

Department of Planning & Urban Development

Marge Schmuckal  
Zoning Administrator

Jeff Levine  
Director Planning & Urban Development

RECEIVED



FEB 18 2014

**CITY OF PORTLAND**  
**ZONING BOARD OF APPEALS**

Dept. of Building Inspection  
City of Portland Maine

**Conditional Use Appeal Application**

**Applicant Information:**

Lucas Theriault  
NAME

\_\_\_\_\_  
BUSINESS NAME

125 Sherwood St.  
ADDRESS  
Portland ME 04103

207-344-8979  
TELEPHONE #

owner  
APPLICANT'S RIGHT, TITLE OR INTEREST  
(eg; owner, purchaser, etc)

2 unit R-5  
CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:  
3 unit - 2 legal & one nonconforming

**Subject Property Information**

125 Sherwood St.  
PROPERTY ADDRESS

428 A003001  
CHART/BLOCK/LOT (CBL)

\_\_\_\_\_  
PROPERTY OWNER (if different)  
NAME

\_\_\_\_\_  
ADDRESS

CONDITIONAL USE AUTHORIZED BY  
SECTION 14 - 391(f)

TYPE OF CONDITIONAL USE  
PROPOSED:  
legalize one nonconforming unit  
to make 3 legal units

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:

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
3. 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 described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]  
SIGNATURE OF APPLICANT

2-14-2014  
DATE

Dear Zoning Board of Appeals,

I am here today in continuation of my application to convert my 2 unit apartment building into a legal 3 unit building.

This building has been currently used as a 3 unit apartment building since I have owned it, and was being used as a 3 unit for years before and during the sale of the building. It has been set up as a 3 unit building for at least the last 60 years. No modification other than cosmetics has been done to the building as of yet on my part. I would like to meet all current codes for the entire building and for this third unit to make it a legal 3 unit. The Portland Code enforcement, and fire inspectors gave me a list of things to do. The biggest thing to be done is to make the 2<sup>nd</sup> egress up to code as far as dimensions are concerned. Enclosed I have architect sketches which should meet all current code. I am willing to do anything these enforcement officers ask to make the building safer, and more current, and a legal 3 unit.

All three standards are easily met within this project

1. Other buildings on the street are grandfathered 3 units, among a condo association, and a huge housing complex at the end of the street. Turning 125 Sherwood into a nonconforming 3 unit would not make it unique in any way.
2. Since it has been used as a 3 unit for so long the impact has already been present and appears to only be affect the usage of a couple additional parking spots, in which there appears to be plenty on Sherwood.
3. The impact does not differ from what would normally be used in this zone. The bedrooms and living space are already present on the third floor and will be occupied whether it is part of an existing unit or a stand a lone unit.

If all goes well during this meeting I will be immediately applying for the building permit and setting up contractors for this project to undergo as quickly as possible once all the snow is gone and spring is here. This meeting to me is the biggest step and once approved the project will be tackled head on and finished in a timely manner.

If there are any questions about this application please contact me at 207-344-8979 or my email [lucastheriault1@hotmail.com](mailto:lucastheriault1@hotmail.com).

Thank you all for your time,

Lucas Theriault

State of Maine

County of Cumberland

I Louis Cavallaro, do swear (affirm) under penalty of perjury, state the building on 125 Sherwood St in Portland Maine

Was always a functional 3 unit complex.

When building was purchased 45 years ago a 3<sup>rd</sup> unit which tenants inhabited existed.

Over the years updates including electrical, plumbing, and cosmetics were done by me Louis Cavallaro.

It was a total functional unit before, during, and after April 1995.

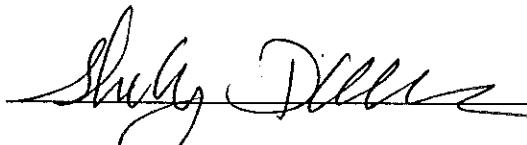
My Grandson was living in the unit when building was sold in August 2012.

Louis Cavallaro and Peggy Cavallaro were the owners of 125 Sherwood from 1967 to 2012.

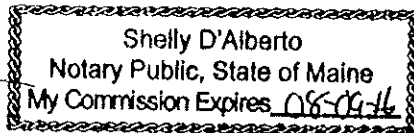
Louis Cavallaro



Sworn to and subscribed before me this 28<sup>th</sup> of June 2013



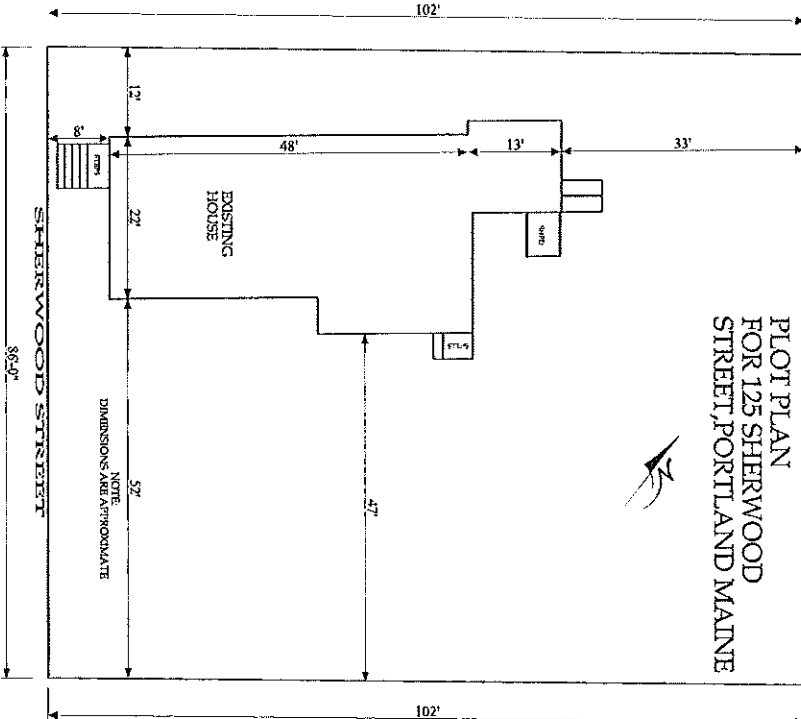
Signature of Notary Public



Name of Notary Public:

