

Irene Bartley / Muriel Nevers  
Conditional Use  
R-3  
380A-C-1  
ZBA mtg - Feb 22, 1992  
115 Alpine Rd.

115 Alpine

Quick Check List for proposed Bd. of Appeals

Get a manilla 1/2 legal size file folder and on the outside front, list the following items as these are done check each one off

- Sanborn Map (in Marge's office) - none available
  - Assessor's Chart (front counter)
  - List property abutters (use books on the counter)
  - Letter of acknowledgment to owner
  - Notice to abutters
  - 1/6. Envelopes for notices, (if needed, use the postcard method when possible)
  - City Map (in left hand drawer under the computer terminal)
  - Decision form (in Marge's office)
  - Prepare Agendas from the info submitted, (needs to go to the paper)
  - Date of meeting and name of the Applicant on front of file.
  - 12 P. Miller
- Remember before sending any letters, notices or agendas that they need Marge's and Charlene's approval
- There is a black note book with sample letters of every type of letter you will use, you can use these as a go-by, and there is a Procedure Manual that will be able to answer alot of your questions
- Good Luck

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



APPEAL AGENDA

The Board of Appeals will hold a public hearing in Room 209, City Hall, Portland, Maine on Thursday, March 21, 1996 at 7:00 p.m. to hear the following appeals:

1. Unfinished Business:  
Conditional Use Appeal:

115 Alpine Road, Muriel Nevers, executrix of the estate of Irena M. Bartley, owner, request the Board legalize the present use of the property as that of a single family dwelling with the accommodation of one additional dwelling unit withdrawn. R-3 Zone

2. New Business:  
Conditional Use Appeals:

73 Lincoln Street, Laurie and Wendell Bickford, owners, request the Board to permit a change of use from a two family dwelling to a two family dwelling with one dwelling unit on the first floor having a family daycare for up to 12 children. R-5 Zone

27 Brentwood Street, Andrea Folgin and Mark Sinclair, owners, request the Board to permit a change of use from a single family dwelling to a single family dwelling unit with daycare for up to 12 children. R-5 Zone

Variance:

Space and Bulk-Section 14-473(c)2 of the Ordinance must be met by the following requests:

165 Regan Lane, Peter and Stephanie Deroche, owners, request the Board to permit relief from required side yard setback to allow the addition of an attached garage with master bedroom above. R-3 Zone

209-215 Congress Street, East End Children's Workshop, owner, request the Board to grant relief from required parking spaces. B-2 Zone

182 Whitney Avenue, Residential Resources, Incorporated, leasee, request the Board to grant the construction of an exterior handicap ramp in the front yard to accommodate residents. R-3 Zone.

3. Adjournment.



CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

TO: Chairman and Members, Board of Appeals  
FROM: Marge Schmuckel, Zoning Administrator  
SUBJECT: Appeal at 115 Alpine Road, Muriel Nevers  
DATE: February 23, 1996

In an effort to find more information on this particular appeal, I decided to go through the entire street file for Alpine Road. (I'm not so sure I would have done the same if this property were located on Forest Avenue or some other much longer street!!)

Previously, I checked the microfiche for the address in question and the area around the address and even under the old lot number and came up with nothing. To make a long story short, I found the building permit and appeal information we thought we lost. A variance appeal was approved for a two family prior to a building permit being issued. Copies are attached.

For some reason these documents were under the 85-89 Alpine Road file. I have taken steps to have our microfiche record corrected to reflect the proper address.

Also, I spoke to Muriel Nevers and sent her attested copies of the documents she needs to sell her home.

As a result of this search and rescue, this appeal has been withdrawn.

cc: Charlie Lane, Corp. Counsel  
P. Samuel Hoffses, C, Cod. Enf Div

A.P. Lot 28 Alpine Road

July 15, 1966

Martin Hartley  
213 Auburn Street

cc to: Corporation Counsel

Dear Mr. Hartley:

Building permit to construct 2-family dwelling with attached 2-car garage, 44'8" x 64' at the above named location is not issuable under Section 60274.A of the Zoning Ordinance because the property is located in an R-3 Residential Zone where this use is not allowable.

We understand that you would like to exercise your appeal rights in this matter. According you or your authorized representative should come to this office in Room 113, City Hall to file the appeal on forms which are available here. A fee of \$15.00 shall be paid at this office at the time the appeal is filed.

Very truly yours,

A. Allan Soule  
Deputy Director of  
Building Inspection

AAS:m

Attested to be a true copy from the files of  
Building Inspections 2/23/96 Marge Schmuckel  
Zoning Administrator

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

July 22, 1968

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, August 1, 1968 at 4:00 p.m. to hear the appeal of Martin Bartley requesting an exception to the Zoning Ordinance to permit construction of a two family dwelling with attached two-car garage 44'6" x 64' at Lot 28 Alpine Road.

This permit is presently not issuable under Section 604.4.a of the Zoning Ordinance because the property is located in an R-3 Residential Zone where this use is not allowable.

This appeal is taken under Section 21 of the Zoning Ordinance which provides such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

All persons interested either for or against this appeal will be heard at the above time and place, this notice of required public hearing having been sent to the owners of property within 300 feet of the property in question as required by Ordinance.

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

h

Attested to be a true copy from the files of Building  
Inspections 2/23/96 Mary Schmuck  
Zoning Administrator

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

815 P.M. 7/12/68  
Granted 7/1/68  
68/49

VARIANCE APPEAL

Martin Bartley, owner of property at Lot 23 Alpine Road  
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland,  
hereby respectfully petitions the Board of Appeals for a variance from the provisions of  
said Ordinance to permit construction of a 2-family dwelling with attached 2-car garage  
44'8" x 64'. This permit is presently not issuable under Section 604.L.a of the Zoning  
Ordinance because the property is located in an R-2 Residential Zone where this use is  
not allowable.

LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds  
that the strict application of the provisions of the Ordinance would result in undue  
hardship in the development of property which is inconsistent with the intent and purpose  
of the Ordinance; that there are exceptional or unique circumstances relating to the  
property that do not generally apply to other property in the same zone or neighborhood,  
which have not arisen as a result of action of the applicant subsequent to the adoption  
of this Ordinance whether in violation of provisions of the Ordinance or not; that  
property in the same zone or neighborhood will not be adversely affected by the granting  
of the variance; and that the granting of the variance will not be contrary to the intent  
and purpose of the Ordinance.

Martin Bartley  
APPELLANT

DECISION

After public hearing held August 1, 1968, the Board of Appeals finds that  
all of the above conditions do exist with respect to this property and that a  
variance should be granted in this case.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance  
should be granted in this case.

Franklin H. Hillery  
Henry W. Clapp  
John J. ...  
BOARD OF APPEALS

Attested to be a true copy  
from the files of Building  
Inspections 2/23/76

Marge Schmechel  
Zoning Administrator

DATE: August 1, 1960

HEARING ON APPEAL UNDER THE ZONING ORDINANCE of Martin Bartley

AT lot 28 Alpine Road

Public Hearing on the above appeal was held before the Board of Appeals.

BOARD OF APPEALS

Franklin G. Hinckley  
Ralph L. Young  
Harry M. Shwarts

YES	VOTE	NO
(x)		( )
(x)		( )
(x)		( )

Record of Hearing

Attested to be a true copy from the files of  
Building INSPECTIONS 2/23/96

Marge Schmitt  
Zoning Administrator



APPLICATION FOR PERMIT

Portland, MAINE

AUG 2 1968

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

CITY OF PORTLAND

The undersigned hereby applies for a permit to erect alter repair dem...

