

6/21/07 Gayle Guertin contacted applicant. Told her that proper information was needed on section 14-88

7/21/07 Applicant had left voicemail asking about the status of her application. Ann Machado returned her phone call telling her that her application was still incomplete because she needed to show how she was meeting the conditions of the appeal. Ann faxed her the conditions.

7/31/07 Gayle Guertin left a message with the applicant asking her to submit the additional information for the next scheduled appeal date, September 6, 2007.

8/3/07 Ann Machado spoke with the applicant. The applicant said that she was withdrawing the application. She said that she would write a letter asking for her money back.

8/14/07 Gayle Guertin left a message stating that a refund is not allowed with an appeal.

WITHDRAW

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, June 21, 2007 at 6:30 p.m. on the second floor in room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeal:

#### 1. Old Business:

##### A. Disability Variance Appeal:

22 Colonial Road, Virginia and Dennis Archambault, owners, Tax Map #185 Block C Lot #006 in the R5 Residential Zone. The appellant is seeking a Disability Variance Appeal under section 14-120 (d) 3 (side yard) and 14-120 (c) 2 (rear yard) of the Portland Zoning Ordinance. Appellant is requesting a side yard set back of 12' instead of the required 8' and a rear yard set back of 13'4" instead of the required 20' for the already built and approved handicap access ramp. Representing the appeal is the applicant Steven Morrow (Sterling Builders, Inc.). Board voted 4-0 and tabled the Disability Variance Appeal. (Postponed from June 7, 2007 meeting, due to the absence of the applicant).

#### 2. New Business:

##### A. Conditional Use Appeal:

244 Ray Street, Yessenia E. Contreras, owner, Tax Map # 406 Block J Lots #001, 002 and 006 in the R3 Residential Zone. The appellant is seeking a Conditional Use Appeal under section 14-88 (2) of the City of Portland Zoning Ordinance. Appellant is requesting a change of use from a single family dwelling unit, to two single family dwelling units. Representing the appeal is the owner.

#### 3. Other Business:

#### 4. Adjournment:

*Full -  
Doesn't have  
The proper information*

*A single family dwelling with an accessory dwelling unit.*

appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of a sheltered care group home permit.

2. Alteration or construction of a detached single-family dwelling to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants, provided that:

- a. 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 of 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;
- b. There shall be no open outside stairways or fire escapes above the ground floor.
- c. Any building additions or exterior alterations such as façade 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.
- d. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required.
- e. 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.
- f. Parking shall be provided as required by division 20 of this article.

*you cover  
letter must  
Address  
Requirement  
for the  
Zoning  
Board*

*continue  
next page*

- g. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
- i. Any additions or exterior alterations such as façade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building;
  - ii. 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; and
  - iii. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

Shall also  
Address a  
Meet

(b) *Commercial:*

1. Reserved.

(c) *Institutional:* Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2.
  - a. Long-term and extended care facilities;
  - b. Intermediate care facility for thirteen (13) or more persons;
3. Church or other place of worship;
4. Private club or fraternal organization;



City of Portland, Maine  
 Planning and Development Department  
 Zoning Board of Appeals  
 Conditional Use Appeal Application

Applicant Information: E. Yessenia Contreras

Name H/O Eliason Dental Lab.

Business Name 190 Riverside St unit 6B

Address Portland ME 04110

Telephone 207-766-6156 Fax 878-

Applicant's Right, Title or Interest in Subject Property:  
Yessenia E. Contreras  
 (e.g. owner, purchaser, etc.):

Current Zoning Designation: R3

Existing Use of Property:

Single family

5 bedrooms - 2 full baths

1 kitchen, dining room, living room, one deck, one porch

Standards:

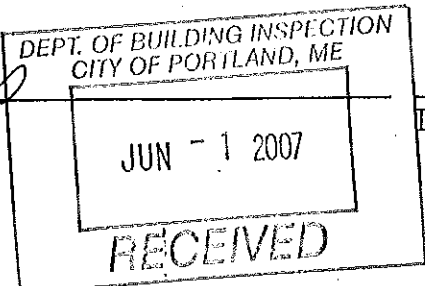
Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- (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.

Yessenia Contreras  
 Signature of Applicant



5-20-07  
 Date

Subject Property Information:  
244 Ray St Portland ME 04103

Property Address \* map - 406 - Block, J lot 1, 2, 6

Assessor's Reference (Chart-Block-Lot)  
 Property Owner (if different):  
Yessenia E. Contreras

Name 244 Ray St

Address Portland ME 04103

Telephone 207-766-6156 Fax 878-3412  
 Fax work = 874-2962

Conditional Use Authorized by Section 14 -

Type of Conditional Use Proposed:

Divide property  
in a two-family house, or  
a 2 apt house;  
owner can not be leased APTS.  
owner must occupy one of the units

FAX



To: Yessenia Conteras

Fax Number: 874-2962

From: Ann Machado

Fax Number: 874-8716

Date: July 25, 2007

Regarding: conditional use appeal to Zoning Board of Appeals

Total Number Of Pages Including Cover: 3

Phone Number For Follow-Up: 874-8709

**Comments:**

Yessenia - You need a cover letter that shows how you are addressing each condition a-g.

Ann

City Of Portland, Maine  
Inspections Division Services  
389 Congress St Room 315 Portland Me 04101-3509  
Phone: (207) 874-8703 or (207)874-8693  
Fax: (207) 874-8716  
<http://www.portlandmaine.gov/>

~~appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of a sheltered care group home permit.~~

- 2. Alteration or construction of a detached single-family dwelling to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants, provided that:
- a. 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 of 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;
  - b. There shall be no open outside stairways or fire escapes above the ground floor.
  - c. Any building additions or exterior alterations such as façade 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.
  - d. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required.
  - e. 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.
  - f. Parking shall be provided as required by division 20 of this article.

