

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JACK LINE COHEN
Secretary

TIMOTHY E. FLAHERTY
ROBERT J. GAUDREAU
EUGENE S. MARTIN
PAULETTE P. PARKER
MICHAEL E. WESTORT

December 10, 1984

Ms. Joyce F. Landry
112 Meadow Road
East Longmeadow, MA 01028

RE: Assessor's #85-F-28-29 Peaks Island

Dear Ms. Landry:

Please be advised that the variance appeal for the above property was for a garage, not a house as was misprinted in the newspaper.

Sincerely,

Kathleen A. Taylor
Secretary

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



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December 10, 1984

Ms. Joyce F. Landry
112 Meadow Road
East Longmeadow, MA 01028

RE: Assessor's #85-F-28-29 Peaks Island

Dear Ms. Landry:

Please be advised that the variance appeal for the above property was for a garage, not a house as was misprinted in the newspaper.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen A. Taylor".

Kathleen A. Taylor
Secretary

November 28, 1984

Mr. Eugene S. Martin
Zoning Board of Appeals
389 Congress Street
Portland, Me. 04101

Dear Mr. Martin,

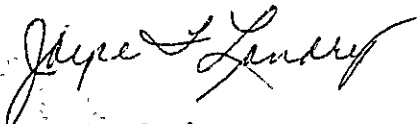
On November 1st your Board approved a variance as per the attached letter reference assessor's #85-F-28-29.

The newspaper reported this variance for a house (article enclosed).

If the variance was for a house please consider this letter as our official request for an appeal. If the variance was for a garage you can ignore this letter.

Thank you for your assistance and a letter to me stating whether this variance was for a garage or a house would be appreciated.

Sincerely,



Joyce F. Landry
112 Meadow Road
East Longmeadow, Ma. 01028

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



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MICHAEL E. WESTORT

Assessor's #85-F-28 & 29
Spruce Avenue, Peaks Island

All persons interested either for or against this Space & Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, November 1, 1984 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the property as required by Ordinance.

Susanna Adams, owner of the property at Assessor's #85-F-28 & 29, Spruce Avenue, Peaks Island, under the provisions of Section 14-473 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit Amendment No. 1 to Permit No. 83-1001, to permit a 10 ft side yard setback from the side street at the above-named property rather than the 20 ft. minimum required by Section 14-90.4 of the Ordinance applying to the R-3 Residential Zone in which this property is located.

LEGAL BASIS OF APPEAL. Such amendment to permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-473 of the Zoning Ordinance have been met.

Merrill S. Seltzer
Secretary

10/19/84
/kat

Peaks Island condos OK'd

By BRYAN McNULTY
Staff Writer

"Avenue House," a turn-of-the-century lodging house on Island Avenue, will become the first condominium complex on Peaks Island.

Owners Thomas and Helen Young received a change of use variance from the Zoning Board of Appeals this week. The new eight-unit condominium will be subject to several screening conditions.

"The eight-car parking lot across the street on the water side would be screened from the abutting residences with shrubs and trees," said

zoning specialist Warren J. Turner. "And the swimming pool on the Luther Street side would also be buffered by trees from the adjacent residences."

In another vote, the board turned down a request by Francis P. Drake to convert a single-story brick warehouse at 156-164 Veranda St. into a two-story, 16-unit apartment house.

Despite the developer's offer to compromise to 12 units, the board decided that the density was still too great for the neighborhood. Several residents opposed the project, and Turner said zoning rules for that lot

allowed only six units. In other action, the board: • Approved a 10-foot side yard setback requested by Susanna Adams for a new home on Spruce Street on Peaks Island. A 20-foot setback is required without a variance

• Approved the conditional use request of George J. Corrick to permit erection of a 24- by 40-foot, single-family modular house on Flor Avenue.

• Allowed Thomas Sesto to change the use of a two-family dwelling 130 Cumberland Ave. into a three-family apartment house.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



EUGENE S. MARTIN
Chairman

MERRILL L. SELTZER
Secretary

JACQUELINE COHEN
TIMOTHY E. FLAHERTY
THOMAS J. MURPHY
PAULETTE P. PARKER
MICHAEL E. WESTORT

Assessor's #85-F-28 & 29
Spruce Avenue, Peaks Island

November 6, 1984

Ms. Susanna Adams
Spruce Avenue
Peaks Island, ME 04108

Dear Ms. Adams:

As you know, at its meeting of November 1, 1984, the Board of Appeals voted to grant your Amendment No. 1 to Permit No. 83-1001 to permit a 10 ft. side yard setback from the side street.

A copy of the Board's decision is enclosed for your records.

You should now come in to this office to pick up your copy of the Amendment (which you have not yet signed).

