684 Earter Block
marcigan Huresky
may 9 190,
1 4B 158 A-16 I Sundrew-More 3 feet abute v
4 low abute v
5 fet abute v
6 fet overner v BUILDING PERMIT APPLICATION Fee 25.00 Zone

Permit # City of Portland BUILDING PERMIT APP Please fill out any part which applies to job. Proper plans must accompany form.	\$50.00 Appeal Fee PLICATION Fee 25.00 Zone Map # Lot#
Owner: Stephen Mardigan Phone #	
Address: 684 Baxter Blvd., Portland, ME 04103	For Official Use Only  Date April 12, 1991 Subdivision.
LOCATION OF CONSTRUCTION 684 Baxter Blvd.,	Name
ContractorTed_CarterSub	int.
Address: Phone #	Bldg Code
Phone #	Estimated Cost Private &
Est. Construction Cost: Proposed Use: Sln. fam.	_ Zoning:
Past Use	Street Frontage Provided:
# of Existing Res. Units # of New Res Units	Keylew Required:
Buildlag Dimensions LWTotal Sq Ft	Zoning Board Approval: Yes No Date-
# Stories: # Bedrooms Lot Size.	Planning Board Approval: YesNo Date: Conditional Use: Varianco Site Plan Subdivision
Is Proposed Use: Seasonal Condominium Conversion	Shorteland Zoning Yes No F,oodplain Yes No
Is Proposed Use: Seasonal Condominium Cenversion Install inground swimming pool.  Explain Conversion Space & Bulk Variance for inground swimming in the season of the seas	Special Exception
Insufficient setbacks. (Need 10' all around)  1. Type of Soil.  2. Sct Backs • Front Rear Sido(s)  3. Footings Size.  4. Foundation Size.  5 Other  Floor:  1. Sills Size Sits must be anchored.	4. Insulation Type Size  5. Ceiling Height: Span  1. Truss or Rafter Size Span  2. Sheathing Type Size  3. Reaf Coverner Type
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. Ohor Material:	Chimneys:
4. Joists Size:	TypeNumber of Fire Places
5. Bridging Type: Size:	Type of Heat:
6 Floor Sheathing Type: Size:	Type of Heat:  Electrical:  Service Entrance Size. Smake Detector Required Year No.
7. Other Material:	Service Entrance Size. Smoke Detector Required Yes No Plumbing:
Spacing   Spac	1. Approvel of soil test if required Yes No. 2. No. of Tubs or Showers
4. Header Sizes Span(s)	5. No. of Other Fixtures
5. Bracing: Yes No.	4. No. of Lavatories 5. No. of Other Fixtures Swimming Pools:
6. Corner Posts Size 7. Insulation Type Size 8. Sheathing Type Size 9. Siding Type Wanthow France	1. Type. 2. Pool Size:
8. Sheathing Type Size	2. Pool Size: X Square Footage
9. Siding Type Weather Exposure	
9. Siding Type Size 9. Siding Type Weather Exposure 10. Masonry Materials 11. Metal Materials	Permit Received By Joyce M. Rinaldi
11. Metal Materials Interior Walls:	
1. Studding Size Spacing	Signature of Applicant Julium Date 4-16-91
2. Header Sizes Span(a) 3. Wall Covering Type	Signature of CEO Date
4. Fire Wall if required	Inspection Dates

Yellow-GPCOG

White Tag -CEO

© Copyright GPCOG 1988

White-Tax Assesor

:

House 5/2 Shallow 27/2 seed 1 regar 61/2 Cheng Chard and wer

ZONING BOARD OF APPEALS



THOMAS F. JEWELL Chalman

> ERIC J. GOUVIN Secretary

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

684 Bracer Boulevard

May 13, 1991

David S. Turesky, Esq. Turesky & Howard, Attorneys 477 Congress Street, Suite 400 Portland, Maine 04101

Dear Mr. Turesky:

At the meeting of the Board of Appeals on Thursday evening, May 9, 1991, the Board voted by a unanimous vote of four members present and voting to deny your request for a space and bulk variance on behalf of Stephen Mardigan, owner of the property at 684 Baxter Boulevard in the R-3 Residence Zone. Mr. Eric Couvin was excused from voting due to a possible conflict of Interest. Mr. Gouvin did not participate in any deliberation or questioning.

The variance request was for a 5½ foot side yard setback between the existing house and the proposed swimming pool and between the proposed pool and the side property line. The Board found that the proposed pool was not essential to obtaining a reasonable return for the land, and that the hardship is the result of action taken by the applicant or a prior owner.

Sincerely.

