

4/26
84-8
CAB

Cond and
84-K-8
Island + Welch
PIL

Interpretation
Wm Bonn
5/11

1. Sawhorne ✓
2. Assee ✓
3. Sgt Abate ✓
4. Enw Abate ✓
5. Sgt Abate ✓
6. Sgt Owner ✓

interpretation - denied
Cond - Granted

Island + Welch
84-8-8
Wm Bonn
5/11

WILLIAM A. BONN

203 WEST NEWTON STREET
BOSTON, MASSACHUSETTS 02116

May 9, 1989

Mr. William D. Giroux
Zoning Enforcement Officer
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Former Innis House
Island & Welch Streets, Peaks Island

Dear Bill:

As requested in the last paragraph on page 2 of your April 25, 1989 letter to Lawrence Clough, I enclose the floor plans for the two units at the above property (with the dimensions of the units). I measured the units this past weekend.

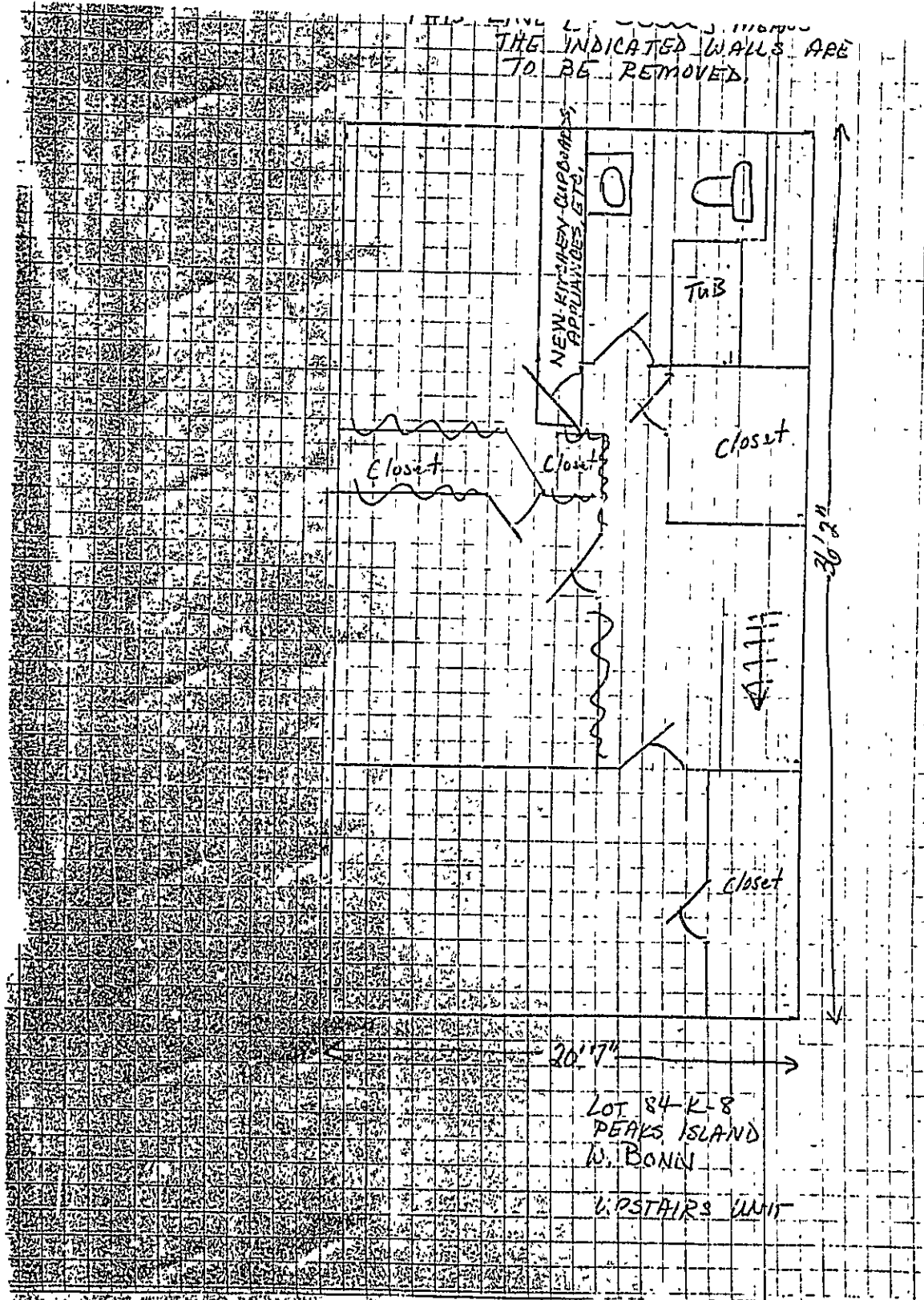
I know that a number of Peaks Island residents have indicated that they were going to write you concerning my appeal to the Zoning Board of Appeals. Could you please send me (or Lawrence Clough) copies? Thank you.

Very truly yours,

Bill Bonn

cc: Lawrence Clough, Esq. (w/enc.)

THE INDICATED WALLS ARE
TO BE REMOVED.



NEW KITCHEN CUPBOARDS,
APPLIANCES, ETC.

TUB

closet

closet

closet

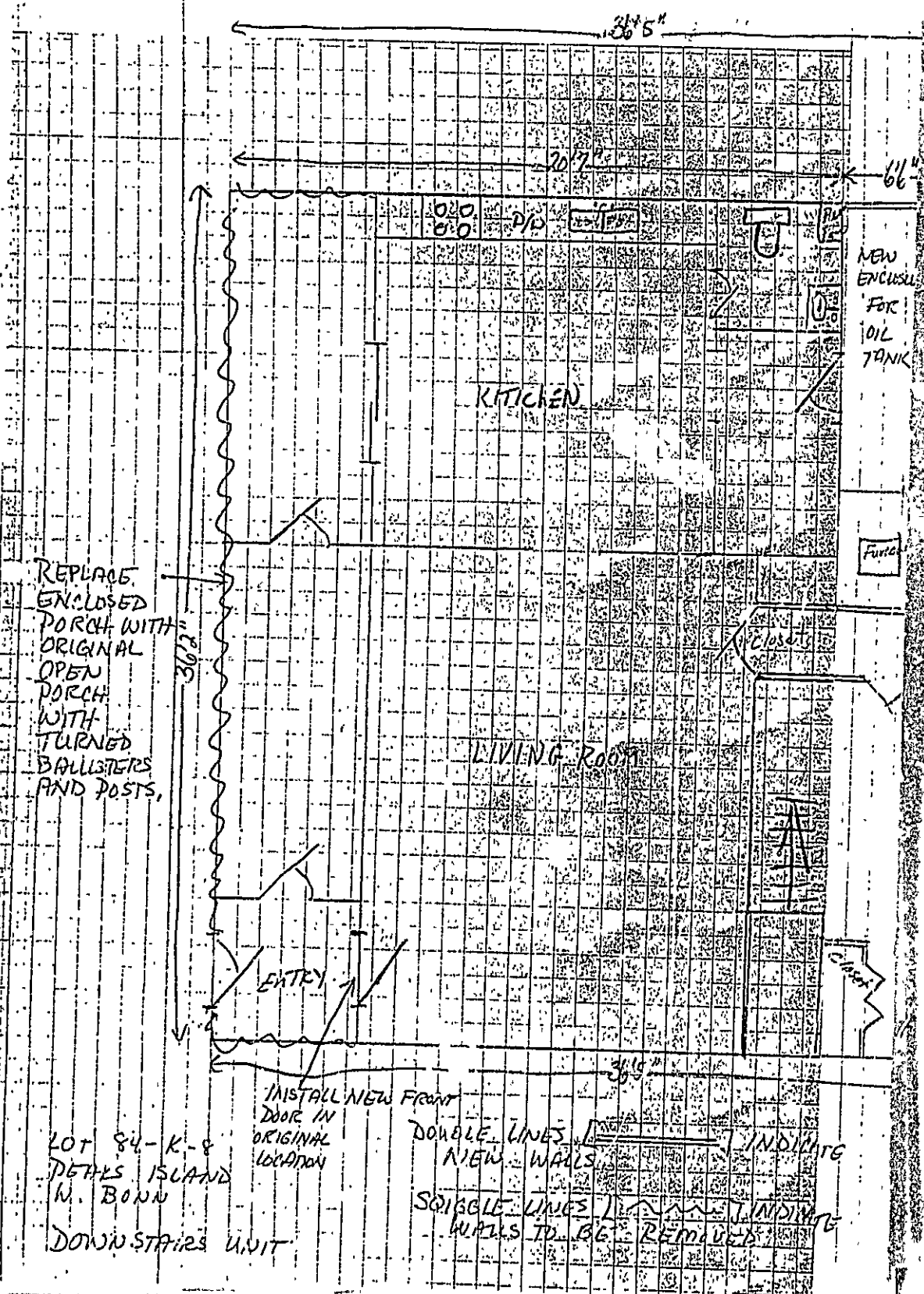
closet

30'2"

20'7"

LOT 84-K-8
PEAKS ISLAND
W. BONIN

UPSTAIRS UNIT



REPLACE
ENCLOSED
PORCH WITH
ORIGINAL
OPEN
PORCH
WITH
TURNED
BALUSTERS
AND POSTS,

LOT 84-K-8
DETACH ISLAND
W. BOUN

DOWNSTAIRS UNIT

INSTALL NEW FRONT
DOOR IN
ORIGINAL
LOCATION

DOUBLE LINES INDICATE
NEW WALLS
SINGLE LINES INDICATE
WALLS TO BE REMOVED

NEW
ENCLOSURE
FOR
OIL
TANK

Furnace

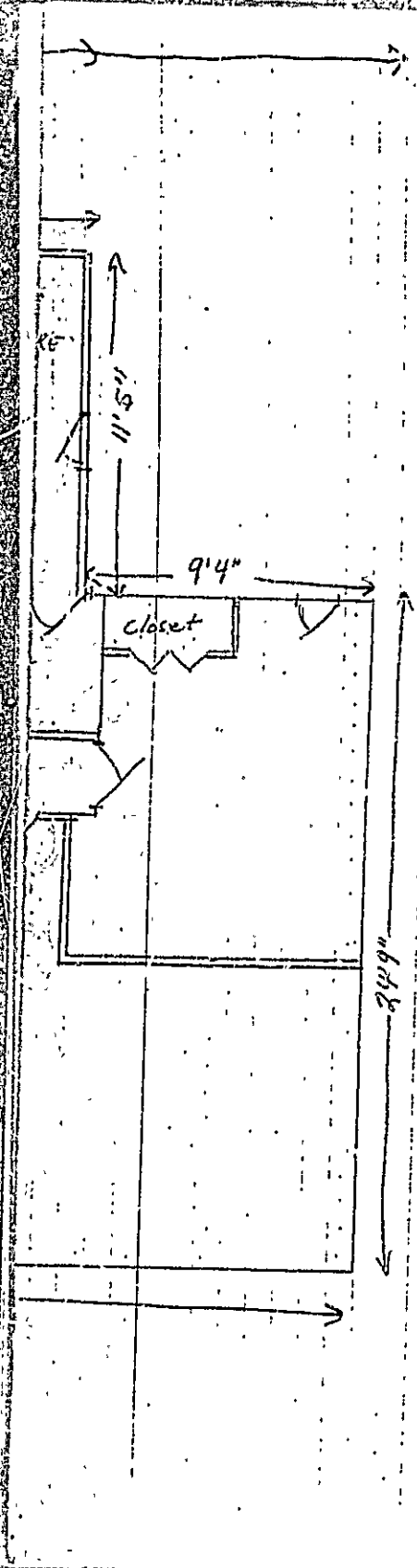
Closet

Closet

KITCHEN

LIVING ROOM

ENTRY



CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



Island & Welch Street
Peaks Island

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORCELLI
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
CHRISTOPHER DINAN

May 5, 1989

Mr. Lawrence R. Clough, Attorney
Thompson, McNaboe, Ashley & Bull
P. O. Box 447
Portland, Maine 04112

Dear Mr. Clough:

Your recent request by letter of May 3rd for postponement of two appeals on behalf of Mr. William A. Bonn to the May 25th meeting of the Board of Appeals has been received and is hereby acknowledged. This request is being forwarded to the Chairman, Mr. Merrill S. Seltzer, at his residence, for consideration at the May 11th meeting of the Board of Appeals.

