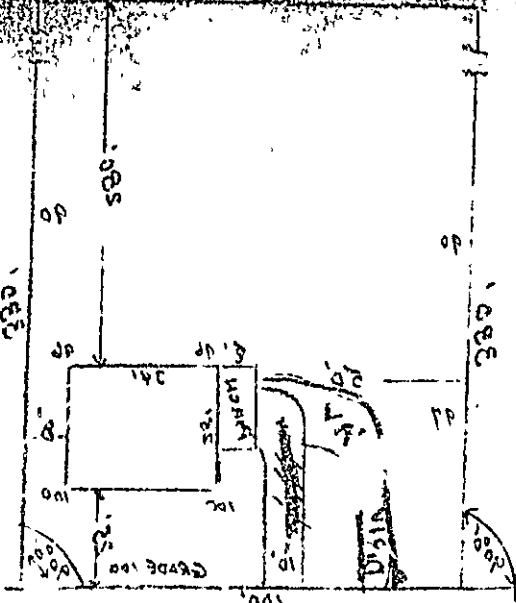


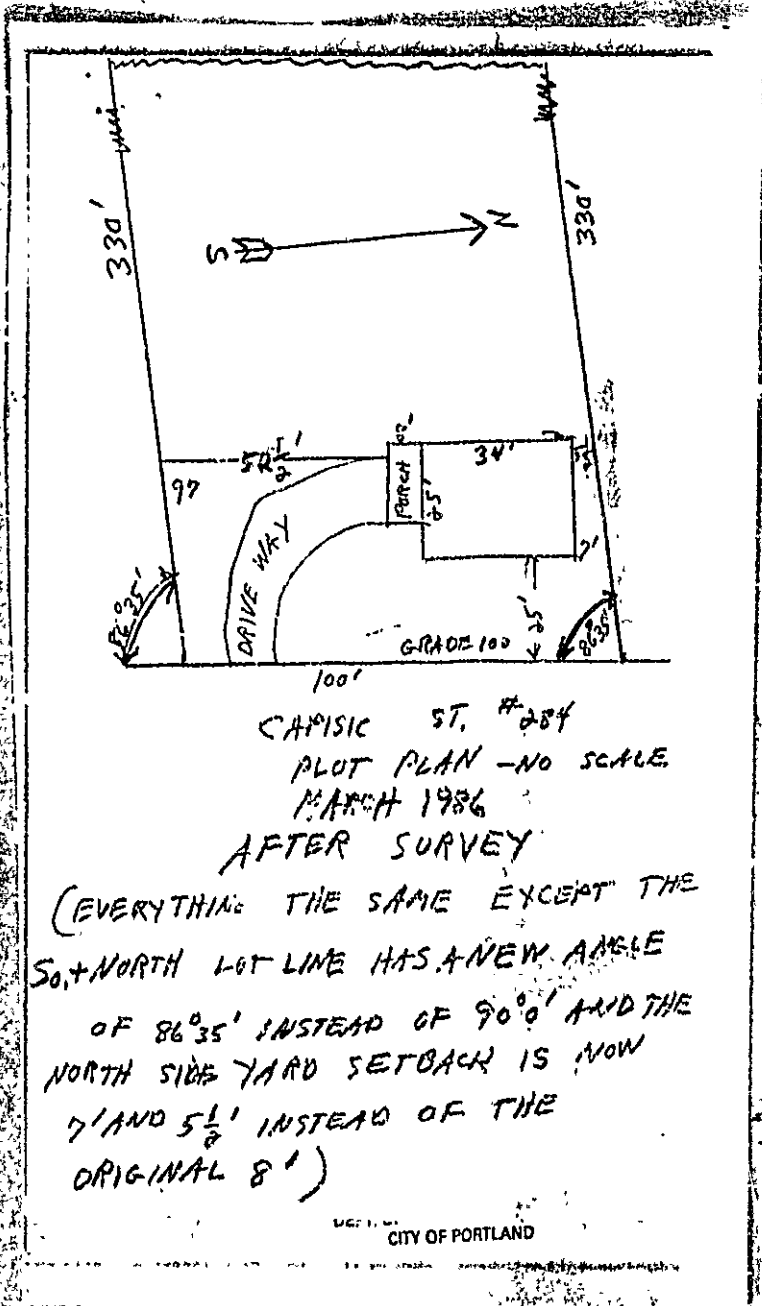
100 - 4 1988

REMOVED

PLAN - NO SCALE

CAPRISIC 27. 4 284





CAPRIC ST. #284
 PLOT PLAN - NO SCALE
 MARCH 1986
 AFTER SURVEY

(EVERYTHING THE SAME EXCEPT THE
 SOUTHERN LOT LINE HAS A NEW ANGLE
 OF 86°35' INSTEAD OF 90°0' AND THE
 NORTH SIDE YARD SETBACK IS NOW
 7' AND 5 1/2' INSTEAD OF THE
 ORIGINAL 8')

CITY OF PORTLAND

at the front corner and
5½ ft. in from the rear
corner.

This means a problem
if and when this property
is next sold.

Please help us by
granting a variance for
this error, which has
not surfaced until now.

Sincerely,

Mr. and Mrs. Warren Harris

was well. Loretta & Don Wade, however, who live on the land north of Dalf's purchase lot, did not agree. They found a 1935 survey of their property showing a different angle from Capisco St. The result is that we agree on the beginning point on Capisco St. but the $86^{\circ}35'$ angle instead of 90° angle slants toward us reducing our line 1 foot for each 10 feet back. This means that our home is no longer the 8 feet required from the line, but 7 ft. in

Board of Appeals March 31, 1981

Dear Sirs,

We are applying for variance on our 284 Capsaic St. property. When we purchased the lot twenty-five years ago from Christy & Small (contractors), they also built our home here. The plot plan, which we are submitting to you, shows our 100' X 33' and home location on the land, which is 8' from our north lot line.

When Mr. Wolf recently purchased the lot to our north, his surveyors agreed with our previous lines and a "

SKELTON, TAINTOR, ABBOTT & ORESTIS

ATTORNEYS AT LAW
95 MAIN STREET
P O Box 3200
AUBURN, MAINE 04210
207-784-3200

WILLIAM B SKELTON
1871-1864
HAROLD N SKELTON
1899-1878

