the back of my home, for me. I can then rent out the remaining portion of my home. My home is a large, 200-year-old farm house that has grown too large and too expensive for me to maintain. I am 70-years-old, live alone and have lived in my home for 60 years. I would like to have the option to stay in my home. A conditional use permit would allow me to do so.

I retired in 2004. Since then my financial situation has deteriorated, as has the situation of many of my fellow retirees. While my income has dropped, I can't say the same for my expenses. Thus, it's important that I obtain this conditional use permit as without it I'll be forced to move and suffer a substantial loss from the sale of my home.

I thank you for your consideration and look forward to the October 7th meeting, at which time I can answer any remaining questions.

Yours truly,



Richard Libby

No 400

SHEET 378-B

ALLEN

SHEET 401-B

2
94991

6
1 23056

13
9052

18
13530

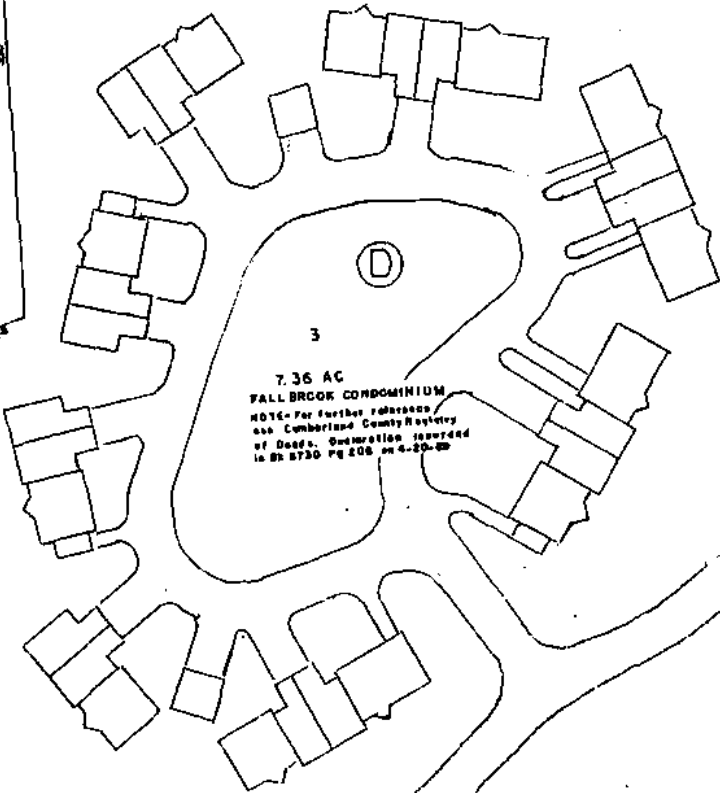
12
22490

15
12513

9
8393

B
8000

4
8018



3
7.36 AC
FALL BROOK CONDOMINIUM
NOTE: For further references
see Cumberland County Registry
of Deeds, Declaration recorded
in Bk 8730 Pg 208 on 4-20-88

NOTE: For further reference
see Cumberland County Registry
of Deeds, Declaration recorded
in Bk 7291 Pg 211 Detab 7-30-84

458 ALLEN AVENUE
THE RESIDENCES

SHEET 401-A

SHEET 401-B
392'72" TOTAL

1207'01"

N 63° 29' 00" W

S 76° 59' 40" W 166.98

1

EXHIBIT A (SHEET 1)

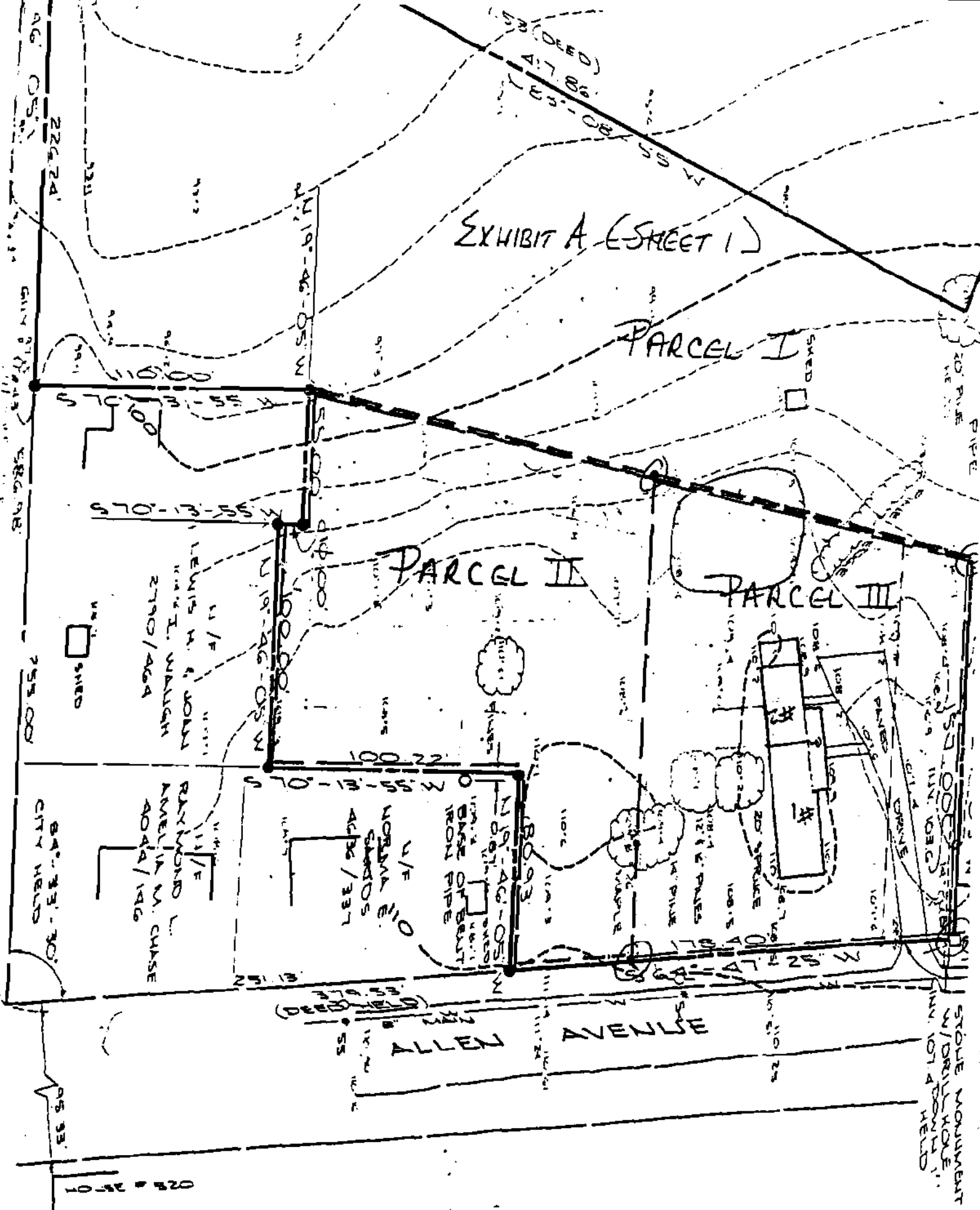
PARCEL I

PARCEL II

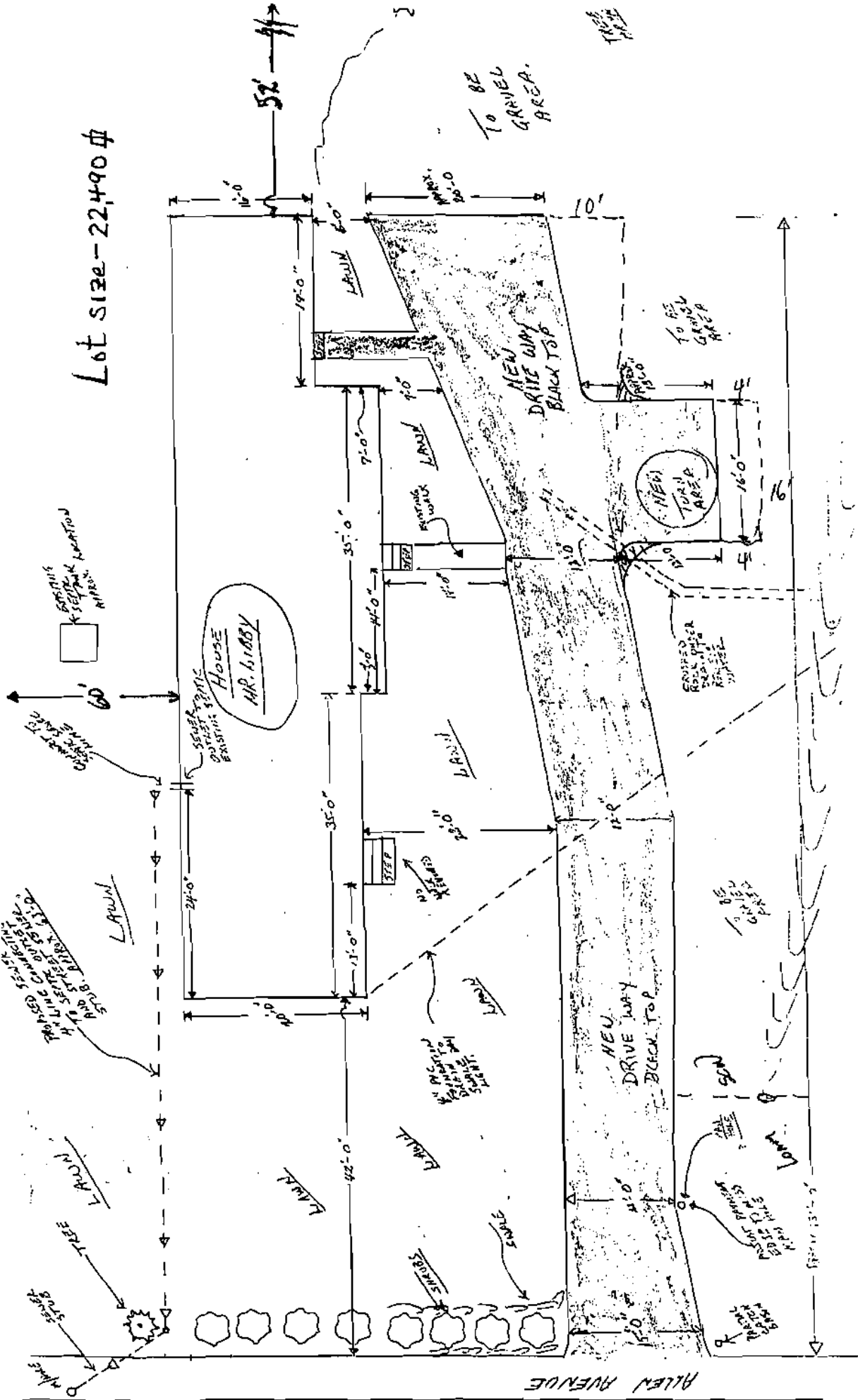
PARCEL III

ALLEN AVENUE

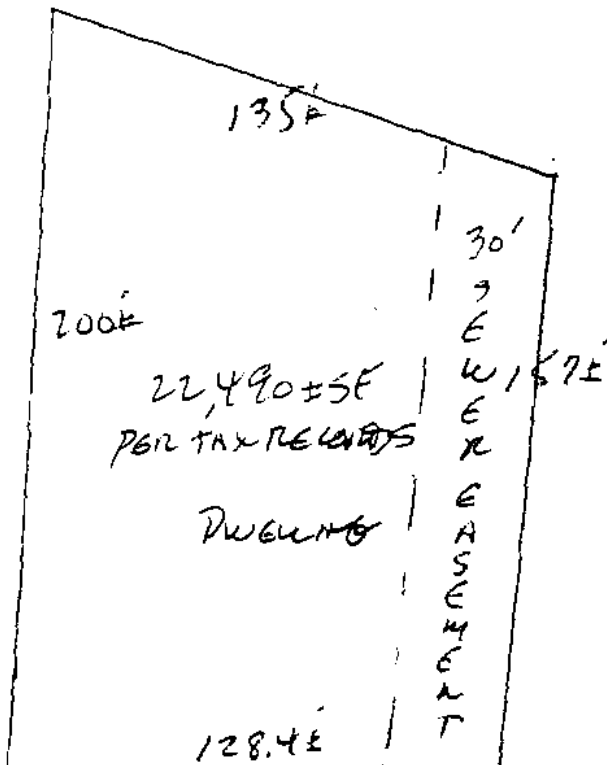
STONE MONUMENT
W/DRILL HOLE
IN LOT A
HELD