\* looking at your floor plans - you appear to be over 30% of gross floor area with the proposed accessory unit.

g. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

- i. Any additions or exterior alterations such as façade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building;
- ii. 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; and
- iii. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

~~(b) Commercial:~~

- ~~1. Reserved.~~

~~(c) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:~~

- ~~1. Elementary, middle, and secondary school;~~
- ~~2. a. Long-term and extended care facilities;~~  
~~b. Intermediate care facility for thirteen (13) or more persons;~~
- ~~3. Church or other place of worship;~~
- ~~4. Private club or fraternal organization;~~





City of Portland, Maine  
 Planning and Development Department  
 Zoning Board of Appeals  
 Conditional Use Appeal Application

**WITHDRAW**

Applicant Information: E.  
Yessenia Contreras  
 Name  
H+O Eliason Dental Lab.  
 Business Name  
190 Riverside St unit 6B  
 Address  
Portland ME 0410  
207-766-6156 ~~878-~~  
 Telephone Fax

Subject Property Information:  
244 Ray St Portland ME 04103  
 Property Address  
\* map - 406 - Block, J Lot 1, 2, 6  
 Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):  
Yessenia E. Contreras  
 Name  
244 Ray St  
 Address  
Portland ME 04103  
907-766-6156 Fax 878-3412  
 Telephone Fax work = 874-2962

Applicant's Right, Title or Interest in Subject Property:  
Yessenia E. Contreras.  
 (e.g. owner, purchaser, etc.):

Conditional Use Authorized by Section 14 - \_\_\_\_\_

Current Zoning Designation: R3

Existing Use of Property:

Type of Conditional Use Proposed:

Single family.  
5 bedrooms - 2 full baths.  
1 kitchen, Dining room, Living room, <sup>one deck,</sup> ~~two~~ one porch.

Divide property  
in a two-family house, or  
a 2 apt house.

Standards:

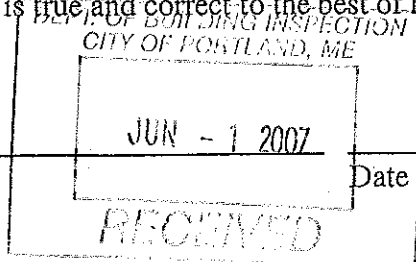
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- (a) There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- (b) There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- (c) Such impact differs 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.

Yessenia Contreras  
 Signature of Applicant



5-20-07  
 Date

Yessenia E. Contreras  
244 Ray Street  
Portland ME 04103  
Tel 766-6156  
May 20, 2007  
To Whom It May Concern:

I Yessenia E. Contreras own the property on 244 Ray street Portland ME 04103. Now the house is a single family house and I would like to make it into a 2 unit house.

**Now the house has:**

5-Bedrooms  
1-Living room  
1-Kitchen  
1-Dinning room  
2- Full bathrooms

**The new 2 units will contain:**

<b>1<sup>st</sup> Floor</b>	<b>2<sup>nd</sup> Floor</b>
2-Bedrooms	2-Bedrooms
1-Dinning room	1-Living room
1-Living room	1-Full Bathroom
1-Kitchen	1-Kitchen
1-Full bathroom	

**Standards:**

There will not be any unique or distinctive characteristics or negative affects associated with the modifications that will take place at my property. Second there will not be any adverse impacts on the health, safety, or welfare of the public or the surrounding areas. Finally the impact on the zoning is minimum because there are similar multi-family units on the surrounding area.

Outside modification: (one modification "**Emergency stairs**")

The only modifications that will be added to the outside of the house will be the Emergency stairs leading from the second floor deck onto the back deck on the first floor, both already existing on the outside of the house.

Inside modifications: (two modifications "**built small wall section, installation of cabinets for kitchen in second floor**")

A 7 feet long wall by 85 inches high build with 4x2's and sheet rock will be built to divide the first and second floor. A door for the second floor entrance will be install to lead to second floor. New cabinets, electric stove, and a new refrigerator will be install on the second floor kitchen area.

Note:

There will not be additional modifications done to this property just the ones stated above.

Sincerely,



**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) DWELLING 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 ANOTHER 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, BASEMENTS, RIGHTS OF WAY, ENCUMBRANCES, AND/OR ENCROACHMENTS.

**THIS SKETCH IS NOT TO BE USED FOR CONSTRUCTION PURPOSES**

ADDRESS: 244 Ray Street

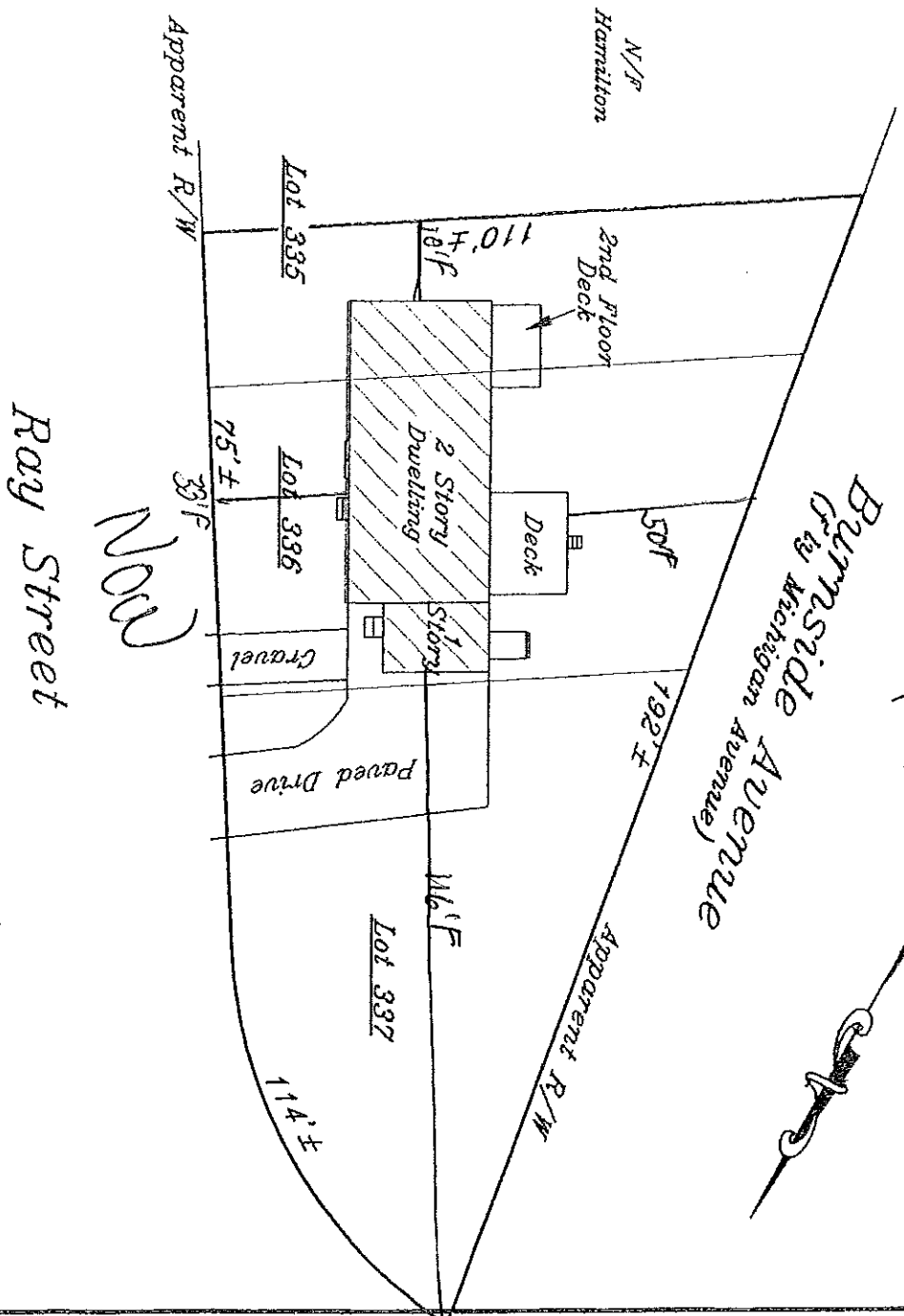
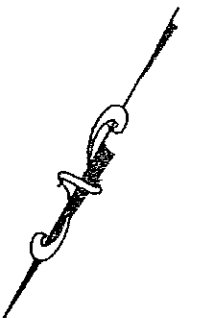
INSPECTION DATE: 09/03/05

