

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION

ZONING LOCATION R-2 PORTLAND, MAINE Feb. 15, 1984

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION Lot # 393-F-20 Wendy Way Fire District #1 [] #2 []

1. Owner's name and address Mrs. Pauline Higgins -87 Munjoy St. Telephone 774-6348

2. Lessee's name and address Telephone

3. Contractor's name and address Telephone

..... No. of sheets

Proposed use of building

Last use

Material

Other buildings on same lot

Estimated contractual cost \$

FIELD INSPECTOR—Mr. @ 775-5451

Appeal Fees \$ 50.00

Base Fee

Late Fee

TOTAL \$

Variance for minimum street frontage

Stamp of Special Conditions

This application is preliminary to the question of zoning appeal. In the event the appeal is sustained the applicant will furnish complete information, estimated cost and pay legal fees.

APPROVED 3-15-84

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

DETAILS 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? If not, what is proposed for sewerage?

Has septic 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 of lining Kind of heat fuel

Framing Lumber—Kind Dressed or full size? Corner posts Sills

Size Girder 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

If one story building with masonry walls, thickness of walls? height?

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?

APPROVALS BY: DATE MISCELLANEOUS

BUILDING INSPECTION— PLAN EXAMINER Will work require disturbing of any tree on a public street?

ZONING: Will there be in charge of the above work a person competent

BUILDING CODE: to see that the State and City requirements pertaining thereto

Fire Dept.: are observed?

Health Dept.: Others:

Signature of Applicant Barbara A. Vestal Phone # same

Type Name of above Barbara Vestal for 1 [] 2 [] 3 [] 4 [] Pauline Higgins Other and Address

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



EUGENE S. MARTIN
Chairman

MERRILL S. SELTZER
Secretary

JACQUELINE COHEN
TIMOTHY E. FLAHERTY
THOMAS J. MURPHY
PAULETTE P. PARKER
MICHAEL E. WESTORT

RE: Lot 393-F-20 Wendy Way

March 20, 1984

Mrs. Pauline M. Higgins
87 Munjoy Street
Portland, ME 04101

Dear Mrs. Higgins:

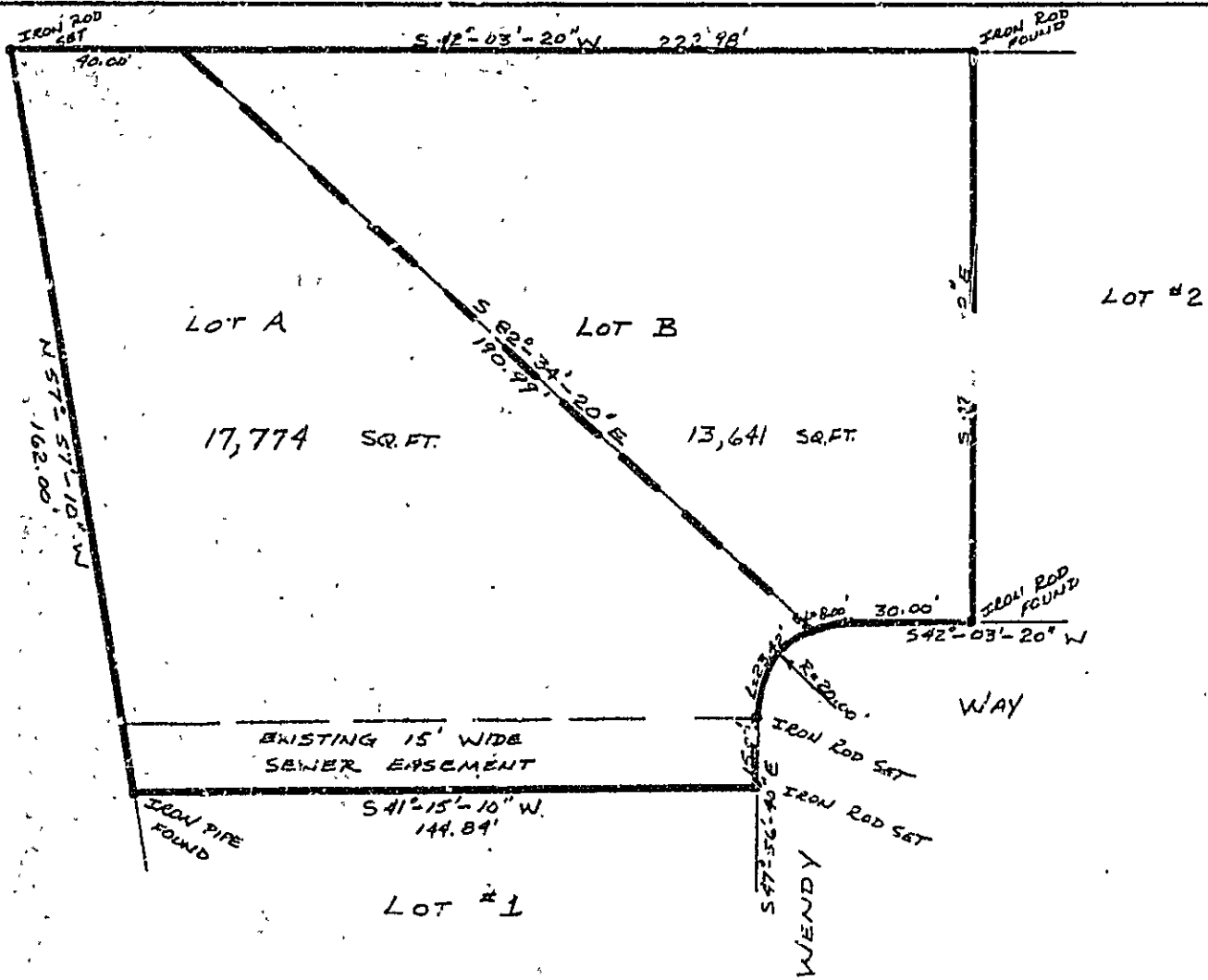
As you may know, the Board of Appeals voted by a unanimous vote to deny your application for a variance to divide into two lots your large lot on Wendy Way, each with a 38 ft. lot frontage instead of the 50 ft. minimum lot width required by Section 14-77(10) of the Zoning Ordinance for land located in the R-2 Residence Zone.

