

Department of Planning & Urban Development

Marge Schmuckal  
Zoning Administrator

Jeff Levine  
Director Planning & Urban Development



**CITY OF PORTLAND**  
**ZONING BOARD OF APPEALS**  
*Conditional Use Appeal Application*

RECEIVED

FEB 19 2013

Dept. of Building Inspection  
City of Portland Maine

Applicant Information:

Anthony Napolitano  
NAME

NA  
BUSINESS NAME

56 BERNARD RD  
ADDRESS  
Portland, ME 04103

TELEPHONE # 799-7542  
cell# 899-5357

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

R3  
CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:

Single Family

Subject Property Information

56 Bernard Rd  
PROPERTY ADDRESS

437-E-001-001  
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)

NAME NA

ADDRESS

CONDITIONAL USE AUTHORIZED BY

SECTION 14 - 88 (a) (2)

TYPE OF CONDITIONAL USE

PROPOSED:  
ADD An Accessory 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:

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.

Anthony Napolitano  
SIGNATURE OF APPLICANT

Feb 6, 2013  
DATE

Feb. 15, 2013

City of Portland  
Zoning Board of Appeals

This letter is to ask for our apt. is granted for a conditional use appeal. The apartment has actually been there since it was built in 1983. And submitted with house plans then.

There is no unique or distinctive characteristics or effects associated with proposed conditional use.

There will not be any adverse impact upon the health, safety or welfare of the public or the surrounding area.

The impact will not differ substantially from the impact which would normally occur from such a use in that zone.

This is a single family dwelling with a accessory unit. It is 624 sq. ft., which exceeds the 400 sq. ft. requirements.

The main house is 2,352 sq. ft. and the accessory unit equals 26.5%, which is under the 30 percent limit. *\* gross floor area = 2288 + 624 = 2912 sq ft / 21.4% of gross floor area.*

This is a single story unit.

The lot size is 11,131 sq. ft. plus.

There are two drive ways, one on the apartment side for one car and the other on the main house for two with a 2 car garage as shown on plot plan.

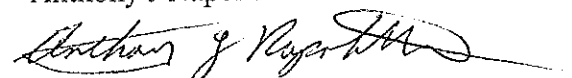
We the owner occupies the main house.

The unit is in the existing building.

The packet includes, application, deeds, layout of apartment, pictures, city map of lot, State of Maine Boundary Survey.

Thank you for your consideration.

Anthony J Napolitano



56 Bernard Rd  
Portland, Maine 04103  
899-5357

# INSPECTION OF PREMISES

100 Forest Avenue  
Cumberland, Maine

Job number: 100-62

Date of inspection: 2-24-88

Scale: 1" = 20'

I HEREBY CERTIFY TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN

The monumentation is in harmony with current deed description.

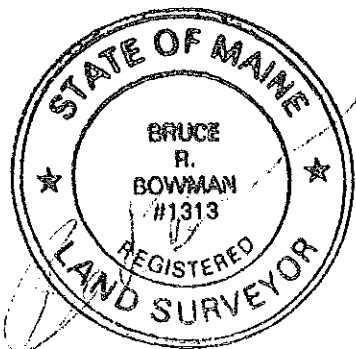
The building setbacks are in conformity with town zoning requirements.

The land and sea level elevations do not appear to fall within the special flood hazard zone as delineated by the

Federal Emergency Management Agency.

REPORT ( )

