

FINANCIAL ANALYSIS STATEMENT

	Yearly Expenses Before Conversion*	Yearly Expen. After Conversi
Yearly mortgage or loan debt service (exclude equity)		
Amount of Mortgage <u>240,000</u>		
Dates of Term <u>during construction</u>		
Interest Rate <u>14%</u>		
Total Cost of Conversion <u>390,000</u>		
Real Estate Taxes	<u>15,000 approx</u>	<u>2150</u>
Insurance (exclude personal property)		<u>N/A</u>
Water and Sewer (only renter(s) costs)		<u>N/A</u>
Heat (only if you pay tenant(s) heat costs)		<u>N/A</u>
Electricity (only if you pay tenant(s) electricity costs).		<u>N/A</u>
Legal		<u>N/A</u>
Audit		<u>N/A</u>
Trash removal		<u>N/A</u>
Maintenance		<u>N/A</u>
Repairs		<u>N/A</u>
Snow Removal		<u>N/A</u>
Lawn Care		<u>N/A</u>
Supplies		<u>N/A</u>
Roll		<u>N/A</u>
Reserve for replacement		<u>N/A</u>
Reserve for vacancy		<u>N/A</u>
Advertising		<u>N/A</u>
Management and bookkeeping		<u>N/A</u>
TOTAL YEARLY COST		<u>N/A</u>
TOTAL NET INCOME		
Number of Apartments		
Rents Apartment 1		
Apartment 2		
Apartment 3		

*Island Ave.
87, 19, 20*

*All figures must include only the costs or percentage of costs attributable to the rental units and not the personal living costs of the owner's unit. If this is a 2-family house, only 50% of costs is eligible if the owner occupies one unit.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



EUGENE S. MARTIN
Chairman

MERRILL S. SELTZER
Secretary

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

Assessor's #87-Z-19, 20 &
Assessor's #87-00-21, 22
Island 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.

Thomas & Helen Young, owners of the property, located at Assessor's #87-Z-19, 20 and Assessor's #87-00-21, 22, Island Avenue, Peaks Island, under the provisions of Section 14-473 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petition the Board of Appeals to permit a change of use of the lodging house at this location to eight (8) dwelling units, not allowed because the area of the lot on which this building is located 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 Residential Zone requirements apply). 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.

LEGAL BASIS OF APPEAL: Such 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

~~87-60-19~~
87-2-19+20
87-00-21, 22
Island Ave

~~87-2-18~~
87-2-18

87-E-24 - City
25 - Carol G. Mitchell, 3 Luther PI 04108
26 - Barbara Brown - 3 Luther

87-2-18 - Doris M. + Walter D. Grandall Luther St
21 - Richard P. + Marjorie Erico, 2 Eliza St.
23 - "

87-00-20 - Roger + Lea MacBride, 2401 Arlington Blvd.
Suite 14, Charlottesville, VA 22903
23 - Sargent, Elvy's Drive, Island Ave

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

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

Thomas & Helen Young, owner of property at Island Avenue Peaks Is.

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

change the use of the lodging house at this location to eight (8) dwelling units, not allowed because the area of the lot on which this building is located is only about 13,197 sq. ft. **RECEIVED** the 52,000 sq. ft. minimum (6,500 sq. ft. per unit) required by Section 14-90.2 of the Ordinance applying to the R-2 Business Zone in which this property is located (R-3 requirements). **SEPT 9 1984**

Also 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. **DEPT. OF BLDG. INSP. CITY OF PORTLAND**

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.