Lot size - 22,490 sq ft



SITE SKETCH



ALLEN AVENUE

SCALE: 1" = 50'

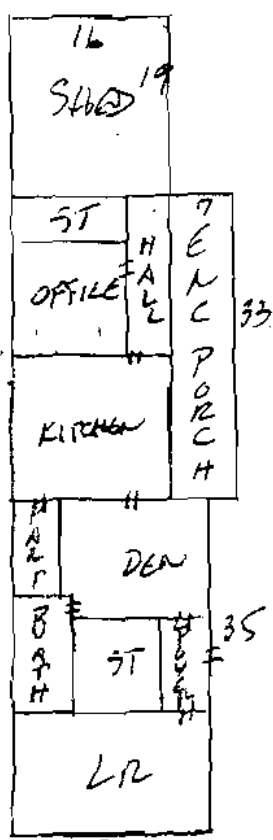
DWELLING SKETCH - FLOOR PLAN

1ST FLOOR

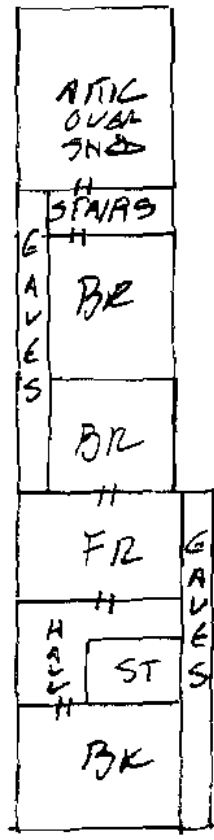
$$20 \times 35 = 700$$

$$16 \times 33 = 528$$

$$1228 \pm SF$$



2nd FLOOR



$$17 \times 35 = 595$$

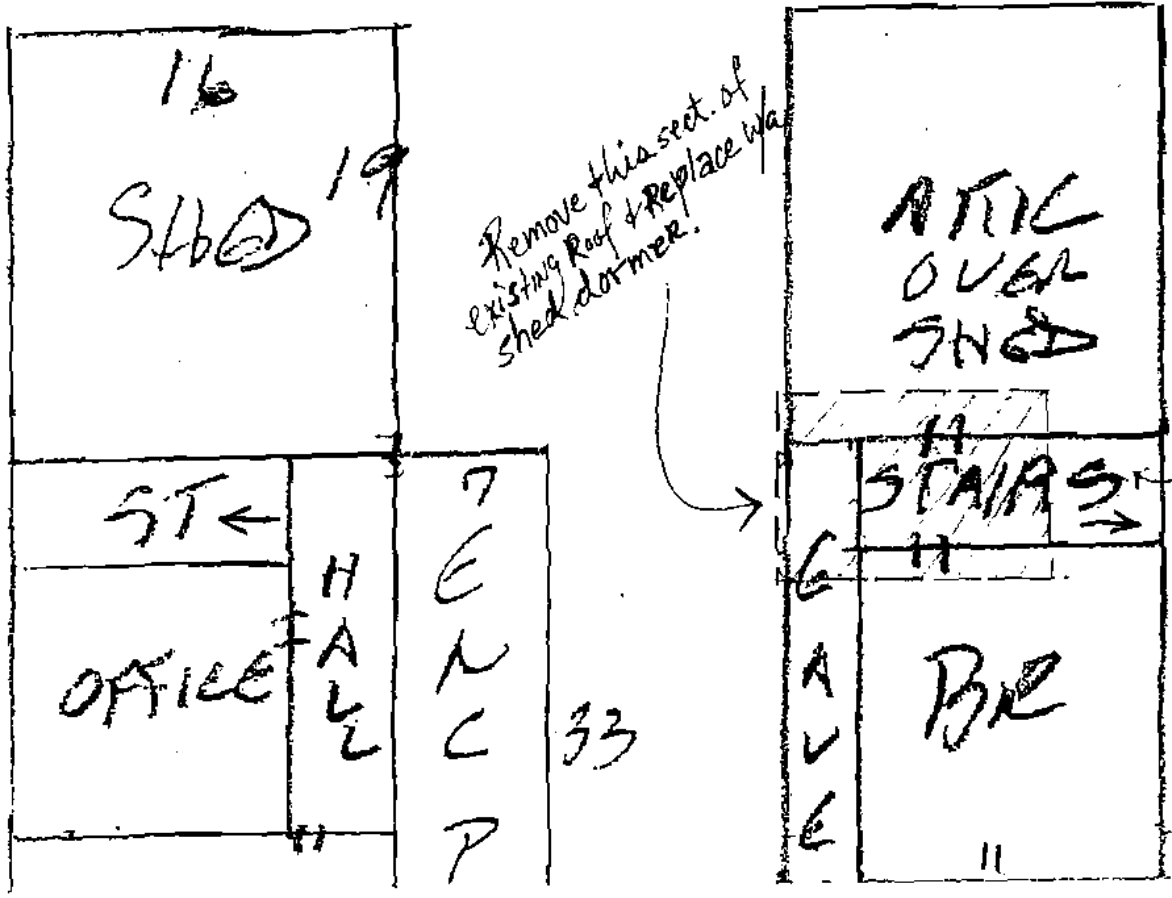
$$13 \times 33 = 429$$

$$1024 \pm SF$$

③

4951 ALLEN

AVENUE



1st Floor

2nd Floor

total square footage = 485 (1st floor)
 269.75 (2nd floor)

 754.75

(OK)

