

Permit # \_\_\_\_\_ City of Portland BUILDING PERMIT APPLICATION Fee \$50.00 Zone \_\_\_\_\_ Map # \_\_\_\_\_ Lot# \_\_\_\_\_

Please fill out any part which applies to job. Proper plans must accompany form.

Owner Bert and MaryJane Emmons Phone # 871-0222

Address 99 Cobb Ave. Portland, Maine 04102

LOCATION OF CONSTRUCTION 90 Cobb Avenue

Contractor \_\_\_\_\_ Sub: \_\_\_\_\_

Address \_\_\_\_\_ Phone # \_\_\_\_\_

Est. Construction Cost: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

\_\_\_\_\_ Past Use: \_\_\_\_\_

# 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 Space and Bulk Variance for front yard setback

For Official Use Only	
Date <u>July 9, 1990</u>	Subdivision: _____
Inside Fire Limits _____	Name _____
Blgd Code _____	Lot _____
Title Limit _____	Ownership: _____ Public _____ Private _____
Estimated Cost _____	

Zoning: Street Frontage Provided: \_\_\_\_\_  
 Provided Setbacks: 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) \_\_\_\_\_

**Foundations:**

- Type of Soil: \_\_\_\_\_
- Set Backs - Front \_\_\_\_\_ Rear \_\_\_\_\_ Side(s) \_\_\_\_\_
- Footings Size: \_\_\_\_\_
- Foundation Size: \_\_\_\_\_
- Other \_\_\_\_\_

**Floors:**

- Sills Size: \_\_\_\_\_ Sills must be anchored.
- Order Size: \_\_\_\_\_
- Lally Column Spacing: \_\_\_\_\_ Size: \_\_\_\_\_ Spacing 16" O.C.
- Joists Size: \_\_\_\_\_
- Bridging Type: \_\_\_\_\_ Size: \_\_\_\_\_
- Floor Sheathing Type: \_\_\_\_\_ Size: \_\_\_\_\_
- Other Material: \_\_\_\_\_

**Exterior Walls:**

- Studding Size \_\_\_\_\_ Spacing \_\_\_\_\_
- No. windows \_\_\_\_\_
- No. Doors \_\_\_\_\_
- Header Sizes \_\_\_\_\_ Span(s) \_\_\_\_\_
- Bracing: Yes \_\_\_\_\_ No \_\_\_\_\_
- Corner Posts Size \_\_\_\_\_
- Insulation Type \_\_\_\_\_ Size \_\_\_\_\_
- Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_
- Siding Type \_\_\_\_\_ Weather Exposure \_\_\_\_\_
- Masonry Materials \_\_\_\_\_
- Metal Materials \_\_\_\_\_

**Interior Walls:**

- Studding Size \_\_\_\_\_ Spacing \_\_\_\_\_
- Header Sizes \_\_\_\_\_ Span(s) \_\_\_\_\_
- Wall Covering Type \_\_\_\_\_
- Fire Wall if required \_\_\_\_\_
- Other Materials \_\_\_\_\_

**Ceiling:**

- Ceiling Joists Size: \_\_\_\_\_
- Ceiling Strapping Size \_\_\_\_\_ Spacing \_\_\_\_\_
- Type Ceilings: \_\_\_\_\_
- Insulation Type \_\_\_\_\_ Size \_\_\_\_\_
- Ceiling Height: \_\_\_\_\_

**Roof:**

- Truss or Rafter Size \_\_\_\_\_ Span \_\_\_\_\_
- Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_
- Roof Covering Type \_\_\_\_\_

**Chimneys:**

Type: \_\_\_\_\_ Number of Fire Places \_\_\_\_\_

**Heating:**

Type of Heat: \_\_\_\_\_

**Electrical:**

Service Entrance Size: \_\_\_\_\_ Smoke Detector Required Yes \_\_\_\_\_ No \_\_\_\_\_

**Plumbing:**

- Approval of soil test if required Yes \_\_\_\_\_ No \_\_\_\_\_
- No. of Tubs or Showers \_\_\_\_\_
- No. of Flushes \_\_\_\_\_
- No. of Lavatories \_\_\_\_\_
- No. of Other Fixtures \_\_\_\_\_

**Swimming Pools:**

- Type: \_\_\_\_\_
- Pool Size: \_\_\_\_\_ x \_\_\_\_\_ Square Footage \_\_\_\_\_
- Must conform to National Electrical Code and State Law.

