



# CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT  
INSPECTION SERVICES DIVISION

December 10, 1935

Re: Seashore Ave and Belvidere

Mr. Edward L. Casey  
Jackson & Casey, Contractors  
Peaks Island, Maine 04108

Dear Mr. Casey:

Your proposed plan as submitted would require a subdivision plat to be processed as you are creating more than three lots from the land which you own.

The new City Zoning requirements for the IR-1 Zone are enclosed for your information, particularly with reference to minimum lot sizes.

It is assumed that City water is available in this area of the Island. If so, the new minimum lot size is 40,000 square feet for lots with public water, except for lots of record. Lots identified as 91-D-1 should be considered as one lot on Belvidere and can be built upon as a lot of record provided a septic disposal system can be approved by the Plumbing Inspector.

Lots 91-D-1 and 91-D-2 would provide one new buildable lot in accordance with the 40,000 square foot lot size minimum stated in Section 14-145.5 (1) a of the IR-1 Zone on page 930.20.4 of the attached zoning text.

The new lot size requirement for Island Residential Zones became effective in mid-August of this year.

Sincerely,

*Warren J. Turner*

Warren J. Turner  
Zoning Specialist

WJT/el

Enclosure:

- (1) Proposed Plan for Lots for Residential Construction
- (2) Text for IR-1 Zone

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alexander Jaegerman, Chief Planner  
P. Samuel Hoffses, Chief of Inspection Services  
Arthur Addato, Code Enforcement Officer



CITY OF PORTLAND

*Seaside Ave.*  
*91-D-112*

VARIANCE APPEAL

DECISION

For the Record

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

<u>Edward Cooney (P)</u>	<u>Margaret Richardson (O)</u>
<u>John Barrows (P)</u>	<u>Betty Barrows (O)</u>
<u>William Guston (O)</u>	_____

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):  
\_\_\_\_\_ *5-0* \_\_\_\_\_
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):  
\_\_\_\_\_ *5-0* \_\_\_\_\_
- 3-A. The land in question can (circle one) cannot (circle one) yield a reasonable return unless the variance is granted:  
\_\_\_\_\_ *5-0* \_\_\_\_\_
- 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:  
\_\_\_\_\_ *5-0* \_\_\_\_\_

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 \_\_\_\_\_, 19\_\_ , and for reasons above-stated, the accompanying application is hereby (check one)

\_\_\_\_\_ granted.

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

denied. 5-0

Dated: 2/27/86, 1986

David Schenk  
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

Granted

Denial  
David Schenk  
Marvill S. Kelly  
Mark E. Weston  
Ernest J. Martin



## CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT  
INSPECTION SERVICES DIVISION

February 11, 1986

Seashore Ave. & Belvidere  
Lots 91-D-1&2

Mr. Edward L. Casey  
100 Grand Avenue  
Peaks Island, Maine 04108

Dear Mr. Casey:

It is understood that City Water can be provided to the lots mentioned above. In the IR-1 Zone the present minimum lot size is 40,000 square feet for lots having public water except for lots of record. If you relocate the boundaries in the manner described then you will be required to create four new lots and that would require a subdivision plat to be prepared and approved through the Planning Board.

The altered division of Lots 91-D-1 and 91-D-2 would then require a subdivision plan to be processed through planning if a variance were granted by the Board of Appeals. Creation of leased lots are also considered as new lots.

A building permit and a certificate of occupancy can not be issued for either of these lots because they contain only 24,398± square feet instead of the 40,000 square feet for lots with public water required by the Zoning Ordinance (Portland Land Use Code) in the IR-1 Island Residence Zone. Section 14-145.5(1).

We understand you wish to petition for two lot size variances before the Board of Appeals based on hardship. The criteria for reviewing such requests is enclosed on the reverse side of the space and bulk application forms. Your item will be placed on the February 27th agenda for review by the Board of Appeals. Leased land cannot be credited toward density requirements according to the Office of Corporation Counsel.