FREDERICK G TAINTOR
WILLIAM B SKELTON
CHARLES H ABBOTT
STEPHEN R SCALE
JOHN C ORESTIS
PETER H GARCIA
BRYAN H DENCH
JOHN B COLIC
JILL A CHECKOWAY
STEVEN F WRIGHT
STEPHEN R WADE
MICHAEL R POJUN
T GREGORY NOTTA
NORMAN J RATTEY
LAURIE A GIBSON

February 14, 1986

Mr. James Wolfe
1104 Forrest Avenue
Portland, Maine 04102

RE: Donald and Loretta Wade (284 Capisic Street) - 1-9

Dear Mr. Wolfe:

C
O
P
Y
Please be advised that this office represents the above Donald and Loretta Wade. Apparently, you have acquired a parcel of land, 288-290 Capisic Street, immediately adjacent to their property. Recently, surveyors placed stakes several feet onto their property. And, the surveyors have placed the Wade's southern boundary substantially north of its real location.

The Wades are concerned about maintaining the proper side lot requirements and proper boundaries. I attach a copy of a mortgage survey which located corner posts. I understand all corner posts are readily observable.

Please contact my office at your earliest convenience so that this matter may be resolved. If construction is started on this tiny lot before the matter is clarified, suit will be filed immediately.

It is my sincere hope that we can resolve this matter promptly and inexpensively. I look forward to hearing from you.

With best regards,

SKELTON, TAINTOR, ABBOTT & ORESTIS

Stephen B. Wade
Stephen B. Wade

SBW:mab

Enclosure

cc: Mr. and Mrs. Warren Hearn, 284 Capisic Street, Portland, Maine
Mr. and Mrs. Donald Wade
Brian Dudley, Portland City Manager
Joseph E. Gray, Jr., Portland Director of Planning & Urban Dev.
Warren Turner, Portland Zoning Administrator ✓
Portland Corporate Counsel

Applicant: 284 Caprice Street
Address: Mr. and Mrs. Warren Hearn
Assessors No.: 224A24224X-22