Location, Owner's name and address, Lessee's name and address, Contractor's name and address, Architect, Proposed use of building, Last use, Material, No. stories, Heat, Style of roof, Roofing, Other buildings on same lot, Estimated cost, Fee

General Description of New Work

To construct a 2-car garage, 24'8" x 24', closed breezeway, attached 2-car garage...

This application is preliminary to get settled the question of zoning, etc. In the event the appeal is sustained the applicant will furnish complete information...

Appeal sustained 8/1/68

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO CONTRACTOR

Detail of New Work

Is any plumbing involved in this work? Is any electrical work involved in this work? Is connection to be made to public sewer? Has sewer tank notice been sent? Form notice sent? Height average grade to top of plate? Height average grade to highest point of roof? Size, front, depth, No. stories, solid or filled land? earth or rock? Material of foundation, Thickness, top, bottom, cellar? Kind of roof, Rise per foot, Roof covering? No. of chimneys, Material of chimneys, Kind of heating fuel? Framing Lumber-Kind, Dressing or full size? Corner posts, Sills? Size Girder, Columns under girders, Size, Max. on centers? Studs (outside walls and carrying partitions) 2x4-10" O. C. Bridging in every floor and flat roof span over 8 feet. Joists and rafters: 1st floor, 2nd, 3rd, roof. On centers: 1st floor, 2nd, 3rd, roof. Maximum span: 1st floor, 2nd, 3rd, roof.

If a Garage

No. cars now accommodated on same lot, to be accommodated, number commercial cars to be accommodated. Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVED. C. L. Collins 8/1/68

Miscellaneous

Will work require disturbing of any tree on a public street? Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto observed? Martin Bartley

CS 30:

INSPECTION COPY

Signature of owner

By: Martin L. Bartley

Alleged to be a true copy from the files of Building Inspections 7/23/96 - Manager of Municipal Administration



A.P.- Lot 28, Alpine Road

August 2, 1968

Martin Bartley  
213 Auburn Street

Dear Mr. Bartley:

Permit to construct 2-family dwelling 44'8" x 64', enclosed breezeway, attached 2-car garage at the above named location is being issued subject to plans received with the application and in compliance with Building Code restrictions; as follows:

1. The corner posts are to extend in one piece with 18 inch lap splices allowed from the solid sill or from the first floor shoe (sole plate) where a box sill is allowed to the double plate which supports the roof rafters at the eave level. The second floor studs in the exterior walls are to extend down to the double 2x4 inch plate upon which the second floor joists rests with the second floor joists being spiked to these studs.
2. Rafters will need to be double which abut the hip rafters (four in all). These rafters are located on the end of the ridgeboard. Ceiling joists both front and rear of the living room area and the bedroom area on the rear are to be tied to the hip rafters above.
3. A curb at least six inches high will be needed from the garage area to the stairs that lead to the basement area (or an equivalent approved arrangement shall be provided) to prevent the free flow of gasoline fumes into the dwelling house part.
4. It is suggested that a solid core door at least 1-3/4" thick would be desirable at the top of the stairs from the kitchen on the second floor to give added fire protection to these living quarters.

Very truly yours,

A. Allan Soule  
Deputy Director of Building Inspection

AAS:m

Attested to be a true copy from the files of  
Building Inspection 8-3-68 Marga Schumaker  
Zoning Administrator



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. #1

Portland, Maine, December 17, 1968

PERMIT ISSUED

DEC 18 1968

CITY OF PORTLAND

INSPECTOR OF BUILDINGS, PORTLAND, MAINE

I, the undersigned hereby applies for amendment to Permit No. 68/746... pertaining to the building or structure comprised original application in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith, and the following specifications:

Location Lot 28 Alpine Road (115) Within Fire Limits? Dist. No. Owner's name and address Martin Bartley, 115 Alpine Road Telephone Lessee's name and address Contractor's name and address owner Telephone Architect Proposed use of building Dwelling and garage Plans filed No. of sheets No. families 2 Last use No. families 2 Increased cost of work 300, 300. Additional fee 2.00

Description of Proposed Work:

To partition off room in basement for storage - Studs 2x4, 16" O.C., covered with plywood

Details of New Work owner

Is any plumbing involved in this work? Is any electrical work involved in this work? Height average grade to top of plate Height average grade to highest point of roof Size: front depth No. stories solid or filled land? earth or rock? Material of foundation Thickness, top bottom cellar Material of underpinning Height Thickness Kind of roof Rise per foot Roof covering No. of chimneys Material of chimneys of lining Framing lumber—Kind Dressed or full size? Corner posts Sills Girt or ledger board? Size Girders Size Columns under girders Size Max. on centers Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet. Joists and rafters: 1st floor, 2nd, 3rd, roof On centers: 1st floor, 2nd, 3rd, roof Maximum span: 1st floor, 2nd, 3rd, roof

Approved: D.K. - 12/17/68 - Cills

Signature of Owner: [Signature]

Approved: [Signature] Inspector of Buildings

INSPECTION COPY

Attested to be a true copy from the files of Building Inspections 2/23/96 - [Signature] Zoning Administrator

(COPY)



CITY OF PORTLAND, MAINE  
Department of Building Inspection

### Certificate of Occupancy

LOCATION **Lot 28 Alpine Road**  
Date of Issue **December 31, 1968**

Issued to **Martin Bartley**  
**115 Alpine Road**  
This is to certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. **68/746**, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

**Entire**

**Two family dwelling with attached two car garage.**

Limiting Conditions:

This certificate supersedes certificate issued

Approved:

(Date)

Inspector

Inspector of Buildings

Notes: This certificate identifies lawful use of building or premises, and ought to be referred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

Attested to be a true copy from the files of Building  
Inspection 2/23/96 *Mary Schmuckel*  
Zoning Administrator

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



February 28, 1966

Muriel L. Nevers  
115 Alpine Road  
Portland, Maine 04103

RE: 115 Alpine Road ✓

Dear Ms. Nevers,

As you know, at its February 22, 1966 meeting, the Board of Appeals tabled your appeal prior to the close of the public hearing, requesting further information from you and suggesting a change of your appeal from a conditional use to an interpretation appeal.

Subsequently, a more thorough search of our microfiche records found the appropriate missing files, including the record of a previously sustained variance on August 1, 1968 for exactly what you were appealing. Your verbal withdrawal of this appeal was received upon your receipt of this information.

Also, you are entitled to a refund of the \$25.00 building permit fee paid at the time you applied for your appeal. We will require that you bring your original receipt to this office to receive your refund.

Sincerely,

Marge Schmuckal  
Asst. Chief, Code Enforcement Division

cc: Joseph E. Gray, Jr., Dir, PUD  
P. Samuel Hoffses, C, Code Enf Div  
Charles Lane, Corp. Counsel  
Matthew D. Marahan, Chairman, Board of Appeals

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



February 28, 1996

Muriel L. Nevers  
115 Alpine Road  
Portland, Maine 04103

RE: 115 Alpine Road

Dear Ms. Nevers,

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Also, you are entitled to a refund of the \$25.00 building permit fee paid at the time you applied for your appeal. We will require that you bring your original receipt to this office to receive your refund.

Sincerely,

Marge Schmückal  
Asst. Chief, Code Enforcement Division

cc: Joseph E. Gray, Jr., Dir, PUD  
P. Samuel Hoffses, C, Code Enf Div  
Charles Lane, Corp. Counsel  
Matthew D. Manahan, Chairman, Board of Appeals

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



February 11, 1996

Muriel Nevers  
115 Alpine Road  
Portland, Maine 04103

RE: 115 Alpine Road

Dear Ms. Nevers,

Receipt of your application for a Conditional Use Appeal for the property at 115 Alpine Road, Portland, Maine is acknowledged. However, it is necessary that you provide this office with documentation giving you Power of Attorney over the referenced property.