Notary Public State of Maine

My commission expires: 08-09-16



**PLOT PLAN**  
SCALE 1/8"=1'-0"

SHERWOOD STREET

PLOT PLAN  
FOR 125 SHERWOOD  
STREET, PORTLAND MAINE



**S1**  
SHEET NO.

PLOT PLAN

DATE: 7/27/2011  
SCALE: AS NOTED  
DRAWN BY: JAW  
CHECKED BY: JAW

**LUCAS THERIAULT RENOVATIONS**  
**125 SHERWOOD ST. PORTLAND ME**  
CBL 428 A003001

**JOSEPH WALTMAN**  
**ARCHITECTURAL DESIGN**  
ARCHITECTURAL DESIGN CONSULTING ARCHITECTS  
1000 SHERWOOD ST. PORTLAND, ME 04102  
PHONE: 603.761.1234 FAX: 603.761.1235

THIS IS NOT A BOUNDARY SURVEY

**INSPECTION OF PREMISES**

I HEREBY CERTIFY TO Old Port Title Co.

125 Sherwood Street  
Portland, Maine

Job Number: 417-55  
Inspection Date: 07-30-12  
Scale: 1" = 20'

Mortgage Network, Inc. and its Title Insurer

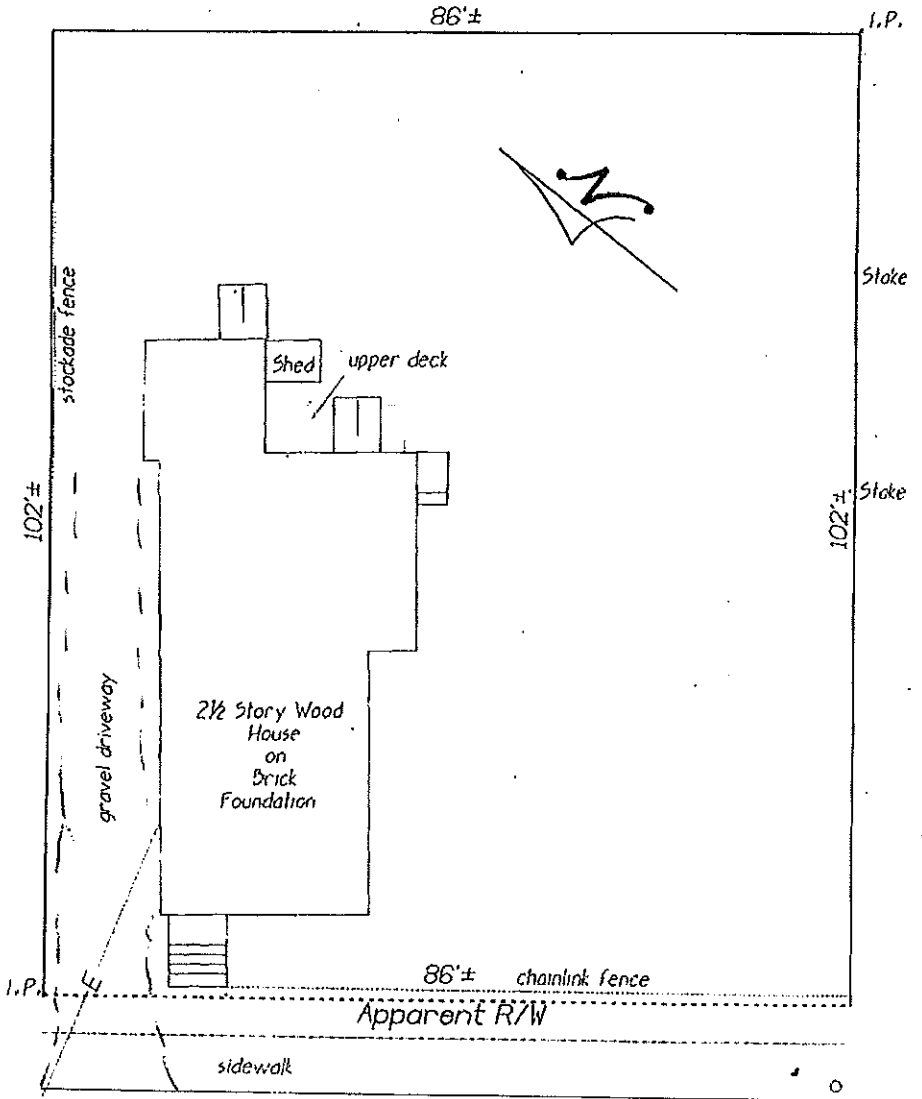
The monumentation is ~~not~~ in harmony with current deed description. *Deed is Vague*

The building setbacks are ~~not~~ in conformity with town zoning requirements. *"Grandfathered"*

The dwelling does not ~~appear to~~ fall within the special flood hazard zone as delineated by the Federal Emergency Management Agency.

The land does not ~~appear to~~ fall within the special flood hazard zone as indicated on community-panel # 230051 0002 B

BUYER: Lucas Theriault  
SELLER: Louis Cavallaro



*[Handwritten signature]*

Sherwood Street (bituminous) Verando Street

THIS PROPERTY IS SUBJECT TO ALL RIGHTS AND EASEMENTS OF RECORD. THOSE THAT ARE EVIDENT ARE SHOWN. THIS PLAN MIGHT NOT REVEAL CONFLICTS WITH ABUTTING DEEDS.