Sincerely,

*Warren J. Turner*  
Warren J. Turner  
Zoning Specialist

Enclosure: Space & Bulk Variance

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

91-D-113  
Seashore Ave

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 in 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 applicant or a prior owner.



CITY OF PORTLAND

REQUEST FOR  
VARIANCE APPEAL

Applicant's name and address: Edward L. Casey  
Island Avenue, Peaker Island

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

Owner's name and address (if different): same

Address of property (or Assessor's chart, block and lot number):  
91-D-1 and 91-D-2

Zone: TR-1 Present use: Vacant  
Change of use (if applicable): Building sites

Variance from: Section 14- 145.11

Relief requested from Board:

*Request variances for two 30,000 sq-ft.  
lots instead of required 40,000 sq-ft. lots, both of  
which are served by public water.*

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

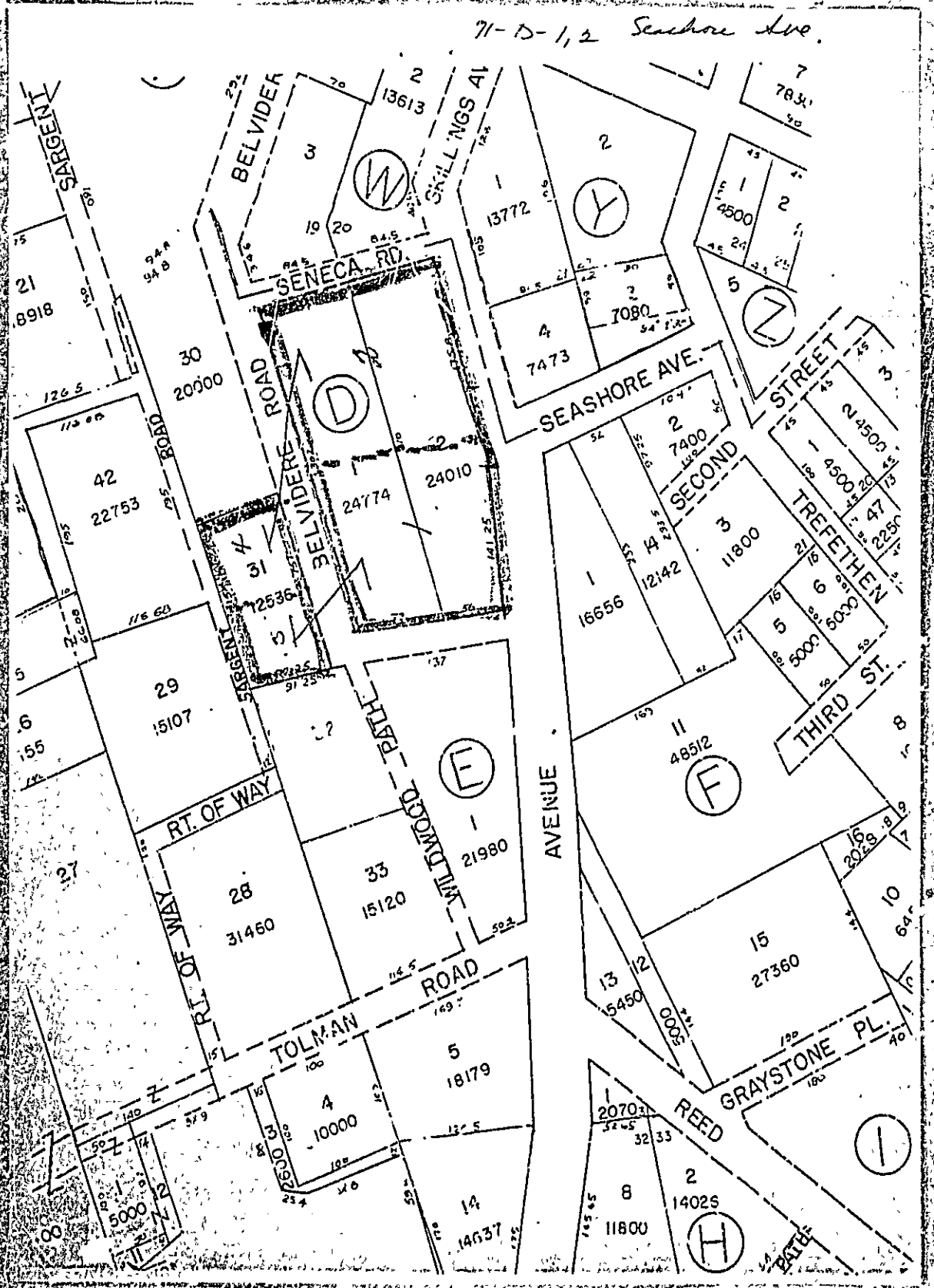
The undersigned hereby requests a variance as above-described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: Jan. 13, 1986