The Interpretation Appeal and the Conditional Use Appeal are being postponed in accordance with your request on behalf of your client, Mr. Bonn. Resolution of the City Council's decision on the proposed amendment will then enable you to further consider the appeals for which you have applied.

Publication costs have already been incurred by the placement of two appeals on the May 11th agenda and postponement will require notification again to the owners within 100 feet of Mr. Bonn's property.

Sincerely,

William D. Giroux
William D. Giroux
Zoning Enforcement Officer

Enclosure: Proposed amendment as introduced on May 1, 1989
Before City Council for its first reading

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspections Services
Arthur Addato, Code Enforcement Officer
Warren J. Turner, Administrative Assistant
Charles A. Lane, Assistant Corporation Counsel

389 CONGRESS STREET

PORTLAND, MAINE 04101

TELEPHONE (207) 775-5451

CITY OF PORTLAND, MAINE
M E M O R A N D U M

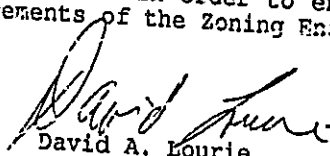
TO: Robert B. Ganley, City Manager
FROM: David A. Lourie, Corporation Counsel
RE: PROPOSED AMENDMENT TO § 14-224(1)(C) - CONDITIONAL USES
IN THE I-B ZONE
DATE: April 27, 1989

Multi-family dwellings are permitted in the I-B Zone as a conditional use. Section 14-224(1)(c) authorizes such uses and provides, in pertinent part, that each "dwelling" requires a minimum of 4,000 square feet of land area.

It is being claimed that, § 14-224(1)(c) could be construed as permitting two or more multi-family units on a single 4,000 square foot parcel. Our office disagrees with this interpretation of a density provision intended to require 4000 square feet per unit.

The above interpretation is currently being asserted by an applicant who has filed a request for an interpretation appeal with the Board of Appeals which is scheduled for hearing, on May 11, 1989.

The amendment would apply to this and any other applicants making the same argument, and would obviate the need for litigation over this issue. Although the ordinance should be amended immediately, with retroactive effect, I recommend that it be given two readings on separate dates in order to ensure that there is no question that requirements of the Zoning Enabling Act are met.


David A. Lourie
Corporation Counsel

CAL/err

cc: Chairman and Members of the Board of Appeals
Lawrence R. Clough, Esq.
Charles A. Lane, Associate Corporation Counsel
Natalie L. Burns, Associate Corporation Counsel
William Sircoux, Zoning Enforcement Officer
Alexander Jaegerman, Chief Planner
Joseph E. Gray, Jr., Director, Planning & Urban Development

(22)435- 5/1/89

City of Portland, Maine
IN THE CITY COUNCIL

AMENDMENT TO THE PORTLAND CITY CODE
§14-224(1) (c) (ZONING ORDINANCE)
RE: Conditional Uses in I-B Zone

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

SECTION 14-224(1) (c) is amended by adding the word "unit", as
follows:

Sec. 14-224(1) (c). Conditional Uses.

- c. The land area requirement for dwellings served by public sewer shall be four thousand (4,000) square feet of land per dwelling unit, while dwellings not served by a public sewer shall have six thousand five hundred (6,500) square feet of land area per dwelling unit for the first two dwelling units and ten thousand (10,000) square feet of land for each additional dwelling unit.

BE IT FURTHER ORDAINED that notwithstanding the effect of 1 M.R.S.A. § 302, the foregoing ordinance shall apply to all pending proceedings, including, but not limited to, applications, appeals pending before the Board of Appeals and any decisions of the Board of Appeals which are appealed under Rule 60 B, and it shall become effective on the date of its enactment; and this Ordinance shall take effect immediately as an emergency ordinance, pursuant to Article II, Section 8 of the Charter, in order to prevent overdevelopment of undersized lots.

*2nd
Para-
graph
deleted
by City Council*

0435

AMENDMENT TO THE PORTLAND
CITY CODE SECTION 14-224(1)(c)
(ZONING ORDINANCE) RE:
CONDITIONAL USES IN I-B ZONE

(Robert B. Ganley, City Manager)

IN THE CITY COUNCIL

May 1, 1989

Attest: _____
City Clerk.

THOMPSON, McNABOE, ASHLEY & BULL

COUNSELORS AT LAW

85 EXCHANGE STREET

P.O. BOX 447

PORTLAND, MAINE 04112-0447

BENJAMIN THOMPSON
THOMAS R. McNABOE
EDWARD J. ASHLEY
NICHOLAS BULL
BRUCE M. THOMPSON
PAUL G. VIELMETTI
LAWRENCE R. CLOUGH
DAVID H. HIRSHON
MARK G. FURLY
LEONARD W. LANGER
JOHN K. BASS, II
EDWARD B. MACCOLL
JANET C. MCCAA
MARSHALL J. TINKLER
YVONNE MILLER

BENJAMIN THOMPSON
(1957-1918)
NATHAN W. THOMPSON
(1895-1959)

TELEPHONE (207) 774-7306

TELETYPE (207) 772-1039

CABLE THOMPSON

TELEX 944410

*ALSO ADMITTED IN VA AND DC
**ALSO ADMITTED IN DC
***ALSO ADMITTED IN MA AND NY

May 3, 1989

Merrill S. Seltzer, Chairman
Zoning Board of Appeals
City of Portland
389 Congress Street (Room 315)
Portland, Maine 04101

Re: Appeal of William F. Bonn
Premises at Island Avenue and Welch Street
(Peak's Island), Portland, Maine

Dear Mr. Seltzer:

With reference to the hearing scheduled for May 11, as you may be aware the City Planning Office has introduced an amendment to the Island Business Zone subsequent to and as a direct response to Mr. Bonn's appeal. This zone change had its first reading on May 1 before the City Council, but I understand that this proposed amendment may be further amended so as to exempt pending appeals from its scope so that Mr. Bonn's conditional use appeal may go forward without need for an interpretive appeal as well.

Accordingly, I respectfully request that the hearing scheduled for May 11 on Mr. Bonn's two appeals be both postponed pending resolution of the City Council's decision on the ordinance change.

Thank you for your attention and consideration.

Sincerely yours, / /

Lawrence R. Clough

LRC/ds

cc William D. Giroux, Zoning Enforcement Officer
David A. Lourie, Corporation Counsel
Mr. William A. Bonn

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MICHAEL E. SOLTZER
Chairman

JOHN C. KNOX
Secretary

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

Former Innes House
Island & Welch Streets
Peaks Island

April 25, 1989

Mr. Lawrence R. Clough, Attorney
Thompson, McNaboe, Ashley & 311
P. O. Box 447
Portland, Maine 04112

Dear Mr. Clough:

This will acknowledge receipt of your applications for an interpretation appeal and a conditional use appeal on behalf of Mr. William A. Egan, owner of the residential structure at the corner of Island and Welch Streets in the I-B Island Business Zone on Peaks Island.

Your request for review by the Board of Appeals refers to Section 14-224(1)(c) of the Zoning Ordinance concerning the allowable density for the I-B Island Business Zone for residential density and refers also to the definition of "dwelling" under Section 14-47 of the Ordinance.

Under the Conditional Uses provision of Section 14-224(1)(c) the requirement for two, three or four family dwelling reads as follows:

"c. The land area requirement for dwellings served by public sewer shall be four thousand (4,000) square feet of land area per dwelling; while dwellings not served by a public sewer shall have six thousand five hundred (6,500) square feet of land area per dwelling for the first two dwellings and ten thousand (10,000) square feet of land area for each additional dwelling."

This office has interpreted the above to mean that each dwelling unit in the I-B Island Business Zone, if served by a public sewer requires a minimum of 4,000 square feet of land area for each dwelling unit, or a total of 8,000 square feet of land area for two dwelling units and 12,000 square feet of land area for three dwelling units. The lot in question contains only 6,575 square feet of land area.

Section 14-47 of the Zoning Ordinance provides the following definition for dwelling:

"Dwelling: A building or portion thereof used exclusively for residential occupancy, including single family, two family and multifamily dwellings, but not including hotels, lodging houses, sheltered care group homes or tourist homes."

Letter to Mr. Lawrence Clough, Attorney
Thompson, McNaboe, Ashley & Bull

Page 2
April 25, 1989

These two appeals will be included on the agenda for the next meeting of the Board of Appeals on Thursday evening, May 11, 1989, at 7 P.M. in Room 209, City Hall, Portland, Maine. A copy of the agenda for that meeting will be sent to you as soon as copies become available for distribution.

It would be helpful if the floor plan for the proposed apartment were to be accompanied by dimensions so as to enable the Board members to interpret the overall area to be devoted to each apartment, if the Board were to see fit to grant a second apartment unit. As you know one commercial or professional office unit would be permitted in the I-B Island Business Zone without appeal.

Sincerely,

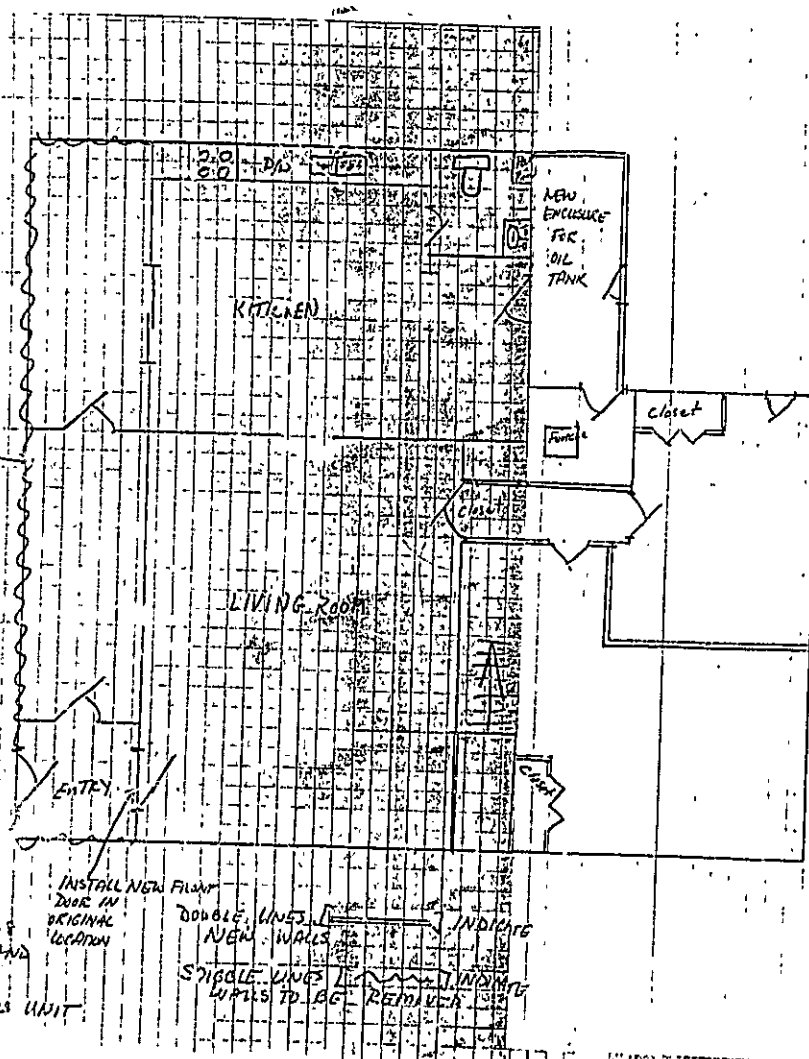
William D. Giroux
Zoning Enforcement Officer

Enclosure: Copy of Floor Plan as submitted

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Ruffess, Chief, Inspections Services
Arthur Addato, Code Enforcement Officer
William J. Turner, Administrative Assistant
Charles A. Iano, Associate Corporation Counsel

REPLACE
ENCLOSED
PORCH WITH
ORIGINAL
OPEN
PORCH
WITH
TURNED
BALUSTERS
AND POSTS.

