051248

WARRANTY DEED

Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS THAT, WE, FRED C. DURST AND MARILYN C. DURST of Falmouth, County of Cumberland and State of Maine, for consideration paid, grant to DOUGLAS S. ROBERTS AND KATHY SUE ROBERTS, of 745 Jackson Valley Road, Oxford, NJ 07863, a one-half interest as JOINT TENANTS, and to NANCY JO CONNOLLY, a one-half interest, said half interests to be held as tenants in common, with WARRANTY COVENANTS, the following:

Certain lots or parcels of land, situated on Great Diamond Island, in the City of Portland, Cumberland County, Maine, being Lots numbered 158, 159 and 160 on the southerly side of Trelawny Street at the intersection of said Trelawny Street and Bay Avenue as shown on the plan entitled "Plan of Property belonging to the Diamond Island Association, " recorded in the Cumberland County Registry of Deeds in Plan Book 4, Page 62.

Said lots are also depicted on Portland Tax Map 83A, Block E as Lots 7,8 & 10. Subject to zoning and building restrictions of record, restrictive covenants and easements of record and public utilities

servicing the property.

Being the premises described in the deed from C. Stuart Laughlin, Jr. to the grantors herein dated July 13, 1995 and recorded in said Registry in Book 12005, Page 126.

Witness our hands and seals this 29th day of August, 1997.
RECEIVED
REGISTRY OF DEEDS

The seal of August, 1997.

1997 AUG 29 PH 1: 40

CUMBERLAND COUNTY Jall. 13 OBin

State of Maine County of Cumberland

August 29, 1997

Personally appeared FRED C. DURST and MARILYN C. DURST and acknowledged the foregoing to be their free act and deed___

> of he an Adrian G. McCarron, Attorney at Law

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

Conditional Use Application – Owner Acknowledgment Letter Re: **Applicant: Nancy Connolly** Residential Dwelling, Crescent Ave, Great Diamond Island City of Portland Tax Map 083A, Lots E008, E007 & E010

Dear Members of the Board:

Please accept this letter as acknowledgment that we, as half owners of the above-described property on Great Diamond Island along with Nancy Jo Connolly, have authorized Nancy along with our attorney, Jim Cloutier of Portland, Maine, to speak on our behalf and present the property partially owned by us in consideration for approval of a conditional use permit by the City of Portland Zoning Board of Appeals.

We appreciate your assistance and if you or any of your professionals should have any questions or require any additional information, please do not hesitate to contact either of the signed below directly at (908) 689-0318.

Kathy S. Roberts

Kathy Roberts

Roberts

Roberts

Enclosure(s)

Nancy Connolly, Joint Owner CC: Jim Cloutier, Attorney

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

Please Read

Department Name

Application And Notes, If Any,	BUNNER	
Attached	PERMIT	Permit Number: 090584
This is to certify thatROBERTS DOUGL.	AS S ETA Cravis B	
has permission to Build new 4,024 sq fi	Single Fa y Home inlaw rtment 2 dro	oms 4 baths
AT _ 0 CRESCENT AVE Great Diamond Islan	ci - 08	3A E007001 —
provided that the person or pers		this permit shall comply with a
•	s of Ma e and of the October of	-
the construction, maintenance a this department.	ind use of buildings and structives	s, and of the application on file i
	Notice Ition of inspection hust be	
Apply to Public Works for street line	giver and written permission frocured	A certificate of occupancy must be
and grade if nature of work requires such information.	before his building or part hereof is lather or otherwise ed-in. 24	procured by owner before this building or part thereof is occupied.
Such in officiation.	HOL NOTICE IS REQUIRED.	ing of part thereof is occupied.
OTHER REQUIRED APPROVALS		
Fire Dept.		
Health Dept.		
Appeal Board		