Date: 4/20/86

CHECK LIST AGAINST ZONING ORDINANCE

- Date -
- Zone Location - R-3 Residence
- Interior or corner lot - Interior
- Use -
- Sewage Disposal -
- Rear Yards -
- Side Yards -
- Front Yards -
- Projections -
- Height -
- Lot Area - 16,500 #
- Building Area -
- Area per Family - 6500 #
- Width of Lot -
- Lot Frontage -
- Off-street Parking -
- Loading Bays -
- Site Plan -
- Shoreland Zoning -
- Flood Plains -

1984 Assessments
\$ 8450 Land
34980 Bldg.
\$ 43430 Total
+ 2nd lot 16500 #
280-282 Caprice
\$ 7490

Section 14-90(4)c of the Zoning Ordinance requires 8 feet side yard setback and when their house was built there were 8 feet in the side yard a recent survey has moved the side line angle for the property boundary and placed the line only $5\frac{1}{2}$ feet from the corner of their house

3-C. Granting of the variance will/will not (circle one) alter the essential character of the locality: _____

3-D. The hardship is/is not (circle one) the result of action taken by the applicant or a prior owner: _____

Conclusion *

After public hearing on _____, 19____, and for reasons above-stated, the accompanying application is hereby (check one)

_____ granted.

_____ granted subject to the following condition(s):

_____ denied.

Dated: _____, 19____

Secretary of the Board

* The application may be granted or granted subject to conditions only if the finding for #1 above is in the negative AND the finding for #2 above is in the affirmative AND the findings for #'s 3-A through 3-D above are as follows:

- 3-A: in the negative;
- 3-B: 1st one in the affirmative,
2nd one in the negative
- 3-C: in the negative
- 3-D: in the negative



CITY OF PORTLAND

Mr & Mrs WARREN HEARN
284 COPPER ST.

VARIANCE APPEAL

DECISION

For the Record

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

Mrs WARREN HEARN _____

Mr WARREN HEARN _____

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

Findings of Fact

1. The variance requested is/is not (circle one) prohibited under Section 14-473(c) (3), for the following reason(s): _____

2. The variance requested does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s): _____

- 3-A. The land in question can/cannot (circle one) yield a reasonable return unless the variance is granted: _____

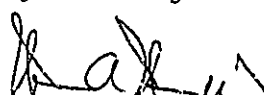
- 3-B. The need for a variance is/is not (circle one) due to the unique circumstances of the property and is/is not (circle one) due to the general conditions in the neighborhood: _____

To: City of Portland, Maine - Board of Zoning Appeals

Subject: Space & Bulk Variance Appeal, 284 Capisic St.

I am the owner/occupant at 275 Capisic St. which is across the street from 284 Capisic St., the property of Mr. & Mrs. Warren Eearn. I have received notice from the City of Portland of their request for variance from the side yard setback requirement.

I have viewed the property in question and have no objection. I urge that the appeal be granted.



William A. Wright, Jr
275 Capisic St.
Portland, Me.

April 23, 1986

3-C. Granting of the variance will/will not (circle one) alter the essential character of the locality: _____

4-0

3-D. The hardship is (circle one) not the result of action taken by the applicant or a prior owner: _____

4-0

Conclusion *

After public hearing on May 22, 1986 and for reasons above-stated, the accompanying application is hereby (check one)

granted.

granted subject to the following condition(s):

denied.

Dated: May 22, 1986

Thomas F. Jewell
Secretary of the Board

* The application may be granted or granted subject to conditions only if the finding for #1 above is in the negative AND the finding for #2 above is in the affirmative AND the findings for #'s 3-A through 3-D above are as follows:

- 3-A: in the negative;
- 3-B: 1st one in the affirmative,
2nd one in the negative
- 3-C: in the negative
- 3-D: in the negative

granted

denied

Thomas Jewell
Robert S. ...
Eugene & Marty
Merrill A. Lutz



CITY OF PORTLAND

VARIANCE APPEAL

DECISION

284
CAPIONE
JK

For the Record

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

Mr. Warren Hearn

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

Letter from William Wright

Finding of Fact

1. The variance requested is/is not (circle one) prohibited under Section 14-473(c) (3), for the following reason(s): _____

4-0

2. The variance requested does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s): _____

4-0

3-A. The land in question can/cannot (circle one) yield a reasonable return unless the variance is granted: _____

4-0

The need for a variance is/is not (circle one) due to the unique circumstances of the property and is/is not (circle one) due to the general conditions in the neighborhood: _____

4-0



CITY OF PORTLAND

RECEIVED

REQUEST FOR VARIANCE APPEAL

APR - 4 1986

DEPT OF BUILDING INSPECTIONS CITY OF PORTLAND

Applicant's name and address: Walter Hearn
284 Capisic Street

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):
same

Zone: F-3

Present use: Knigle Family
Change of use (if applicable)

Variance from: Section 14- 90/4 c.

