



APPLICATION FOR PERMIT
 DEPARTMENT OF BUILDING INSPECTIONS SERVICES
 ELECTRICAL INSTALLATIONS

Date: July 1, 19 83
 Receipt and Permit number B 06930

To the CHIEF ELECTRICAL INSPECTOR, Portland, Maine:

The undersigned hereby applies for a permit to make electrical installations in accordance with the laws of Maine, the Portland Electrical Ordinance, the National Electrical Code and the following specifications:

LOCATION OF WORK: 491 Lexington Avenue
 OWNER'S NAME: Willard Viola ADDRESS: 6 Rhonda Rd. Scarborough

OUTLETS: -
 Receptacles _____ Switches _____ Plugmold _____ ft. TOTAL 1-30 FEES
3.00
 FIXTURES: (number of)
 Incandescent X Fluorescent X (not strip) TOTAL 1-10 3.00
 Strip Fluorescent _____ ft. _____ 3.00

SERVICES:
 Overhead _____ Underground _____ Temporary _____ TOTAL amperes _____
 METERS: (number of) _____
 MOTORS: (number of)

Fractional _____
 1 HP or over _____

RESIDENTIAL HEATING:
 Oil or Gas (number of units) _____
 Electric (number of rooms) _____

COMMERCIAL OR INDUSTRIAL HEATING:
 Oil or Gas (by a main boiler) _____
 Oil or Gas (by separate units) _____
 Electric Under 20 kws _____ Over 20 kws _____

APPLIANCES: (number of)
 Ranges _____ X Water Heaters _____
 Cook Tops _____ Disposals _____ X
 Wall Ovens _____ Dishwashers _____
 Dryers _____ Compactors _____
 Fans _____ Others (denote) _____
 TOTAL _____ 3.00

MISCELLANEOUS: (number of)
 Branch Panels _____
 Transformers _____
 Air Conditioners Central Unit _____
 Separate Units (windows) _____
 Signs 20 sq. ft. and under _____
 Over 20 sq. ft. _____
 Swimming Pools Above Ground _____
 In Ground _____
 Fire/Burglar Alarms Residential _____
 Commercial _____
 Heavy Duty Outlets, 220 Volt (such as welders) 30 amps and under _____
 over 30 amps _____
 Circus, Fairs, etc. _____
 Alterations to wire _____
 Repairs after fire _____
 Emergency Lights, battery _____
 Emergency Generators _____

FOR ADDITIONAL WORK NOT ON ORIGINAL PERMIT INSTALLATION FEE DUE:
 FOR REMOVAL OF A "STOP ORDER" (304-16.b) DOUBLE FEE DUE:
 TOTAL AMOUNT DUE: 9.00

INSPECTION:
 Will be ready on _____, 19___; or Will Call XX
 CONTRACTOR'S NAME: Richard Colpitta
 ADDRESS: RD # J Biddeford, Me.
 TEL.: 292-6645
 MASTER LICENSE NO.: 02995 SIGNATURE OF CONTRACTOR: Richard Colpitta
 LIMITED LICENSE NO.: _____

INSPECTOR'S COPY — WHITE
 OFFICE COPY — CANARY
 CONTRACTOR'S COPY — GREEN

ELECTRICAL INSTALLATIONS —

Permit Number 06930
Location 491 Deering Ave.
Owner W. Viola
Date of Permit 7-1-83
Final Inspection 9-20-83
By Inspector Gibby
Permit Application Register Page No. 151

INSPECTIONS: Service _____ by _____
Service called in _____
Closing-in 7-26-83 by Gibby
PROGRESS INSPECTIONS: 7-27-83 / /
8-1-83 / / NOT / /
/ / / /
/ / / /
/ / / /

CODE
COMPLIANCE
COMPLETED
DATE 9-20-83

REMARKS:

7/5/83
Work has started & same may report in
4 reports new services?



CITY OF PORTLAND

JOSEPH E GRAY, JR
DIRECTOR OF PLANNING & URBAN DEVELOPMENT

6/30/83

Mrs. Blanche M. Labrie
491 Deering Ave.
Portland, Maine

Dear Mrs. Labrie:

Your application to change the use of 489-491 Deering Ave., Portland, Maine has been reviewed and a building permit is herewith issued subject to the following building and fire code requirements.

1. All doors involved in the means of egress shall be equipped with latch sets which shall open from the inside without the use of keys, special knowledge or ability, but by merely turning the usual knob or by pressure on a plate or lever.
2. The boiler room shall be enclosed with construction having a fire rating of at least one hour, including the ceiling, and fire doors with self-closers.
3. All vertical openings (stairways) shall be enclosed with construction having a fire rating of at least one hour including fire door with self-closers.
4. Each apartment shall be equipped with a single station smoke detector wired to the house current. These detectors shall be placed in a manner which will protect the sleeping areas.
5. Each apartment shall have access to two separate and remote approved exits. Upon entering the exit enclosures, one shall be able to remain in the protected enclosure until reaching the building exterior.
6. Each apartment shall have a one hour separation from the adjoining apartments and corridors.

If you have any questions on these requirements, please call this office.

Sincerely,

P. Samuel Hoffes
Chief of Inspection Services

B

APPLICATION FOR PERMIT

PERMIT ISSUED

JUL 1 1983

CITY of PORTLAND

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION 00661

ZONING LOCATION PORTLAND, MAINE April 26, 1983

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 ... 489-491 Deering Avenue Corner 141-147 Coyle Street ... Fire District #1 , #2
1. Owner's name and address Mrs. Blanche M. Labrie - 491 Deering Ave. Telephone ... 983-3351
2. Lessor's name and address Willard H & Deborah L Viola - 6 Rhonda Drive, Scarborough Telephone ...
3. Contractor's name and address Art Smith - Century 21 Real Estate 799-8551

Proposed use of building 904 Broadway, So. Portland No. of stories ...
Last use No. stories ... Heat ... Style of roof ... Roofing ...
Material No. stories ...
Other buildings on same lot ...
Estimated contractual cost \$ 3,000.00

FIELD INSPECTOR--Mr. @ 775-5451

Appeal Fees \$ 100.00
Base Fee Change of Use
Late Fee 25.00
TOTAL \$ 100.00 pd + 25.00 = \$125.00
Stamp of Special Conditions

Change of use from 3 to 4 families, with new apt
Appeal submitted 5.12.83

This application is preliminary to not settling the question of zoning appeal. In the event the appeal is sustained, the applicant shall furnish complete information, estimated cost and pay legal fee.

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

ISSUE PERMIT TO #2

DETAILS OF NEW WORK

Is any plumbing involved in this work? ... Is any electric 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? ... height? ...

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: BUILDING INSPECTION--PLAN EXAMINER ... DATE ...
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 ... Kathy Bartlett ... Phone # 799-8551
Type Name of above ... Kathy Bartlett for Century 21 Real Estate
Other ...
and Address ...

2

FIELD INSPECTOR'S COPY

APPLICANT'S COPY

OFFICE FILE COPY

May 11, 1983.

To Whom It May Concern:

This is to state that we
have no objection to another
apartment being incorporated in
the property of Mrs. Blanche
Labis, at 491 Deering Ave.
Portland, Maine.

Francis R. Royan
494 Deering Ave.

Dorothy Mc Creder
139 Caryl St.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MICHAEL E. WESTORY
Chairman

EUGENE S. MARTIN
Secretary

JACQUELINE COHEN
TIMOTHY E. FLAHERTY
THOMAS J. MURPHY
MERRILL S. SELTZER
GAIL D. ZAYAC

April 26, 1983

489-195 Deering Avenue Corner of 141-147 Coyle Street

Ms. Blanche M. Labrie
491 Deering Avenue
Portland, Maine 04103

cc: Mr. Art Smith
c/o Century 21 Real Estate
904 Broadway
South Portland, Me. 04106

Dear Ms. Labrie:

Building Permit and Certificate of Occupancy to change the use of the 3-family apartment house, at the above named location, to a 4-family apartment house are not issuable under the Zoning Ordinance for the following reasons:

- (1) The area of the lot on which this building is located is only about 9,961 sq. ft. rather than the 12,000 sq. ft. minimum required by Section 602.6.B.8 (3,000 sq. ft. per family) Space & Bulk Appeal Section 602.24.C.3.b.1.
- (2) Such a use is not permitted under Section 602.6.A of the Ordinance applying to the R-5 Residential Zone in which this property is located. Dwelling Unit Conversion Appeal, Section 602.24.C.3.b.2.

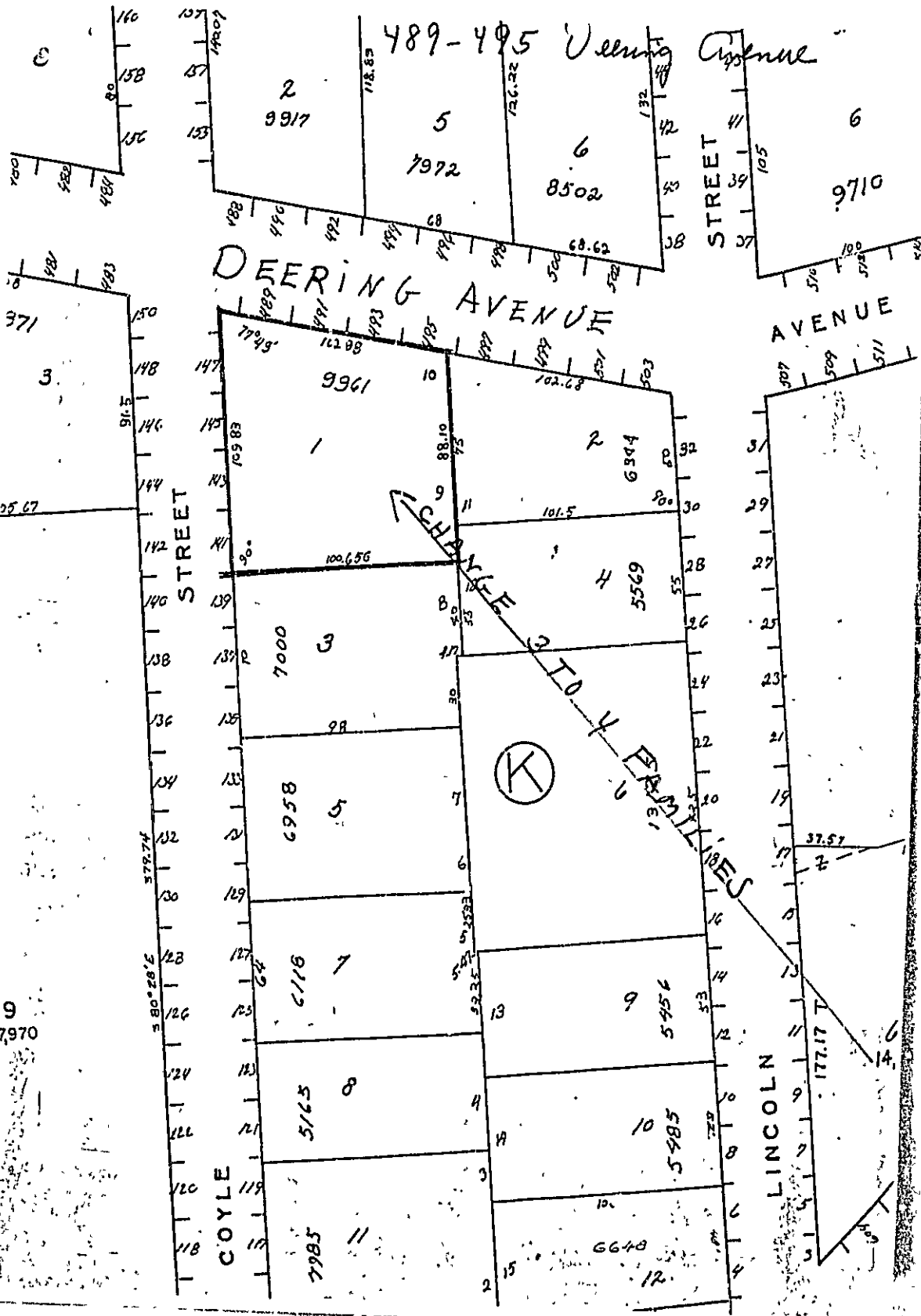
We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, Room 317, City Hall, to file the appeal on forms which are available here. A fee of \$100.00 shall be paid at this office at the time the appeal is filed. If fee has been paid, and appeal filed prior to this letter, then consider this letter as a matter of formality.