LOT 84-K-8
DEALS ISLAND
M. BONA
DOWNSTAIRS UNIT



CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



Corner of Island Avenue
and Welch Street
Peaks Island

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

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

May 12, 1989

Mr. William A. Bonn
203 West Newton Street
Boston, Mass. 02116

Dear Mr. Bonn:

At the meeting of the Board of Appeals on Thursday evening, May 11th, the Board voted by a unanimous vote to postpone your two appeals to the May 25th agenda as requested by your attorney, Mr. Lawrence Clough, Esq. The City Council is considering a text amendment to the City Zoning Ordinance which may clarify the Section of the Zoning Ordinance pertaining to conversion of a single family dwelling to a two family in the I-B Island Business Zone on Peaks Island.

It is believed that the City Council already has had the first reading of the zoning text amendment for the I-B Island Business Zone, and the second reading will probably be considered on the evening of May 15th by the City Council.

It is not known whether this new text amendment will apply to pending appeals until such time as the City Council adopts the text amendment.

Sincerely,

William D. Giroux
William D. Giroux

Zoning Enforcement Officer

cc: Lawrence Clough, Attorney, 58 Stonybrook Road, Cape Elizabeth
Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspections Services
Arthur Addato, Code Enforcement Officer
Warren J. Turner, Administrative Assistant
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



Island & Welsh Street
Peaks Island

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
DAVID L. SILVERMAIL
MICHAEL F. WESTORT
CHRISTOPHER DINAN

May 30, 1989

Mr. William A. Bonn
203 West Newton Street
Boston, Mass. 02116

Dear Mr. Bonn:

At the meeting of the Board of Appeals on Thursday evening, May 25, 1989, the Board voted by a unanimous vote of six members present to grant your interpretation appeal as presented by your attorney, Lawrence R. Clough, and were opposed to the interpretation of the dwelling unit, as stated by the Code Enforcement Officer.

In a further action, the Board held a public hearing concerning the conditional use appeal and voted by a unanimous vote of six members present to grant the conditional use appeal, as requested in your behalf by your attorney, Mr. Lawrence R. Clough. As a result of this action by the Board, you may now apply for a change of use from business office with second floor apartment to two apartment units, if you so desire.

Please therefore come to this office at your convenience to implement this change of use, as approved by the Board of Zoning Appeals. This approval will be effective for six months from the date of May 25, 1989, and you should apply for this change within that period of time. Failure to do so would necessitate going back to the Board for approval of the conditional use again.

Sincerely,

William D. Giroux
William D. Giroux
Zoning Enforcement Officer

cc: Lawrence R. Clough, Attorney, Thompson, McNaboe, Ashley & Bull
Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspection Services
Arthur Addato, Code Enforcement Officer
Warren J. Turner, Administrative Assistant
Charles A. Lane, Associate Corporation Counsel

Applicant: *William A. Bonn*

Date: *May 25, 1989*

Address: *Island & Welch St, Peabody, Ma*

Assessors No.: *84-K-8*

CHECK LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - *IB*

Interior or corner lot - *Corner*

Use -

Sewage Disposal - *City Sewer*

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Lot Area - *6675 sq ft.*

Building Area -

Area per Family -

Width of Lot -

Lot Frontage -

Off-street Parking -

Loading Bays -

Site Plan -

Shoreland Zoning -

Flood Plains -

Assessed Valuation

L 16,520

B 21,680

T 38,200

*Change of use from
Single Farm to 1 bsm
with Bldg Contractor*

5/15/89

William A. Bonn

Irland + Welch St.



CITY OF PORTLAND

Peak Irland

CONDITIONAL USE APPEAL

DECISION

For the Record

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

William Bonn
Lawrence Clough

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

Findings of Fact

1. The proposed conditional use (is)/is not (circle one) permitted under Section 14- 474 of the Zoning Ordinance, for the following reason(s):
6-0
2. The proposed conditional use (does)/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s):
6-0
- 3-A. There are/are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):
6-0
- 3-B. There will/will not (circle one) be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s):
6-0

3-C. The impact does/does not (circle one) differ substantially from the impact which would normally occur from such a use in that zone, for the following reason(s):

6-0

Conclusion*

After public hearing on May 25, 1989, and for the reasons above-stated, the accompanying application is hereby (check one)

6 granted.

_____ granted subject to the following condition(s):

0 denied.

Dated: May 25, 1989

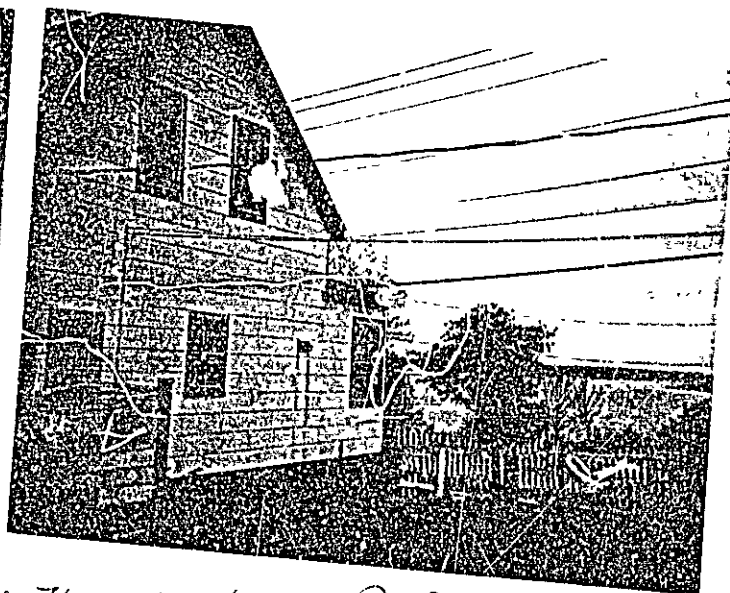
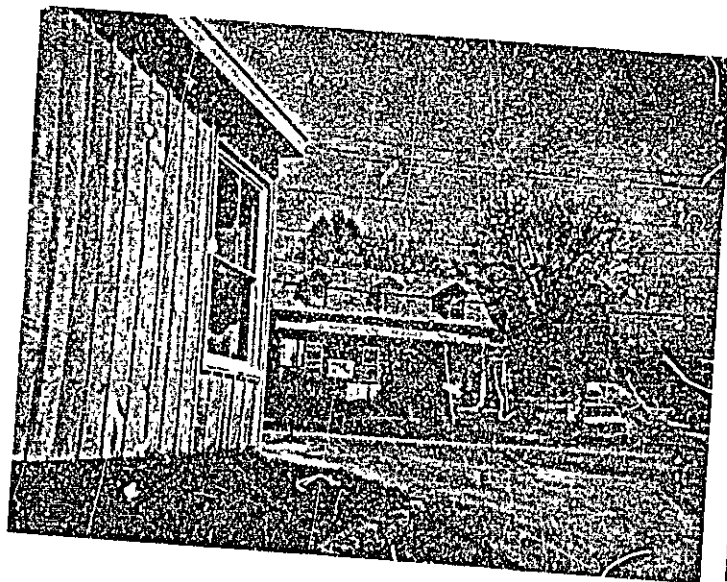
John C. Furr
Secretary of the Board

* The application may be denied only if EITHER the finding for #1 or 2 above is in the negative OR the findings for #'s 3-A, 3-B and 3-C above are each in the affirmative.

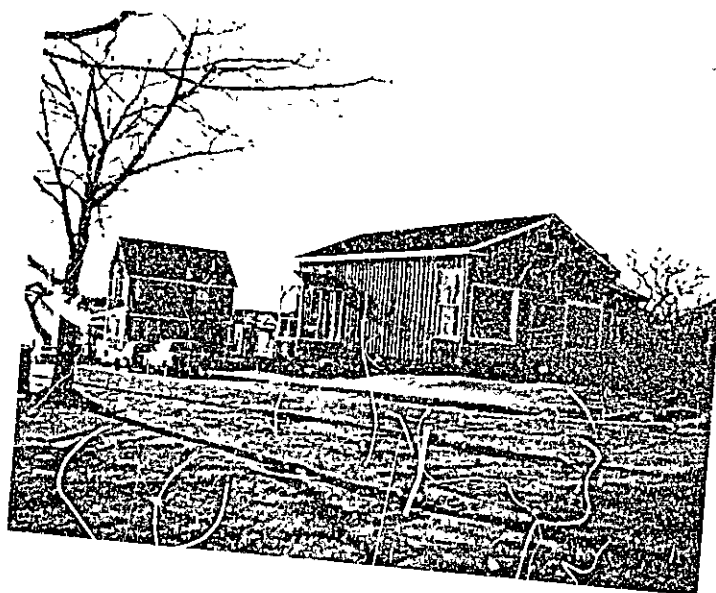
Granted

Denied

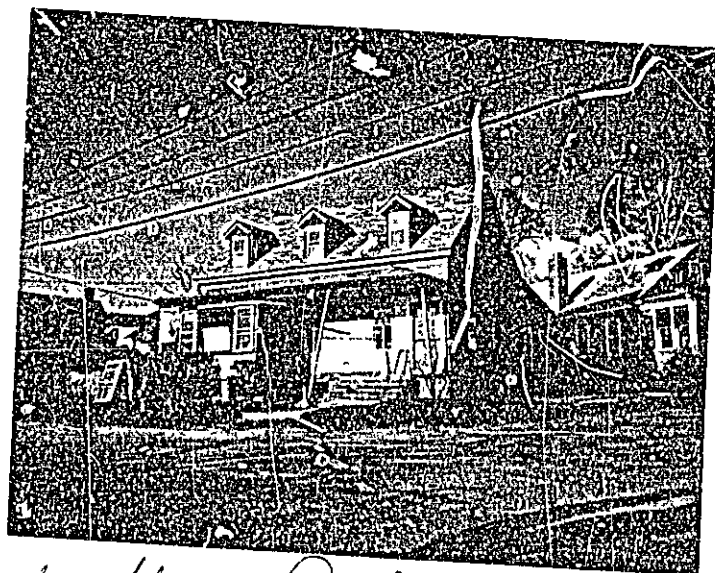
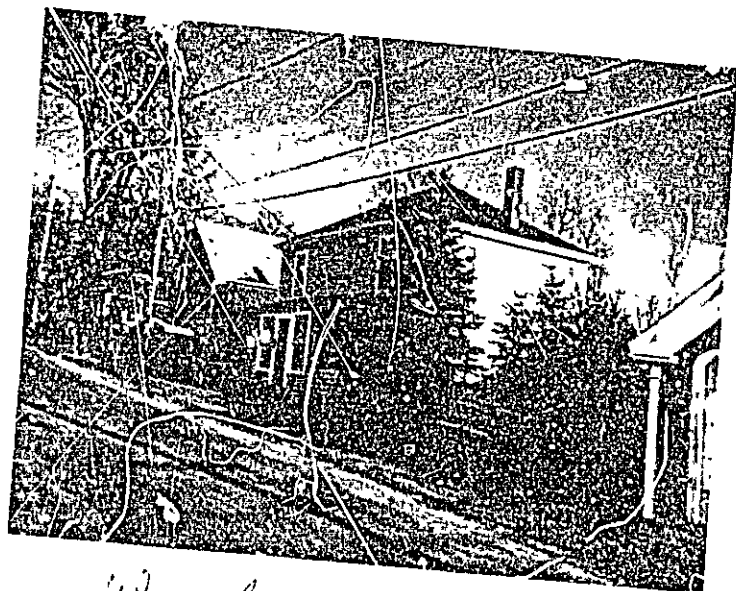
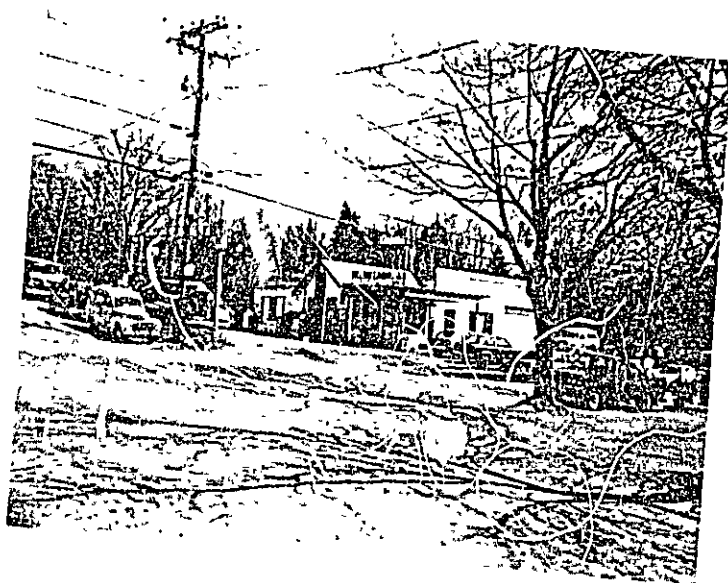
John C. Furr
Robert L. Lohr
Michael W. Smith
Thomas J. Quill
Arthur J. Morelli
Marion L. Smith