Sincerely,

Kathleen A. Taylor
Secretary

enc.

11/1/81

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

SPACE AND BULK VARIANCE APPEAL

I. Findings of Fact

A. Applicant Susanna Adams

B. Property Location #85-F-28 & 29 Spruce Avenue, Peaks Island

C. Applicant's Interest in Property:

- Owner
- Tenant
- Other

D. Property Owner same

E. Owner's Address Spruce Avenue, Peaks Island, ME 04108

F. Zone (Circle One):

- R-1 R-2 **R-3** R-5 R-6 R-4
- R-P B-1 B-2 B-3 A-B
- I-P I-1 I-2 I-2b I-3 I-3b I-4
- RPZ W-1

G. Site Plan Approval required _____

H. Present Use of Property residential

I. Section(s) to Which Variance Related 14-90.4.d.

J. Reasons Why Permit Cannot be Issued insufficient side yard setback

K. Requested Variance Would Permit 10 ft. side yard setback rather than the minimum 20 ft. required

L. Notice Sent to _____ Adjacent Property Owners

II. Appearances

A. Those Advocating Variance

SUSANNE ADAMS.
HOWARD HILLER

B. Those Opposing Variance

(Attachments, As Necessary)

III. Exhibits (Any documents, photos, plans, further findings of fact, etc. presented to the Board as part of its records)

PHOTOS, PLANS

IV. Reasons for Decisions - Undue Hardship (The following checklist relates with the Board of Appeals hardship definitions for Space and Bulk variances as contained in Section 602.24C 3.b.(1) (a) through (e)

A. The parcel is exceptional due to physical characteristics or topographic features which amount to more than a mere inconvenience

- Yes/Agreement with statement
 No/Disagreement with statement

Reasons DUE TO SIZE

B. If yes, the unique physical conditions: (Check One)
Sec. 602.24C 3.b.(1) (b)

- Existed at the time of the enactment of the provision from which a variance is sought; or
 Were caused by natural forces; or
 Were the result of governmental action

C. Pertinent ordinance provision deprives owner of substantial use or enjoyment of property in the manner commonly enjoyed by owners of property subject to the same provisions (Sec. 602.24C 3.b. (1) (c))

Yes/Agreement with statement

No/Disagreement with statement

Reasons _____

D. As evidenced by affirmative answers to either IV. A. or IV. C. above, the variance will not create a special privilege for the applicant. Sec. 602.24C 3.b. (1) (d)

Yes/Agreement with statement

No/Disagreement with statement

Reasons _____

E. The variance will not adversely affect neighborhood property in the same zone and will not be detrimental to the general public health and safety Sec. 602.24C 3.b. (1) (e)

Yes/Agreement with statement

No/Disagreement with statement

Reasons _____

V. Specific Relief Granted

After a public hearing held on 11/1/84, the Board of Appeals finds that: (Check One)

Approval - All of the conditions required by Sec. 602.24C 3.b.(i) exist with respect to this property, as evidenced by affirmative responses to all statements set forth in IV. A. through IV. E above, and that a space and bulk variance be granted in this case.

Conditions of Approval (If any) _____

() Disapproval - All conditions required by Sec.602.24C 3.b. (1) do not exist with respect to this property, as evidenced by one or more negative responses to statements set forth in IV. A. through IV. E. above, and that a space and bulk variance should not be granted in this case.

VI. Signatures of Board

James J. Martin Chairman
William J. Roth
Thomas J. Maguire
Richard E. Waples
Jacqueline Cohen

NOTES

9-28-83 Checked bills
10-20-83 - Found in BK. 1/15
11-9-83 - 400 P. 10/15
12-11-83 - Completed as per
plans and permits OK

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



EUGENE S. MARTIN
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Secretary

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TIMOTHY E. FLAHERTY
THOMAS J. MURPHY
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MICHAEL E. WESTCOT

Assessor's #85-F-28 & 29
Spruce Avenue, Peaks Island

October 16, 1984

Ms. Susanna Adams
Spruce Avenue
Peaks Island, ME 04108

Dear Ms. Adams:

Amendment No. 1 to Permit No. 83-1001, is not issuable to permit a 10 ft. side yard setback from the side street at the above-named location rather than the 20 ft. minimum required by Section 14-90.4.d. of the Ordinance applying to the R-3 Residential Zone in which this property is located.

We understand you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come in to this office, Room 315, City Hall, to file the appeal on forms which are available here.

A fee of \$50 for a Space & Bulk Appeal shall be paid at this office at the time the appeal is filed. If fee has been paid and appeal filed prior to this letter, then consider this letter as a matter of formality. Section 14-473.