This appeal is scheduled for review before the Board of Appeals on Thursday, February 22, 1996 at 7:00 p.m., Room 209, City Hall, Portland, Maine. You must plan to attend this meeting to answer any questions which the Board members may have concerning this appeal.

A copy of the agenda will be sent to you when copies become available for distribution.

Sincerely,

A handwritten signature in cursive script that reads "Marge Schmuckal".

Marge Schmuckal  
Asst. Chief, Code Enforcement Division

cc: Matthew D. Manahan, Chairman, Board of Appeals  
Joseph E. Gray, Dir, Planning & Urban Dev  
P. Samuel Hoffses, C. Code Enf Div  
D. Jordan, CEO



CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

TO: Nadeen Daniels, City Clerk

FROM: Marge Schmuckal, Asst. Chief, Inspection Services

SUBJECT: Actions taken by the Board of Appeals on February 22, 1996

DATE: February 23, 1996

The meeting was called to order at 7:05 p.m. All seven Board members were present to hear the following appeals:

1. Unfinished Business:

Variance:

19 Juniper Street, Andrew and Shirley Dunham, owners, the Board voted 6-0 to allow the present four foot side yard setback. Due to a conflict of interest, Lee Lowery was excused from participating in the hearing process. R-2 Zone

2. New Business:

Conditional Use Appeals:

1558 Forest Avenue, Peter J. and Theresa A. Therrien, owners, the Board voted 7-0 to grant an accommodation for one additional dwelling unit. R-3 Zone

115 Alpine Road, Muriel Nevers, executrix of the estate of Irene M. Bertley, owner, by mutual agreement with the Board, it was requested that this appeal be continued without prejudice. Ms. Nevers will file for an Interpretation appeal regarding this request. R-3 Zone

162 Rowe Avenue, Leon B. Nevers, owner, the Board voted 7-0 to deny the change of use from a single family to accommodate an additional dwelling unit. R-3 Zone

55 Harris Avenue, Sheila Ingraham, owner, the Board voted 7-0 to grant the accommodation of an additional dwelling unit to the single family dwelling. R-3 Zone

Variance:

15 Orkney Street, Philip N. Caesar, on behalf of Joseph and Carmen Guite, owners, the Board voted 6-0 to grant the construction of a wheelchair ramp with the condition that ramp be removed when it is no longer needed. Because of a conflict of interest, Matthew Manahan excused himself from voting. R-5 Zone

The meeting was adjourned at 9:00 p.m.

Enclosure: Agenda for February 22, 1996 meeting  
Copy of Board's decision  
Tape of meeting

cc: Joseph E. Gray, Jr., Dir, Planning & Urban Development  
P. Samuel Hoffses, Chief, Inspection Svcs Division  
Charles A. Lane, Corp Counsel  
Matthew D. Manahan, Chairman



CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL

DECISION

Name and address of applicant: Muriel Newers, executrix  
of the estate of Irene M. Bertley

Location of property under appeal: 115 Alpha Rd.

For the Record

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

~~\_\_\_\_\_~~ Paul Anderson  
Muriel Newers  
Pen Wilkoff

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

Findings of Fact

1. The proposed conditional use is/is not (circle one) permitted under Section 14-88C16 of the zoning ordinance, for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_
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):  
\_\_\_\_\_  
\_\_\_\_\_
- 3-A. There are/are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_

3-B. There will/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): \_\_\_\_\_

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

Motion to continue til next meeting

7-0

Conclusion\*

After public hearing on 2/22/56, and for the reasons above-stated, the accompanying application is hereby (check one)

\_\_\_\_\_ granted

\_\_\_\_\_ granted subject to the following condition(s): \_\_\_\_\_

\_\_\_\_\_ denied.

Dated: 2/22/56

[Signature]  
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.

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL

DECISION

Name and address of applicant: Meriel Newers, executrix  
of the estate of Irene M. Bertley

Location of property under appeal: 115 Alpine Rd.

For the Record

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

~~Paul Anderson~~ Paul Anderson  
Meriel Newers  
Paul Wilkoff

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

Findings of Fact

1. The proposed conditional use is/is not (circle one) permitted under Section 14-8806 of the Zoning Ordinance, for the following reason(s):

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):

3-A. There are/are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):

3-B. There will/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): \_\_\_\_\_

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

Motion to continue til next meeting

7-0

Conclusion\*

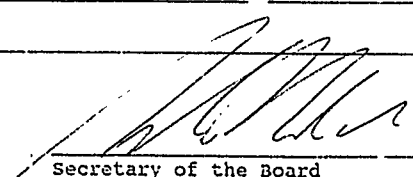
After public hearing on 2/22/56, and for the reasons above-stated, the accompanying application is hereby (check one)

\_\_\_\_\_ granted

\_\_\_\_\_ granted subject to the following condition(s): \_\_\_\_\_

\_\_\_\_\_ denied.

Dated: 2/22/56

  
Secretary of the Board

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

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS



CONDITIONAL USE APPEAL

DECISION

Name and address of applicant: Meriel Nevins, executrix  
of the estate of Irene M. Bertley  
Location of property under appeal: 115 Alpine Rd.

For the Record

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

~~\_\_\_\_\_~~ Paul Anderson  
Meriel Nevins \_\_\_\_\_  
Pam Wilkoff \_\_\_\_\_

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

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

Findings of Fact

1. The proposed conditional use is/is not (circle one) permitted under Section 14-8016 of the Zoning Ordinance, for the following reason(s):

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

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):

\_\_\_\_\_

3-A. There are/are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):

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

3-B. There will/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): \_\_\_\_\_

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), \_\_\_\_\_

*Motion to continue til next meeting*

*7-0*

Conclusion\*

After public hearing on 2/22/90, and for the reasons above-stated, the accompanying application is hereby (check one)

\_\_\_\_\_ granted

\_\_\_\_\_ granted subject to the following condition(s): \_\_\_\_\_

\_\_\_\_\_ denied.

Dated: 2/22/90

*[Signature]*  
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.

DURABLE POWER OF ATTORNEY

I, IRENE M. BARTLEY of Portland, Maine, being of sound mind, willfully and voluntarily intend to create by this document a durable power of attorney to assure proper management of my assets and appropriate provisions for my health care. This power of attorney shall become effective immediately and shall not be affected by any subsequent disability I might suffer.

1. I hereby appoint MURIEL L. NEVERS of Portland, Maine to act as my attorney-in-fact for all acts in which I may legally engage, including matters listed below, unless limited below.

2. My attorney-in-fact shall have the power to accept or refuse medical care and/or treatment for me, including admittance to any health care institution after consultation with my attending physician to determine what care and/or treatment is necessary for my well being and comfort. My attorney-in-fact is directed to see that my Living Will is honored and, if conditions are appropriate that the life sustaining procedures to be withheld under the Living Will include artificial nutrition and hydration.

3. My attorney-in-fact shall have the power to receive any and all monies and property due to me and to expend same as necessary for my well being and comfort.

4. My attorney-in-fact shall have the power to lease, mortgage, pledge, sell and assign in fee simple or for any less estate, any real or personal property which I own or may hereafter acquire, or in which I may now or hereafter have an interest, at either public or private sale and at such price or prices and upon such terms as he may determine, and to make good deeds, bills of sale and transfer thereof to the purchaser or purchasers, without any obligation on the latter to see to or be responsible for the purchase price.

5. My attorney-in-fact shall have the power to withdraw funds from and deposit funds into any of my bank accounts as necessary to manage my financial affairs for my well being and comfort.