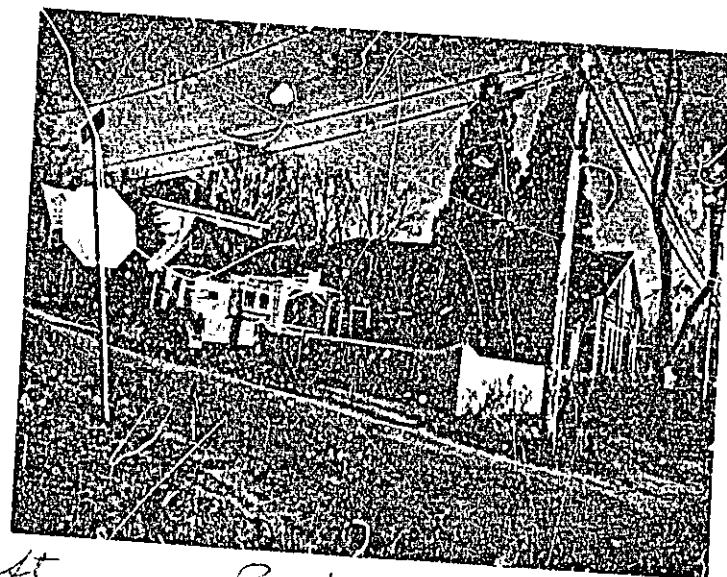
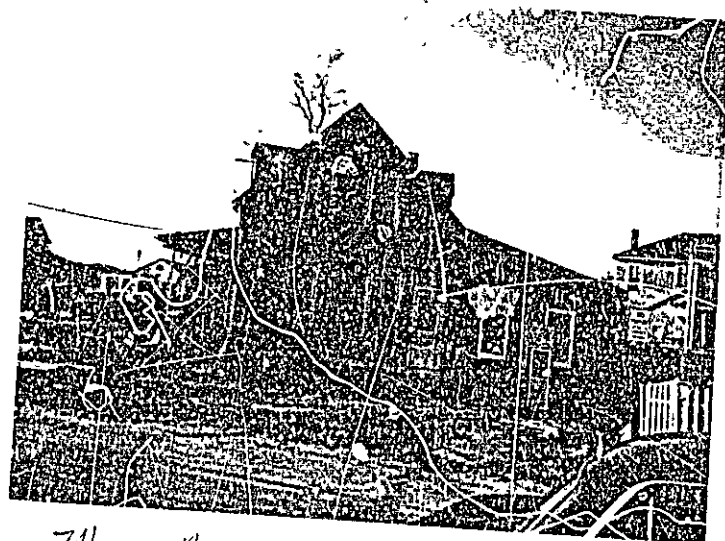
Wm Bonn toward a Welch St Bld



Wm Bonn Island & Welch St P.E

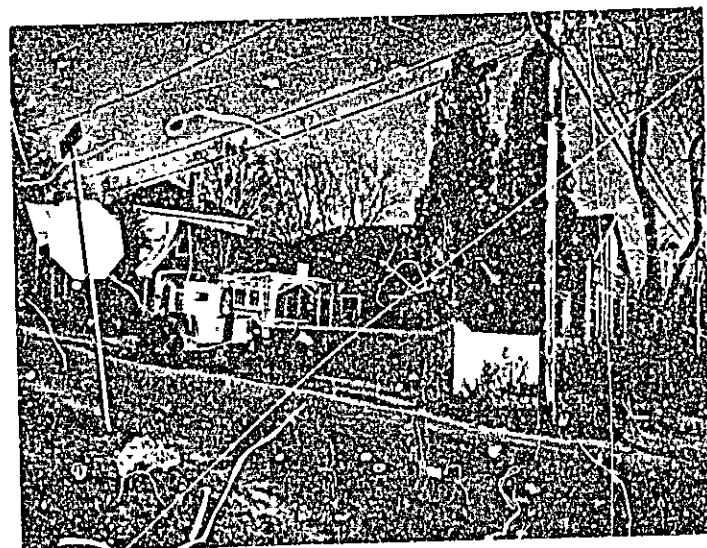
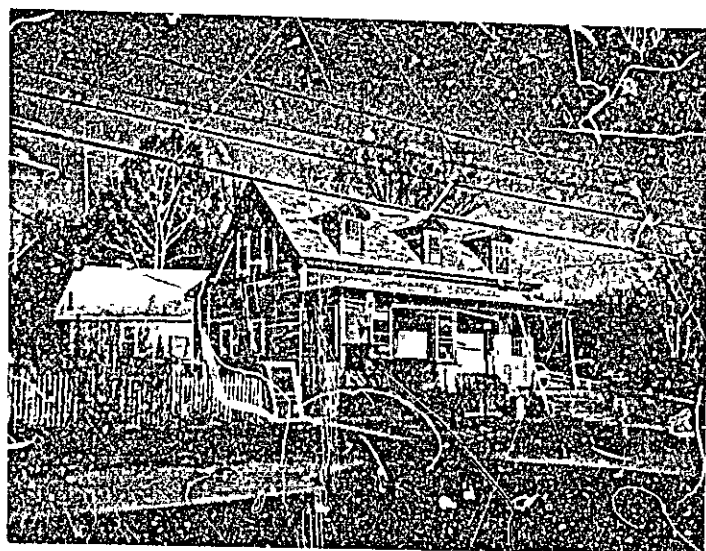


Wm Born Island & Welch St. P. I.



Wm Bonn Island & Welch St

B. H



Wm Bonn Island a Welch St

B L

1

84-K-8 Bonn
Wich - island

84-K-10 Appellant

63

84-K-11 Dennis H. Carignan
Shirlette Ballingby
Brackett Ave 04108

84-K-12 Carroll W Mountfort
Brackett St 04108

84-K-13 Randall MacVane
East #142 04108

84-K-14

84-K-1 Thomas J & Joann C Repeta
Brackett Ave 04108

84-K-2 Ellen B & John Hartley
Oakland Ave 04108

84-K-3

84-K-4 Earl MacNeil Randall
East #142
American Legion Inc
Brack 04108

5/25/89



CITY OF PORTLAND
INTERPRETATION APPEAL

William A. Bonn
Irland + Welch St.
Peaks Island

DECISION

I-B

For the Record

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

William Bonn - owner

Dennis Carrigan - Neighbor

Dennis Rockwell - Neighbor

Lawrence R. Clough

Howard Heller - Neighbor

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

Findings of Fact

1. The Board finds as fact that:

2. The finding(s) of fact above-stated is(are) based on the following reasons:

Determinations of Law

1. The Board determines as a matter of law that:

2. The determination(s) of law above-stated is(are) based on the following reasoning:

Conclusion

After public hearing on May 25, 1989 and for the reasons above-stated, the accompanying application is hereby (check one)

☒ granted. - Ruled in favor of applicant

☐ granted subject to the following condition(s):

☐ denied.

Dated: May 25, 1989

John C. Finner
Secretary of the Board

14-224 - (1)(c) -

Motion - - Approve the interpretation of
the Code Enforcement Office -

Approve

Reject

John C. Finner
Mark Venturi
Thomas Jewell
Peter F. Moelli
Marshall Stutz
Wendell P.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MOPELLI
THOMAS F. JEWELL
DAVID L. SILVERMAIL
MICHAEL E. WESTORT
CHRISTOPHER DINAN

Former Innes House
Island & Welch Streets
Peaks Island

All persons interested either for or against the following appeals: Interpretation Appeal, and Conditional Use Appeal, will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, May 11, 1989 at 7:00 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by the Ordinance. This item was postponed from the meeting of May 11, 1989.

Mr. William Bonn, owner of the property located at Island & Welch Street which is the former Innes House, under the provisions of Section 14-472, and 14-474 of the Zoning Ordinance of the City of Portland hereby respectfully petitions the Board of Appeals as follows:

Interpretation Appeal:

Mr. Lawrence R. Clough, local attorney, is requesting an interpretation of Section 14-224(1)(c) of the Zoning Ordinance which requires four thousand (4,000) square feet of land area per dwelling in view of the definition of dwelling under Section 14-47 of the Ordinance. Inspection Services has interpreted this to mean that 4,000 square feet of land area is required for each dwelling unit or apartment in the I-B Island Business Zone, for sewerred locations.

Conditional Use Appeal:

A conditional use appeal is also requested pursuant to Section 14-224 and Section 14-474 for use of the property as a two family dwelling. Inspection Services contends that 4,000 square feet of land area is required for each of these proposed apartments or 8,000 square feet, and the subject lot contains only 6,575 square feet of land area, thereby precluding the granting of a permit for a change of use to a two family dwelling.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Sections 14-224 and 14-474 of the Zoning Ordinance have been met.

John C. Knox
Secretary

/el
5/12/89

389 CONGRESS STREET • PORTLAND, MAINE 04101 • TELEPHONE (207) 725-2261

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



Former Innes House
Island & Welch Streets
Peaks Island

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

PETER F. MORELLI
THOMAS F. JEWELL
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Mr. Lawrence R. Clough, local attorney, is requesting an interpretation of Section 14-224(1)(c) of the Zoning Ordinance which requires four thousand (4,000) square feet of land area per dwelling in view of the definition of dwelling under Section 14-47 of the Ordinance. Inspection Services has interpreted this to mean that 4,000 square feet of land area is required for each dwelling unit or apartment in the I-B Island Business Zone, for sewer locations.

Conditional Use Appeal:

A conditional use appeal is also requested pursuant to Section 14-224 and Section 14-474 for use of the property as a two family dwelling. Inspection Services contends that 4,000 square feet of land area is required for each of these proposed apartments or 8,000 square feet, and the subject lot contains only 6,575 square feet of land area, thereby precluding the granting of a permit for a change of use to a two family dwelling.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Sections 14-224 and 14-474 of the Zoning Ordinance have been met.

John C. Knox
Secretary

/el

4/26/89

389 CONGRESS STREET • PORTLAND, MAINE 04101 • TELEPHONE (207) 725-6451

874-8300

BUILDING TO LEFT IS
A TWO-UNIT OWNED
BY HOWARD HELLER.