Warren J. Turner

Administrative Assistant

Enclosure: Copy of the Board's Decision

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

## FINDINGS OF FACT ALL APPEALS

TYPE OF APPEAL Stace & Bulle Variance
2. Address of Applicant 477 Constant
3. Right of applicant to appeal.
Option to Purchase
4. Location of property under appeal 684 Baxter Boulevard
20the in which the property is located R-2 Possificance
resent use of property plants to the
7. Proposed use if the appeal is granted.
·
Sec. Sec. Sec. Sec. Sec. Sec. Sec. Sec.
8. Names and addresses of those appearing in support of the application:
STEPHEN MARCOIGAN
9. Names and addresses of Phone
9. Names and addresses of those appearing in opposition to the application:
NINE TO THE TOTAL THE TOTAL TO THE TOTAL TOT
No.
10. Listing of the documentary evidence presented to the Board (e.g., plans, photos, maps, etc.)
PLANS, PHOTOS PER SUBMISSION

## VARIANCES

A variance may be granted if the Board finds that it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Ordiance would result in "undue hardship". The following questions must all be answered, with supporting findings of fact, in order to grant the appeal.
--

· · · · · · · · · · · · · · · · · · ·		Programme of Control o
d Spirit		Can the land yield a reasonable return (not the highest return) without the granting of a variance?  VES deny the appeal)  No
		Reasons (including evidence) wound in mount - reprogramate
ì	: /c. <b>a</b> = ===#\	Return !
<sup>ک</sup> ن	I The	· · · · · · · · · · · · · · · · · · ·
البهي	4× +A	
_	2.	Are there factors which are unique to this property, and not to the
		variance?
**		Yes () No 4 (deny the appeal)
		Reasons (including evidence) Property not unique many
		CIMEN
	3.	Will the granting of the variance alter the essential character of the locality? Yes O (deny the appeal) No 4
	•	Reasons (including evidence)
	4.	Is the hardship a result of action taken by the applicant or a prior owner (self-created hardship)?  Yes 4 (deny the appeal)  No 0
		Reasons (including evidence)
·	347 -	
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1	۱۰۰ ۱۰ میدونوم ۱۳۵۵ - ۱۳	CONTRACTOR OF THE CONTRACTOR O

The following

AND DELIBERATIONS OF QUESTIONING

UNIT GENARD 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

684 Baxter Boulevard

April 17, 1991

David S. Turesky, Esq. Turesky & Howard, Attorneys 477 Congress Street, Suite 400 Portland, Maine 04101

Dear Mr. Turesky:

This will acknowledge receipt of your application for a space and bulk variance on behalf of Stephen Mardigan at 684 Baxter Boulevard. Section 14-432 requires AU foot setbacks on all sides of an inground swamming pool. Mr. Mardigan is proposing to have an inground pool installed but the L-shaped pool he plans would have only 51 feet between the pool and the main building and 51 feet between the pool and the side line of the property in the R-3 Residence Zone.

As you no doubt know, the approval of variances by the Board of Appeals is contingent upon proof by the applicant that undue hardship is involved based upon Section 14-273 of the City Zoning Ordinance. The criteria for such approval is contained on the reverse side of the variance application rorm. This application for variances will be considered at the meeting of the Board of Appeals on Thursday evening, May 9, 1991, 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.

Sincerely,

AND THE RESERVE AND THE SECOND SECOND

Warren J. Turner

Administrative Assistant

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

THE LAWD INGUESTION CAN (ANT) GIVED A
REASONAL REPERD WITHOUT THE VARIANCE.

Applicant: Alephen Mardinan Date: May 7, 1991

Address: 684 Baxter Blvd (684-688)

Assessors No.: 158-A-16 : BrookideRd 92-101

## CHECK LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - R-3

Interior or corner 10t - Suterior (frontigeon B. B.)

Use -

Sewage Disposal -

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Int Area - 2020 19 ft.

Building Area -

Area per Family -

Width of Lot -

Lot Frontage -

Off-street Parking -

Loading Bays -

Site Plan -

Shoreland Zoning -

Flood Plains -

L 827, 500

\$ 4,997.91

ZONING BOARD OF APPEALS



THOMAS F JEWELL Chairman

ERIC J. GOUVIN Secretary

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

684 Baxter Boulevard

All persons interested either for or against this space and bulk variance will be heard at a public hearing in Room 209. City Hall, Portland, Maine, on Thursday evening, May 9, 1991 at 7 P.M. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the property as required by the City Zoning Ordinance.

Davis S. Turesky, attorney for Mr. Stephen Mardigan, owner of the subject property, under the provisions of Section 14-473(c)1 of the Zoning Ordinance of the City of Portland, Maine, hereby respectfully petitions the Board of Appeals to permit construction of an L-shaped jacound swimming pool at the above location in the R-3 Residence Zone, not allowed because:

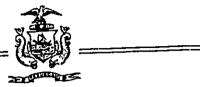
- The distance from the proposed pool to the main building would be only 5½ feet instead of the 10 feet required by Section 14-432 of the City Zoning Ordinance, for side yard setback from the main building.
- The distance from the proposed pool to the side line of the lot would be 5½ feet instead of the 10 feet required by Section 14-432 of the City Zoning Ordinance.