Michael D. Laing, Attorney
APPELLANT

CITY OF PORTLAND, MAINE
BOARD OF APPEALS
SPACE AND BULK VARIANCE APPEAL

10/12/85
ASK TO POSTPONE
TO NEXT MEETING
NOV 1 1984

APPEAL
PASSED
59/15

I. Findings of Fact

- A. Applicant Thomas and Helen Young
- B. Property Location Assessor's #87-7-19 & 20/ #87-01- & 22
Island Avenue, Peaks Island
- C. Applicant's Interest in Property:
 Owner
 Tenant
 Other _____
- D. Property Owner same
- E. Owner's Address Island 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-I I-2 I-2b I-3 I-3b I-4
RPZ W-1
- G. Site Plan Approval required _____
- H. Present Use of Property lodging house
- I. Section(s) to which Variance Related 14-90.2 14-432.3.a
- J. Reasons Why Permit Cannot be Issued insufficient lot size (13,197 sq. ft. rather than 52,000 sq. ft. min. required - I-3 requirements and swimming pool between building and street line, contrary to 14-432.3.
- K. Requested Variance Would Permit change to 8 unit apartment house
and allow in-ground swimming pool between building and street
- L. Notice Sent to _____ Adjacent Property Owners

R-3 requirements apply

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 LOSS OF A USE LOSS IMPACT.

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 11/1/1984, the Board of Appeals finds that: (Check One)

Approval - All of the conditions required by Sec. 602.24C 3.b.(1) 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) _____

FILE COPY
DATE

This _____ day of July 19 84

1. PARTIES
(fill in)

Thomas Young
hereinafter called the SELLER, agrees to SELL to
George W. Clark, Jr. _____

hereinafter called the BUYER or PURCHASER, to BUY, upon the terms hereinafter set forth,
the following described premises:

2. DESCRIPTION
(fill in and include title reference)

Two parcels of land located on the opposite sides of Island Ave. Peaks Island, Maine, with the building thereon known as The Avenue House said property being more particularly described in a certain deed recorded at book _____ page _____ in the Cumberland County Registry of Deeds.

As described on assessors map - 87-2-20
87-00-21
87-00-22

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES
(fill in or delete)

Included in the sale as a part of said premises are the buildings, structures, and improvements now thereon, and the fixtures belonging to the SELLER and used in connection therewith including, if any, all venetian blinds, window shades screens, screen doors, storm windows and doors, awnings, shutters, furnaces, heaters, heating equipment, stoves, ranges, oil and gas burners and fixtures appurtenant thereto, hot water heaters, plumbing and bathroom fixtures, electric and other lighting fixtures, mantels, outside television antennas, fences, gates, trees, shrubs, plants, and, if built in, air conditioning equipment, ventilators, garbage disposers, dishwashers, washing machines and _____, and but excluding

4. TITLE DEED
(fill in)

* Include here by specific reference any restrictions, easements, rights and obligations in party walls not included in (b), leases, municipal and other liens, other encumbrances, and make provision to protect SELLER against BUYER'S breach of SELLER'S covenants in lease, where necessary.

Said premises are to be conveyed by a good and sufficient warranty deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except
(a) Provisions of existing building and zoning laws;
(b) Existing rights and obligations in party walls which are not the subject of written agreement;
(c) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
(d) Any liens for municipal betterments assessed after the date of this agreement;
(e)

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan with the deed in form adequate for recording or registration.

6. REGISTERED TITLE

In addition to the foregoing, if the title to said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE
(fill in); space is allowed to write out the amounts if desired.

The agreed purchase price for said premises is ~~_____~~ ~~_____~~ Thousand dollars, of which

\$ 500.00 have been paid as a deposit this day and
\$ 4,000.00 are to be paid as additional deposit at end of inspection period.
\$ _____ are to be paid at the time of delivery of the deed in cash.

\$ _____ TOTAL

8. TIME FOR PERFORMANCE; DELIVERY OF DEED (fill in)

Such deed is to be delivered at _____ o'clock _____ M. on the 30th day of October 1984, at the Cumberland County Registry of Deeds, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

9. POSSESSION and CONDITION of PREMISES (attach list of exceptions, if any)

Full possession of said premises free of all tenants and occupants, except as herein provided, is to be delivered at the time of the delivery of the deed, said premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted, and (b) not in violation of said building and zoning laws, and (c) in compliance with the provisions of any instrument referred to in clause 4 hereof.

21. DEPOSIT
(fill in, or delete reference to broker(s) if SELLER holds deposit)

All deposits made hereunder shall be held by the broker(s) Akers Assoc., Portland, ME as agent for the SELLER, subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement.