Portland, Maine

SCALE: 1" = 30'

NOV

NOV



NOV

SEE PROVIDED TITLE REFERENCES FOR APPLICABLE APPURTENANCES, IF ANY.

*Yessenia E. Contreras*

APPLICANT: *and Dany's O. Contreras* REQ. PARTY: *Atlantic Title Company*

OWNER: *Christopher D. Wilson* *Anne N. Wilson* ATTORNEY:

LENDER: *Marine Home Mortgage* FILE No. *20518709* CLIENT No. *1111442*

TITLE REFERENCES:

DEED BOOK: *17020* PAGE: *98* 337, 336, 335  
PLAN BOOK: *16* PAGE: *29* LOT: *P/O 335*

COUNTY: *Cumberland*

MUNICIPAL REFERENCE:

MAP: *406* BLOCK: *1* LOT: *1 2 6*

THE DWELLING DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE PER FEMA COMMUNITY MAP No. 230051 PANEL: *0002C* ZONE: *X* DATE: *12/08/98*

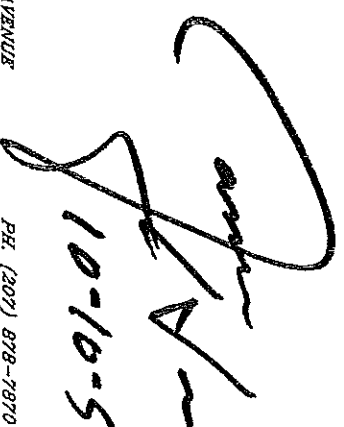
THE DWELLING WAS *IN COMPLIANCE WITH* MUNICIPAL ZONING SETBACK REQUIREMENTS AT THE TIME OF CONSTRUCTION.

COMMENTS:

*Recommend a boundary survey for accurate location*

**THIS IS NOT A BOUNDARY SURVEY - NOT FOR RECORDING**

*James D. Nadeau, LLC*  
Professional Land Surveyors

  
*10-10-5*

918 BRIGHTON AVENUE  
PORTLAND, ME. 04102  
PH. (207) 878-7870  
FAX (207) 878-7871  
THIS INSPECTION IS VALID ONLY WITH AN  
EMBOSSSED SEAL AND IS NULL & VOID  
90 DAYS AFTER INSPECTION DATE.