30% = total floor area (25520) = 766.8

16 x 19 = 304

12 x 3 = 36

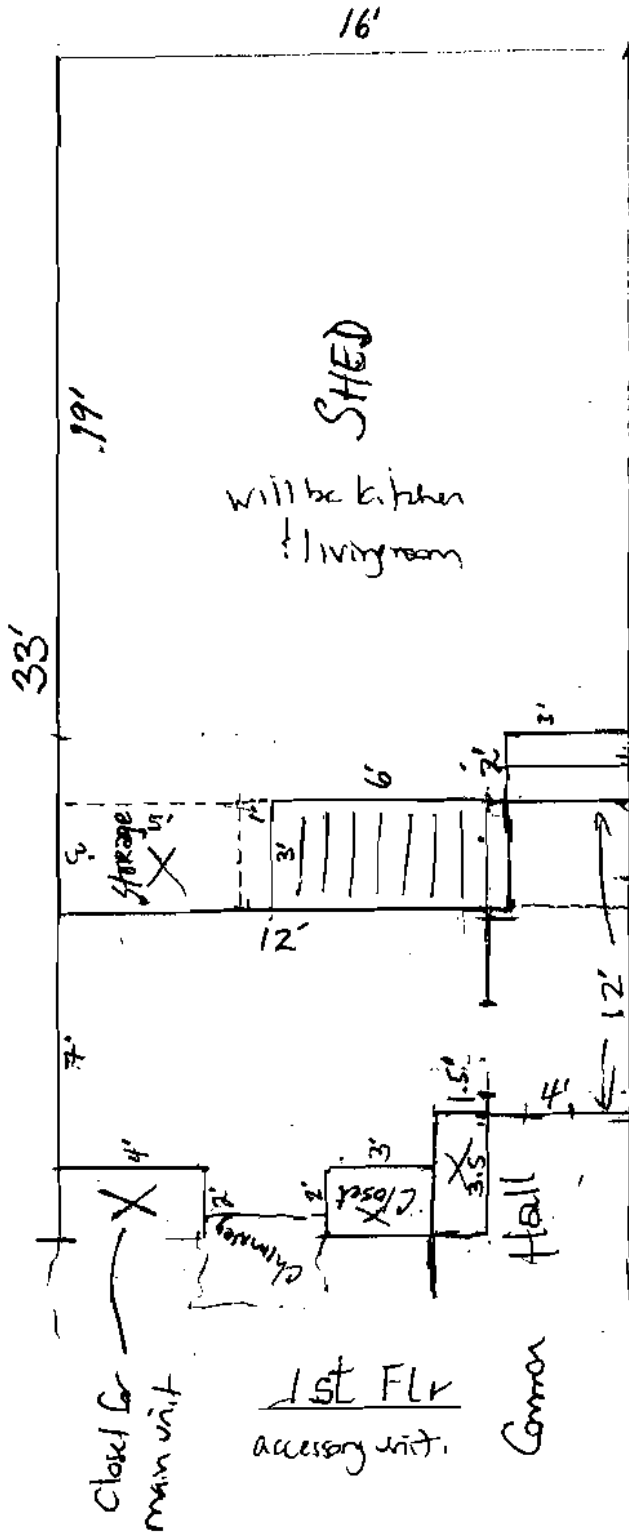
12 x 4 = 48

7 x 12 = 84

2 x 35 = 70

2 x 3 = 6

485

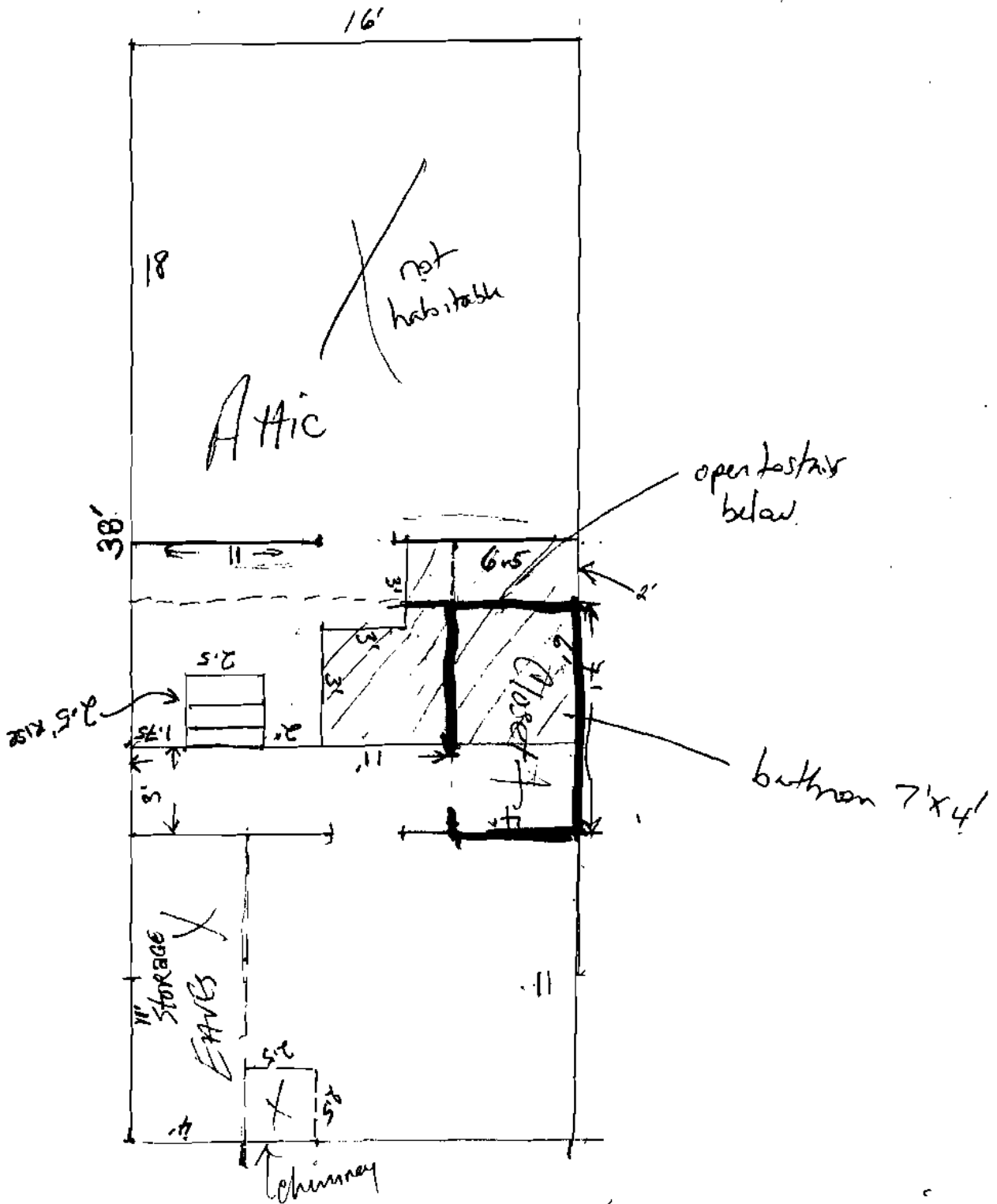


Scale - 3/16" = 1'

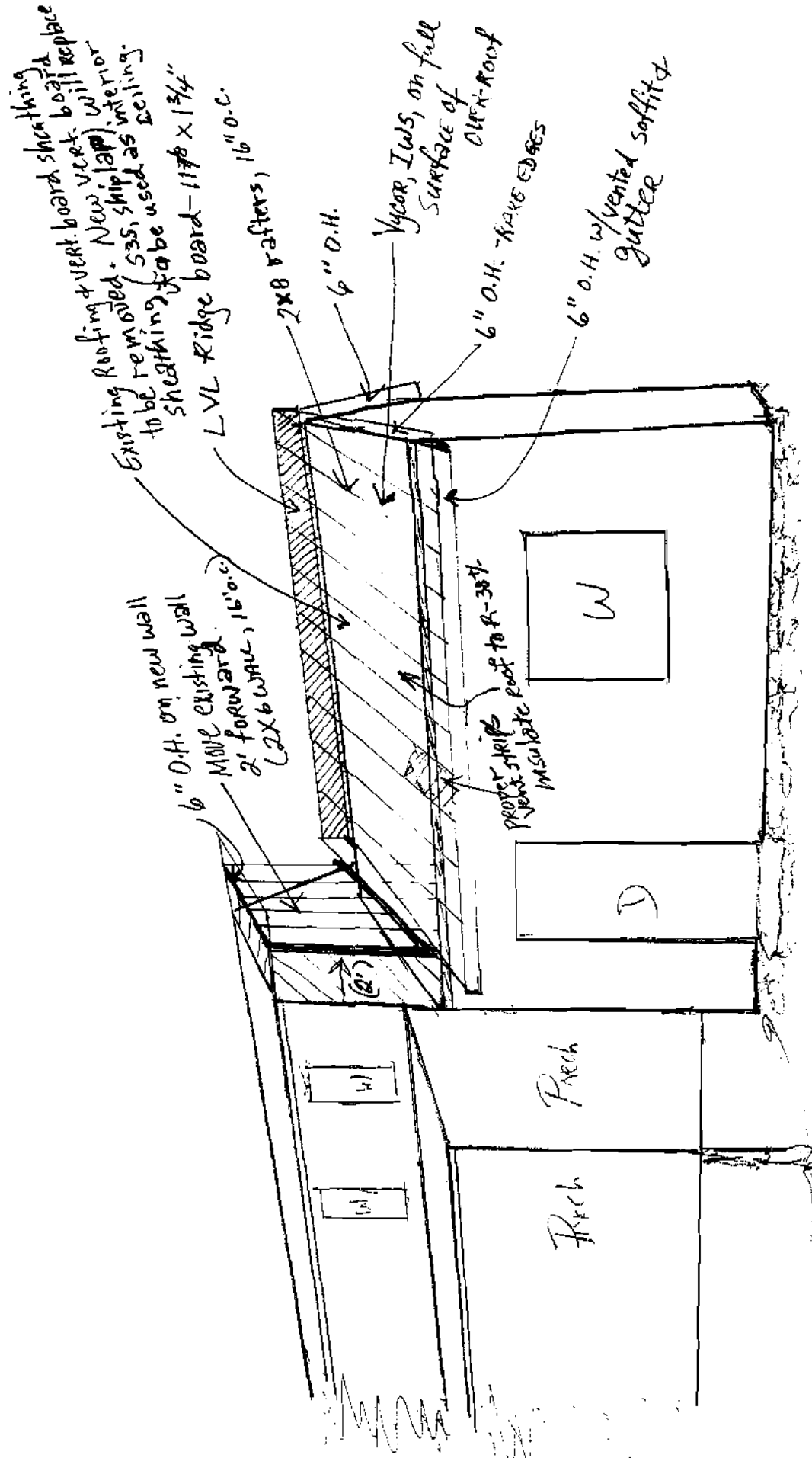
$$9 \times 16 = 144$$

$$11 \times 12 = 132$$

$$\begin{array}{r} 276 \\ - 6.25 \text{ (chimney)} \\ \hline 269.75 \end{array}$$

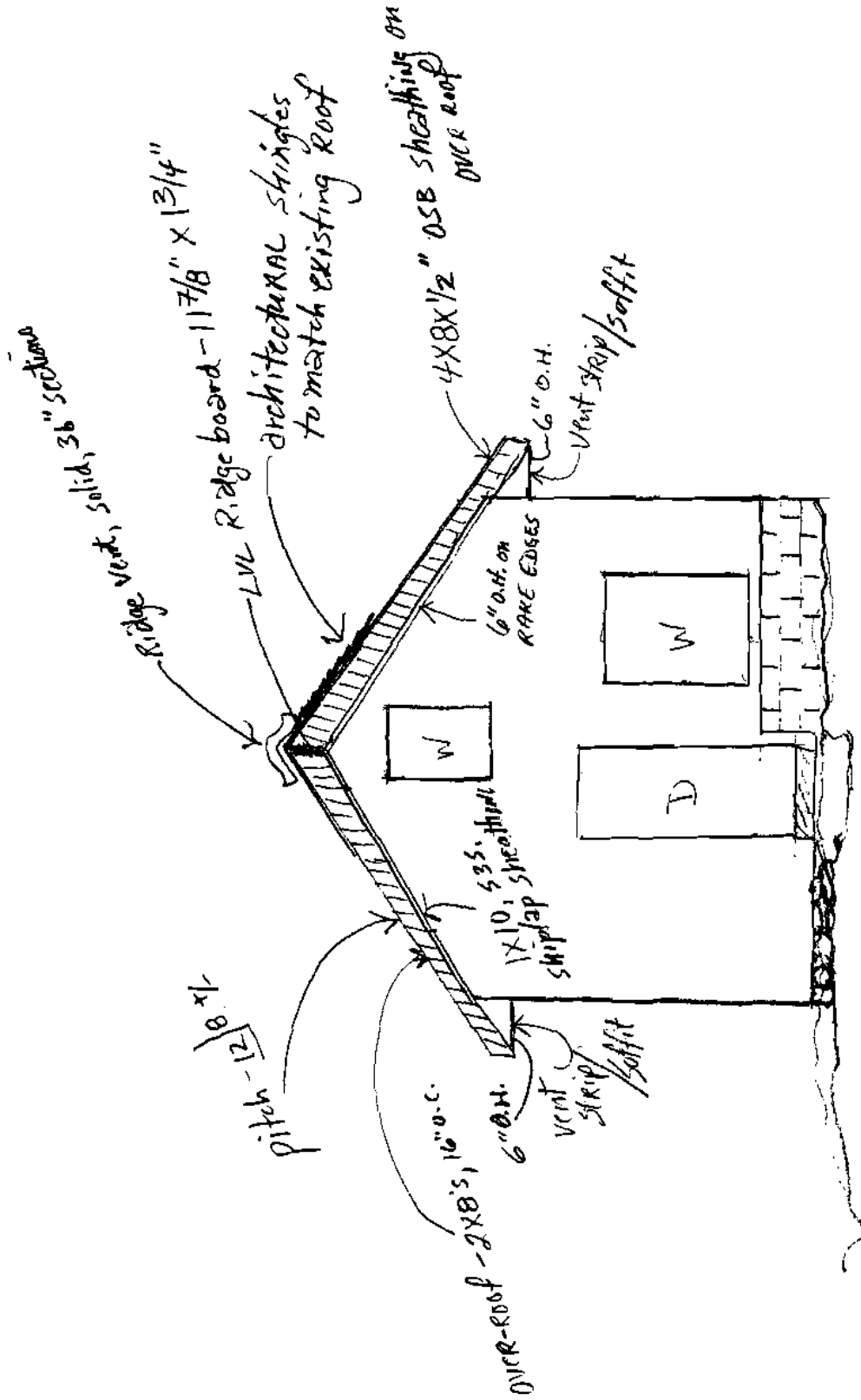


2nd Floor - accessory unit.