Yours truly,


Malcolm G. Ward
Zoning Enforcement Officer

MGW/jmr

cc: Willard H. & Deborah L. Viola
6 Rhonda Drive
Scarboro, Maine 04074



APPRAISAL REPORT

PROPERTY OF
BLANCHE M. LABRIE
491 DEERING AVENUE
PORTLAND, MAINE

PREPARED FOR
BLANCHE M. LABRIE

THOMAS J. HENNESSY, JR., ASSOCIATES
P.O. BOX 246
CAPE COTTAGE BRANCH
CAPE ELIZABETH, MAINE

THOMAS J. HENNESSY, JR., ASSOCIATES
REAL ESTATE APPRAISERS & CONSULTANTS
P.O. Box 246
Cape Cottage Branch
Cape Elizabeth, Maine 04107

THOMAS J. HENNESSY, JR., S.P.E.A., PRES.
THOMAS J. HENNESSY, III, VICE PRES.

TELEPHONE 767-2394
AREA CODE 207

July 13, 1981

Blanche M. Labrie
491 Deering Avenue
Portland, Maine 04103

Dear Mrs. Labrie:

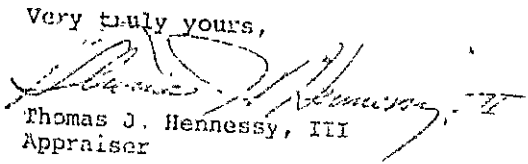
In response to your request of June 26, 1981, I have made a careful inspection and analysis of your property at 491 Deering Avenue in Portland, Maine, for the purpose of estimating its market value.

Based upon the results of this investigation, it is my opinion that as of June 30, 1981, the market value of this property in fee simple was:

EIGHTY FIVE THOUSAND DOLLARS.....\$85,000.

The following report outlines my evaluation of some of the data upon which this conclusion was based.

Very truly yours,


Thomas J. Hennessy, III
Appraiser

TJH/mcu

IDENTIFICATION OF PROPERTY

Owner: Blanche M. Labrie
Location: 491 Deering Avenue
Portland, Maine
Assessor's Reference: Chart 125, Block K, Lot 1

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of the real property identified above.

PROPERTY RIGHT APPRAISED

The property right to be appraised is the estate of fee simple of the real property.

DEFINITION OF MARKET VALUE

The highest price in terms of money which a property will bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuring the price is not affected by undue stimulus.

IDENTIFICATION OF PROPERTY

Owner: Planche M. Labrie
Location: 491 Deering Avenue
Portland, Maine
Assessor's Reference: Chart 125, Block K, Lot 1

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of the real property identified above.

PROPERTY RIGHT APPRAISED

The property right to be appraised is the estate of fee simple of the real property.

DEFINITION OF MARKET VALUE

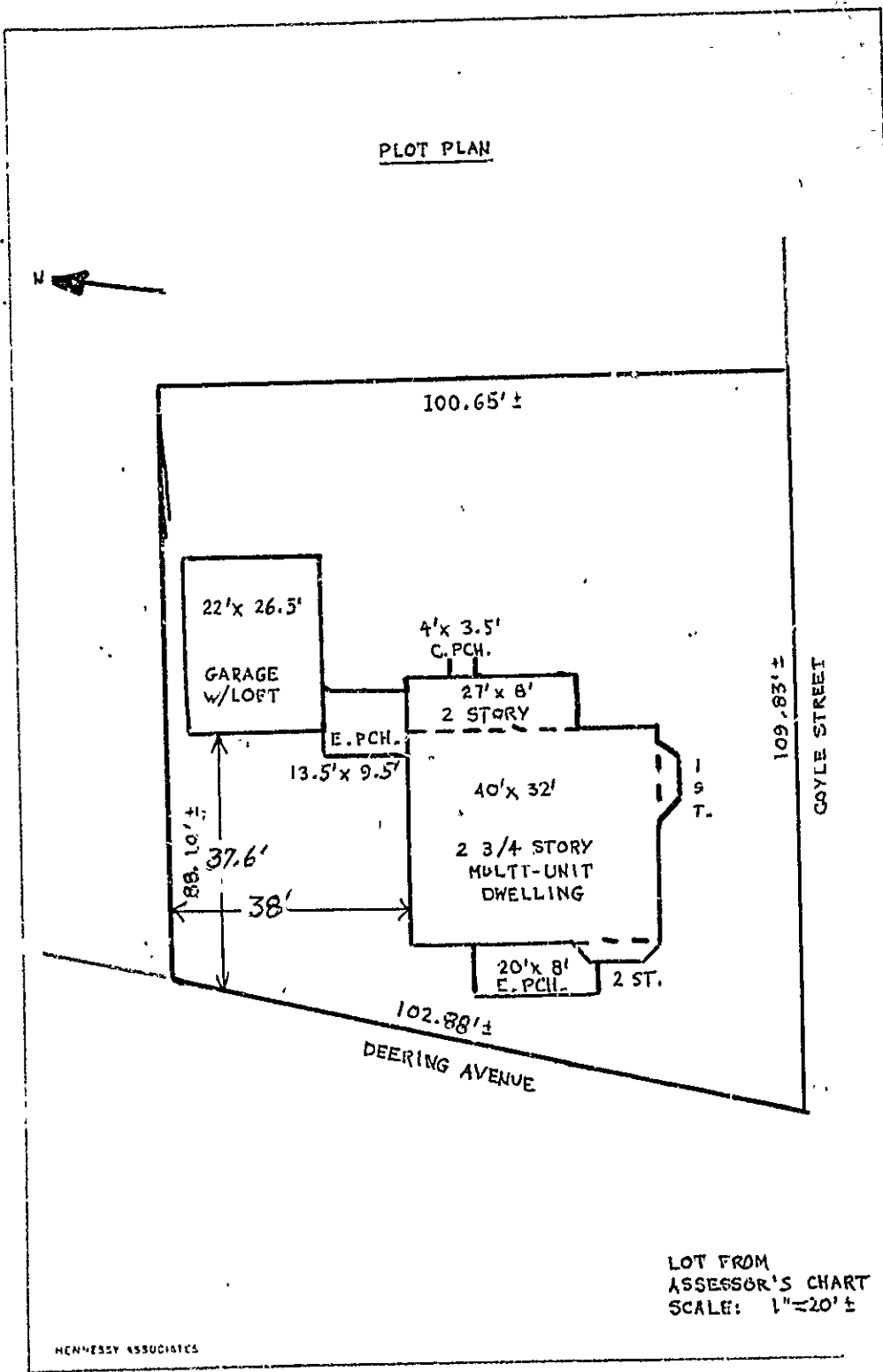
The highest price in terms of money which a property will bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

PHOTOGRAPHS



HENNESSY ASSOCIATES

PLOT PLAN



LOT FROM
ASSESSOR'S CHART
SCALE: 1"=20' ±

NO. 2868

RESIDENTIAL REPORT
 THOMAS J. HENNESSY, JR., ASSOCIATES
 Client: Planche M. Lab
 Owner: Same
 Address: 491 Deering Avenue
 Portland, Maine

NEIGHBORHOOD DATA		BUILDING DATA			
Zoning: R-5 Residential	Types: Single & multi-unit residential & business	Age: 80 yrs. ±	Insul: 10"-12" Cap	Kit Floor: Linoleum	Stories: 2 3/4
Typical Ass: 80 yrs. ±, some newer	Maintenance: Generally good	Foundation: Brk./strn.	Ceilings: Most plaster	C/boards: Vinyl clpb	Siding: No
Rentals: 1-3	Values: Mixed	Excavated: 100%	Walls: Plaster	Cir tops: Laminat	Roofing: Asph. shgl.
Built up: 99% ±	Exit to Schools: Walk or school bus	Ceiling floor: Concrete	Trim: Wide mlded & SE	Stv/Ovrn: No	Gr/spsouts: No
Transportation: Bus & private	Neighborhood shopping: Short walk	Bulkhead: Grade ent.	Floors: HW, w-w, lin.	Dis. inter: 3	Windows: Dbl.-hung
Influences & Trends: Desirable residential, professional & business area, a short drive to hospitals and the central business district.		Heat: FHW/oil	Radiation: CI radiator	Dishwasher: 1 blt.-in	Storm Sash/screens: Al'um. comb.
		Oil Tank: 275 gal.	Fireplace: 1 Cer. tile	Exhaust fan: No	Shutters: No
		Hot Water: Auto. elec. & off furnace	Fluc. Fix.: Ample	Bath Wells: Mixed	Porches: 2-enclosed
		Laundry Bsmt. N-D hu	Closets: Ample	Bath Floor: Linoleum	1-covered Construction
		Plumbing: Cop./CI	Wiring: 100amp RX	Bath Units: 3-3 pc.	Style: Multi-unit

SITE DATA			
Site of Lot: Irregular, see plot plan	Ac. ±: 9,961	So. Fl. / A/F/H	
Water: Yes	Gas: Yes	Street Lights: Yes	Walls: Conc. & strn.
Sewer: Yes	Paving: Asphalt	Hydrant: Yes	Planting: Good
Septic Tank: No	Curb: Granite	Sealed: 100%	Fence: Hedges
Electricity: Yes	Showers: Brick	Driveway: Asphalt	Topography: Rel. Lev.
Remarks: Attractively landscaped lot, large enough to provide additional parking if ever needed.	Dead Reference: Tax Map Ref: 125-K-1	Assessment: 1981 6 mos. Taxes: Land \$ 1,070	Buildings \$ 29,080
			Misc \$ 36,150 = 699.50

* Also a separate coal or wood fired hot air floor furnace, not currently in use.
 ** Rents: 2nd fl. left \$225/mo., 2nd fl. right \$250/mo., owner pays heat and electricity.
 3rd floor has potential for creation of two apartment units; owner reports City approval in the past.
 Garage loft has apartment potential.
 Allowed uses in R-5 Residential Zone are 2 family dwelling, multi-family dwelling (with certain restrictions and Planning board approval), and office space for doctors of medicine, dentistry, and osteopathy.
 In the opinion of the appraiser, the highest and best use of the subject property is any combination of residential and doctors office uses as allowed by present zoning.
 Floor areas: Dwelling 4,053SF, Porches 295SF, Gar. 583SF
 Included in this appraisal: 3 ranges, 2 refrigerators, all w-w carpeting.

