

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JACQUELINE COHEN
Secretary

ROBERT J. GAUDREAU
THOMAS F. JEWELL
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MICHAEL E. WESTORT

January 13, 1986

Sunset Road, Peaks Island

Mr. John J. Morris, IV
Sunset Road
Peaks Island, Maine 04108

Dear Mr. Morris:

Building permit for the alterations you wish to make on your property in the IR-2 Zone on Sunset Road, Peaks Island, can not be issued due to the following:

- a. The side yard setback for your proposed addition and deck will be 5 feet instead of the 20 foot side yard required by the City Zoning Ordinance Section 14-145.17(3)c.
- b. The side yard setback for the proposed deck on the other side of your structure will be 14 feet instead of the 20 feet required for side yard by the City Zoning Ordinance.

We understand you wish to apply for space and bulk variances in order to proceed with your alterations for your building. Your request for variance will be considered on the Board of Appeals Agenda for January 23rd, in Room 209, City Hall, Portland, at 3:30 P.M.

Sincerely,

Warren J. Turner
Warren J. Turner
Zoning Specialist

WJT/el

Enclosure: Criteria for Variance

cc: Merrill Seltzer, Chairman Board of Appeals
Joseph E. Gray, Jr., Director of Planning & Urban Development
Alexander Jaegerman, Chief Planner
Samuel Hoffses, Chief of Inspection Services
[Redacted], Code Enforcement Officer for Peaks Island

*Please see reverse
side for criteria
which the Board
uses to consider
an appeal for variance*

NECESSARY MATERIAL TO APPLY FOR AN APPEAL

- OK* 1. Apply for building permit and pay \$50 appeal fee.
2. Nine (9) separate packets of the following:
 - OK* a. A cover letter addressed to the Board of Appeals (and submitted to the Zoning Office, Room 315) explaining what you want to do; and if you are appealing for a variance, you must address the requirements on the back of this form.
 - OK* b. A plot plan showing necessary parking (minimum space 9 ft. x 19 ft. each) and showing the building on the lot with dimensions and distances to lot lines.
 - OK* c. A floor plan (if applicable) showing existing and proposed rooms with dimensions.
 - d. Photo of property.
- OK* 3. Owner or legal representative must sign (do not fill in) Request for Appeal form.
4. Appeal will not be scheduled until all material is received by this office.

Sunset Rd.

(see other side for variance standards)

For Variance Appeals:

UNDUE HARDSHIP REQUIRED; DEFINED.

A variance may be granted by the Board of Appeals only where strict application of the ordinance or a provision thereof to the petitioner and his property would cause undue hardship. The words "undue hardship" as used in this subsection mean:

- a. That the land in question cannot yield a reasonable return unless a variance is granted;
- b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
- c. That the granting of a variance will not alter the essential character of the locality; and
- d. That the hardship is not the result of action taken by the application or a prior owner.

CITY OF PORTLAND, MAINE
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MICHAEL E. WESTORT

January 27, 1986

Re: Sunset Road, Peaks Island

Mr. John J. Morris, IV
Sunset Road
Peaks Island, Maine 04108

Dear Mr. Morris,

At the January 23rd meeting of the Board of Appeals, the Board failed to receive a majority of four votes to approve or deny your petition for sideyard setbacks of five (5) and fourteen (14) feet instead of the 20 foot sideyards required by Section 14-145.11(3)c of the IR-2 Island Residence-2 Zone.

Your space and bulk variances will therefore be postponed to the next meeting of the Board of Appeals to be held on Thursday afternoon, February 13, 1986, at 3:30 P.M. in Room 209, City Hall, Portland, Maine.

Sincerely,

Warren J. Turner
Zoning Specialist

WJT/el

cc: Merrill Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief of Inspection Services

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



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MICHAEL E. WESTORT

February 18, 1986

RE: Sunset Road, Peaks Island

Mr. John J. Morris, IV
Sunset Road
Peaks Island, Maine 04108

Dear Mr. Morris:

At the February 13th meeting of the Board of Appeals, the Board voted by a vote of five in favor to 1 opposed to grant the side yard setback variances for your renovations at your residence on Peaks Island.

You may now proceed to apply for a building permit which will enable you to proceed with the alterations for a building addition and a new deck estimated at a cost of \$7,000.

Sincerely,

Warren J. Turner
Zoning Specialist

Enclosure: Copy of Decision

cc: Merrill Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief of Inspection Services



CITY OF PORTLAND

John J. Morris II

VARIANCE APPEAL

Sunset Rd.

