ZONING BOARD OF APPEALS



MERRILL S. SELTZER Chalman

JOHN C. KNOX

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

36 Coolidge Avenue

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, August 16, 1990 at 7:00 p.m. This notice of required fublic hearing has been sent to the owners of property within 500 feet of the property in question as required by the Ordinance.

George & Gloria Hammond, owners of the property located 36 Coolidge Avenue, under the provisions of Section 14-474 of the Zoming 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 two family dwelling, not allowed in the R-3 Residence Z ne in which this property is located unless authorized by the Board of Appeals under the provisions of Section 14-88(1)b. of the 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.

John C. Knox Secretary

/el 7/31/90

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

9066A Bassett Street Fort Drum, NY 13603 August 9, 1990

Fir. John Knox Dept. of Planning and Urban Development 389 Congress Street Portland, Maine 04101

Dear Mr. Knox:

This is in reply to the August 16<sup>th</sup> meeting to be held regarding the appeal of the Hammonds and their property at 36 Coolidge Avenue. As a taxpayer of properties in the area and because of distance and an infant, I am writing my "voice" against the use of a two-family dwalling ir reference to this appeal. I hope this letter will be considered at the meeting; I do not wish to ignore this situation.

Thank you for the notice and I we ild like to know the outcome of this appeal.

sincerely,

Jane K. Hendricks

Àug. 14,1990

# 36 Coolidge Ave



## CITY OF PORTLAND

CONDITIONAL USE APPEAL

DECISION

	ne Record
Names	and addresses of witnesses (proponents, opponents and others):
	e Hummond Leo Bourgoault
20-50	R HUMMOND!
Exhib	its admitted (e.g., renderings, reports, etc.):
	<b>†</b>
Findi	ngs of Fact
1.	The proposed conditional use (is/is not (circle one) permitted under Section 14- 474 of the Zoning Ordinance, for the
	following reason(s):
	4-0
2.	The proposed conditional use 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.	There are/are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the ollowing reason(s):
	4-0
3-B.	There will/vill 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

t h	e impact dces/ces not (circle one) differ substantially from e impact which would normally occur from such a use in that ne, for the following reason(s):
Conclus Af above-s	ter public hearing on $\frac{1}{\sqrt{2}}$ , $\frac{1}{2}$ , $\frac{1}{2}$ , and for the reasons tated, the accompanying application is hereby (check one)
	granted subject to the following condition(s):
Dated:	Aug. 16, 1990 Secretary of the Board
2 abov	e application may be denied only if EITHER the finding for $\frac{1}{2}$ 1 o e is in the negative OR the findings for $\frac{1}{2}$ 's 3-A, 3-B and 3-are each in the affirmative.

١.

ZONING BOARD OF APPEALS



MERRILL S. SELTZER Chairman

> JOHN C. KNOX Secretary

Secretary

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

36 Coolidge Avenue

June 7, 1990

George W. and Gloria Harmond 36 Coolidge Avenue Portland, Maine 04103

Dear Mr. and Mrs. Hammond:

This is in reference to your recent application for a conditional use appeal for approval by the Board of Appeals for your second apartment unit, which has been installed in your single family dwelling, which is located in the R-3 Residence Zone, at 36 Coolidge Avenue.

A copy of the section 14-88 (1)b. of the City Zoning Ordinance is also enclosed for your information. It would be well to review the criteria presented to determine whether or not your property meets the requirements contained therein. There is a fee of \$50.00 for this appeal and additional costs will be incurred for publication and notices to property-owners within 500 feet of your dwelling.

There is a question as to whether or not the septic system is adequate to serve an additional unit, and whether the lot size is sufficient to support septic disposal for two dwelling units. A lower level dwelling unit shall have a minimum of two-thirds of its floor to ceiling height above the average adjoining ground level. There is also a question as to whether the window sizes and the door to outside meets the requirements of the Life Safety Code of the Fire Department. This may be verified with Lt. Garroway of the Fire Prevention Bureau.

When we receive a complete application in this office, we shall then be able to place your application on the agenda for a forthcoming meeting of the Doard of Appeals.