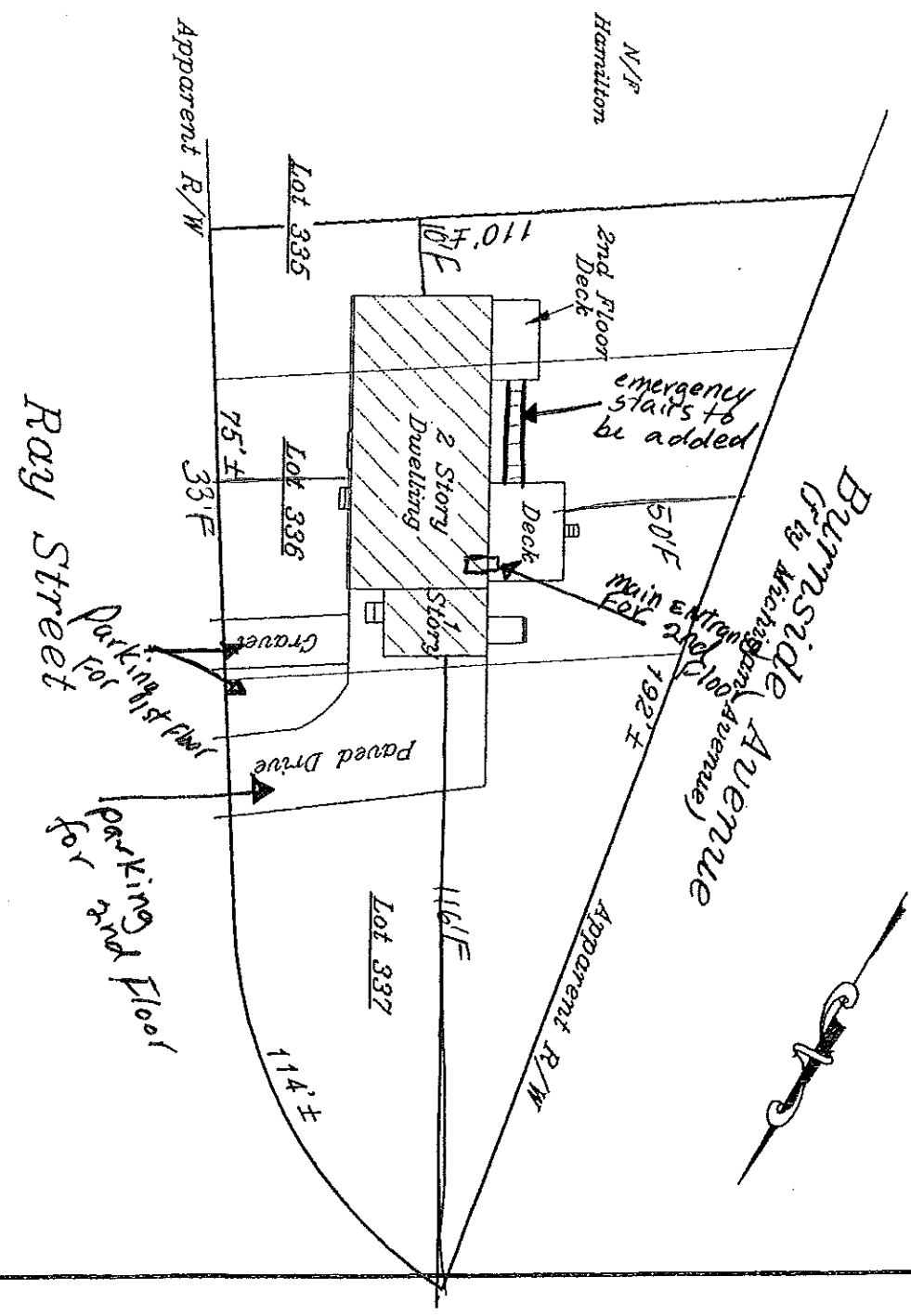
After

FOR MORTGAGE LENDER USE ONLY

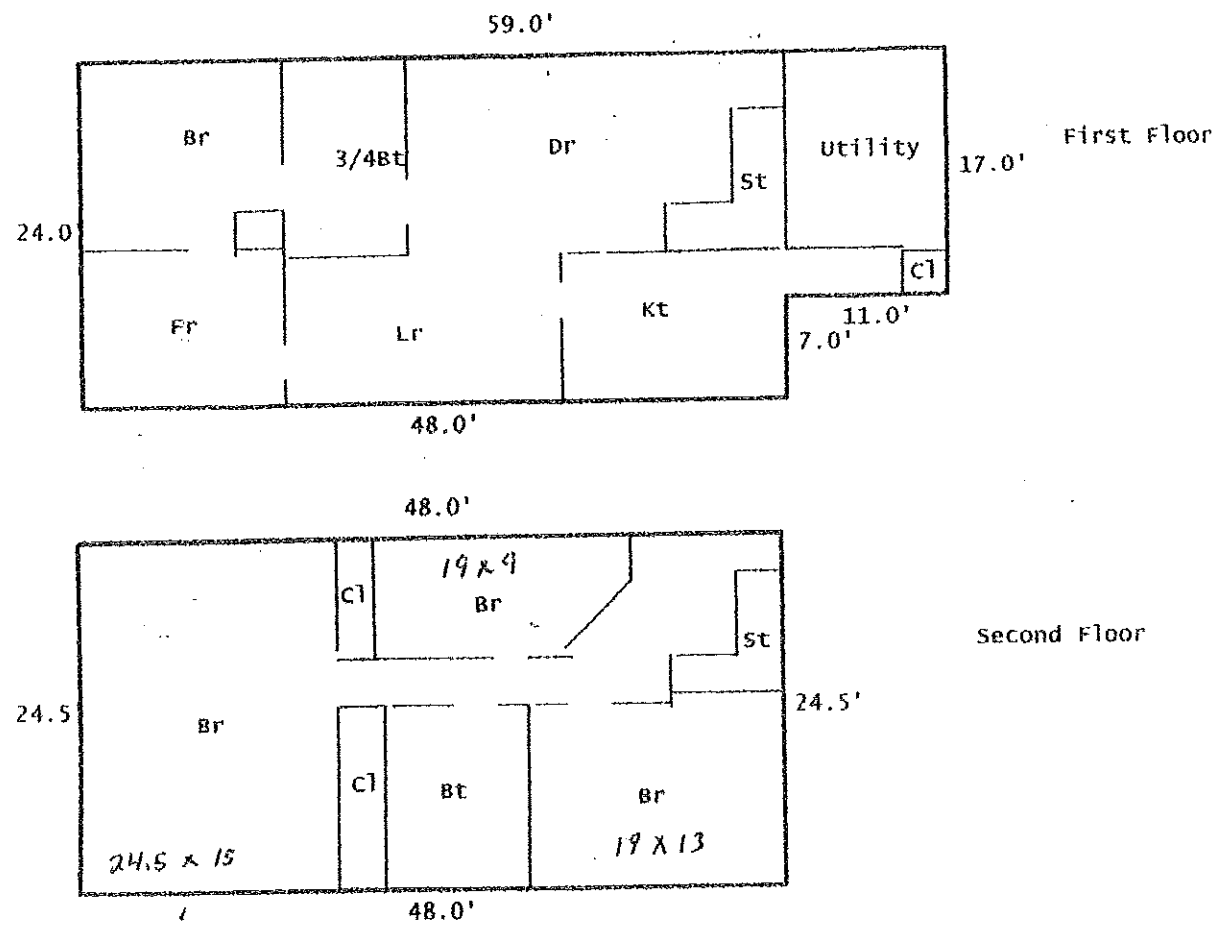
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THIS SKETCH IS NOT TO BE USED FOR CONSTRUCTION PURPOSES

ADDRESS: 244 Ray Street  
Portland, Maine  
INSPECTION DATE: 09/03/05  
SCALE: 1" = 30'



Proposed Client ~~Wilson, Elizabeth~~  
 Property Address 244 Ray Street  
 City Portland County Cumberland State ME Zip Code 04103