PENALTY FOR REMOVING THIS CARD

Director - Building & Inspection Services

City of Portland, Maine -	Building or Use	Permit Application	n []	Permit No:	Issue Date	:	CBL:	
389 Congress Street, 04101	_		- 1	09-0584			083A E0	007001
Location of Construction:	Owner Name:		Ow	ner Address:			Phone:	
90 CRESCENT AVE Great Dia	amon ROBERTS D	non ROBERTS DOUGLAS S ETAL			ALLEY RI	O	207-772-0202	
Business Name: Contractor Nam		e:	Con	tractor Address:			Phone	
	Travis Berube 67 Bootby Ave So Po		Portland	2079396572				
Lessee/Buyer's Name	Phone:		Peri	mit Type:		-		Zone:
			Si	ngle Family				IK
Past Use:	Proposed Use:		Permit Fee: Cost of Work: C			CEO District:	1	
Vacant Land Single Famil		Home w/ an		\$4,345.00	\$424,39	90.00	1	
		- Build new 4,024 sq	FIR	FIRE DEPT: Approved INS		INSPEC	SPECTION:	
		ily Home w/ an		j.—	Denied	Use Grou	e Group: Type:	
	baths	rtment 2 bedrooms 4			. –	ł		
	oatris							
Proposed Project Description:						l		
Build new 4,024 sq ft Single Far	mily Home w/ an acc	essory apartment 2		nature:		Signature		
bedrooms 4 baths			PED	ESTRIAN ACTIV	VITIES DIST	RICT (P.	A.D.)	
			Acti	ion: Approve	ed 🗌 App	roved w/C	onditions	Denied
			Sign	nature.		ī	Date:	
Permit Taken By: Date Applied For: Zoning Approval								
· ·	06/09/2009	ii		Zoning	Approva	. 1		
		Special Zone or Revie	ews	Zoning	g Appeal		Historic Prese	rvation
	Applicant(s) from meeting applicable State and			☐ Variance			☐ Not in District or Landmar	
 Building permits do not incl septic or electrical work. 	permits do not include plumbing,		Miscellaneous			Does Not Require Review		
3. Building permits are void if within six (6) months of the		Flood Zone	Conditional Use		Requires Revie	ew		
False information may inval permit and stop all work	idate a building	Subdivision		Interpretation			Approved	
		Site Plan		Approved			Approved w/Co	onditions
		Maj 🔲 Minor 🔲 MM		Denied			Denied	
		Date:		Date:		Date	::	
hereby certify that I am the owne have been authorized by the own risdiction. In addition, if a permuall have the authority to enter all ich permit.	er to make this application in the make this application is applicated in the make t	cation as his authorized I in the application is is:	e prog agen sued,	t and I agree to I certify that the	conform to e code offic	all appl cial's aut	licable laws of horized repres	this entative
IGNATURE OF APPLICANT	-	ADDRESS			DATE		PHONE	
ESDONICIDI E DEDECON IN CHARGES	DE WORK TITLE				DAME		BUOVE	
ESPONSIBLE PERSON IN CHARGE C	J. WORK, IIILE				DATE		PHONE	,

General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: 90	Crescent Ave G	DI				
Total Square Footage of Proposed Structure/	Area Square Footage of Lot	Number of Stories				
Tax Assessor's Chart, Block & Lot	Applicant *must be owner, Lessee or Buy	er' Telephone:				
Chart# Block# Lot#	Name Travis Beruhe	939-6577				
	Address 67 Bookby AVR	1010012				
	City, State & ZipS PHd, ME OHL	X				
Lessee/DBA (If Applicable)	Owner (if different from Applicant)	Cost Of				
	Name NUACY CONNOLLY	Work \$				
JUN 2 3 2309	Address 82 Salem St	C of O Fee: \$				
JUN La Late	City, State & Zip	Total Fee: \$ 3000				
L	PHO, ME 0410Z	Total ree: \$				
	ı	plane and approximate residence on the control or control of the c				
Current legal use (i.e. single family) If vacant, what was the previous user	Number of Residentia	I Units				
Proposed Specific use: Is property part of a subdivision?		e reference and the second property of the second party of the sec				
Is property part of a subdivision?	If yes, please name	mandaren inapara (in a tradition in a a si mani lata a la di a				
Project description: Ammend	permit # 09 058	14				
Elimante accessory -	courtment	/				
Elimante accessory -apartment Contractor's name: Travis Bennie						
Address: 67 Booth by Ave						
City, State & Zip 5 - POVHUNC ME 04/06 Telephone Who should we contact when the permit is ready: TVUVIS Benube Telephone: 939-6572						
Who should we contact when the permit is ready	Travis Bembe Tel	ephone: 939-6572				
Mailing address:	•	-				
Please submit all of the information outlined on the applicable Checklist. Failure to						
	nutomatic denial of your permit.					
order to be sure the City fully understands the fu						
w request additional information prior to the issu s form and other applications visit the Inspection						
ession office, room 315 City Hall or call 874-8703.						
ereby certify that I am the Owner of record of the nan						
(1) have been authorized by the owner to make this appropriate the forward of this furisdiction. In addition, if a permit for work of the formal of the f						
norized representative shall have the authority to enter						
visions of the codes applicable to this permit						
nature: //	Date: 6/23/09	terrigination of transference in additional control of the state of th				
	commence ANY work until the permit i	AND THE STATE SHEET SHEET STATE OF THE STATE				