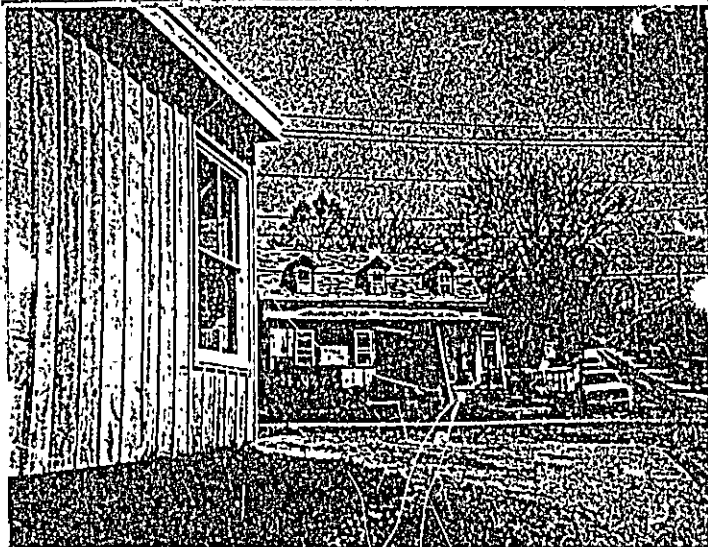
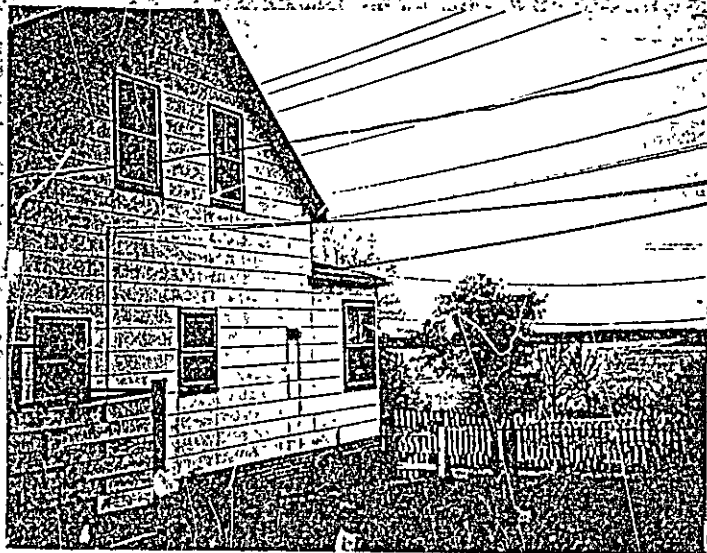


INNES HOUSE
BEFORE RESTORATION

St. Louis
Island Ave
Wich St PI

HOUSE TO RIGHT IS
OWNED BY ROCKWELLS,

VIEW OF INNES HOUSE
WALKING UP FROM
FERRY LANDING,



15 11 11 12

ISLAND AVE SIDE OF
GALLAGHER'S HOUSE -
ABUTS INNES
HOUSE.

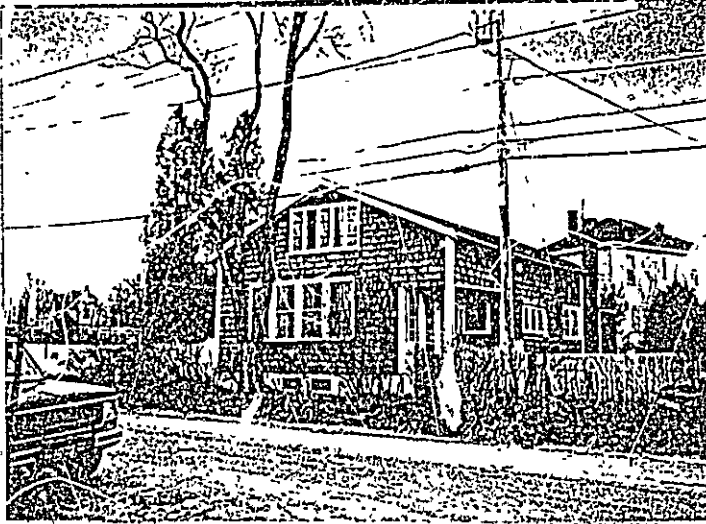
4-21-89 INNES HOUSE

BEFORE
RESTORATION
INNES
HOUSE

Port
Island
Realty

234 Ford Street
Portland, ME 04101

STUDIO
Shelton's Place
Walden St. P.I.
#5-REG



4-21-89

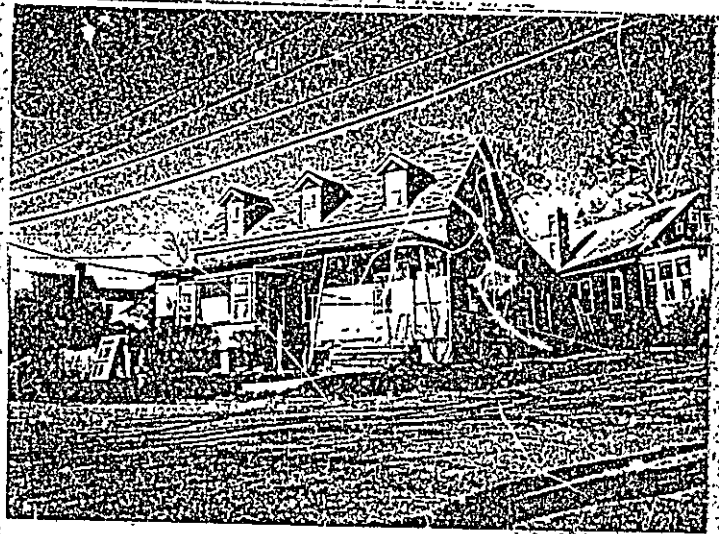
INNES, House

4-2 89

INNES House

4-21-89

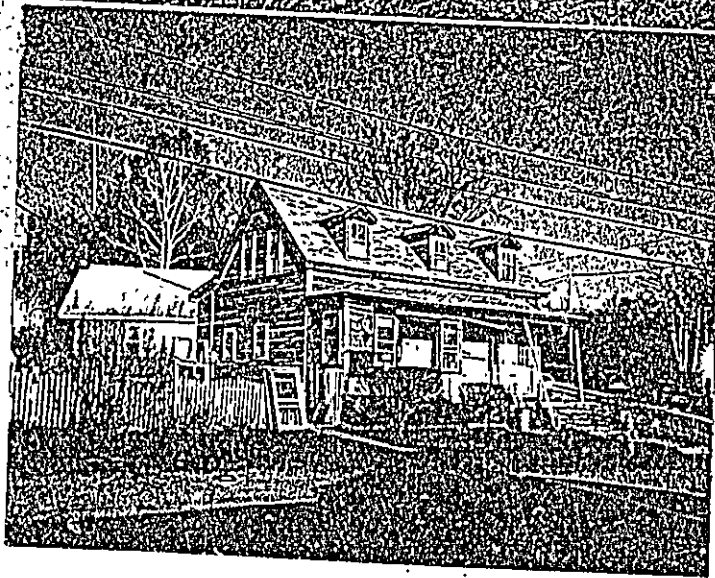
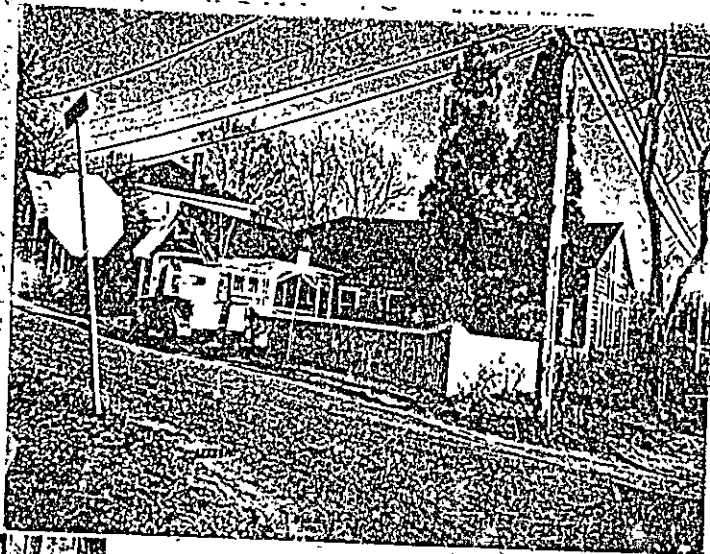
INNES House



COR. OF BRACKETT AVE & ISLAND AVE.
THIS HOUSE BACKS UP TO INNES
HOUSE, OWNED BY GALLAGHERS.
(EMILY BROSIUS' DAUGHTER &
SON-IN-LAW).

4-21-89 INNES HOUSE
BALANCE OF ENCLOSED FRONT
PORCH TO BE REMOVED &
REPLACED WITH ORIGINAL
OPEN FRONT PORCH.

4-21-89
INNES HOUSE



McDERMOTT'S (ACROSS
ISLAND AVE)

4 OUT OF 5 STORES ARE
VACANT

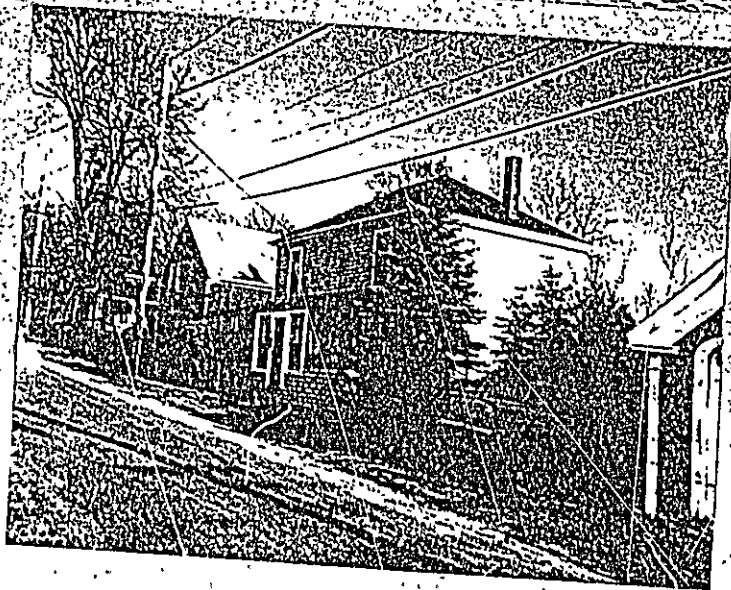
HILLSIDE LUMBER -
ACROSS WELCH STREET

ONE OUT OF THREE
STORES IS VACANT

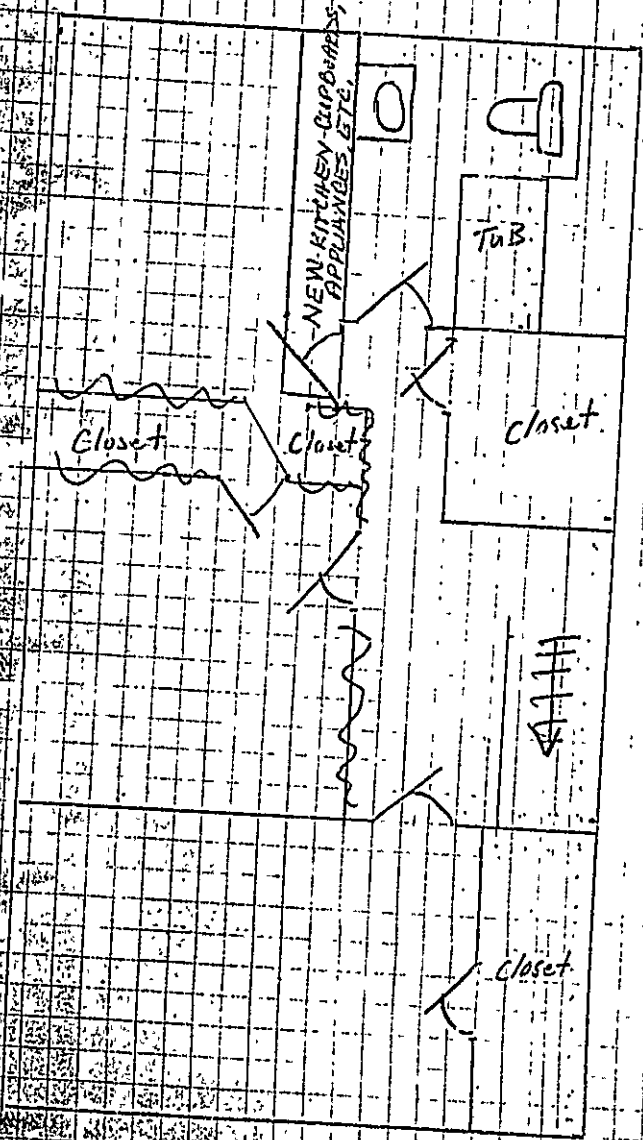
BRACKETT AVE -

THIS HOUSE BACKS
UP TO INNES HOUSE,

OWNED BY W. BOWNE
& J. ZAMONSKY.