Sincerely,

Warren J. Turner
Zoning Specialist

WJT/kat

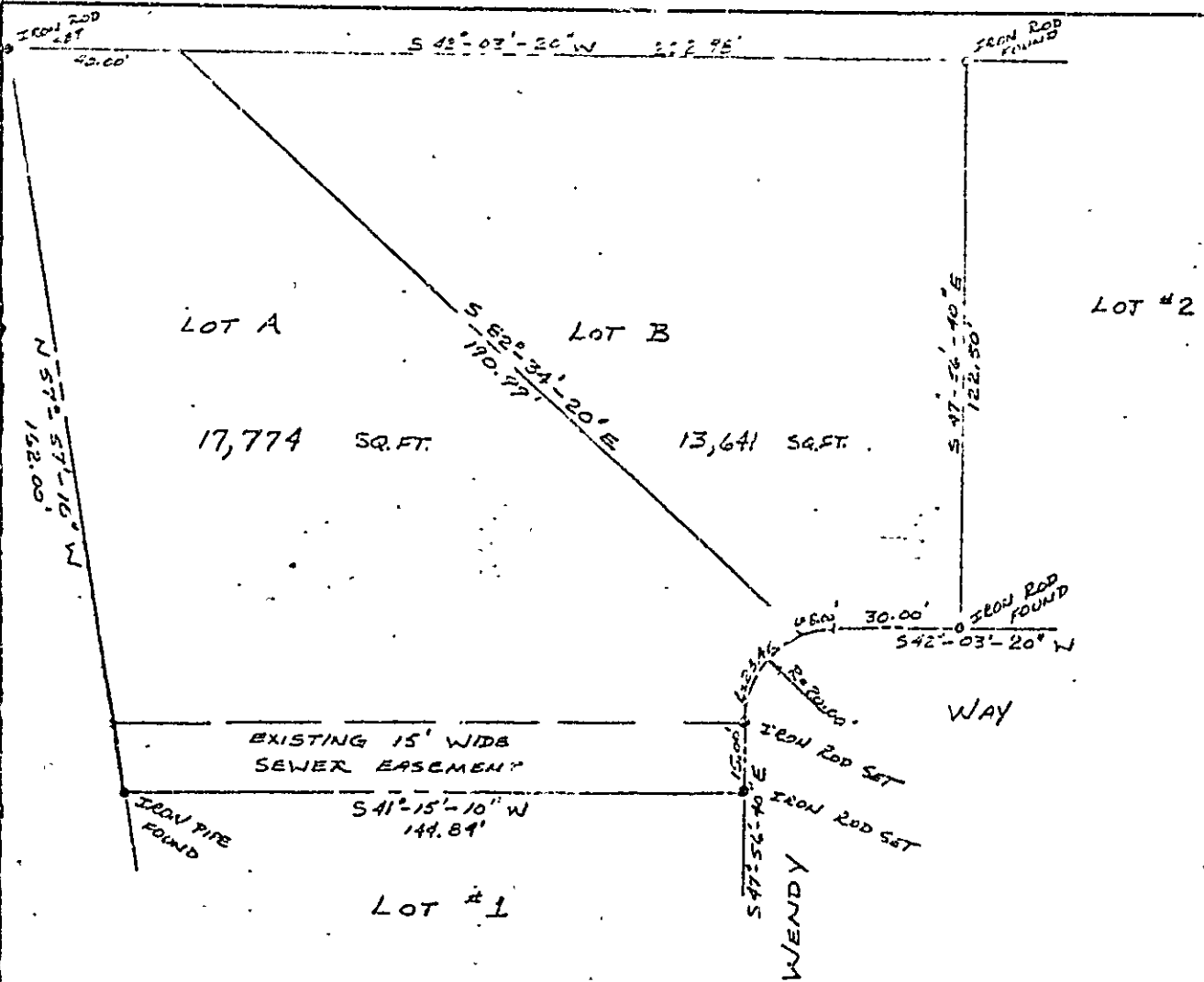
cc: Ms. Barbara Vestal
Joseph E. Gray, Jr., Director, Planning/Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief of Inspection Services



