

6/5/91
C.C.
O.K.

174 1/2
L. H. 1/2
3rd Vail
6-27-91

10/11/91

1. Hansen ✓
2. Jensen ✓
4. Kestner ✓
5. Kestner ✓
6. Kestner ✓
7. Kestner ✓

10/11/91 - 10/11/91

NO. 753

MADE IN U.S.A.

ESSELTE

Oxford



CITY OF PORTLAND

CONDITIONAL USE APPEAL

APPLICATION

Applicant's name and address: Bernard Mohr Karen Brown Mohr

57 Coyle Street Portland Me 04101

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):

57 Coyle Street

Zone: R3

Present use: Basement

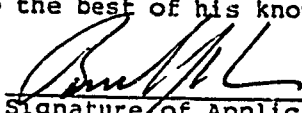
Type of conditional use proposed: In Law / Nanny Apt

Conditional use authorized by: Section 14-88

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

The undersigned hereby makes application for a conditional use permit as above-described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: June 2, 1991


Signature of Applicant

Karen Brown-Mohr

City of Portland
Board of Appeals
Zoning Office - Room 315
Portland, ME

June 3, 1991

Dear Sir or Madam,

RE: 57 Coyle Street, Portland, Maine
In-Law/Nanny Apartment

This letter is in support of our application for a variance as described in the attached documentation.

We are asking for a conditional use permit. We need to be able to put a small kitchen in our basement for a In-Law/Nanny Apartment. The use of this space would not be for commercial use - it would only be for a full time live-in Nanny now and for my wife's mother in a few years.

There will be an internal alteration only. There are no structural changes contemplated either internally or externally (beyond those described in the already filed permit for remodeling our basement - which does not involve any structural changes either).

My wife has talked to our direct neighbors who have indicated that such an alteration for nanny/in-law apartment use would not be a problem.

With the addition of a range, cupboards and refrigerator in the room which is now a "wet bar", we would be able to provide private space for a live-in nanny. A live-in nanny is essential for the well being of our 2 1/2 year old girl since we are both required by our employers to work long hours and often travel out of state. Without private space for a nanny, it is almost impossible to attract really qualified child care workers.

Again, to summarize:

- 1) This would not be a rental unit.
- 2) No external alterations are needed.
- 3) The sole use is as living space for our nanny now, and our parents later.

We are sorry we cannot attend the hearing ourselves - but this is our only chance to visit our daughter's grandparents in Europe.

Thank you for considering our request.

Sincerely,

Bruce Mohn + Karen Blum - Mohn

- PS: a) Anyone living in this area would share extensively, common space in the rest of the house.
b) The current house living space is in excess of 3600 square feet.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



THOMAS F. JEWELL
Chairman

ERIC J. GOUVIN
Secretary

RAY M. JOHNSON
JOHN C. KNOX
DEWEY A. MARTIN, JR.
MERRILL S. SELTZER
MICHAEL E. WESTORT

June 4, 1991

57 Coyle Street

Bernard and Karen Brown-Mohr
57 Coyle Street
Portland, Maine 04103

Dear Mr. and Mrs. Mohr:

This will acknowledge receipt of your application for a conditional use appeal to authorize a second apartment unit for your property located at 57 Coyle Street in the R-3 Residence Zone. Section 14-88 of the Zoning Ordinance provides for a second apartment unit to be provided in an existing residence subject to approval by the Board of Appeals.

This appeal will be considered by the Board of Appeals at their June 27th meeting in Room 209, City Hall, Portland, Maine, at 7 P.M. A copy of the agenda for that meeting will be sent to you as soon as copies become available for distribution.

Any new windows or partitions for a bathroom and kitchen constitute a basis for obtaining an alteration or building permit following the approval of your conditional use appeal by the Board of Appeals.

It is suggested that if you cannot be present at the hearing that you may wish to be represented at the meeting by a legal counsel, who is familiar with the facts relating to your appeal.

Sincerely,

Warren J. Turner
Warren J. Turner
Administrative Assistant

cc: Thomas F. Jewell, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
P. Samuel Hoffser, Chief, Inspection Services
William D. Giroux, Zoning Administrator
Arthur Rowe, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

51 Coyle St.
Portland, ME 04101
June 22, 1991

To: Zoning Board of Appeals
389 Congress St.
Portland, ME 04101

This letter is in response to your request for input regarding the variance request made by Bernard and Karen Mohr for 57 Coyle Street.