THIS LINE [~~~~~] MEANS
THE INDICATED WALLS ARE
TO BE REMOVED.



LOT 84-K-8
PEARL ISLAND
N. BONN
UPSTAIRS UNIT

RECEIVED

MAY 17 1989

DEPT OF BUILDING INSPECTION
CITY OF PORTLAND

FOR MALT, SPIRITUOUS AND VINOUS:

Ken Sylvester, Inc.: d/b/a Sylvester's Cafe, 14 Veranda Street, (renewal).

Nasty, Inc., d/b/a Rosie's, 330 Fore Street, (renewal).

The Blue Moon, Inc., d/b/a The Blue Moon, 425 Fore Street, (renewal).

Christopher's Inc., d/b/a Christopher's, 688 Forest Avenue, (renewal).

Agwellio's, Inc., d/b/a Esposito's, 1335 Congress Street, (renewal).

Parker's Restaurant, Inc., d/b/a Parkers, 1333-35 Washington Avenue, (new).

FOR MALT ONLY:

Lisa's Pizza, Inc., d/b/a Lisa's Pizza, 325 St. John Street, (renewal).

SPECIAL ENTERTAINMENT PERMITS:

FOR ENTERTAINMENT WITHOUT DANCING:

Parker's Restaurant, Inc., d/b/a Parkers, 1333-35 Washington Avenue, (new).

The malt, spirituous and vinous liquor application for Sylvester's Cafe was withdrawn by the applicant. Read twice and passed, 8 Yeas. (Dorler, Bernstein in).

UNFINISHED BUSINESS:

(4) 434 - ORDER CONSENTING TO INCREASE IN OBSERVATORY ADMISSION FEES - SPONSORED BY ROBERT B. GANLEY, CITY MANAGER. Removed from the table. Given second reading and passed, 5 Yeas, 3 Nays (Bernstein, MacWilliams, Dorler).

(5) 435 - AMENDMENT TO THE PORTLAND CITY CODE SECTION 14-224(1)(c) (ZONING ORDINANCE) RE: CONDITIONAL USES IN I-B ZONE - SPONSORED BY ROBERT B. GANLEY, CITY MANAGER. Removed from the table. Councilor Clenott's amendment to delete the second paragraph, passed, 8 Yeas, and passed, as amended, 8 Yeas.

PUBLIC HEARINGS: None



THOMPSON, MCNABOE, ASHLEY & BULL

COUNSELORS AT LAW

85 EXCHANGE STREET

P.O. BOX 447

PORTLAND, MAINE 04112-0447

BENJAMIN THOMPSON
THOMAS R. MCNABOE
EDWARD J. ASHLEY
NICHOLAS BULL
BRUCE M. TOMPKINS
PAUL G. VIELMETTI
LAWRENCE R. CLOUGH
DAVID H. HIRSHON
MARK G. FUREY
LEONARD W. LANGER
JOHN R. BASS, II
EDWARD S. MACCOLL
JANET C. MCCAA*
MARSHALL J. TINKLE**
YVONNE V. MILLER***

BENJAMIN THOMPSON
(1857-1918)
NATHAN W. THOMPSON
(1895-1969)

TELEPHONE (207) 774-7600

TELECOPIER (207) 772-1039
CABLE THOMPSON
TELEX 944410

*ALSO ADMITTED IN VA AND DC
**ALSO ADMITTED IN DC
***ALSO ADMITTED IN MA AND NY

April 21, 1989

DELIVERED BY HAND

Merrill B. Seltzer, Chairman
Zoning Board of Appeals
City of Portland
389 Congress Street (Room 315)
Portland, Maine 04101

Re: Appeals of William A. Bonn
Premises at Island Avenue and Welch Street
(Peak's Island), Portland, Maine

Dear Mr. Seltzer:

This letter accompanies two parallel appeals submitted by William A. Bonn to the Zoning Board concerning his Peak's Island property as follows:

- I. An interpretation of Section 14-224(1)(c) the I-B Zone which requires "four thousand (4,000) square feet of land area per dwelling" in view of the definition of "dwelling" under Section 14-47. This section defines a "dwelling" as "a building or portion thereof used exclusively for residential occupancy, including single-family, two-family, multi-family dwellings, but not including hotels, lodging houses, shelter-care group homes or tourist homes;" and
- II. A conditional-use permit appeal pursuant to Section 14-224 and Section 14-474 for use of the property as a two-family dwelling.

Enclosed please find nine separate packets each containing the following items:

Merrill S. Seltzer, Chairman
Page 2
April 21, 1989

Re: Appeals of William A. Bonn
Premises at Island Avenue and Welch Street
(Peak's Island), Portland, Maine

1. Executed request for an interpretation and a conditional use appeal with a check for the appeal fee.
2. Mortgage inspection plot plan showing the parking and the building location.
3. Floor plan of the dwellings.
4. Before and after photographs of the property.
5. Statements from abutters and neighbors.

I. Interpretive Appeal - 4,000 square feet per "dwelling"

The existing one and one-half story dwelling is located on a 6,575 square foot lot at the corner of Island Avenue and Welch Street, which is a prominent corner on Peak's Island as visible immediately as one steps off the ferry to walk up Welch Street. Historically the property was known as the "Innis House," a 20-room boarding house of which only a portion remains. In its recent past the property has been a single-family house and may be used as a single-family house with a retail service establishment on the ground floor in the "I-B" zone. The property is served by both public water and sewer. The property has been renovated by Mr. Bonn since his purchase this past winter to return it to its historical appearance.

II. William Giroux and Warren Turner of the Building Inspector's Office have advised that they believe the 4,000 square feet of land area "per dwelling" as specified under Section 14-224(1)(c) should be interpreted to mean "per dwelling unit".

However, the City's zoning ordinance clearly and expressly defines a dwelling under Section 14-447, which at its beginning states "the following words shall be defined as set forth below for use in this article." A "dwelling unit" is separately defined as "one or more rooms with a private bath and kitchen facilities comprising an independent self-contained dwelling unit". The language of the "I-B" zone is clear in that it consistently uses a measurement as being "per dwelling" and not "per dwelling unit". Other parts of the ordinance have clearly stated "dwelling unit" when that was the intended measure, e.g.

Merrill S. Seltzer, Chairman
Page 3
April 21, 1989

Re: Appeals of William A. Bonn
Premises at Island Avenue and Welch Street
(Peak's Island), Portland, Maine

Section 14-145.2(2)(IR- Zone) Section 24-145.8(2)(IR- Zone),
Section 14-70(2)(R-1 Zone), Section 14-80(2)(R-2 Zone), Section
14-117(1)(b)(i)(R-5 Zone), Section 14-120(2)(R-5 Zone), Section
14-127(1)(R-5 A Zone), and Section 14-139(2)(per family)(R-6).

For a number of years prior to the adoption of the separate
"I-B" Zone on July 15, 1985 this property was governed by the
former R-6 zone which applied on Peaks Island. This
neighborhood has a number of small lots arising from the
original 1922 subdivision in which almost all lots were 90 feet
by 50 feet for a total area of 4,500 square feet. (See the
Cumberland County Registry of Deeds Plan Book 13, Page 117).
The then effective provisions of Section 607.7 B. 7. required a
lot of 4,500 square feet.

As the courts in Maine have have stated:

"A zoning ordinance like any other statute in-derogation of
common law, must be strictly construed and exemptions
should be construed in favor of the landowner." Forest
City, Inc. v. Payson 239 A.2d 167 at 169 (1963)

In that appeal, the court deferred to the definitions found in
the City of Portland's zoning ordinance. Here the proposed use
of the land is clearly within the prescribed meaning of the
ordinance. Only a transformation of the word "dwelling" into
"dwelling unit" would justify a denial of the proposed use.

II. Conditonal Use.

Under Section 14-224 a two-family dwelling is a conditional
use provided that the following standards are met:

- A. Outside stair ways or fire escapes. The building has
none.
- B. Subgrade dwelling. Both proposed dwelling units will
be above grade.
- C. 4,000 square foot lot. The lot contains in excess of
6,500 square feet.
- D. Compatible additions. Only minor changes were made to
the exterior structure, including the relocation of an

Merrill S. Seltzer, Chairman
Page 4
April 21, 1969

Re: Appeals of William A. Bonn
Premises at Island Avenue and Welch Street
(Peak's Island), Portland, Maine

outside oil tank away from street view and the installation of replacement windows as indicated by the enclosed photographs.

- E. No decrease in existing dwelling units below 1,000 square feet. See enclosed plans. The resulting dwellings will contain approximately 1,120 square feet and 720 square feet, respectively.
- F. 600 square foot minimum for additional dwelling units. The second dwelling will have 720 square feet.
- G. Sewage. The property is serviced by public sewer.
- H. Water. The property is serviced by public water.

As the enclosed statements of support from the neighborhood demonstrate, the two family use is the most desirable. At present there are 4 vacant commercial rental spaces within 25 yards of this property. Three out of four spaces in a building across Island Avenue are now vacant and the middle unit out of three units are vacant on the other corner across Welch Street.

Sincerely yours,

Lawrence R. Clough W.S.

Lawrence R. Clough

LRC/ds
3994H



CITY OF PORTLAND

CONDITIONAL USE APPEAL

APPLICATION

Applicant's name and address: William A. Bonn

Applicant's interest in property (e.g., owner, purchaser, etc.):
Owner

Owner's name and address (if different): 203 West Newton Street,
Boston, MA 02116

Address of property (or Assessor's chart, block and lot number):
84-k-8

Zone: I-B

Present use: Single family and
service retail

Type of conditional use proposed: Two-family dwelling

Conditional use authorized by: Section 14- 224(1)

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 certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: April 24, 19

William A. Bonn
Signature of Applicant

MORTGAGE LOAN INSPECTION PLAN

TO THE LENDING INSTITUTION AND ITS TITLE INSURER

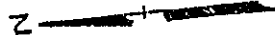
I HEREBY CERTIFY THAT THE LOCATION OF THE DWELLING SHOWN ON THIS PLAN DID CONFORM WITH THE LOCAL ZONING LAWS IN EFFECT AT THE TIME OF CONSTRUCTION. THIS PROPERTY DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE.

THIS PLAN WAS NOT MADE FROM AN INSTRUMENT SURVEY. THE CERTIFICATIONS ARE FOR MORTGAGE PURPOSES ONLY. THIS PLAN APPLIES ONLY TO CONDITIONS EXISTING AS OF THE DATE SHOWN HEREON, AND DOES NOT SHOW ANY POSSIBLE CONFLICTS WITH ADJUTING DEEDS. THIS PLAN IS NOT FOR RECORDING.

THIS CERTIFICATION IS LIMITED TO THIS PARTICULAR TRANSACTION ONLY AND THIS SURVEYOR IS NOT LIABLE FOR ANY OTHER USE BY ANY OTHER PERSON OR ENTITY.