Permit Received By Latini

Signature of Applicant Robert Emmons Date July 9, 1990

Signature of CEO \_\_\_\_\_ Date \_\_\_\_\_

Inspection Dates \_\_\_\_\_

White-Tax Assessor

Yellow-GPCOG

White Tag-CEO

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appeal sustained 9/2/90

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



MERRILL S. SELTZER  
Chairman

JOHN C. KNOX  
Secretary

PETER F. MORELLI  
THOMAS F. JEWELL  
DAVID L. SILVERNAIL  
MICHAEL E. WESTORT  
DEWEY MARTIN

90 Cobb Avenue

All persons interested either for or against this Space & Bulk Variance will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, August 2, 1990 at 7:00 p.m. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the property as required by the Ordinance.

Robert and Marjorie Emmons, owners of the property at 90 Cobb Avenue, under the provisions of Section 14-473(c)1 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petition the Board of Appeals to approve the 17 foot front yard setback in the R-2 Residence Zone instead of the 25 feet required by the Zoning Ordinance in Section 14-80(4) a 1 in order to clear the title on this property.

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

John C. Knox  
Secretary

/el  
7/11/90

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



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Chairman

JOHN C. KNOX  
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PETER F. MORELLI  
THOMAS F. JEWELL  
DAVID L. SILVERNAIL  
MICHAEL E. WESTORT  
DEWEY MARTIN

90 Cobb Avenue

July 10, 1990

*Maryjane*  
Robert and Marjorie Emmons  
90 Cobb Avenue  
Portland, Maine 04102

Dear Mr. and Mrs. Emmons:

Receipt is acknowledged of your variance request for approval of a 17 foot front yard setback in the R-2 Residence Zone instead of the 25 feet required by the Zoning Ordinance in Section 14-80(4)al thereof. This variance is needed by the applicant in order to clear the title on this residential property.

This variance request will be scheduled for consideration by the Board of Appeals on Thursday evening, August 2, 1990, at 7 P.M. in Room 209, City Hall, Portland, Maine. As soon as copies of the agenda are available, you will be sent an agenda for the meeting.

As you may know, the Board requires proof of "undue hardship" which is defined as follows:

- 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 circumstances of the property and not to the general conditions of the neighborhood;
- c. That the granting of a variance will not alter the essential character of the locality; and
- d. That the hardship is not the result of action taken by the applicant or a prior owner."

Please be prepared to answer each of these criteria when you attend the public hearing on your variance request.

Sincerely,

*Warren J. Turner*  
Warren J. Turner  
Administrative Assistant

cc: Merrill S. Seltzer, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director, Planning & Urban Development  
P. Samuel Hoffses, Chief, Inspection Services  
William D. Giroux, Zoning Enforcement Officer  
Hugh Irving, Code Enforcement Officer  
Charles A. Lane, Associate Corporation Counsel  
389 CONGRESS STREET • PORTLAND, MAINE 04101 • TELEPHONE (207) 874-8300

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



MERRILL S. SELTZER  
Chairman

JOHN C. KNOX  
Secretary

PETER F. MORELLI  
THOMAS F. JEWELL  
DAVID L. SILVERNAIL  
MICHAEL E. WESTORT  
DEWEY MARTIN

90 Cobb Avenue

August 6, 1990

Robert and Maryjane Emmons  
90 Cobb Avenue  
Portland, Maine 04102

Dear Mr. and Mrs. Emmons:

At the meeting of the Board of Appeals on Thursday evening, August 2, 1990, the Board voted by a unanimous vote of seven members to grant a variance for the front yard setback of 17 feet instead of the 25 feet required by the Zoning Ordinance for the R-2 Residence Zone.

Pursuant to 30 Maine Revised Statute Annotated Section 4963, the enclosed certificate of variance approval must be recorded by the property owner in the Cumberland County Registry of Deeds within sixty days of the granting of the variance for the variance to be valid. Furthermore this variance is subject to the limitations set forth in Section 14-474 of the City of Portland's Land Use Code.

A copy of the Board's decision is enclosed for your records, along with the above certificate of variance approval.