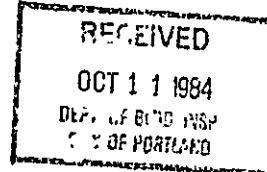
Sincerely,

Malcolm G. Ward
Zoning Enforcement Officer

MGW/kac

Spruce Ave.
Peaks Island, ME 04108
October 8, 1984

Zoning Board of Appeals
City of Portland, Maine



Dear Sirs:

I am applying for a variance for an accessory building (storage shed) situated on a residential lot that I recently bought, for which the previous owner obtained a valid building permit. When a survey was performed for my title search, the Engineers noted that this shed structure was located within the setback and was in fact ten feet (10') from the right-of-way line instead of twenty feet (20') as required by the zoning ordinance (Exhibit A). The City evidently sent out a site inspector who approved the location of the building (Exhibit B). When this apparent violation of the zoning ordinance became known, the seller (Husted) obtained a Planning Department (Exhibit C) stating that the City would not enforce the zoning ordinance against either the seller or any subsequent owners. After receiving a copy of this affidavit, I decided to purchase the property. Subsequent legal advice prompts me to obtain a variance so that this structure will be legal.

My arguments in favor of obtaining a variance are as follows:

- (1) Through no fault of either the seller (who got a valid building permit) or myself, I now own a residence with a zoning violation. This fact seriously jeopardizes my investment and deprives me of the enjoyment of my property.
- (2) I paid full and fair market price for the property which included a storage shed. The house is very small (1000 sq. ft. or so; 1½ story cape) and has virtually no storage space (two 2½ft. x 2ft. closets, no attic, and no usable basement).
- (3) The lot is almost entirely ledge and there is no other place to put a similar structure.
- (4) If I were trying to obtain a variance to construct a shed, all my answers to the criteria in Sec. 14-473 (c) (2) a would be in the affirmative. The photographs in Exhibit D demonstrate that other structures on Merriam St., built before enactment of the ordinance, are within 7 to 10 feet of the pavement edge and that my shed, screened as it is, does not adversely impact the neighborhood aesthetically and does not contribute to traffic congestion.

If the Board has any further questions, I hope they will direct them to me at the hearing.