22. BUYER'S DEFAULT; DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages ~~on account of the deposit~~ without other recourse to the Buyers.

23. VETERANS FINANCING
(fill in blank spaces or delete entire clause)

LAGOULIS & CLARK, P.C.
No. July 28 19 84 22-117/118
PAY TO THE ORDER OF AKERS + AKERS
Four thousand and 00/100 \$ 4000 00 DOLLARS
Arlington Trust NEWBURYPORT MASSACHUSETTS company
for Bal of Agent Ave House
CO 11301170? 08 344? 411

24. F.H.A. FINANCING
(fill in blank spaces or delete CLAUSES 24 & 25)

LAGOULIS & CLARK, P.C.
No. July 4 19 84 22-117/118
PAY TO THE ORDER OF AKERS Associates
Five hundred and 00/100 \$ 500 00 DOLLARS
Arlington Trust NEWBURYPORT MASSACHUSETTS company
for Deposit on Avenue House
CO 11301170? 08 344? 411

25. F.H.A. APPRAISAL STATEMENT
(fill in amount or delete Clauses 25 & 24)
(the wording of this clause is required verbatim by F.H.A. Rules & Regulations)

LAGOULIS & CLARK, P.C.
No. July 4 19 84 22-117/118
PAY TO THE ORDER OF AKERS Associates
Five hundred and 00/100 \$ 500 00 DOLLARS
Arlington Trust NEWBURYPORT MASSACHUSETTS company
for Deposit on Avenue House
CO 11301170? 08 344? 411

26. SALE OF PERSONAL PROPERTY
(fill in and attach list or delete entire clause)

with respect to the real estate, and any breach of the terms and conditions of, or effect on the provisions of this agreement with respect to the real estate.

27. RELEASE BY HUSBAND OR WIFE

The SELLER'S spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises

28. BROKER AS PARTY

The broker(s) named herein, join(s) in this agreement and become(s) a party hereto, in so far as any provisions of this agreement expressly apply to (them), and to any amendments or modifications of such provisions to which (they) agree(s) in writing.

29. LIABILITY OF TRUSTEE, SHAREHOLDER, BENEFICIARY, etc.

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

30. CONSTRUCTION OF AGREEMENT
delete "triplicate" and substitute "quaduplicate" if required. (See "Instructions in General", 1.)

This instrument, executed in ~~Maine~~ is to be construed as a ~~Maine~~ contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

31. ADDITIONAL PROVISIONS

see schedule "A"

Helen M. [Signature] 7/21/84
Husband or Wife of Seller
[Signature]
Husband or Wife of Buyer
[Signature]
[Signature]
Broker

[Signature]
SELLER
[Signature]
BUYER

Island Ave
P. Island,

November 1, 1984

Zoning Board of Appeals
Portland, Maine

Dear Board Member,

My residence and my business (Hannabell Inn) are located about 100 feet from the Avenue House on Peaks Island, kitty corner corner Island Avenue and one house away from the proposed parking lot. Two things about this project are of particular concern to me because it will be so close by: (1) the parking lot on the water side of the street and (2) the swimming pool.

As far as the parking lot is concerned, it's my impression that the Avenue House project, which will be within 250' of the high water mark, falls within state shoreland zoning restrictions which deal with both aesthetics and erosion. There have been a number of landslides or banking collapses along this stretch of the front shore in 1984, one right next door to me on Telephone Company property. The phone company slide happened because heavy equipment was being used close to the edge to correct a previously existing banking problem. Another slide about 1/5 mile north occurred after a downpour because of heavy water runoff from the street. I can speak only for myself but I believe that all of us in this area of the island are very concerned with this sometimes dramatic erosion because our houses--in my case, my business--are threatened. The banking is high (30-60' in places), steep, and already severely eroded in spots from natural causes alone. As a consequence, I am concerned with both the construction phase of this project and its ongoing use, with the continuous movement of cars in and out. Moreover, a parking lot would mar the view of Portland Harbor from that stretch of Island Avenue, especially were it to be filled with so-called "island cars," which are not required to meet state inspection standards. They are serviceable but they are definitely not "aesthetic."