MINNESOTA ASSOCIATES

MARKET DATA APPROACH

No.	COMPARABLE			ADJUSTMENTS						SUBJECT
	Location	Sale Date	Sale Price	A Age and Tire	B Age and Condition	C Size and No. of Rooms	D Lot and Location	E Utility and Desirability	Net Adjust.	
1.	123 William Street Portland, Maine	3/81	64,900	+1,000		+ 7,500	+ 3,300	+ 7,500	-19,300	84,200
2.	166 Pleasant Avenue Portland, Maine	12/79	55,000	+5,000	+25,000	- 5,000	- 1,700	- 500	+22,800	77,800
3.	43 Deering Avenue Portland, Maine	6/79	74,000	+9,100		+12,500	+ 2,700	- 3,000	+21,300	95,300

EXPLANATION OF ADJUSTMENTS

1. A. 3yo. old sale B. Comp., comp. C. Smaller, 3 less D. Smaller comp. E. 2 baths, no garage, shed
2. A. 18 mo. old sale B. Comp., poorer C. Larger, 2 more D Larger comp. E. 3 2/2 baths, partially finished basement, no garage
3. A. 24 mo. old sale B. Comp., comp. C. Smaller, 5 less 7 Smaller, comp 2 2/2 baths, 3 fireplaces, partially finished basement, no garage

Adjusted to date of appraisal at a rate of appreciation of 6%/year, compounded annually.

VALUE CONCLUSION. \$ 85,000

CERTIFICATION

I hereby certify that to the best of my knowledge and belief the facts and data used herein are true and correct, that I have personally inspected the property described, and that I have no interest, present or prospective, therein.

VALUE CONCLUSION

Summary

Market Data Approach \$85,000

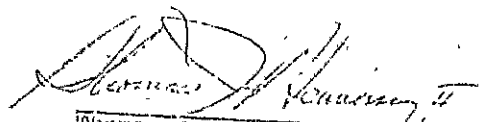
All weight and consideration has been given to the results of the market data approach, as this approach is considered the best indicator of market value in properties of this age and type.

The cost approach was not considered meaningful in this case due to the age of most of the improvements and the resulting difficulty in accurately estimating accrued depreciation.

The income approach was not considered meaningful because the subject property is not of a type commonly purchased or held primarily for its ability to produce income.

Based on the above considerations, the final value estimate as of June 30, 1981 is \$85,000.

July 13, 1981



Thomas J. Hennessy, III
Appraiser

QUALIFICATIONS
of
Thomas J. Hennessy, III

Presently engaged in real estate appraising in Maine and New Hampshire. Assignments have included residential, commercial, industrial, rural, and special purpose properties for federal, state and local agencies, as well as banks, attorneys, corporations, and other private clients.

Employment

1973 - Present	Appraiser, Thomas J. Hennessy, Jr., Associates
1972 - 1973	Residential Builder, Greater Portland, Maine, area
1968 - 1971	Project Coordinator, U.S. Peace Corps
Summers & Part-Time	Appraisal Assistant, Thomas J. Hennessy, Jr., Associates and Sawyer-Hennessy Company

Education

Graduated	Union College, 1968, B.S. Degree
Completed	Appraising the Residential Property University of Maine May 16, 1973
	Real Estate Law, CSM 90 University of Maine August 21, 1973
	Real Estate Practice, CSM 91 University of Maine December 17, 1973
	Marshall Valuation Service Seminar Portland, Maine September 28, 1973
	Appraisal of Industrial Machinery and Equipment Small Business Administration Augusta, Maine December 6, 1974

License

Real Estate Broker - Maine

Designation

Veterans Administration Fee Appraiser

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

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

Ms. Blanche M. Labrie, owner of property at 489-495 Deering Ave. Cor.
of 141-147 Coyle St.

under the provisions of Section 602.24 C of the Zoning Ordinance of the City
of Portland, hereby respectfully petitions the Board of Appeals to permit:

Change of Use of the 3-family apartment house, at the above named location, to a 4-family
apartment house not issuable under the Zoning Ordinance because the area of the lot on
which this building is located is only about 9,961 sq. ft. rather than the 12,000-sq. ft.
minimum required by Section 602.6.B.8 (3,000 sq. ft. per family) Space & Bulk Appeal
Section 602.24.C.3.b.1.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of
Appeals finds that the conditions imposed by Section 602.24 C(3)(b)(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 attach-
ed hereto as Exhibit A.

Blanche M. Labrie
APPELLANT

602.24 c(3)(b)(1) Space and Bulk Variances other than for Dwelling Unit Conversions:

- (a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.
- (b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.
- (c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of this property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision.
- (d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision.
- (e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

APPLICATION FOR VARIANCES FOR DWELLING UNIT CONVERSIONS

Ms. Blanche M. Labrie, owner of property at 489-495 Deering Ave. Cor.
of 141-147 Coyle St.

under the provisions of Section 602.24 C of the Zoning Ordinance of the City of
Portland, hereby respectfully petitions the Board of Appeals to permit:

Change of Use of the 3-family apartment house, at the above named location, to a 4-family
apartment house not issuable under the Zoning Ordinance because such a use is not permitted
under Section 602.6.A of the Ordinance applying to the R-5 Residential Zone in which this
property is located. Dwelling Unit Conversion Appeal, Section 602.24.C.3.b.2.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds
that the conditions imposed by Section 602.24 C(3)(b)(2) of the Zoning Ordinance have
been met. (See reverse 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.

Blanche M Labrie
APPELLANT

602.24 C(3)(b)(2)

Variance for Dwelling Unit Conversions.

50 cc
3-6 week

- (a) The subject property consists of a structure which by reason of its size or the size of the lot on which it is located could legally accommodate more dwelling units than are permitted in the residential zone where it is located.
- (b) By reason of its age, condition or marketability, the structure cannot be economically used or maintained if used for no more than the number of dwelling units permitted in the residential zone where it is located.
- (c) The existing uses in the immediate vicinity of the subject property are not of such nature and condition as to justify rezoning a reasonable area in the vicinity of the subject property to a classification which would permit the economic use and maintenance of the subject property.
- (d) Adequate provision has been made for on-site or off-site parking spaces in a number sufficient to meet the requirements of Section 602.14. If the variance is granted, it would comply with all other provisions of this ordinance and all other codes or ordinances of the City or meets the requirements for a variance of those provisions.
- (e) The conversion of the subject property so as to accommodate more dwelling units than are permitted in the zone in which it is located would not significantly interfere with the use and enjoyment of other land in the vicinity.
- (f) None of the foregoing conditions have been deliberately created by, or with the consent or acquiescence of, the owner, his predecessors in title, or any user of the property in order to bring the subject property within the standards of this section and no alternative available to the owner other than a variance to permit an increase in the permitted number of dwelling units would suffice to permit the economic use and maintenance of the subject property.

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
GAIL D. ZAYAC

All persons interested either for or against this Dwelling Unit Conversion and Space and Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, May 12, 1983 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 subject property, as required by ordinance.

Ms. Blanche M. Labrie, owner of the property at 489-495 Deering Avenue Corner of 141-147 Coyle Street, under the provisions of Section 602.24.C of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit change of use of the 3-family apartment house, at the above named location, to a 4-family apartment house not issuable under the Zoning Ordinance for the following reasons:

- (1) The area of the lot on which this building is located is only about 9,961 sq. ft. rather than the 12,000 sq. ft. minimum required by Section 602.6.B.8 (3,000 sq. ft. per family) Space & Bulk Appeal Section 602.24.C.3.b.1.
- (2) Such a use is not permitted under Section 602.6.A of the Ordinance applying to the R-5 Residential Zone in which this property is located. Dwelling Unit Conversion Appeal, Section 602.24.C.3.b.2.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24.C (3) (b) (2) and Section 602.24.C. (3) (b) (1) of the Zoning Ordinance have been met.

Eugene S. Martin
Secretary

jmr

- 125-K-2 - Angela M. Evans - 32 Lincoln St. 04103
- 125-K-4 - John R. & Theresa F. Botto - 28 Lincoln St. 04103
- 125-K-3 - Dorothy McCracken - 139 Coyle St. 04103
- 125-J-3 - Eugene J. Cumiskey, Jr. - 95 Maher Ave., Greenwich, Conn. 06830
- 125-J-9 - The Dartmouth Co. - Four Canal Plaza 04101 - P.O. Box P.O. Box 4570 - 04112
- 125-D-2 - William L. Redding - 492 Deering Ave. 04103
- 125-F-5 - Francis C. & Louise A. Codgan - 494 Deering Ave. 04103

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
GAIL D. ZAYAC

May 16, 1983

Mrs. Blanche M Labrie
491 Deering Avenue
Portland, Maine

cc to: Debroah & Willard Viola
6 Rhonda Drive
Scarboro, Maine

cc to: Art Smith
C/O Century 21 Real Estate
904 Broadway
South Portland, Maine 04106

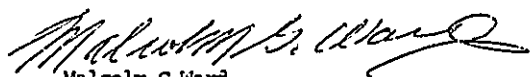
RE: Appeal at 489-495 Deering Ave. Cor 141-147 Coyle Street

Dear Mrs. Labrie:

Attached is the decision of the Board of Appeals regarding your petition to change the use of the above named location from 3 to 4 families. Please note that your appeal was granted.

Also, before your permit can issued, you must pay the permit fee itself. Make all checks payable to City of Portland.

Very truly yours,


Malcolm G Ward
Zoning Enforcement Officer

MG/t

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

SPACE AND BULK VARIANCE APPEAL

7. Findings of Fact

- A. Applicant Ms. Blanche M. Labrie
- B. Property Location 489-495 Deering Ave. Corner of 141-147 Coyle St.
- C. Applicant's Interest in Property:
 Owner
 Tenant
 Other _____
- D. Property Owner same
- E. Owner's Address 491 Deering Avenue, Portland, Maine 04103
- 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-1 I-2 I-2b I-3 I-3b I-4
RPZ W-1
- G. Site Plan Approval required _____
- H. Present Use of Property 3-family
- I. Section(s) to Which Variance Related 502.6.B.8
- J. Reasons Why Permit Cannot be Issued Area of lot is only about
9,961 sq. ft. rather than 12,000 sq. ft. min. required.
- K. Requested Variance Would Permit change of use from 3-fam. to
4-fam.
- L. Notice Sent to _____ Adjacent Property Owners

II. Appearances

A. Those Advocating Variance

B. Those Opposing Variance

Art Smith - Realtor
Mr. Robin Jones

(Attachments, As Necessary)

III. Exhibits (Any documents, photos, plans, further findings of fact, etc. presented to the Board as part of its records)

Letters from: Coogan & Co. - attached

IV. Reasons for Decisions - Undue Hardship (The following checklist relates with the Board of Appeals hardship definitions for Space and Bulk variances as contained in Section 602.24C 3.b.(1) (a) through (e)

A. The parcel is exceptional due to physical characteristics or topographic features which amount to more than a mere inconvenience

Yes/Agreement with statement

No/Disagreement with statement

Reasons lot is larger than most with larger
house than most in neighborhood

B. If yes, the unique physical conditions: (Check One)
Sec. 602.24C 3.b.(1) (b)

Existed at the time of the enactment of the provision from which a variance is sought; or

Were caused by natural forces; or

Were the result of governmental action

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 Variations have been granted in
Sanborn Plot size & location situations

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 5/12/83, 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) _____

() Disapproval - All conditions required by Sec.602.24C 3.b. (1) do not exist with respect to this property, as evidenced by one or more negative responses to statements set forth in IV. A. through IV. E. above, and that a space and bulk variance should not be granted in this case.