Tom Markely  
CBL 437-E-001



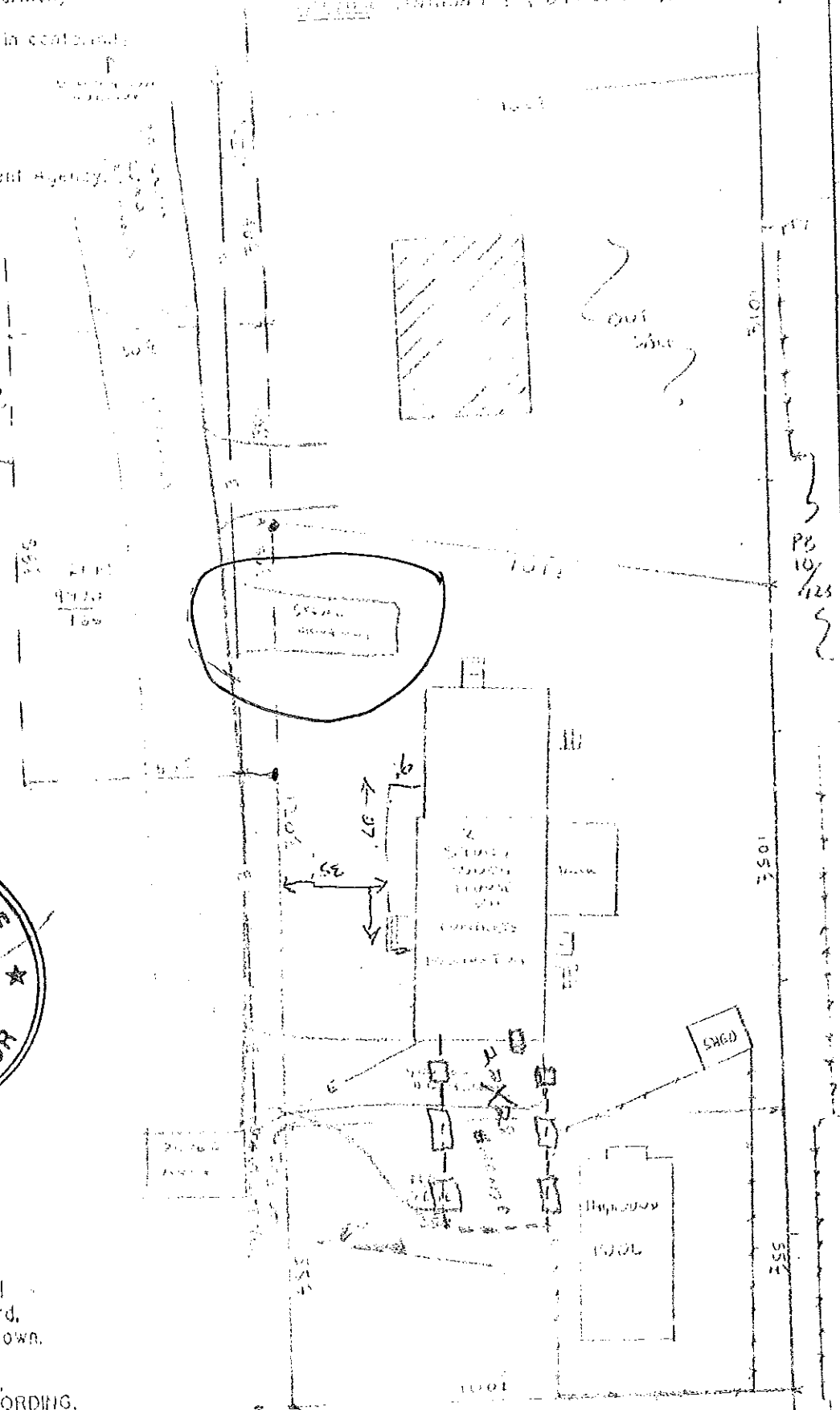
This property is subject to all rights and easements of record. Those that are evident are shown. This plan might not reveal conflicts within abutting deeds. THIS PLAN IS NOT FOR RECORDING.

BRUCE R. BOWMAN R.L.S.  
20 Forest Avenue  
Cumberland,  
Maine 04021  
Phone: (207) 829-3959

PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ LOT \_\_\_\_\_

DEED BOOK (617) PAGE ( ) COUNTY CUMBERLAND

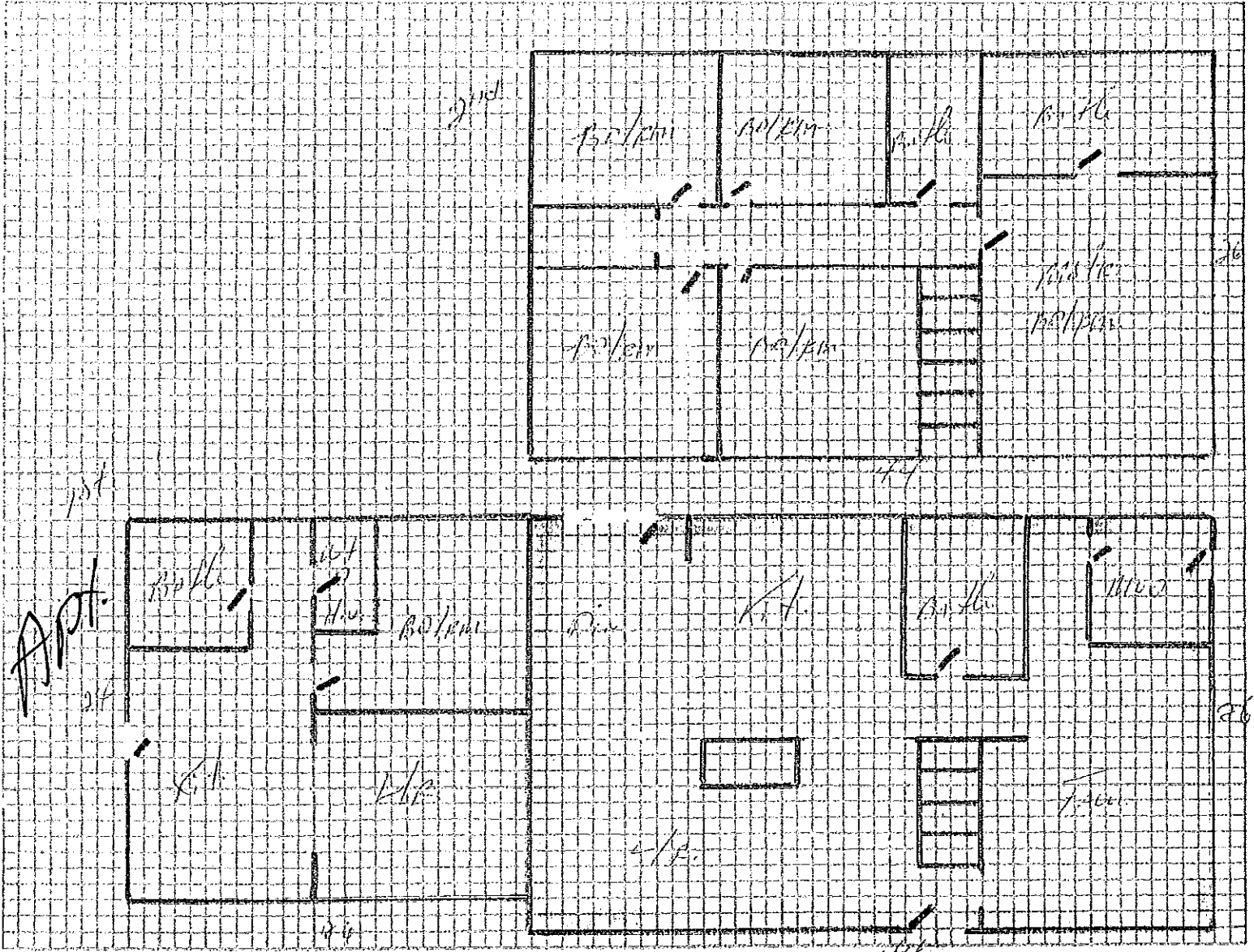
Drawn By P.R.B.