I would like to ask the prospective owners to request an additional variance which would eliminate the parking lot requirement for this project. Many of us who live in the town section of Peaks don't keep vehicles there. It's a small island, after all. From the Avenue House to the ferry landing is a five minute walk. It's two minutes to the grocery store and there are both a taxi and a freight-carrying service which are available when needed.

My other concern is with the swimming pool. As it is, our neighborhood is remarkably quiet, especially considering it's in the built up section of the island. I'm afraid a pool such as this one--to be located so close to the island's main street--will attract young people with radios at all hours of the day and night. It simply will not be sufficiently private for either the bathers themselves nor those of us who live nearby. There are many children in the neighborhood, too, perhaps beginning swimmers at best, who would not be turned away by a four foot fence, who might, in fact, consider it a challenge and who could be hurt as a consequence.

I think the Avenue House deserves to be saved and I congratulate the prospective owners for wanting to do it. As it stands, however, this particular project needs reconsideration given the concern there is now about zoning with an eye to retaining the island's distinct character. Increasing population density in already taxing city services: garbage disposal, road maintenance, sewage and the like. Islanders who filled out a recent questionnaire regarding the city's planning study overwhelmingly support retaining the rural and natural character of the island.

Thank you for your attention.

Ellen Clark
Island Ave.
Peaks Island.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



EUGENE S. MARTIN
Chairman

MERRILL S. SELTZER
Secretary

JACQUELINE COHEN
TIMOTHY E. FLAHERTY
THOMAS J. MURPHY
PAULETTE P. PALMER
MICHAEL E. WESTCOTT

Assessor's #87-7-19, 20 &
Assessor's #87-00-21, 22
Island Avenue, Peaks Island

September 24, 1984

cc: George W. Clark, Jr.
Welch Street
Peaks Island, ME 04108

Robert McTigue
Brackett Avenue
Peaks Island, ME 04108

Michael D. Long, Esq.
P.O. Box 190
Freeport, ME 04032

Thomas & Helen Young
Island Avenue
Peaks Island, ME 04108

Dear Mr. and Mrs. Young:

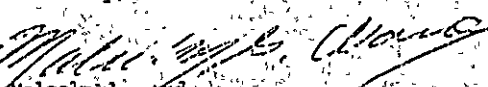
Building permit and certificate of occupancy to change the use of the lodging house at the above-named location to eight (8) dwelling units are not issuable under the Zoning Ordinance because the area of the lot on which this building is located is only about 13,197 sq. ft. rather than the 52,090 sq. 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 Residential Zone requirements).

Permit to install the in-ground swimming pool is not issuable under the Zoning Ordinance because this pool would be located between the building and the street line, contrary to Section 14-432.3.a.