6. My attorney-in-fact shall have the power to represent me before any office of the Internal Revenue Service for my individual tax returns, including Forms 1040, from the year 1990 and continuing until my death, with the power to receive refund checks and the power to sign my tax returns, refund claims, waivers, agreements and other pertinent documents for taxes due or claimed from me by the United States or any state or political subdivision thereof, or any foreign country, and to pay, contest, compromise and settle any such taxes as he decides to be in my best interest.

7. My attorney-in-fact shall have the power to have access to any safe deposit box rented by me or in my name, and to deposit property therein and withdraw property therefrom.

8. My attorney-in-fact shall have the power to buy, sell and deliver for me in my name securities, commodities and other property and to execute in my name and on my behalf any powers of attorney or other instrument requisite or proper for that purpose.

9. My attorney-in-fact shall have the power to represent me and on my behalf to vote and act in person or by proxy for me at all meetings and on all matters connected with any corporation in which I may have an interest.

10. All authority herein contained is intended to extend to my interest in property which I hold jointly as well as to property in my name alone.

11. My attorney-in-fact shall have the power to initiate or continue a lawsuit on my behalf and to defend me in any lawsuit against me.

12. My attorney-in-fact shall have the authority to establish a trust, either revocable or irrevocable, of which I shall be a beneficiary, and to transfer any or all of my property to such trust.

13. In the event that MURIEL L. NEVERS for any reason is unable or unwilling to act as my attorney-in-fact, then I appoint NORMA ANDERSON of Scarborough, Maine to act as alternate attorney-in-fact in her stead.

Executed this 31st day of October, 1990.

Irene M Bartley  
IRENE M. BARTLEY

STATE OF MAINE  
COUNTY OF CUMBERLAND, SS.

Personally appeared before me the above-named IRENE M. BARTLEY who acknowledged and signed the foregoing Durable Power of Attorney to be her free act and deed.

Dated: Oct. 31, 1990.

Timothy M. Vogel  
Timothy M. Vogel Esq.



ACCEPTANCE OF RESPONSIBILITIES OF  
BEING THE ATTORNEY-IN-FACT  
UNDER THE DURABLE POWER OF ATTORNEY OF  
IRENE M. BARTLEY

I, MURIEL L. NEVERS, agree to assume the responsibilities of acting as attorney-in-fact for IRENE M. BARTLEY under her Durable Power of Attorney. I acknowledge that I will act in her best interest and will keep suitable records of all transactions I undertake using my authority under this instrument. I further acknowledge that I have received a copy of this Durable Power of Attorney.

I agree to serve as Attorney-in-Fact for IRENE M. BARTLEY and accept the responsibilities of this appointment.

Dated: 10-31, 1990.

Muriel L. Nevers  
MURIEL L. NEVERS

ACCEPTANCE OF RESPONSIBILITIES OF BEING  
ALTERNATE ATTORNEY-IN-FACT  
UNDER THE DURABLE POWER OF ATTORNEY OF  
IRENE M. BARTLEY

I, NORMA B. ANDERSON agree to assume the responsibilities of acting as alternate attorney-in-fact for IRENE M. BARTLEY. I acknowledge that I will act in her best interest and will keep suitable records of all transactions I undertake using my authority under this instrument. I further acknowledge that I have received a copy of this Durable Power of Attorney.

I agree to serve as Alternate Attorney-in-fact for IRENE M. BARTLEY and accept the responsibilities of this appointment.

Dated: October 31, 1990.

Norma B. Anderson  
NORMA B. ANDERSON

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



February 11, 1996

Muriel Nevers  
115 Alpine Road  
Portland, Maine 04103

RE: 115 Alpine Road

Dear Ms. Nevers,

Receipt of your application for a Conditional Use Appeal for the property at 115 Alpine Road, Portland, Maine is acknowledged. However, it is necessary that you provide this office with documentation giving you Power of Attorney over the referenced property.

This appeal is scheduled for review before the Board of Appeals on Thursday, February 22, 1996 at 7:00 p.m., Room 209, City Hall, Portland, Maine. You must plan to attend this meeting to answer any questions which the Board members may have concerning this appeal.

A copy of the agenda will be sent to you when copies become available for distribution.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marge Schmuckal".

Marge Schmuckal  
Asst. Chief, Code Enforcement Division

cc: Matthew D. Manahan, Chairman, Board of Appeals  
Joseph E. Gray, Dir, Planning & Urban Dev  
P. Samuel Hoffses, C. Code Enf Div  
D. Jordan, CEO

MURIEL L. NEVERS  
115 ALPINE ROAD  
PORTLAND, ME 04103

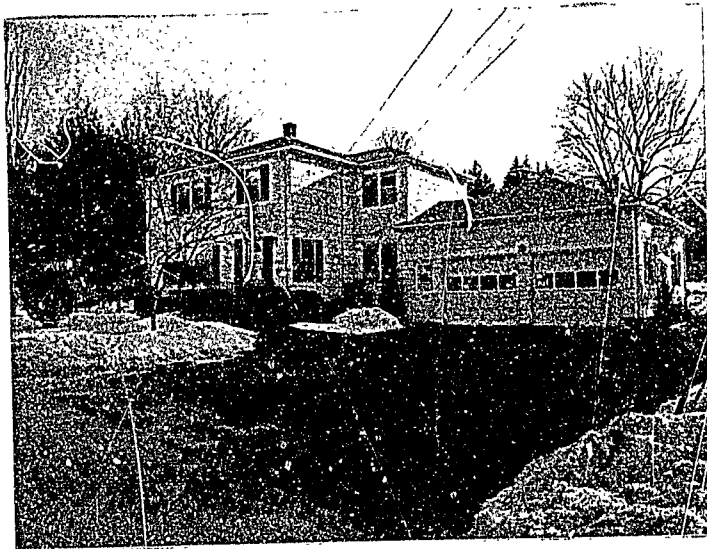


*Recd  
5/21/96*

MARGE SCHMUCKAL  
CITY OF PORTLAND  
BOARD OF APPEALS  
389 CONGRESS STREET  
PORTLAND, ME 04101

PORTLAND BOARD OF APPEALS

February 22, 1996



Re: 115 Alpine Road

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL APPLICATION

Applicant's name and address: Muriel Nevers

115 Alpine Road Portland, Maine

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

POA selling house to settle estate

Owner's name and address (if different): Estate of Irene Bartley

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

380A/C/1

Zone: R-3 Present use: Single Fam. W/in-law

Type of conditional use proposed: Same as present use

Conditional use authorized by: Section 14-88(1)b.

NOTE: If site plan approval is required, attached 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 his/her is true and correct to the best of his/her knowledge and belief.

Date: January 30 1996

Muriel Nevers POA  
Signature of Applicant

MURIEL L. NEVERS  
115 ALPINE ROAD  
PORTLAND, ME C4103

January 29, 1996

City Of Portland  
389 Congress Street  
Portland, ME 04101

To The Board Of Appeals:

This is a request to be able to sell the house at 115 Alpine Road in Portland, Maine as a single house with an in-law apartment. This will not require any changes because the house, built in 1968, was built that way as a single house with an in-law apartment.

The house was built by Martin Bartley who built Bartley Gardens and the other houses on Alpine Road. Mr. Bartley built the house to accommodate him and his wife on the first floor with an apartment for me, his daughter, on the second floor.

The house has always had two electrical meters and has sufficient off street parking to accommodate the in-law apartment.

Your kind consideration of granting this request will be much appreciated as the house needs to be sold to settle the estate of Mrs. Irene Bartley.