Revised 07-11-08

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-chair
Deborah Rutter
Jill E. Hunter
Gordan Smith-secretary
William Getz
Sara Moppin

June 22, 2009

Nancy Jo Connolly 82 Salem Street Portland, ME 04102

RE:

90 Crescent Avenue, Great Diamond Island

CBL:

08E A007

ZONE:

IR-2

Dear Ms. Connolly:

As you know, at the July 16, 2009 meeting, the Zoning Board voted 4-0 to grant your Conditional Use Appeal for the accessory dwelling unit to be added to your single family home.

Enclosed please find a copy of the board's decision.

The inspections office will now move forward on your original building permit # 090584.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,

Gayle Guertin
Office Assistant

CC: Jim Cloutier, Attorney

file

CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: July 28, 2009

RE: Action taken by the Zoning Board of Appeals on July 16, 2009.

Members Present: Philip Saucier (chair), Gordon Smith (secretary), Deborah Rutter, Jill Hunter, William Getz,

and Peter Coyne.

Member Absent: Sara Moppin

1. New Business:

A. Interpretation Appeal:

38 Torrington Avenue, Peaks Island, Richard & Patricia Ashton, owners, Tax Map 084, Block S, Lot 006, IR-2 Island Residential Zone: The original Interpretation Appeal was heard by the Board on November 13, 2008. An appeal of that decision went to Superior Court who remanded the appeal back to the Board to review the proposal for compliance under section 14-436(a). The Board found by a 6-0 vote that the building application did not meet the requirements of section 14-436(a).

*Members Philip Saucier and Peter Coyne left after the first appeal. Members Gordon Smith, Deborah Rutter, Jill Hunter, and William Getz were present for the duration of the meeting.

B. Practical Difficulty Variance Appeal:

16 Whitehead Street, Peaks Island, Thomas and Barbara Kipp, owners, Tax Map 084, Block N, Lot 004, IR-2 Island Residential Zone: The appellants are seeking a variance to keep the 6' x 8' enclosed rear entry that was built without a permit. The appellants are requesting a variance for the right side setback from a required 20' to 11' [section 14-145.11(c)(3)]. The appellants are also requesting a variance for the maximum allowable lot coverage of 20% [section 14-145.11(d)]. The lot is 4,109 square feet. The footprint of the building with the 6' x 8' enclosed rear entry is 1,102 square feet which covers 26.8% of the lot. Representing the appeal is Jonathan Goldberg, Esq. The Board voted 4-0 to grant the Practical Difficulty Variance Appeal.

C. Conditional Use Appeal:

47 Runnells Street, Debra L. R. & Chad M. Flynn, owners, Tax Map 177, Block A, Lot 010, R-5 Zone: The appellant is seeking a Conditional Use Appeal under section 14-118(c)(3) to have a family daycare/nursery school at her home for 8-10 children. Representing the appeal is the owner, Debra Flynn. The Board voted 4-0 to grant the Conditional Use Appeal.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

per Deborah Ruther

IR-2 Island Residential Zone Accessory Dwelling Unit

Conditional Use Appeal

DECISION

Date of public hearing:

July 16, 2009

Name and address of applicant:

Nancy Jo Connelly

82 Salem St.

Portland, ME 04102

Location of property under appeal: 90 Crescent Ave., Great Diamond Island

For the Record:

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

Atty Cloutier

> Nancy Jo Connelly - See above

> Tammy Robinson - Diamond Island

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

> 3 written testimonics from local abuttons / 2 against (or at least 1 island resident) 1 questioning (?)