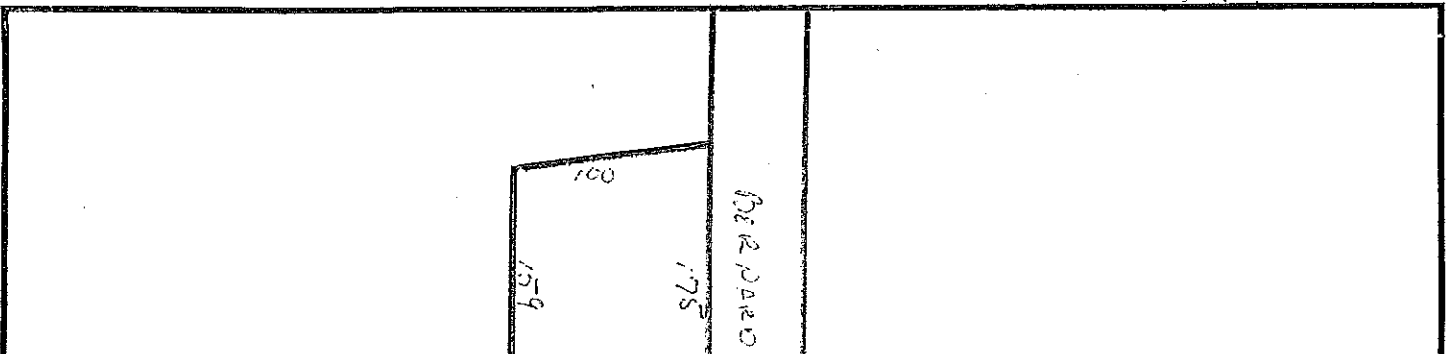
# MAP SKETCH ADDENDUM

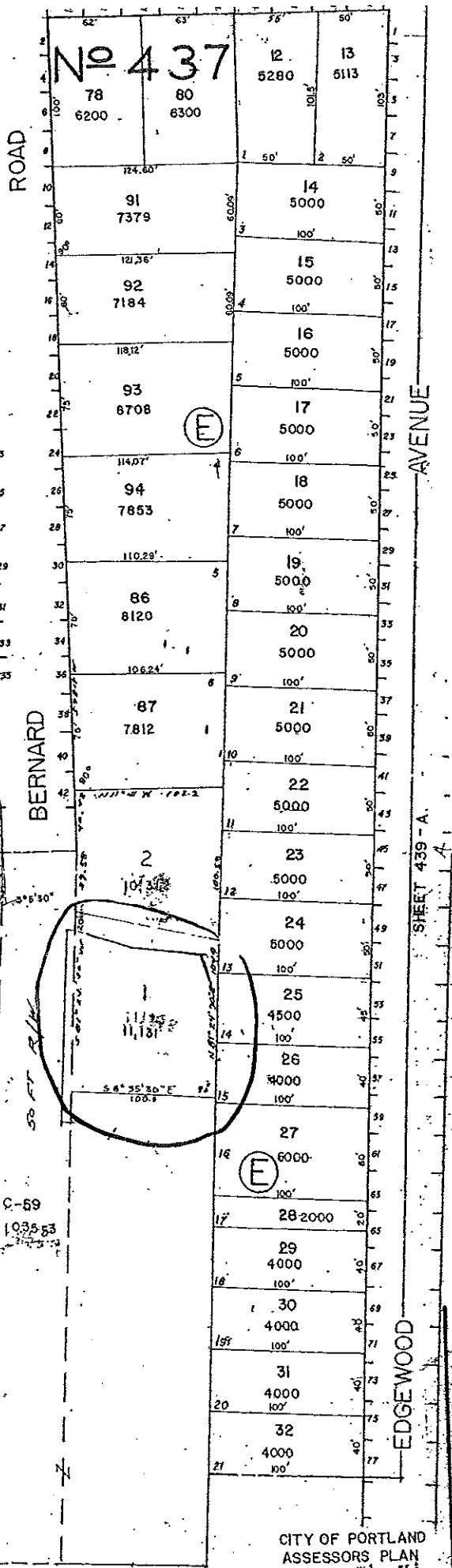
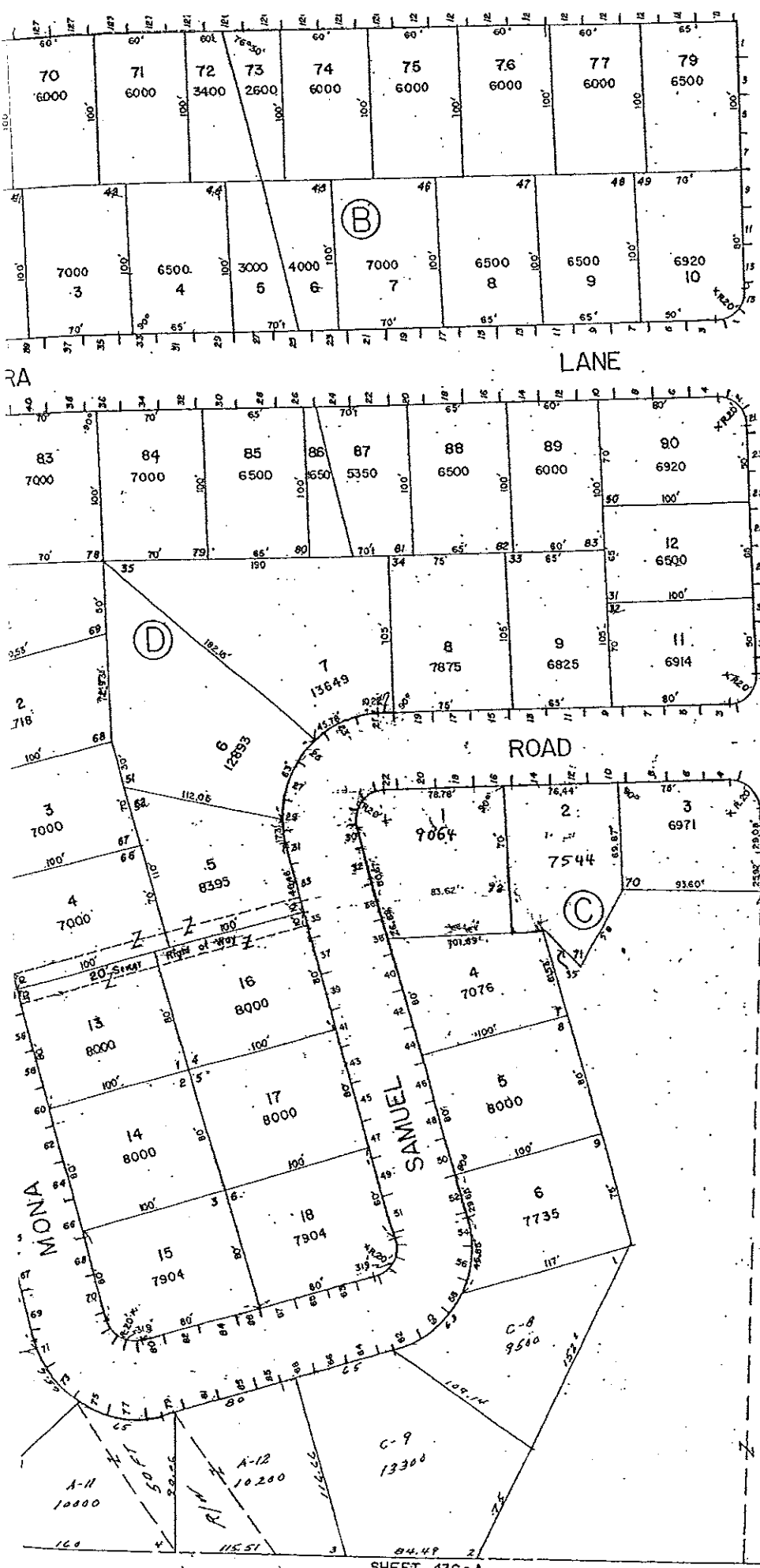
Borrower/Client DASHOR NAPOLITANO  
 Property Address 56 BERNARD ROAD City PORTLAND State ME.