Ex.A 10/2 Side Elevation - W. Side

7

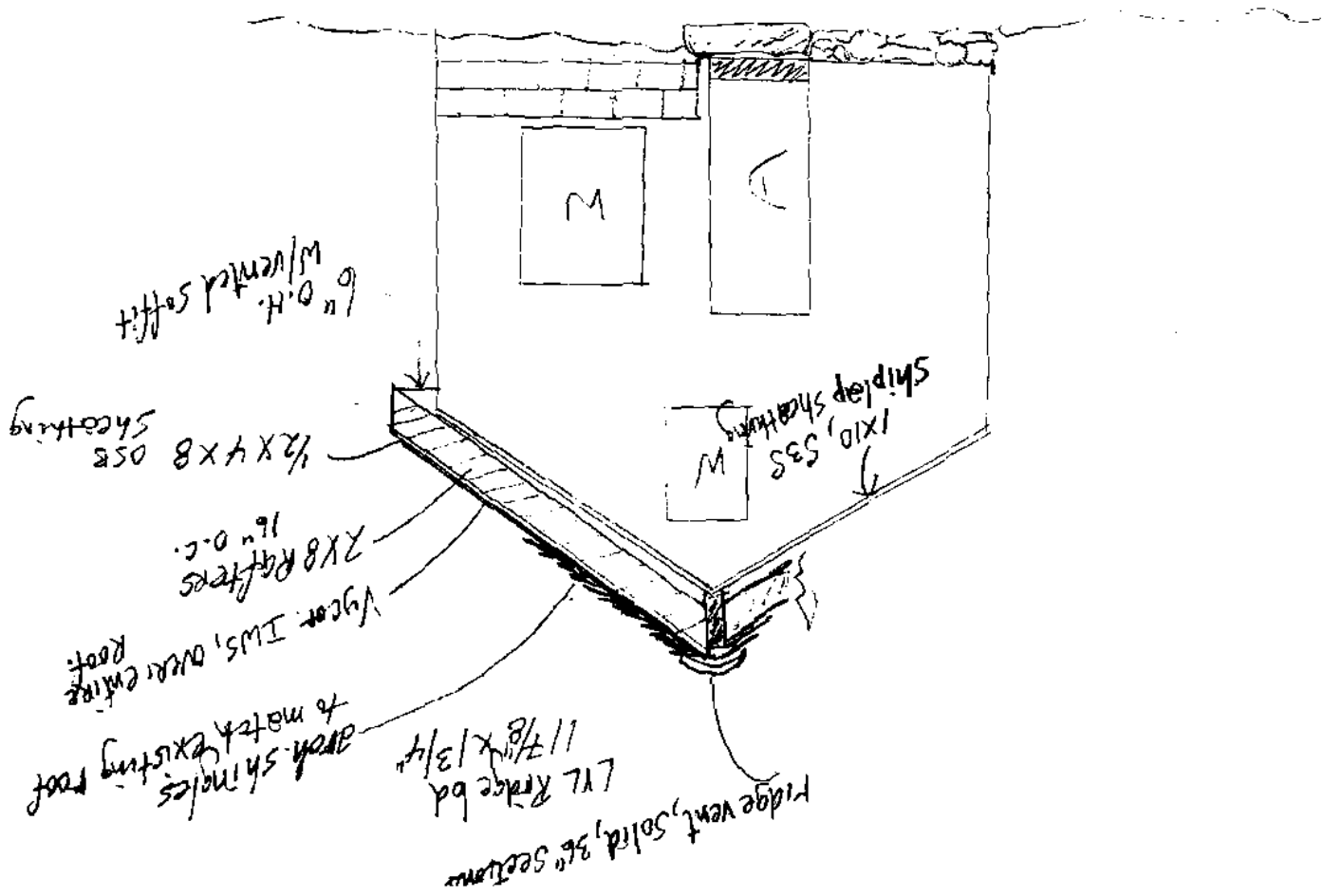


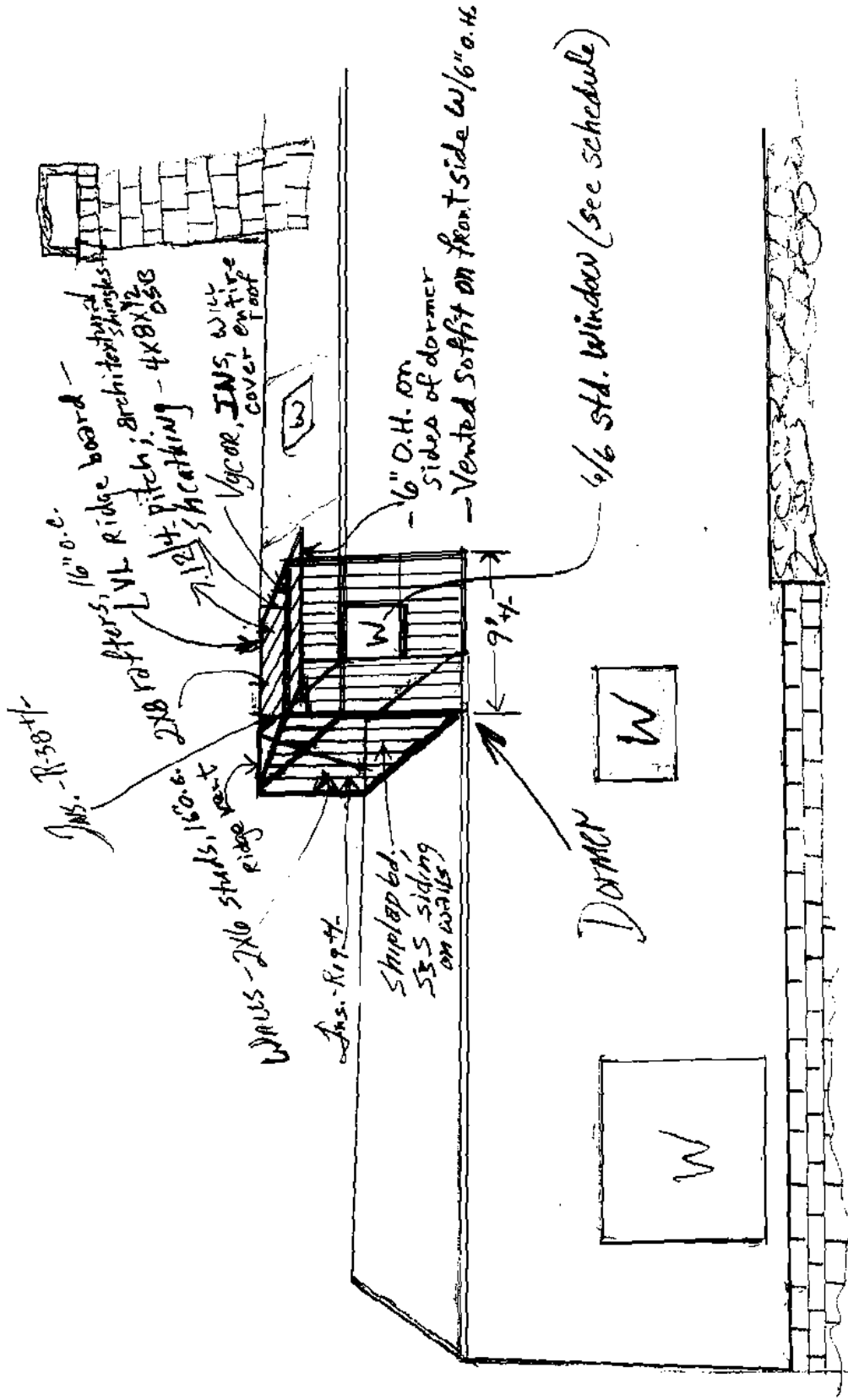
EX-B-143 END ELEVATION - S. END

80

(8)