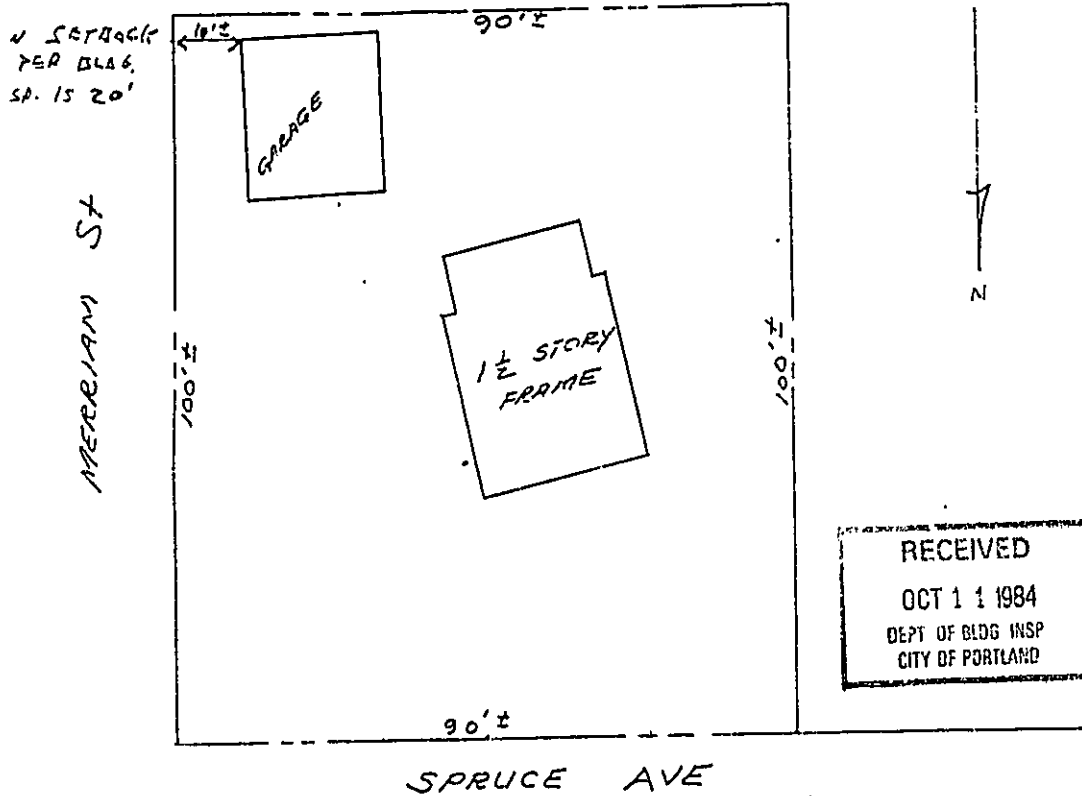
Sincerely,

Susanna Adams

Susanna Adams

Encs: 4 Exhibits

Exhibit A

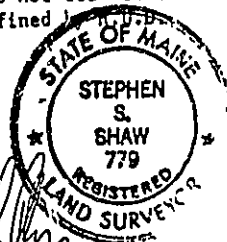


MORTGAGE LOAN INSPECTION

THIS IS NOT A BOUNDARY SURVEY. This plan does not purport to nor does it identify or delineate the limits of ownership on the face of the earth of the subject parcel. The purpose of this plan is to show the approximate relationship of the major structures to the subject parcel as per deed description.

Certification is hereby made to: *COMMONWEALTH MORTGAGE Co.* that the existing structures shown on this plan are situated on the lot as designated and ~~do~~ do not comply with current or applicable zoning laws at the time of their construction. Certification is also made that the structures and premises ~~are~~ do not lie within a special flood hazard area defined

OWEN HASKELL, INC.
8 BROADWAY
SOUTH PORTLAND, MAINE
Job # MB4163 P
FB 297 "D" / 45
Date 9/12/84



LOCATION: *PEAKS ISLAND PORTLAND, ME.*
DEED REFERENCE: *CUMBERLAND County Registry of Deeds Plan Book 11, Page 21 Lots 25 & 26*

PROPOSED STAIR =

Exhibit B

FOR 1900

LOT # 85F-26-29 APPROX 4000 SF

PLOT PLAN

20' FROM LOT LINE

EXISTING HOUSE

PROPOSED STORAGE SHED 440 SF

20'

22'

20'

RECEIVED
SEP 28 1983
DEPT. OF BLDG. REG.
CITY OF PORTLAND

RECEIVED
OCT 11 1984

Permit No. 83/1001

Location 857-2629 James Ave. Alas Id.