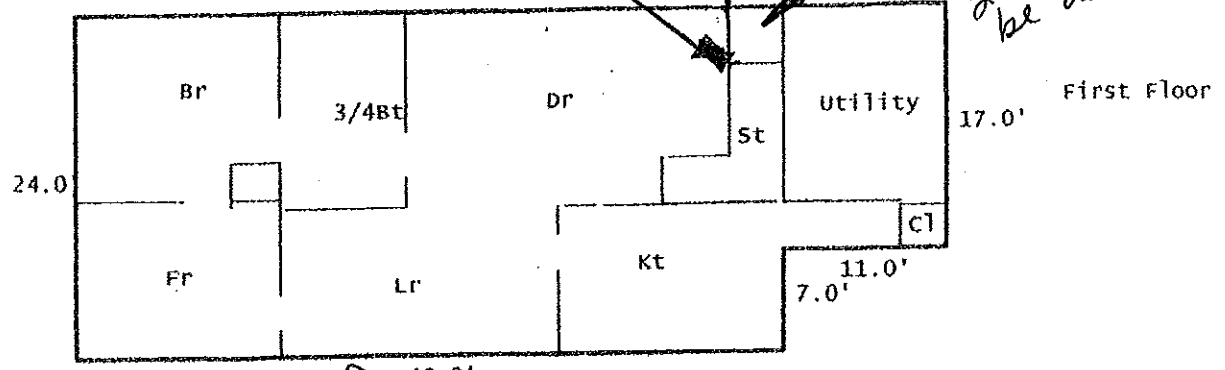


Interior Not Drawn To Scale

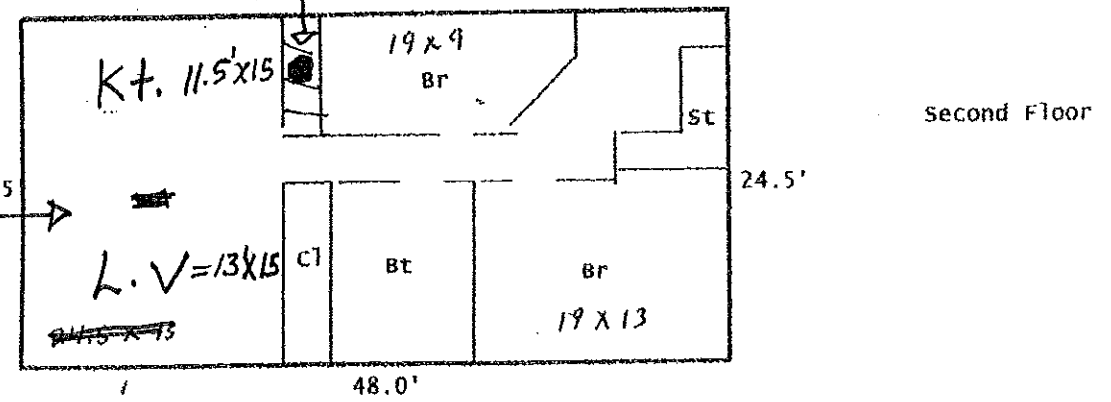
*NOU*

Property Address 244 Ray Street  
 City Portland County Cumberland State ME Zip Code 04103

7' Wall to be built to divide FROM  
 Main entrance for 2nd Floor to be added.