We have spoken with the Mohrs. As we understand it, they want to create an apartment in their basement to ensure that they have space available so that they can hire the best nanny possible for the care of their young daughter, specifically because they both work and travel extensively. They have explained that in their search for nannies they have found that this kind of living arrangement will give them the most options. We also understand that, when a nanny is no longer needed, this apartment might be used as an "in-law" apartment. Our understanding of the term "in-law apartment" is that it is a living unit that is used by the parent of one the primary adult owners of a building and that this parent is active in the primary family unit and not employed outside the home.

We accept the Mohrs's feeling about their need for this kind of facility and resultantly do not protest its creation. There are, however, two areas of concern that we would like the Board to address:

(1) It is our understanding that an apartment of this kind is part of the house and not separate from the house. Our specific concern is that primary entrance and exit from the house will occur as it does now and not via the rear cellar stairs that would be contiguous to this basement apartment. The basement stairs of a house such as this have always been used for bringing in and out utility materials and stored items or as an emergency exit from the basement. To our mind, using it as a primary entrance to the apartment would be a major change in its usage and would really change the house itself by making it a two unit building.

When we bought our house in 1988, it was, and remains, our intention at some future point to put a small patio near or under the apple tree in our very small back yard space, as it is the only small patch of privacy on our property. As this space is only 14 feet from that rear door, we would feel uncomfortable if that nearby door were a new, regular entrance to the house.

(2) We have complete faith that the Mohrs would use this apartment for its intended purpose; but our concern is that future owners would view it as an income-producing unit. Our greatest concern is that future purchasers might buy the house without understanding the nature of this unit and might have planned on the income from it as part of their ability to pay for the house.

Therefore, we feel that it is urgent that you create a method by which the limits of its use be clearly documented in any deed; purchase and sales agreement; and any other legal document related to the house. It must be crystal clear so that future owners are not in a position of saying, "We didn't understand."

If these two concerns are appropriately addressed, we will be able to support the request.

Kaitlin A. Briggs

Kaitlin A. Briggs

Frederic C. McCabe, Jr.

Frederic C. McCabe, Jr.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



THOMAS F. JEWELL
Chairman

ERIC J. GOVWIN
Secretary

RAY M. JOHNSON
JOHN C. KNOX
DEWEY A. MARTIN, JR.
MERRILL S. SELTZER
MICHAEL E. WESTORT

July 23, 1991

RE: 57 Coyle Street

Bernard and Karen Brown-Mohr
57 Coyle Street
Portland, Maine 04101

Dear Bernard and Karen Brown-Mohr:

As you know, at its meeting of July 18, 1991, the Board of Appeals voted to deny your conditional use appeal allowing a second unit at the above location.

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

sincerely,


William D. Giroux
Zoning Administrator

/el
Enclosure

7/18/91



CITY OF PORTLAND

CONDITIONAL USE APPEAL

DECISION

For the Record

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

Bernard Brown-Mohr

James Pickett

Karen Brown-Mohr

Harry Eddy

Chris Carling

Donald Friedlander

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

Findings of Fact

1. The proposed conditional use is (circle one) permitted under Section 14- 474 of the Zoning Ordinance, for the following reason(s):
4-0
2. The proposed conditional use does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s):
4-0 14-88 V -
- 3-A. There are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):
4-0
- 3-B. There will not (circle one) be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s):
4-0 14-88 V -

3-C. The impact does does not (circle one) differ substantially from the impact which would normally occur from such a use in that zone, for the following reason(s):

4-0

Conclusion*

After public hearing on July 18, 1991, and for the reasons above-stated, the accompanying application is hereby (check one)

0 granted.

 granted subject to the following condition(s):

4 denied.

Dated: July 18, 1991

John C. Furr
Secretary of the Board

* The application may be denied only if EITHER the finding for #1 or 2 above is in the negative OR the findings for #'s 3-A, 3-B and 3-C above are each in the affirmative.

Granted

Denied
John C. Furr
Marshall H. Albee
Thomas J. Hall
Henry H. Hall

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



THOMAS F. JEWELL
Chairman

ERIC J. GOUVIN
Secretary

RAY M. JOHNSON
JOHN C. KNOX
DEWEY A. MARTIN, JR.
MERRILL S. SELTZER
MICHAEL E. WESTORT

57 Coyle Street

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday afternoon, July 18, 1991 at 3:30 p.m. This notice of required public hearing has been sent to the owners of the property within 500 feet of the property in question as required by the Ordinance.