Owner Paul Thottel

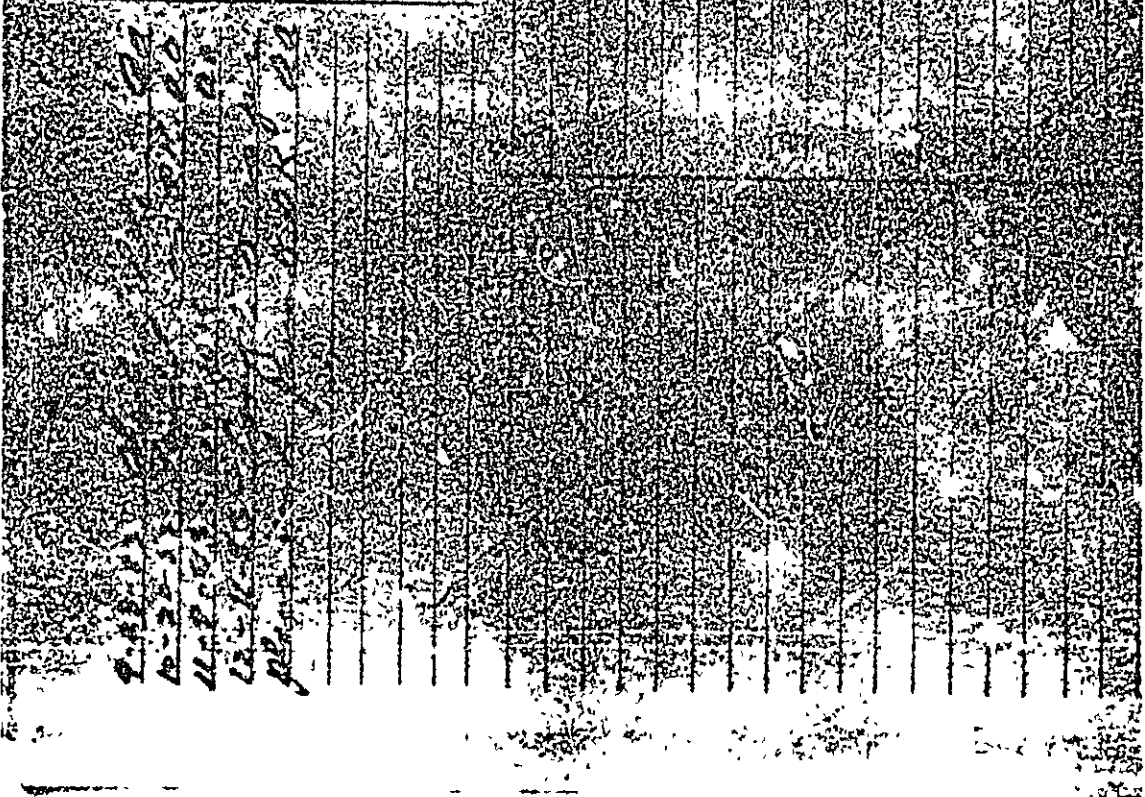
Date of permit 9-26-83

Approved 9-27-83

Dwelling Storage shed

Notes

Violation



9-26-83
9-27-83
9-28-83
9-29-83
9-30-83

Exhibit C

SEP 14 1984

Received 4:55 p.m.
Hand Delivered

DUPLICATE



CITY OF PORTLAND

JOSEPH E. GRAY, JR.
DIRECTOR OF PLANNING & URBAN DEVELOPMENT

AFFIDAVIT

I, Joseph E. Gray, Jr., of Portland, County of Cumberland, State of Maine, on oath depose and state as follows:
RE: Property Located at Corner of Merriam and Spruce Ave, Peaks Island, Maine. (City Assessors Parcel 85-F-28)

1. I am presently the Director of Planning and Urban Development for the City of Portland, and enforcement of zoning ordinances with the City of Portland are under my direction and control.

2. It has been made known to me that the buildings presently located on said premises may not be in compliance with the minimum setback requirements of the zoning ordinance for the City of Portland.

3. I state that neither I nor my servants, agents or employees shall in any manner seek to invoke said ordinance against Elizabeth and Paul Husted, the present owners, or their successors or assigns. I further state that neither I nor my servants, agents, or employees shall in any manner hold the present owners, their successors or assigns in violation of said zoning ordinance requirements or take any action pursuant thereto which shall affect in any manner the building located on said premises or the record title to said premises.

Joseph E. Gray, Jr.
Joseph E. Gray, Jr.
September 14, 1984

STATE OF MAINE
CUMBERLAND, ss.

Personally appeared the above name Joseph E. Gray, Jr. and made oath that the foregoing is true based upon his knowledge, information, or belief and in so far as upon information and belief it to be true.

Before me,

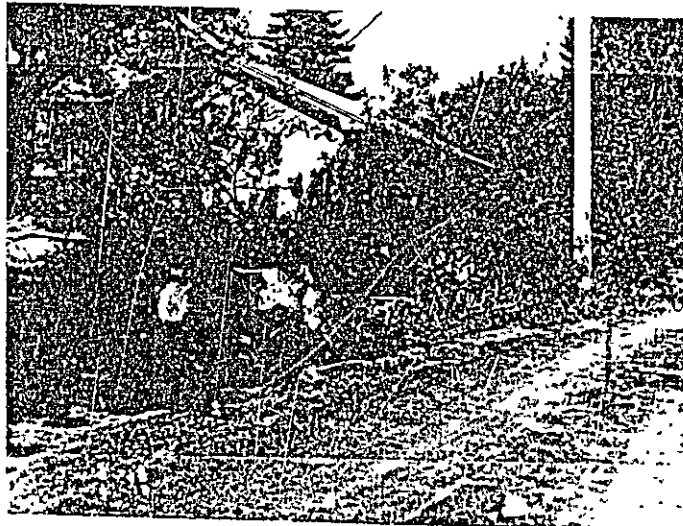
RECEIVED
OCT 11 1984
L. J. B. J. J. J.
CITY OF PORTLAND

Virginia S. Kane
Notary Public

VIRGINIA S. KANE
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES MAY 2, 1990



View of shed from house porch steps showing that structure is set back about the same distance as cottage across the street. Note ledge reflected in the windows.



RECEIVED
OCT 11 1984

View of back of shed from Merriam St. showing that it is screened by natural vegetation. House appears behind it to the left.



View south on Merriam St. to Seashore demonstrating that existing structures are located as close as five to six feet from the pavement edge.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



Assessor's #85-F-28 & 29
Spruce Avenue, Peaks Island

EUGENE S. MARTIN
Chairman

MERRILL S. SELTZER
Secretary

JACQUELINE COHEN
TIMOTHY F. FLAHERTY
THOMAS J. MURPHY
PAULETTE P. PARKER
MICHAEL E. WESTORT

All persons interested either for or against this Space & Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, November 1, 1984 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the property as required by Ordinance.

Susanna Adams, owner of the property at Assessor's #85-F-28 & 29, Spruce Avenue, Peaks Island, under the provisions of Section 14-473 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit Amendment No. 1 to Permit No. 83-1001, to permit a 10 ft. side yard setback from the side street at the above-named location rather than the 20 ft. minimum required by Section 14-90.4.d. of the Ordinance applying to the R-3 Residential Zone in which this property is located.