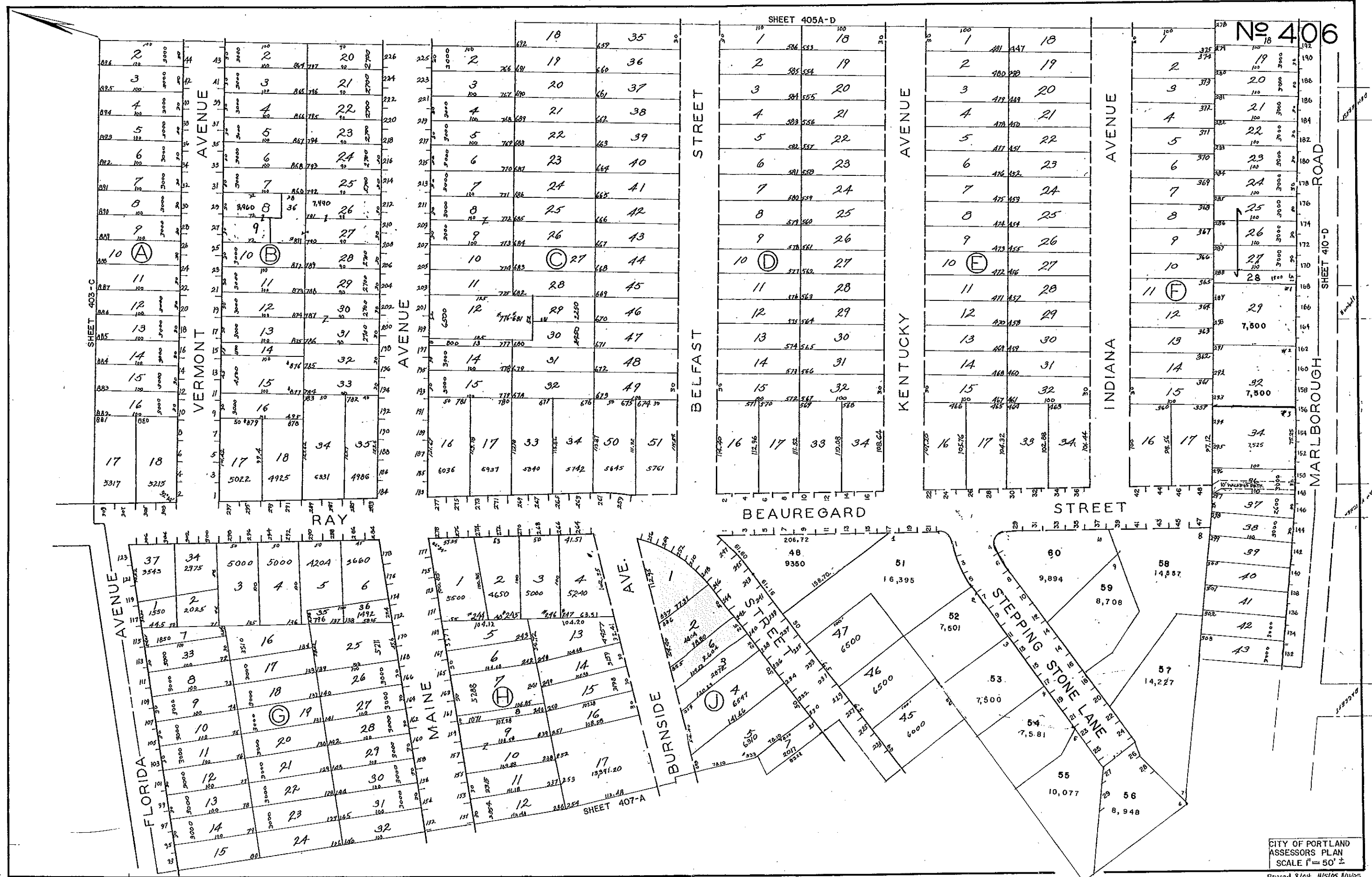
Kt. cabinets sink stone



open space. no wall.

Interior Not Drawn To Scale

AFTER



SHEET 405A-D

No 406

SHEET 410-D

SHEET 407-A

CITY OF PORTLAND  
ASSESSORS PLAN  
SCALE 1" = 50' ±

Revised 8/04, 4/10/05, 8/14/05  
8/22/06



KEEP THIS PORTION

REAL ESTATE PROPERTY TAX STATEMENT  
City of Portland

2007  
Fiscal Year  
July 1, 2006 - June 30, 2007  
Owner of Record as of April 1, 2006  
**CONTRERAS YESSENIA E &  
DONYS O CONTRERAS JTS  
244 RAY ST  
PORTLAND ME 04103**

ACCOUNT NUMBER  
**42010**

CBL  
**406 - J-001-001**

Acres:  
**0.262**

Assessed Property Description  
**RAY ST 242-256  
BURNSIDE AVE  
11401 SF**

CURRENT BILLING DISTRIBUTION	
School	\$1,605.24
Debt Repayments	\$421.45
Police	\$223.12
Fire	\$201.43
Public Works	\$179.74
General Government	\$111.56
County Tax	\$102.26
Library	\$80.57
Parks & Recreation	\$74.37
ecomaine (RWS)	\$24.79
Metro Transit District	\$55.78
Health & Human Ser.	\$0.00
Enterprise Funds	\$18.59

CURRENT BILLING INFORMATION	
Land Value	\$72,700.00
Building Value	\$117,300.00
Total Value	\$190,000.00
Exemptions	\$0.00
Homestead	\$0.00
Taxable Value	\$190,000.00
Tax Rate	\$16.31
TOTAL TAX	\$3,098.90
AMOUNT PAID	\$1,549.45

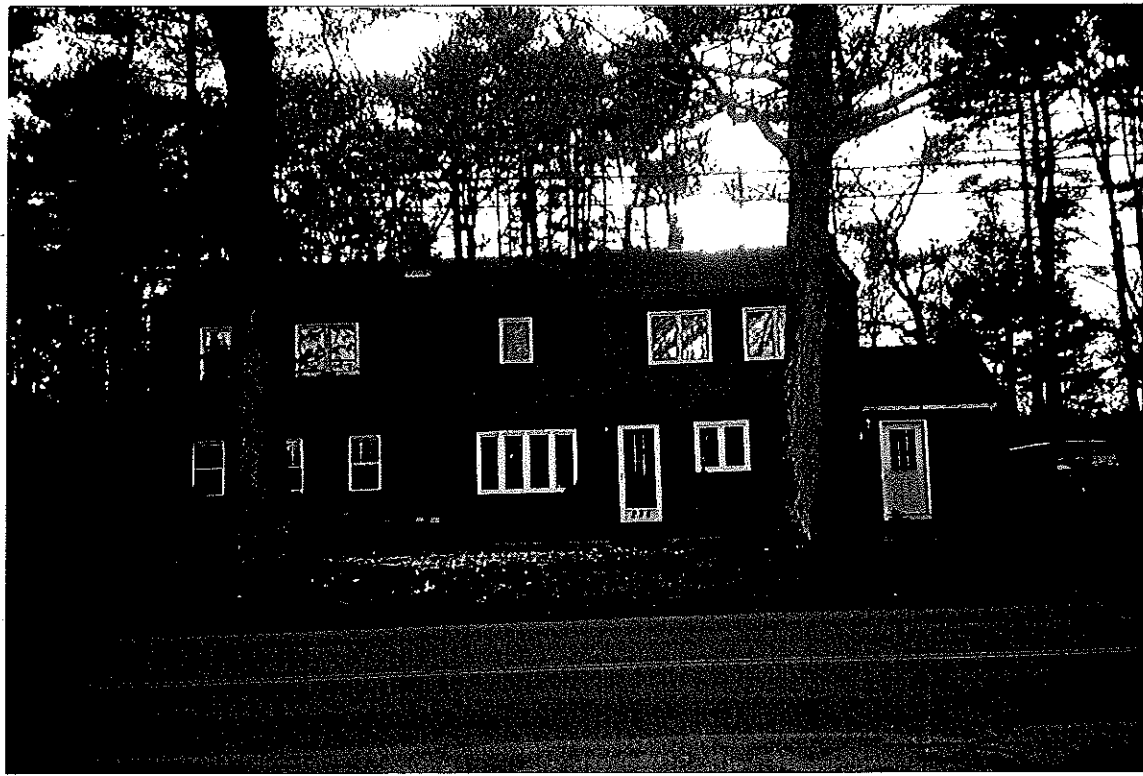
**Remittance Instructions**

To avoid standing in line, it is recommended that taxes be paid by mail. Please make check or money order payable to: **CITY OF PORTLAND**. Credit cards are not accepted for property tax payments.

Use enclosed envelope to mail in your payment.

Use top right margin for change of address.