Sincerely,

Warren J. Turner  
Administrative Assistant

Enclosure: A copy of the Board's Decision  
Certificate of Variance Approval

cc: Merrill S. Seltzer, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director, Planning & Urban Development  
P. Samuel Hoffses, Chief, Inspection Services  
William D. Giroux, Zoning Enforcement Officer  
Hugh Irving, Code Enforcement Officer  
Charles A. Lane, Associate Corporation Counsel

8/1/90

FINDINGS OF FACT  
ALL APPEALS

TYPE OF APPEAL Space + Bulk

1. Name of Applicant Robert + Mary Jane Emmens

2. Address of Applicant 90 Cobb Avenue

3. Right of applicant to appeal.  
Owner

Option to Purchase

4. Location of prop. under appeal 90 Cobb Avenue

5. Zone in which the property is located R-2

6. Present use of property Single family home

7. Proposed use if the appeal is granted.

Approval of a 17' front yard setback rather than 25'

8. Names and addresses of those appearing in support of the application:

Robert Emmens

Mary Jane Emmens

9. Names and addresses of those appearing in opposition to the application:

10. Listing of the documentary evidence presented to the Board (e.g., plans, photos, maps, etc.)

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 Ordinance would result in "undue hardship". The following questions must all be answered, with supporting findings of fact, in order to grant the appeal.

1. Can the land yield a reasonable return (not the highest return) without the granting of a variance?

Yes 0 (deny the appeal)  
No 7

Reasons (including evidence) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Are there factors which are unique to this property, and not to the general conditions of the neighborhood, which create a need for a variance?

Yes 7  
No 0 (deny the appeal)

Reasons (including evidence) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Will the granting of the variance alter the essential character of the locality?

Yes 0 (deny the appeal)  
No 7

Reasons (including evidence) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Is the hardship a result of action taken by the applicant or a prior owner (self-created hardship)?

Yes 0 (deny the appeal)  
No 7

Reasons (including evidence) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the appeal is granted, does the Board wish to impose conditions which will further the intent and purpose of this Ordinance?

Yes \_\_\_\_\_  
No \_\_\_\_\_

Specific Conditions \_\_\_\_\_  
\_\_\_\_\_

Reasons \_\_\_\_\_  
\_\_\_\_\_

Date of Public Hearing Aug. 2, 1990

Motion \_\_\_\_\_

(including conditions and findings of fact) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Votes in Favor - 7

*John J. Kent*  
*Michael E. Hunter*  
*Thomas Powell*  
*John J. Melli*  
*Marion Kelly*  
*Robert King*  
*Henry J. King*

Votes Opposed - 0

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CERTIFICATE OF VARIANCE APPROVAL

I, MERRILL S. SELTZER, the duly appointed Chairman of the Board of Zoning Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 2d day of August, 1990, the following variance was granted pursuant to the provisions of 30 M.R.S.A. § 4963 and the City of Portland's Code of Ordinances.

1. Property Owner: Mary Jane Emmons, owner of 90 Cobb Avenue
2. Property: Cumberland County Registry Book 6406, Page 138. (Last recorded 3/84 Deed in Chain of Title).
3. Variance and Conditions of Variance: The Board of Appeals by a unanimous vote granted a variance for a front yard setback of 17 feet instead of the 25 feet required by the Zoning Ordinance for the R-2 Residence Zone.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 7th day of AUGUST, 1990.

Merrill S. Seltzer  
Merrill S. Seltzer, Chairman

MERRILL S. SELTZER, CHAIRMAN  
(Printed or Typed Name)

STATE OF MAINE  
Cumberland, ss.

August 7, 1990

Then personally appeared the above-named Merrill S. Seltzer and acknowledged that a certificate to be his/her free act and deed in his/her capacity as Chairman of the Portland Board of Zoning Appeals.

Margaret S. Schmuckal

MARGARET SCHMUCKAL  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES JUNE 28, 1991  
(Printed or Typed Name)  
Notary public

PURSUANT TO 30 M.R.S.A. § 4963, THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 30 DAYS OF THE GRANTING OF THE VARIANCE FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.





CITY OF PORTLAND

**RECEIVED**

JUL - 9 1990

VARIANCE APPEAL

DEPT OF BUILDING INSPECTIONS  
CITY OF PORTLAND

APPLICATION

Applicant's name and address: Robert & Marjorie Emmons

90 Cobb Ave Portland, Maine 04102

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

Owner

Owner's name and address (if different):

Same as above

Address of property (or Assessor's chart, block and lot number):

90 Cobb Ave Portland, ME

Zone: R-2 Present use: None

Variance from: Section 14-80(4)a

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

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.