Peabody Island

DECISION

For the Record

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

Mr. Morris

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

Findings of Fact

1. The variance requested is is not (circle one) prohibited under Section 14-473(c) (3), for the following reason(s):
6-0
2. The variance requested does (circle one) does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s):
6-0
- 3-A. The land in question can cannot (circle one) yield a reasonable return unless the variance is granted:
5-1
- 3-B. The need for a variance is (circle one) is not (circle one) due to the unique circumstances of the property and is is not (circle one) due to the general conditions in the neighborhood:
5-1

3-C. Granting of the variance will (will not) (circle one) alter the essential character of the locality: _____

6-0

3-D. The hardship is (is not) (circle one) the result of action taken by the applicant or a prior owner: _____

6-0

Conclusion *

After public hearing on 2-13, 1986, and for reasons above-stated, the accompanying application is hereby (check one)

5-1 granted.

_____ granted subject to the following condition(s):

_____ denied

Dated: 2-13, 1986

Jacqueline Coker
Secretary of the Board

* The application may be granted or granted subject to conditions only if the finding for #1 above is in the negative AND the finding for #2 above is in the affirmative AND the findings for #'s 3-A through 3-D above are as follows:

- 3-A: in the negative;
- 3-B: 1st one in the affirmative,
2nd one in the negative
- 3-C: in the negative
- 3-D: in the negative

Grant

Deny
Thomas Powell

Jacqueline Coker
Robert Sanderson
William H. Miller
Clare Mactys
David Sherman

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SOLTZEL
Chairman

JACQUELINE COHEN
Secretary

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THOMAS F. JEN
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MICHAEL E. WESTORY

Sunset Road, 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 afternoon, February 13, 1986 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 the Ordinance.

Mr. John J. Morris, IV, owner of the property on Sunset Road, Peaks Island, under the provisions of Section 14-473(c)1 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit alterations at the above location, not allowed because:

1. The side yard setback for the proposed addition and deck will be 5 feet instead of the 20 feet side yard required by the City Zoning Ordinance Section 14-145.11(3)c of the IR-2 Zone.
2. The side yard setback for the proposed deck on the other side of the structure will be 14 feet instead of the 20 feet required for side yard by the City Zoning Ordinance for IR-2 Zone.

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.

Jacqueline Cohen
Secretary

el
1/13

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



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MICHAEL E. WESTORT

Sunset Road, 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 afternoon, January 23, 1986 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 the Ordinance.

Mr. John J. Morris, IV, owner of the property on Sunset Road, Peaks Island, under the provisions of Section 14-473(c)1 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit alterations at the above location, not allowed because:

1. The side yard setback for the proposed addition and deck will be 5 feet instead of the 20 feet side yard required by the City Zoning Ordinance Section 14-145.1(3)c of the IR-2 Zone.
2. The side yard setback for the proposed deck on the other side of the structure will be 14 feet instead of the 20 feet required for side yard by the City Zoning Ordinance for IR-2 Zone.

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.

Jacqueline Cohen
Secretary

el.
1/13

Returned 1-23-86

Sunset Road, Peales Island

90-D-15



CITY OF PORTLAND

John D. Morris

VARIANCE APPEAL

DECISION

For the Record

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

John Morris

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

Findings of Fact

1. The variance requested is is not (circle one) prohibited under Section 14-473(c) (3), for the following reason(s):
5-1
2. The variance requested does (circle one) does not meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s):
5-1
- 3-A. The land in question can/cannot (circle one) yield a reasonable return unless the variance is granted:
2-3
- 3-B. The need for a variance is (circle one) is not due to the unique circumstances of the property and is is not (circle one) due to the general conditions in the neighborhood:
4-1

3-C. Granting of the variance will/will not (circle one) alter the essential character of the locality: _____

5-0

3-D. The hardship is/is not (circle one) the result of action taken by the applicant or a prior owner: _____

5-0

Conclusion *

After public hearing on 1/23, 1986, and for reasons above-stated, the accompanying application is hereby (check one)

_____ granted.

_____ granted subject to the following condition(s):

_____ denied.

Dated: 3, 1986

Secretary of the Board

* The application may be granted or granted subject to conditions only if the finding for #1 above is in the negative AND the finding for #2 above is in the affirmative AND the findings for #'s 3-A through 3-D above are as follows:

- 3-A: in the negative;
- 3-B: 1st one in the affirmative,
2nd one in the negative
- 3-C: in the negative
- 3-D: in the negative

3-2 split decision / no vote
this then total.