Sincerely,

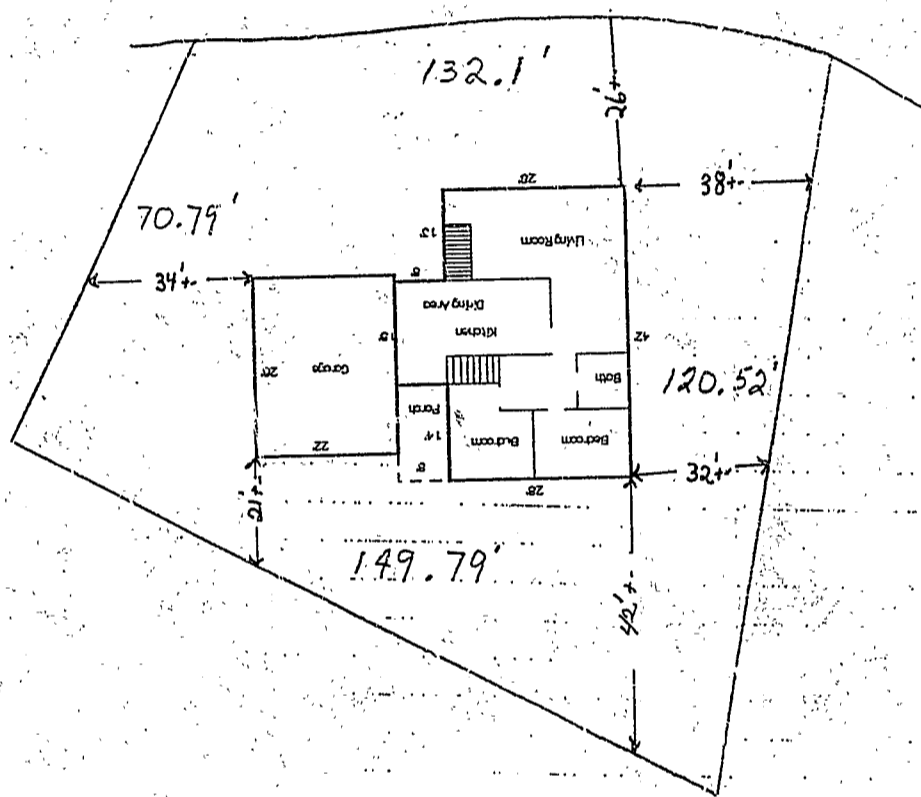
*Muriel L. Nevers*

Muriel L. Nevers

115 Alpine Road  
Portland, ME 04103  
Chart 380A Block C Lot 1 +/- .29 Acre  
12458 sq'

Alpine Road

A





Know all Men by these Presents, That

I, Martin S. Bartley of Portland in the County of Cumberland and State of Maine,

in consideration of one dollar and other valuable consideration paid by Irene M. Bartley of said Portland (115 Alpine Road)

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Irene M. Bartley, her heirs and assigns forever, a certain lot or parcel of land, with the buildings thereon, situated in said Portland and located on the southerly side of Alpine Road and being Lot Numbered Twenty-eight (28) as shown on Plan of Land of Alpine Road, Section B, recorded in Cumberland County Registry of Deeds in Plan Book 7A, Page 33.

Being a portion of the premises conveyed to me by Cumberland Sand & Gravel Co., by deed recorded in said Registry of Deeds in Book 2328, Page 448.

This conveyance is made subject to a mortgage to Federal Loan and Building Association dated September 6, 1968 and recorded in said Registry of Deeds in Book 3056, Page 296.

To Have and to Hold the foregoing and bargained premises, with all the privileges and appurtenances thereof, to the said Irene M. Bartley, her

heirs and assigns, to her their use and behoof forever. And I do covenant with the said Grantee, her heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances except as aforesaid; that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs and assigns shall and will warrant and defend the same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I, the said Martin S. Bartley, hereunto set my hand and seal of the said Irene M. Bartley.

I, the said Martin S. Bartley, hereunto set my hand and seal this fourth day of November in the year of our Lord one thousand nine hundred and seventy-four.

Signed, sealed and delivered in presence of

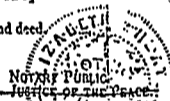
Elizabeth Wharton

Martin S. Bartley

State of Maine, Cumberland, ss. November 4, 1974. Personally appeared the above named Martin S. Bartley

and acknowledged the foregoing instrument to be his free act and deed.

Before me, Elizabeth Wharton

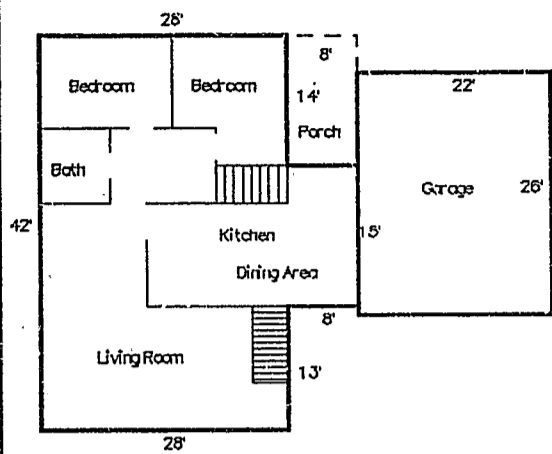


STATE OF MAINE, CUMBERLAND COUNTY, SS.

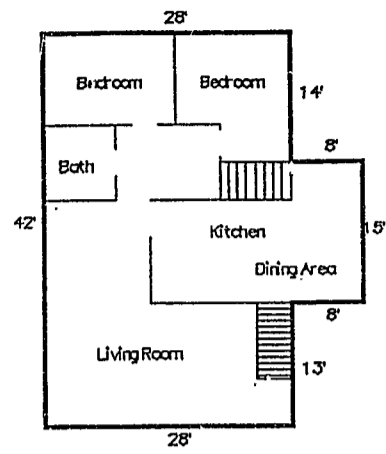
Received NOV 4 1974 in BOOK 3618 PAGE 152 Attest