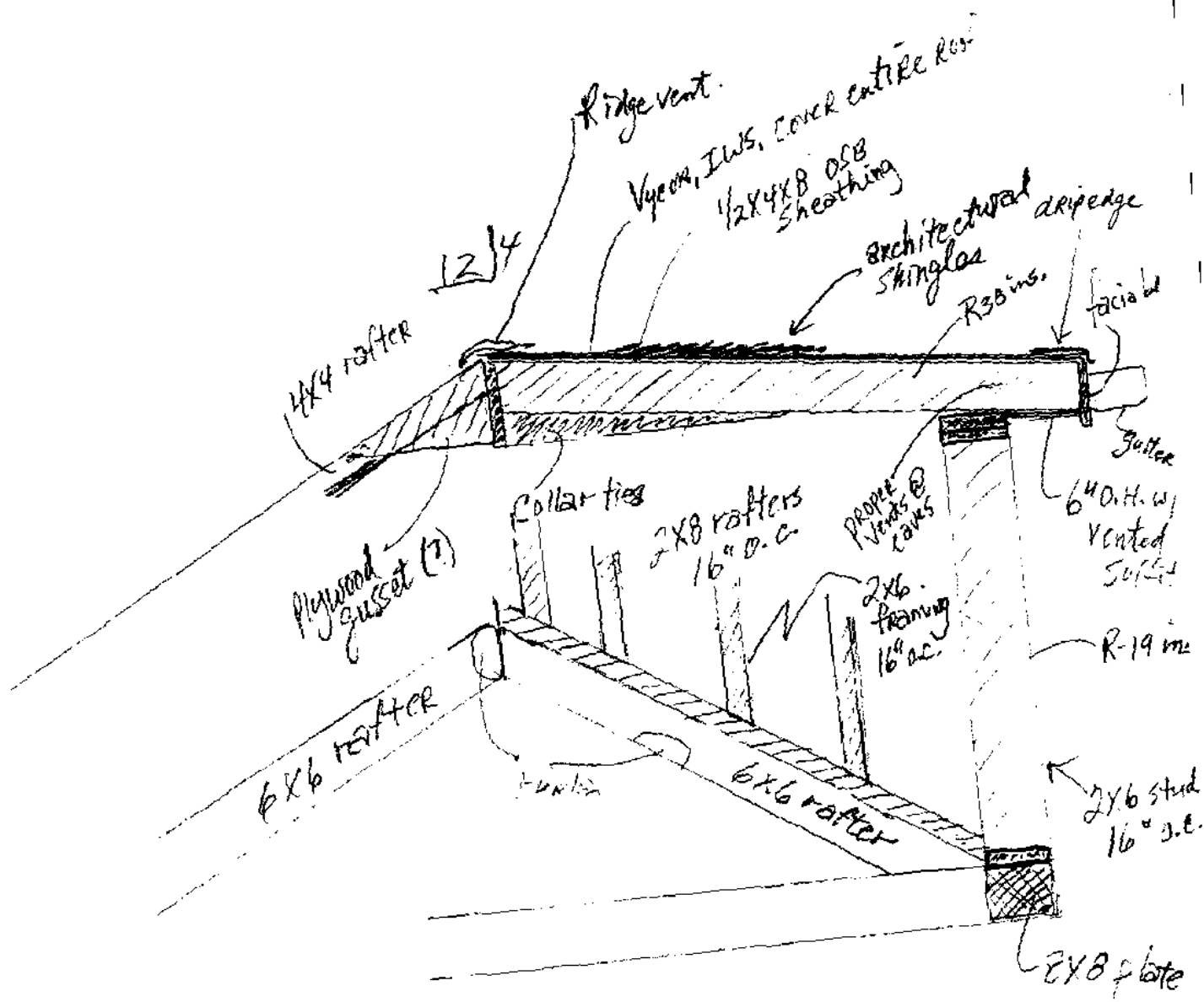
End Elevation - S. End
Ex.B - 2 of 3



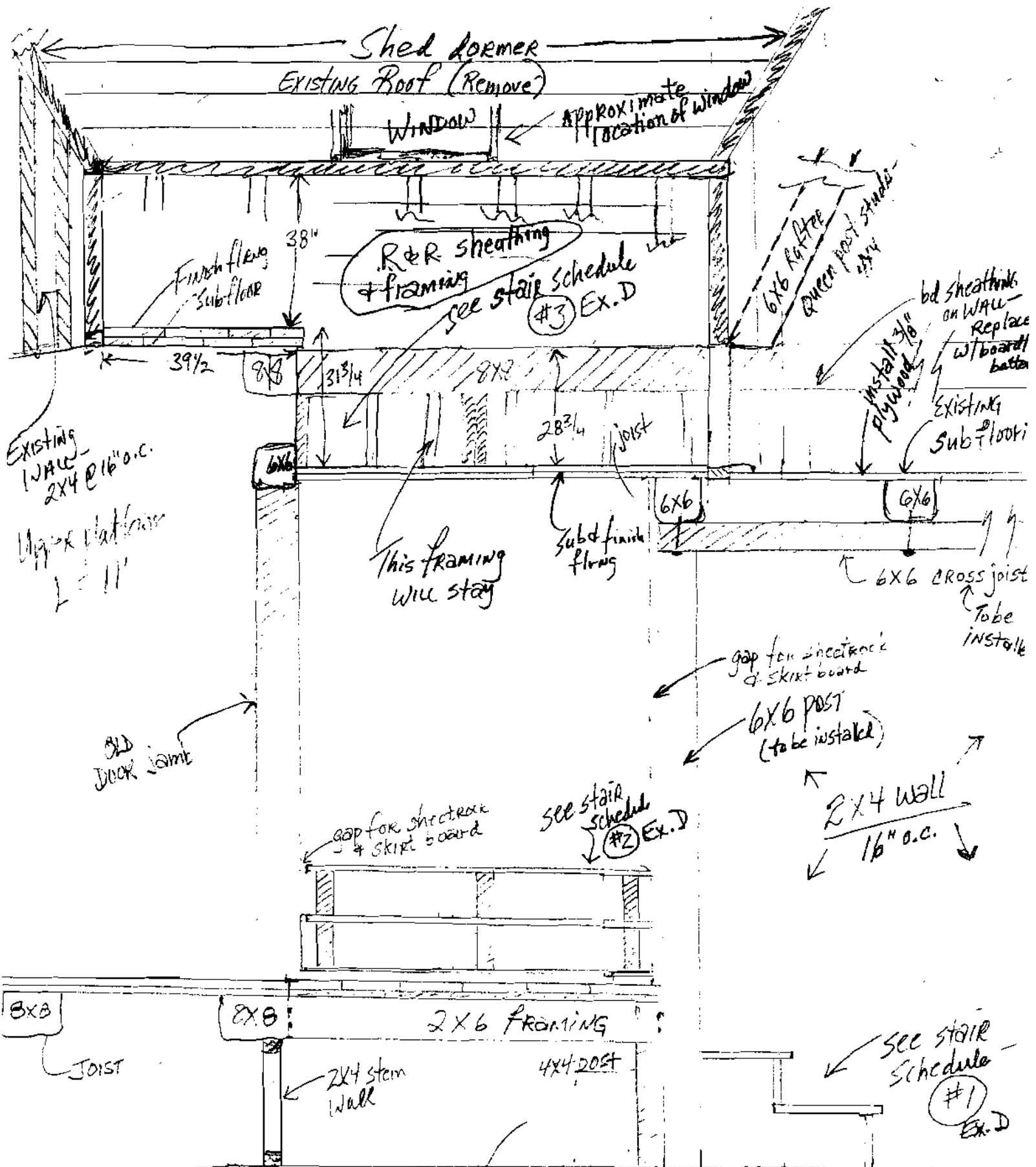


Side Elevation - East Side

EX. C - 1 of 4



Ex. C-2 of 4



No existing floor elevations will be changed.

EX. C - 3 of 4

Stair Schedule

SHED -

(#1) 2 treads
Rise - $6\frac{7}{8}$ "
Run - 11"
Width - 36"
Headroom - 6'-10 $\frac{1}{2}$ "

(#2) 8 treads
Rise - $7\frac{7}{8}$ "
Run - 10"
Width - 36"
Headroom - 5'-10"

OLD -
Rise - $8\frac{1}{2}$ "
Run - $7\frac{3}{4}$ "
Width -
Headroom - 5' +/-

(#3) 3 treads
Rise - 7.75"
Run - 10"
Width - 36" +/-
Headroom - 6'-10" +/-

OLD -
Rise - $8\frac{1}{2}$ " (irregular @ top)
Run - 9"
Width -
Headroom - 6' +/-

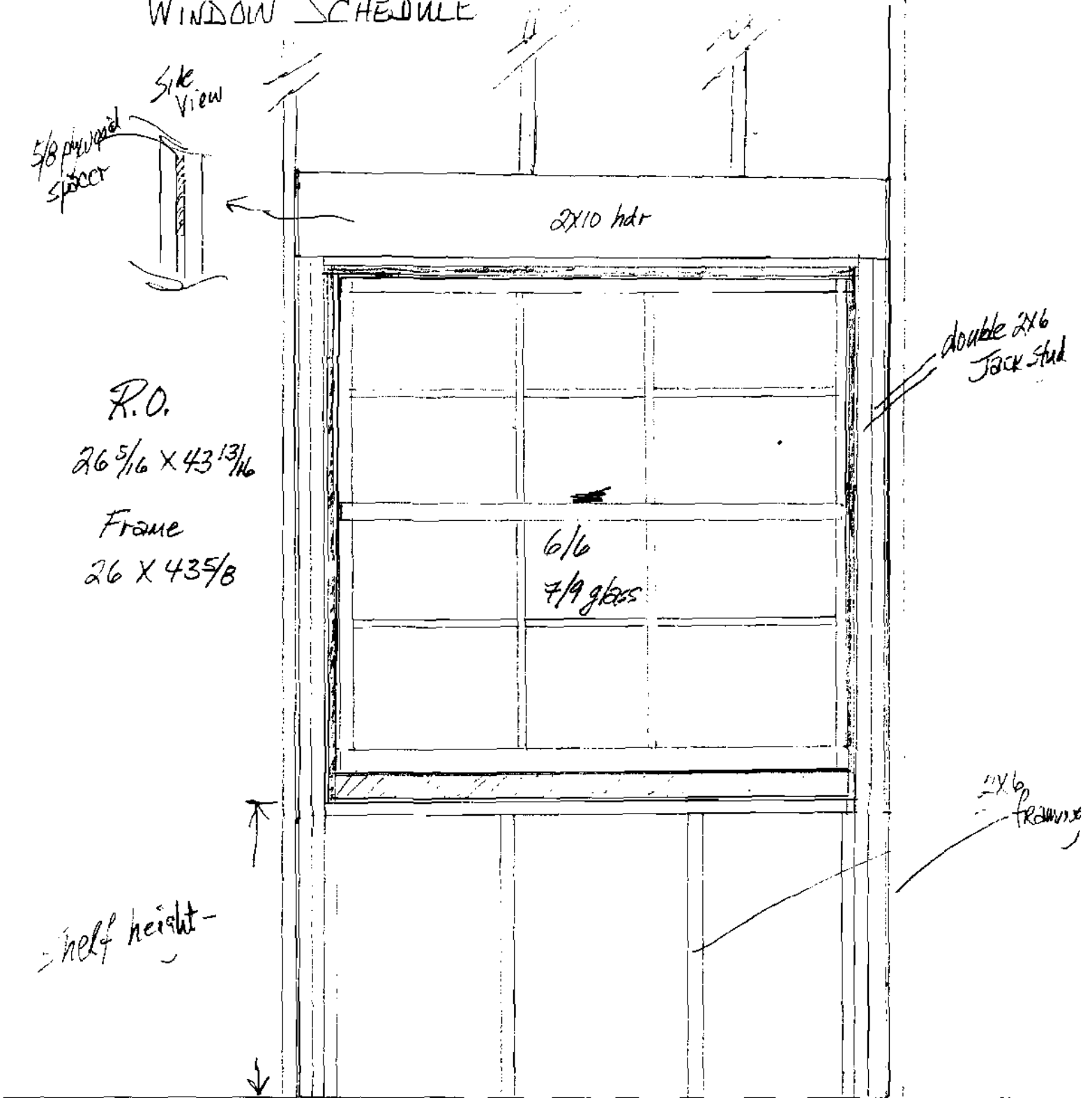
(#4) Cellar 8 treads
Rise - $8\frac{3}{16}$ "
Run - 10"
Width - $39\frac{3}{4}$ "
Headroom - 35" +/-

OLD - 6 treads
Rise - $9\frac{1}{4}$ "
Run - $6\frac{3}{4}$ "
Width -
Headroom - 45" +/-

(#5) PORCH 5 treads
Rise - $6\frac{7}{8}$ "
Run - 11 $\frac{1}{4}$ "
Width - 39"

OLD - 5 treads
Same, +/- $\frac{1}{2}$ "

WINDOW SCHEDULE



Only window in the subject area

Ex. E - 1 of 1

15
8

EXISTING WINDOWS & DOORS - Installed 2004

Window/Door Schedule -

Windows -

- 1, 9x12, ~~24-lt~~ stationary
- 1, 9x12, 8/8 dbl hung
- 1, 8x8, 8/8 dbl hung

Doors -

- 1, 2-8 x 6-8
- 1, 3-0 x 6-8

Ex. F - 1 of 1

BK 13446PG299
WARRANTY DEED
Maine Statutory Short Form 069367

KNOW ALL PERSONS BY THESE PRESENTS, That

Richard Libby and Virginia Crabtree

of Portland, County of Cumberland, State of Maine,

for consideration paid, grant to Richard D. Libby

of Portland, County of Cumberland, State of Maine,

whose mailing address is 135 Chadwick Street #5, Portland, Maine 04102

with warranty covenants, 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 Tenth day of November, 1997.