Relief requested from Board:

Recent survey relocates Northealy side line so that instead of 8 feet setback, there is only 5 1/2 feet side yard at nearest point.

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

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

Dated: April 4, 1986

Walter Hearn
Signature of Applicant

(See other side for variance standards.)

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JACQUELINE COHEN
Secretary

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

April 8, 1986

RE: 284 Capisic Street

Mr. and Mrs. Warren Hearn
284 Capisic Street
Portland, Maine 04102

Dear Mr. and Mrs. Hearn:

This will acknowledge receipt of your letter and request for a variance from the side yard setback requirement contained in Section 14-90(4)c of the Zoning Ordinance. As the result of a surveying error, your north side line setback is now only 5 1/2 feet from the property line instead of 8 feet as it was 25 years ago.

As a result, your side yard setback has been diminished through a surveyor's more recent finding that the property line is no longer in accordance with the City Zoning Ordinance. This petition for a variance will be scheduled for consideration before the Board of Appeals on Thursday afternoon, April 24, 1986, at 3:30 P.M. in Room 209, City Hall, Portland, Maine. A copy of the agenda will be mailed to you as soon as it becomes available for distribution.

Sincerely,

Warren J. Turner
Warren J. Turner
Zoning Enforcement Inspector

WT/el

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

389 CONGRESS STREET • PORTLAND, MAINE 04101 • TELEPHONE (207) 775-5451

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
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JACQUELINE COHEN
Secretary

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

April 28, 1986

RE: 284 Capisic Street

Mr. and Mrs. Warren F. Hearn
284 Capisic Street
Portland, Maine 04102

Dear Mr. and Mrs. Hearn:

As you know, at the meeting of the Board of Appeals on Thursday, April 24th, the Board voted by a unanimous vote to postpone your variance request to the May 22nd meeting of the Board of Appeals.

This postponement was recommended in order to give you additional time in which to obtain a copy of the recent survey which affected your side property line.

Sincerely,

Warren J. Turner
Zoning Enforcement Inspector

WJT/el

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

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

Michael E. Westort
Secretary

ROBERT J. GAUDREAU
THOMAS F. JEWELL
EUGENE S. MARTIN
DAVID L. SILVERNAIL

May 28, 1986

RE: 284 Capisic Street

Mr. and Mrs. Warren F. Hearn
284 Capisic Street
Portland, Maine 04103

Dear Mr. and Mrs. Hearn:

At the May 22nd meeting of the Board of Appeals, they voted by a unanimous decision to grant your variance for a 5 1/2 foot side yard setback instead of 8 feet as required by the R-3 Residence Zone.

Sincerely,

Warren J. Turner
Warren J. Turner
Zoning Enforcement Inspector

WJT/el

Enclosure: Copy of Decision

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

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JACQUELINE COHEN
Secretary

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

284 Capisic Street

All persons interested either for or against this Space & Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday afternoon, April 24, 1986 at 3:30 P.M. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the property as required by the Ordinance.

Mr. and Mrs. Warren Hearn, owners of the property at 284 Capisic Street, 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 grant a request for a variance from the side yard setback requirement contained in Section 14-90(4)c of the Zoning Ordinance. As the result of a surveying error, the north side line setback is now only 5 1/2 feet from the property line instead of 8 feet which means the property line is no longer in accordance with 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 14-473(c)1 of the Zoning Ordinance have been met.

Jacqueline Cohen
Secretary

E1
4/8/86

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JACQUELINE COHEN
Secretary

ROBERT J. GAUCREAU
THOMAS F. JEWELL
EUGENE S. MARTIN
DAVID L. SILVERNAIL
MICHAEL E. WESTORT

284 Capisic Street

All persons interested either for or against this Space & Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday evening, May 22, 1986 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.