3 copies 54 m. R. G. Little Register

IMPROVEMENTS SKETCH



1st Floor



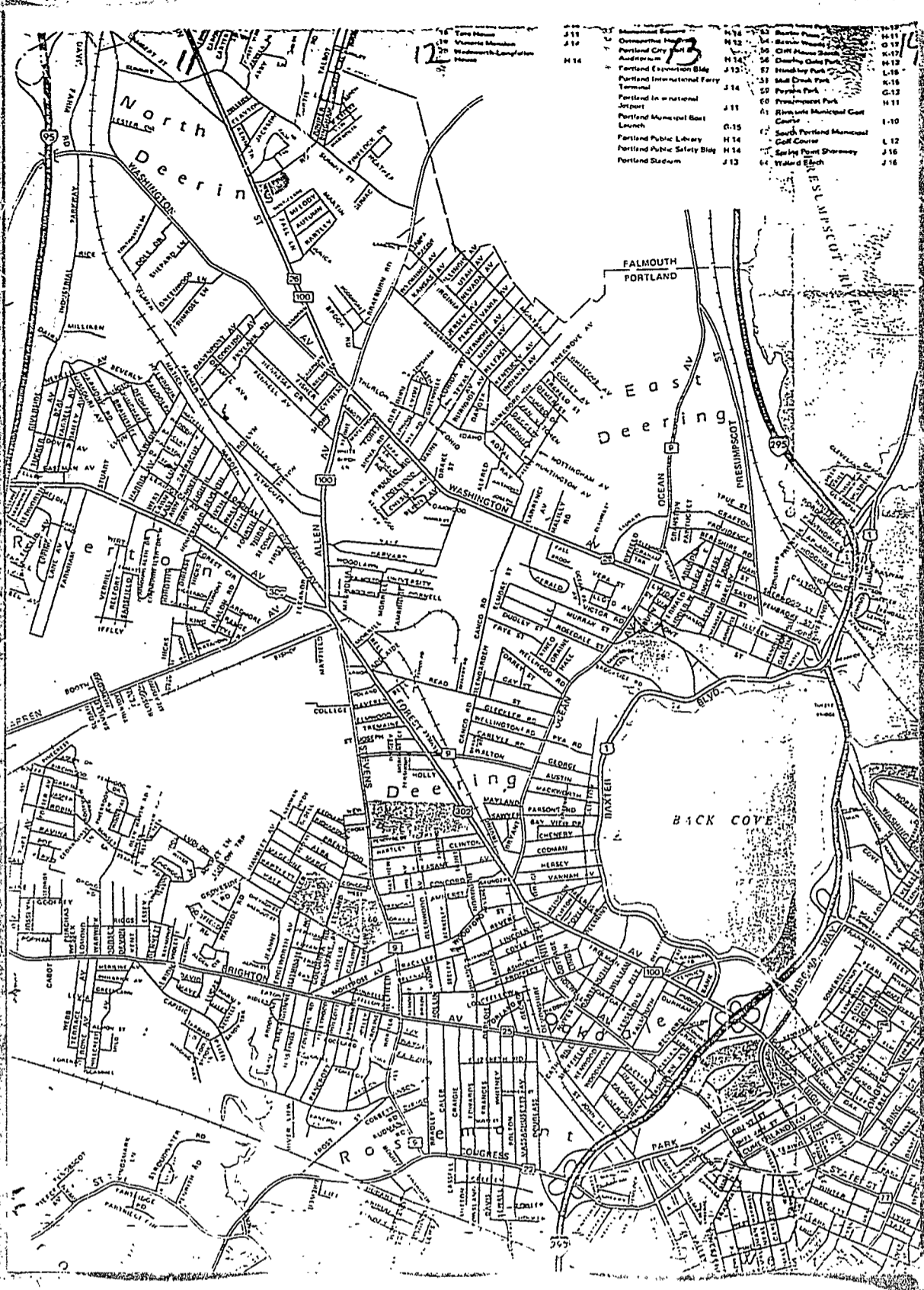
2nd Floor

SCALE: 1 inch = 16 feet

AREA CALCULATIONS

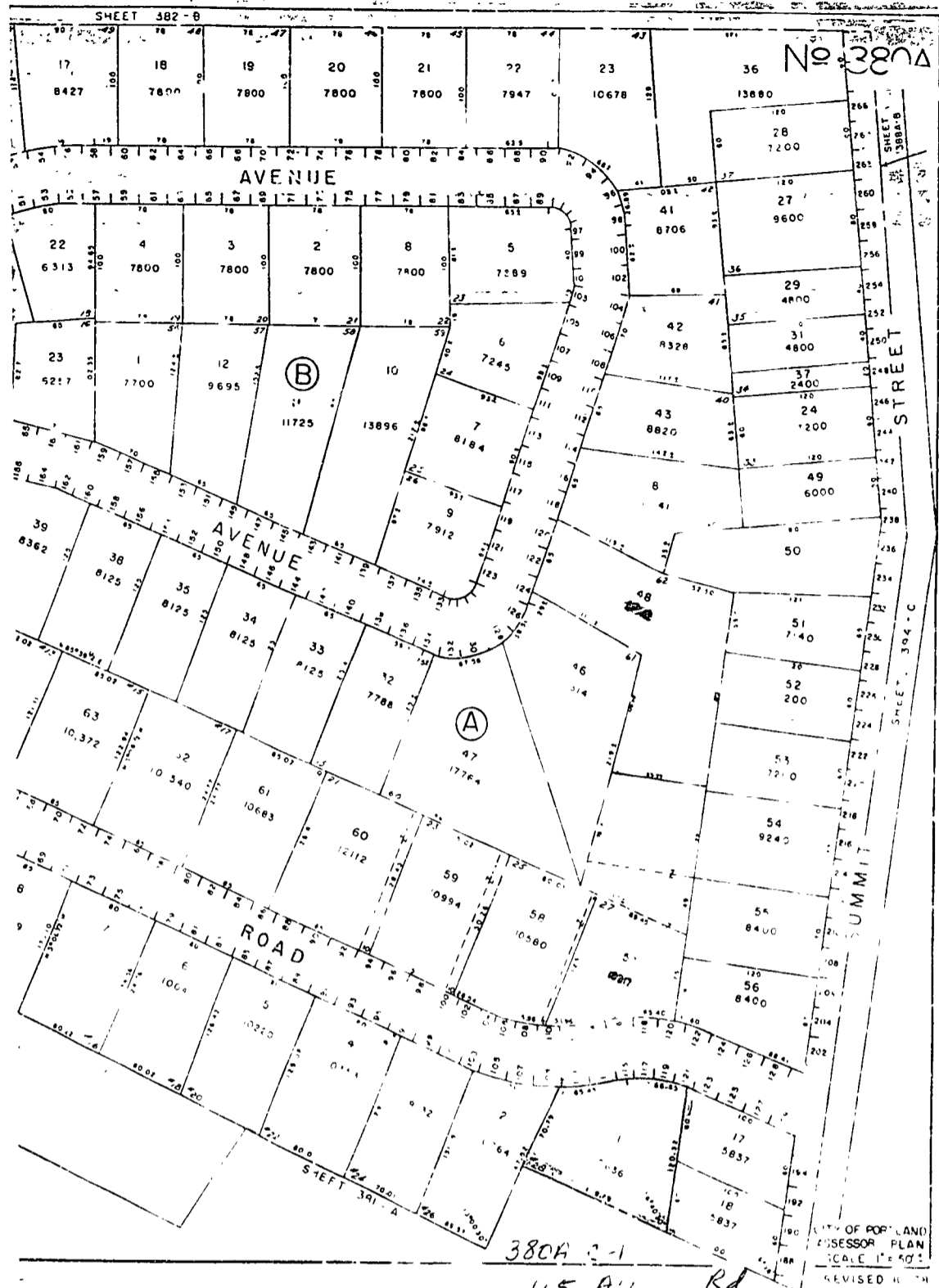
AREA CALCULATIONS SUMMARY			
Area	Name of Area	Size	Totals
GLA1	First Floor	1296.00	1296.00
GLA2	Second Floor	1296.00	1296.00
FOR	Porch	112.00	112.00
GAR	Garage	572.00	572.00
TOTAL LIVABLE (rounded)			2592

LIVING AREA CALCULATIONS			
Breakdown			Subtotals
28.00	X	42.00	1176.00
8.00	X	15.00	120.00
28.00	X	42.00	1176.00
8.00	X	15.00	120.00
			2592



J 11	Monument Square	K-18	Boater Park	K-11
J 14	Oregonian Bldg	K-12	Boater View	K-17
H 14	Portland City Hall	K-15	Cliff House Beach	K-13
	Anderson	K-16	Clatsop Club Park	K-18
	Portland Extension Bldg	J 12	Hamby Park	K-16
	Portland International Ferry Terminal	J 14	Mad Creek Park	K-12
	Portland International Airport	J 11	Provincetown Park	H 11
	Portland Municipal Boat Launch	G-15	Alameda Municipal Golf Course	I-10
	Portland Public Library	H 14	South Portland Municipal Golf Course	L 12
	Portland Public Safety Bldg	H 14	Spring Point Shoreway	J 16
	Portland Stadium	J 12	Water Beach	J 16

1233



380A C-1  
 115 All RA  
 R.B.