## BUILDING SKETCH



1/2 acre lot  
**LOCATION MAP (\*SUBJECT PROPERTY)** 11 4/4 sq feet  
 High 100'



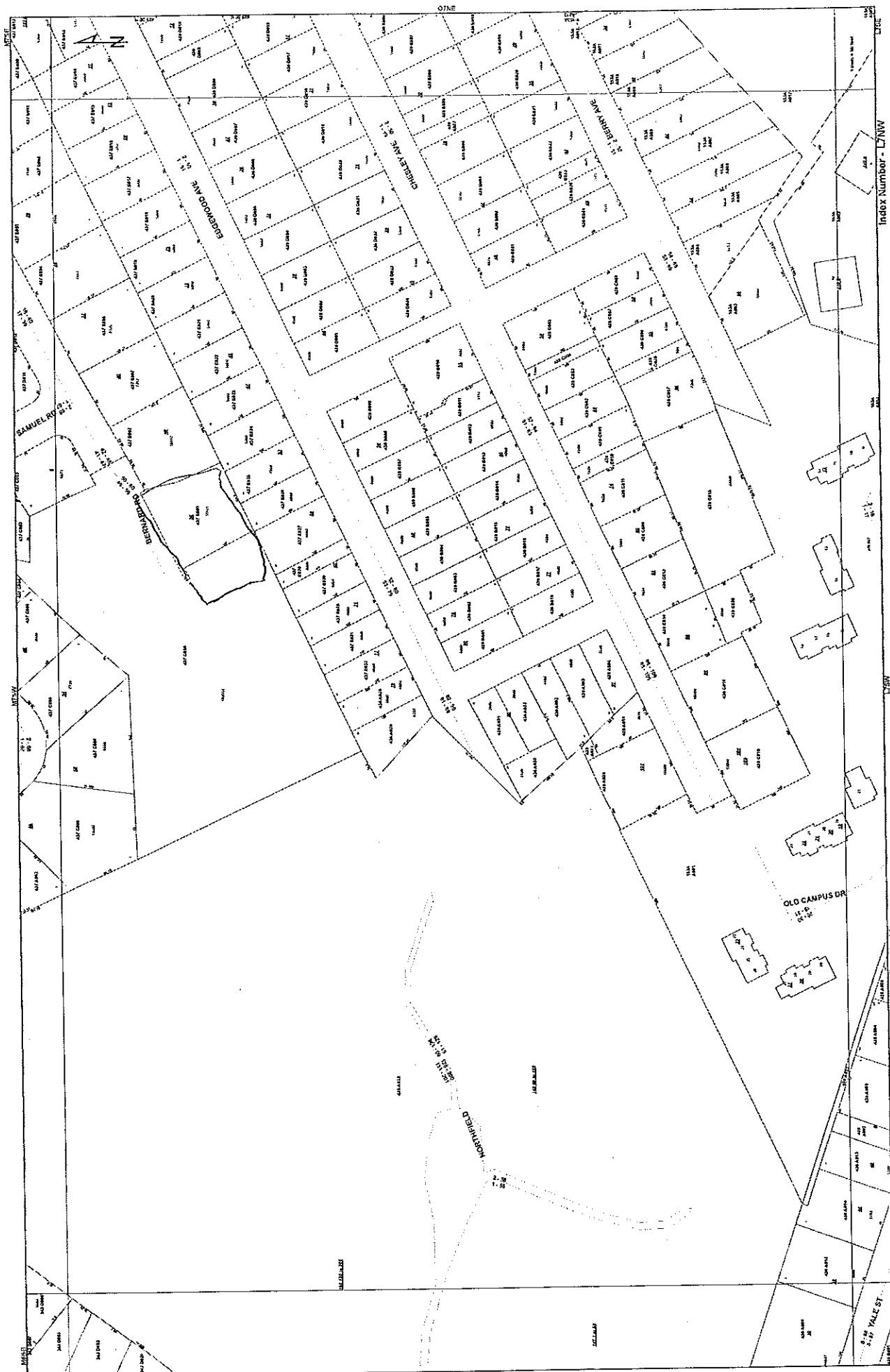


SHEET 436-A

SHEET 439-A

CITY OF PORTLAND  
ASSESSORS PLAN  
SCALE 1"=50'