90-D-15



CITY OF PORTLAND

REQUEST FOR
VARIANCE APPEAL

Applicant's name and address: JOHN J. HARRIS IV
SUNSET RD. PEAKS IS. ME. 04108

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

Owner's name and address (if different): N/A

Address of property (or Assessor's chart, block and lot number):
SUNSET RD. PEAKS IS. ME.

Zone: IR-2 Present use: PERMANENT YEAR ROUND RESIDENCE
Change of use (if applicable) N/A

Variance from: Section 14-145¹⁷ 27(3)c

Relief requested from Board:
Relief from side yard setback requirements
5' instead of 20' required by IR-2 zone and
14' instead of 20' required by IR-2 zones for
side yard.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby requests a variance 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: 12/30, 1983 [Signature]
Signature of Applicant

(See other side for variance standards.)

James Lamb

To: BOARD OF APPEALS:

WE WANT TO,

#1 - ADD AN ADDITION TO EXISTING HOUSE. IT WOULD BE 8' X 21'9". IT WOULD BE ON THE END - (LENGTH WISE) OF THE HOUSE AND ACTUALLY EXTEND, BY 8', AN EXISTING ADDITION. IT WOULD NOT ~~WIDEN~~ INCREASE THE WIDTH OF EXISTING STRUCTURE. (#1 ON ATTACHED PLAN)

#2 - ADD A DECK, 18' BEYOND PROPOSED ADDITION AND AROUND EXISTING BEDROOM - OUT BY 3'9" FROM EXISTING STRUCTURE (SEE #2 ON ATTACHED PLAN)

#3 - ADD A 9' X 5' BOW WINDOW TO FRONT OF STRUCTURE (#3 ON ATTACHED PLAN)

THIS (THESE) REQUESTS ARE IN THE ORDER OF IMPORTANCE TO US. THE #1 & #3 REQUESTS WILL NOT CHANGE THE ESSENTIAL CHARACTER OF THE HOUSE. THE HOUSE IS NOW APPROX. 38' LONG AND WOULD GO TO 46' WITH NO INCREASE IN WIDTH. THE 8' ADDITION WOULD CONFORM TO EXISTING STRUCTURE (EG: ROOF LINE, HEIGHT, ETC.) THE LOT IS APPROX 125' IN LENGTH - WE WOULD ~~THE DECK~~ LIKE TO ADD 8'.

THE DECK WOULD ADD ANOTHER 18' AND AGAIN ONLY LENGTH WISE - NO WIDTH INCREASE. THE LOT IS APPROX 50' WIDE. THIS IS THE REASON WE ARE NOT PROPOSING ANY WIDTH INCREASE.

James Rd.

IN ADDRESSING REQUIREMENTS FOR AN APPEAL:

A) HOUSE WAS BUILT IN APPROX EARLY 1900'S - LOT WAS APPROX 30' X 125'. WE BOUGHT THE HOUSE IN 1970 - IT ESSENTIALLY WAS A SUMMER COTTAGE. WHEN WE BOUGHT, IT WAS THE PLAN TO EVENTUALLY CONVERT TO PERMANENT - YEAR ROUND HOME. THAT IS NOW OUR GOAL. ROOMS ARE SMALL, EXISTING BATH ROOM NOT LARGE ENOUGH FOR TUB. IN ORDER TO GET TO MASTER + GUEST BEDROOMS, YOU MUST GO THROUGH OTHER ROOMS (DEN + BEDROOM) VERY LITTLE CLOSET SPACE (1) IN MAIN HOUSE. WITHOUT THE REQUESTED VARIANCE, VALUE OF THE PROPERTY HAS DECREASED AND USE AS A FULL TIME RESIDENCE IS QUESTIONABLE. THE MKT. VALUE IS DIMINISHED IN ITS PRESENT STATE. ALSO, IF THE ZONING LAW HAD NOT CHANGED SINCE WE BOUGHT THE PROPERTY, I BELIEVE THE VARIANCE WOULD NOT BE NEEDED.

B) THE NEIGHBORHOOD IS OK - THE NEED FOR THE VARIANCE IS BECAUSE OF THE UNIQUENESS OF THE LOT. TODAY, NO LOTS, I'M SURE, WOULD BE 50' IN WIDTH, ESPECIALLY WITH ZONING LAWS AS THEY ARE.

C) THIS PROPOSAL WOULD NOT, IN ANY SENSE OF THE IMAGINATION, ALTER THE CHARACTER OF THE LOCALITY.