Mr. and Mrs. Warren Hearn, owners of the property at 284 Capisic Street, 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 grant a request for a variance from the side yard setback requirement contained in Section 14-90(4)c of the Zoning Ordinance. As the result of a surveying error, the north side line setback is now only 5 1/2 feet from the property line instead of 8 feet which means the property line is no longer in accordance with 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 14-473(c)1 of the Zoning Ordinance have been met.

Jacqueline Cohen
Secretary

E1
5/9/86

CERTIFICATION SKETCH

Land Use Consultants, Inc.

966 RIVERSIDE STREET PORTLAND, MAINE 04103 207-797-8187

FOR DONALD D. & LURETTA E. WADE

294 CAPIRIC STREET

PORTLAND, MAINE

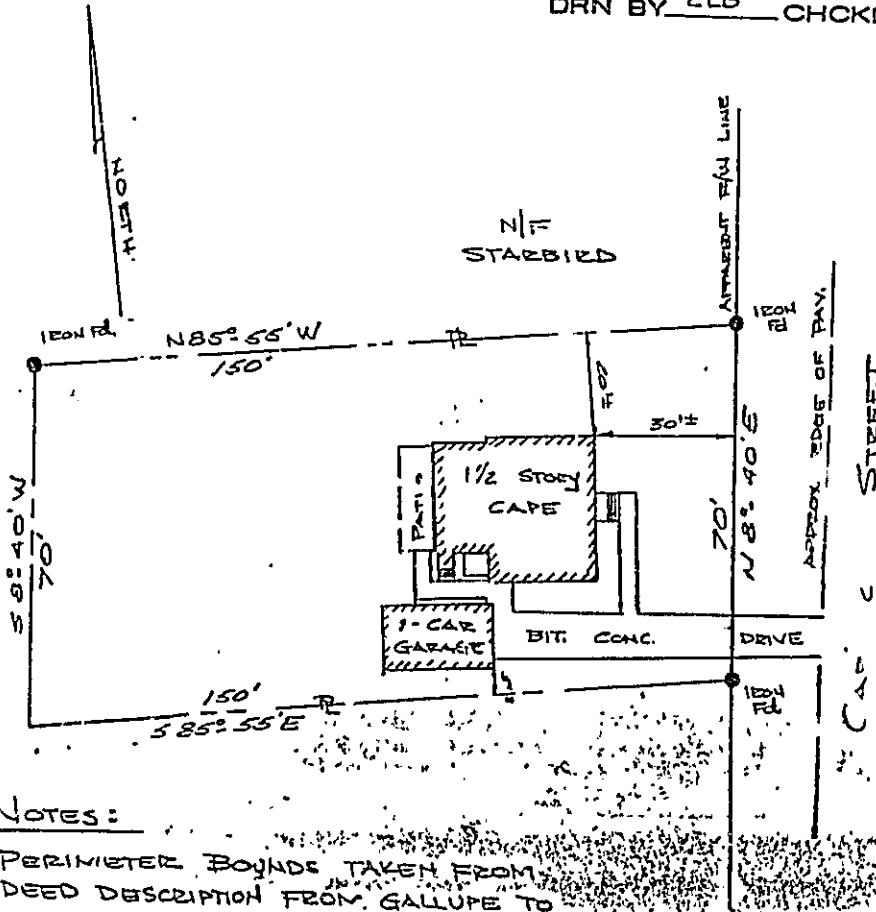
LAND PLANNERS ENGINEERS SURVEYORS

DATE 4-22-82

SCALE 1" = 30'

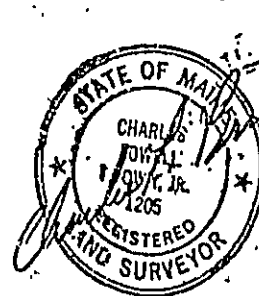
PROJECT NO 1242-S

DRN BY CLB CHCKD BY CLB



NOTES:

PERIMETER BOUNDS TAKEN FROM DEED DESCRIPTION FROM GALLUPE TO WADE, DATED 1982.