Findings	of Fact	and Cond	clusions	of Law:

The Applicant is requesting a conditional use permit for a property located within the IR-2 zone, in order add an accessory dwelling unit. The gross floor area of the principal building is 3,993 sq. ft. and the gross floor area of the accessory dwelling unit is 1,158 sq. ft., or 29% of the gross floor area of the principal building. The lot area is 32,149 sq. ft. There are no open outside stairways or fire escapes above the ground floor.

- A. Conditional Use Standards pursuant to Portland City Code §14-145.9(a)(1):
- 1. The accessory dwelling unit is located within and is clearly subordinate to a principal single-family detached dwelling.

Satisfied _____ (1) Not Satisfied ____ Reason and supporting facts:

> Applicant plans, testimony, written documentation

2. The accessory unit shall be no more than thirty-five (35) percent of the gross floor area of the principal building and shall have a minimum floor area of four hundred (400) square feet.

Satisfied (4) Not Satisfied ____

Reason and supporting facts:

> Applicant testimony, documentation

3. The lot area shall be thirty thousand (30,000) square feet.
Satisfied (1) Not Satisfied
Reason and supporting facts:
> Application, testimony
7 City continuation
4. There shall be no open outside stairways or fire escapes above the ground floor.
Satisfied Not Satisfied
Reason and supporting facts:
> Applicant / Atty testimony, documentation
5. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single-family appearance of the building. The exterior design of new construction including facade materials, building form, roof pitch and exterior doors shall have a single-family appearance. Satisfied Not Satisfied Reason and supporting facts:
> Testimony, Submitted drawing

6. A lower level dwelling unit shall have a minimum two-thirds of its floor-to-ceiling height above the average adjoining ground level.
Satisfied (1) Not Satisfied
Reason and supporting facts: > Applicant testimony, submitted plans
7. Either the accessory unit or the principal dwelling shall be occupied by the owner of the lot on which the principal building is located, except for bona fide temporary absences
Satisfied (1) Not Satisfied
Reason and supporting facts:
> Applicant testimony > Written documentation
> Written documentation
8. All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with state and local regulations.
Satisfied Not Satisfied
Reason and supporting facts:
7 Applicant testimony
7 Applicant testimony 7 Written documentation

	1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.
	Yes No <u></u>
	Reason and supporting facts:
	No compelling evidence that this application is unique
	2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.
	$Yes May No \sqrt{1}$
	Reason and supporting facts:
	73 letters from concerned citizens - NOTED;
	7 Applicant testimony/written documentation indicates hothing unusual
f	3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.
	Yes No $\sqrt{(4)}$
	Reason and supporting facts:
	Applicant testimony (documentation;
	'

Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

В.

Conclusion: (check one)

(4) Option 1: The Board finds that all of the standards (1 through 5) described in section A above have been satisfied and that not all of the factors (1 through 3) described in section B above are present, and therefore GRANTS the application.

Option 2: The Board finds that all of the standards (1 through 5) described in section A above have been satisfied, and that while not all of the factors (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that not all of the standards (1 through 5) described in section A above have been satisfied and/or that all of the factors (1 through 3) described in section B above are present, and therefore DENIES the application.