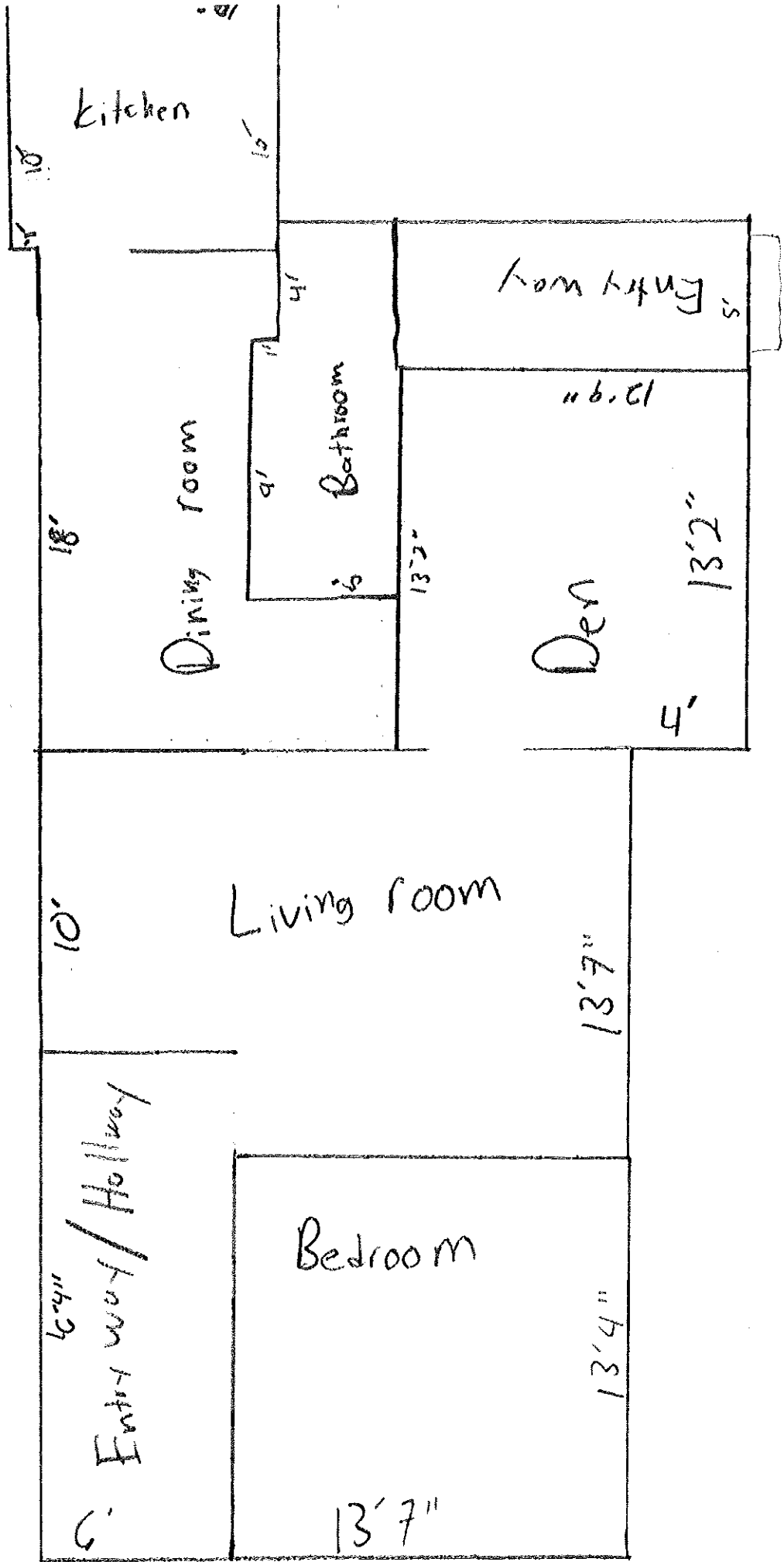
**Bruce R. Bowman**  
INCORPORATED  
184 John Small Road  
Chebeague Island, Maine 04017  
Phone: (207) 846-1663  
Fax: (207) 846-1664



PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ LOT \_\_\_\_\_  
DEED BOOK 2982 PAGE 556 COUNTY Cumberland

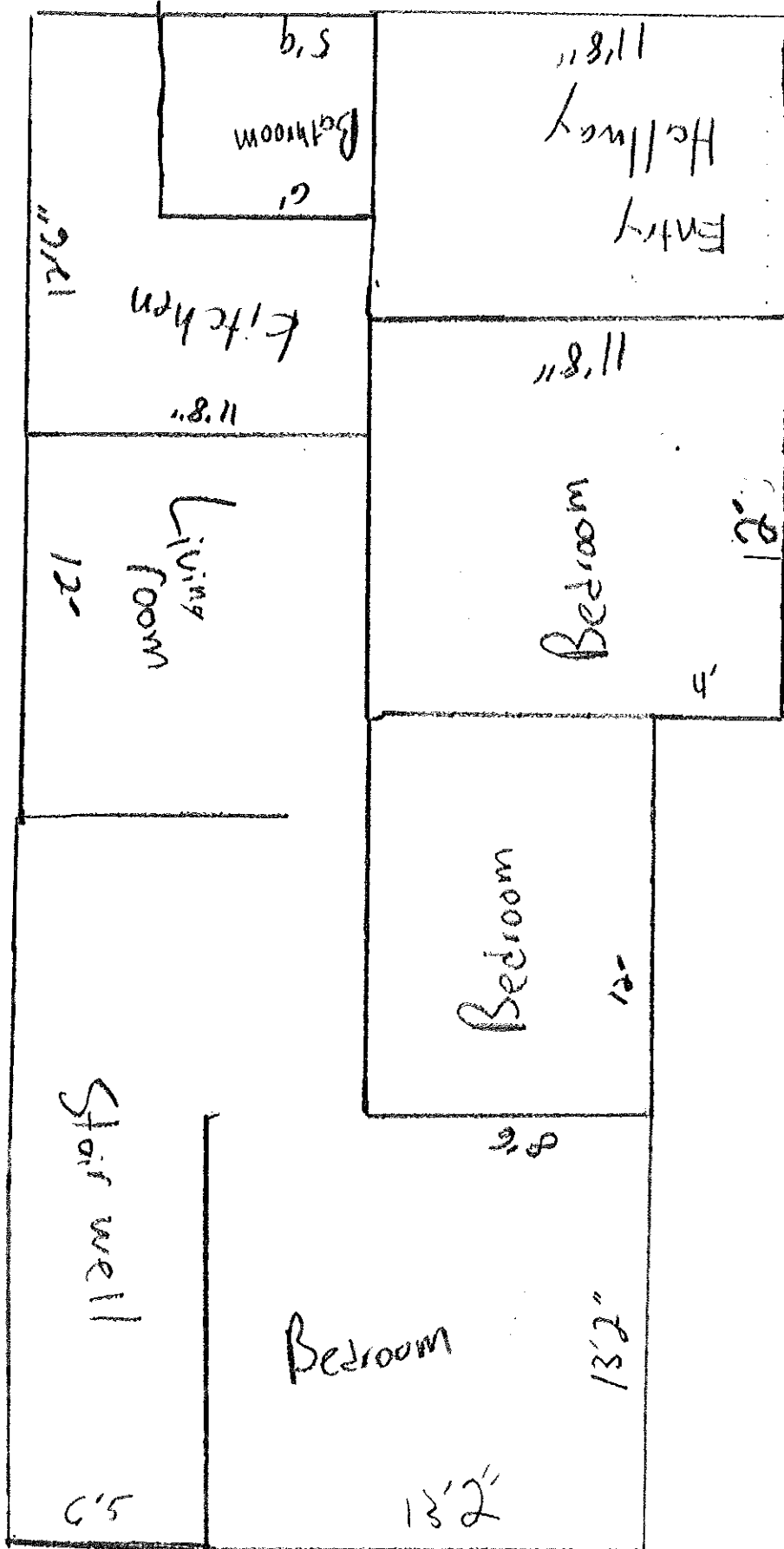
THIS PLAN IS NOT FOR RECORDING Drawn by: *[Signature]*