VI. Signatures of Board

For

Engene Martin Chairman
Jacqueline Cohe
Joseph D. Jase
Thomas Murphy

Against

Richard S. White
Merrill A. DeLizer
John R. Clark

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

VARIANCE FOR DWELLING UNIT CONVERSIONS

Findings of Fact

The applicant is Ms. Blanche M. Labrie and he is interested in the
property located at 489-495 Deering Ave. Cor. 141-147 Coyle St. as 4-family.

The owner of the property is Ms. Blanche M. Labrie and his address is
491 Deering Ave., Portland, Me.. The property is located in a R-5 Zone.

The present use of the property is 3-family.

The applicant respectfully petitions the Board of Appeals for a variance
from the provision of Section 602.6.A of the Ordinance to permit change
the use of the 3-family apartment house to a 4-family apartment house.

Further Findings of Fact

Appearances

The names and addresses of those appearing in support of the application

are: Art Smith - Realtor
Mrs. Labrie owner

and the names and addresses of those appearing in opposition to the application are:

Exhibits

The documentary evidence presented to the Board, including, but not by way
of limitation, plans, specification, photographs, etc. consisted of the following:

Letter from: Gregory A. Under attached

REASONS FOR DECISIONS

The subject property consists of a structure which by reason of its size or the size of the lot on which it is located (3) (4) (could/could not) legally accommodate more dwelling units than are permitted in the residential zone where it is located as evidenced by: Size of house

By reasons of its age, condition or marketability, the structure (3) (4) (can/can not) be economically used or maintained if used for no more than the number of dwelling units permitted in the residential zone where it is located for the following reasons: Market Appraisal and return

The existing uses in the immediate vicinity of the subject property (3) (are not) of such a nature and condition as to justify rezoning a reasonable area in the vicinity of the subject property to a classification which would permit the economic use and maintenance of the subject property, because:

..... Adequate provision (3) (has/not) been made for on-site or off-site parking spaces in a number sufficient to meet the requirements of Section 602.14, which requires 4 parking spaces.....

If the proposed variance should be granted, it (will/will not) comply with all other provisions of this ordinance and all other codes or ordinances of the City or meet the requirements for a variance of those provisions.

The conversion of the subject property so as to accommodate more dwelling units than are permitted in the zone in which it is located (would/would not) significantly interfere with the use and enjoyment of other land in the vicinity as evidenced by:

The foregoing conditions (3) (4) (have/have not) been deliberately created by, or with the consent or acquiescence of, the owner, his predecessors and title, or any user of the property in order to bring the subject property within the standards of this section, as shown by: _____

There (3) (4) (is/as not) any alternative available to the owner, other than a variance to permit an increase in the number of dwelling units, which would suffice to permit the economic use and maintenance of the subject property because of the following: _____

SPECIFIC RELIEF GRANTED

After a public hearing held on 5/12/83, the Board of Appeals find that all of the conditions required by the Ordinance (do/do not) exist with respect to this property and that a variance for dwelling unit conversion should _____ be granted in this case.

It is therefore determined that a variance from the provisions of the Zoning Ordinance should _____ be granted in this case.

Against	For	Eugene J. Martin
Philip B. Cabot	Jaqueline Oke	
Myrtle A. Nelson	Carol D. Payne	
James E. Slattery	_____	_____



CITY OF PORTLAND

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

6/30/83

Mrs. Blanche M. Labrie
491 Deering Ave.
Portland, Maine

Dear Mrs. Labrie:

Your application to change the use of 489-491 Deering Ave., Portland, Maine has been reviewed and a building permit is herewith issued subject to the following building and fire code requirements.

1. All doors involved in the means of egress shall be equipped with latch sets which shall open from the inside without the use of keys, special knowledge or ability, but by merely turning the usual knob or by pressure on a plate or lever.
2. The boiler room shall be enclosed with construction having a fire rating of at least one hour, including the ceiling, and fire doors with self-closers.
3. All vertical openings (stairways) shall be enclosed with construction having a fire rating of at least one hour including fire door with self-closers.
4. Each apartment shall be equipped with a single station smoke detector wired to the house current. These detectors shall be placed in a manner which will protect the sleeping areas.
5. Each apartment shall have access to two separate and remote approved exits. Upon entering the exit enclosures, one shall be able to remain in the protected enclosure until reaching the building exterior.
6. Each apartment shall have a one hour separation from the adjoining apartments and corridors.

If you have any questions on these requirements, please call this office.

Sincerely,

P. Samuel Hoffses
Chief of Inspection Services

APPLICATION FOR PERMIT

PERMIT ISSUED

B.O.C.A. USE GROUP

JUL 1 1983

B.O.C.A. TYPE OF CONSTRUCTION 00661

ZONING LOCATION ... PORTLAND, MAINE April 26, 1983

CITY OF PORTLAND

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 ... 489-491 Deering Avenue Corner 141-147 Coyle Street
1. Owner's name and address Mrs. Blanche M Labrie - 491 Deering Ave. Fire District #1 [] #2 []
2. Lessee's name and address Willard H. & Deborah H. Viola - 6 Rhonda Drive Telephone ... 883-3351
3. Contractor's name and address Art Smith - Century 21 Real Estate - Scarborough Telephone ... 799-8551
Proposed use of building ... 904 Broadway, So. Portland No. of sheets ...
Last use ... No. families ...
Material ... No. stories ... Heat ... Style of roof ... Roofing ...
Other buildings on same lot ...
Estimated contractual cost \$ 3,000.00

FIELD INSPECTOR - Mr. @ 775-5451

Appeal Fees \$ 100.00
Base Fee Change of Use 25.00
TOTAL \$ 100.00 plus 25.00 = \$125.00

Change of use from 3 to 4 families, with new apt

Appl maintained 5-12-83

Stamp of Special Conditions

PERMIT ISSUED WITH LETTER

This application is preliminary to not call of the question of zoning appeal. In the event the applicant is required to furnish complete information, estimated cost and pay appeal fees.

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

ISSUE PERMIT TO #2

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 Girders 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? height?

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

MISCELLANEOUS

BUILDING INSPECTION - PLAN EXAMINER Will work require disturbing of any tree on public street?
ZONING: Building Code: Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed?
Fire Dept.: Health Dept.: Others:

Signature of Applicant Kathy Bartlett Phone # 799-8551
Type Name of above Kathy Bartlett for Century 21 Real Estate

Other and Address

PERMIT ISSUED WITH LETTER

FIELD INSPECTOR'S COPY

APPLICANT'S COPY

OFFICE FILE COPY

Handwritten signature: WILLIAMS

NOTES

12-8 Mrs. LARIE NO LONGER
OWNS THE BLDG. ONE OF THE
TENANTS STATE THAT HE HAS A
SMOKE DETECTOR IN HIS APT. THE
OTHER UNITS WERE UNAVAILABLE
FOR INSPECTION. WILL CONTACT
THE NEW OWNER TO MAKE AN
APPOINTMENT TO GO THRU THE
BLDG T/W
1-9 WORK COMPLETE T/W

Alteration

Garage

Dwelling

Approved

Date of permit

Owner

Location

Permit No.

83/661

489-4914 Commercial

Blanchard, Seattle

4-26-83

7-1-83

Change of use 37 V

~~Empty lined area for notes, crossed out with a large X.~~

April 26, 1983

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

Re: 491 Deering Avenue, Portland, Maine

Dear Chairperson & Members:

Enclosed you will find necessary material per your requirements to apply for an appeal. The following material is herewith submitted in each of eight separate packets:

1. Explanation of what we want to do.
2. Answers to the questions on the back of the release form.
3. Plot plan showing parking with building on lot.
Floor plans
4. Photo of property
5. Application fee attached

Sincerely,
Willard Viola
Deborah Viola
Willard Viola and
Deborah Viola

bjs

enclosures

check attached

PROPERTY AT 491 DEERING AVENUE, PORTLAND, MAINE

This is a quality structure built around the turn of the century. It has been kept in excellent shape, repaired and updated where necessary.

The seller is a widow who has retired from working and cannot afford or accept the necessary commitment to hold on to the property.

The value of the property is best determined by its income production and that income production should be measured by available sq. ft. and rooms in the total unit.

Presently as a three-family, the income produced would not be sufficient or a practical investment, or affordable for most owner-occupied buyers.

For a non-occupied owner-investor who would be looking for a tax advantage, it too would be too great a cash loss.

Costly items of expenses:

The additional income is necessary to pay for the central oil heat

The 3-story building is costly for repairs as roof, painting, glass because the service people have to work from high ladders or staging. It is necessary to protect the quality of the building - keep it in good repair, keep the interior facilities up-to-date and in good condition - to provide a fair return or investment (at least to the break even point) for the investor.

If these things can be accomplished and the investor has the resources and desire to meet the challenge, then we can provide for an appropriate marriage of accomplishment and, hopefully, your goals as well as the investor's are met.

The potential Buyers of this property have the resources. Not only are they youthful but also they are experienced with apartment ownership. They have been very practical and cautious in their selection of potential properties to purchase.

They now own a 3-family unit on Atlantic Street, Portland, Maine, in the Munjoy Hill area that is in excellent condition and has a record of excellent occupancy. They own a duplex a couple of doors from St. Joseph's Parish on Stevens Avenue, Portland, Maine. Their present home in Scarborough, Maine, is valued at \$125,000. Mr. Viola has grown in his employment and has a very optimistic future in that his income has consistently grown and he earns in excess of \$50,000 per year. For the last few years, even with three & four family deductions, he pays over \$20,000 per year in income taxes.

With this type of investment, the Violas will reduce their income tax commitments; and the City of Portland will gain with an investor who has the resources to keep the property in good condition.

PROPERTY AT 491 DEERING AVENUE, PORTLAND, MAINE

Our plans are to create one more living space in this present three-family dwelling on the first floor.

Presently this space consists of a double living room, formal dining room, large eat-in kitchen, bedroom and a full bathroom. Our plans call for making two living areas on the first floor.

The left side of the building would have a large living room, eat-in kitchen and bedroom with the present full bathroom.

The second apartment would have a living room with kitchenette, a large bedroom and a full bathroom to be installed in the hallway with a fan-heater.

A new rear entrance would be made for the new apartment from a rear bedroom window.

One common front entrance would be shared by all four apartments. The entrance is through an enclosed sunporch into a large entry foyer hall. The hall has a wide stairway leading to the two second floor apartments.

All apartments would have rear and front entrances and exits.