Sincerely,

Narren John 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
Merlin Leary, Code Enforcement Officer
William D. Giroux, Zoning Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

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

ZONING BOARD OF APPEALS



MERRILL S. SELTZER

JOHN C. KNOX

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

36 Coolidge Avenue

July 3. 1990

George & Gloria Hammond 36 Coolidge Avenue 04103 Portland, Maine

Dear Mr. and Mrs. Hammond:

We are unable to schedu'e your conditional use appeal until we receive more information regarding your proposed use of the property, which is located in the R-3 Residence Zone. In order to continue processing this conditional use appeal, we shall require sore additional information.

Minimum Lot Size: A minimum sized lot of at least 10,000 square feet is required for all applications for a conditional use appeal when a change of use for converting a single family to a two family is anticipated

> The State Plumbing Code requires a minimum of 40,000 sq. ft. in lot size for a two family and a soils analysis rust be conducted before the building permit can be

i. sued.

A list of the elements needed for review of your appeal is enclosed. We shall need a cover letter explaining what you want to do and a plot plan showing necessary parking off street, and the dimensions and distances to the lot line front, side and rear. We shall need a floor plan for each of the apartments showing proposed and existing rooms with dimensions. A photo of the property should accompany each application with ten (10) copies of each application so that copies can be disseminated to each Board of Appeals Member. This appeal will not be scheduled until all of these materials are received in this office. Receipt of the \$50 fee is acknowledged.

Sincerely,

Warren J. Turner

Administrative Assistant

Enclosures: List of Meeting dates and Necessary Material for an Appeal

cc: Merrill S. Seltzer, Chairman, Board of Appeals

Joseph E. Gray, Jr., Director, Planning & Urban Development P. Samuel Hoffses, Chief, Inspection Services

Merlin Leary, Code Enforcement Officer

William D. Giroux, Zoning Enforcement Officer
Charles A. Lane, Associate Corporation Counsel
Charles A. Congress Street • PORTLAND, MAINE 04101 • TELEPHONE (207) 874-8300

ZONING BOARD OF APPEALS



MERRILL S. SELTZER Chairman

JOHN C. KNOX Secretary

PETER F. MORELLI THOMAS F. JEWILL DAVID L. SILVERNAD. MICHAEL E. WES ORT DEWEY MARTIN

36 Coolidge Avenu-(348-A-1)

July 9, 1990

George W. and Gloria G. Hammond 36 Coolidge Avenue Portland, Maine 04103

Dear Mr. and Mrs. Hammond:

Researc' in the City Assessor's Office today reveals that you have only 8,500 square lest of contiguous land area on Coolidge Avenue with your residence in the R-3 Residence Zone. As we have previously advised you in our letter of July 3rd, a minimum sized lot of at least 10,000 square feet is required for any application for a conditional use appeal, when a change of use for converting from a single to a two family is contemplated under the conditional use provisions of the Zoning Ordinance in Section 14-88(1)b. thereof.

If you do not have at least 10,000 square feet of contiguous land area for your residence, then it is not possible for us to take your conditional use appeal before the Board of Appeals for approval of the second apartment, which is already in your basement area.

Please therefore consider the possibility of removing this second apartment unit from your building. You will have thirty days in which to remove this illegal apartment unit before this matter will be turned over to the legal counsel for enforcement. If you wish to withdraw your appeal, then we shall refund your appeal fee upon receipt of your recipt for payment.

Sincerely,

Marren 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
Merlin Leary, Code Enforcement Officer
William D. Giroux, Zoning Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

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

ZONING BOARD OF APPEALS



MERRILL S. SEL1ZER

JOHN C. KNOX

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

DEWEY MARTIN

July 26, 1990

RE: 36 Coolidge Avenue

George & Gloria Hammond 36 Coolidge Avenue Portland, Maile 04103

Dear Mr. and Mrs. Harmond:

Upon a review of your land and building, it has been determined that you have a parcel of more than 10,000 square feet in the group of lots where your residence is located. We apologize for the misunderstanding regarding your property, but there are no numbers assigned due to the fact that your street is unacci ted.

If yo can arrange to come in and complete your application and sign the build ag permit application form, we shall try to place your conditional use appeal on the agenda for the August 16th meeting of the Board of Appeals. We shall need additional information right away, to include the following:

- a. A photograph of your residence, which can be reproduced by xeroxing; and whether your lot will support septic disposal;
- b. Floor plans for each of the two units showing that the apartments meet the minimum size in square footage;
- c. A lower level dwelling unit shall have a minimum of two-thirds of its floor to ceiling height above the average adjoining ground level;
- d. There is a question as to whether the floor to ceiling height is adequate (7-1/2 feet) and whether the windows and doors are of adequate size to meet the requirements of the Life Safety Code of the Fire Department.