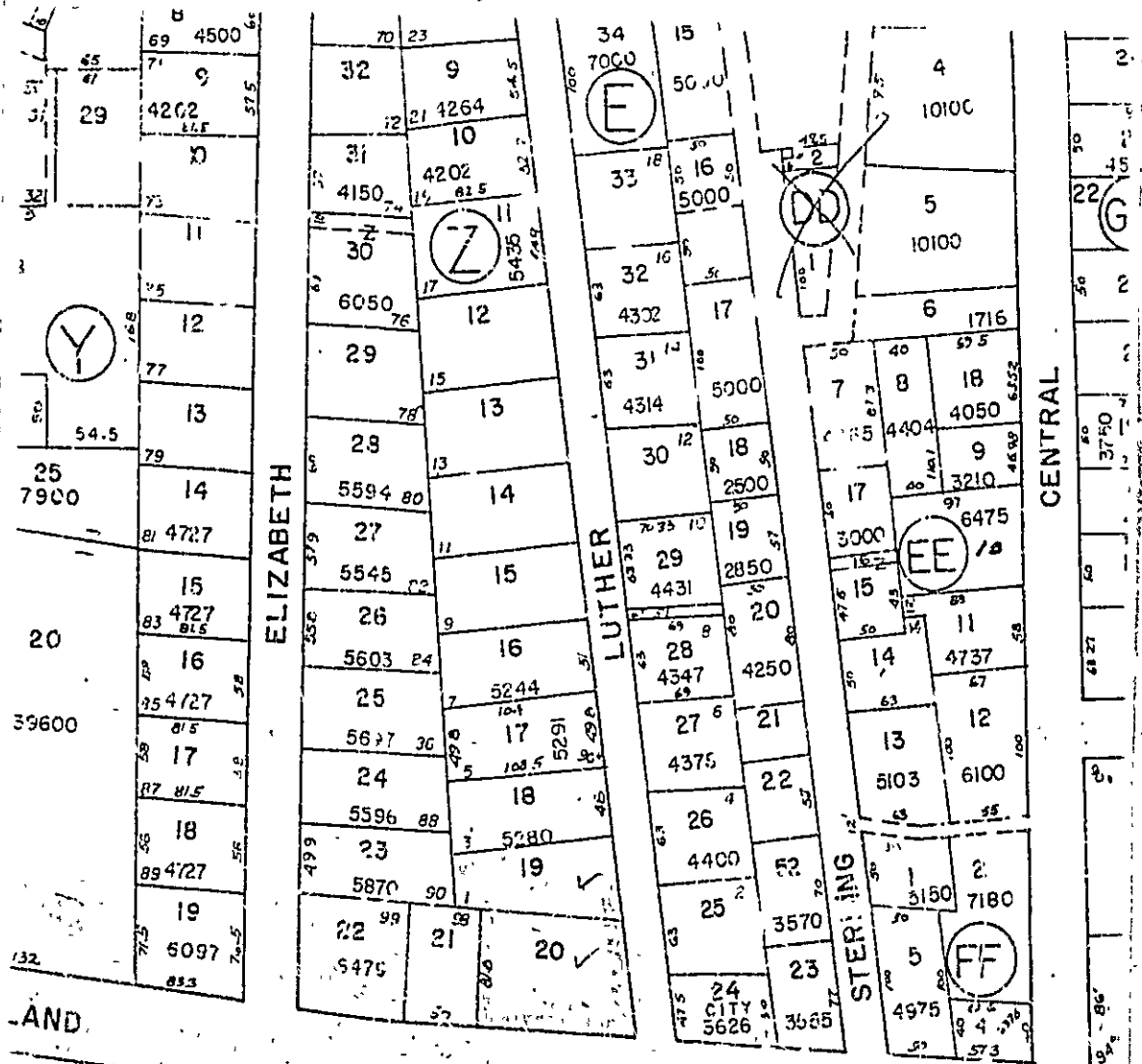
We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, Room 315, City Hall, to file the appeal on forms which are available here.

A fee of \$50 for a 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

MGV



14	17	18	19	20	21	22	23	24	25	26	27	28
	7540	7442	7990	5618	6190	5870	10150	4420	4608			6000

Island Ave
PJ

Island Avenue
Peaks Island, Maine

October 30, 1984

Mr. Eugene Martin
Portland Zoning Board
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear Mr. Martin:

I have just today learned that the Zoning Board will be meeting on Thursday of this week to consider an application for a variance on a property on Peaks Island. Unfortunately I cannot be there to present my views to the Board personally. The land in question is the so-called "Avenue House" on Island Avenue. I believe it is proposed to convert this building into a seven to nine unit condominium development which will include a swimming pool in the rear of the property as well as provision for parking on the ocean side of the street.

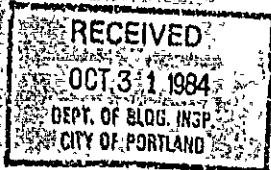
This type of development is not needed for that area and although I am not currently familiar with all the recently discussed zoning restrictions planned for the Island, it would seem that this may be in direct conflict with many of those proposals. I strongly urge you, as a member of this Board, not to grant such variances as requested.

Thank you for your consideration.

