

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



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76 Christy Road

December 16, 1985

Mrs. Mary Ann Gray
76 Christy Road
Portland, Maine 04103

Dear Mrs. Gray:

At the December 12th meeting of the Board of Appeals, the Board voted to direct the Chief of Inspection Services to grant a permit for the construction of a five foot wide breezeway and a 27 foot wide 2-car garage at 76 Christy Road leaving a side yard setback of only 5 feet. This decision is based on Section 14-432 (2) of the City Zoning Ordinance which provides that when a garage is attached to a dwelling... the building may encroach into the side yard provided a side yard is established for a minimum of five feet.

A building permit can now be issued for the addition to your residence.

Sincerely,

Warren J. Turner
Zoning Specialist

Enclosure:
copy of Decision

cc: Merrill Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Hugh Irving, Code Enforcement Officer

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76 Christy Road

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, December 12, 1985 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 Ordinance.

Mrs. Mary Ann Gray, owner of the property at 76 Christy Road, under the provisions of Section 14-473(c)1 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit construction of a two-car garage and breezeway not allowed because the side yard setback would then be only five feet instead of the ten feet required for a one-story dwelling in the R-2 Residence Zone in which this residence is located. The width of one side yard may be reduced one foot for every foot that the other side yard is correspondingly increased (Section 14-80(4)c 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 14-473(c.1 of the Zoning Ordinance have been met.

Jacqueline Cohen
Secretary

jmr

Sec. 14-432. Garages or accessory uses to dwelling, apartment or tenement houses.

The width of a side yard adjoining a garage need not be greater than the minimum side yard required for a building of its height. In addition, the following encroachments upon rear and side yards shall be permitted:

- (1) Detached garages or accessory structures not more than fifteen (15) feet in height which serve dwellings, apartment or tenement houses shall be permitted in required rear yards when occupying not more than thirty (30) per cent of the area of such yards or in required side yards if they do not extend from the rear wall of the principal building toward the front lot line more than twenty (20) per cent of the depth of that building. In no case shall any portion of such a garage or accessory structure be located closer to any lot line than as provided elsewhere in this article.
- (2) Garages or accessory structures attached to dwelling, apartment or tenement houses, or portions of such buildings for garage use only, may encroach upon required rear and side yards as provided for detached garages, but no such encroachment shall be located less than five (5) feet from any lot line.
- (3) Outdoor swimming pools accessory to dwellings, apartment houses, hotels or motels, shall be permitted on lots provided the following conditions are met:
 - a. No swimming pool shall be sited between a building and the street line.
 - b. No part of any swimming pool shall be located closer than ten (10) feet from the principal structure, nor closer than ten (10) feet from the side or rear lot lines. (Code 1968, § 602.1v.X; Ord. No. 271-77, 5-18-77)

Sec. 14-433. Lots of record.

Any lot of record as of June 5, 1957, and held under separate and distinct ownership from adjacent lots and having a street frontage of forty (40) feet, or to which a means of access has been previously approved by the city council as provided elsewhere in this article, may be considered a buildable lot in any residential zone except as provided below for island residential zones, with a minimum lot size of five thousand (5,000) square feet except that a lot in the R-6 zone may have a minimum lot size of three thousand (3,000) square feet, provided that the applicable yard dimensions can be met.

A lot in the R-1, R-2 or R-3 zone that was described in a subdivision plat approved by the planning board after June 5, 1981 or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

Any lot of record as of July 15, 1985, and held under separate and distinct ownership from adjacent lots and meeting the applicable street frontage requirements of that time, may be considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable yard dimensions can be met, and provided further that a lot in the IR-1 zone shall have a minimum area of ten thousand (10,000) square feet and a lot in the IR-2 zone shall have a minimum area of six thousand five hundred (6,500) square feet unless it is served by a public sewer, in which case it shall have a minimum area of five thousand (5,000) square feet.

Supp. No. 10

CITY OF PORTLAND, MAINE
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October 29, 1985

Mrs. Mary Ann Gray
76 Christy Road
Portland, Maine 04103

Dear Mrs. Gray:

A building permit for your proposed two-car garage and breezeway cannot be issued because the side yard setback would then be only five feet instead of the ten feet required for a one-story dwelling in the R-2 Residence Zone in which your residence is located. The width of one side yard may be reduced one foot for every foot that the other side yard is correspondingly increased (Section 14 - 80 (4) c of the Zoning Ordinance).

Based on this above-mentioned concept, if your residence is one story and has eight feet side yard setback on one side, then you should have 12 feet sideyard on the other side of your building where you contemplate placing a five foot breezeway and a 27 foot, two-car garage, leaving a side yard of only 5 feet.

The garage when attached to the main dwelling is considered as part of the principal structure for the purpose of computing yard requirements. (Section 14 - 47 of the Zoning Ordinance).

We understand you wish to go to the Board of Appeals for review of your space and bulk variance appeal. Receipt of your appeal fee is hereby acknowledged. This item will be scheduled for the December 12th meeting of the Board of Appeals.

If your immediate abutter (on the garage side) would have no objection to your placement of the proposed garage only 5 feet from the property line, please ask them to write a letter to this effect and send it to the Chairman of the Board of Appeals, Mr. Merrill S. Seltzer, c/o City Hall, 389 Congress Street, Portland, Maine 04104.

Sincerely,

Warren J. Turner
Zoning Specialist

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

WJT/crb

October 25, 1985

Board of Appeals
Room 315 City Hall
389 Congress Street
Portland, Maine 04101

Dear Ladies/Gentlemen:

I have a single family house at 76 Christy Road and would like to attach an adjoining breezeway and a two car garage.

The picture marked "left" shows the left side of my house from the street along with a two car garage belonging to my neighbor. The picture marked "right" shows the right side of my house along with the proposed location of the garage I want to build.

The granting of the variance will not alter the essential character of the location as the adjoining property already has a two car garage as do many others in the area.

The placement of the garage in a different location would not facilitate my needs.

Your consideration and approval of the variance will be greatly appreciated.

Sincerely,

Mary Ann Gray

Mary Ann Gray

MAG:ac



CITY OF PORTLAND

**REQUEST FOR
VARIANCE APPEAL**

Applicant's name and address: Mary Ann Gray (Calazzo)

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

Owner's name and address (if different): Mary Ann Gray
76 Christy Rd. Portland, Me. 04103

Address of property (or Assessor's chart, block and lot number):
76 Christy Rd. Portland, Me

Zone: _____ Present use: Home
Change of use
(if applicable) N/A

Variance from: Section 14- _____

Relief requested from Board:

**NOTE: If site plan approval is required, attach preliminary or final
Lite 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: October 23, 1985

Mary Ann Gray
Signature of Applicant

(See other side for variance standards.)

NECESSARY MATERIAL TO APPLY FOR AN APPEAL

1. Apply for building permit and pay \$50 appeal fee.
2. Nine (9) separate packets of the following:
 - a. A cover letter addressed to the Board of Appeals (and submitted to the Zoning Office, Room 315) explaining what you want to do; and if you are appealing for a variance, you must address the requirements on the back of this form.
 - b. A plot plan showing necessary parking (minimum space 9 ft. x 19 ft. each) and showing the building on the lot with dimensions and distances to lot lines.
 - c. A floor plan (if applicable) showing existing and proposed rooms with dimensions.
 - d. Photo of property.
3. Owner or legal representative must sign (do not fill in) Request for Appeal form.
4. Appeal will not be scheduled until all material is received by this office.

Requested by Contractor

Fee: \$150.00

(see other side for variance standards)

76 Christy Rd.