LEGAL BASIS OF APPEAL: Such amendment to permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-473 of the Zoning Ordinance have been met.

Merrill S. Seltzer
Secretary

10/19/84

/krt

#85-F-28 + 29

Spruce Ave. P.I.

85-F-26 Joyce Landry, Merriam St. P.I. 04108

27 Katherine J. O'Brien + Ellen M. Kane, 97 Fessenden St. P.Hd. 04103

30 Charlotte C. Carlson, Spruce Ave. P.I.

85-G-39 Lee M. Casey, 55 Bridle Path Rd. W. Springfield, MA 01089

70 Mary + ~~Barbara~~ Slavinski, + Irene Vassilevsky, 27 Dixon St. Tarrytown, NY 10591

71 Susan P. Lang, 46 Union St. Tarrytown, NY 10591

85-J-16 Herbert J. ~~Schuman~~ + Priscilla R. Schuman, 252 Main St. No. Andover, MA 01845

44 John J. Driscoll (Heirs) % Mrs. John McCarthy, 368 Main St., Haverhill, MA 02339

RECEIVED
OCT 11 1984
DEPT. OF BLDG. USES
CITY OF PORTLAND

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

SPACE AND BULK VARIANCE (OTHER THAN FOR DWELLING UNIT CONVERSIONS)

Susanna Adams, owner of property at Assessor's #85-F-28 & 29 Spruce Avenue, Peaks Island

Under the provisions of Section 14-473(c) of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit:

Amendment No. 1 to Permit No. 33-1001, to permit a 10 ft. side yard setback from the side street at the above-named location rather than the 20 ft. minimum required by Section 14-90.4.d. of the Ordinance applying to the R-3 Residential Zone in which this property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-473 (c)(1) of the Zoning Ordinance have been met. (See reverse side hereof for said conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If Site Plan approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

Susanna Adams
APPELLANT

Sec. 14-473 (c)(2) a Space and Bulk Variance/other than for Dwelling Unit Conversions:

(a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.

(b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.

(c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of that property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision.

(d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision.

(e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chairman and Members of the Board of Appeals DATE: 10/25/84
FROM: Warren J. Turner, Zoning Specialist, Planning *Warren J. Turner*
SUBJECT: Agenda for Thursday, November 1, 1984 at 3:30 P.M.

1. Unfinished Business:

Space & Bulk:

130 Cumberland Avenue - Thomas Sesto

To change from a two family to a three family apartment house. This is not allowed because the area of the lot is only 2,506 square feet rather than the 3,000 square feet required in the R-6 Residence Zone based on 1,000 square feet of land area per family unit by Section 14-139.2 of the Zoning Ordinance.

156-164 Veranda Street - Francis P. Drake

This is a request for a variance to allow sixteen (16) apartment units on an 18,340 square foot lot of land that would accommodate only six (6) units based on 3,000 square feet per unit (R-5 Residence density) in the existing B-2 Zone in which the building is located.

Also a variance is requested for a four (4) foot right hand side yard rather than the twelve (12) feet required by the R-5 Zone for a two story (proposed) structure. The application requests an eighty (80) feet by eightytwo (82) feet second story addition to be made on the building to accommodate the conversion from a warehouse building to a sixteen (16) family apartment building.

This appeal was tabled from the July 23rd and August 16th meetings of the Board at the request of Robert P. Snow, Architect, representing the applicant.

2. Nonconforming Uses: None

3. Conditional Uses

Assessor's #407-L-1, 2, 3 and 402-G-1, 2, 3, 4 - Florida Avenue -
George J. Connick

The applicant wishes to locate a three bedroom ranch with full foundation (24'x40') on a lot which is 30,562 square feet in total area. This structure composed of two sections joined together would conform to

the requirements for a single family multiple unit manufactured dwelling. William Goodwin of Public Works has said this proposed building can be connected to the City sewer.

4. Appeals: None

5. Variances:

Space & Bulk:

Assessor's #87-Z-19 & 20 and #87-OO-21 & 22 - Island Avenue, Peaks Island - Thomas and Helen Young

This is a request for a variance to allow the Avenue House, a lodging house in the B-2 Business Zone on a 13,197 square foot lot of land to be changed to an eight (8) unit apartment house (R-3 Residence Zone density requires 6,500 square feet of land area per family unit or 52,000 square feet for eight (8) apartment units.) This location is served by the City sanitary sewer in Island Avenue.

The request for a variance to allow the installation of a swimming pool is contrary to the Zoning Ordinance as the proposed pool would be located between the building and the street side line of Luther Street. The requirements of 10 feet setback all around are supplemented by its prohibited site location between a building and the side street.