Bernard and Karen Brown-Mohn, owners of the property located at 57 Coyle Street, under the provisions of Section 14-474 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit a change of use of the single family dwelling at the above-named location to a single family dwelling with a live-in nanny apartment, later to be used as an in-law apartment, not allowed in the R-3 Residence Zone in which this property is located unless authorized by the Board of Appeals according to the City Zoning Ordinance. This appeal was postponed from the meeting of June 27, 1991.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-474 of the Zoning Ordinance have been met.

Thomas F. Jewell
Chairman

7/1/91

Permit # _____ City of Portland BUILDING PERMIT APPLICATION Fee \$17 Zone _____ Map # _____ Lot # _____
Please fill out any part which applies to job. Proper plans must accompany form.

Owner Bernard J. Mohr Phone # 775-5577
Address: 57 Coyle St; Ptld, ME 04101
LOCATION OF CONSTRUCTION 57 Coyle St.
Contractor _____ Sub: _____
Address: _____ Phone # _____
Est. Construction Cost: _____ Proposed Use: _____
Past Use: 1-fam dwlg
of Existing Res. Units _____ # of New Res. Units _____
Building Dimensions L _____ W _____ Total Sq Ft. _____
Stories: _____ # Bedrooms _____ Lot Size: _____
Is Proposed Use: Seasonal _____ Condominium _____ Conversion _____
Explain Conversion CONDITIONAL USE PERMIT,

For Official Use Only	
Date <u>6/3, 91</u>	Subdivider Name _____
Inside Fire Line _____	Lot _____
Bldg Code _____	Ownership: _____ Public _____ Private _____
Time Limit _____	
Estimated Cost _____	
Zoning: Street Frontage Provided: _____ Back _____ Side _____	
Provided Setback: Front _____ Back _____ Side _____	
Review Required: Zoning Board Approval: Yes _____ No _____ Date: _____	
Planning Board Approval: Yes _____ No _____ Date: _____	
Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____	
Shoreland Zoning Yes _____ No _____ Floodplain Yes _____ No _____	
Special Exception _____	
Other (Explain) _____	

Foundation: kitchen & shower
1. Type of Soil: _____
2. Set Backs - Front _____ Rear _____ Side(s) _____
3. Footings Size: _____
4. Foundation Size: _____
5. Other _____
Floors:
1. Sills Size: _____ Sills must be anchored.
2. Girder Size: _____
3. Lally Column Spacing: _____ Size: _____
4. Joists Size: _____ Spacing 16" O.C.
5. Bridging Type: _____ Size: _____
6. Floor Sheathing Type: _____ Size: _____
7. Other Material: _____
Exterior Walls:
1. Studding Size _____ Spacing _____
2. No. windows _____
3. No. Doors _____
4. Header Sizes _____ Span(s) _____
5. Bracing: Yes _____ No _____
6. Corner Posts Size _____
7. Insulation Type _____ Size _____
8. Sheathing Type _____ Size _____
9. Siding Type _____ Weather Exposure _____
10. Masonry Materials _____
11. Metal Materials _____
Interior Walls:
1. Studding Size _____ Spacing _____
2. Header Sizes _____ Span(s) _____
3. Wall Covering Type _____
4. Fire Wall if required _____
5. Other Materials _____

Ceiling:
1. Ceiling Joists Size: _____ Spacing _____
2. Ceiling Strapping Size _____ Spacing _____
3. Type Ceilings: _____ Size _____
4. Insulation Type _____ Size _____
5. Ceiling Height: _____
1. Truss or Rafter Size _____ Span _____
2. Size _____ Type _____ Size _____
3. Roof _____
Chimneys:
Type: _____ Number of Fire Places _____
Heating:
Type of Heat: _____
Electrical:
Service Entrance Size: _____ Smoke Detector Required Yes _____ No _____
Plumbing:
1. Approval of soil test if required Yes _____ No _____
2. No. of Tubs or Showers _____
3. No. of Flushes _____
4. No. of Lavatories _____
5. No. of Other Fixtures _____
Swimming Pools:
1. Type: _____
2. Pool Size: _____ x _____ Square Footage _____
3. Must conform to National Electrical Code and State Law.