PLAN OF LAND
 IN
 PORTLAND, MAINE
 FOR
 TIMOTHY HIGGINS
 Owen Haskell, Inc.
 Civil Engineers South Portland, Maine

- OWNER OF RECORD -
 PAULINE M. HIGGINS
 4865/45

Drawn By	HRD.	Date	2/13/84	Job	8313
Traced By		Scale	1" = 30'	Drawn	
Checked By	JUL				
Blk No					



FROM DEED 618/172

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 FEB 15 1984
 DEPT. OF BIOS. INSP.
 CITY OF PORTLAND

PLAN OF LAND
 IN
 PORTLAND, MAINE
 FOR
 TIMOTHY HIGGINS
 Owen Haskell, Inc.
 Civil Engineers South Portland, Maine Land Surveyors

Drawn By: HAD	Date: 2/17/84	Job No: 23135
Traced By: JWS	Scale: 1" = 30'	Drawn By: JWS
Sheet No: 1		

- OWNER OF RECORD -
 PAULINE M HIGGINS
 4665/45

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PAULETTE P. PARKER
MICHAEL E. WESTORT

Lot 393-F-20 Wendy Way

February 16, 194

Ms. Pauline Higgins
87 Munjoy Street
Portland, ME 04101

Ms. Barbara Vestal, Atty.
107 Congress Street
Portland, ME 04101

Dear Ms. Higgins:

Building permit or certificate of occupancy cannot be issued for the land at 393-F-20 on Wendy Way if the lot were divided into two parcels because the minimum frontage for each home-site then would have only 38 feet of frontage instead of the 50 feet of minimum lot frontage required by Section 14-77(10) of the Zoning Ordinance for the R-2 Residence Zone in which this property is located.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office in Room 315, City Hall, and file the appeal on forms which are available here. A fee of \$50.00 shall be paid at this office at the time the appeal is filed. If fee has been paid and appeal filed prior to this letter, then please consider this letter as a matter of formality.

Sincerely,

Warren J. Turner
Zoning Specialist

WJT/kat

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

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ZONING BOARD OF APPEALS



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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, March 1, 1984 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.

Pauline M. Higgins, owner of property at Lot 393-F-20 Wendy Way, under the provisions of Section 14-473 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit the creation of two lots, each with 38 feet of frontage on Wendy Way rather than the 50 foot minimum lot frontage required by the zoning ordinance. (Section 14-77(10)).

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

Merrill S. Seltzer
Secretary

/kat

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Secretary

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Merrill S. Seltzer
Secretary

/kat

addme for 16th ← 2/22

393-F-20

Wendy Way

~~abulators~~

393-F-15

Dwene R. + Sharon Wood
71 Curtis Rd 04103

F-19

John E. + Myrna + Pamiruti
79 Curtis Rd 04103

394-A-5

John + Betty Lynn
59 Curtis Rd 04103

A-56

Christy Assoc.
RR 1, Box 474
No. Windham. 04062

394-I-8

Ann M. Keenan
74 Curtis Rd 04103

395-B-7 to 16 -

City

PLEASE NOTE DATE CHANGE

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



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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, March 15, 1984 at 3:30 p.m. This notice of require 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.

Pauline M. Higgins, owner of property at Lot 393-F-20 Wendy Way, under the provisions of Section 14-473 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit the creation of two lots, each with 38 feet of frontage on Wendy Way rather than the 50 foot minimum lot frontage required by the zoning ordinance. (Section 14-77(10)).

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

Merrill S. Seltzer
Secretary

/kat

PLEASE NOTE DATE CHANGE

CITY OF PORTLAND, MAINE
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All persons interested either for or against this Spac. & Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, March 22, 1984 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.