Signed, Sealed and Delivered in
presence of:

Joan L. Gosselin

to both

Richard Libby
Richard Libby

Virginia Crabtree
Virginia Crabtree

STATE OF MAINE

November 10, 1997

COUNTY OF Cumberland

Then personally appeared the above named Richard Libby and Virginia Crabtree and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Joan L. Gosselin
Notary Public

Printed Name:

My Commission Expires: DANIEL ANGELOTT
NOTARY PUBLIC, MAINE
My Commission Exp. 16 March 11, 2002

MAINE REAL ESTATE TAX PAID

BK 13446 PG 300

Exhibit A - Property Description

A certain lot or parcel of land with the buildings thereon, situated on the southerly side of Allen Avenue in the City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at a stone monument with a drill hole at an angle point on the Southerly sideline of Allen Avenue at the Northeast corner of the land of Andrew H. and Frances J. Grant as set forth in a deed recorded in the Cumberland County Registry of Deeds in Book 3649, Page 68, which monument is shown on "Plan of Land Ray Street Development, Ray Street, Portland, Maine for Liberty Group by Owen Haskell, Inc. September 9, 1965";

Thence S 19° 24' 05" E by the land of Grant 157.00 feet to the above-described premises;

Thence N 83° 13' 15" E by the above-described premises 135 feet more or less to a point;

Thence N 19° 24' 05" W parallel to the Easterly Line of Grant 200 feet more or less to an iron pipe on the Southerly sideline of Allen Avenue;

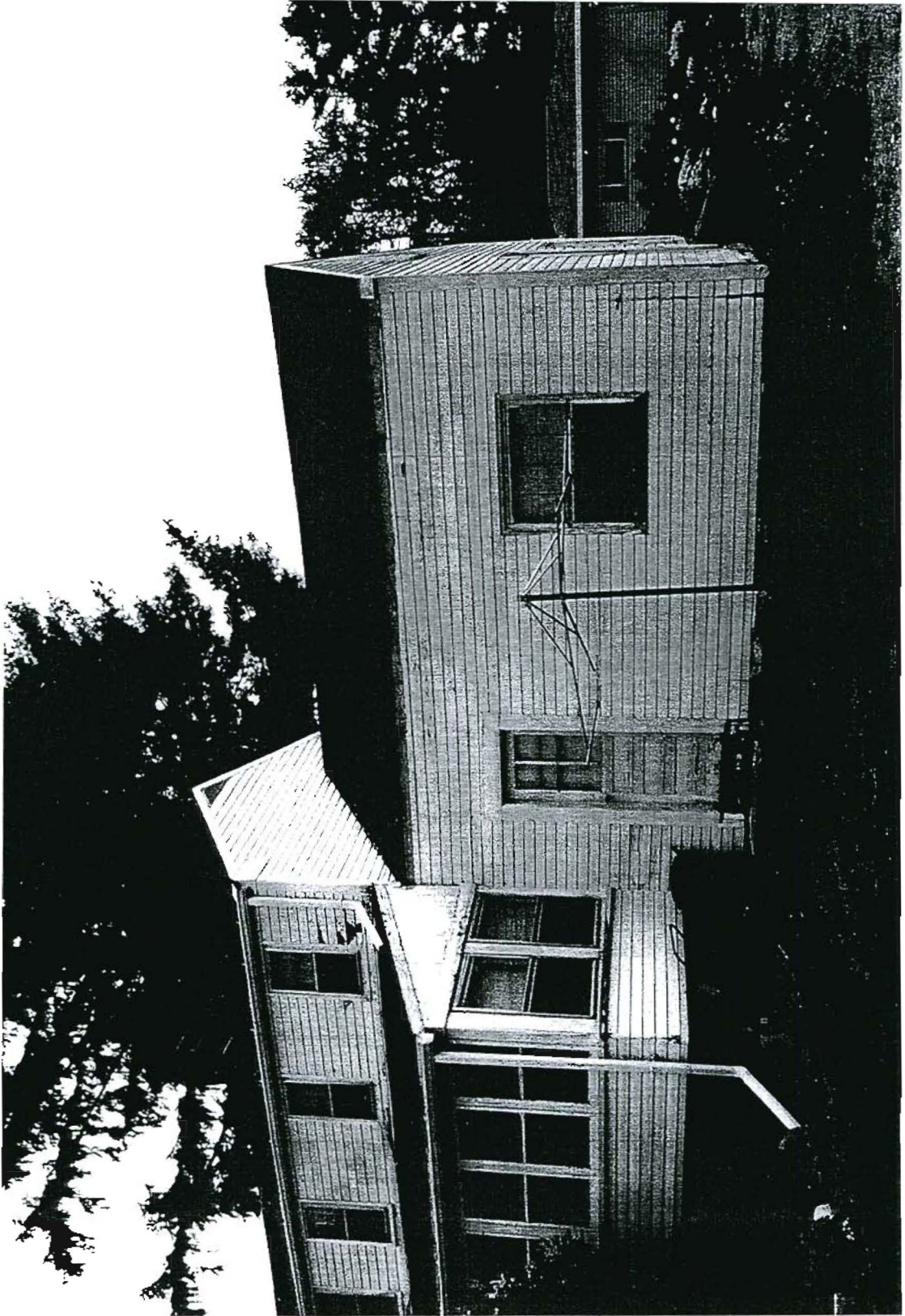
Thence S 64° 47' 25" W by the sideline of Allen Avenue 128.40 feet to the point of beginning.

RECEIVED
CUMBERLAND COUNTY REGISTRY OF DEEDS

1997 NOV 18 PM 1:54

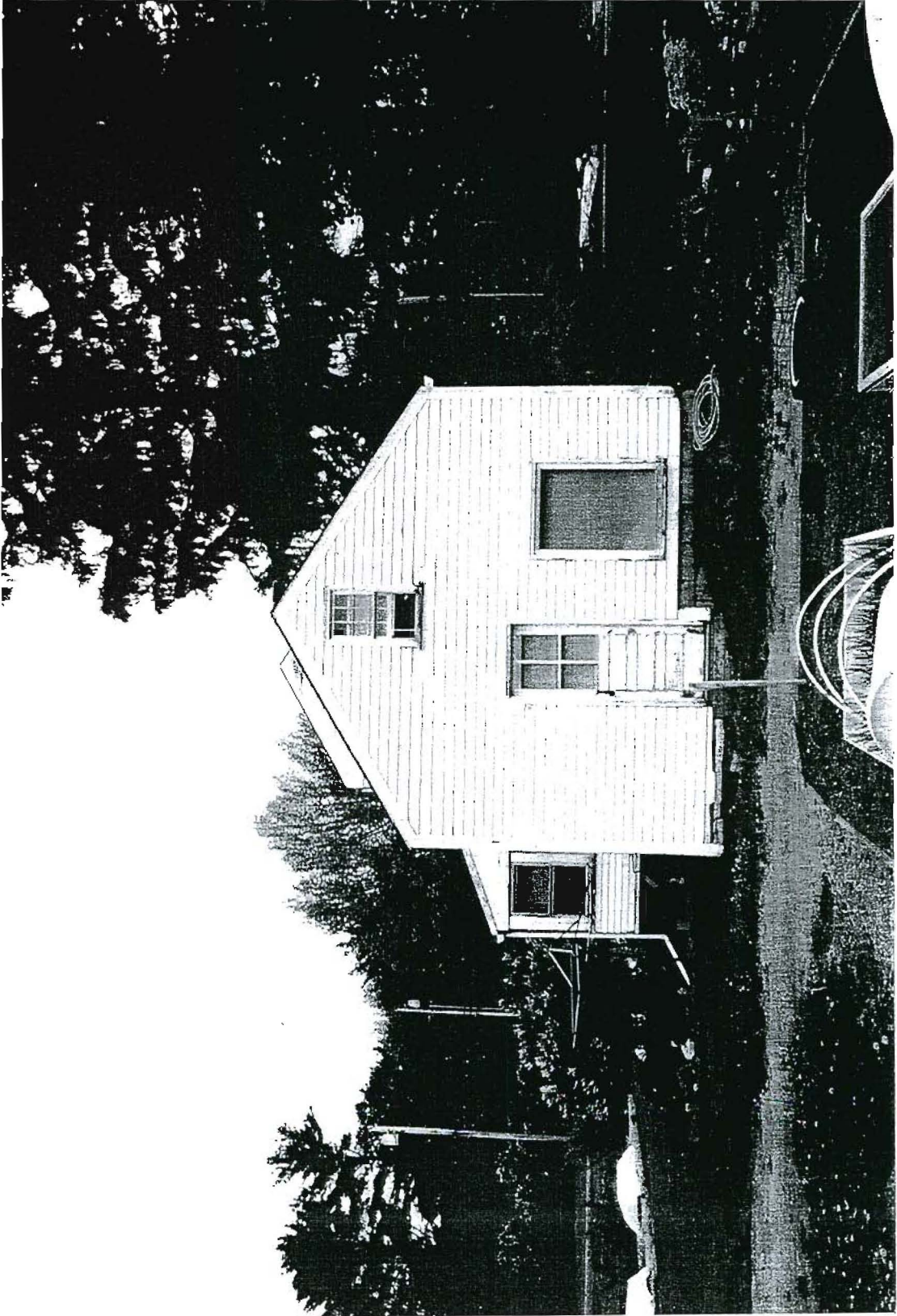
CUMBERLAND COUNTY

John B O'Brien



Ex. A - 2 of 2

(6)

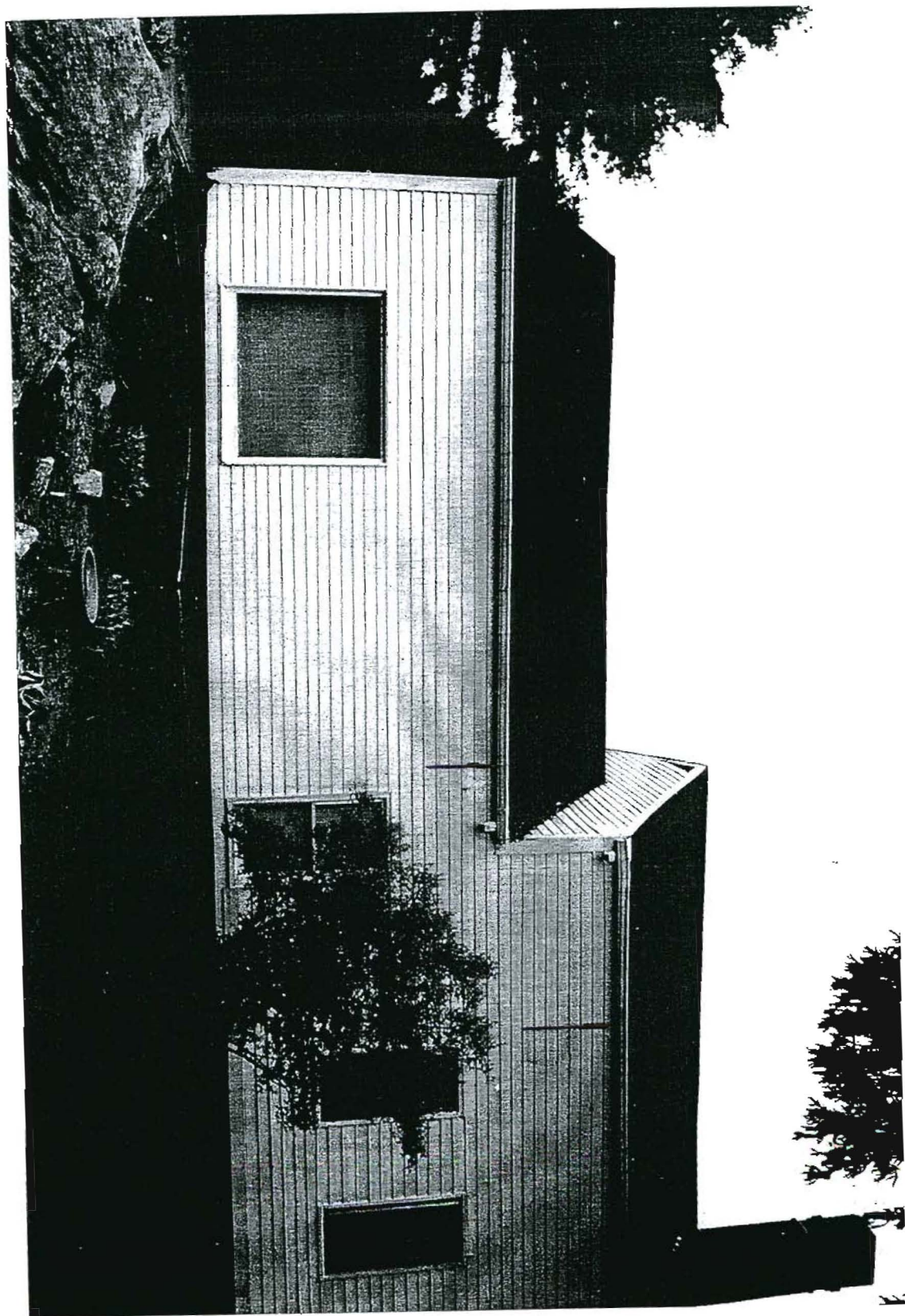


Ex. B. - 3 of 3

(16)

