

CITY OF PORTLAND, MAINE

CONDITIONAL USE APPEAL

Findings of Fact

PART I (Procedural)

1. The applicant is J. David & Marsha Hart Quinby and is interested in the property located at Assessors Number 87-AA-4 Sterling St., P.I.  
\_\_\_\_\_.
2. The owner of the property is Gene Dinsmore and his address is Manchester, New Hampshire.
3. The property is located in a R-3 Zone.
4. The present use of the property is single family.
5. The applicant respectfully petitions for a conditional use to permit two-family dwelling  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
6. The names and addresses of those appearing in support of the application are: J DAVID + MARSHA HART QUINBY  
\_\_\_\_\_  
\_\_\_\_\_.
7. The names and addresses of those appearing in opposition to the application are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
8. The documentary evidence presented to the Board, including, but not by way of limitation, plans, specifications, photographs, etc., consisted of the following: LETTER, PHOTO'S, PLANS

\_\_\_\_\_  
\_\_\_\_\_

**PART II (Basis for Conditional Use Treatment)**

1. The use proposed is designated as a conditional use in the zone where the property is located by § 14-76.7.D of the Ordinance.

7905 ✓ Yes                      \_\_\_\_\_ No

2. All specified requirements for the use as a conditional use (space, bulk, performance standards, etc.) are determined to be met by applicant.

7905 Yes                      \_\_\_\_\_ No

If no, specify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART III (Consideration of Any Negative Aspects of Use)**

1. Are there unique or distinctive characteristics or effects associated with the proposed conditional use?

\_\_\_\_\_ Yes                      7 No

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If the Board has answered "yes" to the above question, the Board must also make the following finding:)

2. Will there be an adverse impact upon the health, safety, or welfare of the public or the surrounding area which impact differs substantially from the impact which would normally occur from such a use in that zone?

\_\_\_\_\_ Yes                      7 No

If yes, state reasons: \_\_\_\_\_

\_\_\_\_\_

(If both questions in Part II are answered in the affirmative and either of the questions in Part III is answered in the negative, the Board should grant the Appeal.)

SPECIFIC RELIEF GRANTED

After a public hearing on 12/1/83, 1983, the Board determines that a conditional use (is/~~is not~~) granted in this matter for the reasons stated above.

Dated: 12/1, 1983

Engene Martin  
Marvill A. Selby  
Michael J. Walter  
Jacqueline White  
Leahette D. Parker  
James J. Blaylock  
Thomas J. Murphy

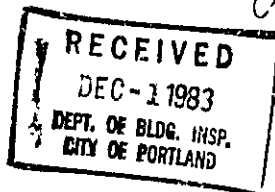
Mrs. Richard P. Erico  
2 Elizabeth Street  
Peaks Island, Maine 04108

To Zoning Board of appeals -  
as I am unable to make the meeting  
re-petition of J David & Marnda Hunt Quimby  
to change a single family dwelling to a two  
family dwelling at 87AA-4 st I am  
writing in my interest of app.

I think the idea is great - creates more  
housing.

Have no objections to granting such  
a permit.

Maryone K. Erico  
Peaks Island  
Maine 04108



**CITY OF PORTLAND, MAINE**  
ZONING BOARD OF APPEALS



MICHAEL E. WESTORT  
Chairman

EUGENE S. MARTIN  
Secretary

JACQUELINE COHEN  
TIMOTHY E. FLAHERTY  
THOMAS J. MURPHY  
MERPILL S. SELTZER  
~~XXXXXXXX~~  
Paulette P. Parker

November 15, 1983

Assessors Number 87-AA-4 Sterling Street, Peaks Island

J. David & Marsha Hart Quinby, future owners  
50 Tidy Road  
Eliot, Maine 03903

Dear Mr. & Mrs. Quinby:

Building Permit and Certificate of Occupancy to change the use of the single family dwelling, at the above named location, to a two-family dwelling with the new apartment on the second floor are not issuable under the Zoning Ordinance because the proposed use is not allowable in the R-3 Residential Zone in which this property is located unless authorized by the Board of Appeals under the provisions of Section 14-76.7.D.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, Room 317, City Hall, to file the appeal on forms which are available here. A fee of \$50.00 for a Conditional Use 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 14-474.