Edward L. Casey  
Signature of Applicant

(See other side for variance standards.)

71-D-1, 2 Seashore Ave.



123 Seminary Avenue  
Yonkers, New York 10704  
February 21st, 1986

Zoning Board of Appeals  
City of Portland, Maine  
389 Congress Street  
Portland, Maine 04101

Re: Seashore Avenue & Belvidere  
Lots 91-D-1 & 2

We are definitely opposed to any change in the existing Zoning Ordinance of the City of Portland, Maine as it applies to the above named property.

To reduce the footage from the 40,000 square feet as now required for lots with public water-- required by the Zoning Ordinance in the IR-1 Island Residence Zone, Section 14-145.5(1) to the 24,398 square feet which each of these lots contains would be a mistake.

If such a Variance is granted-- every property owner on Peaks Island who has met the conditions imposed by Section 14-473 (c)1 of the Zoning Ordinance would have the right to expect like treatment. In that case what is the purpose of a Zoning Ordinance? It protects no one.

We would like to go on record as being opposed to the granting of this Variance.

Very truly yours,

*Marie R. Gerrits*  
Marie R. Gerrits

*Alida E. Gerrits*  
Alida E. Gerrits





CITY OF PORTLAND

REQUEST FOR  
VARIANCE APPEAL

Applicant's name and address: Edward L. Cusey  
Island Avenue, Peaker Island

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

Owner's name and address (if different): Same

Address of property (or Assessor's chart, block and lot number):  
91-D-1 and 91-D-2

Zone: TR-1 Present use: Vacant  
Change of use (if applicable) Building sites

Variance from: Section 14- 14511

Relief requested from Board:

*Request variances for two 30,000 sq. ft. lots instead of required 40,000 sq. ft. lots, both of which are served by public water.*