A plot plan of the available existing parking is designated - four spaces in the present driveway and two spaces in the garage as extra spaces.

Each living area is described as follows:

- 1. First floor, left side: living room, kitchen, bedroom & bath. All good size rooms; complete, modern up-to-date kitchen and bathroom facilities. sq.ft. 577*
- 2. First floor, right side: combination living room with kitchen & dining facilities. This is a large room and can afford such an arrangement. The bedroom is a large room with three glazed bay window. A new bath shall be installed with toilet, lavatory and shower. sq.ft. 525*
- 3. Second floor, left side: existing apartment now consisting of living room, bedroom, separate kitchen and dining, den or additional bedroom, and full bathroom. sq.ft. 553*
- 4. Second floor, right side: existing apartment consisting of living room, bedroom, kitchen, dining and full bathroom. sq.ft. 507*

PROPERTY AT 491 DEERING AVENUE, PORTLAND, MAINE

Answers in the affirmative to the questions on the back of the release form.
602.24 (3)(b)(2)

(a) The property has more than adequate square footage to accommodate as many as six units in the main structure (3500 sq.ft.) and an additional unit in the garage loft (600 sq.ft.). There is adequate space for parking in the existing driveway and garage for 5-6 spaces, 9' x 19' each. There is separate yard space for leisure use and most adequate to provide an additional entrance in the rear. The size of the dwelling is common to the neighborhood and there are many other dwellings with more than 4 units in the area.

(b) This property was built somewhere around the turn of the century. The present owner has owned and lived in the property for 22 years. It was in use as a 3-family at the time she purchased it. If these governmental restrictions are enforced upon her, she will be extremely limited as to potential buyers for her property.

(c) The size of the structure is common to the area. It is not uncommon to find properties with more than four units within sight of this property or on the surrounding streets.

(d) There is adequate space for five parking spaces in the existing driveway and garage.

(e) This is a corner lot with defined boundaries by fenced and shrubs. The granting of this appeal would not interfere with the neighbors, neighborhood, or the other occupants within the dwelling.

(f) Twenty-two years ago, when the owners purchased the property, their family consisted of husband, wife, and six children. Their living area consisted of the entire first floor (five rooms) and the third floor (five bedrooms plus a bathroom). The second floor consisted of two apartments which they rented out.

Now, the owner's husband is deceased, her children are grown and moved away, and she has retired - living on fixed retirement income. The operating expenses have increased drastically and the physical strain of concern for this size structure is overwhelming for her. She finds it very necessary to sell the property.

The present income from the property and its expenses provide the owner/seller with \$1244 profit because the property has no indebtedness (no mortgage payments). May we point out that this is not an adequate profit for the owner; for a sudden breakdown could take all her reserve, however, her greatest concern is the burden.

A new owner-buyer taking over the property as it is would have annual income of \$11,750 and expenses of \$13,562 (\$5,918 expenses plus \$7,644 annual mortgage payments) for a loss of \$1800 per year. With the additional apartment being requested, the new owner would only break even!

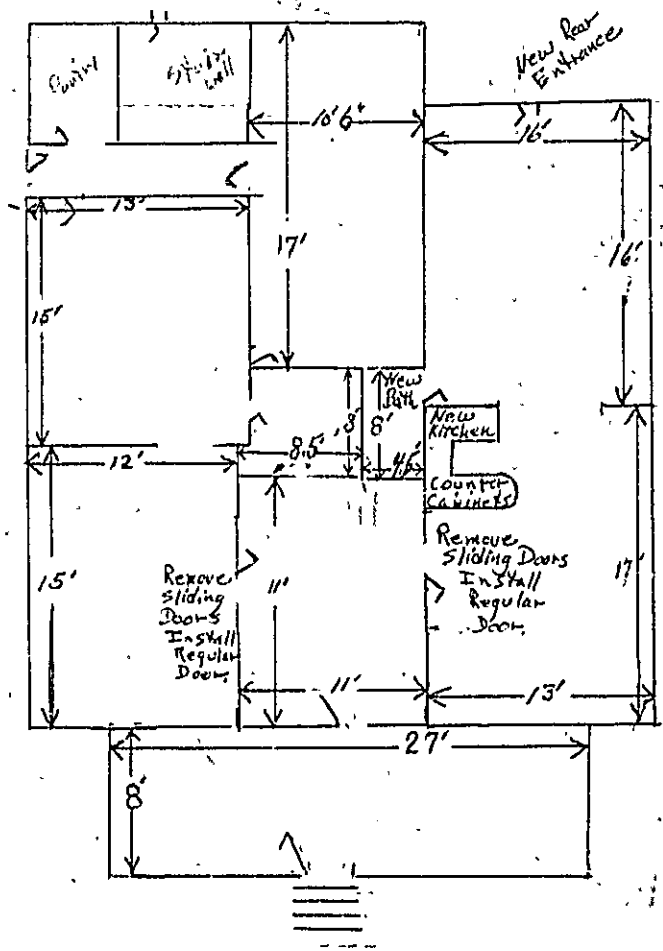
PROPERTY AT 491 DEERING AVENUE, PORTLAND, MAINE

Answers to questions 602.24 C(3) (b) (1) Space and Bulk Variances other than for Dwelling Unit Conversions:

- (a) The subject lot is exceptional as compared to other lots subject to the same provision by reason of unique physical condition in that it is a corner lot; and in the rear there is a good sized area with shrubs, flowers, and trellis for gardening or leisure use; and, in addition, there is a completely separate area for parking that is blocked away from the rear yard by the garage and house.*
- (b) The aforesaid unique physical condition of the lot or parcel always existed, even when the house was a single unit. But this feature is an advantage now that it is a multi-unit living dwelling and therefore the lot can practically withstand the demands of a fourth living unit on the lot.*
- (c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot the opportunity to market her property or cause her to suffer from reduced income that a property of this size should enjoy or expect.*
- (d) The owner or future buyer of this property will enjoy no more special privilege than that which is already afforded to others throughout that same zone in this part of the city or in many others.*
- (e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance because there is adequate lot space due to the way this lot is laid out so as not to injure or interfere with others in the neighborhood.*