CITY OF PORTLAND  
 POSSESSOR PLAN  
 SCALE 1" = 40'  
 REVISED 11-17-11

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



APPEAL AGENDA

The Board of Appeals will hold a public hearing in Room 209, City Hall, Portland, Maine on Thursday, February 22, 1996 at 7:00 p.m. to hear the following appeals:

1. Unfinished Business:

Variance:

a. Space and Bulk - Section 14-473(c) of the Ordinance must be met by the following request:

19 Juniper Street, Andrew and Shirley Dunham, owners, request the Board allow the present four foot side yard setback instead of the allowed five foot side yard setback reduction (Section 14-433). R-2 Zone

2. New Business:

Conditional Use Appeals:

a) 1558 Forest Avenue, Peter J. and Theresa A. Therrien, owners, request the Board permit a change of use from a single family dwelling to a single family dwelling with an in-law apartment. R-3 Zone

b) 115 Alpine Road, Muriel Nevers, executrix of the estate of Irene M. Bartley, owner, request the Board legalize the present use of the property as that of a single family dwelling with an in-law apartment. R-3 Zone

c) 162 Rowe Avenue, Leon B. Nevers, owner, request the Board allow a change of use from a single family dwelling to a two family dwelling. R-3 Zone

d) 55 Harris Avenue, Sheila Ingraham, owner, request the Board permit the addition of an efficiency apartment to the single family dwelling. R-3 Zone

Variance:

Space and Bulk - Section 14-473(c)2 of the Ordinance must be met by the following request:

15 Orkney Street, Philip N. Caesar of E. J. Asselyn, Incorporated, on behalf of Joseph and Carmen Guite, owners, request the Board allow construction of a wheelchair ramp. R-5 Zone

3. Adjournment

**City of Portland, Maine - Building or Use Permit Application** 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 115 Alpine Road Owner Address:		Owner: Irene M. Bartley/Muriel Nevers		Phone: 797-4062		Permit No:	
Contractor Name:		Lease/Buyer's Name:		Phone:		BusinessName:	
Past Use: Single fam dwelling w/in-law apt		Proposed Use: Legalize same		COST OF WORK: \$		PERMIT FEE: \$25. + 50. Appeal	
Proposed Project Description: Conditional Use Appeal - legalize present use		FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:		Zone: R-3 CBL 380A-C-1	
Permit Taken By: Victoria A. Dover		Date Applied For: January 30, 1996		Signature:		Signature:	
1. This permit application doesn't preclude the Applicant(s) from meeting applicable State and Federal rules		PEDESTRIAN ACTIVITIES DISTRICT (P.U.D.) Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied: <input type="checkbox"/>		Signature:		Date:	
2. Building permits do not include plumbing, septic or electrical work.		Zoning Approval: Special Zoning Reviews: <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan major minor <input type="checkbox"/> mm <input type="checkbox"/>		Zoning Appeal: <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied		Historic Preservation: <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review	
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Date:		CEO DISTRICT D Jordan	
<p align="center"><b>CERTIFICATION</b></p> <p>I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit</p>							
SIGNATURE OF APPLICANT <i>Jere Fox</i> Jere Fox for Muriel Nevers		ADDRESS: 115 Alpine Road, Portland, ME 04103		DATE: 1/30/96		PHONE: 797-4062	
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE				PHONE:			
<p align="center">White Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector</p>							

115 ALPINE ROAD

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, February 22, 1996 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.

Muriel Nevers, executrix of the estate of Irene M. Bartley, owner of the property at 115 Alpine Road located in an R-3 Zone, under the provisions of 14-88(1)b the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to legalize the present use, single family dwelling with in-law apartment. For more detailed information, please come to Room 315 at City Hall weekdays from 7:00 a.m. to 4:00 p.m.

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

MATTHEW D. MANAHAN  
CHAIRMAN

380A-C-1

115 Alpine Rd

PLANCH  
RCOTE

City of Portland, Maine  
Department of Planning & Urban Development  
INVALID CURSOR POSITION

04 FEB 91  
09:24

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

<u>380-A-C-18</u>	<u>394--A-30-45</u>	<u>381--A-2</u>	<u>381--A-50</u>	<u>396--B-24-74</u>
<u>380-A-C-17</u>	<u>--C-19-33</u>	<u>381--A-10-12</u>	<u>-- --1</u>	<u>396--<del>B</del>-1</u> F
<u>380-A-C-18</u>	<u>--C-38-53</u>	<u>381-- --14</u>	<u>-- --7</u>	<u>-- --15</u>
<u>380-A-A-32-35</u>	<u>394--C-5-8</u>	<u>-- --15</u>	<u>-- --8</u>	<u>396--F-7</u>
<u>380-A-A-46-63</u>	<u>-- --46</u>	<u>381--A-19</u>	<u>-- --9</u>	<u>396--C-37</u>
<u>380-A-B-7</u>	<u>-- --47</u>	<u>-- --40</u>	<u>-- --45</u>	<u>-- --38</u>
<u>380-A-B-9</u>	<u>394--C-48</u>	<u>-- --48</u>	<u>381--D-8</u>	<u>-- --12</u>
<u>380-A-B-10</u>	<u>-- --</u>	<u>381--A-49</u>	<u>381--D-51</u>	<u>396--C-18-21</u>

Continue [ ]

Cancel [ ]

Done [ ]

394--  
380-A-234 - Job # 9218  
394-C-051 - Job # 9261  
394-B-036 - Job # 9302

396-C-021 Job# 9317

65 notices  
mailed  
21566

ordered 216196

ordered 90 notices



CITY OF PORTLAND, MAINE

BOARD OF APPEALS



APPEAL AGENDA

The Board of Appeals will hold a public hearing in Room 209, City Hall, Portland, Maine on Thursday, March 7, 1996 at 7:00 p.m. to hear the following appeal:

1. Unfinished Business:

Conditional Use Appeal:

115 Alpine Road, Muriel Nevers, executrix of the estate of Irene M. Bartley, owner, request the Board legalize the present use of the property as that of a single family dwelling with the accommodation of one additional dwelling unit withdrawn. R-3 Zone

2. New Business:

Conditional Use Appeal:

73 Lincoln Street, Laurie and Wendell Bickford owners, request the Board to permit a change of use from a two family dwelling to a two family dwelling with one dwelling unit on the first floor having a family daycare for up to 12 children. R-5 Zone

3. Adjournment



CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

TO: Chairman and Members, Board of Appeals

FROM: Marge Schmuckal, <sup>MS</sup> Zoning Administrator

SUBJECT: Appeal at 115 Alpine Road, Muriel Nevers

DATE: February 23, 1996

In an effort to find more information on this particular appeal, I decided to go through the entire street file for Alpine Road. (I'm not so sure I would have done the same if this property were located on Forest Avenue or some other much longer street!!)

Previously, I checked the microfiche for the address in question and the area around the address and even under the old lot number and came up with nothing. To make a long story short, I found the building permit and appeal information we thought we lost. A variance appeal was approved for a two family prior to a building permit being issued. Copies are attached.

For some reason these documents were under the 85-89 Alpine Road file. I have taken steps to have our microfiche record corrected to reflect the proper address.

Also, I spoke to Muriel Nevers and sent her attested copies of the documents she needs to sell her home.

As a result of this search and rescue, this appeal has been withdrawn.

cc: Charlie Lane, Corp. Counsel  
P. Samuel Hoffses, C, Code Enf Div

A.P. Lot 28 Alpine Road

July 15, 1968

Martin Hartley  
213 Auburn Street

cc to: Corporation Counsel

Dear Mr. Hartley:

Building permit to construct 2-family dwelling with attached 2-car garage, 44'8" x 64' at the above named location is not issuable under Section 60/74.a of the Zoning Ordinance because the property is located in an R-3 Residential Zone where this use is not allowable.

We understand that you would like to exercise your appeal rights in this matter. According you or your authorized representative should come to this office in Room 113, City Hall to file the appeal on forms which are available here. A fee of \$15.00 shall be paid at this office at the time the appeal is filed.