Respectfully submitted,

Robert W. Wilhoite

Robert W. Wilhoite



CITY OF PORTLAND, MAINE
MEMORANDUM

*Island Ave.
P.I.*

DATE: 10/31/84

TO: Chairman, Board of Appeals
FROM: Warren J. Turner, Zoning Specialist
SUBJECT: Avenue House Variances

As you know, space and bulk appeals require notice to only the abutters of the property involved as subject of the variance.

Ms. Ruth Sargent called to express the following concerns as an abutter to the parking lot for Avenue House, which is located on the shoreland side of Island Avenue:

- 1) One of the abutting properties has recently been sold by Howard Heller to a new owner; another of the abutting properties was owned by Helen Pease, who died last week;
- 2) Ms. Sargent is concerned about the possibility of erosion from tidal action on the water side of the land included with Avenue House for a parking lot;
- 3) Sanitary Waste Disposal: If there are eight (8) units, Ms. Sargent is concerned about the additional burden to be created on the public sewer, which goes directly untreated into Casco Bay;
- 4) Ms. Sargent is concerned about the close proximity of her house to the parking lot and the resulting obnoxious fumes from the exhaust from eight (8) vehicles which would be wafted into her bedroom windows;
- 5) Ms. Sargent is also requesting that due to attendance by Island residents who may wish to take a 5:30 P.M. boat that consideration be given to taking the Avenue House out of order on the agenda. The Island residents may have come to City Hall last time only to be told that this item was postponed at the request of the applicant who could not be present.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



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MICHAEL E. WESTORT

Assessor's #87-2-19 & 20 and
Assessor's #87-00-21 & 22
Island Avenue, Peaks Island

November 6, 1984

Thomas & Helen Young
Island Avenue
Peaks Island, ME 04108

Dear Mr. and Mrs. Young:

As you know, at its meeting of November 1, 1984, the Board of Appeals voted to permit change of use of the lodging house at the above location to eight (8) dwelling units, and to permit installation of an in-ground swimming pool. The Board, however, imposed the following conditions:

1. Screening at parking lot be within 2 ft. of the perimeter of actual parking area on the abutters' sides. Plantings to a height of not more than 4 ft. high.
2. Screening at rear property line of house on Island Avenue, rear property line from Luther Street to a point on the northerly side of the "el", and plantings whose height mature to a height of 20 ft. or more.
3. Parking lot site conditions: A licensed engineering report be submitted by the owner to the Building Inspection Dept. with recommendations to site plan review that an engineering report include drainage and erosion plans which will protect banking in rear and all abutters' property, and recommendations made require the owner to carry out.

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

You should now come in to this office to pay for the change of use permit.

Sincerely,

Kathleen A. Taylor
Secretary

enc.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chairman, Board of Appeals
FROM: Warren J. Turner, Zoning Specialist
SUBJECT: Avenue House Variances

DATE: 10/31/84

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Beach

60' Drop to Beach

erosion - no wall

wall

Neighbor's House

10 ft. side

AMY HOUSE

Ave. House Lot

ISLAND AVE

AVE HOUSE

Front

Ruth Sargent
Island Avenue
Peaks Island
Maine 04103

October 25, 1964

Mr. Eugene Martin
% Board of Appeals
Zoning Dept.
City Hall
Portland, Me 04111

Dear Mr. Martin:

RE: PROPOSED CONDOMINIUM CONVERSION OF THE AVENUE HOUSE, PEAKS ISLAND, ME

First, I wish to state that I am wholly in favor of a planned future for this site which is now in deplorable condition.

Mr. Clarke's proposal would be a great benefit to this prominent location and would enhance the area. However---I am totally opposed to the suggestion of a parking lot next to my home.

I have only ten (10) feet between my house and this lot and three of my bedrooms are on that side. People who keep 3 cars there would be using them from 6 a.m. until past midnight or even later. This would create a serious disturbance for my family.

This particular lot has always been an "open space" of great beauty since the white man first settled on this island. People stop to watch the boats and ships in the harbor; there is always an appreciative viewer of the spectacular sunsets seen from that point; groups gather to watch the fireworks on the East End beach each Fourth of July; the Scotia Prince is viewed there as it enters and departs from the harbor.