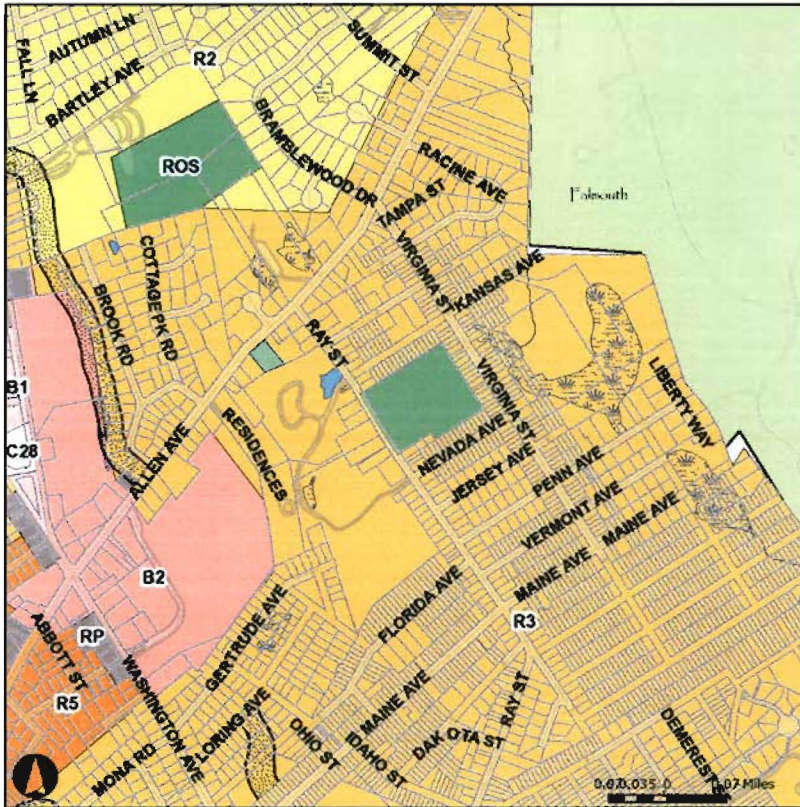
47

EX. C. — 4 of 4





Map



<ul style="list-style-type: none"> Parcels Interstate Streets Parcels Traveled Ways Wetland Lake/Pond Jetport Coastal Bluff H - Highly Unstable U - Unstable Overlay Zones Helistop Overla R-7 USM Shoreland Overlay Zone Stream Overlay Zone Island Zoning I-B I-TS 	<ul style="list-style-type: none"> I-R1 I-R2 I-R3 ROS RPZ Zoning AB Airport Business EWPZ C44 C45 B7 Bx Neighborhood Business B1b Neighborhood Business B2 Business Community B2b Business Community B3* Downtown Business B3c Downtown Business B4 Commercial Business B5 Urban Commercial B5b Urban Commercial IH Industrial - High Impact IL Industrial - Low Impact ILb Industrial - Low Impact IM Industrial - Moderate Impact IMb Industrial - Moderate Impact OP Office Park 	<ul style="list-style-type: none"> R5 Residential ROS Recreation Open Space RP Residential Professional RPZ Resource Protection WCZ* Waterfront WPDZ Waterfront WSUZ Waterfront C1 C2 C3 C5 C6 C7 C8 C9 C10 C11 C13 C14 C15 C16 C27 C18 C19 C20 C21 C22 C23 C24 C25 C26 	<ul style="list-style-type: none"> C28 C29 C30 C31 none B2c C32 C33 C34 C35 C36 B6 C37 C38 C39 C40 C41 C42 County Streets A1S A21 A31 ME Towns Land Water Body Ocean
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30% of gross floor area

not include attic space - not habitable
floor area = area enclosed by exterior walls

$$\begin{array}{r}
 1st\ floor = 20 \times 35 = 700 \\
 16 \times 33 = 528 \\
 16 \times 19 = 304 \\
 \hline
 1532
 \end{array}$$

$$\begin{array}{r}
 2nd\ floor = 17 \times 35 = 595 \\
 13 \times 33 = 429 \\
 \hline
 1024
 \end{array}$$

gross floor area = 2556 ϕ

30% = 766.8 ϕ

~~766.8~~

proposed 754.75 ϕ

proposed accessory unit = ~~16 x 19~~ ~~17 x 16~~ ~~13 x 20~~ (1st floor)

18 x 11 (2nd floor)

13 x 20 (2nd floor)

6 x 4

836

Dist's numbers

accessory unit must be min of 400 ϕ (ok)

From: Nancy Sanchez <nancesanchez@gwi.net>
To: <amachado@portlandmaine.gov>
CC: Richard Libby <ribby10@maine.rr.com>
Date: 10/5/2010 9:28 PM
Subject: 491-501 Allen Ave.

Hello Ann,

I am writing in support of Richard Libby's Conditional Use Appeal. I have lived across the street from Richard for 18 years, at 480 Allen Ave. We have been not only neighbors, but friends. I have watched all the work Richard has done over the years on his property, and know how important this appeal is to him. I know that Richard will continue to be a conscientious manager of his property, that he will continue to live on the property, that he has a very long history on the property, and have no concerns about his plans.

Sincerely,
Nancy Sanchez

Ann Machado - Richard Libby, 495 Allen Avenue

From: Nathan Szanton <nszanton@szantoncompany.com>
To: "amachado@portlandmaine.gov" <amachado@portlandmaine.gov>
Date: 10/4/2010 9:51 PM
Subject: Richard Libby, 495 Allen Avenue
CC: Richard Libby <rlibby10@maine.rr.com>

Dear Ann,

My wife Sarah and I are Dick Libby's next-door neighbors at 499 Allen Avenue. I'm just writing to let you know that we're aware of Dick's request for permission to have an accessory unit in his house (conditional use), and have no problems with it. I will not be able to attend the meeting on Thursday evening, but I wanted the Board to know that we are in full support of Dick's request.

If you should have any questions about our position, please call me at 871-9811. Thank you very much.

Sincerely,

Nathan Szanton
499 Allen Avenue
Portland, ME 04103



City of Portland Zoning Board of Appeals

September 29, 2010

Richard Libby
495 Allen Avenue
Portland, ME 04103

Dear Mr. Libby,

Your Conditional Use Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, October 7, 2010 at 6:30 p.m.** in Room 209, located on the second floor of City Hall.

Please remember to bring a copy of the 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, the notices for the appeal and a processing fee. 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
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

Application No: 10-59900007 Statement Date: 09/29/2010
Project Name: 495 Allen Ave Applicant: Richard Libby
Development Type: ZONING CONDITIONAL USE APPEAL
CBL: 400 - D-012-001 495 ALLEN AVE

SUMMARY OF OUTSTANDING FEES

	Charge Amount	Paid	Due
LEGAL AD ZONING BOARD	\$72.70	\$0.00	\$72.70
NOTICING ZONING BOARD	\$76.50	\$0.00	\$76.50
ZONING BOARD OF APPEALS	\$100.00	\$100.00	\$0.00
ZONING PROCESSING FEE	\$50.00	\$0.00	\$50.00
Outstanding Charges	\$299.20	\$100.00	\$199.20

pd 10/7/10
#113

Detach and remit with payment

Application No: 10-59900007
Project Name: 495 Allen Ave

Richard Libby
495 Allen Avenue
Portland, ME 04103

Total Due Now \$199.20
Amount Remitted _____

City of Portland

DATE: 9/22/10

TIME: 10:46:20

PZ CASH RECEIPT

PROJECT #: 10-59900007

PROJECT DESC: CONDITIONAL USE APPEAL - 495 ALLEN AVE.

RECEIVED FROM: Richard Libby

RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
---	-----	-----	-----
Z1	ZONING BOARD OF APPEALS		100.00
		TOTAL AMOUNT:	100.00

City of Portland

DATE: 10/12/10

TIME: 12:58:39

PZ CASH RECEIPT

PROJECT #: 10-59900007
PROJECT DESC: CONDITIONAL USE APPEAL - 495 ALLEN AVE.
RECEIVED FROM: Richard Libby
RECEIPT NUMBER:

FEE	DESCRIPTION	CREDIT	PAYMENT
L2	LEGAL AD ZONING BOARD		72.70
N1	NOTICING ZONING BOARD		76.50
ZP	ZONING PROCESSING FEE		50.00
		TOTAL AMOUNT:	199.20