D) WE HAVE NOT CAUSED THIS CONDITION. IN FACT, WE HAVE NOT TAKEN ANY ACTION SINCE WE PURCHASED THIS PROPERTY.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME.

AT: 772 5427 WORK

766-2258 HOME.

Applicant: *John J. Morris, III*
Address: *Sunset Road, Peaks Island*
Assessors No.: *96-D-15*

Date: *Jan 22, 1986*

*69 Providence Road
Portland, Maine
04102*

CHECK LIST AGAINST ZONING ORDINANCE

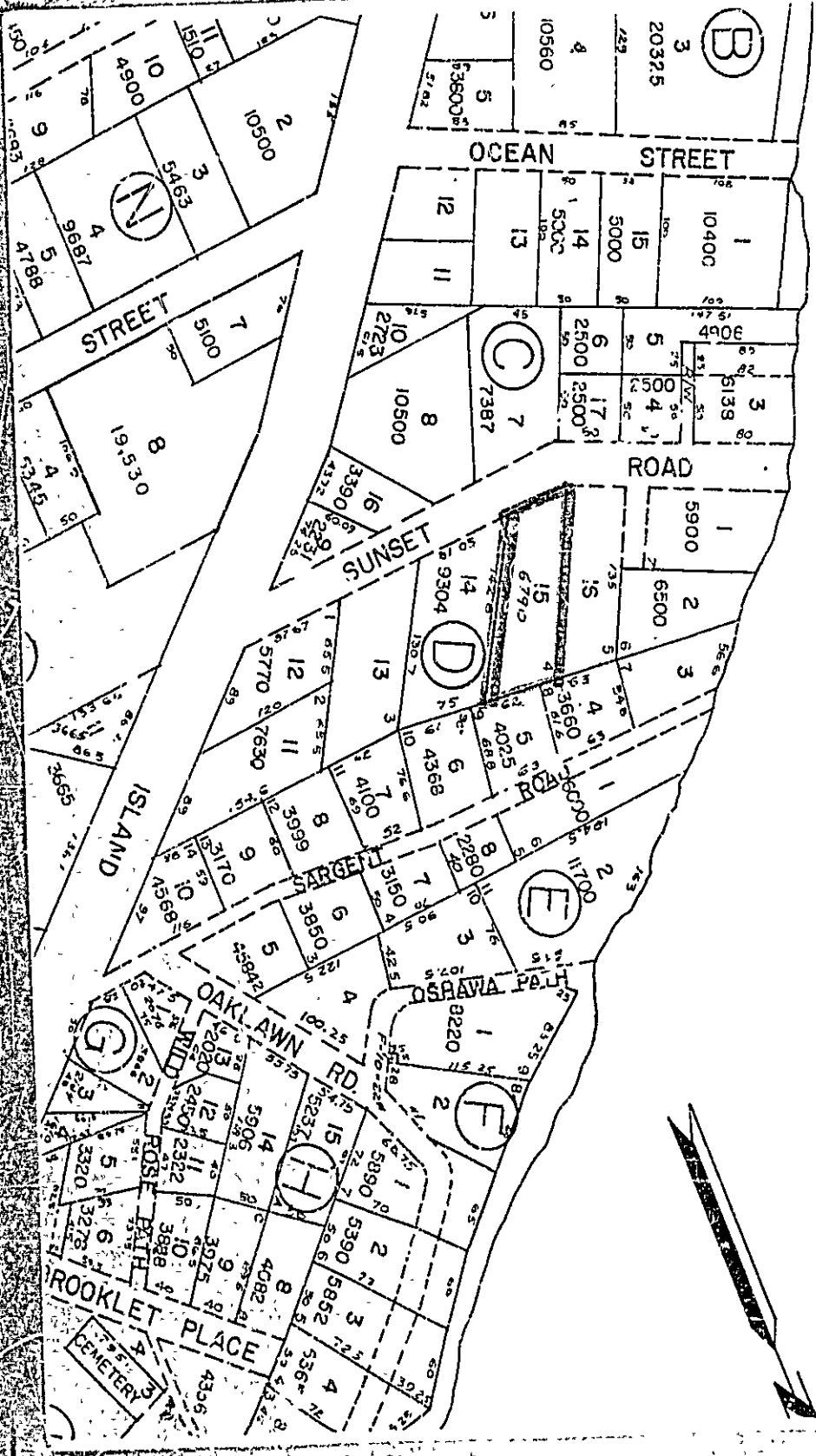
Date -
Zone Location -
Interior or corner lot -
Use -
Sewage Disposal -
Rear Yards -
Side Yards -
Front Yards -
Projections -
Height -
Lot Area - *6790 sq-ft*
Building Area -
Area per Family -
Width of Lot -
Lot Frontage -
Off-street Parking -
Loading Bays -