Robert Emmons

Dated: July 9, 1990

Marjorie Emmons  
Signature of Applicant

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.

7-9-70

To Board of Appeals

RE: Variance:

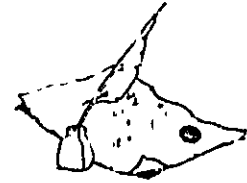
This letter is in regards to a variance we need on our property to clear the title. We are presently re-financing our home and the title Co. will not clear the title until we obtain a variance from the City of Portland.

This is an owned built home, six years old. I made the mistake of where the property line starts. The home set back twenty eight (28) feet from the street.

Sincerely yours  
Robert & Mary Jane  
Emmons

# Douglas Title Company

75 Pearl Street, P.O. Box 518, Portland, Maine 04112



(207) 879-0030  
Fax (207) 777-8105

July 3, 1990

Mr. & Mrs. Robert N. Emmons  
90 Cobb Avenue  
Portland, Maine 04102

Dear Mr. & Mrs. Emmons:

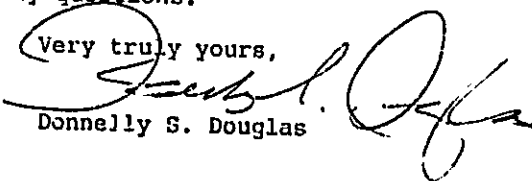
Enclosed is a copy of the mortgage inspection plan done on your property in connection with your mortgage refinancing with Citibank.

Please note the surveyor has indicated a possible front setback violation in that the house does not appear to meet the required 25-foot setback from the street.

Before we can proceed with the closing on this loan, we will need to be provided with evidence of a variance to permit the existing setback or a letter from the Code Enforcement Officer that the City will take no action to enforce the violation.

Please contact us should you have any questions.

Very truly yours,

  
Donnelly S. Douglas

cc: Kathy Griffin

**INSPECTION OF PREMISES**

I HEREBY CERTIFY TO DOUGLAS  
 TITLE CO, CITIBANK AND ITS  
 TITLE INSURER  
 The monumentation is in harmony with current description.

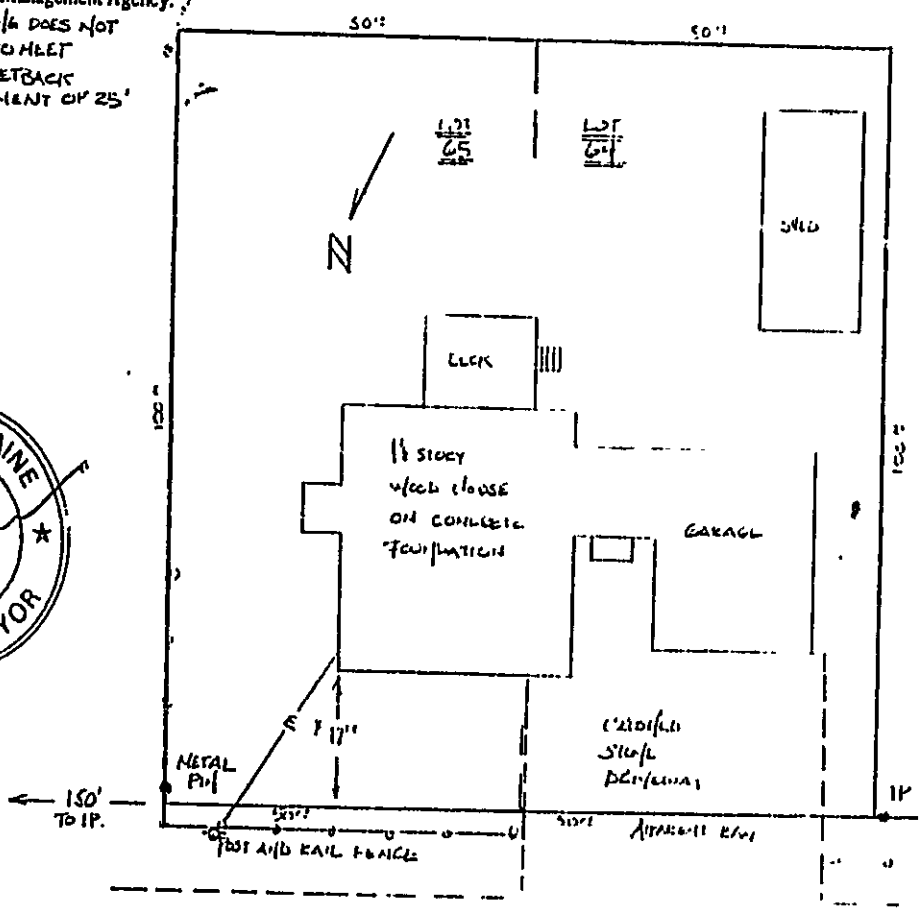
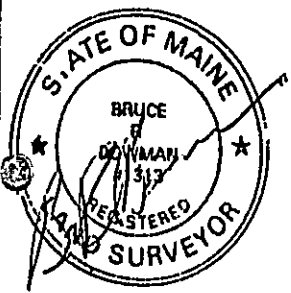
90 COBB AVE  
 PORTLAND, ME