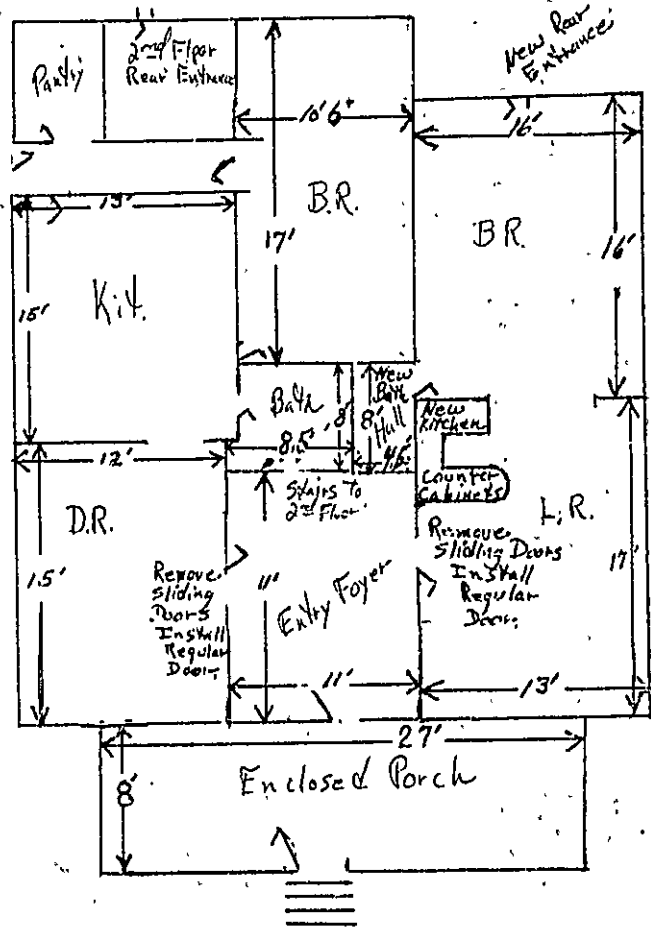
REAR



FRONT

Existing Room arrangement
First Floor

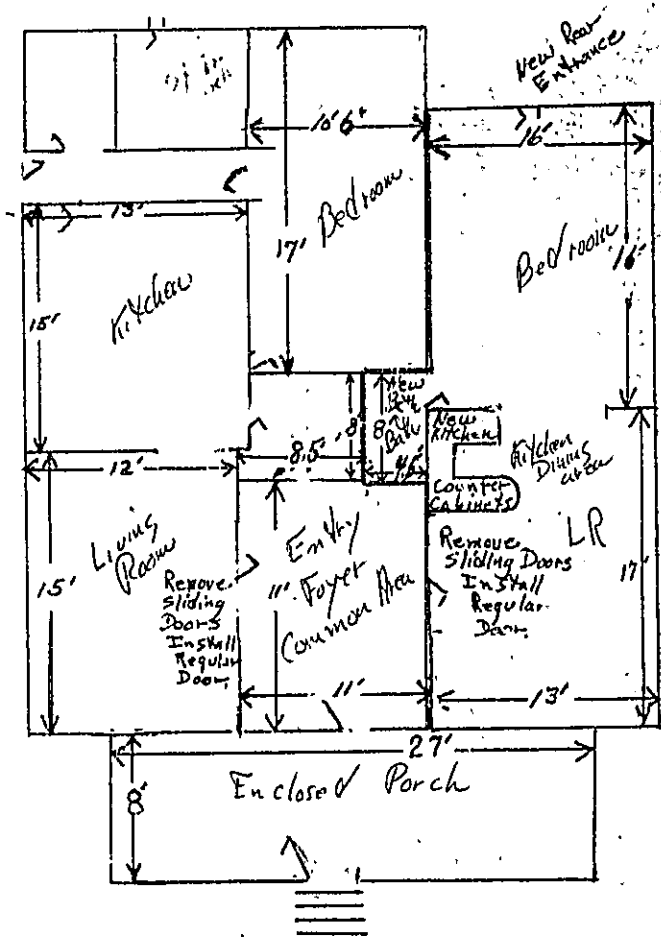
REAR



FRONT

New Room Arrangement

REAR



FRONT

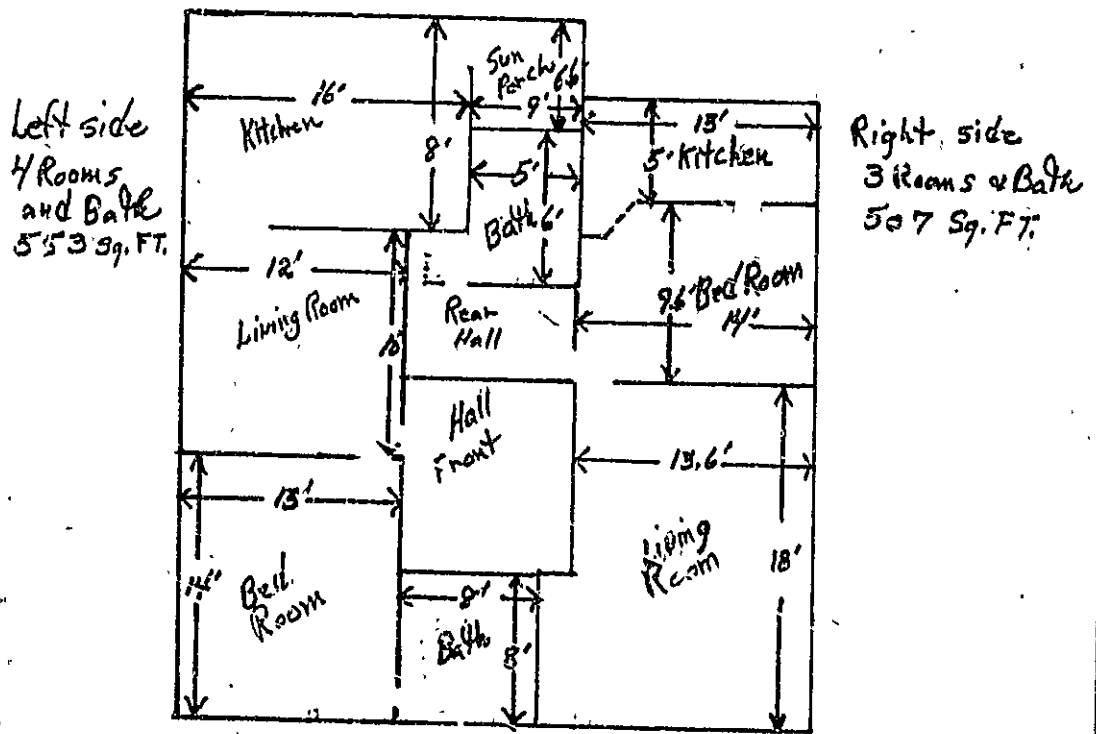
Not to Scale

491 DEERING AVE
Portland

SECOND FLOOR APARTMENTS

Present Arrangement of rooms
and no change planned

REAR

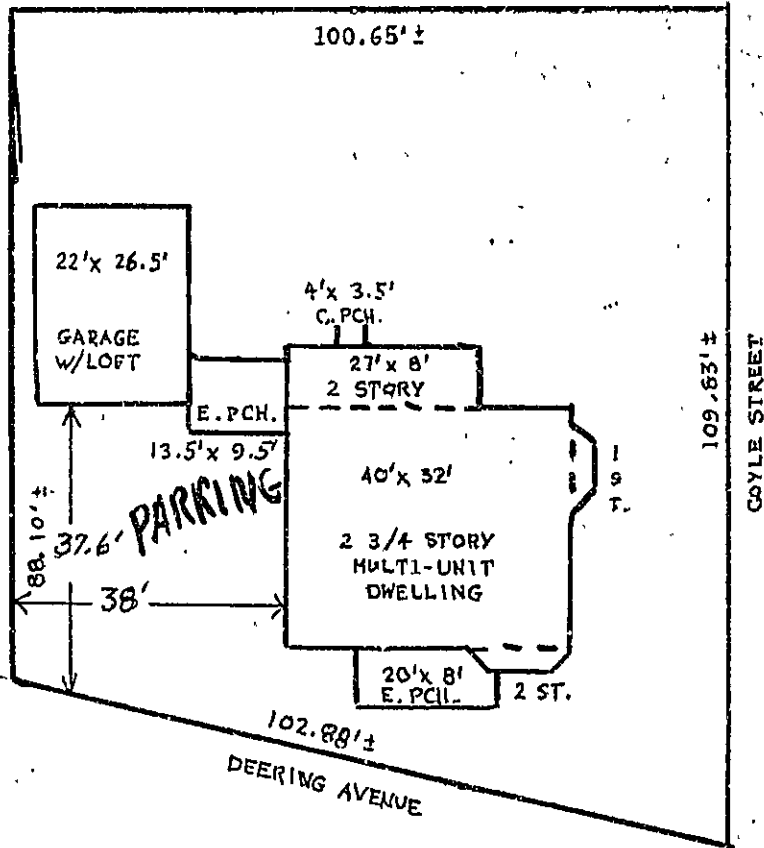


Left side
4 Rooms
and Bath
553 Sq. FT.

Right side
3 Rooms & Bath
507 Sq. FT.

FRONT

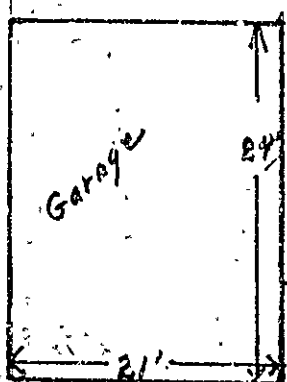
PLOT PLAN



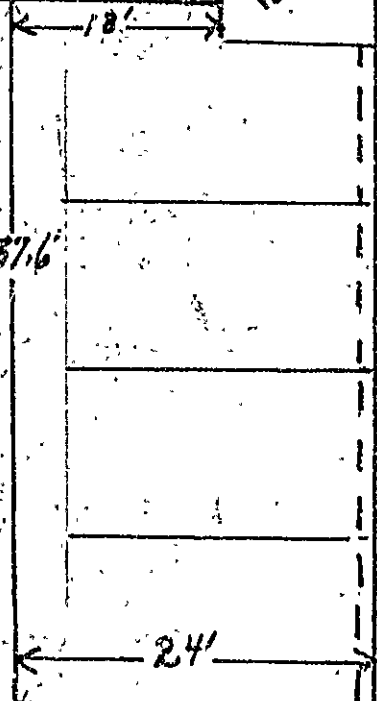
LOT FROM
ASSESSOR'S CHART
SCALE: 1" = 20' ±

Lot Line

PARKING AREA



Enclosed Porch



House

FINANCIAL ANALYSIS STATEMENT

	Yearly Expenses Before Conversion* <u>PRESENT OWNER</u>	Yearly Expense After Conversion <u>NEW OWNER</u>
Yearly mortgage or loan debt service (exclude equity)		
Amount of Mortgage _____	none	\$ 65,000
Dates of Term _____	none	25 yrs.
Interest Rate _____	none	11%
Total Cost of Conversion _____	--	\$ 2,000
Real Estate Taxes _____	\$ 1500	\$ 1500
Insurance (exclude personal property) _____	150	\$ 400
Water and Sewer (only renter(s) costs) _____	200	600
Heat (only if you pay tenant(s) heat costs) _____	2000	2000
Electricity (only if you pay tenant(s) electricity costs). _____	500	500
Legal _____	300	300
Audit _____	--	--
Trash removal _____	--	--
Maintenance _____	200	700
Repairs _____	--	--
Snow Removal _____	56	56
Lawn Care _____	--	--
Supplies _____	--	--
Payroll _____	--	--
Reserve for replacement _____	--	--
Reserve for vacancy _____	466	700
Advertising _____	50	50
Management and bookkeeping _____	--	100
TOTAL YEARLY COST _____	\$ 5,622	\$ 7,106
TOTAL RENTAL INCOME _____	\$ 6,960	\$ 11,760
	<u>PRESENT</u>	<u>PROPOSED</u>
No. of Apartments _____	3	4
Rents Apartment 1 _____	\$ 300	
Apartment 2 _____	\$ 250	proposed unit
Apartment 3 _____	\$ 300	
Apartment 4 _____	\$ 280	

*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 cost is eligible if the owner occupies one unit.



CITY OF PORTLAND

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

6/30/83

Mrs. Blanche M. Labrie
491 Deering Ave.
Portland, Maine

Dear Mrs. Labrie:

Your application to change the use of 489-491 Deering Ave., Portland, Maine has been reviewed and a building permit is herewith issued subject to the following building and fire code requirements.

1. All doors involved in the means of egress shall be equipped with latch sets which shall open from the inside without the use of keys, special knowledge or ability, but by merely turning the usual knob or by pressure on a plate or lever.
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If you have any questions on these requirements, please call this office.

Sincerely,

P. Samuel Hoffses
Chief of Inspection Services

APPLICATION FOR PERMIT

PERMIT ISSUED

JUL 1 1983

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION 00661

ZONING LOCATION ... PORTLAND, MAINE April 26, 1983

CITY of PORTLAND

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 ... 489-491 Deering Avenue Corner 141-147 Coyle Street ... Fire District #1 , #2
1. Owner's name and address Mrs. Blanche M Labrie - 491 Deering Ave. Telephone ...
2. Lessee's name and address Willard H. & Deborah H. Viola - 6 Rhonda Drive, Scarborough Telephone ... 893-3351
3. Contractor's name and address Art Smi - Century 21 Real Estate 799-8551 Telephone ...
Proposed use of building 904 Broadway, So. Portland No. of sheets ...
Last use No. families ...
Material No. stories ... Heat ... Style of roof ... Roofing ...
Other buildings on same lot ...
Estimated contractual cost \$ 3,000.00

FIELD INSPECTOR—Mr. @ 715-5451

Appeal Fees, \$... 100.00
Base Fee Change of Use 25.00
TOTAL \$... 100.00 plus 25.00 = \$125.00

Change of use from 3 to 4 families, with new apt.

Appeal sustained 3-12-83

Stamp of Special Conditions

PERMIT ISSUED WITH LETTER

This application is preliminary to get settled the question of zoning appeal. In the event the appeal is sustained, the applicant will furnish complete information, estimated cost and pay legal fee.

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

ISSUE PERMIT TO #2

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. or centers
Stud (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? height?

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 MISCELLANEOUS
BUILDING INSPECTION—PLAN EXAMINER Will work require disturbing of any tree on a public street?
ZONING:
BUILDING CODE: Will there be in charge of the above work a person competent
Fire Dept. to see that the State and City requirements pertaining thereto
Health Dept. are observed?
Others:

Signature of Applicant Kathy Bartlett Phone # 799-8551

Type Name of above Kathy Bartlett for Century 21 Real Estate 1 2 3 4

Other and Address

PERMIT ISSUED WITH LETTER

APPLICANT'S COPY

OFFICE FILE COPY

Handwritten signature WILLIAMS

April 26, 1983

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

Re: 491 Deering Avenue, Portland, Maine

Dear Chairperson & Members:

Enclosed you will find necessary material per your requirements to apply for an appeal. The following material is herewith submitted in each of eight separate packets:

1. Explanation of what we want to do.
2. Answers to the questions on the back of the release form.
3. Plot plan showing parking with building on lot.
Floor plans
4. Photo of property
5. Application fee attached

Sincerely,
Willard Viola
Deborah Viola
Willard Viola and
Deborah Viola

bjs

enclosures

check attached

PROPERTY AT 491 DEERING AVENUE, PORTLAND, MAINE

This is a quality structure built around the turn of the century. It has been kept in excellent shape, repaired and updated where necessary.

The seller is a widow who has retired from working and cannot afford or accept the necessary commitment to hold on to the property.

The value of the property is best determined by its income production and that income production should be measured by available sq. ft. and rooms in the total unit.

Presently as a three-family, the income produced would not be sufficient or a practical investment, or affordable for most owner-occupied buyers.

For a non-occupied owner investor who would be looking for a tax advantage, it too would be too great a cash loss.

Costly items of expenses:

The additional income is necessary to pay for the central oil heat

The 3-story building is costly for repairs as roof, painting, glass because the service people have to work from high ladders or staging. It is necessary to protect the quality of the building - keep it in good repair, keep the interior facilities up-to-date and in good condition - to provide a fair return or investment (at least to the break even point) for the investor.