# Level 1 Floor Plan



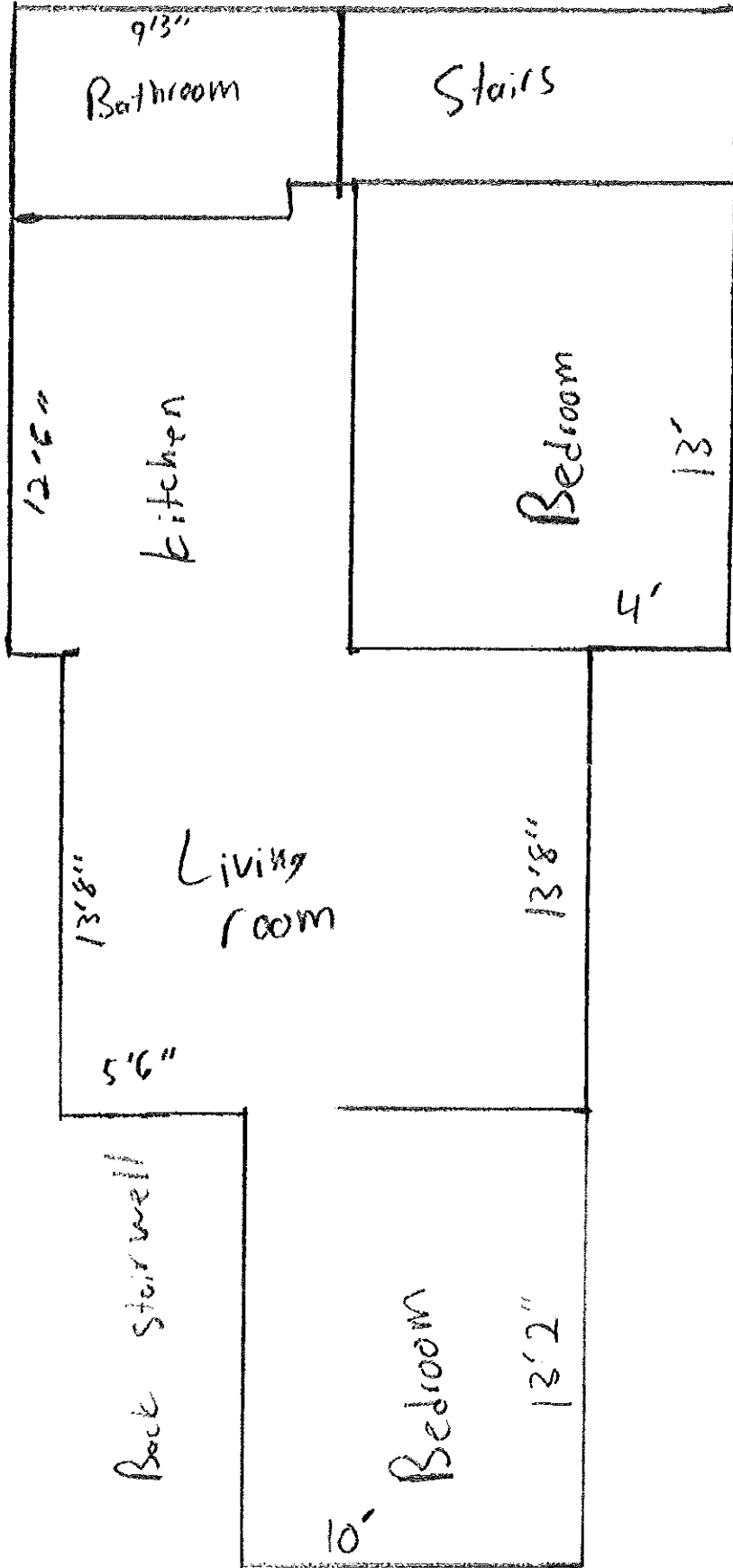
Ch. 2000 CT Sherwood Street.