Permit Received By Louise E. Chase
Signature of Applicant Karen Brown-Mohr Date June 3-91
Signature of CEO Karen Brown-Mohr Date _____
Inspection Dates _____

White-Tax Assessor Yellow-GPCOG White Tag -CE/ Cop 1 ht GPCOG 1138

Benjamin A. Alfiero
Robyn L. Alfiero
43 Coyle St.
Portland, Maine 04101

RECEIVED
25

Zoning Board of Appeals
City of Portland, Maine
City Hall
389 Congress St.
Portland Maine 04101

OFFICE OF THE CLERK
CITY OF PORTLAND, MAINE

RE: 57 Coyle St.....zoning permit. ...Bernard and Karen Brown-Mohr

We are residents of 43 Coyle St. and are very concerned of the possibility of 57 Coyle St. being granted a zoning permit change of use. We moved here several years ago because of the large, single family homes and the wonderful family neighborhood.

We oppose the petition for the following reasons:

- * Increased amount of traffic into the neighborhood
- * Increased amount of parked vehicles on Coyle St.
(parking on the odd number side only)
- * Danger to the many young children in the neighborhood due to increased traffic
- * This could set a precedence for the other existing large homes or new buyers start becoming multi unit
- * What could happen if the Brown-Mohrs sell their house and the new owners rent to paying tenants?
- * What would happen if the Brown-Mohrs no longer need the "in-law" apartment? They could rent to paying tenants without anyone knowing.
- * We don't want a neighborhood like that on Clifton St.

We do not wish to get off on the wrong foot with the new neighbors but, had they asked us what we would of thought about changing the use of the house, we would of voiced our concerns with them before they purchased their new home. We feel it would be a great injustice to this neighborhood to allow this change.

Sincerely,

Benjamin A. Alfiero
Benjamin A. Alfiero
Robyn L. Alfiero
Robyn L. Alfiero

65 Coyle Street
Portland, ME 04101
June 24, 1991

RECEIVED
JUN 25 1991

High of Planning Department
City of Portland

Mr. Thomas E. Jewell, Chairman, et al
Zoning Board of Appeals - City Hall
389 Congress Street
Portland, ME 04101

Gentlemen,

My next-door neighbors have petitioned you for a change of use for their new home at 57 Coyle, namely to construct, not one or two rooms, but rather a full apartment within their building. I have certain reservations about granting approval for same.

First, I bought a home on Coyle because it is zoned R-3...not a "sort of R-3," not an "R-3 with lots of variances." An R-3. And with it came the expectation that the Zoning Board anticipated keeping it an R-3 (despite the grandfathered multi-units) because the city needs some distinctive neighborhoods and taxes them at a premium.

Prior to purchase of this single family, I had been an owner/occupant of a multi-family on adjacent Clifton Street. During those years, I watched the street become overburdened with people and cars as some buildings were remodeled into apartment after apartment. Too many vehicles; too few off-street parking spaces; too great density. The additional housing units and tenants were not well monitored--and understandably so--by the City and parking became literally bumper-to-bumper.

My concern is not how the Brown-Mohrs initially use such an apartment. Rather, my concern is the potential use of the apartment, by them or especially by a subsequent owner. An in-law apartment not only changes the complexion of the property itself, but it alters the face of the entire neighborhood. Individually, for me, it would mean that my single family would nearly be surrounded by multi-units.

Granting this change of use will make 57 Coyle a 2-family, regardless of the technical label we currently assign to it. A "single family with an in-law apartment"? No matter what the label, it still would be and could easily be used as a multi-unit, regardless of the intended use. And that is not the nature of a designated R-3 zone.

If the board or other appropriate city officials have not routinely monitored building use on Clifton Street, what assures us that there will be guards against improper use on Coyle Street?

Meantime, on-street parking is restricted to one side only. Already I endure spill-over traffic and parked cars from Forest Avenue businesses. At times I have difficulty getting into my own driveway due to the 4+ cars associated with the multi-family across the street. An in-law apartment next door could lead to even more congestion with additional and very real concerns for safety of the neighborhood's small children.

The change of use as you've outlined in your letter is, in my opinion, altogether an unfortunate precedence to set, and I therefore am opposed to such authorization by the board.