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

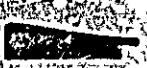
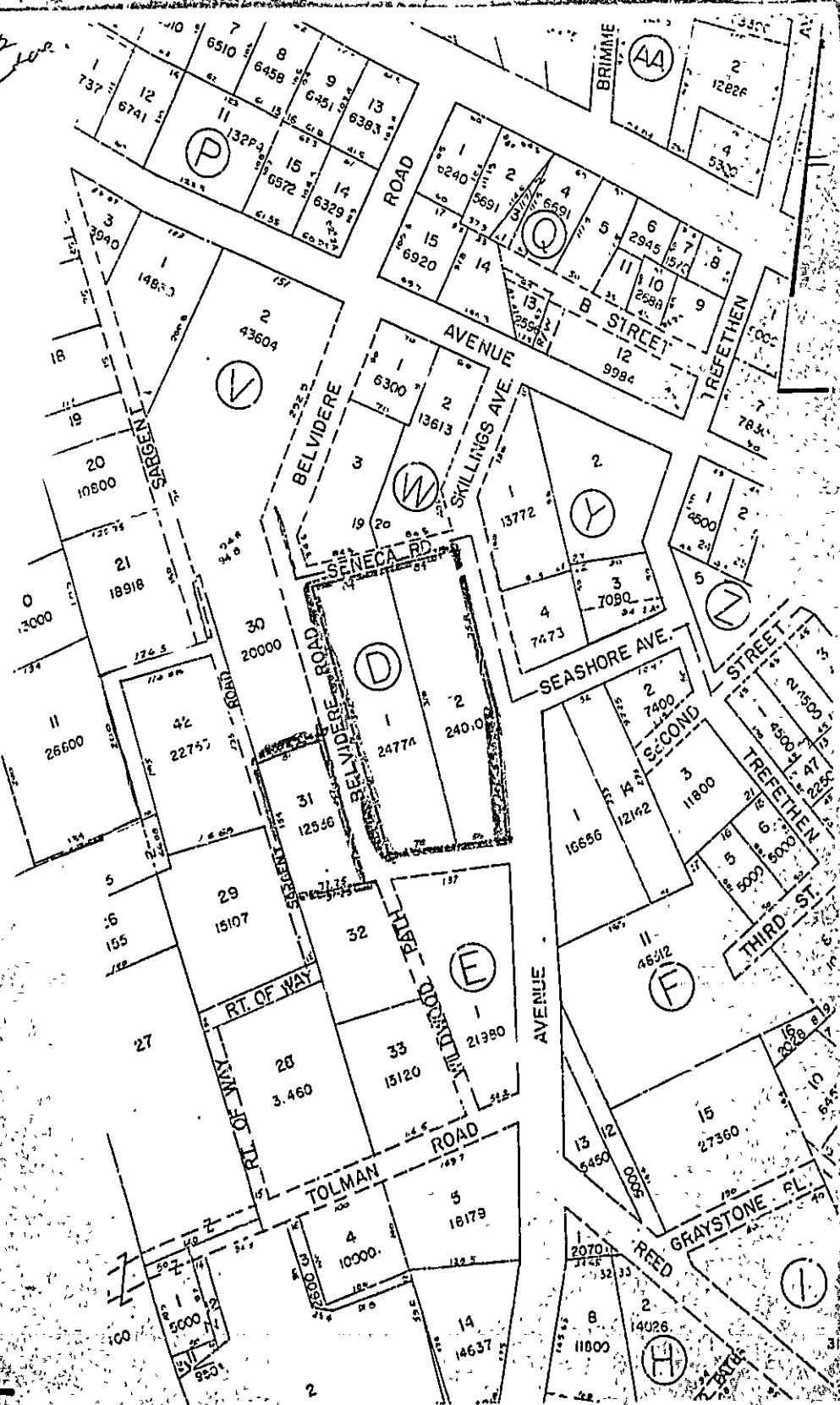
The undersigned hereby requests a variance as above-described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: Jan. 13, 1986

Edward L. Cusey  
Signature of Applicant

(See other side for variance standards.)

91-D-1, 2  
Seashore Ave.



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



MEPHILL S. SELTZER  
Chairman

JACQUELINE COHEN  
Secretary

ROBERT J. GAUDREAU  
THOMAS F. JEWELL  
EUGENE S. MARTIN  
DAVID L. SILVERMAIL  
MICHAEL E. WESTORT

Seashore Ave. & Belvidere  
Lots 91-D-1&2

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 27, 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. Edward L. Casey, owner of the property at Seashore Ave. & Belvidere, Lots 91-D-1 & 2, 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 building permit and Certificate of Occupancy for altered division of lots 91-D-1 and 91-D-2 not issuable for either of these lots because each contains only 24,398 square feet instead of 40,000 square feet for lots with public water required by the Zoning Ordinance in the IR-1 Island Residence Zone, Section 14-145.5(1).