Very truly yours,

Malcolm G. Ward  
Zoning Enforcement Officer

MGW/jmr

cc: Gene Dinsmore  
Manchester, New Hampshire

Applicant: *GEORGE H. ...*

Date: *11/14/83*

Address:

Assessors No.: *87-AA-4 STERLING ST., P.I.*

CHECK LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - *R 3*

Interior or corner lot -

~~40-ft. setback area (Section 21)~~

*Use 7.8.1.1*

Sewage Disposal

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Lot Area - *6688*

Building Area -

Area per Family -

Width of Lot -

Lot Frontage

Off-street Parking ..

Loading Bays -

*14-474*

Site Plan -

Shoreland Zoning -

Flood Plains -

50 Tidy Road  
Eliot, Maine 03903  
10 November 1983

City of Portland Board of Appeals  
City Hall  
Portland, Maine

Dear Members of the Board of Appeals,

In asking for a Conditional Use Appeal to alter the specified property ( Sterling St., Peaks Island, Lot 87-AA-4 ) from a single-family dwelling to a two-family home, we assure the Board 1) that there are no unique or distinctive characteristics or effects associated with the proposed conditional use; 2) that there will be no adverse impact upon the health, safety or welfare of the public or surrounding area and 3) that such impact does not differ substantially from the impact which would normally occur from such a use in that zone.

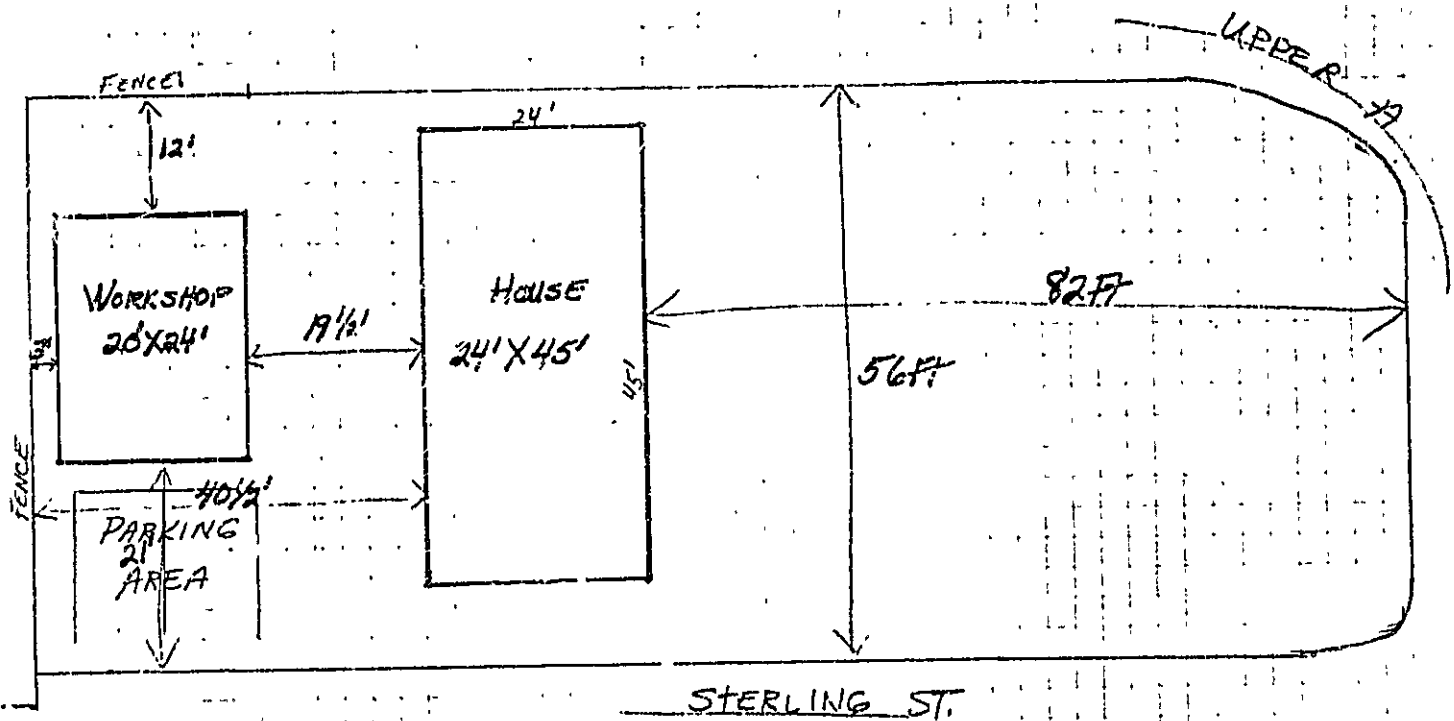
Furthermore, this single-family dwelling was in existence prior to June 5, 1957 and has a combined gross first and second floor area exceeding 1500 square feet. Each of the two proposed units have living areas greater than 600 square feet exclusive of partitions, public hallways and storage in basement, cellar or attic. No open stairways or fire escapes above the ground floor will be constructed, nor will there be any cubical increase in volume of any existing building. No living quarters will be below the first story.