When we receive a complete application in this office, we can then place this conditional use appeal on the agenda for the next meeting of the Board of Appeals.

Warren J. Furner Warren J. Turner

Administrative Assistant

cc: Merrill S. Seltzer, Chairman, Board of Appeals Joseph E. Gray, Jr., Director. Planning & " on Development William D. Giroux, Zoning Codes Enforcement Cificer Merlin Leary, Code Enforcement Officer

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

ZONING BOARD OF APPEALS



MEARILL S. SELTZER Chairman

JOHN C. KNOX Secretary

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

36 Coolidge Avenue

August 1, 1990

George W. and Gloria Hammond 36 Coolidge Avenue Portland, Maine 04103

Dear Mr. and Mrs. Harmond:

Receipt is acknowledged of your application for a conditional use appeal to obtain approval for a change of use from single family to two family for your residence, which is located in the R-3 Residence Zone. Section 14-88(1)b of the City Zoning Ordinance contains the criteria for this conversion to a two farily dwelling. Please furnish floor plans.

This conditional use appeal will be placed on the agenda or the August 16th meeting of the Board of Appeals scheduled for 7 P.M. in Room 209, City Hall, Portland, Maine. A copy of the agenda for that meeting will be sent to you as s n as copies become available for distribution.

We hope that you wall plan to attend the meet ng on August 16th in order to answer any questions the Board may have concerning your appeal.

Sincerely,

Warren J. Turner

Administrative Assistant

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Levelopment
P. Samuel Hoffses, Chief Inspection Services
William D. Giroux, Zoning Enforcement Officer
Merlin Leary, Code Enforcement C ficer
Charles A Large Associate Companying Counted Charles A. Lane, Associate Corporation Counsel

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

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

August 30, 1990

RE: 36 Coolidge Avenue

George W. and Gloria Hammond 36 Coolidge Ave Portland, Maine 04103

Dear Mr. and Mrs. Hammond:

At its meeting of August 16, 1990, the Board of Appeals veted to permit a change of use from a single family to a two family residence.

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

You should now continue the process by coming in to this office, Room 315, to apply for a change of use permit.

Sincerely,

william d. Giroux

Zoning Codes Enfocement Officer

/el Enclosure

389 CONGRESS STREET . PORTLAND, MAINE 04\*01 . TELEPHONE (207) 874-8300



### CITY OF PORTLAND

CONDITIONAL USE APP. AL

#### .....

. APPDICATION
Applicant's name and address: Donae Africa Hommond  36 Cooledge Que Fortland Me. 04103  Applicant's interest in property (e.g., owner, purchaser, etc.):
Owner's name and address (if different): Same
Address of property (or Assessor's chart, block and lot number); 6-1-2-36 Coolings ave. Portland: 2.04103 17418
zone: neudential R-3 Present use: ha - of
Type of conditional use proposed: 0 2 0
Type of conditional use proposed: Daniel  Conditional use authorized by: Section 14-28-/
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.
Rutod: May 30, 1990 Deorge W. Hommand