Sincerely,

Ernest R. Reynolds

Bernard Mohr
Karen Braun-Mohr
57 Coyle St
Portland 04101

84"
24"
60"

22'6"
4'10"

84"

3'10"
18"
24"

Entry/Egress

4'10"

30 1/2

9'4" 17'6"

New Window

Exc Window

13'6"

Bed Room

Living Room

13'6"

Bath

Boiler

Proposed Kitchen

Exc Window
16'

Common Hall

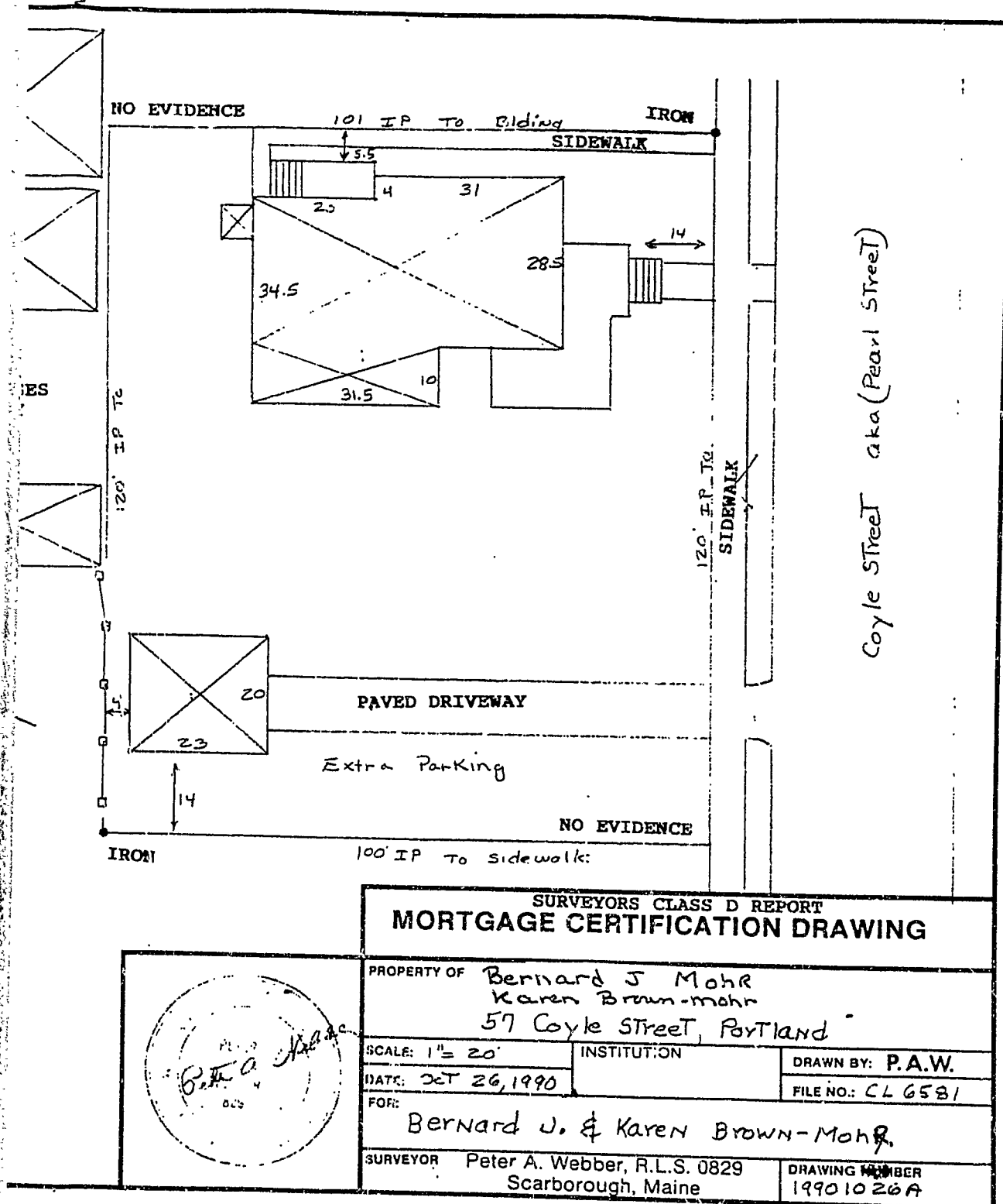
In House Stairs

10'1"

28'

214025583

CT





- 57 Coyle St



Back door -

Applicant: Bernard + Karen Brown Mohr

Address: 57 Coyle St (#53-61)

Assessors No.:

126-E-9

Date: June 26, 1991

Isabel K. Pease

Co H. M. Payson

188 Middle St.

CHECK LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - R-5 Zone

Interior or corner lot -

Use - Change of Use from Single to 2 Units

Sewage Disposal -

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Lot Area - 12,000 sq. ft.