REDMAN'S



Index Number - L7NW

Tax Map Index <http://www.portlandcasations.com/utaxmap.htm>

April 1 2012 10 2013

100

*Anthony Napolitano*



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**\$368,500** (\$1,344/month)

5 Beds | 5 Baths | 4,056 Sq Ft | 0.25 Acres



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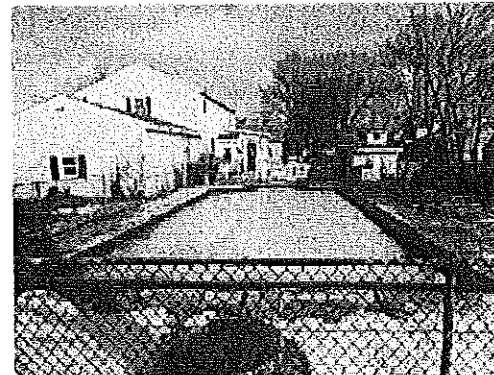


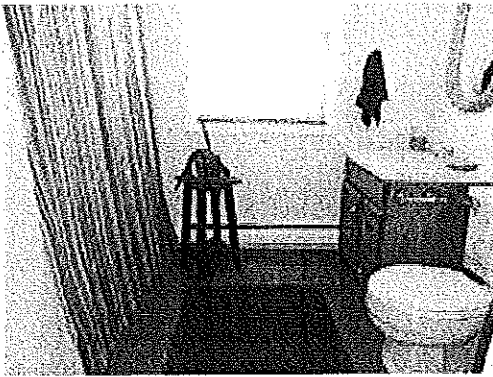
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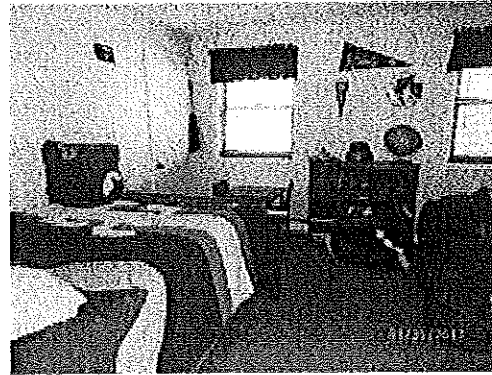
Office:  
(207) 839-2188