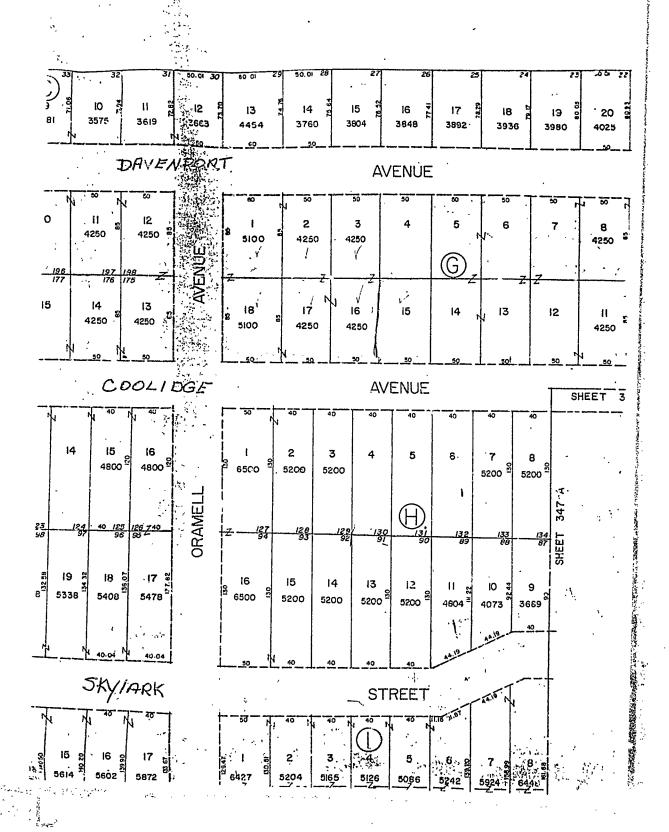
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#### Section 14-474(c)(2):

- 2) Standards: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:
  - a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
  - b. There will be an adverse impact upon the health, safe welfare of the public or the surrounding area; an
  - c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.



#### (1) Residential:

- a. Reserved.
- b. Alteration of a detached single-family dwelling existing as of June 5, 1957, with floor area exceeding fifteen hundred (1,500) square feet, to accommodate one (1) additional dwelling unit, provided that:

LAND USE

- No additional dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;
- No open outside stairways or fire escapes above the ground floor shall be or have been constructed in the immediately preceding five (5) years;
- iii. The alteration will not result in a total cubical volume increase of more than ten (10) percent within the five (5) years immediately preceding the date of alteration:
- iv. Ar building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling;
- v. A lower level dwelling unit shall have a minimum two-thirds of its floor-toceiling height above the average adjoining ground level;
- vi. A minimum lot size of ten thousand (10,000) square feet of land area shall be required;
- vii. No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic.
- viii. Parking shall be provided as required by division 20 of this article;
- ix. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
  - 1. Any additions or exterior alterations such as racade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building:
  - 2. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.

#### (2) Commercial:

- a. Reserved.
- (3) Institutional: Any of the following conditional uses provided that, notwithstanding section 14.474(a) (conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:
  - a. Elementary, middle, and secondary school;
  - b. Long-term, extended, and intermediate care facility;
  - c. Church or other place of worship;
  - d. Private club or fraternal organization;

#### (1) Residential:

- a. Reserved.
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    - 2. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.

#### (2) Commercial:

(:)

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- (3) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:
  - a. Elementary, middle, and secondary school;
  - b. Long-term, extended, and intermediate care facility;
  - c. Church or other place of worship;
  - d. Private club or fraternal organization;

### CITY OF PORTLAND, MAINE MEMORANDUM

Gerry Pelletier, Data Processing

DATE:
July 30, 1990

Request fo labels - Hammond - 36 Coolidge Avenue Appeal

May we please have the following labels:

347-A

348-A

348-C

349-C

349-D

349-E

349-F

349-G

349-H

349-I

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THANK

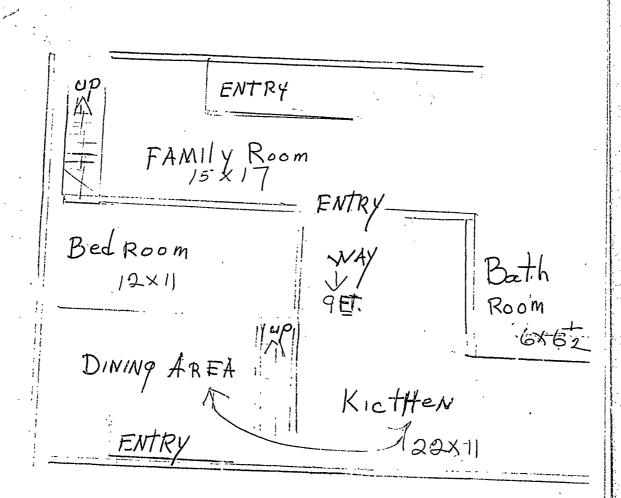
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193 ALLEN H HANSON
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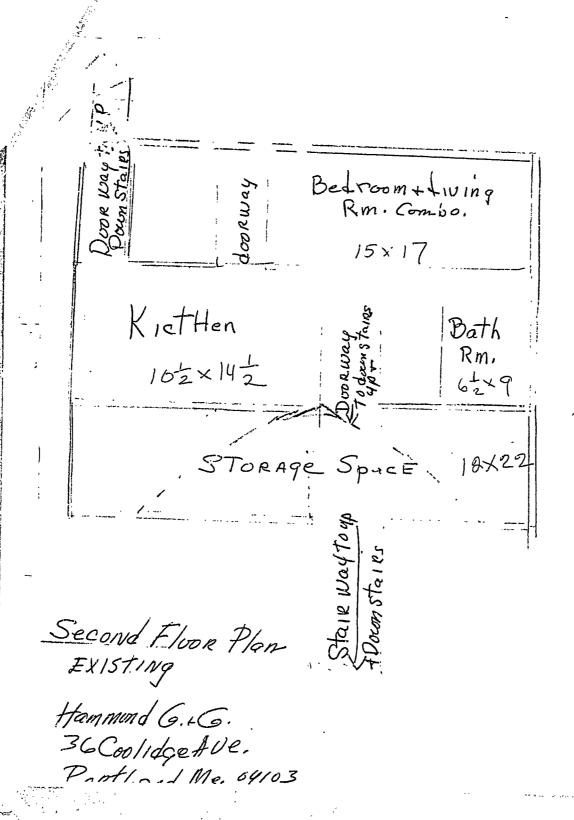
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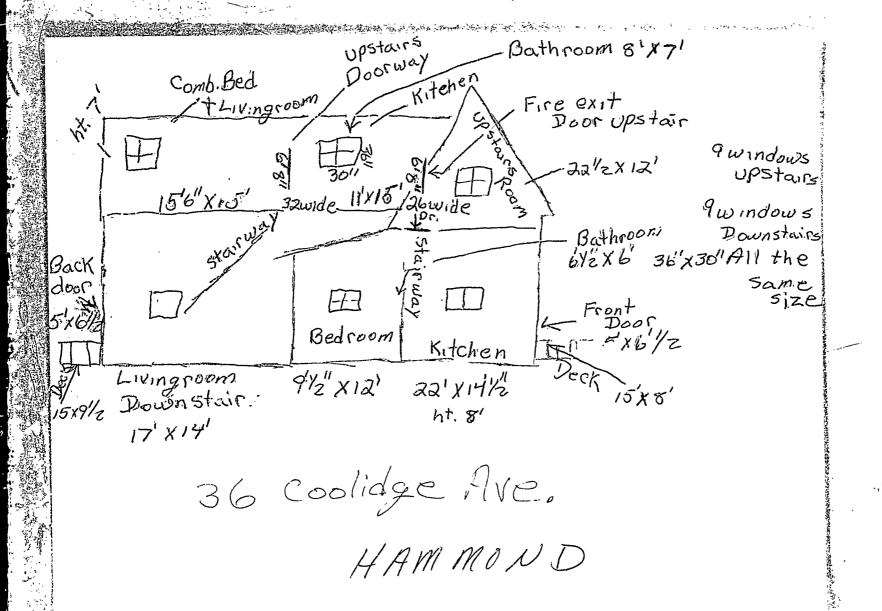
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First Floor Plan Existing