Building Area -

Area per Family -

Width of Lot -

Lot Frontage -

Off-street Parking -

Loading Bays -

L \$ 20,700

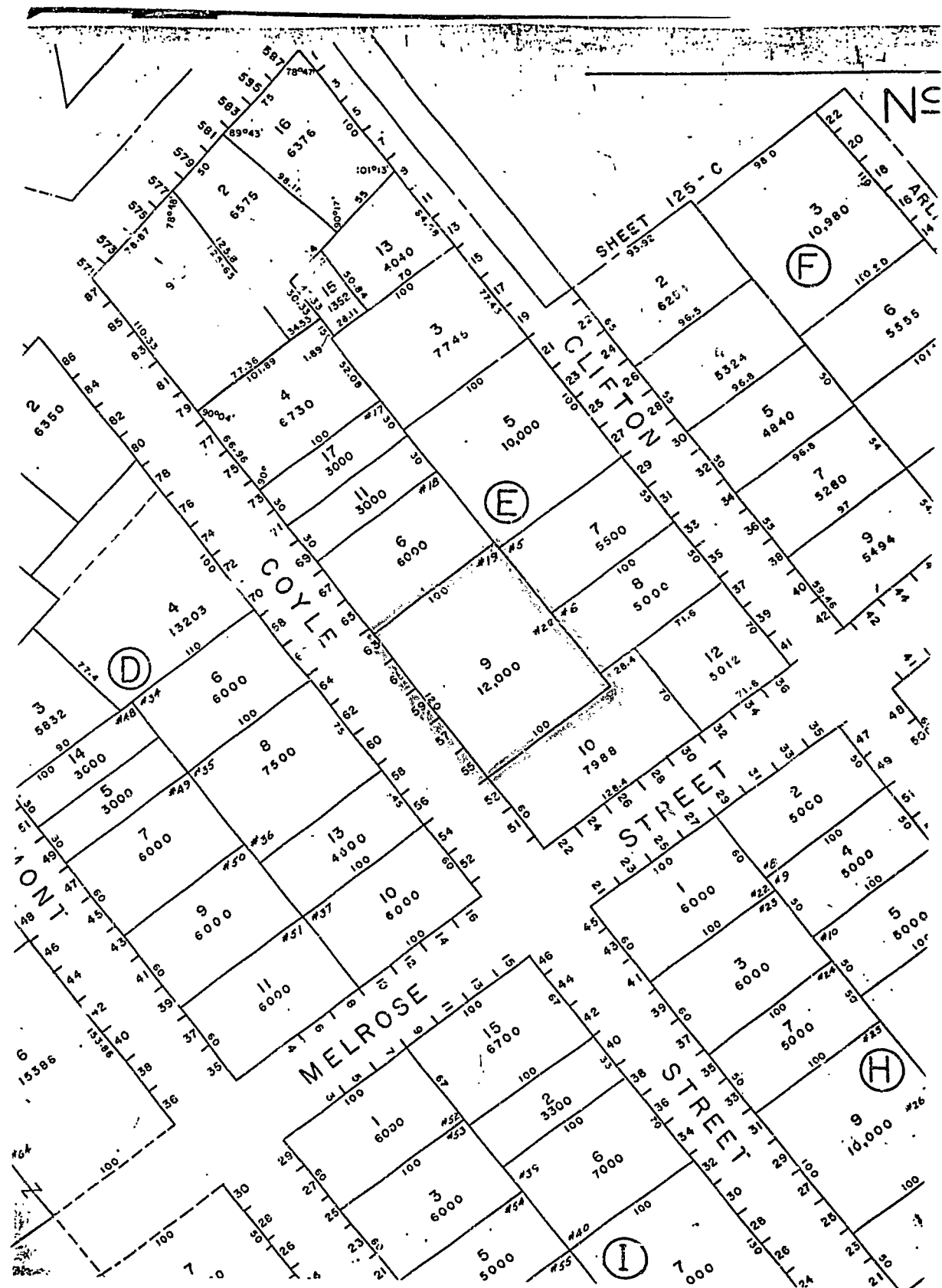
B 57,820

T 78,520

Site Plan -

Shoreland Zoning -

Flood Plains -



Mr. Thomas F. Jewell
Chairman
Zoning Board of Appeals
City of Portland, Maine

Re: Bernard and Karen Brown - Mohr
57 Coyle Street

The following owners of property within 500 feet of 57 Coyle Street are opposed to the change of use from R-3 single family dwelling to a single family dwelling with a live-in nanny apartment to be used later as an in-law apartment.

