

87-Y-23 & 24 Island Avenue, PI  
Joan Johnston  
Conditinal Use



## CITY OF PORTLAND

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

May 7, 1985

Ms. Joan T. Johnston  
Island Avenue  
Peaks Island, ME 04108

cc: Evergreen Building & Design  
P.O. Box 7637 DTS  
Portland, ME 04112

Dear Ms. Johnston:

As you know, at its meeting of May 2, 1985, the Board of Appeals voted to permit change of use of the single family dwelling at this location to a two family dwelling.

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

This is not a permit, however. You should now come into this office, Room 315, to pay for the change-of-use permit (\$25) and building permit for any alterations involved in this change.

Sincerely,

Kathleen A. Taylor  
Secretary

enclosure



CITY OF PORTLAND

CONDITIONAL USE APPEAL

DECISION

For the Record

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

Joan Johnston \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Letter in support - from Eric's family  
letter of opposition - Irma Road - 87, W-3

Findings of Fact

1. The proposed conditional use is is not (circle one) permitted under Section 14-\_\_\_\_\_ 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): \_\_\_\_\_

no impact

**Conclusion\***

After public hearing on 5-2, 1985, and for the reasons above-stated, the accompanying application is hereby (check one)

6-0 granted.

\_\_\_\_\_ granted subject to the following condition(s):  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ denied.

Dated: 5-2, 1985 Jacqueline Cole  
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.

Approval  
Marshall D. Seltzer  
Michael E. Westover  
Robert J. Sauchan  
Jacqueline Cole  
George J. [unclear]  
Ernest [unclear]

Applicant: JOANT. JOHNSTON

Date:

Address: 87-Y-23,24 ISLAND AVE. P.I.

Assessors No.:

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - R-3

Interior or corner lot -

14-88.l.b. Use - CHANGE OF USE 1-2 FAMILY

Sewage Disposal -

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Lot Area - 13,739 <sup>sq</sup>

Building Area -

Area per Family -

Width of Lot -

Lot Frontage -

Off-street Parking -

Loading Bays -

3318  
10421  

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13739

14-88.l.b.

14-474

Site Plan -

Shoreland Zoning -

Flood Plains -

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



87-Y-23 & 24  
Island Avenue, Peaks Island

MERRILL S. SELTZER  
Chairman

JACQUELINE COHEN  
Secretary

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

April 11, 1985

Joan T. Johnston  
Island Avenue  
Peaks Island, ME 04108

cc: Evergreen Building & Design  
P.O. Box 7637 DTS  
Portland, ME 04112

Dear Ms. Johnston:

Building permit and certificate of occupancy to change the use of the single family dwelling at the above location to a two family dwelling 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 14-88.1.b.

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 315, City Hall, to file the appeal on forms which are available here.

A fee of \$50 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.

Sincerely,

Malcolm G. Ward  
Zoning Enforcement Officer

MGW/kat

4/2/85

BOARD OF APPEALS  
CITY OF PORTLAND  
PORTLAND, MAINE

DEAR SIR:

I'M PLANNING TO RENOVATE THE REAR OF MY HOUSE ELL AT 89 ISLAND AVE. PEAKS ISLAND INTO A SMALL IN-LAW APARTMENT. TO THE BEST OF MY KNOWLEDGE I MEET ALL YOUR SECTION 14-88B, LAND USE ZONING LAWS. MY TOTAL HOUSE SQUARE FOOTAGE IS OVER 1,500 S.F.; THE APARTMENT IS 600 S.F.; NO OUTSIDE STAIR CASES OR FIRE ESCAPES; THE NEW WORK WILL NOT CHANGE THE ARCHITECTURAL INTEGRITY; AND THE LOT SIZE EXCEEDS THE 10,000 S.F. MINIMUM.

AS ALL THESE REQUIREMENTS HAVE BEEN MET I AM ASKING THAT YOU GRANT ME A VARIANCE TO ALTER A DETACHED SINGLE FAMILY DWELLING TO ACCOMODATE ONE ADDITIONAL DWELLING.  
THANK YOU FOR YOUR TIME & CONSIDERATION.

SINCERELY,

Joan Johnston

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



MERRILL S. SELTZER  
Chairman

JACQUELINE COHEN  
Secretary

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

87-Y-23 & 24  
Island Avenue, Peaks Island

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, May 2, 1985 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.

Joan T. Johnston, owner of property located at #87-Y-23 & 24, Island Avenue, 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 change of use of the single family dwelling at this location to a two family dwelling, which 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 14-88.1.b.

**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.

Jacqueline Cohen  
Secretary

4/19/85  
kat





CITY OF PORTLAND

CONDITIONAL USE APPEAL

APPLICATION

Applicant's name and address: Joan T. Johnson, Island Avenue,  
Peaks Island, ME 01108

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

Owner's name and address (if different): \_\_\_\_\_

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

87-Y-23 & 24

Zone: R-3 Present use: single family

Type of conditional use proposed: change to two family

Conditional use authorized by: Section 14- 88.1.b.

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: 4/4, 1985

Joan Johnston  
Signature of Applicant

Island Ave  
87-4-23/24  
500'

87-E-27 ✓	87-V-1 ✓
28 ✓	2 ✓
29 ✓	3 ✓
30 ✓	6 ✓
31 ✓	7 ✓
32 ✓	
33 ✓	87-W-1 ✓
34 ✓	2 ✓
51 ✓	3 ✓
	4 ✓
87-K-13 ✓	5 ✓
14 City	6 ✓
15 City	7 ✓
16 ✓	8 ✓
17 ✓	9 ✓
18 ✓	10 ✓
	11 ✓
87-J-6 ✓	12 ✓
	13 ✓
87-M-8 ✓	14 ✓
9 ✓	15 ✓
	16 ✓
87-N-7 ✓	17 ✓
8 ✓	18 ✓
9 ✓	
10 ✓	87-Y-1 ✓
	2 ✓

87-4-3  
1-15-52

97-2-6V

87-4-3 ✓

4 ✓

5 PNP

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19 PNP

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26 PNP

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28 ✓

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31 ✓

32 ✓

87-2-33 ✓

34 ✓

35 ✓

87-WN-1 ✓

2 ✓

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87-00-3 ✓

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7:00-19 ✓

20 ✓

21 ✓

31 ✓

35 ✓

45 ✓