Hammond G.+G. 36 Coolidge Ave. Protland Ne.04103





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•	HARDY ELIZABETH A 93 NORTHWOOD DRIVE PORTLAND ME		9	<b>®</b>		C4103
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B ESETT ALBERT JR GEER DARYL P 1 JUY PLACE 88 NORTHWOOD PORTLAND ME PORTLAND, ME 04101 349 - C-011 348 - C-022 4103 EOURGEAULT LEO E & C+AKLOTTE M GAUDETTE GORA FRANK & KAZIMIERA J JTS EL CLARK ST 130 NORTHWOOD DR SACG ME ) PORILAND, ME 348 - C-022 04072 349 - D-006 04103 ) BRICHETTO SARAH B GOUCHER CHRISTOPHER D 8 WID WWII VET ETAL JTSECAROLYN THOM-70 SKYLARK RD AS RT2 BX8A S FREEPORT PORTLAND ME FREE PORT MAINE ) 347 - B-022 04103 04032 , BRIGGS JOHN H DIDONATO ADRIENNE M 87 SKYLARK RD 5 NORTHWOOD DRIVE PORILAND MAINE PORTLAND ME 04103 ) 346 - C-022 **3** 349 - 1-007 C4103 BUEHM CHARLES R DUPLISSEA RICHARD P 0 BOX 8738 (4) 35 NORTHWOOD LR PORTLAND ME PORTLAND, MAINE 04103 348 - C-022 **3** 349 - 6-004 04104 PRCUWER JOHAN MATTHEW STEARNS & LISA ANNE ્ JIS 7 NORTHWOOD DR PORTLAND ME 04103 348 - C-022 PEROWN NATALIE M 23 NORTHWOOD DR POFILAND ME ) 348 - C-022 04103 ) BROWN-FORMAN CORP 850 DIXIE HIGHWAY LOUISVILLE KY HALPIN DEBORAH A 44 NORTHWOOD DR PORTLAND ME ) 348 - C-022 40210 04103 348 - C-022 BRUNO ANGELA M 43 NORTHWOOD LRIVE HAMMOND GEORGE W & PORTLAND, MAINE COOLIDGE AVE PORTLANU MAINE € 348 - C-022 04103 04103 348 - A-001 DIDONATO FRANK 87 SKYLARK RD PORTLAND, MAINE 04103 349 - I-001

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•	348 - C-022	04103	•	3	PORTLANU MAINE 348 - C-022	04103
•	ELVIN PRISCILLA H 67 NORTHWOOD DR PORTLAND ME			<b>3</b>	CANAVAN JOAN C 72 NORTHWOOD DRIVE PORTLAND ME	
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•	FLAHERTY JEAN M & JANET M JTS 76 NORTHWOOD DR PORTLAND, ME 348 - C-022	04103	8	<b>3</b>	CARACAPPA JOSEPH J PHYLLIS C JTS 60 NORTHWOOD DR PORTLAND ME	3
	FOLEY ALYSON DAVIS	04103		€)	348 - C-022	04103
•	75 NORTHWOOD DR PORTLAND ME			9	AKALARIAN CARLA J 106 NORTHWOOD DR PORTLAND ME	
9	348 - C-022	04103	9	•	348 - C-022	04103
•	FOLEY KEVIN B & CHRISTINE R JTS 21 NORTHWOOD DRIVE PORTLAND, MAINE 348 - C-022	04163	<b>9</b>	<b>3</b>	ACHORN MARTHA E HE 180 HENNESSY DRIVE PORILAND ME	
	GALLI ARTHUR G & FRANCES C JTS ETAL 377 STEVENS AVE PORTLAND, MAINE	54103	•	9	347 - D-607	04103
	348 - C-022	04103	•	0		

O'LLARY ALYCE L: DAVID L E NANCY J JACQUES JTS 24 NORTHWOOD DR PORTL ND ME 348 - C-022 3 04103 ) PORTLAND WATER DISTRICT 225 DOUGLASS . 3 CITY 347 - A-019 ZRIOKA WILLIAM & RUTH L JTS G\*NEIL PATRICK E & JOYAN ETAL JTS 168 MAIN ST PO BOX1013 3 B-6 NORTHWOOD DR ) PORTLAND, MAINE 348 - C-022 ) MARION MA 348 - C-022 04103 02738 CROCE LOUIS J & CARMEL M JTS 49 FOREST AVE CUMBERLAND CENTER ME
348 - C-022 04021 BOLION ROBERT M 53 NORTHWOOD CR PORTLAND, MAINE ) CALANDO ALTANA M & ELIZABETH JTS UNIT 2 NORTHWOOD DR ) 748 - C-022 348 - C-022 04103 04103 CUNNINGHAM JUDITH S
82 NORTHWOOD DRIVE ORLANDO HENRY T WWII VET & ANN T JTS PORTLAND ME 61 SKYLARK RD PORTL-AND. ME 347 - D-006 **3**46 - C-022 04103 04103 BRIAN M JTS PALAMOUNTAIN PHILIP H & GLPALLINE N JTS 107 NORTHWOOD DR 91 NORTHWOOD UR PORTLAND ME 348 - C-022 PORTLAND ME 348 - C-022 04103 04103 CUSHMAN BETTY E
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