Legal Basis of Approval: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-473(c)1 of the Zoning Ordinance have been met.

Eric J. Gouvin Secretary

4/16 wjt

ZONING BOARD OF APPEALS



THOMAS F. JEWELL Chairman

> ERIC J. GOUVIN Secretary

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

. 684 Baxter Boulevard

April 17, 1991

David S. Turesky, Esq. Turesky & Howard, Attorneys 477 Congress Street, Suite 400 Portland, Maine 04101

Dear Mr. Turesky:

This will acknowledge receipt of your application for a space and bulk variance on behalf of Stephen Mardigan at 684 Baxter Boulevard. Section 14-432 requires 10 foot setbacks on all sides of an inground swimming pool. Mr. Mardigan is proposing to have an inground pool installed but the L-shaped pool he plans would have only 5½ feet between the pool and the main building and 5½ feet between the pool and the side line of the property in the R-3 Residence Zone.

As you no doubt know, the approval of variances by the Board of Appeals is contingent upon proof by the applicant that undue hardship is involved based upon Section 14-273 of the City Zoning Ordinance. The criteria for such approval is contained on the reverse side of the variance application form. This application for variances will be considered at the meeting of the Board of Appeals on Thursday evening, May 9, 1991, 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.

Sincerely,

Warren Jo Turner

Administrative Assistant

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

Payson PAKK



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

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

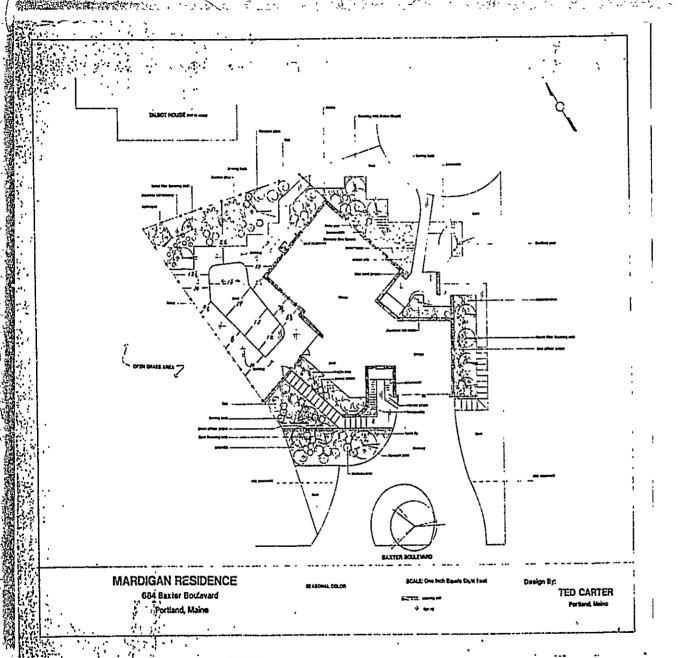
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	APPLICATION	
Applicant's name and address _	Stephen Mardigan	
684 Baxter Boulevard, F	Portiand, Maine vei03	
Applicant's interest in proper owner	ty (e.g. owner, purchaser, etc.):	- V Partie
Owner's name and address (12	different): N/A	<u>.</u>
	ī	£
Pose: R-2	sor's Chart, block, and lot number);	
	Present uses Single for	mily
derience from Section 14 - 43 all around an ing	2 requires 10 foot setbac	les L
bter. If site plan soprovet to	required, attach preliminary or fine	^۔ دسمائسا

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

UNDUE HARDSHIP REQUIRED:

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



51.2



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

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

BECEIVED

APR 1 2 1991

VARIANCE APPEAL

DEPT OF BUILDING HER, LETTERS
CITY OF PORTLAND

## APPLICATION

Applicant's name and address \_\_\_\_Stephen Mardigan

Baxter Boulevard, Portland, Maine 04:03
plicant's interest in property (e.g. owner, purchaser, etc.):
ner's name and address (if different): N/A
dress of property (or Assessor's Chart, block, and lot number):
ne: R-3 Present us: Single family
all around an inground swimming fool:
ite: If site plan approval is required, attach preliminary or final site
The undersigned hereby makes application for a variance as above- escribed, and certifies that all information herein supplied by him is true ad correct to the best of his knowledge and belief.
AAM.