# Level 2 Floor Plan



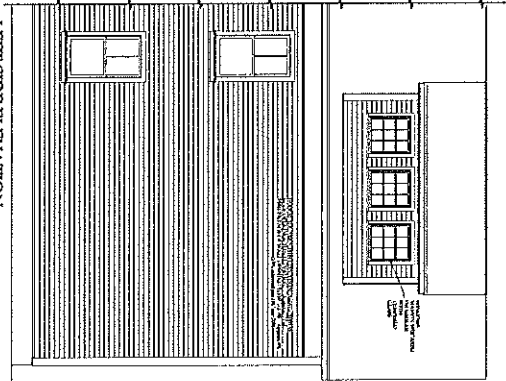
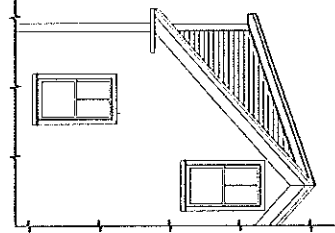
Sherwood St.

# Level 3 Floor Plan



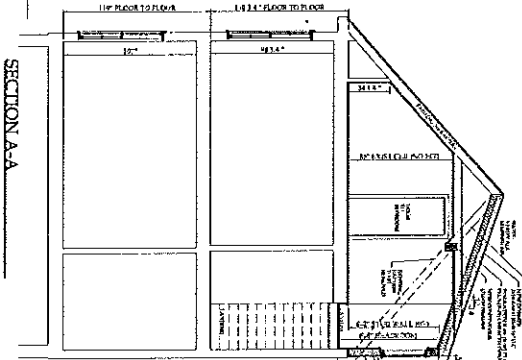


**FRONT ELEVATION**  
SHOWING NEW DORMER

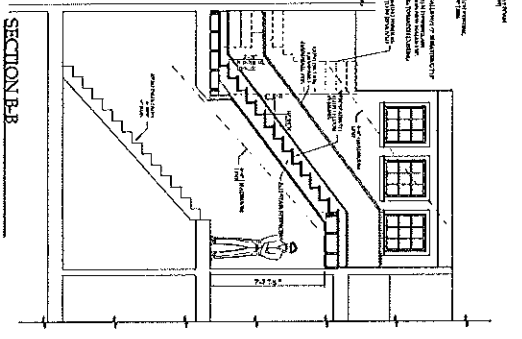


**LEFT SIDE ELEVATION**  
SHOWING NEW DORMER

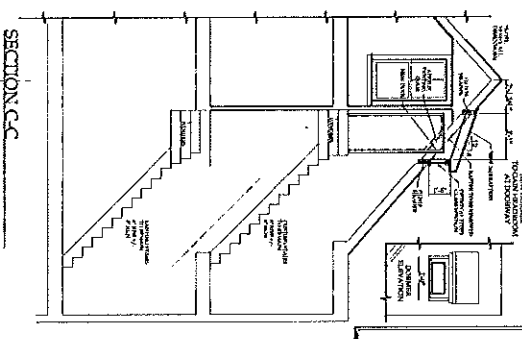
SCALE 1/4" = 1'-0" UNLESS NOTED OTHERWISE



**SECTION A-A**

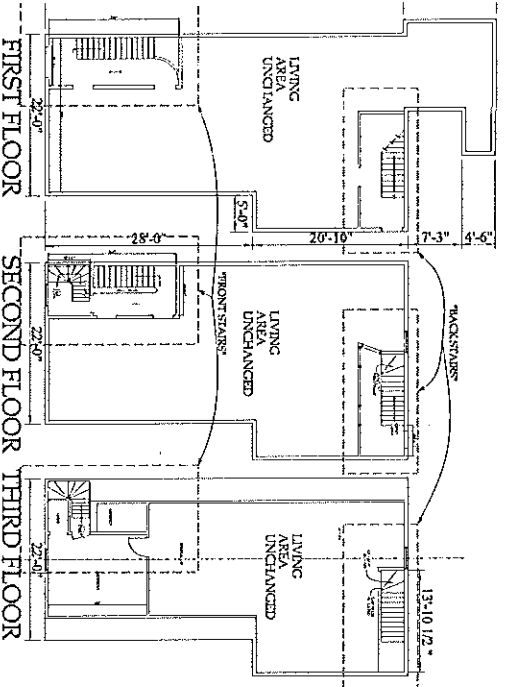


**SECTION B-B**



**SECTION C-C**

**SCOPE OF WORK**  
FRONT STAIRS - FIRST FLOOR TO SECOND FLOOR UNCHANGED. NEW STAIRWAY FROM SECOND FLOOR TO THIRD FLOOR. ADD DORMER TO ALLOW HEADROOM FOR STAIRWAY. BACK STAIRS - KEEP EXISTING STAIRS AND ADD A SMALL DORMER TO GAIN HEADROOM AT THIRD FLOOR DOWNWAY.



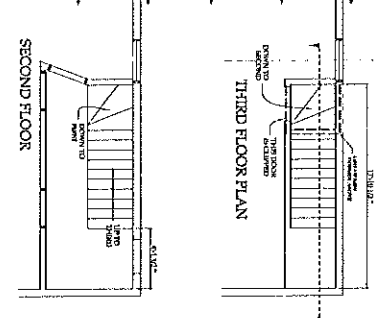
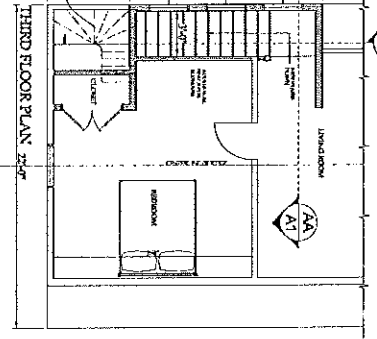
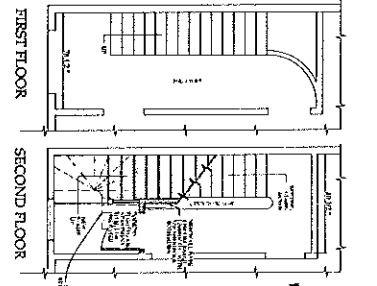
**FIRST FLOOR**