*pd 10/12/10
#159*

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	1321 ASSOCIATES LLC	1976 WASHINGTON AVE PORTLAND, ME 04103	15 NORTHPORT DR UNIT 1	1
	ACETO NICHOLAS C	6 MERRYMEETING DR PORTLAND, ME 04103	6 MERRYMEETING DR	1
	ALCOTT RUBY B WID WWII VET	21 MERRYMEETING DR PORTLAND, ME 04103	21 MERRYMEETING DR	1
	ALLEN AVENUE UNITARIAN UNIVERSALIST CHURCH	524 ALLEN AVE PORTLAND, ME 04103	524 ALLEN AVE	0
	ANASTOS ELLEN B	459 ALLEN AVE # 25 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	ANDERSON ROBERTA R	455 ALLEN AVE PORTLAND, ME 04103	455 ALLEN AVE	1
	BLENK NANCY	480 ALLEN AVE PORTLAND, ME 04103	480 ALLEN AVE	1
	CAIRNS IRENE ISOBEL	19 MERRYMEETING DR PORTLAND, ME 04103	19 MERRYMEETING DR	1
	CAMPBELL BRUCE O & MARCELLA R CAMPBELL	7714 REMINGTON RD MONTGOMERY, OH 45242	459 ALLEN AVE UNIT 1	1
	CHASE DAVID A & BETTI J CHASE JTS	23 MERRYMEETING DR PORTLAND, ME 04103	23 MERRYMEETING DR	1
	CHEN CHUN-MING & SHU-YA TSENG JTS	17 SLOCUM DR FALMOUTH, ME 04105	459 ALLEN AVE UNIT 1	1
	CLARKE ELIZABETH C	459 ALLEN AVE # 21 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	COLUCCI RICHARD M & MARTHA J COLUCCI JTS	477 ALLEN AVE PORTLAND, ME 04103	477 ALLEN AVE	1
	COOMBS PATRICIA L	459 ALLEN AVE APT 24 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	COURNOYER PAUL B & KYMBERLEY T JTS	27 MERRYMEETING DR PORTLAND, ME 04103	27 MERRYMEETING DR	1
	CROCKER PHYLLIS N WID KW	2 MERRYMEETING DR PORTLAND, ME 04103	2 MERRYMEETING DR	1
	CUMMINGS LEONARD W SR & MARY JANE CUMMINGS JTS	543 ALLEN AVE PORTLAND, ME 04103	543 ALLEN AVE	1
	DALBEC WILLIAM E & JANET M ALEXANDER JTS	445 RAY ST PORTLAND, ME 04103	445 RAY ST	1
	DEARBORN CLAUDIA	7 COTTAGE PARK RD PORTLAND, ME 04104	7 COTTAGE PARK RD	1
	DECAMILLIS CODY J & LISA M CAMPEAU JTS	485 ALLEN AVE PORTLAND, ME 04103	485 ALLEN AVE	1
	DEMAKIS STRATOS G	20 BRENTON ST SOUTH PORTLAND, ME 04108	23 WOODMERE RD	0
	DEMAKIS STRATOS G	20 BRENTON ST SOUTH PORTLAND, ME 04108	25 WOODMERE RD	1
	DISCATIO LOUIS A	18 SMITH FARM LN PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	DLUGOSZ HEATHER A & RYAN R DLUGOSZ JTS	7 FARM HOUSE LN PORTLAND, ME 04103	7 FARM HOUSE LN	1
	DOWNS KENNETH W & JANICE E JTS	489 ALLEN AVE PORTLAND, ME 04103	489 ALLEN AVE	1
	DUNLAP KYAN J	459 ALLEN AVE # 14 PORTLAND, ME 04103	459 ALLEN AVE UNIT 14	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	FARMER WENDY L	12 WOODMERE RD PORTLAND, ME 04103	12 WOODMERE RD	1
	GIGGEY MATTHEW M & MICHELE M GIGGEY JTS	19 FARMHOUSE LN PORTLAND, ME 04103	19 FARM HOUSE LN	1
	GOWEN WILLIAM W	488 ALLEN AVE PORTLAND, ME 04103	488 ALLEN AVE	1
	GRIFFIN MAUREEN H	15 MERRYMEETING DR PORTLAND, ME 04103	15 MERRYMEETING DR	1
	HEO YOOHEE & KWANGDO KIM JTS	517 ALLEN AVE PORTLAND, ME 04103	517 ALLEN AVE	1
	HITZROT ANN H	459 ALLEN AVE # 13 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	HOCHADEL JOSEPH M	16 FARM HOUSE LN PORTLAND, ME 04103	16 FARM HOUSE LN	1
	HUNT DANIEL P	20 MERRYMEETING DR PORTLAND, ME 04103	20 MERRYMEETING DR	1
	JAMISON ELLEN F	7 MERRYMEETING DR PORTLAND, ME 04103	7 MERRYMEETING DR	1
	JIMINO ROBERT M & JENNIFER M JIMINO JTS	7 WOODMERE RD PORTLAND, ME 04103	7 WOODMERE RD	1
	JOHNSON RONALD S & LINDA J JTS	26 MERRYMEETING DR PORTLAND, ME 04103	26 MERRYMEETING DR	1
	JORDAN JOHN R	19 MITCHELLWOOD DR FALMOUTH, ME 04105	406 RAY ST	0
	JORDAN JOHN R	450 RAY ST PORTLAND, ME 04103	452 RAY ST	1
	JOYCE RICHARD E JR & JULIE BEAULIEU-JOYCE JTS	19 PORCH ST PORTLAND, ME 04103	19 PORCH ST	1
	KIMBALL RICHARD L & CATHERINE E KIMBALL JTS	447 RAY ST PORTLAND, ME 04103	447 RAY ST	1
	KJELLGREN ERIK JASON	4 MERRYMEETING DR PORTLAND, ME 04103	4 MERRYMEETING DR	1
	KROLL ERIN	459 ALLEN AVE # 19 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	LEE THERESA	459 ALLEN AVE # 6 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	LEMOULT KENNETH W & MARYLOU JTS	5 PORCH ST PORTLAND, ME 04103	5 PORCH ST	1
	LEONARD SUSAN A & RUTH N ABRAMSON JTS	1 MERRYMEETING DR PORTLAND, ME 04103	1 MERRYMEETING DR	1
	LESLIE GORDON D & HOLLY B LESLIE JTS	488 ALLEN AVE PORTLAND, ME 04103	488 ALLEN AVE	0
	LIBBY RICHARD	495 ALLEN AVE PORTLAND, ME 04103	495 ALLEN AVE	1
	LINSCOTT DONALD W & ROBIN A	531 ALLEN AVE PORTLAND, ME 04103	531 ALLEN AVE	1
	LL BEAN INC	15 CASCO ST FREEPORT, ME 04033	27 NORTHPORT DR UNIT 2	1
	LL BEAN INC	15 CASCO ST FREEPORT, ME 04033	43 NORTHPORT DR UNIT 3	1
	LL BEAN INC	15 CASCO ST FREEPORT, ME 04033	49 NORTHPORT DR UNIT 4	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	LL BEAN INC	15 CASCO ST FREEPORT, ME 04033	75 NORTHPORT DR UNIT 6	1
	LL BEAN INC	15 CASCO ST FREEPORT, ME 04033	1361 WASHINGTON AVE	1
	LYNCH KELLY J	459 ALLEN AVE # 7 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	MALLO CHARLES J & CAROLYN L ARCAND JTS	459 ALLEN AVE # 22 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	MINVIELLE PETER M VN VET	25 MERRYMEETING DR PORTLAND, ME 04103	25 MERRYMEETING DR	1
	MITCHELL MICHAEL D & KATHLEEN A MITCHELL JTS	483 RAY ST PORTLAND, ME 04103	453 RAY ST	1
	MOORADIAN ALICE Q	459 ALLEN AVE APT 8 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	MOORE RANDALL K & PAMELA K MOORE JTS	15 FARM HOUSE LN PORTLAND, ME 04103	15 FARM HOUSE LN	1
	MOREAU CHERYL	459 ALLEN AVE # 10 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	NADEAU PATRICIA J & NELSON JTS	520 ALLEN AVE PORTLAND, ME 04103	520 ALLEN AVE	1
	NEILAN DAVID M	459 ALLAN AVE # 18 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	NEILL DONALD L & LINDA H LORD JTS	17 MERRYMEETING DR PORTLAND, ME 04103	17 MERRYMEETING DR	1
	NIZIOLEK CAROL A	22 MERRYMEETING DR PORTLAND, ME 04103	22 MERRYMEETING DR	1
	NORTHPORT UPHAM LLC	PO BOX 4894 PORTLAND, ME 04112	56 NORTHPORT DR UNIT 5	1
	NOVEY JUDITH A	502 ALLEN AVE PORTLAND, ME 04103	502 ALLEN AVE	1
	O'GRADY KATHERINE E	10 PORCH ST PORTLAND, ME 04103	10 PORCH ST	1
	OBLER HELENE L TRUSTEE	5 MERRYMEETING DR PORTLAND, ME 04103	5 MERRYMEETING DR	1
	PATTERSON DANIEL B & ARLENE M JTS	515 ALLEN AVE PORTLAND, ME 04103	515 ALLEN AVE	1
	PEIRCE CATHERINE A	28 MERRYMEETING DR PORTLAND, ME 04103	28 MERRYMEETING DR	1
	PETERSON CARLA E & RICKEY M CHURCHILL JTS	537 ALLEN AVE PORTLAND, ME 04103	537 ALLEN AVE	1
	PLOURDE ROBERT E	11 MERRYMEETING DR PORTLAND, ME 04103	11 MERRYMEETING DR	1
	RICE JULIANNE L	459 ALLEN AVE # 17 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	ROBERTS RICHARD	10 MERRYMEETING DR PORTLAND, ME 04103	10 MERRYMEETING DR	1
	ROBINSON BEVERLY D	459 ALLEN AVE # 3 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	RODMAN ROBERT H & SUSAN	12 MERRYMEETING DR PORTLAND, ME 04103	12 MERRYMEETING DR	1
	ROGERS BRUCE E & PATRICIA A JTS	450 ALLEN AVE PORTLAND, ME 04103	450 ALLEN AVE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	ROGOSIENSKI PAUL M MARGARET A ROGOSIENSKI JTS	20 FARMHOUSE LN PORTLAND, ME 04103	20 FARM HOUSE LN	1
	ROSS RUSSELL P & CLAIRE M JTS	25 PORCH ST PORTLAND, ME 04103	25 PORCH ST	1
	ROTHMAN RUTH S	18 MERRYMEETING DR PORTLAND, ME 04103	18 MERRYMEETING DR	1
	ROY KIMBERLY A	459 ALLEN AVE # 2 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	RUTHMAN JARED L & CAITLIN B RUTHMAN JTS	446 RAY ST PORTLAND, ME 04103	446 RAY ST	1
	SARGENT RUTH M	18 MERRYMEETING DR PORTLAND, ME 04103	18 MERRYMEETING DR	1
	SEACOAST HARLEY-DAVIDSON	9 MERRYMETTING DR PORTLAND, ME 04103	9 MERRYMEETING DR	1
	SILVERNAIL DAVID L	459 ALLEN AVE APT 18 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	SINCLAIR ROSE WID WWII VET	13 MERRYMEETING DR PORTLAND, ME 04103	13 MERRYMEETING DR	1
	SKOG DIANE E	459 ALLEN AVE # 4 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	STRAUSS DARRELL Z & ALTHEA K JTS	20 PORCH ST PORTLAND, ME 04103	20 PORCH ST	1
	SZANTON NATHAN S & SARAH G JTS	499 ALLEN AVE PORTLAND, ME 04103	505 ALLEN AVE	1
	TAYLOR DAWN M	459 ALLEN AVE # 11 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	THORNTON ELEANOR ROSE	3 MERRYMEETING DR PORTLAND, ME 04103	3 MERRYMEETING DR	1
	TOWLE IRENE H	24 MERRYMEETING DR PORTLAND, ME 04103	24 MERRYMEETING DR	1
	TOWLE WALTER D WWII VET & DONNA MARIE TOWLE JTS	8 MERRYMEETING DR PORTLAND, ME 04103	8 MERRYMEETING DR	1
	UNIVERSALIST CHURCH OF PORTLAND	524 ALLEN AVE PORTLAND, ME 04103	528 ALLEN AVE	1
	WAGNER THERESA	459 ALLEN AVE # 15 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	WALKER MARY A	19 WOODMERE RD PORTLAND, ME 04103	19 WOODMERE RD	1
	WEBSTER VICTORIA A	14 MERRYMEETING DR PORTLAND, ME 04103	14 MERRYMEETING OR	1
	WGME INC	10706 BEAVER DAM RD COCKEYSVILLE, MD 21030	81 NORTHPORT DR UNIT 7	1
	WHALEN MAUREEN	459 ALLEN AVE APT 23 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	WHITE LAUREEN D	459 ALLEN AVE #28 PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1
	WHITE STEVEN R & PATRICIA J JTS	11 PORCH ST PORTLAND, ME 04103	11 PORCH ST	1
	WHITTEN EVELYN F WID WWII	11 WOODMERE RD PORTLAND, ME 04103	11 WOODMERE RD	1
	WILKINS PHYLLIS W & TIMOTHY S WILKINS	32 PORCH ST PORTLAND, ME 04103	32 PORCH ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	WILLIAMS GALEN TRUSTEE	7 OYSTER SHORES RD EAST HAMPTON, NY 11937	458 ALLEN AVE UNIT 1	1
	WINTERS ROSE & CHARLES JTS	445 ALLEN AVE PORTLAND, ME 04103	445 ALLEN AVE	1
	ZUB PATRICIA A	4 QUAKER LN PORTLAND, ME 04103	459 ALLEN AVE UNIT 1	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
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Total Listed: 107

103