## UNDUE HARDSHIP REQUIRED. DEFINED

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

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Turesky & Howa d

ATTORNEYS AT LAW
477 CONGRESS STREET
SUITE 400
FORTLAND, MAINE 04101

(207) 772-7120 FAX 772-7197

DAVID'S. TURESKY

JOHN C. HOWARD

April 8, 1991

Mr. Warren Turner Department of Planning and Urban Development City of Portland 389 Congress Street Portland, ME 04101

RECEIVED APR 1 2 1991

RE: Stephen Mardigan 684 Baxter Boulevard, Portland, Maine 1mprovement: Outdoor pool

OLPT OF BUILDING INSPECTIONS CITY OF PORTLAND

Dear Mr. Turner:

In the past, I have spoken with you regarding consuction of an outdoor pool at the Mardigan residence on Baxte Boulevard. Given that the dimensions of the proposed pool will not be considered to the Land Use ordinance, I am row and a variance on behalf of my client.

I am enclosing ten copies of the following materials:

- 1. This cover letter addressed to you and, through you, the Board of Appeals, setting forth our goals and desires here;
- A plot plan prepared by Ted Carter, a Portland landscape architect; and
- 3. A photo of Mr. Mardigan's residence.

The Variance Appeal and Application which is enclosed and has been signed by Mr. Mardigan does not include the tax assessor's block and lot number for the premises. At the time of delivery of these materials, I will attempt to obtain that information directly from you or from a member of your staff. I suppose that I can always run down to the assessor's office to glean these citations.

We would ask that this matter be placed on a Board of Appeals agenda as soon as possible. It is my understanding that this matter can be entertained on May 9, 1991.

The same of the sa



Mr. Warren Turner April 8, 1991 Page 2

DEPT OF BUILDING MENLOTIONS

Mr. Mardigan has an attractive home in a highly desirable area of Portland. Even a casual passer-by would be compelled to conclude that improvements heretofore made by Mr. Mardigan to his home are a compliment to him and to the entire neighborhood and to this City. Given its locus along Portland's major Poulevard, there is no shortage of walkers, joggers, and drivers who see Mr. Mardigan's home. Given the substantial taxes which he pays (in excess of \$4,000.00 per year) and given his already substantial investment in this property, the pool improvements planned here would perhaps, in the final analysis, substantially increase the value of his property and permit him a reasonable return upon his investment at the time of re-sale. His is a small lot, yet one thoughtfully, creatively, and indulgently cultivated.

Given the unique nature of this particular lot, especially the scarcity of upland above the stream and its banks, Mr. Mardigan must have a variance in order to construct his outdoor pool. It is my understanding that many other residences along Baxter Boulevard already have pools and have had them for many years.

A perusal of r plot plan makes clear that this anticipated improvement will not liter the essential character of this area. In fact, Mr. Mardigan's neighbors directly to the North had a pool for many years, we believe. Shubbery and landscaping would be added further to compliment the pool and Mr. Mardigan's residence.

Neither Mr. Mardigan nor a prior owner is responsible for the small, available open space to the South of Mr. Mardigan's home. The hardship foisted upon Mr. Mardigan here may be best described as a quirk of fate and/or nature.

In summary, Mr. Mardigan is committed to improving and to beautifying his home, but only in a way that also improves and beautifies his neighborhood. Recommendations by the Board to enhance this prospective is constant would, of course, be seriously and graciously considered the towner.

Respectfulfy submitted,

David S. Turesky

DST/jw

Enclosures cc: Mr. Stephen Mardigan

## Installation Manual

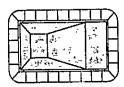


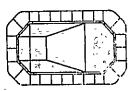
# WEATHERKING POOLS

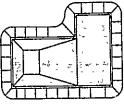


Stainless Steel • Aluminum • Galvanized Steel







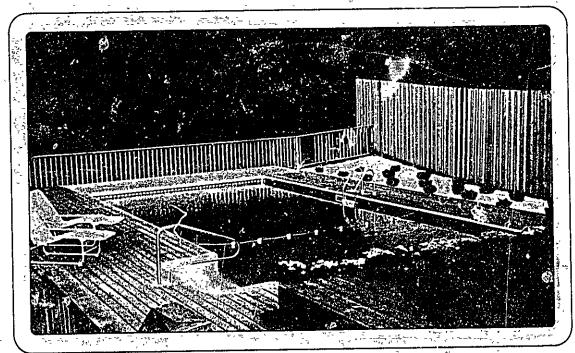


LAZY-L

RECTANGL

GRECIAN





#### NOTICE

Keep In mind this manual cannot cover every possible situation. Most WEATHERKING Pools are designed as Class II Pools as defined by the N.S.P.I.. WEATHERKING makes no recommendations as to accessories (Ladders, Slides, Boards, Etc.) to be used with a particular pool. Accessories are made available by many sources. You are cautioned to consult the N.S.P.I. Standards and all Codes before installing accessories.

684 Barter Bend Mardigan / Yuresky 158-A-16 Jean H & John & Palbot 91 Brookinde Rd 0410--24 Hazel B Whiten 1303 Dunhel Dr. Karen S. Reter Moynikan 103 Brookside Rd 0403