Such scenic places are so few and far between nowadays, that this particular one should be protected. Although plans state only seven spaces for cars--this could expand in the future.

My other concern is the fragility of the soil there. No testing has been done and in the past a great deal of erosion has transpired. When I bought my home 29 years ago, there was a great deal more land on the waterside of that lot, with stairs, a small landing and large trees. During the years this has all crumbled away, leaving my lot exposed some 25 ft. and the home owner on the other side of the lot had to have extensive repair work done on his exposed side.

My sons have nearly completed a new metal retaining wall on our property at great expense and days of heavy, hard work. But if the side is exposed further, this will all be in vain. I have only 10 ft. in back of my house and then it drops 60 ft to the beach. So I cannot endanger this precious site.

Please consider revising the plans so that a parking lot next to me will be omitted. Thank you for your consideration in this pertinent matter.

Enc. Island and Living

Most sincerely,

Ruth Sargent

unforgettable!

Island Avenue
Peaks Island, Maine

October 30, 1984

Mr. Eugene Martin
Portland Zoning Board
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear Mr. Martin:

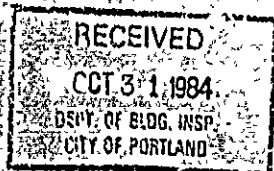
I have just today learned that the Zoning Board will be meeting on Thursday of this week to consider an application for a variance on a property on Peaks Island. Unfortunately I cannot be there to present my views to the Board personally. The land in question is the so-called "Avenue House" on Island Avenue. I believe it is proposed to convert this building into a seven to nine unit condominium development which will include a swimming pool in the rear of the property as well as provision for parking on the ocean side of the street.

This type of development is not needed for that area and although I am not currently familiar with all the recently discussed zoning restrictions planned for the Island, it would seem that this may be in direct conflict with many of those proposals. I strongly urge you, as a member of this Board, not to grant such variances as requested.

Thank you for your consideration.

Respectfully submitted,

Robert W. Wilhoite
Robert W. Wilhoite



Applicant: THOMAS & HELEN YOUNG

Date: 9/24/84

Address: ISLAND HAVEN RD

Assessors No.: 87-2-19, 20

87-2-21, 22

CHECK-LIST AGAINST ZONING CRITERIA

Date -

Zone Location - B-2 R-3 REQ.

Interior or corner lot -

Use - LOGGING HOUSE TO 800-42160

Sewage Disposal -

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Lot Area - 13,977 sq ft - 52000 sq ft MAX. (5500 sq ft PER UNIT) 25995 TOTAL

Building Area -

Area per Family -

Width of lot -

Lot Frontage -

Off-street Parking -

Loading Bays -

Site Plan -

Shoreland Zoning -

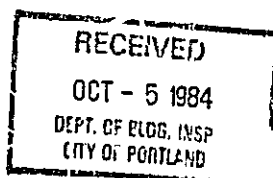
Flood Plains -

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	<u>13197</u>

14-432.31 A

10-4-84

Zoning Board of Appeals
City of Portland, Maine



Dear Merrill Seliger,

Received your letter of notice re-
variance appeal of Thomas and Helen Young.
As abutting property owners we
have no objections to proposed change
of use of lodging house at # 87-2-19, 20 and
87-00-21, 22 Island Avenue, Peaks Island.
Also no objections of proposed in-ground
swimming pool.

In fact, we are delighted that
more housing will be available
for those who seek decent housing.

Such proposed changes will
be an asset to the island.

Sincerely
Maryone K. Erico
Richard P. Erico

Sorry I am unable to attend - hope
this letter will suffice, ME

LANG, WEEKS & HUSTON
ATTORNEYS AT LAW

Michael D. Lang
Marsha A. Weeks
J. Michael Huston

Telephone
(207) 865-3145

September 23, 1984

City of Portland
Zoning Board of Appeals
City Hall
Portland, ME 04101

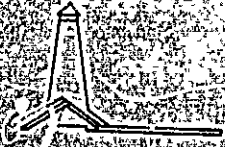
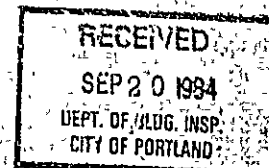
Re George and Robin Clark
Property on Island Avenue
Peaks Island

Dear Friends:

On behalf of my clients, Robin and George Clark, I am submitting an application for two (2) space and bulk variances under the provisions of the Portland Zoning Ordinance.