Mobile:  
(207) 653-2402





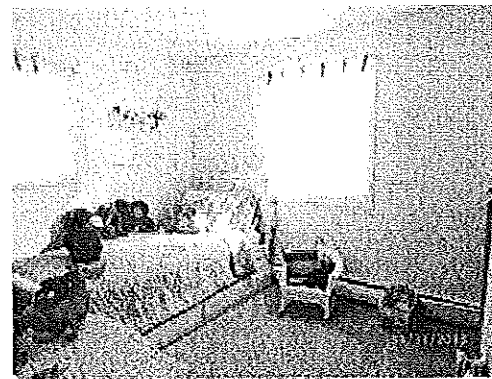
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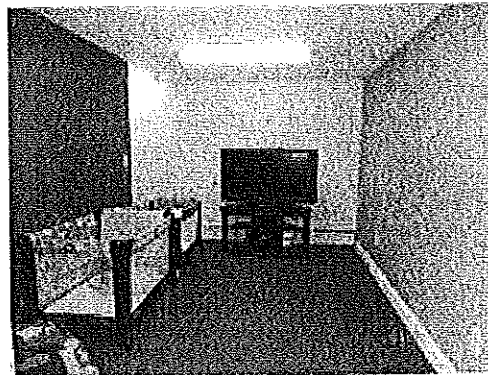
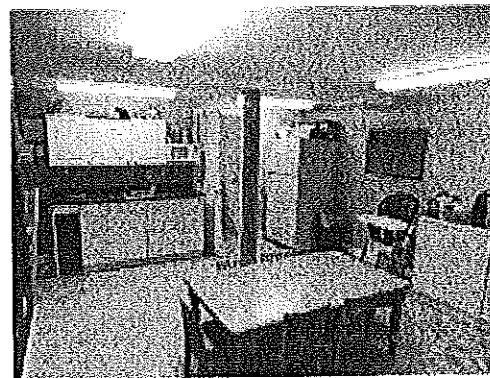
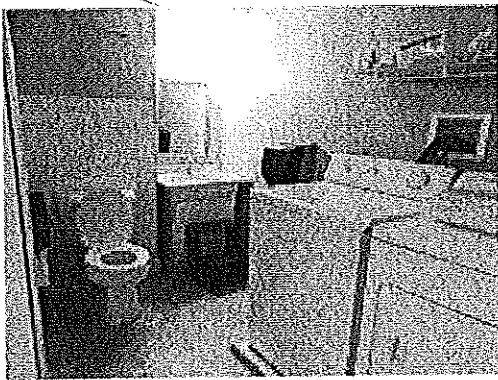
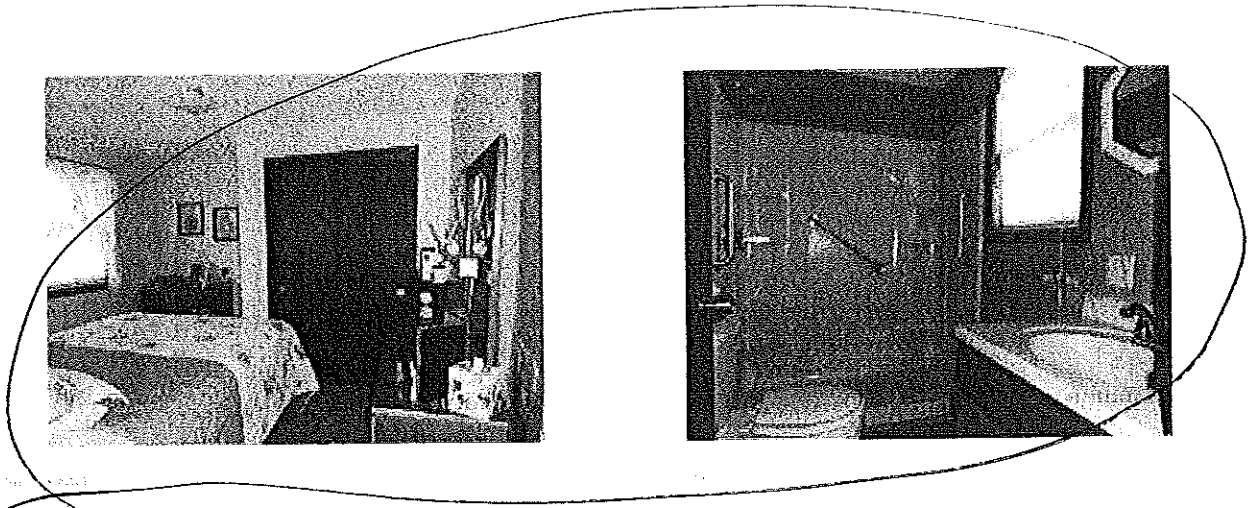


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Scan this QR code to see this listing online.  
56 Bernard Road, Portland, ME 04103

## KNOW ALL MEN BY THESE PRESENTS, THAT

I, Pasquale F. Napolitano of Portland, County of Cumberland and State of Maine, being unmarried, for consideration paid by Anthony J. Napolitano and Darlene J. Napolitano, both of Portland, County of Cumberland and State of Maine, the receipt whereof I do hereby acknowledge, do hereby remise, bargain, sell, convey and forever grant unto the said Anthony J. Napolitano and Darlene J. Napolitano, as joint tenants and not as tenants in common, their heirs and assigns, with WARRANTY COVENANTS, the following described real property with buildings thereon situated in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

A certain lot or parcel of land situated in the City of Portland, County of Cumberland, State of Maine and being more particularly bounded and described as follows:

Beginning at a found iron pipe on the southerly sideline of Bernard Road, so-called. Said iron marking the northwesterly corner of land conveyed to Antoinette F. and Samuel Rumo March 30, 1964 and recorded in Cumberland County Registry of Deeds in Book 2813, Page 292.

Thence S 78°-19' W 40.42' by and along the southerly sideline of Bernard Road and other land of the grantor to an angle point marked by a found iron pipe;

Thence S 01°-24'-30" W 39.58' by and along other land of the grantor to a point marked by an iron pipe;

Thence continuing on a course of S 81°-24'-30" W 120.00' by and along other land of the grantor to a point marked by an iron pipe;

Thence at a right angle to the last described line S 8°-35'-30" E 100.00' by and along other land of the grantor to a point marked by an iron pipe in the northerly sideline of certain lands or parcels of land shown on Plan of Washington Park recorded in said Registry of Deeds in Planbook 10, Page 123;

Thence at a right angle to the last described line N 81°-24'-30" E 205.45' by and along the northerly sideline of said Washington Park to a point wit-

nessed by an iron pipe at the southeasterly corner of said Rumo land;

Thence N 11°-41' W 102.2' by and along the westerly sideline of said Rumo to the point of beginning.

Meaning and intending to describe a parcel of land containing 19,270 square feet, more or less and being a portion of the land described in a deed from The Minat Corporation to Pasquale F. Napolitano and Anne C. Napolitano August 3, 1979 and recorded in said Registry of Deeds in Book 4470, Page 106.

Also a second parcel of land northerly of and adjacent to the previously described parcel.