Site Plan -
Shoreland Zoning -
Flood Plains -

*⌈ \$ 65200
B 19,720

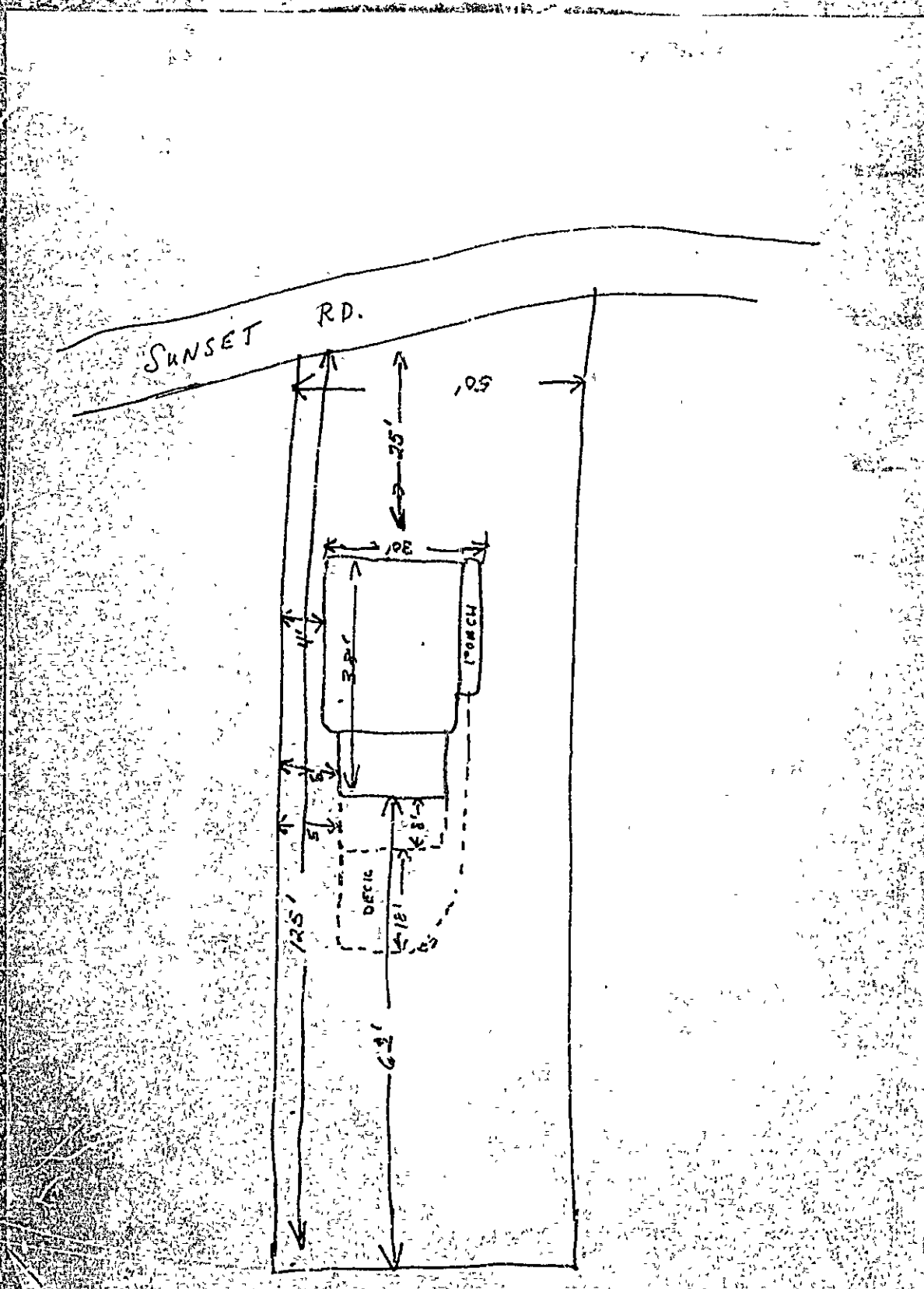
7826,310*

Taxes \$ 713.79

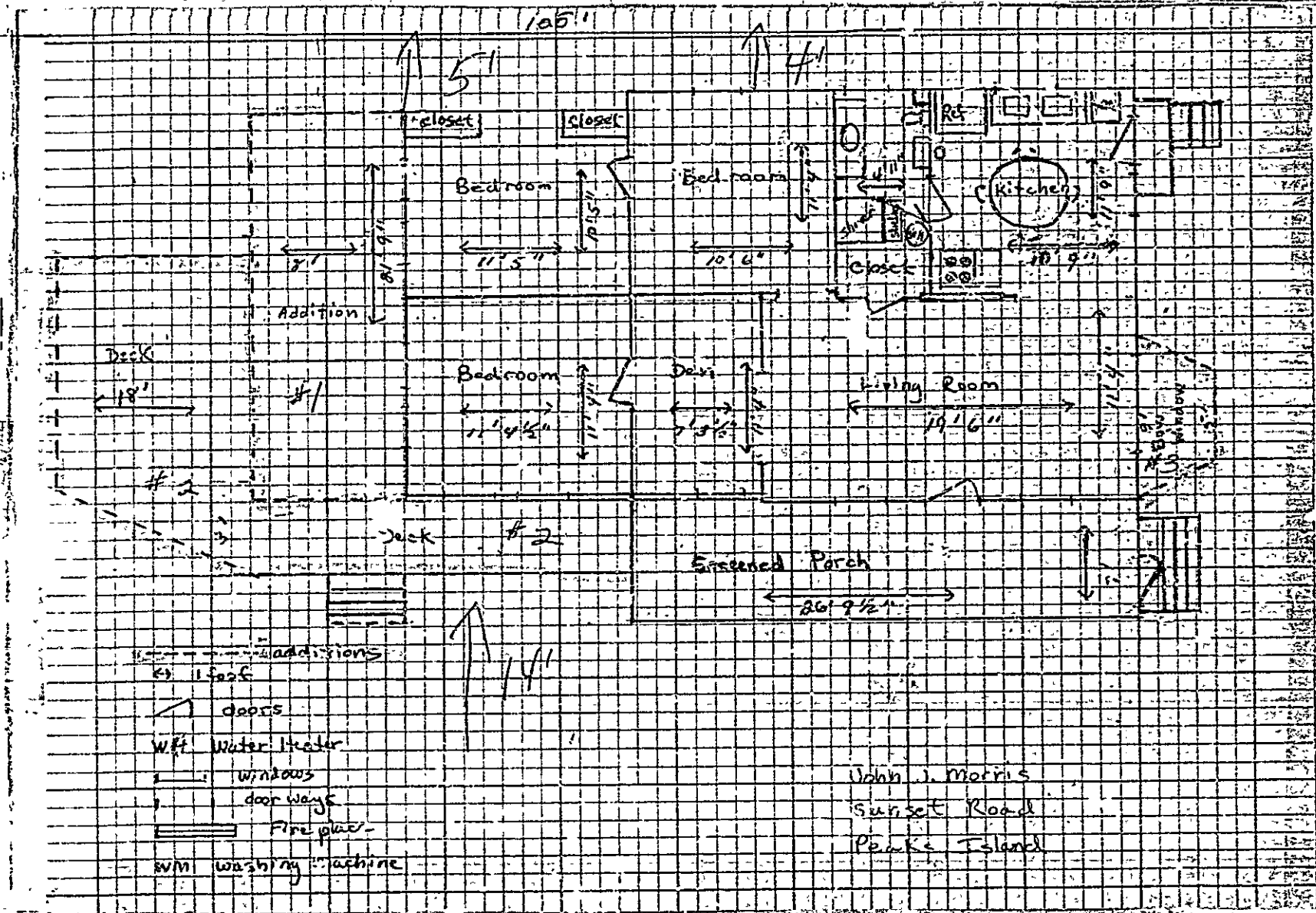


James Rd.

Chart 20



Sunset Rd,



Sunset Rd Peabody Island 01105
90-D-15 John J. Morris IV

90-D-4 } Menott J. Bradbury
8 Astor Ct 01103

90-D-5 } Same

90-D-14 David H. King + Phyllis M. Jones
Sunset Rd P.O. 04108

90-D-16 Daniel J. + Mary C. Hayden
Glossate Ave P.O. 04108

90-C-7 John J. O'Toole
44 Aborn St Port 04101

90-C-19 Clara + Robert M. Dahl 06277
Sunset Hills Rd Thompson Conn.