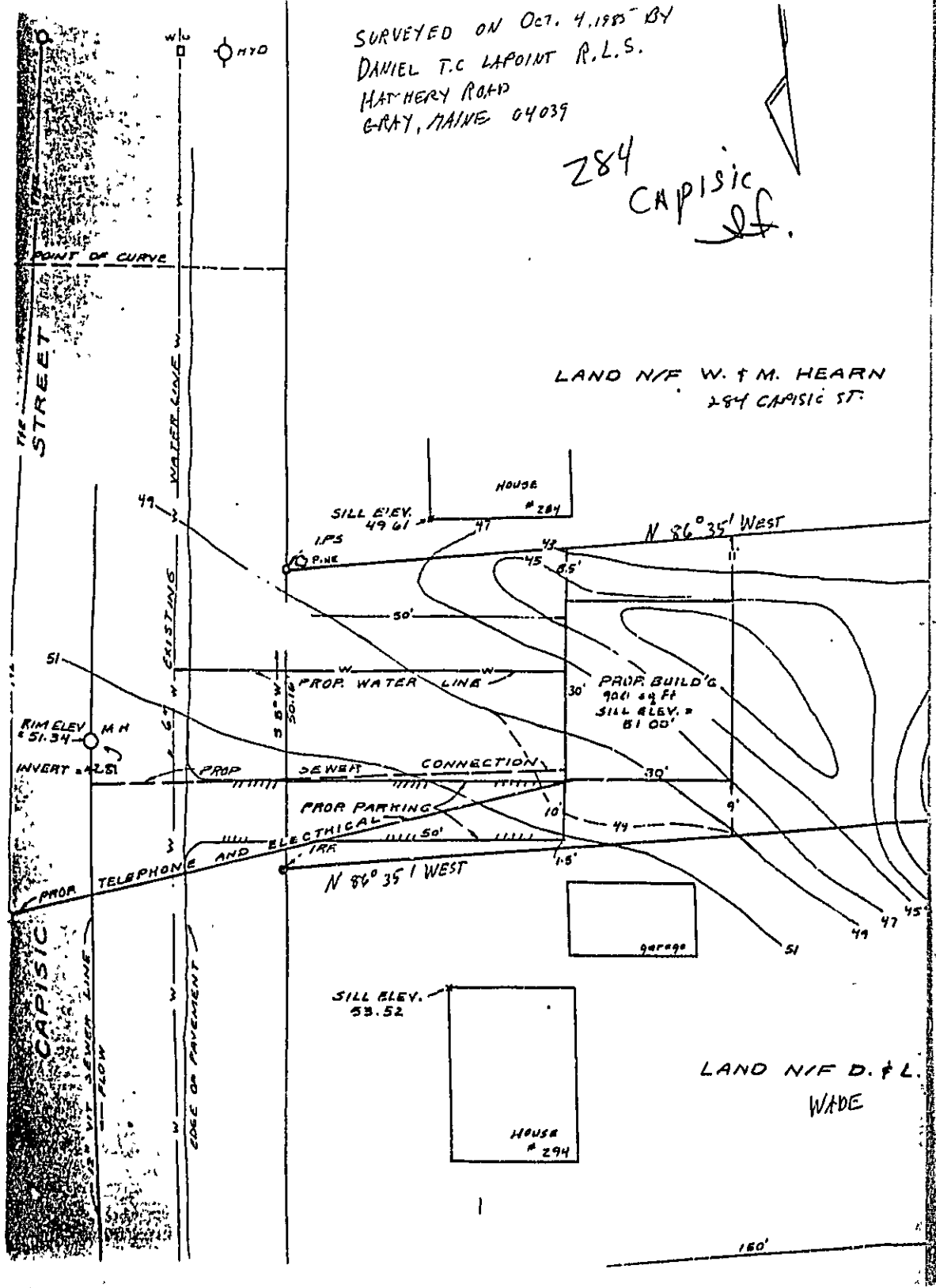


SURVEYED ON OCT. 4, 1985 BY
DANIEL T.C. LAPOINT R.L.S.
HATHERY ROAD
GRAY, MAINE 04039

284
CAPISIC
JF.

LAND N/F W. & M. HEARN
284 CAPISIC ST.