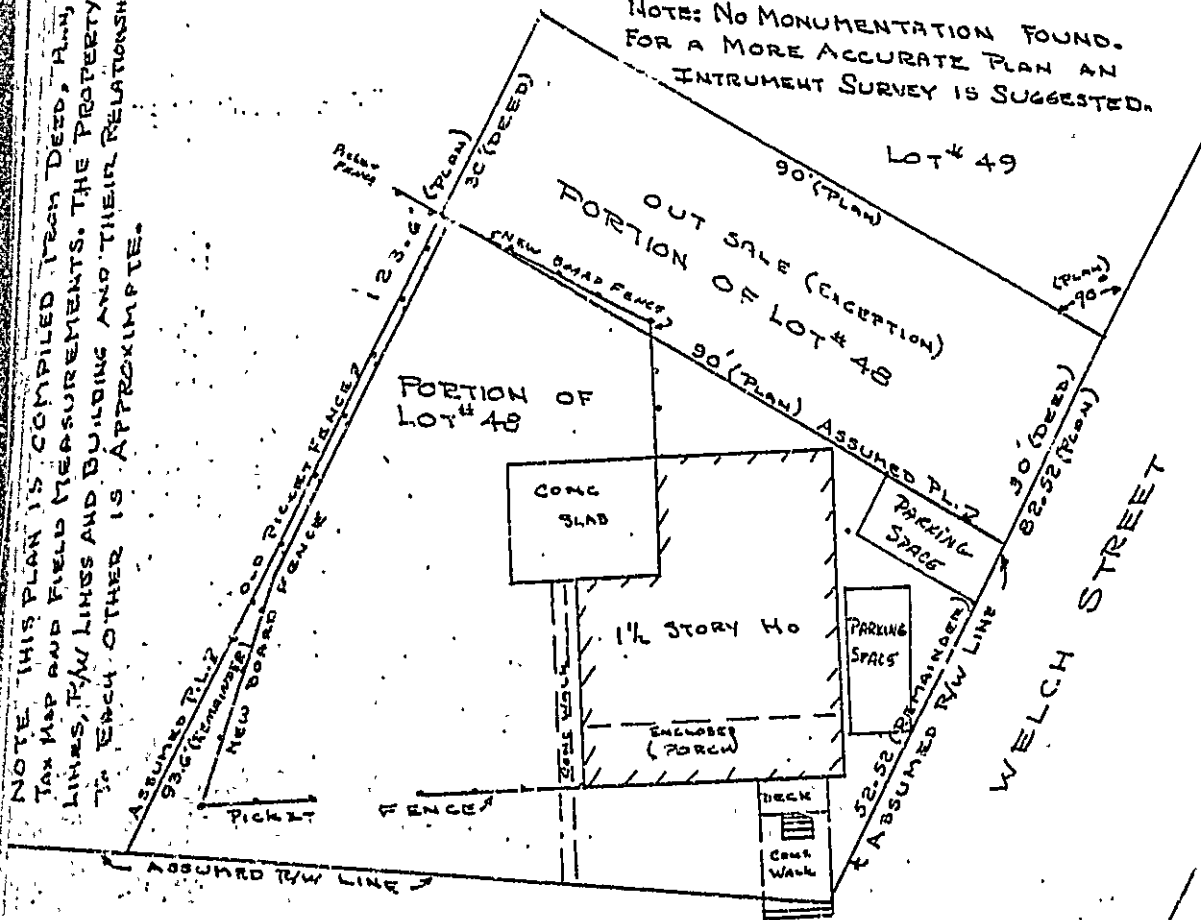
THIS IS NOT A LAND BOUNDARY SURVEY

DATE DEC. 17, 1988 PROJ. 88387
 PLAN 13 PAGE 117
 COUNTY CUMBERLAND SCALE 1"=20'



NOTE: NO MONUMENTATION FOUND.
 FOR A MORE ACCURATE PLAN AN
 INSTRUMENT SURVEY IS SUGGESTED.

NOTE: THIS PLAN IS COMPILED FROM DEED, PLAN, TAX MAP AND FIELD MEASUREMENTS. THE PROPERTY LINES, ROW LINES AND BUILDING AND THEIR RELATIONSHIP TO EACH OTHER IS APPROXIMATE.



ISLAND AVENUE

WELCH STREET

PROPERTY OF NANCY L. LAUGHLIN (NOW IVERS).
 LOCATED ON ISLAND AVE. AND WELCH ST., PEAKS ISLAND, PORTLAND, MAINE.
 PURCHASER - WILLIAM ALAN BONN.

CLINTON W. JENKINS, R.L.S.

13 TITCOMB ROAD YARMOUTH, MAINE 04096

TEL. 846-9617



CITY OF PORTLAND

INTERPRETATION APPEAL

APPLICATION

Applicant's name and address: William A. Bonn

Applicant's interest in property (e.g., owner, purchaser, etc.):
Owner

Owner's name and address (if different): 203 West Newton Street,
Boston, MA 02116

Address of property (or Assessor's chart, block and lot number):
Island Avenue & Welch Street, Peaks Island (84-K-8)

Zone: I-B

Present use: single family and service retail

Order, decision, determination, or interpretation complained of:

Interpretation of "4,000 square feet per dwelling"

Disputed provision: Section 14-224(1)(c) and 14-47

Type of relief requested: Permit 2 family dwelling on 6,575 square
foot lot.

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

Dated: April 24, 1989

William A. Bonn
Signature of Applicant

Brackett Ave.
Peaks Island, ME 04108

Mr. William D. Giroux
Zoning Code Enforcement Office
City of Portland, Maine
389 Congress St.
Portland, ME 04101

Re: William A. Bonn
94-K-8 Island Ave., Peaks Island

Dear Mr. Giroux:

We are in favor of Bill Bonn's request to change the use of the "Innes House" property to two residential units from a single family dwelling.

Our house on Brackett Ave. backs up to the above property, and we are opposed to any use for the property other than residential use. Commercial users would not be in keeping with the neighborhood. However, the use of the property for two residential units would not change the nature of the property at all.

Bill Bonn is doing a tasteful restoration of the "Innes House" which, as you probably are aware, is the last standing "hotel" structure remaining on Peaks Island (dating back to the 1800's). We hereby register our support for Bill's plans for the property.

Sincerely,

Dennis Carignan
Dennis Carignan

Georgette Carignan
Georgette Carignan

Dennis W. Rockwell
Welch St.
Peaks Island, Me. 04108

Mr. William Giroux
Zoning Code Enforcement Officer
Inspection Services Division
City of Portland, Maine
389 Congress Street
Portland, Maine 04101
RE: William A. Bonn; 84-K-8; Island Ave., Peaks Island

Dear Mr. Giroux:

This letter is to express my strong support for the Application filed by William A. Bonn to convert the use of the above property from single family residential to two residential units.

My wife, as well as myself, are most concerned about the potential commercial uses to which the property could be put. Having two small children and living immediately next door makes this concern even more pronounced. The property is surrounded on all sides by houses used for residential purposes, even though at least one of those homes is also zoned I-E. Therefore, the residential use proposed by Mr. Bonn is the most compatible use, considering the neighboring properties.

We also support the renovation efforts expended by Mr. Bonn. The property had fallen into disrepair prior to his purchase and is now being restored to its original appearance.

Please, therefore, register our support for the change in use requested by Mr. Bonn.

Very Truly Yours,

Dennis W. Rockwell
Dennis W. Rockwell

April 22, 1989

Mr. William Giroux
Zoning Code Enforcement Officer
Inspection Services Division
City Of Portland
389 Congress Street
Portland, Maine 04101

RE: 84-K-8 Island Avenue, Peaks Island, William A. Bonn

Dear Mr. Giroux,

We have recently become aware of a zoning problem encountered by our neighbor Bill Bonn at the above referenced house. We would like to express our support for Bill's use of the house as two residential units.

Our property fronts Island Avenue, just two houses down from Bill's, at the corner of Brackett Avenue. We also happen to be directly across Brackett Avenue from Bill's other house. The work done on the Brackett Avenue house, and under way on the Island Avenue house, is of high quality and consistent with the character of the Island. The neighborhood is much improved through Bill's work.

Allowing Bill's Island Avenue house to be used as two residential units would be in keeping with the current mix of uses in the area, and would be far more appealing/desirable than a commercial establishment.

Sincerely,

Gary Brookman
Tatyanna Seredin

Gary Brookman
Tatyanna Seredin
Island Avenue
Peaks Island, Maine 04108

LAGOULIS, CLARK & COMPANY

May 11, 1989

City of Portland
Zoning Board of Appeals
389 Congress Street
Portland, Maine 04101

RE: Application of William Bonn, Lot 84-K-8
Island Avenue, Peaks Island, Maine

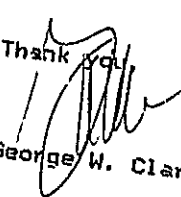
Gentlemen,

Mr. William Bonn recently purchased a rather run-down residential property at the corner of Island Avenue and Welch Street on Peaks Island. He has subsequently spent what must be a large sum of money to restore the property to its original condition. In doing so, he incorporated a second dwelling unit within the existing structure. This was done in good faith based upon an honest interpretation of the zoning ordinance.

Apparently, as the result of a subsequent review of the ordinance by the Building Department, the city has now decided that Mr. Bonn should only be permitted to use the building as a single family residence. Given the fact that the project appears to be about 95% complete, the result of that decision will be to impose a severe hardship on Mr. Bonn.

As a adjoining property owner, I would prevail upon you to reconsider the pertinent section of the zoning ordinance and interpret it in a manner favorable to Mr. Bonn, or in the alternative, grant him a conditional use permit. The restoration of this property has had a very positive effect on the Island, and its ultimate use as a duplex residence is highly compatible with the immediate surrounding neighborhood.

Thank you,


George W. Clark, Jr.

GWC/ss

c.c. Mr. William Giroux
Zoning Code Enforcement Officer
City Hall
363 Congress Street
Portland, Maine 04101

REPLY TO: ☐ 92 PLEASANT STREET
NEWBURYPORT, MA 01950
(508) 462-0022

☒ JONES LANDING
WELCH STREET
PEAKS ISLAND
PORTLAND, ME 04108
(207) 766-2295

☐ SUITE 1809
5600 NORTH DIXIE HIGHWAY
WEST PALM BEACH, FL 33409
(407) 644 0887

May 1, 1989

Mr. William Giroux
Zoning Code Enforcement Officer
Inspection Services Division
City of Portland, Maine
389 Congress St.
Portland, Maine 04101
RE: William A. Bonn; 84-K-8; Island Avenue, Peaks Island

Dear Mr. Giroux,

It has been brought to my attention that Mr. William A. Bonn has filed an application to permit the conversion of the former "Innes House" property from a single family residential to a two unit residence. As a year round resident for many years and also a neighbor to the property, I strongly support his efforts. I further support the quality that he has displayed in the work that has been completed. The past owners have ignored any repairs necessary to this property. The building is one of the first landmarks to be seen when arriving on the island, and if Mr. Bonn is permitted to complete and utilize the building as he has planned, it will be a show piece for our island.

Please add this letter to your file as full support for the change in use requested by Mr. Bonn.

Best Regards,



David S. Norton

Donald E. Wright
14 Mansfield Dr.
Leicester, MA 01524

May 1, 1989

City of Portland
Zoning Board of Appeals
Dept. of Planning & Urban Development
Room 315, City Hall
Portland, Maine 04101

Attn: Merrill S. Seltzer Chairman

Dear Mr Seltzer:

I recently received a notice of a hearing on
May 11, 1989 regarding property at Island Ave and
Welch St Peaks Island known as The Inner House.

