

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



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1000 Baxter Boulevard

June 28, 1988

Mr. Michael Scarks
c/o Neptune Properties
1000 Baxter Boulevard
Portland, Maine 04103

Dear Mr. Scarks:

Receipt is hereby acknowledged of your application for a height variance for the proposed hotel planned for the lot off Bates Court at 1000 Baxter Boulevard. The B-2 Business Zone would not become effective until July 21, 1988. We are advised by the Office of the Corporation Counsel that the Board cannot hear this appeal until after the B-2 Business Zone becomes effective. Therefore, we can not schedule this appeal until the next meeting of the Board of Appeals following the July 14th meeting, which will be on Thursday afternoon, August 11, 1988, at 3:30 P.M.

On advice of Mr. Lane, Associate Corporation Counsel, we are therefore deleting this item from the agenda for the July 14th meeting. With your consent we will defer the consideration of the height variance request until the meeting of August 11, 1988. A copy of the agenda for that meeting will be mailed to you as soon as copies of the agenda become available for distribution.

Sincerely,

Warren J. Turner
Warren J. Turner

Zoning Enforcement Inspector

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Fred Williams, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

PERMIT # 07 CITY OF Portland BUILDING PERMIT APPLICATION

MAP # _____ LOT# _____

Please fill out the part which applies to job. Proper plans must accompany form.

Owner Thomas & Madaline Jewell
 Address 18 Bay View drive, Portland, Me 04103
 LOCATION OF CONSTRUCTION same
 CONTRACTOR same SUBCONTRACTORS 774-6655
 ADDRESS same

For Official Use Only	
Date <u>June 16, 1988</u>	Subdivision <u>Lot 1 N</u>
Inside Fire Limits _____	Name _____
Rdg Code _____	Lot _____
Time Limit _____	Block _____
Estimated Cost <u>\$1,000</u>	Permit Expiration _____
Value Structure _____	Ownership _____
Fee <u>\$25.00</u>	Public _____
	Private _____

Est. Construction Cost: \$1000 Type of Use: garage/breezeway foundation
 Building Dimensions L _____ W _____ Sq. Ft. _____ # Stories _____ Lot Size _____
 Proposed Use: Seasonal Condominium Apartment
Conversion - Explain Pouring garage/breezeway foundation as per plans.

COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE
 Residential Buildings Only:
 # of Existing Units _____ # of New Dwelling Units _____

Foundation:
 1. Type of Soil: Clay
 2. Set Backs - Front 5' Rear 5' Side(s) 5'
 3. Footings Size: 18' x 21' garage 12' x 12' breezeway
 4. Foundation Size: 8' x 8' 0"
 5. Other _____

Footings:
 1. Sills Size: _____ Sills must be anchored.
 2. Girter Size: _____
 3. Lally Column Spacing: _____ Size: _____
 4. Joist Size: _____ Spacing 16" O.C.
 5. Bridging Type: _____ Size: _____
 6. Floor Sheathing Type: _____ Size: _____
 7. Other Material: _____

Exterior Walls:
 1. Studding Size _____ Spacing _____
 2. No. windows _____
 3. No. Doors _____
 4. Header Sizes _____ Span(s) _____
 5. Bracing: Yes _____ No _____
 6. Corner Posts Size _____
 7. Foundation Type _____ Size _____
 8. Sheathing Type _____ Size _____
 9. Other _____
 10. Masonry Materials _____
 11. Metal Materials _____

Interior Walls:
 1. Studding Size _____ Spacing _____
 2. Header Sizes _____ Span(s) _____
 3. Wall Covering Type _____
 4. Fire Wall if required _____
 5. Other Material _____

Ceiling:
 1. Ceiling Joists Size: _____
 2. Ceiling Strapping Size _____ Spacing _____
 3. Type Ceilings _____
 4. Insulation Type _____ Size _____
 5. Ceiling Height: _____

Roof:
 1. Truss or Rafter Size _____ Span _____
 2. Sheathing Type _____ Size _____
 3. Roof Covering Type _____
 4. Other _____

Chimneys:
 Type: _____ Number of Fire Places _____
 Heating: Type of Heat _____

Electrical:
 Service Entrance Size _____ Smoke Detector Required Yes _____ No _____