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  
2/12/86

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



MERRILL S. SELTZER  
Chairman  
JACQUELINE COHEN  
Secretary  
ROBERT J. GAUDREAU  
THOMAS F. JEWELL  
EUGENE S. MARTIN  
DAVID L. SILVERNAIL  
MICHAEL S. WESTORY

March 3, 1986

RE: 91-D-1 - 2  
Island Avenue & Colvidere  
Peaks Island

Mr. Edward L. Casey  
Island Avenue  
Peaks Island, Maine 04108

Dear Mr. Casey:

At the February 27th meeting of the Board of Appeals, the Board voted by a unanimous vote of 5 to 0 to deny your variance appeal for the establishment of two lots, each having 24,398 square feet instead of the 40,000 square feet for lots in IR-1 served by public water.

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

Sincerely,

*Warren J. Turner*  
Warren J. Turner  
Zoning Specialist

WJT/el

Enclosure: Decision

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

Applicant: *Edward L. Casey*  
Address: *Seashore Ave + Belvedere*  
Assessors No.: *91-D-142*

Date: *Feb. 26, 1986*

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - *1R-1*

Interior or corner lot - *corner lot*

Use - *2 Proposed Building sites*

Sewage Disposal - *Inground*

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Lot Area - *24,398 sq ft.*

Building Area -

Area per Family - *40,000 sq ft.*

Width of Lot -

Lot Frontage -

Off-street Parking -

Loading Bays -

Site Plan -

Shoreland Zoning -

Flood Plains -

Rolston A. & Linda K. Coles  
2037 S.W. 22nd Circle North  
Okeechobee, Florida 33474  
February 24, 1986

City Of, Portland, Maine  
Dept. of Planning & Urban Development  
Attn: Zoning Board of Appeals  
Room 315, City Hall  
Portland, Maine 04101

Gentlemen,

Thank you for your letter regarding the issue of a Space & Bulk  
Variance Appeal for Seashore Ave. & Beverere, Lots 31-D-1&2.

Being part owner of, and representing the owners of an adjoining  
property to the lots at issue, I (we) wish to advise the Board of  
Appeals that we absolutely oppose the grant of said Variance.  
Such a density of houses is opposite to our wishes to keep Peaks  
Island from overdevelopment.

Thank you for considering our appeal.

Yours truly,



Rolston A. Coles

January 8, 1986

City of Portland  
Board of Appeals  
Zoning Office, Room 315  
389 Congress St.  
Portland, Maine 04101

Re: Seashore Ave. & Belvidere, Lots #91-D-1 & 2

Dear Sir:

I request a variance from The Board of Appeals, on the above lots because of undue hardship; for the following reasons:

1. The land in question cannot yield a reasonable return unless a variance is granted;
2. The need for a variance is due to unique circumstances of the property and not to the general conditions in the neighborhood;
3. The granting of a variance will not alter the essential character of the locality;
4. The hardship is not the result of action taken by the applicant or prior owner;
5. The reason I did not apply for the permits before the change of zoning to IR-1 was because I hired Lloyd Jones in February to survey the lots in question. He did not do it until August. Then Wm. Goodwin was hired in August, but could not do the soil tests until October. This was all required before the permit application;
6. This land cannot be utilized without this variance due to the soil conditions;
7. A variance will upgrade the general appearance of the neighborhood, as this is all brush and a dumping area;
8. A variance will permit me to divide 91-D-1 & 2 vertically and to build two summer cottages on Seashore and Skilling. This is on a summer water main.

91-D-1, 2  
Seashore Ave.

Page 2 Request for Appeal Edward L. Casey

Lot 91-B-31 will be used as the leach fields for the two cottages to be constructed. A long term lease will be provided for the use of this land.

Also you will find enclosed the nine (9) packets of information needed for the appeal, including:

1. The cover letter;
2. The land survey, showing the plot plan;
3. A complete set of plans showing the proposed construction of the two summer cottages;
4. A photo of the property in question.

If you need more information please let me know

Sincerely,

*Edward L. Casey*  
Edward L. Casey

ELC/dm

Enclosures (9)



91-D-1 + 2  
Shashare Ave, P.I.  
Edward C. ...