Beginning at the southwesterly point of termination of the dedicated Bernard Road, so-called. Said point being S 78°-19' W 10.00' from a found iron pipe marking the northwesterly corner of land conveyed to Antoinette F. and Samuel Rumo March 30, 1964 and recorded in Cumberland County Registry of Deeds in Book 2813, Page 292;

Thence S 81°-24'-30" W 89.50' by and along the first parcel herein described to a point;

Thence at a right angle to the last described line N 8°-35'-30" W 50.00' by and along other land of the grantor to a point;

Thence at a right angle to the last described line N 81°-24'-30" E 80.23' by and along other land of the grantor to an angle point in the southerly sideline of lot 70 as shown on "Plan of Meadow View Park, Section B", which is recorded in said Registry of Deeds in Planbook 60, Page 57. Said point also marking the northwesterly point of termination of the dedicated Bernard Road;

Thence in a southerly direction by and along the westerly termination of the dedicated Bernard Road 50.02', more or less, to the point of beginning.

Meaning and intending to describe a parcel of land containing 4,445 square feet, more or less, and being a portion of the land described in a deed from The Minat Corporation to Pasquale F. Napolitano and Anne C. Napolitano August 3, 1979 and recorded in said Registry of Deeds in Book 4470, Page 106.

IN WITNESS WHEREOF, I, Pasquale F. Napolitano, being unmarried, as Grantor, and releasing all my rights by descent and all other rights in the above described premises, have hereunto set my hand and seal this 18th day of April, 1983.

IN THE PRESENCE OF:

Karen J. Weeks                      Pasquale F. Napolitano  
Pasquale F. Napolitano

STATE OF MAINE  
CUMBERLAND, SS.

April 18, 1983

Personally appeared the above named Pasquale F. Napolitano and acknowledged the foregoing instrument to be his free act and deed.

Before me,

John C. Jenies  
~~Justice of the Peace~~  
Notary Public  
Attorney at Law

APR 22 1983

REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE  
Received at 1157 1/2 and recorded in  
BOOK 6154 PAGE 9

James J. Walsh Registrar

BK7676PG0254

014384

KNOW ALL MEN BY THESE PRESENTS, THAT

I, Pasquale F. Napolitano, of Portland, County of Cumberland and State of Maine, being unmarried, for consideration paid by Anthony J. Napolitano and Darlene J. Napolitano, both of 56 Bernard Rd, Portland, County of Cumberland and State of Maine, the receipt whereof I do hereby acknowledge, do hereby release, release, bargain, sell and convey and forever quitclaim unto the said Anthony J. Napolitano and Darlene J. Napolitano, as joint tenants and not as tenants in common, their heirs and assigns forever, all of my right, title and interest in and to the following described real property with buildings thereon, situated in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

Beginning at an iron pipe at the northwest corner of land now or formerly of Anthony Napolitano, thence S 8°-35'-30" E, 100 feet along the westerly sideline of said land now or formerly of Anthony Napolitano to an iron pipe; thence S 01°-24'-30" E, 55 feet along the northerly sideline of land now or formerly known as Washington Park, as shown on a plan entitled "Plan of Washington Park" and recorded in the Cumberland County Registry of Deeds in Plan Book 10, Page 123, to a point; thence northerly 100 feet, more or less, parallel to and 55 feet distant from the said westerly sideline of land now or formerly of Anthony Napolitano to a point, said point being located S 01°-24'-30" W, 55 feet from the said iron pipe at the point of beginning; thence N 01°-24'-30" W, 55 feet to the point of beginning. Meaning and intending to convey a parcel of land 55 feet wide and 100 feet deep, more or less, adjacent to the westerly sideline of land now or formerly of Anthony Napolitano. Said parcel of land is part of the same deeded to Pasquale F. Napolitano and Anne C. Napolitano by deed dated August 3, 1979 and recorded in the Cumberland County Registry of Deeds in Plan Book 4470, Page 106. Hearings herein referenced to a magnetic observation, April, 1983.

IN WITNESS WHEREOF, I, the said Pasquale F. Napolitano, being unmarried, as Grantor, and releasing all my rights by descent and all other rights in the above described premises, have herunto set my hand and seal this day of February, 1987.

IN THE PRESENCE OF:

                   
Pasquale F. Napolitano  
Pasquale F. Napolitano

8K7678PG0255

STATE OF MAINE  
Cumberland, ss

February / , 1987

Personally appeared the above named Pasquale P. Napolitano  
and acknowledged the foregoing instrument to be his free act and  
deed.

Before me,

*Diana A. Napolitano*  
Notary Public  
Attorney at Law

SEAL

RECEIVED  
RECORDED REGISTRY OF DEEDS  
1987 MAR 19 AM 9:54  
CUMBERLAND COUNTY  
*James J. Welch*