Very truly yours,

A. Allan Soule  
Deputy Director of  
Building Inspection

AAS:m

Attested to be a true copy from the files of  
Building Inspector s 2/23/96 Marge Schmuckel  
Zoning Administrator

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

July 22, 1968

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, August 1, 1968 at 4:00 p.m. to hear the appeal of Martin Bartley requesting an exception to the Zoning Ordinance to permit construction of a two family dwelling with attached two-car garage 44'8" x 64' at Lot 28 Alpine Road.

This permit is presently not issuable under Section 604.4.a of the Zoning Ordinance because the property is located in an R-3 Residential Zone where this use is not allowable.

This appeal is taken under Section 24 of the Zoning Ordinance which provides such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

All persons interested either for or against this appeal will be heard at the above time and place, this notice of required public hearing having been sent to the owners of property within 500' of the property in question as required by Ordinance.

BOARD OF APPEALS

Franklin C. Hinckley

Chairman

h

Attested to be a true copy from the files of Building  
Inspections 2/23/96 Mary Schmuckel  
Zoning Administrator

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

#15 Pd 7/12/68  
Granted 8/1/68  
68/49

VARIANCE APPEAL

Martin Bartley, owner of property at Lot 23 Alpine Road  
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland,  
hereby respectfully petitions the Board of Appeals for a variance from the provisions of  
said Ordinance to permit: construction of a 2-family dwelling with attached 2-car garage  
44'8" x 64'. This permit is presently not issuable under Section 64.4.a of the Zoning  
Ordinance because the property is located in an R-3 Residential Zone where this use is  
not allowable.

LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds  
that the strict application of the provisions of the Ordinance would result in undue  
hardship in the development of property which is inconsistent with the intent and purpose  
of the Ordinance; that there are exceptional or unique circumstances relating to the  
property that do not generally apply to other property in the same zone or neighborhood,  
which have not arisen as a result of action of the applicant subsequent to the adoption  
of this Ordinance whether in violation of the provisions of the Ordinance or not; that  
property in the same zone or neighborhood will not be adversely affected by the granting  
of the variance; and that the granting of the variance will not be contrary to the intent  
and purpose of the Ordinance.

Martin Bartley  
APPELLANT

DECISION

After public hearing held August 1, 1968, the Board of Appeals finds that  
all of the above conditions do exist with respect to this property and that a  
variance should be granted in this case.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance  
should be granted in this case.

William H. Hill  
George M. [unclear]  
Arthur [unclear]  
BOARD OF APPEALS

Attested to be a true copy  
from the files of Building  
Inspections 2/23/96

Mary Schmeckel  
Zoning Administrator

DATE: August 1, 1968

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Martin Bartley

AT Lot 28 Alpine Road

Public Hearing on the above appeal was held before the Board of Appeals.

BOARD OF APPEALS

Franklin G. Hinckley  
Ralph L. Young  
Harry H. Swartz

VOTE	
YES	NO
(x)	( )
(x)	( )
(x)	( )

Record of Hearing

Attested to be a true copy from the files of  
Building INSPECTIONS 2/23/96  
Inga Schmuckel  
Zoning Administrator



APPLICATION FOR PERMIT  
Class of Building or Type Third Class  
Portland, Maine

RECEIVED AUG 2 1968  
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE AUG 1, 1968

The undersigned hereby applies for a permit to erect alter repair demolition in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance, following building structure equipment specifications, if any, submitted herewith and the following specifications:

Location Lot 22 Within Fire Limits? Yes Dist. No. 1  
Owner's name and address Martin Kelly, 625 W. Main St. Telephone 522-1111  
Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
Contractor's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans \_\_\_\_\_ No. of sheets 5  
Proposed use of building 2-car dwelling, closed breeze way, attached 2-car garage No. families 1  
Last use \_\_\_\_\_ No. families \_\_\_\_\_  
Material Frame No. stories 2 Heat Gas Style of roof pitch Roofing Asphalt  
Other buildings on same lot \_\_\_\_\_  
Estimated cost \$ 15,000 Fee \$ 50.00

General Description of New Work

To construct dwelling, 44'8" x 64', closed breeze way, attached 2-car garage  
Garage will be fireproofed where required by law with 1" sheetrock, fire door  
1-3/4" solid core door  
This application is preliminary to get settled the question of zoning approval. In the event the appeal is sustained the applicant will furnish complete information, estimated cost and pay legal fee.

Appeal sustained 8/1/68

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO CONTRACTOR

Details of New Work

Is any plumbing involved in this work? Yes Is any electrical work involved in this work? Yes  
Is connection to be made to public sewer? Yes If not, what is proposed for sewage? \_\_\_\_\_  
Has sewer tank notice been sent? \_\_\_\_\_ Form notice sent? Yes  
Height average grade to top of plate 15' Height average grade to highest point of roof 25'  
Size, front 44' depth 64' No. stories 2 solid or filled land? no earth or rock? no  
Material of foundation concrete Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_  
Kind of roof pitch Rise per foot 5" Roof covering asphalt  
No. of chimneys 1 Material of chimneys brick Kind of lining tile Kind of heat gas fuel gas  
Framing Lumber-Kind 2x4 Dressed or full size? yes Corner posts yes Sills yes  
Size Girder 2x10 Columns under girders 12" Size 3" Max. on centers 7'6"  
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.  
Joists and rafters: 1st floor 2x10, 2nd 2x10, 3rd \_\_\_\_\_, roof 2x6  
On centers: 1st floor 16", 2nd 16", 3rd \_\_\_\_\_, roof 24"  
Maximum span: 1st floor 15'11", 2nd 15'11", 3rd \_\_\_\_\_, roof 18'  
If one story building with masonry walls, thickness of walls? \_\_\_\_\_ height? \_\_\_\_\_

If a Garage

No. cars now accommodated on same lot \_\_\_\_\_, to be accommodated 2 number commercial cars to be accommodated \_\_\_\_\_  
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? no

APPROVED:

C. W. Fitzler, City Engineer

Miscellaneous

Will work require disturbing of any tree on a public street? no  
Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes  
Martin Bartley

CS 301

INSPECTION COPY

Signature of owner By: Martin S. Bartley

Attested to be a true copy from the files of Building Inspectors 2/23/96 - Marie Schmuckel, Building Inspector

A.P.- Lot 28, Alpine Road

August 2, 1968

Mr. W. Bartley  
213 Auburn Street

Dear Mr. Bartley:

Permit to construct 2-family dwelling 44'8" x 64', enclosed breezeway, attached 2-car garage at the above named location is being issued subject to plans received with the application and in compliance with Building Code restrictions; as follows:

1. The corner posts are to extend in one piece with 18 inch lap splices allowed from the solid sill or from the first floor shoe (sole plate) where a box sill is allowed to the double plate which supports the roof rafters at the eave level. The second floor studs in the exterior walls are to extend down to the double 2x4 inch plate upon which the second floor joists rests with the second floor joists being spiked to these studs.
2. Rafters will need to be double which abut the hip rafters (four in all). These rafters are located on the end of the ridgeboard. Ceiling joists both front and rear of the living room area and the bedroom area on the rear are to be tied to the hip rafters above.
3. A curb at least six inches high will be needed from the garage area to the stairs that lead to the basement area (or an equivalent approved arrangement shall be provided) to prevent the free flow of gasoline fumes into the dwelling house part.
4. It is suggested that a solid core door at least 1-3/4" thick would be desirable at the top of the stairs from the kitchen on the second floor to give added fire protection to these living quarters.

Very truly yours,

A. Allan Soule  
Deputy Director of Building Inspection

AAS:m

Attested to be true copy from the files of  
Building Inspections 2-23-96 Marge Schmuck  
Zoning Administrator