The reasons are:

1) "The purpose of a R-3 residential zone is to provide for a medium-density residential development characterized by single family homes on individual lots. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood." Sec. 14-86

These are the reasons why the Coyle Street tract was developed and why the assigned owners moved to Coyle Street. A change into a single family dwelling with a live-in nanny apartment, later to be used as an in-law apartment, does not

Complement the scale, character and style of the surrounding neighborhood.

- 2) The proposed live-in nanny apartment does not meet the conditions imposed by section 14-47, of (the) section 14-88. Conditional use b, v:

"A lower level dwelling unit shall have a minimum two thirds of its floor-to-ceiling height above the average adjoining ground level;"

- 3) A change in the R-3 residential zone will precipitate a trend toward future changes to multi-family dwellings due to the size of the houses on Coyle Street. A good example of this is Clifton Street which runs parallel to Coyle Street. Some residents have moved from Clifton Street to Coyle Street to escape from multi-family dwellings. If the house at 57 Coyle Street didn't meet the needs of Bernard and Karen Brown-Mohr, then why did they purchase the house? Coyle Street is not a transient neighborhood. Some residents have lived in the neighborhood for decades. The former residents of 57 Coyle Street lived there for ninety years.

- 4) Recently a parking ban, one side only, was

implemented on Coyle Street. Increased traffic and parking were the reasons for this change. A change in R-3 residential zone can increase the parking which will cause hazardous conditions for children, pedestrians, and motorists.

5) Questionable decreases in the value of property will result if change of use is approved.

PLANCBL
KCOTE

City of Portland, Maine
Department of Planning & Urban Development

04 FEB 91
09:24

INVALID CURSOR POSITION

CBL Listing for Post Cards: Format - (CCC-1-BB-LLL)
Fill with '*' for all C - Chart 1 - Chart letter B - Block L - Lot

125-F	125-J	125-K	125-L	125-N
125-O				
126-A	126-B	126-C	126-D	126-E
126-F	126-G	126-H	126-I	126-J
126-L				
128-E				

Continue ☐

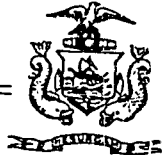
Cancel ☐

Done ☐

57 Coyle St
Job # 2269

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



57 Coyle Street

THOMAS F. JEWELL
Chairman

ERIC J. GOUVIN
Secretary

RAY M. JOHNSON
JOHN C. KNOX
DEWEY A. MARTIN, JR.
MERRILL S. SELTZER
MICHAEL E. WESTORT

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, June 27, 1991 at 7:00 P.M. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by the Ordinance.

Bernard and Karen Brown-Mohr, owners of the property located at 57 Coyle Street, under the provisions of Section 14-474 of the Zoning Ordinance of the City of Portland, hereby respectfully petition the Board of Appeals to permit a change of use of the single family dwelling at the above-named location to a single family dwelling with a live-in nanny apartment, later to be used as an in-law apartment, not allowed in the R-3 Residence Zone in which this property is located unless authorized by the Board of Appeals according to the City Zoning Ordinance.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-474 of the Zoning Ordinance have been met.

Eric J. Gouvin
Secretary

6/4/91
/el

58 Coyle Street
Portland, Maine
June 20, 1991

Mr. Thomas Jewell
Chairman
Zoning Board of Appeals

Dear Mr. Jewell,

We are writing in regard to the Conditional Use Appeal for 57 Coyle Street. The owners want to change the use of their single family home to one with a live-in nanny apartment.

Having lived here for twenty-three years, my husband and I have seen many of the homes bought and sold numerous times.

Our concern is that putting a nanny/in-law apartment in

the house now could become
an income apartment in the
future if the property is
sold.

We want to do all we can
to preserve the neighborhood
as it has been these many years.

Unfortunately, Coyle Street is
being used as a through-
way for traffic to/from Forest
Avenue and Baxter Boulevard.
We can't control traffic, but
we can try to prevent gradual
changes that could result
in the single family homes
becoming multi-family dwellings.

Yours sincerely,
Corinne & James Pickett