Job Number: 1325  
 Inspection Date: 08 27 83  
 Scale: 1"=20'

The building setbacks are not in conformity with town zoning requirements.  
 The land and the dwelling do not appear to fall within the special flood hazard zone as delineated by the Federal Emergency Management Agency.

OWNERS: ROBERT H AND MARTHA L LARSON

\* NOTE: DWELLING DOES NOT APPEAR TO MEET FRONT SETBACK REQUIREMENT OF 25'



COBB AVENUE

TO WESTBROOK ST (BIRMINGHAM)

THIS PROPERTY IS SUBJECT TO ALL RIGHTS AND EASEMENTS OF RECORD. THOSE THAT ARE EVIDENT ARE SHOWN. THIS PLAN MIGHT NOT REVEAL CONFLICTS WITHIN ADJUTING DEEDS.

BRUCE K. BOWMAN, INC.  
 20 Forest Avenue  
 Cumberland, Maine  
 Phone: (207) 829-3939

PLAN BOOK 15 PAGE 35 LOT 4165  
 DEED BOOK 6406 PAGE 158 COUNTY

THIS PLAN IS NOT FOR RECORDING

10' (LIST)  
 Drawn by: JC



SHEET 212-C

3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30

COBB

AVENUE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
										8000	8000	8000	8000	8000							5000	4980			10000				10		

15570

49

54745

31

(B)

6815

37

13250

30

6889

37

SHEET 210A-A

August 1 1990

To whom it may concern

My name is Laurene Libby and I reside  
at 86 Cobb Ave in Portland. My neighbor  
Bob Common is applying for a variance and  
I am in no way opposed to it.

Sincerely,  
Laurene P. Libby

LAURENE P. LIBBY  
86 COBB AVE  
PORTLAND ME 04102



To whom it may concern,

I Alvin G. Brown whose  
residence is at 101, Cobb Ave.  
across the street from  
Robert Emmons of 90, Cobb Ave.

I am in favor of the  
granting of the space & walk  
variance at 90, Cobb Ave.

Alvin G. Brown

Applicant: Robert & Marjorie Emmons

Date: Aug 7 1990

Address: 90 Cobb Ave. (94-100)

Assessors No.: 210-B-15-16

CHECK LIST AGAINST ZONING ORDINANCE

Formerly Owned by  
Mary Jane Emmons

Lot -

Zone Location - R-2

Interior or corner lot - Interior

Use - Single Family

Sewage Disposal -

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Lot Area - 10,000 sq. ft.

Building Area -

Area per Family -

Width of Lot -

Lot Frontage -

Off-street Parking -

Loading Bays -

L \$ 9,700

B 41,040

T 50,740

Taxes \$ 1,900.72

Site Plan -

Euclidean Zoning -

Flood Plains -

210-B-15

Robert & M.J. Emmons  
90 Cobb Ave

210-B-14 Appel

B-14 Wilfred O. Gardner  
73 Cobb Ave 0410 2

B-31 Coastal Industries Inc  
Two City Ctr 0410 1

A-13 Alvin Brown  
101 Cobb Ave 0410 2

A-14 Barbara Wilkinson  
56 Garrison St 0410 2

A-15

B-17 Lawrence P & Deborah A Libby  
86 Cobb Ave 0410 2