26  
23  
29  
91-H-30 } Edward G. & Theresa L. Graham  
44 } Sargent Rd P.I. 04108  
45 }

91-H-42 Richard G. & Eliza McEntyre  
P.I. 04108

91-H-19 Gerald W. Bernstein & Robert M. Bernstein  
Island Ave, P.I. 04108

91-H-25 Barbara & Peter M. Candolphi  
91 Nelson St Sargenttown Mass 01833

91-H-2 } Alida E. & Marie Q. Gervits  
3 } 123 Seminary Ave Yonkers, N.Y. 10708  
4 }

91-H-20 - 21 - 22 - 46

91-H-43 - Cora C. Clifford  
14 Noyes St A.P. 04106

91-H-8 Roger N. & Jessie S. Edwards  
57 Lincoln St Augusta, Me 04330

91-H-2 Robert G. & Sarah A. Williams 20877  
712 1/2 Hamilton Springs Bethesda, Md

91-0-1,2 Suluu Ave.

91-H-I Rosalie Baker & Frank J. Cassin  
11 Gateway, r. r. rd. Box 212  
Dutton, Mass. 01772

F-15) George E. MacGowan Jr.  
16) 5 Eastern Green 04101

F-11 Christina Kelsey  
666 West End Ave N.Y. N.Y. 10025

F-1 William Gustin  
196 Baxter Blvd. A-3 04101

90-4-1 Edith H. & Lloyd E. Nelson  
111 S. Fleming St. Woodstock, <sup>60094</sup> Ill.

90-VI-2 Rolston G. Coles & Harry S. Lawrence  
15 Oak Lake Cir N.  
Cherokee, Va. 33472

90-V-2 St. Anthony Bay The Sea  
Coastal Island (I) 04105

90-V-4 Mary Q. Zomla  
Crestview Ave, Ore. 04105

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP .....

B.O.C.A. TYPE OF CONSTRUCTION .....

ZONING LOCATION ..... PORTLAND, MAINE Jan. 13, 1986

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION Lots 91-D-12 Seashore Avenue, Peaks Isl. Fire District #1 [ ], #2 [ ]

1. Owner's name and address & Skillings Avenue Telephone .....

2. Lessee's name and address Edward Casey, Isl. Ave., Pks. Isl. Telephone 766-5537

3. Contractor's name and address Telephone .....

Proposed use of building No. of sheets .....

Last use No. families .....

Material No. stories Heat Style of roof Roofing .....

Other buildings on same lot .....

Estimated contractual cost \$ Appeal Fees \$ 50.00

FIELD INSPECTOR—Mr. Base Fee .....

@ 775-5451 Late Fee .....

TOTAL \$ .....

Request for variance for 2- 30,000 sq ft. lots instead of required 40,000 sq. ft lots

Stamp of Special Conditions

This application is preliminary to get settled the question of zoning appeal. In the event this appeal is sustained the applicant will furnish complete information including cost and time.

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

Appeal Denied 2/27/86

DETAILS OF NEW WORK

Is any plumbing involved in this work? Is any electrical work involved in this work?
Is connection to be made to public sewer? If not, what is proposed for sewage?
Has septic tank notice been sent? Form notice sent?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimneys of lining Kind of heat fuel
Framing Lumber—Kind Dressed or full size? Corner posts Sills
Size Girder Columns under girders Size Max. on centers
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters, 1st floor, 2nd, 3rd, roof
On centers: 1st floor, 2nd, 3rd, roof
Maximum span: 1st floor, 2nd, 3rd, roof
If one story building with masonry walls, thickness of walls? weight?

IF A GARAGE

No. cars now accommodated on same lot, to be accommodated, number commercial cars to be accommodated
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY: DATE
BUILDING INSPECTION—PLAN EXAMINER
ZONING:
BUILDING CODE:
Fire Dept.:
Health Dept.:
Others:

MISCELLANEOUS
Will work require disturbing of any tree on a public street?
Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed?

Signature of Applicant Edward L. Casey Phone # 766-2817
Type Name of above Edward Casey [ ] 2 [ ] 3 [ ] 4 [ ]
Other and Address