**SECOND FLOOR**

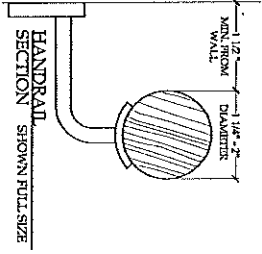
**THIRD FLOOR**

EXISTING FLOOR PLANS SHOWING STAIRWAYS  
SCALE 1/8" = 1'-0"

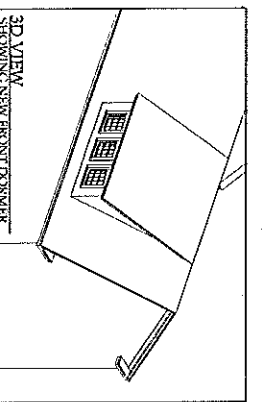
**FRONT STAIRS**



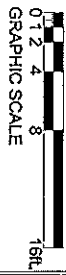
**BACK STAIRS**



HANDRAIL SECTION FULL SIZE  
1 1/4" DIA  
36" HIGH FROM WALL



3D VIEW SHOWING NEW FRONT DORMER



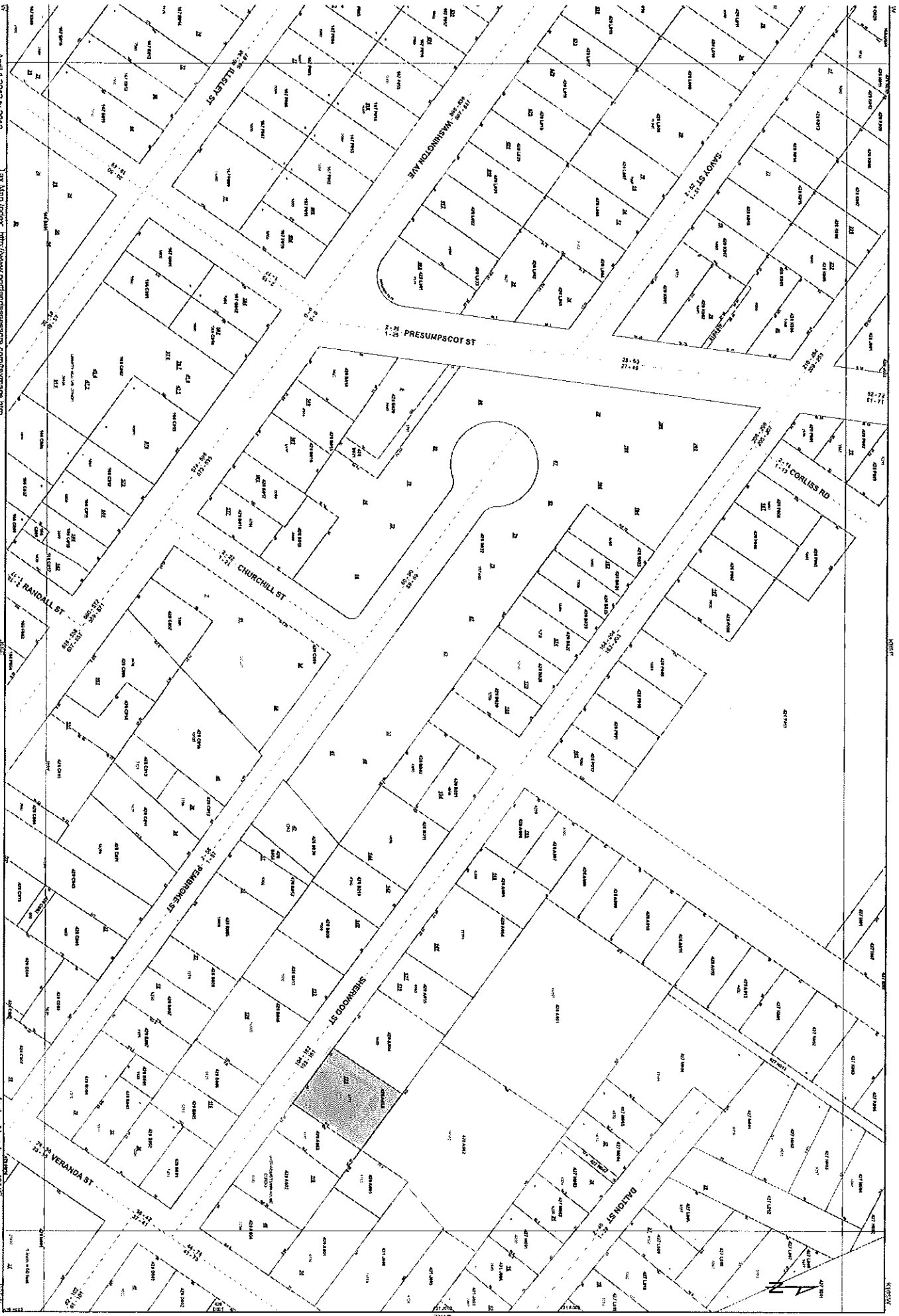
0 1 2 4 8 16ft  
GRAPHIC SCALE

**A1**

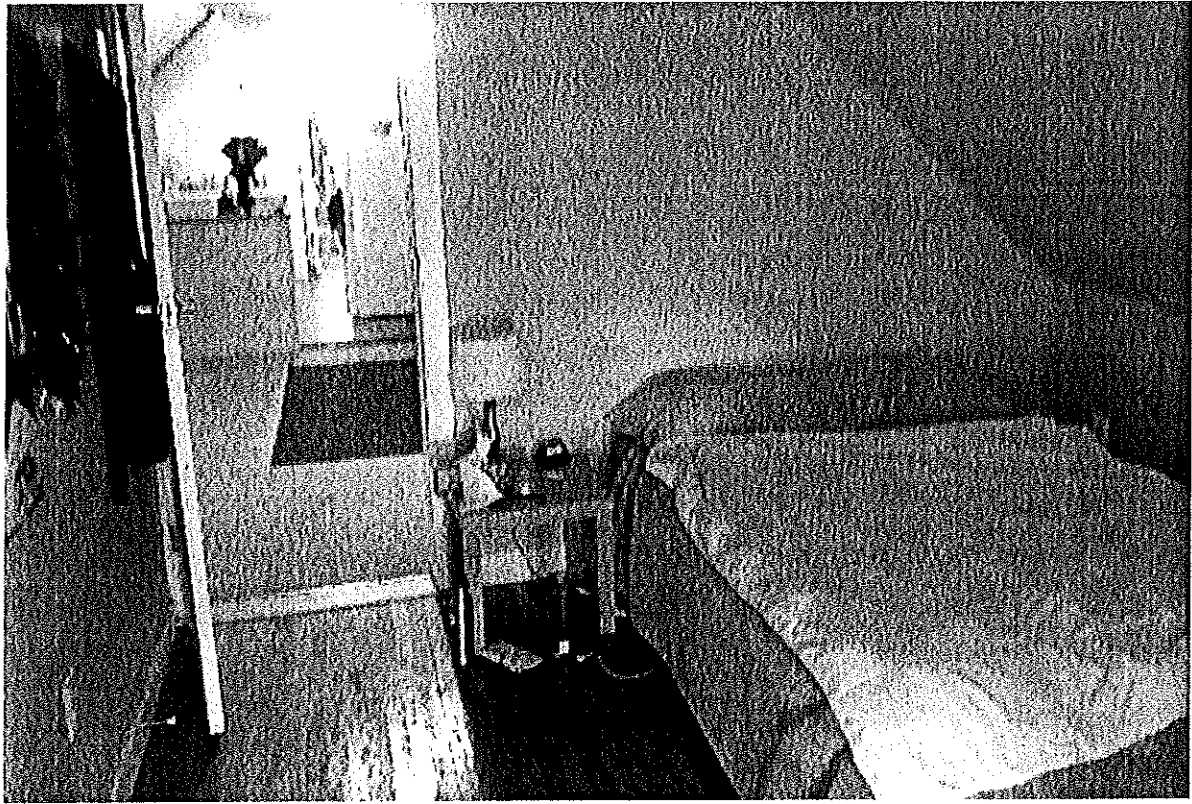
STAIR RENOVATIONS  
DATE: 10/20/2023  
SCALE: AS NOTED  
DRAWN BY: J.W.  
CHECKED BY: J.W.

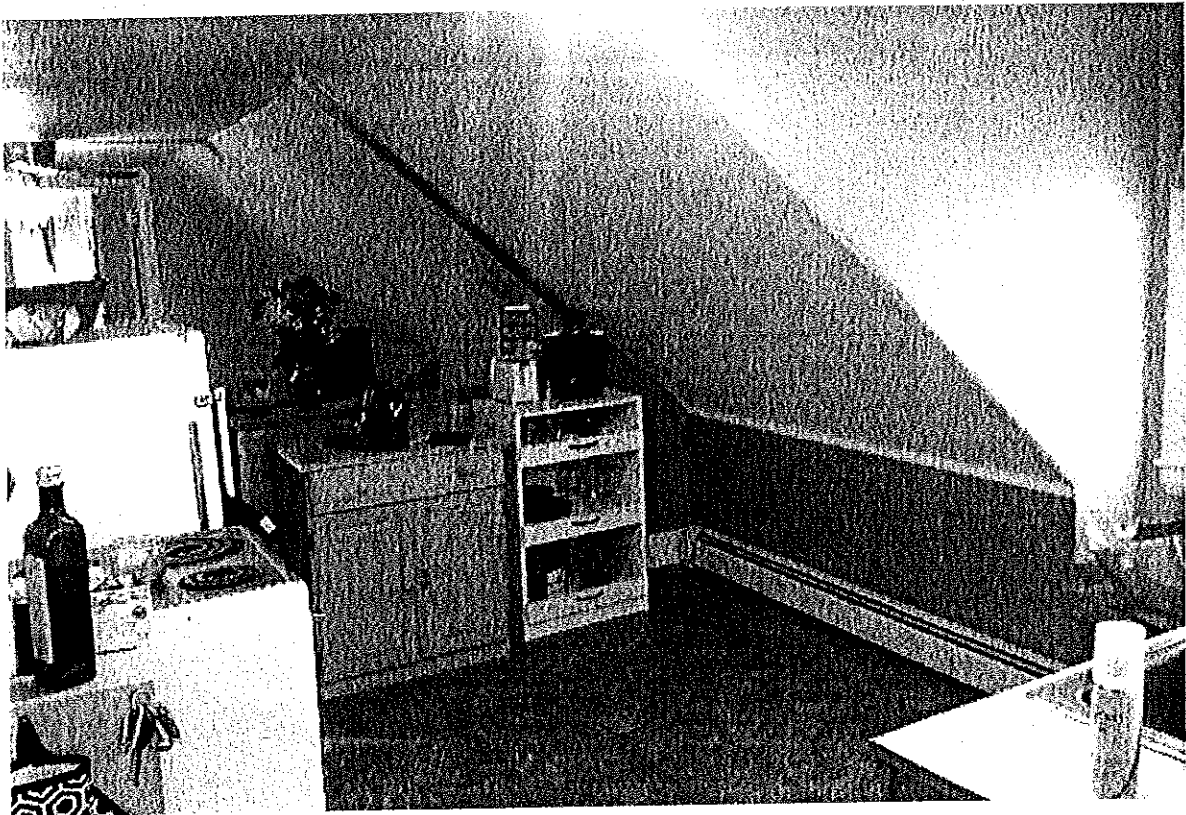
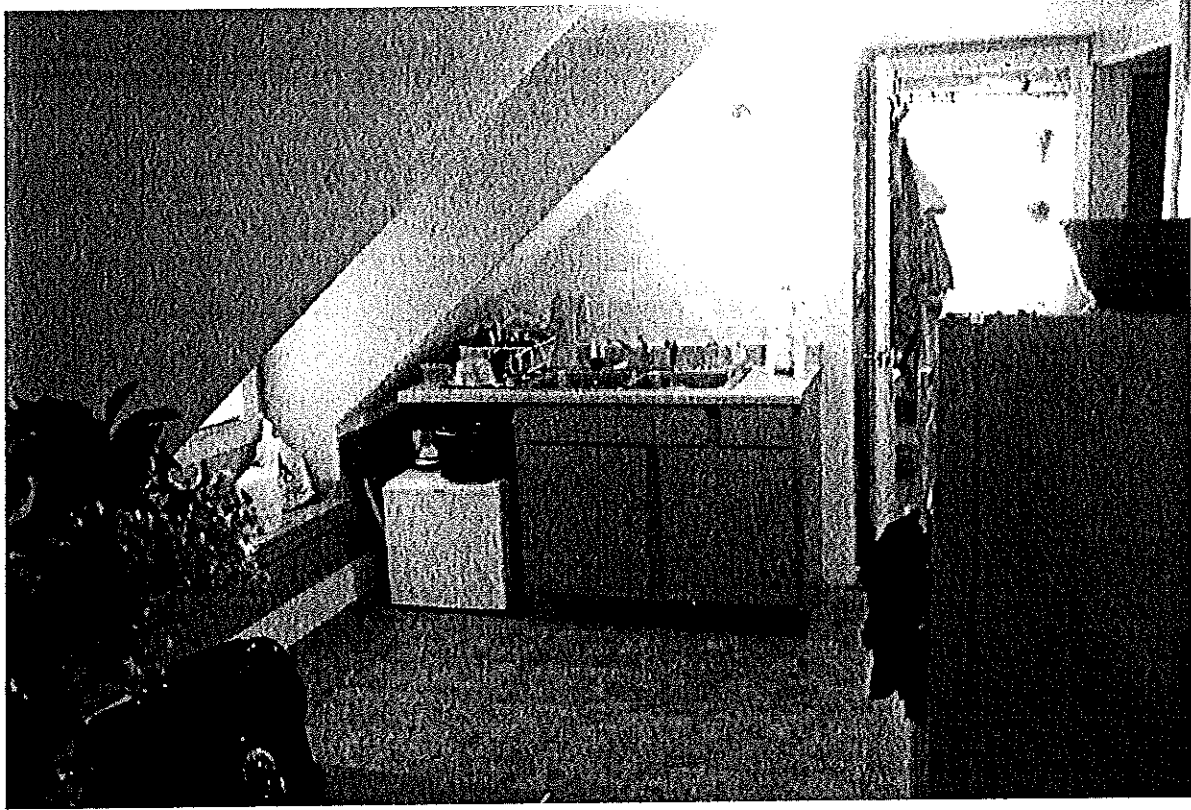
**LUCAS THERIAULT RENOVATIONS**  
125 SHERWOOD ST. PORTLAND ME  
CBL 428 A003001