Thank you for your time and consideration on this matter.

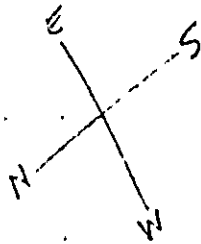
Sincerely yours,

*J. David Quinby, Jr.*  
J. David Quinby, Jr.

*M. Hart-Quinby*  
Marcia Hart-Quinby



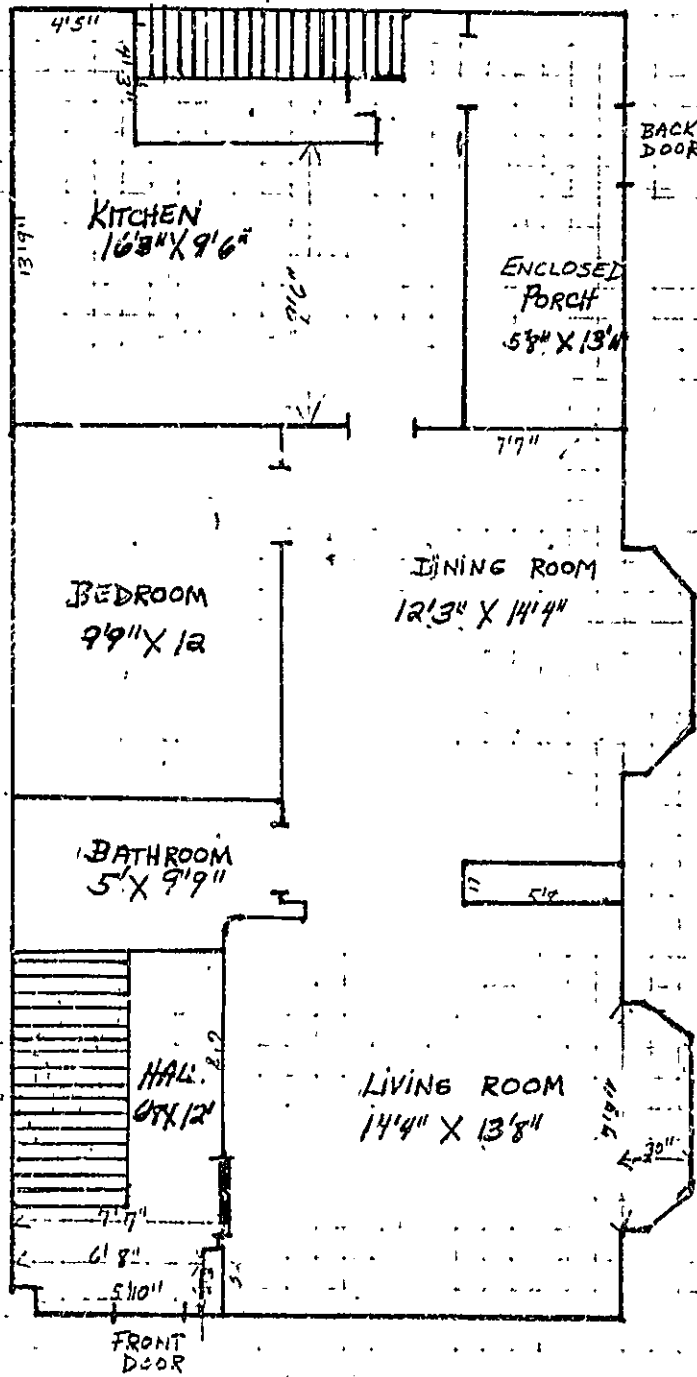
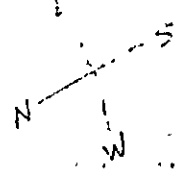
1 SQUARE = 3 sq. feet