Assessor's #85-F-28 and 29 Spruce Avenue, Peaks Island - Susanna Adams

This is a request for a variance for an accessory building (storage shed) to be located only 10 feet from the side street rather than 20 feet required by the Zoning Ordinance in the R-3 Residence Zone in which the property would be located. The lot is almost entirely ledge and the applicant states there is no other place to put a storage structure of this type on the lot.

Other structures on Merriam Street are located within 7 to 10 feet of the pavement edge. Photographs and an affidavit by Joseph E. Gray, Jr. are included with this variance application to support the request.

Enclosure: Agenda for Nov. 1, 1984
Board of Appeals meeting

cc: Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Malcolm Ward, Code Enforcement Officer
David Lourie, Corporation Counsel
Each Case File

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



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Chairman

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Secretary

JACQUELINE COHEN
TIMOTHY E. J. JAHERTY
THOMAS J. MURPHY
PAULETTE P. PARKER
MICHAEL E. VESTORT

APPEAL AGENDA

The Board of Appeals will hold a public hearing in Room 209, City Hall, Portland, Maine on Thursday, November 1, 1984 at 3:30 p.m. to hear the following appeals:

1. Unfinished Business:

Space & Bulk:

130 Cumberland Avenue - Thomas Sesto - To permit change of use of the two-family dwelling at this location to a three-family apartment house, not allowed because the area of the lot is only about 2,506 sq. ft. rather than the 3,000 sq. ft. minimum required (1,000 sq. ft. per family) by Section 14-139.2 of the Ordinance applying to the R-6 Residential Zone.

156-164 Veranda Street - Francis P. Drake - To permit a change of use of the building at the above-named location from a warehouse to a 16-family apartment building, not allowed for the following reasons: (1) The area of the lot on which this building is located is only 18,340 sq. ft. rather than the 48,000 sq. ft. (3,000 sq. ft. per family) required by Section 14-120.2.; and (2) The proposed second floor addition will have a 4 ft. right side yard rather than the 12 ft. minimum required by Section 14-120.4.c. of the Ordinance applying to the B-2 Business Zone in which this property is located (R-5 requirements).

2. Nonconforming Uses: None

3. Conditional Uses:

Assessor's #407-L-1, 2, 3 and Assessor's #402-G-1, 2, 3, 4, Florida Avenue - George J. Connick - To permit erection of a 24' x 40' single family, multiple unit, manufactured dwelling at the above-named location, not allowed in the R-3 Residential Zone in which this property is located unless authorized by the Board of Appeals under the provisions of Section 14-88.1.A.

4. Appeals: None

5. Variances:

a. Space & Bulk:

Assessor's #87-2-19 & 20 and Assessor's #87-00-21 & 22, Island Avenue, Peaks Island - Thomas and Helen Young - To permit change of

(continued....)

use of the lodging house at this location to eight (8) dwelling units, not allowed because the area of the lot is only about 13,197 sq. ft. rather than the 52,000 sq. ft. minimum (6,500 sq. ft. per unit) required by Section 14-90.2 of the Ordinance applying to the B-2 Business Zone in which this property is located (R-3 requirements). They also petition the Board to permit installation of an in-ground swimming pool, not allowed because the pool would be located between the building and the street line, contrary to Section 14-432.3.a.

Assessor's #85-F-28 & 29, Spruce Avenue, Peaks Island - Susanna Adams - To permit Amendment No. 1 to Permit No. 83-1001, to permit a 10 ft. side yard setback from the side street at the above-named location rather than the 20 ft. minimum required by Section 14-90.4.d. of the Ordinance applying to the R-3 Residential Zone in which this property is located.

- b. Use Appeals: None
- c. Dwelling Unit Conversions: None

/kat

940186

Permit # 940186 City of Portland BUILDING PERMIT APPLICATION Fee \$25.00 Zone _____ Map # _____ Lot# _____
 Please fill out any part which applies to job. Proper plans must accompany form.

Owner: John Cippola Phone # _____
 Address: 37 Spruce St. Peaks Island 04108
 LOCATION OF CONSTRUCTION same
 Contractor: Benjamin Cookman Sub: _____
 Address: 3 Oakdale Drive Scarborough 04074 Phone # 883-8163
 Est. Construction Cost: \$500.00 Proposed Use: one family
 Past Use: one family
 # of Existing Res. Units: _____ # of New Res. Units _____
 Building Dimensions L _____ W _____ Total Sq. Ft. _____
 # Stories: _____ # Bedrooms _____ Lot Size: _____
 Is Proposed Use: Seasonal _____ Condominium _____ Conversion _____
 Explain Conversion to remove roof over front porch as per plans