If these things can be accomplished and the investor has the resources and desire to meet the challenge, then we can provide for an appropriate marriage of accomplishment and, hopefully, your goals as well as the investor's are met.

The potential Buyers of this property have the resources. Not only are they youthful but also they are experienced with apartment ownership. They have been very practical and cautious in their selection of potential properties to purchase.

They now own a 3-family unit on Atlantic Street, Portland, Maine, in the Munjoy Hill area that is in excellent condition and has a record of excellent occupancy. They own a duplex a couple of doors from St. Joseph's Parish on Stevens Avenue, Portland, Maine. Their present home in Scarborough, Maine, is valued at \$125,000. Mr. Viola has grown in his employment and has a very optimistic future in that his income has consistently grown and he earns in excess of \$50,000 per year. For the last few years, even with three & four family deductions, he pays over \$20,000 per year in income taxes.

With this type of investment, the Violas will reduce their income tax commitments; and the City of Portland will gain with an investor who has the resources to keep the property in good condition.

PROPERTY AT 491 DEERING AVENUE, PORTLAND, MAINE

Our plans are to create one more living space in this present three-family dwelling on the first floor.

Presently this space consists of a double living room, formal dining room, large eat-in kitchen, bedroom and a full bathroom. Our plans call for making two living areas on the first floor.

The left side of the building would have a large living room, eat-in kitchen and bedroom with the present full bathroom.

The second apartment would have a living room with kitchenette, a large bedroom and a full bathroom to be installed in the hallway with a fan-heater.

A new rear entrance would be made for the new apartment from a rear bedroom window.

One common front entrance would be shared by all four apartments. The entrance is through an enclosed sunporch into a large entry foyer hall. The hall has a wide stairway leading to the two second floor apartments.

All apartments would have rear and front entrances and exits.

A plot plan of the available existing parking is designated - four spaces in the present driveway and two spaces in the garage as extra spaces.

Each living area is described as follows:

- 1. First floor, left side: living room, kitchen, bedroom & bath. All good size rooms; complete, modern up-to-date kitchen and bathroom facilities. sq.ft. 577*
- 2. First floor, right side: combination living room with kitchen & dining facilities. This is a large room and can afford such an arrangement. The bedroom is a large room with three glazed bay window. A new bath shall be installed with toilet, lavatory and shower. sq.ft. 525*
- 3. Second floor, left side: existing apartment now consisting of living room, bedroom, separate kitchen and dining, den or additional bedroom, and full bathroom. sq.ft. 553*
- 4. Second floor, right side: existing apartment consisting of living room, bedroom, kitchen, dining and full bathroom. sq.ft. 507*

PROPERTY AT 491 DEERING AVENUE, PORTLAND, MAINE

Answers in the affirmative to the questions on the back of the release form.
602.24 C(3)(b)(2)

(a) The property has more than adequate square footage to accommodate as many as six units in the main structure (3500 sq.ft.) and an additional unit in the garage loft (600 sq.ft.). There is adequate space for parking in the existing driveway and garage for 5-6 spaces, 9' x 19' each. There is separate yard space for leisure use and most adequate to provide an additional entrance in the rear. The size of the dwelling is common to the neighborhood and there are many other dwellings with more than 4 units in the area.

(b) This property was built somewhere around the turn of the century. The present owner has owned and lived in the property for 22 years. It was in use as a 3-family at the time she purchased it. If these governmental restrictions are enforced upon her, she will be extremely limited as to potential buyers for her property.

(c) The size of the structure is common to the area. It is not uncommon to find properties with more than four units within sight of this property or on the surrounding streets.

(d) There is adequate space for five parking spaces in the existing driveway and garage.

(e) This is a corner lot with defined boundaries by fenced and shrubs. The granting of this appeal would not interfere with the neighbors, neighborhood, or the other occupants within the dwelling.

(f) Twenty-two years ago, when the owners purchased the property, their family consisted of husband, wife, and six children. Their living area consisted of the entire first floor (five rooms) and the third floor (five bedrooms plus a bathroom). The second floor consisted of two apartments which they rented out.

Now, the owner's husband is deceased, her children are grown and moved away, and she has retired - living on fixed retirement income. The operating expenses have increased drastically and the physical strain of concern for this size structure is overwhelming for her. She finds it very necessary to sell the property.

The present income from the property and its expenses provide the owner/seller with \$1244 profit because the property has no indebtedness (no mortgage payments). May we point out that this is not an adequate profit for the owner; for a sudden breakdown could take all her reserve, however, her greatest concern is the burden.

A new owner-buyer taking over the property as it is would have annual income of \$11,760 and expenses of \$13,562 (\$5,918 expenses plus \$7,644 annual mortgage payments) for a loss of \$1800 per year. With the additional apartment being requested, the new owner would only break even!

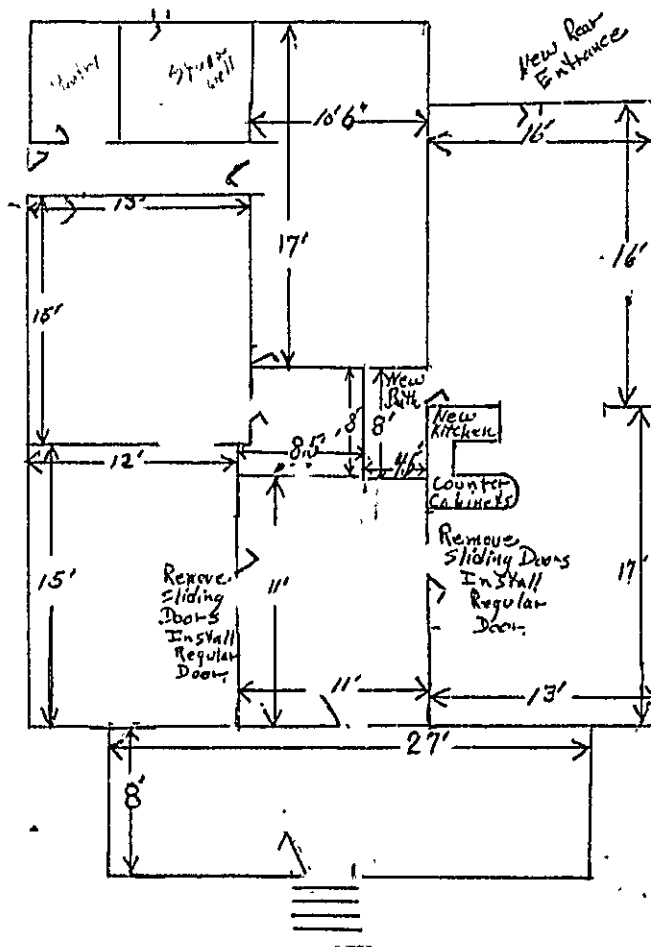
PROPERTY AT 491 DEERING AVENUE, PORTLAND, MAINE

Answers to questions 602.24 C(3) (b) (1) Space and Bulk Variances other than for Dwelling Unit Conversions:

- (a) The subject lot is exceptional as compared to other lots subject to the same provision by reason of unique physical condition in that it is a corner lot; and in the rear there is a good sized area with shrubs, flowers, and trellis for gardening or leisure use; and, in addition, there is a completely separate area for parking that is blocked away from the rear yard by the garage and house.*
- (b) The aforesaid unique physical condition of the lot or parcel always existed, even when the house was a single unit. But this feature is an advantage now that it is a multi-unit living dwelling and therefore the lot can practically withstand the demands of a fourth living unit on the lot.*
- (c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot the opportunity to market her property or cause her to suffer from reduced income that a property of this size should enjoy or expect.*
- (d) The owner or future buyer of this property will enjoy no more special privilege than that which is already afforded to others throughout that same zone in this part of the city or in many others.*
- (e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance because there is adequate lot space due to the way this lot is layed out so as not to injure or interfere with others in the neighborhood.*