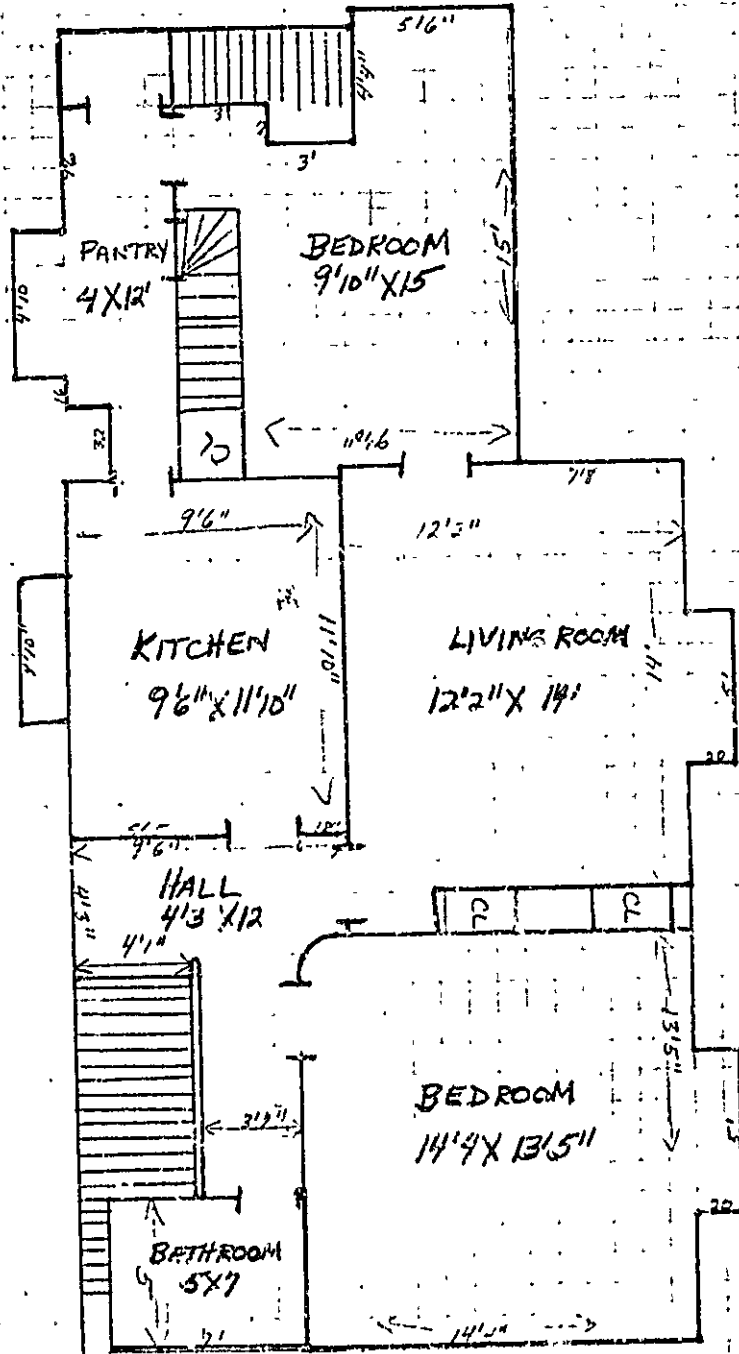
1st FLOOR

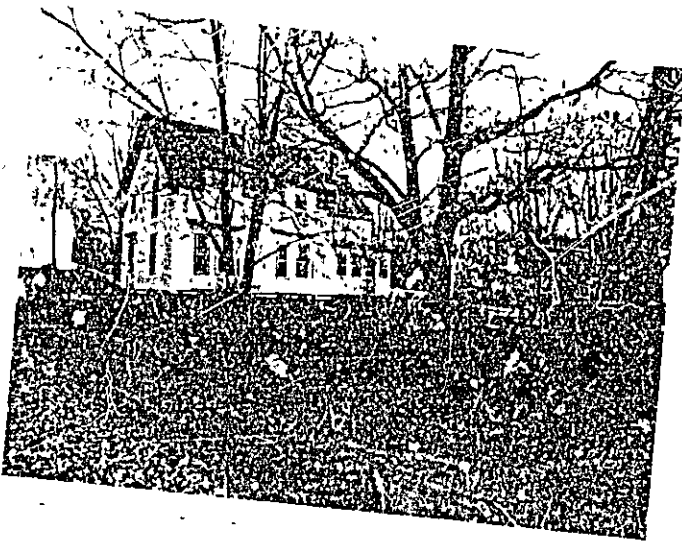
1 SQUARE = 1 Sq. FOOT



# 2nd FLOOR

1 SQUARE = 1 Sq. Ft.



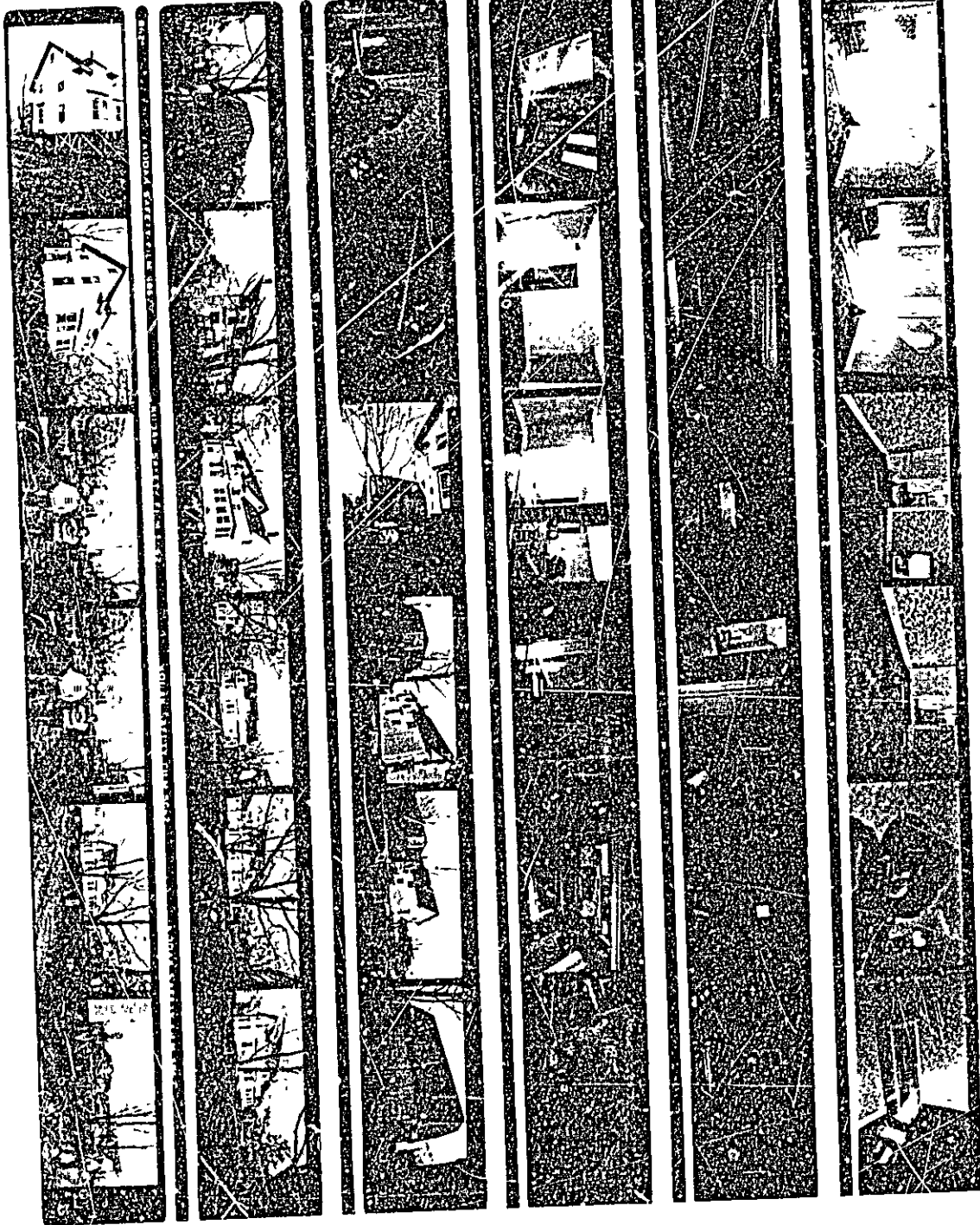




DATE \_\_\_\_\_

SUBJECT \_\_\_\_\_

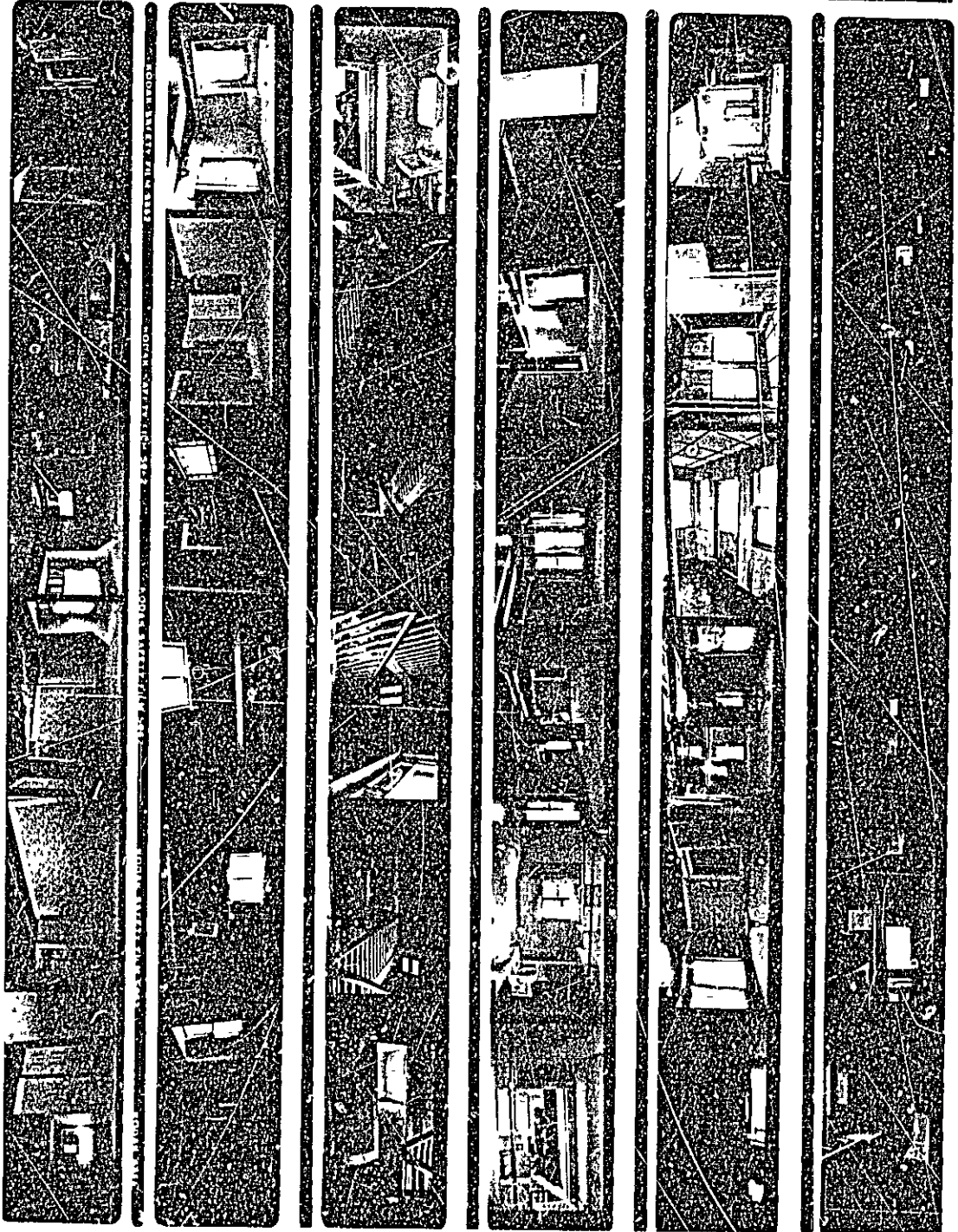
TECHNICAL DATA \_\_\_\_\_



SUBJECT \_\_\_\_\_

DATE \_\_\_\_\_

TECHNICAL DATA \_\_\_\_\_



**CITY OF PORTLAND, MAINE**

ZONING BOARD OF APPEALS



MICHAEL E. WESTORT  
Chairman

EUGENE S. MARTIN  
Secretary

JACQUELINE COHEN  
TIMOTHY E. FLAHERTY  
THOMAS J. MURPHY  
MERRILL S. SELTZER  
XXXXXXXXXX

Paulette P. Parker

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, December 1, 1983 at 3:30 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 Ordinance.

J. David & Marsha Hart Quinby, future owners of property at Assessors Number 87-AA-4 Sterling Street, Peaks Island, under the provisions of