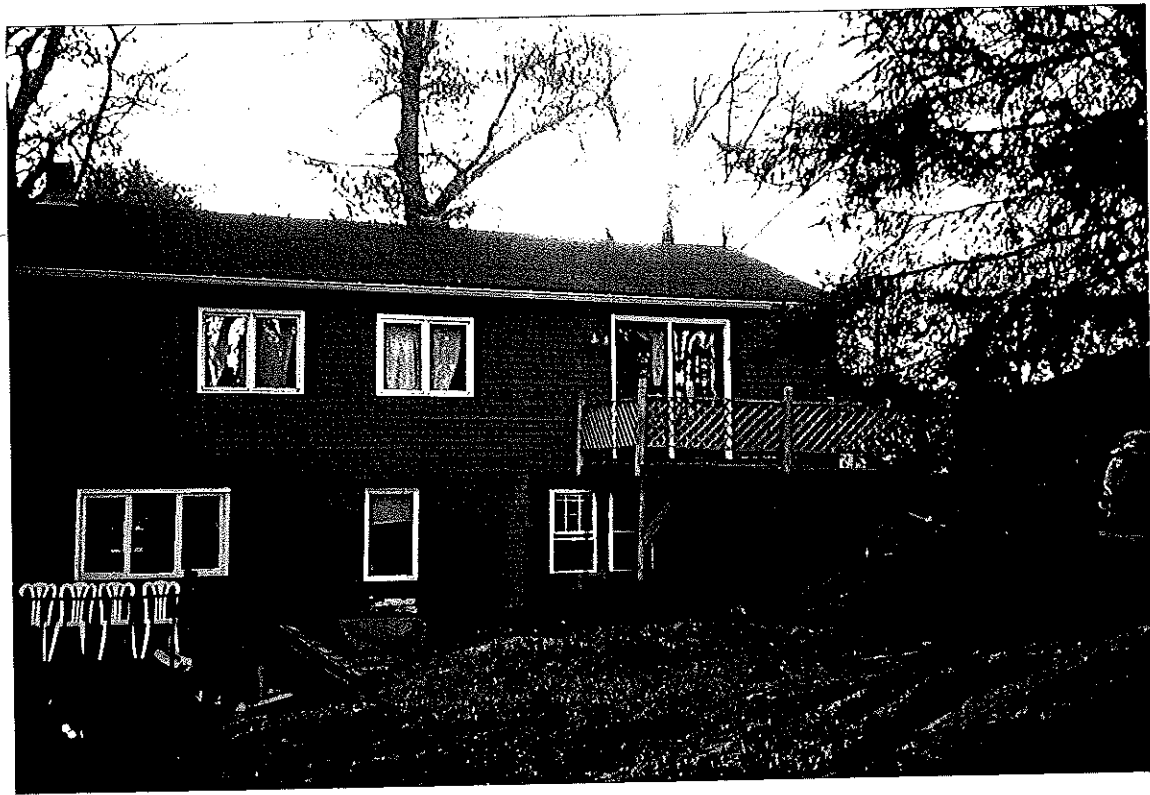
Remit To: **CITY OF PORTLAND MAINE  
FINANCE DEPARTMENT  
TREASURY AND COLLECTION DIVISION  
P O BOX 544  
PORTLAND ME 04112-0544**