**JOSEPH WALTMAN**  
ARCHITECTURAL DESIGN  
116 Main Street, Suite 201  
Portland, ME 04101  
Tel: 603.633.1234  
Fax: 603.633.1235







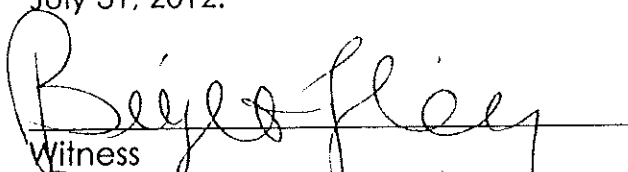


**WARRANTY DEED**  
Maine Statutory Short Form

**KNOW ALL PERSONS BY THESE PRESENTS**, That We, **Louis A. Cavallaro and Margaret V. Cavallaro**, of Portland, County of Cumberland and State of Maine, for consideration paid, grant to **Lucas R. Theriault** , whose mailing address is 90 Victoria Drive, Westbrook, ME 04092 with **WARRANTY COVENANTS**, Individually, the real property situated in Portland, County of Cumberland and State of Maine more particularly described in Exhibit A attached hereto and incorporated herein by reference.

**IN WITNESS WHEREOF**, We have hereunto set our hands and seals this

July 31, 2012.

  
Witness  
BRIDGET L KING

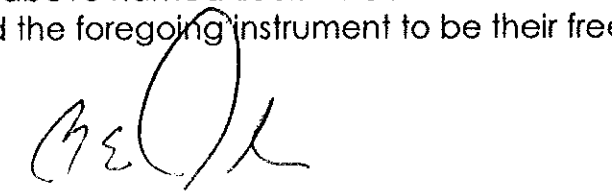
  
Louis A. Cavallaro

  
Margaret V. Cavallaro

State of Maine  
County of Cumberland

July 31, 2012

Personally appeared before me the above named Louis A. Cavallaro and Margaret V. Cavallaro and acknowledged the foregoing instrument to be their free act and deed.

  
Robert E. Danielson  
Attorney at Law

### Exhibit A

A certain lot or parcel of land with the buildings thereon, situated on the northeasterly side of Sherwood Street, in the City of Portland, County of Cumberland, State of Maine, being Lot No. 5 and a part of Lot No. 6 as shown on plan of part of Peter Lunt Farm recorded in the Cumberland County Registry of Deeds in Plan Book 1, Page 35, and bounded and described as follows:

Beginning on said northeasterly side of Sherwood Street two hundred eighty and one-quarter (208 1/4) feet northwesterly from the line of Veranda Street as shown on said plan; thence northwesterly by Sherwood Street eighty-six (86) feet to land formerly of Elizabeth Ladner; thence northeasterly by said Ladner land one hundred two (102) feet, more or less, to land now or formerly of Taylor; thence southeasterly parallel with Sherwood Street eighty-six (86) feet to the line of Lot No. 4 on said plan; thence southwesterly by said Lot No. 4 one hundred two (102) feet, more or less, to Sherwood Street at the point of beginning.

Meaning and intending to convey and hereby conveying the same premises as set forth in deed from John O. Lunt to Louis A. Cavallaro and Margaret V. Cavallaro to December 13, 1966 and recorded in the Cumberland County Registry of Deeds in Book 2982, Page 556.