Plumbing:
 1. Approval of soil test if required Yes _____ No _____
 2. No. of Tubs or Showers _____
 3. No. of Flushes _____
 4. No. of Lavatories _____
 5. No. of Other Fixtures _____

Swimming Pools:
 1. Type: _____
 2. Pool Size: _____ x _____ Square Footage _____
 3. Must conform to National Electrical Code and State Law

Zoning:
 District _____ Street Frontage Req. _____ Provided _____
 Required Setbacks: Front _____ Back _____ Side _____ Side _____

Review Required:
 Zoning Board Approval: Yes _____ No _____ Date: _____
 Planning Board Approval: Yes _____ No _____ Date: _____
 Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____
 Shore and Floodplain Mgmt _____ Special Exception _____
 Other _____ (Explain) _____
 Date Approved _____

Permit Received By Nancy L. Dzema
 Signature of Applicant Thomas Jewell Date 6/16/88
 Signature of CEO _____ Date _____

Inspection Dates _____

CITY OF PORTLAND, MAINE
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1000 Baxter Boulevard

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MICHAEL E. WESTORT
CHRISTOPHER DINAN

January 13, 1989

Mr. Michael Scarks
Neptune Properties Inc.
1000 Baxter Boulevard
Portland, Maine 04103

Dear Mr. Scarks:

At the meeting of the Board of Appeals on Thursday evening, January 12th, the Board voted by a 4 to 3 vote in favor of granting your interpretation appeal for 1000 Baxter Boulevard in the B-2 Business Zone. The Board found that you had an application pending prior to the effective date of the B-2 height restriction on September 20, 1988.

This above decision was based upon information considered at the public hearing before the Board of Appeals and documents presented by Charles Lane, Associate Corporation Counsel, Martin Foley, Attorney, Alexander Jaegerman, Chief Planner, and other information presented to the Board of Appeals by the applicant.

In their decision, the members of the Board of Appeals determined by a vote of four to three to grant this interpretation appeal, that the prior Zoning Ordinance applies, and that there was an application pending before the B-2 Business Zone height restriction was changed on September 20, 1988. A copy of the Board's decision is enclosed for your records.

Sincerely,

Warren J. Turner
Warren J. Turner
Administrative Assistant

Enclosure: Copy of Board's Decision

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
Samuel Hoffses, Chief, Inspection Services
Marland Wing, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
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1000 Baxter Boulevard

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MICHAEL E. WESTORT
CHRISTOPHER DINAN

November 21, 1988

Mr. Martin J. Foley, Attorney
P. O. Box 15337
482 Congress Street
Portland, Maine 04101

Dear Mr. Foley:

At the meeting of the Board of Appeals on November 17, 1988, the Board voted by a vote of 5 to 1 to postpone the interpretation appeal requested by Mr. Michael Scarks for 1000 Baxter Boulevard in the B-2 Business Zone. This appeal was postponed to the first meeting in January 1989, which will be held on Thursday evening, January 12, 1989, at 7 P.M. in Room 209, City Hall, Portland, Maine.

Your letter confirming this postponement dated November 18, 1988 has been received by the Chairman, Mr. Merrill S. Seltzer. This will enable additional information to be presented for consideration by the Board of Appeals.

Sincerely,

Warren J. Turner
Warren J. Turner
Zoning Enforcement Inspector

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Marland Wing, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel
Michael Scarks, Neptune Properties, 1000 Baxter Blvd., Portland. 04103

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1000 Baxter Boulevard

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CHRISTOPHER DINAN

October 31, 1988

Mr. Michael Scarks
Neptune Properties, Inc.
1000 Baxter Boulevard
Portland, Maine 04103

For November 17th meeting of the
Board of Appeals, at 3:30 P.M.
Room 209, City Hall, Portland
Maine

Dear Mr. Scarks:

This will acknowledge receipt of your application for an interpretation appeal before the Board of Appeals for the property located at 1000 Baxter Boulevard in the B-2 Business Zone. The present use for this property is business/commercial, and the proposed use is for a hotel or inn in a multi-storied building.

Mr. Scarks came before the Board of Appeals on August 11, 1988 for a height variance. His application was deferred because the proposed amendment to the B-2 Business Zone did not become effective until July 21, 1988. In the new zone the area which includes 1000 Baxter Boulevard was made a B-2 Business Zone. The height variance was denied by vote of the Board of Appeals on August 11th.