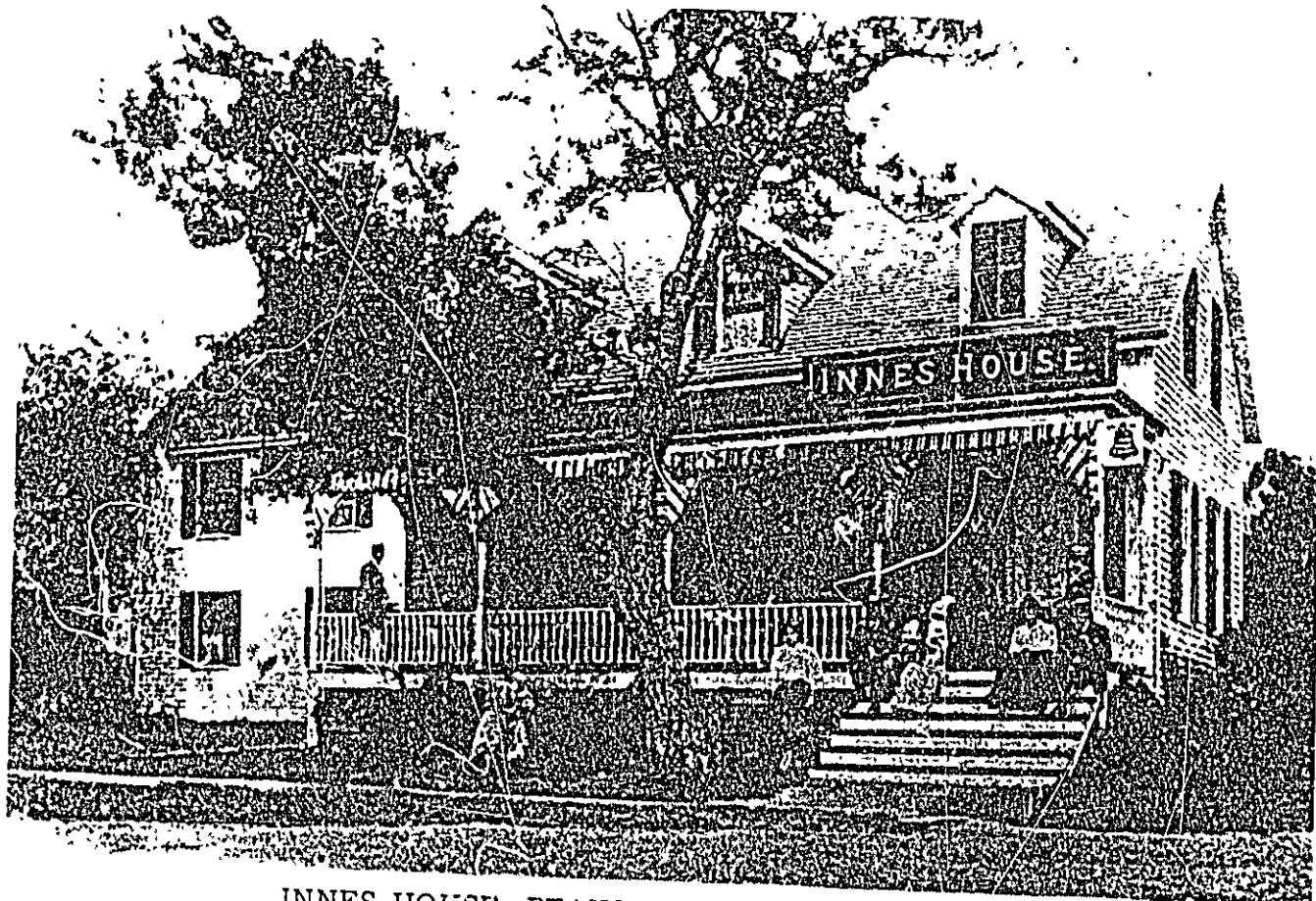
Since I am out of State, I will be unable to attend
the hearing which concerns Application by Mr William Bann
to use the property as a two family home with less
than the minimum lot size.

My property is located two houses up Welch St
from the Inner House and I am in the area
weekends. Mr Bann has performed major renovations
to the property and has transformed a previous "eye
ore" to a greatly improved corner lot.

I can see no problem with his being allowed
to rent this property as a Two Family in lieu
of other described uses, such as Bed & Breakfast
and urge that you Approve his request for a
VARIANCE

Sincerely,
Donald E. Wright

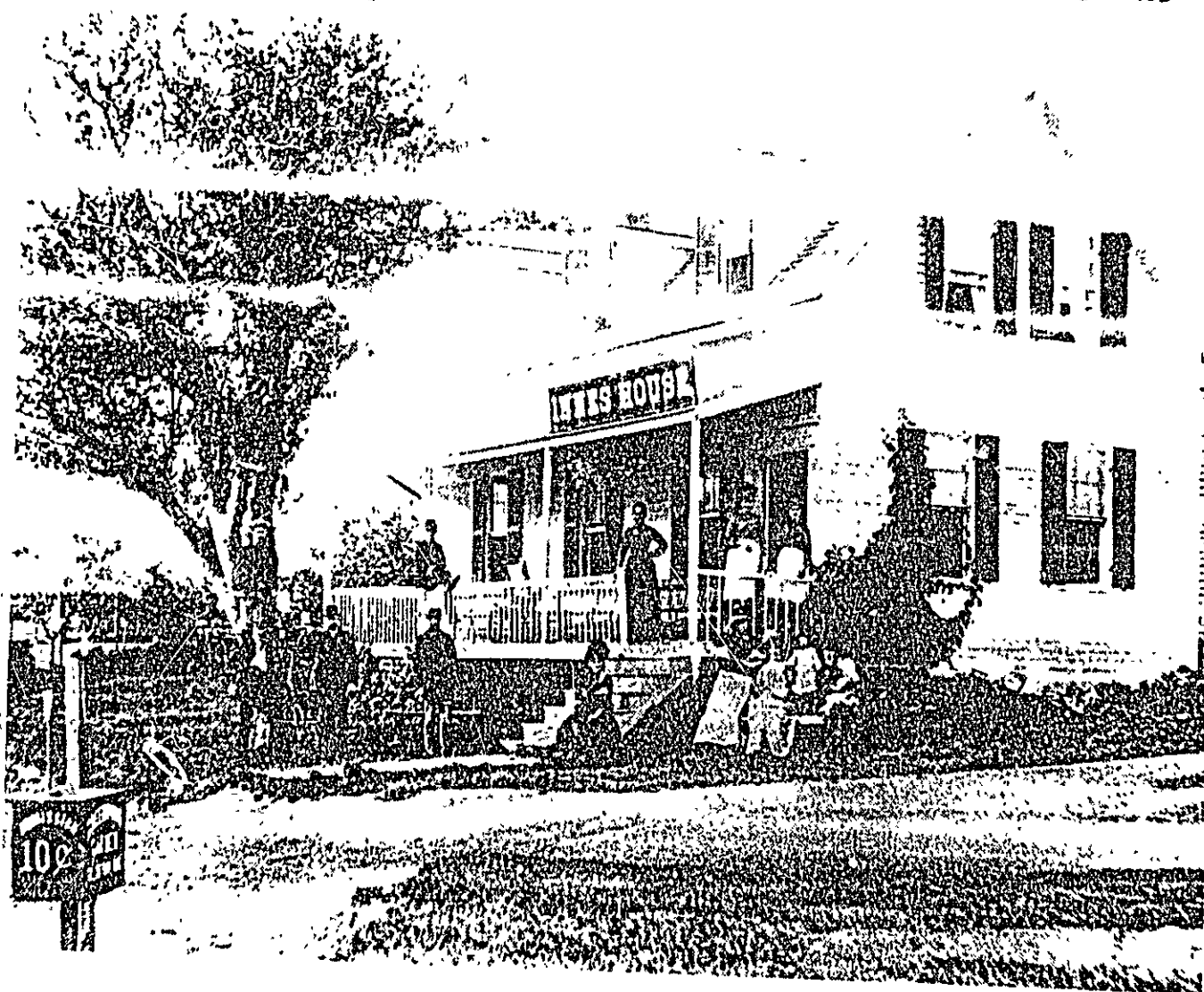
Innes House
c. 1890-1900



INNES HOUSE, PEAKS ISLAND, PORTLAND, MAINE.

as found
small well as usual. was up to the

LINES HOUSE
C. 1890-1900



PERMIT # _____ CITY OF Portland BUILDING PERMIT APPLICATION MAP # _____ LOT# _____

Please fill out any part which applies to job. Proper plans must accompany form.

Owner: William A. Bonn

Address: 203 W. Newton St., Boston, MA 02116

LOCATION OF CONSTRUCTION Island & Welch St. Peaks Island

CONTRACTOR: _____ SUBCONTRACTORS: _____

ADDRESS: _____

Est. Construction Cost: _____ Type of Use: _____

Past Use: _____

Building Dimensions: L _____ W _____ Sq. Ft. _____ # Stories _____ Lot Size: _____

Is Proposed Use: _____ Seasonal _____ Condominium _____ Apartment _____

Conversion - Explain _____ Interpretation Appeal and Conditional Use Appeal _____

COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE

Residential Buildings Only: _____

Of Dwelling Units _____ # Of New Dwelling Units _____

Foundation: _____

1. Type of Soil: _____
2. Set Backs - Front _____ Rear _____ Side(s) _____
3. Footings Size: _____
4. Foundation Size: _____
5. Other _____

Floor: _____ Sills must be anchored.

1. Sills Size: _____
2. Girder Size: _____
3. Lally Column Spacing: _____ Size: _____
4. Joists Size: _____ Spacing 16 O.C.
5. Bridging Type: _____ Size: _____
6. Floor Sheathing Type: _____ Size: _____
7. Other Material: _____

Exterior Walls: _____

1. Studding Size _____ Spacing _____
2. No. windows _____
3. No. Doors _____
4. Header Sizes _____ Span(s) _____
5. Bracing: Yes _____ No _____
6. Corner Posts Size _____
7. Insulation Type _____ Size _____
8. Sheathing Type _____ Size _____
9. Siding Type _____ Weather Exposure _____
10. Masonry Materials _____
11. Metal Materials _____

Interior Walls: _____

1. Studding Size _____ Spacing _____
2. Header Sizes _____ Span(s) _____
3. Wall Covering Type _____
4. Fire Wall if required _____
5. Other Materials _____

For Official Use Only	
Date: <u>April 24, 1989</u>	Subdivision: Yes / No _____
Inside Fire Limits _____	Name: _____
Bldg Code _____	Loc: _____
Time Limit _____	Block: _____
Estimated Cost _____	Permit Expiration: _____
Value/Structure _____	Ownership: _____ Public _____ Private _____
Fee: _____	

- Celling:
1. Ceiling Joists Size: _____
 2. Ceiling Strapping Size _____ Spacing _____
 3. Type Ceilings: _____
 4. Insulation Type _____ Size _____
 5. Ceiling Height: _____

- Roof:
1. Truss or Rafter Size _____ Span _____
 2. Sheathing Type _____ Size _____
 3. Roof Covering Type _____
 4. Other _____

Chimneys: _____

Type: _____ Number of Fire Places _____

Heating: _____

Type of Heat: _____

Electrical: _____

Service Entrance Size: _____ Smoke Detector Required Yes _____ No _____

Plumbing: _____

1. Approval of soil test if required Yes _____ No _____

2. No. of Tubs or Showers _____

3. No. of Flushes _____

4. No. of Lavatories _____

5. No. of Other Fixtures _____

Swimming Pools: _____

1. Type: _____

2. Pool Size: _____ x _____ Square Footage _____

3. Must conform to National Electrical Code and State Law.

Zoning: _____

District: IR Street Frontage Req: _____ Provide: _____

Required Setbacks: Front _____ Back _____ Side _____

Review Required: _____

Zoning Board Approval: Yes _____ No _____ Date: _____

Planning Board Approval: Yes _____ No _____ Date: _____

Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____

Shore and Floodplain Mgmt. _____ Special Exception _____

Other (Explain) _____

Date Approved: 4/24/89

Permit Received By: Latini

Signature of Applicant: Lawrence R. Chappell Date: 4/24/89

Signature of CEO: _____ Date: _____

Inspection Dates: _____

White-Tax Assessor

Yellow-GPCOG

White Tag -CEO

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***ALSO ADMITTED IN MA AND NY

May 3, 1989

Merrill S. Seltzer, Chairman
Zoning Board of Appeals
City of Portland
389 Congress Street (Room 315)
Portland, Maine 04101

Re: Appeal of William A. Bonn
Premises at Island Avenue and Welch Street
(Peak's Island), Portland, Maine

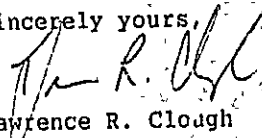
Dear Mr. Seltzer:

With reference to the hearing scheduled for May 11, as you may be aware the City Planning Office has introduced an amendment to the Island Business Zone subsequent to and as a direct response to Mr. Bonn's appeal. This zone change had its first reading on May 1 before the City Council, but I understand that this proposed amendment may be further amended so as to exempt pending appeals from its scope so that Mr. Bonn's conditional use appeal may go forward without need for an interpretive appeal as well.

Accordingly, I respectfully request that the hearing scheduled for May 11 on Mr. Bonn's two appeals be both postponed pending resolution of the City Council's decision on the ordinance change.

Thank you for your attention and consideration.

Sincerely yours,


Lawrence R. Clough

LRC/ds

cc William D. Giroux, Zoning Enforcement Officer
David A. Lourie, Corporation Counsel
Mr. William A. Bonn