The subject property consists of two parcels, each of approximately 13,000 square feet located on opposite sides of Island Avenue. On the easterly parcel is located Avenue House, a large frame structure, used variously since the early part of this century as a boarding house, hotel, art gallery and most recently as a rooming house. The westerly parcel is vacant, and lies along the shoreline.

Mr. and Mrs. Clark propose to renovate and restore the structure, converting the 8000 square feet of interior space into eight condominium apartment units. The original structure will not be enlarged or expanded, except for the addition of one or more exterior stairways and connecting walkways. In addition to the renovation of the building, the Clarks intend to construct an in-ground swimming pool together with a surrounding patio to be situated between the building and Luther Street. Eight parking spaces will be developed on the westerly parcel. Other than the creation of the parking spaces, and walking to the shore, the parcel on the westerly side of Island Avenue will remain undeveloped.



nine Cushing Avenue • P.O. Box 190 • Freeport, Maine 04032

City of Portland
Zoning Board of Appeal
September 20, 1984
Page Two

The subject parcels are located in the B-2 Zone, which because of the zoning of adjacent parcels requires any use to comply with the space and bulk requirements of the R-3 Zone. Section 14-88(8) of the Ordinance requires a minimum of 6500 square feet of land area for each dwelling unit. Without a variance, only two dwelling units could be developed in the structure. Given the size of the building - 8000 square feet of interior living space (excluding attic and basement) - such a use would be impractical and uneconomical. Accordingly, the Clarks seek a variance to permit the development of eight condominium apartment units.

The Clarks also seek a variance from the provisions of Section 14-432(3)(a) of the Ordinance in order to permit the construction of the swimming pool between the existing building and the side street, Luther Street.

With regard to the provisions of Section 14-473 (c)(2)(a) of the Ordinance, the applicants state the following:

(a) The parcels, and the existing structure, are unique in this area of Peaks Island in that no other structure of similar size and bulk exists, and it is in fact the size of the building which dictates a more intensive use than that allowed under the Ordinance. The subject building contains a volume several times greater than the neighboring houses and cottages, and because of this bulk any owner must consider a use which is more intensive than the single family uses which dominate the surrounding area.

(b) The building was constructed in the late 19th or early 20th centuries, and has not in recent years been enlarged - at least since the adoption of the Ordinance. The space and bulk requirements of the Ordinance have otherwise limited the use of the building.

(c) As noted above, few other properties on Peaks Island, and certainly none in the immediate vicinity are of the size and bulk of the Avenue House. The other buildings in the neighboring area, mostly cottages and single-family residences, were constructed for limited use and occupy lots of about 4000 - 7000 square feet. However, the subject property, while constructed on a double lot, was developed for a more intensive use - a boarding house, hotel or inn.

City of Portland
Zoning Board of Appeals
September 20, 1984
Page three

No other property in the vicinity is therefore affected by the Ordinance requirements as is the Avenue House.

(d) The variances, if granted, would not give the applicant a special privilege not otherwise available to other lots in the same zone for the reasons outlined above.

(e) Avenue House has been operated over the years as a facility intended for large numbers of people. Whether as an art gallery, rooming house, hotel or inn, the property has generated considerable traffic throughout its history. The proposed use will be no more intensive than prior uses and possibly less intensive; the building will not be enlarged; the parking area will be limited in size and well-screened with landscaping. The impact on the neighborhood resulting from the conversion of the Avenue House will be positive and complimentary.

Thank you for your careful consideration of this request.

Very truly yours,

Michael D. Lang
Michael D. Lang

MDL/tec

cc: George and Robin Clark