Then the height limit for the B-2 Business Zone was subsequently amended by the Portland City Council to impose a height limit in the P-2 Business Zone of 45 feet, which took effect on September 20, 1988.

This interpretation appeal by Mr. Scarks requests that he be granted the 65 foot height limit for his proposed building based on the fact that he initiated the permit procedure before the "new zoning" went into effect. He therefore is seeking an interpretation appeal from the Board of Appeals as to whether the old B-2 zoning or the new B-2 Zoning text should govern his proposed development.

This office considers that a building permit is not effective until it is granted by the City. Site plan review does not constitute initiating a building permit, but merely the preliminary requirements for applying for such a permit.

Sincerely,
Warren J. Turner

Warren J. Turner
Zoning Enforcement Inspector

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Cray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoff, Chief, Inspection Services
Marland Wing, Code Enforcement Officer

874-8300



CITY OF PORTLAND, MAINE

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

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

P. SAMUEL HOFFSES, CHIEF
INSPECTION SERVICES DIVISION

976-1000 Baxter Boulevard

October 12, 1988

Mr. Michael Scarks
Neptune Properties
1000 Baxter Boulevard
Portland, Maine 04103

Dear Mr. Scarks:

We have checked our receipts file and find that on June 23, 1988 you applied for site plan review for a major development, the commercial inn proposed for 976-1000 Baxter Boulevard in the B-2 Business Zone.

The variance request which you sought was denied by the Board of Appeals on August 11, 1988 by a five opposed to one in favor vote. This appears to be the variance decision of the Board. We recall that the matter had to be delayed until such time as the Zone Change approved by the Portland City Council became effective after July 21, 1988. The existing B-2 Business Zone would be applicable in the event any building permit application were to be applied for now, and the height limit in the new B-2 Business Zone is now 45 feet.

Sincerely,

Warren J. Turher
Zoning Enforcement Inspector

cc: Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Marland Wing, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

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MICHAEL E. WESTOBY
CHRISTOPHER DINAN

1000 Baxter Boulevard

August 15, 1983

Mr. Michael Scarks, Architect
Neptune Properties
1000 Baxter Boulevard
Portland, Maine 04103

Dear Mr. Scarks:

This is in reference to your variance request for Chart 129, Block I, Lot 3, the proposed site of a seven story Inn in the recently expanded B-2 Business Zone which became effective on July 21, 1988. At the August 11, 1988 meeting of the Board of Appeals, the Board voted by a five to one vote to deny your height variance to allow a seven story building instead of the five stories or 65 feet, as contained in the text of the B-2 Business Zone.

The revised B-2 Business Zone will have a height limit of only 45 feet and this amended text for the B-2 Business Zone will become effective on or after September 20, 1988.

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

Sincerely,

Warren J. Turner
Warren J. Turner
Zoning Enforcement Inspector

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Marland Wing, Code Enforcement Officer
Charles A. Lane, Associate Corporation Counsel

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1000 Baxter Boulevard

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CHRISTOPHER DINAN

July 25, 1988

Mr. Michael Scarks
c/o Neptune Properties
1000 Baxter Boulevard
Portland, Maine 04103

Dear Mr. Scarks:

Receipt is acknowledged of your application for a height variance for the proposed hotel planned for Lot 429-I-3 off Bates Court, which will have 1000 Baxter Boulevard for its address, but would have access only from Bates Court in the B-2 Business Zone extended by the City Council in a recently approved Zoning Map amendment, which became effective on July 21, 1988.

If the variance is granted, your proposed Inn would be constructed to include seven stories instead of the five stories not to exceed 65 feet, as required by Section 14-183(2)(d) of the City Zoning Ordinance for the B-2 Business Zone.

This height variance will be scheduled for consideration by the Board of Appeals on Thursday afternoon, August 11, 1988, at 3:30 P.M. in Room 209, City Hall, Portland, Maine. A copy of the agenda for that meeting will be sent to you as soon as copies become available for distribution.

Sincerely,

Warren J. Turner

Warren J. Turner
Zoning Enforcement Inspector

cc: Merrill S. Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
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