Section 14-474 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit the change of use of the single-family dwelling, at the above named location, to a two-family dwelling with the new apartment on the second floor not issuable under the Zoning Ordinance because the proposed use is not allowable in the R-3 Residential Zone in which this property is located unless authorized by the Board of Appeals under the provisions of Section 14-76.7.D. Present owner is Gene Dinsmore, Manchester, New Hampshire.

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

Eugene S. Martin  
Secretary

jmr

[ only the owners  
signature ]

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

APPLICATION FOR A CONDITIONAL USE APPEAL

Gene Dinsmore - owner .

Assessors Number 87-AA-4  
Sterling Street, Peaks Island

J. David & Marsha Hart Quinby - future owner of property at

under the provisions of Section 602.24 D of the Zoning Ordinance of the City of

Portland, hereby respectfully petitions the Board of Appeals to permit:

Change of Use of the single family dwelling, at the above named location, to a two-family dwelling with the new apartment on the second floor not issuable under the Zoning Ordinance because the proposed use is not allowable in the R-3 Residential Zone in which this property is located unless authorized by the Board of Appeals under the provisions of Section 14-76.7.D.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 D (3) 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.

Gene Dinsmore *Gene Dinsmore*  
APPELLANT



602.24.D.3 Conditions for Conditional Uses

a. Authorized Uses

A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

b. Standards

Upon a showing that a proposed use is a conditional use under this chapter, 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, and
- (2) that there will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- (3) that such impact differs substantially from the impact which would normally occur from such a use in that zone.

Building Inc

Stirling/Hedgewood

H. Athy. N375

87-E-

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

87-E- 39

40

52

87-N- 7

8

87-P- 8

87-Y- 5

6

7

8

9

10

11

12

13

14

15

28

29

87-Z- 3

4

5

6

87-2-7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

97-2-34

35

36

37

38

41

87-AA-1

2

3

87-BB-1

2

3

4

5

87-EE-1

2

3

4

5

6

7

8

9

10

87-EE-11

12

13

14

15

17

18

87-FF-1

2

4

5

87-GG-1

2

3

4

5

6

7

8

9

10

11

12

13

14

87-66-15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

87-111-14

20

21

22

23

24

25

26

27

28

29

30

87-HH- 31

32

33

34

35

37

39

40

41

42

43

44