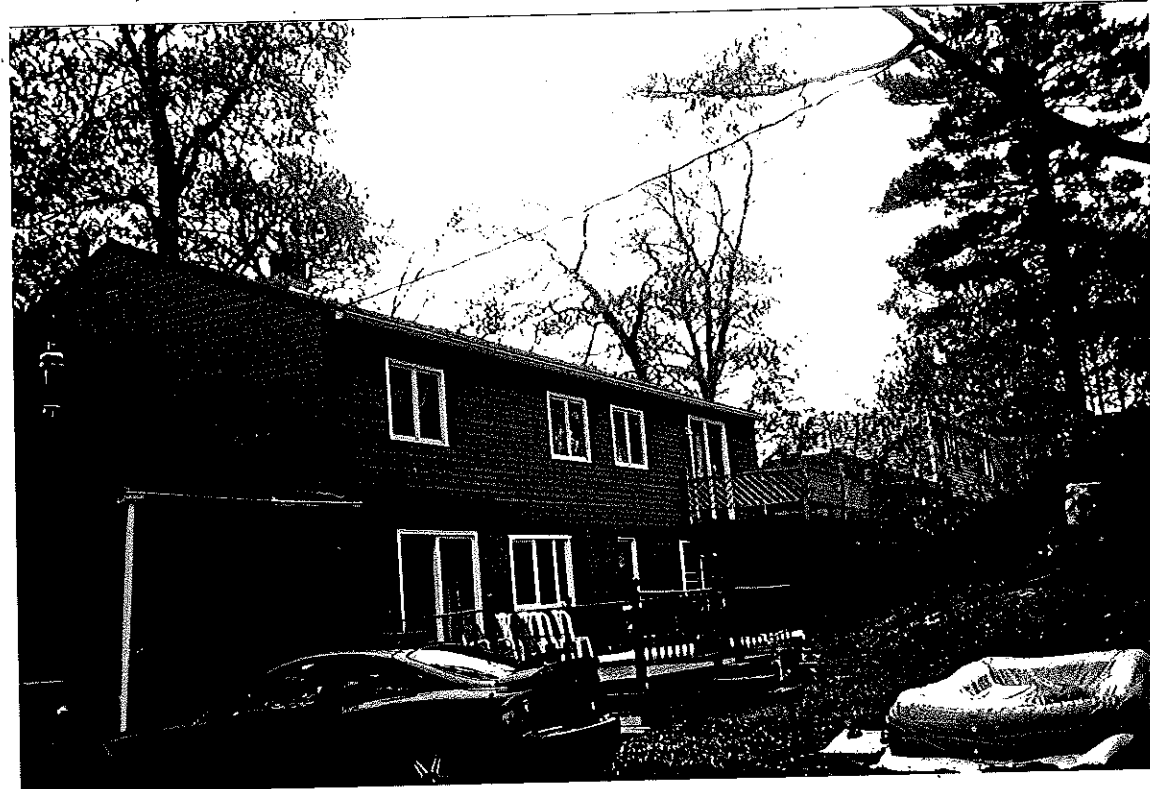
*Front view*



*Front view*



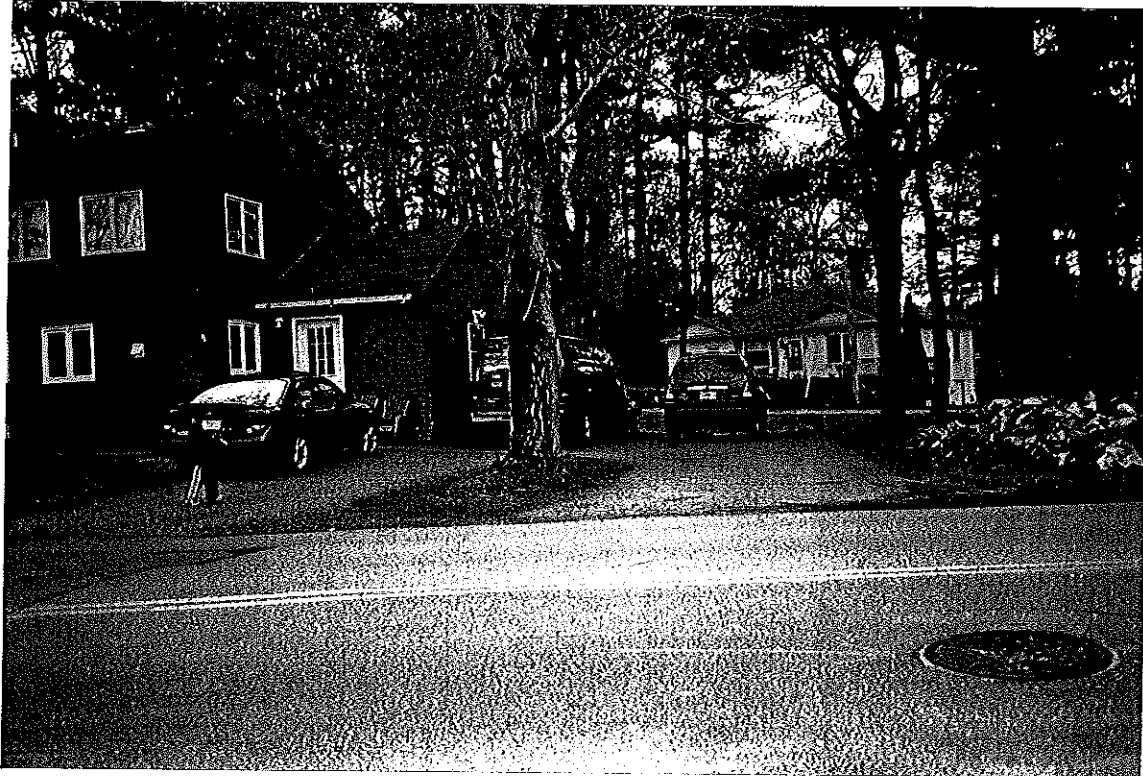
Back view



Back view



parking



parking

**QUITCLAIM DEED WITHOUT COVENANT**

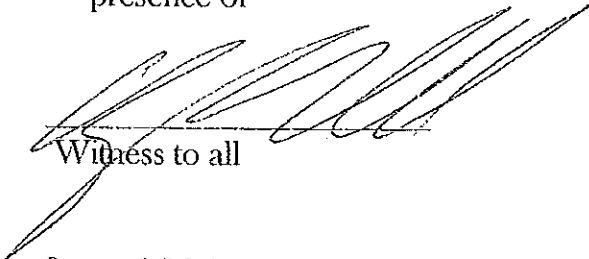
*Maine Statutory Short Form*

KNOW ALL MEN BY THESE PRESENTS, I, **DONYS O. CONTRERAS**, of Portland, Maine for consideration paid, grants to **YESSENIA E. CONTRERAS**, whose mailing address is 23 Hemlock Street, Portland, Maine 04102, without covenants, the real property in Portland, County of Cumberland, State of Maine, described as follows:

A certain lot or parcel of land with any buildings thereon described in Schedule A. attached hereto and incorporated herein by reference.

WITNESS my hands and seals this 20 day of October, 2006.

Signed, sealed and delivered in presence of

  
Witness to all

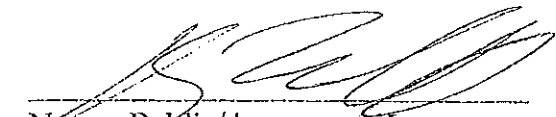
  
DONYS O. CONTRERAS

State of Maine  
County of Cumberland

*October 20, 2006*

Then personally appeared the above-named DONYS O. CONTRERAS and acknowledged the foregoing instrument to be his free act and deed.

Before me,

  
Notary Public/Attorney at Law  
Commission expires: *Kerry E. Kimball*

**EXHIBIT A**

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

Beginning at the northeasterly corner of Lot 337 as shown on the plan entitled "The Pines, Section A dated April 1925 by Percy E. Richardson and recorded in the Cumberland County Registry of Deeds in Plan Book 16, Page 29, said point also being the intersection of the westerly side of Ray Street and the southeasterly side of Michigan Avenue as shown on said Plan.

Thence southwesterly along the said southeasterly side of Michigan Avenue 194.55 feet;

Thence southeasterly on an included angle of 66 degrees 48' with the last described line, along land now or formerly of Martha Hamilton, 109.52 feet to the westerly side of Ray Street;

Thence Northeast on an included angle of 90 degrees with the last described line along the westerly side of Ray Street 114.94 feet to a point;

Thence continuing on said westerly side of Ray Street in a northerly direction on a circular curve to the left having a radius of 78.4 feet an arc distance of 74.48 feet to the point of beginning.

Being lots numbered #337, #336 and one half of Lot 335 as delineated on the Plan of "The Pines," Section A, dated April 1925 by Percy B. Richardson and recorded in the Cumberland County Registry of Deeds in Plan Book 16, Page 29.

Reference is hereby made to a deed from Christopher D. Wilson and Anne N. Wilson dated October 21, 2005 to Yessenia E. Contreras and Donyo O. Contreras and recorded in the Cumberland County Registry of Deeds in Book 23296, Page 205.

Received  
Recorded Register of Deeds  
Oct 26, 2006 11:41:15A  
Cumberland County  
John B O'Brien