Pauline M. Higgins, owner of property at Lot 393-F-20 Wendy Way, under the provisions of Section 14-473 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit the creation of two lots, each with 38 feet of frontage on Wendy Way rather than the 50 foot minimum lot frontage required by the zoning ordinance. (Section 14-77(10)).

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

Merrill S. Seltzer
Secretary

/kat

CHESTER & VESTAL
ATTORNEYS AT LAW

EDWIN P. CHESTER
BARBARA A. VESTAL

107 Congress Street
Portland, Maine 04101
Telephone (207) 772-7426

February 14, 1984

Board of Appeals
City of Portland
389 Congress Street
Portland, ME 04101

RE: Assessor's Map, Lot No. 393-F-20, Wendy Way

Dear Members of Board of Appeals:

The applicant, Pauline M. Higgins respectfully requests that the Board of Appeals approve a variance for the minimum street frontage for the premises known as number 393-F-20, as outlined below.

Name and address of applicant: Pauline M. Higgins, Owner

Address of property: Wendy Way, Tax Assessor's map number 393-F-20

Present use: vacant

Zoning Classification: R-2

Relief sought: For the Board of Appeals to permit the creation of two lots, each with 38 feet of frontage on the street rather than the 50 foot minimum lot frontage required by the zoning ordinance.

Existing Lot: one lot with 76 feet of frontage on Wendy Way. The lot contains approximately 31,415 square feet.

New Lot to be created: The existing lot would be divided into two lots, each with 38 feet of frontage on Wendy Way. The new lots would be roughly pie shaped. Lot A would have side measurements of 144.84 feet and 190.99 feet, with back measurements of 162.00 feet and 40.00 feet. Lot B would have side measurements of

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FEB 14 1984

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CITY OF PORTLAND

122.5 feet and 190.99 feet, with a back measurement of 188.98 feet. Lot A would contain 17,774 square feet. Lot B would contain 13,641 square feet.

Comparison with other lots in vicinity: The subject property is adjacent to and visually part of a Christy Associates sub-division consisting of 15 lots along Wendy Way, a dead-end street with a cul-de-sac off Curtis Road. In the Christy Associates sub-division, three of the lots are greater than 15,000 square feet, but the remaining 12 lots range from approximately 8,200 square feet to 9,800 square feet. The existing lot is exceptional because of the large lot size relative to minimal street frontage.

Hardship:

The applicant alleges that the carrying out of the strict letter of the provision from which a variance is sought would result in the applicant having to retain one extremely large lot rather than allowing the creation of two lots of the same or even greater size than the surrounding lots.

No adverse effect: The applicant alleges that the property in the neighborhood will not be adversely affected by the granting of the variance. The new lots will be substantially larger than most of the surrounding lots. The shape of the lots will accommodate houses which will be set back approximately the same distance from the road as the adjacent houses. The use of the property as two lots will not create conditions which would be detrimental to the public health or safety.

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Enclosed are the space and bulk variance application, a

preliminary site plan, and a check for \$50.00 payable to the City of Portland. I would appreciate having this application heard at your earliest convenience, March 1, 1984 if possible.

Very truly yours,

Barbara A. Vestal

Barbara A. Vestal

BAV/aj
Enclosures

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CITY OF PORTLAND

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

SPACE AND BULK VARIANCE (OTHER THAN FOR DWELLING UNIT CONVERSIONS)

Pauline M. Higgins, owner of property at Wendy Way, Map No. 393-F-20 Tax Assessors
Under the provisions of Section 14-473(c) of the Zoning Ordinance of the City
of Portland, hereby respectfully petitions the Board of Appeals to permit:

The creation of two lots, each with 38 feet of frontage on Wendy
Way rather than the 50 foot minimum lot frontage required by 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. (See reverse side hereof for said
conditions.)

Site Plan approval (~~is/XXXXX~~) required by the Site Plan Ordinance If
Site Plan approval is required, a preliminary or final site plan is attach-
ed hereto as Exhibit A.

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Pauline M. Higgins
APPELLANT

Sec. 14-478 (c)(2) Space and Bulk Variances (other than for Dwelling Unit
Conversions):

(a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.

(b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.

(c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of this property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision.

(d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision.

(e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

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/kat

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RE: Lot 393-F-20 Wendy Way

March 20, 1984

Mrs. Pauline M. Higgins
87 Munjoy Street
Portland, ME 04101

Dear Mrs. Higgins:

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Sincerely,

Warren J. Turner
Zoning Specialist

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cc: Ms. Barbara Vestal
Joseph E. Gray, Jr., Director, Planning/Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief of Inspection Services