LAND N/F D. & L.
WADE

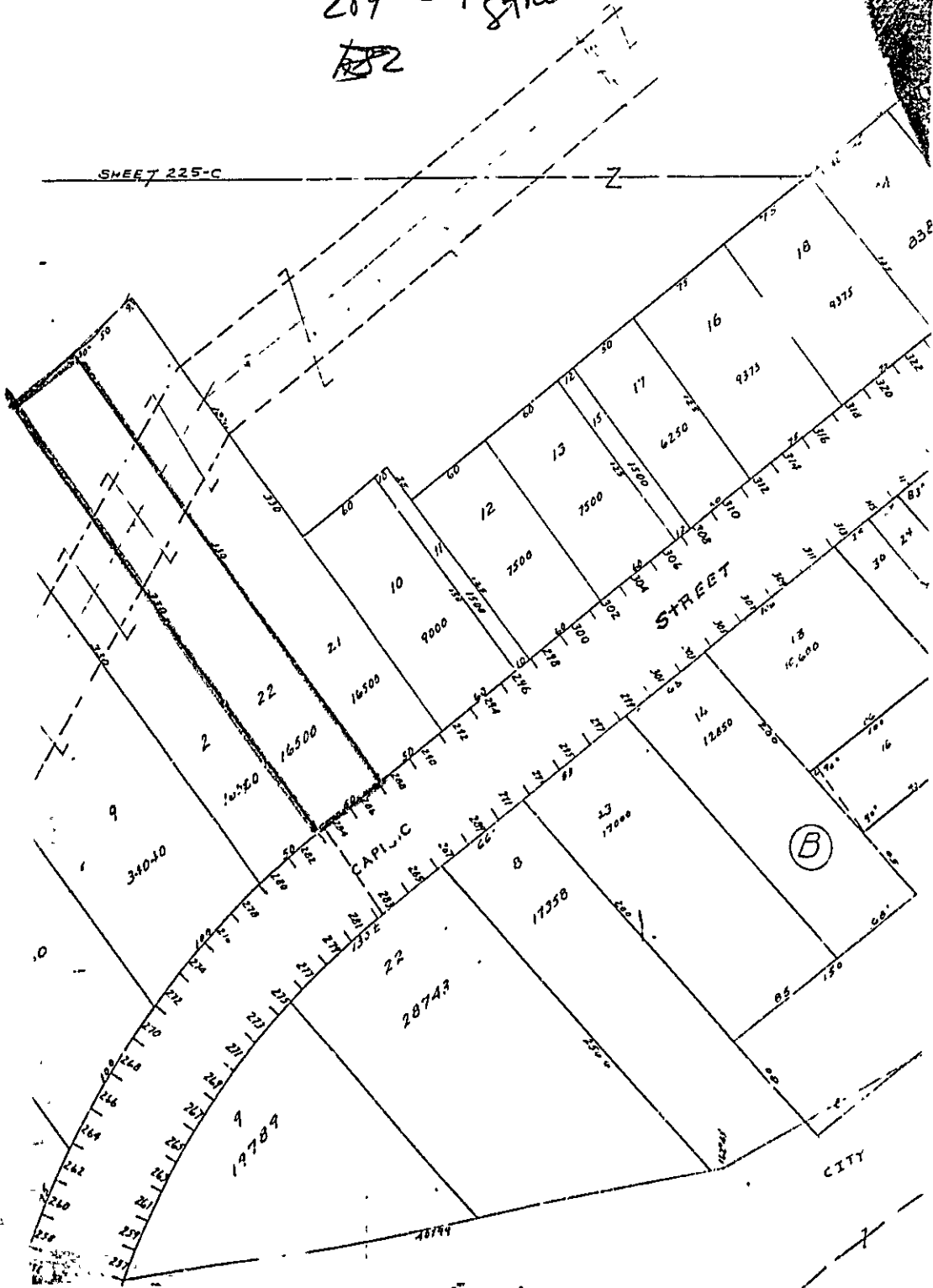




284 Capisia Street.

284 CAPISIC Street.
~~182~~

SHEET 225-C



224-A-22

284 Capisic St
Marian & Warren Hearn

224-A-2 Appellants

A-9 Anderson-Watkins
Associates Inc. X

674 Brighton Ave 04102
A-21 Philip D. Starbird (P. D.)

B 8 Ethel L. Kelinide X
289 Capisic St 04102

B 22 William A. Wright X
275 Capisic St 04102

225-C-10-A

224-A-1 - Doctors Park Ave. X
656 Brighton Ave. 04102