For Official Use Only

Date 3/22/94 Subdivision _____
 Inside Fire Limits _____ Name MAR 24 094
 Bidg Code _____ Lot _____
 Time Limit _____
 Estimated Cost \$500.00 City of Portland

Foundation: 85-F-28-29 Dumpster ticket #5063
 \$300.00 dumpster 30-0773

- Type of Soil: _____
- Set Backs: Front _____ Rear _____ Side(s) _____
- Footings Size: _____
- Foundation Size: _____
- Other: _____

Floor:

- Sills Size: _____ Sills must be anchored.
- Order Size: _____
- Lally Column Spacing: _____ Size: _____
- Joist Size: _____ Spacing 16" O.C.
- Bridging Type: _____ Size: _____
- Floor Sheathing Type: _____ Size: _____
- Other Material: _____

Exterior Walls:

- Studding Size: _____ Spacing _____
- No. windows _____
- No. Doors _____
- Header Sizes: _____ Span(s) _____
- Bracing: Yes _____ No _____
- Corner Post Size: _____
- Insulation Type: _____ Size _____
- Sheathing Type: _____ Size _____
- Siding Type: _____ Weather Exposure _____
- Masonry Materials: _____
- Metal Materials: _____

Interior Walls:

- Studding Size: _____ Spacing _____
- Header Sizes: _____ Span(s) _____
- Wall Covering Type: _____
- Fire Wall if required _____
- Other Materials: _____

Zoning: Street Frontage Provided: _____
 Provided Setbacks: Front _____ Back _____ Side _____ Side _____
 Review Required:
 Zoning Board Approval: Yes _____ No _____ Date: _____
 Planning Board Approval: Yes _____ No _____ Date: _____
 Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____
 Shoreland Zoning Yes _____ No _____ Floodplain Yes _____ No _____
 Special Exception _____
 Other: WADA - 3-23-94 (Explain)

Ceiling:

- Ceiling Joists Size: _____ Spacing _____
- Ceiling Strapping Size: _____ Spacing _____
- Type Ceilings: _____
- Insulation Type: _____
- Ceiling Height: _____

Roof:

- Truss or Rafter Size: _____ Spacing _____
- Sheathing Type: _____ Size _____
- Roof Covering Type: _____

Chimneys: Type: _____ Number of Fire Places _____

Heating: Type of Heat: _____

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

Plumbing:

- Approval of soil test if required Yes _____ No _____
- No. of Tubs or Showers _____
- No. of Flushes _____
- No. of Lavatories _____
- No. of Other Fixtures _____

Swimming Pools:

- Type: _____
- Pool Size: _____ x _____ Square Footage _____
- Must conform to National Electrical Code and State Law.

Permit Received By Latini

Signature of Applicant Benjamin S. Cookman Date 3/22/94
Benjamin Cookman

CEO's District _____

CONTINUED TO REVERSE SIDE
 Ivory Tag - CEO

6 Arthur Rowe White - Tax Assessor

City of Portland, Maine -- Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-3703, FAX: 374-8716

Location of Construction: 37 Spruce Ave P.E.		Owner: John Cipolla		Phone:		Permit No: 941224	
Owner Address:		Leaser/Buyer's Name:		Phone:		Business Name:	
Contractor Name: Benjamin S. Cookman		Address: 3 Oakdele Dr Scarborough, ME 04074		Phone: 883-8163		Permit Issued: ISSUED	
Past Use: 1-fam		Proposed Use: 1-fam w/renovations		COST OF WORK: \$ 65,000.		PERMIT FEE: \$ 345.00	
Proposed Project Description: Make Int/Ext Renovations as per plans		FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group <i>B3</i> Type <i>5B</i> <i>B3C-A-93</i>		CITY OF PORTLAND 085-P-028/0'9	
Permit Taken By: Mary Gresik		Date Applied For: 7 Nov 94		Signature: <i>[Signature]</i>		Zoning Approval: <i>[Signature]</i>	

1. This permit application doesn't preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

**PERMIT ISSUED
WITH REQUIREMENTS**

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT: *Benjamin S. Cookman* DATE: 7 Nov 94 PHONE: _____

RESPONSIBLE PERSON IN CHARGE OF WORK: TITLE: _____ PHONE: _____

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory-Card-Inspector

CITY OF PORTLAND
085-P-028/0'9

Zoning Appeal
 Variance
 Miscellaneous
 Conditional Use
 Interpretation
 Approved
 Denied

Historic Preservation
 Not in District or Landmark
 Does Not Require Review
 Requires Review

Action:
 Approved
 Approved with Conditions
 Denied

DATE: *[Signature]*

CEO DISTRICT **6**
MA. ROWE