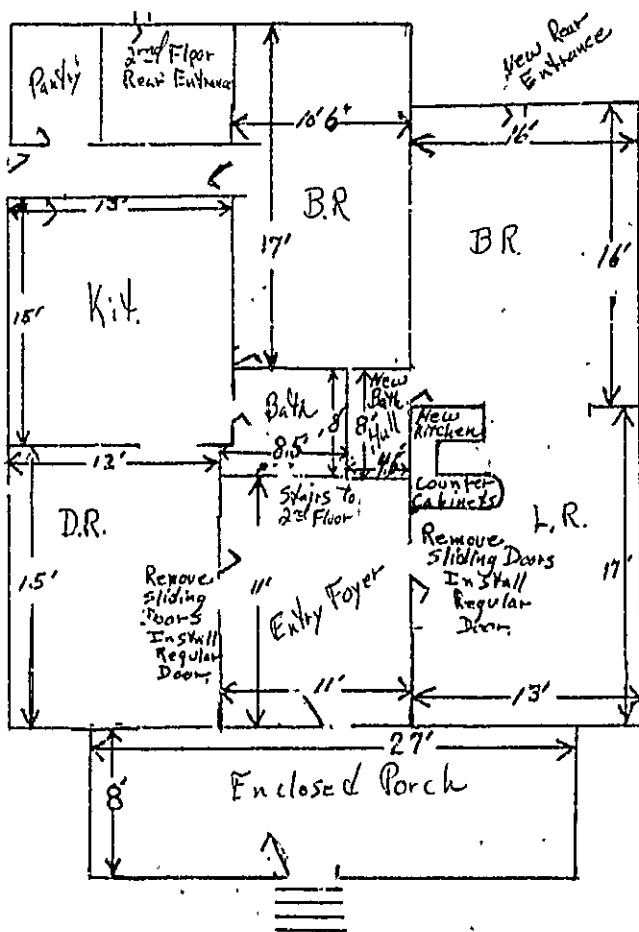
REAR



FRONT

Existing Room arrangement
FIRST FLOOR

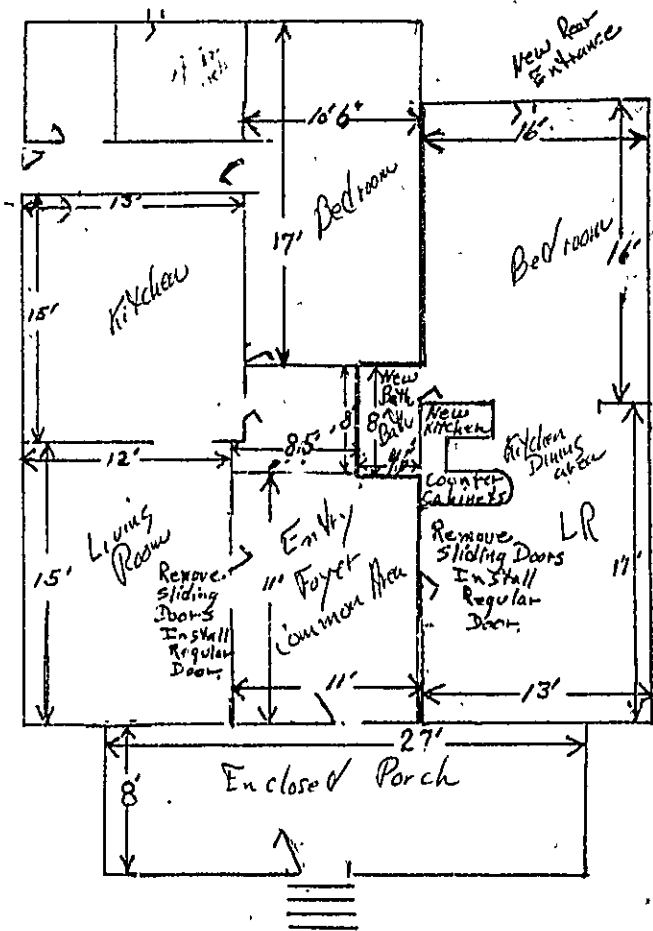
REAR



FRONT

New Room & augment

REAR



FRONT

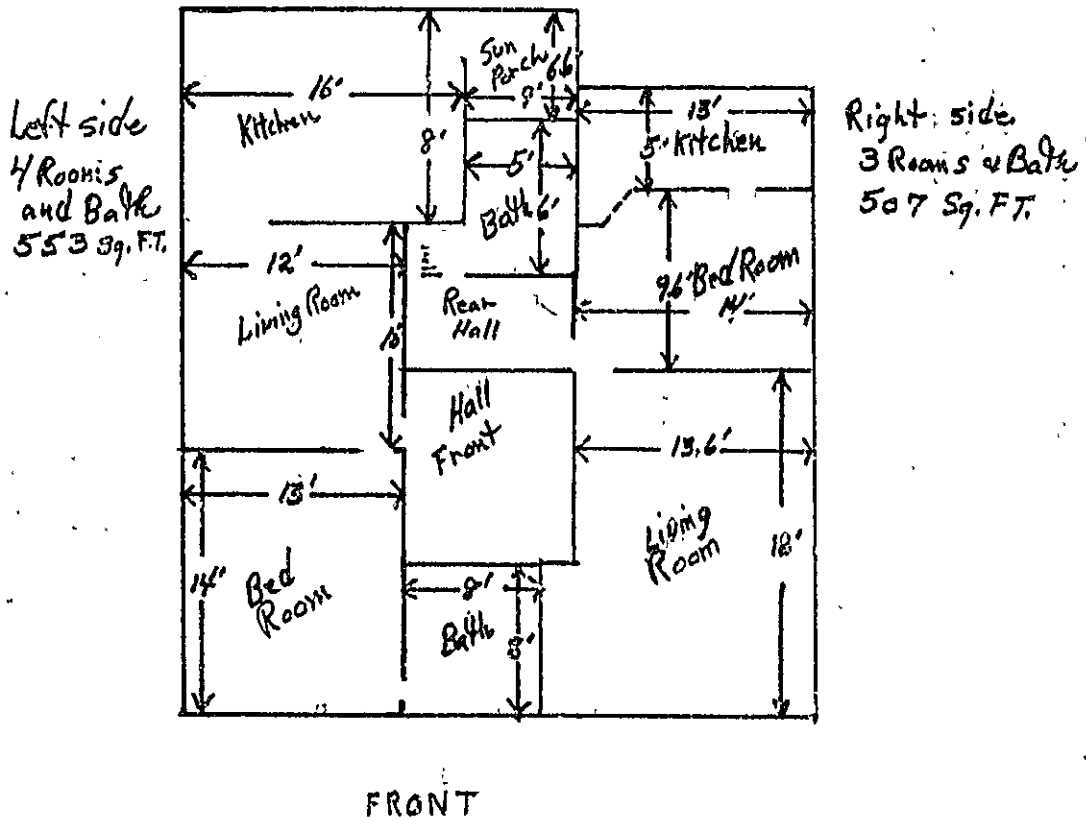
Not to Scale

491 DEERING AVE
Portland

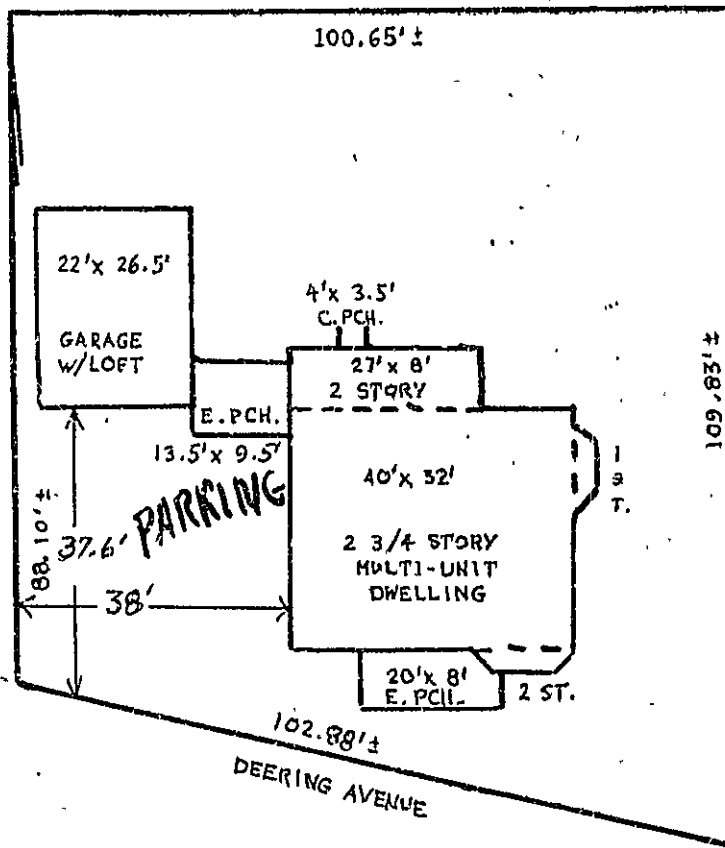
SECOND FLOOR APARTMENTS

Present Arrangement of rooms
and no change planned

REAR



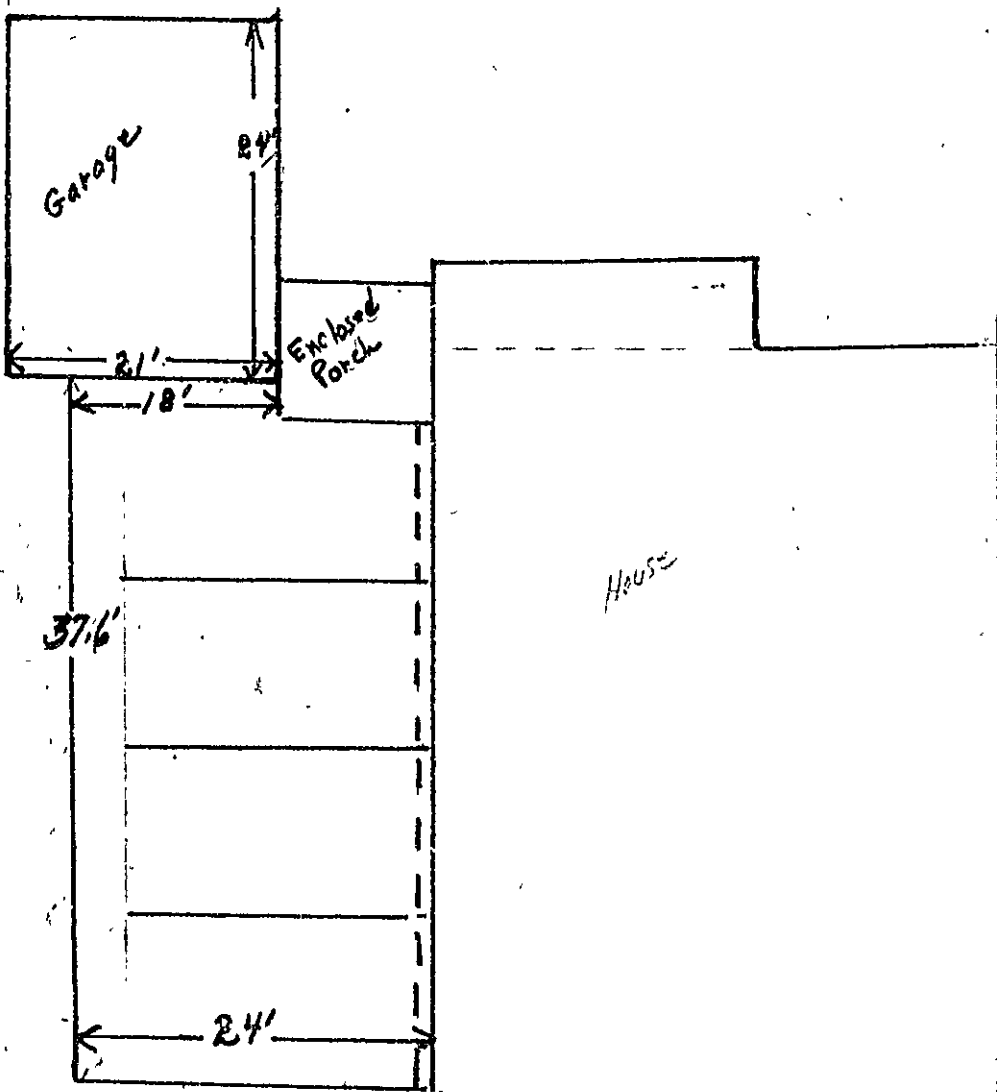
PLOT PLAN



LOT FROM
ASSESSOR'S CHART
SCALE: 1" = 20' ±

Lot line

PARKING AREA





CITY OF PORTLAND, MAINE

389 CONGRESS STREET
PORTLAND, MAINE 04101
(207) 874-8300

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

P. SAMUEL HOFFSES, CHIEF
INSPECTION SERVICES DIVISION

491 Deering Avenue

March 1, 1990

Willard and Deborah Viola
6 Rhonda Drive
Scarborough, Maine 04074

Dear Mr. and Mrs. Viola:

This office has been advised that there are several code violations concerning your use of the property at 491 Deering Avenue. In checking on the number of legal apartments, it has been revealed that there are four apartments in the building where only two dwelling units should be according to records in this office.

There are also four rooms or lodging units on the third floor with hot plates in a make shift kitchen. There are no fire doors and there is only one means of egress from the third floor, which is contrary to the fire prevention code. No smoke detectors were operating.

Please advise this office within ten days concerning the action you intend to take regarding the above violations of the Zoning Ordinance and the Life Safety Code. Failure to take action on this matter will result in our turning the matter over to the City's Corporation Counsel for legal action.

Sincerely,

Warren J. Turner
Warren J. Turner
Administrative Assistant

cc: Doris Hohman, Director of Health and Social Services
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffses, Chief, Inspection Services
Lt. Wallace Garroway, Chief, Fire Prevention Bureau
Arthur Rowe, Code Enforcement Officer
William D. Giroux, Zoning Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

Micro Films

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Sam Hoffses/Chief of Inspections
FROM: Bill Giroux/Zoning Enforcement Officer
SUBJECT: Permit:

WDF

DATE: 09-07-90

This permit is not issuable. This is not a permitted use in this zone.

cc
Nadeen Daniels/City Manager
Joseph Gray/Director, Planning & Urban Devel.
Warren Turner/Administrative Assistant
Arthur Addatto/Code Enforcement Officer