Dated: 7: 16:09

O:\OFFICE\maryc\zba\IR-2 conditional use appeal accessory dwelling connolly

CITY OF PORTLAND DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1532 **Applicant:** Nancy Jo Connolly

Project Name: 90 Crescent Avenue Great Dimond Location:

CBL: 083E A007 Application Type: Conditional Use Appeal

Invoice Date: 07/09/2009

Total **Previous Payment** Payment Current Current **Due Date** Balance Received **Fees** Payment Due \$0.00 \$0.00 \$0.00 \$177.16 \$177.16 On Receipt

Previous Balance

Bill to: Nancy Connolly

82 Salem Street

Portland, ME 04102

\$0.00

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$64.66
Legal Ad Processing Fee	1	\$12.50
Appeal Fee	1	\$100.00
		\$177.16

Total Current Fees:

\$177.16

Total Current Payments:

\$177.16

Amount Due Now:

\$0.00

CBL 083E A007

Application No: 0000-1532

Invoice Date: 07/09/2009 **Invoice No:** 34969

Total Amt Due: \$0.00

Payment Amount: \$177.16

Make checks payable to the City of Portland, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.



Strengthening a Remarkable City, Building a Community for Life . www.portlandmaine.gov

Penny St. Louis Littell - Director of Planning and Urban Development Marge Schmuckal, Zoning Administrator

TO: CHAIR AND MEMBERS OF THE ZONING BOARD OF APPEALS

FROM: ANN MACHADO, ZONING SPECIALIST

SUBJECT: 90 CRECENT AVENUE, GREAT DAIMOND ISLAND, 083A-E-

007,008 & 010 - IR-2

DATE: JULY 9, 2009

The purpose of this memo is to address information provided in the addendum to the cover letter dated July 2, 2009 submitted by Nancy Conolly. In particular it addresses the numbers provided under section 'a' dealing with the percentage of gross floor area that the accessory unit occupies.

Section 14-145.9(a)(1)(a) states "the accessory unit shall be no more than thirty-five (35) percent of the gross floor area of the principal building...". In the numbers provided in the addendum, the gross floor area of the principal building is given as 2,492 square feet. This figure is actually the gross floor area of the principal dwelling unit. The gross floor area of the principal building would be the gross floor area of the principal dwelling unit (2,492 sf) and the gross floor area of the accessory dwelling unit (815 sf) for a total gross floor area of 3307 square feet. Using this number for the gross floor area, the percentage of the gross floor area the accessory unit is occupying would be 24.6% (815/3307). The numbers used on addendum still came up with a percentage for the accessory dwelling unit under 35% (32.7%), but we feel that the number is actually lower.

Section 14-47 defines floor area as "a floor space enclosed by exterior or standard fire walls, exclusive of vent shafts and courts". Using this definition, we believe that the "screened porches" shown on the building plans (drawings A-3, A-8, A-9 & A-10) meet the definition of floor area and should be included in the calculations for gross floor area and the percent of the gross floor area of the accessory dwelling unit. The area for each screened porch is given as 343 square feet. If you add the area of both porches to the gross floor area of the rest of the building, the gross floor area would be 3993 square feet (3307 + 393 + 393). The area of the accessory dwelling including the screened porch would be 1158 square feet (343 + 815). The percentage of the gross floor area occupied by the accessory unit would be 29% (1158/3993) which still meets the requirement that the accessory unit not occupy more than 35% of the gross floor area of the principal building.

Room 315 - 389 Congress Street - Portland, Maine 04101 (207) 874-8695 - FAX:(207) 874-8716 - TTY:(207) 874-3936



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Penny St. Louis Littell - Director of Planning and Urban Development Marge Schmuckal, Zoning Administrator

TO: CHAIR AND MEMBERS OF THE ZONING BOARD OF APPEALS

FROM: ANN MACHADO, ZONING SPECIALIST

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Room 315 - 389 Congress Street - Portland, Maine 04101 (207) 874-8695 - FAX:(207) 874-8716 - TTY:(207) 874-3936



Conditional Use Application Department of Planning and Development Portland Planning Board

1.	Applicant Information:	2.	Subject Property:
	NANCY JO CONNOLLY Name		CRESCENT AVE, GREAT DIAMOND
	82 SALEM ST. Address		ISLAND, MAINE
	PORTLAND, ME 04102		MAP 83A, E607, E00B, E010
	(207)772-0202 <u>Al/A</u> Phone Fax		Assessor's Reference (Chart-Block-Lot)
3.	Property Owner: X Applicant AND Other	4.	Current Zoning Designation(s):
	KATHY SUE & DOUGLAS ROBERTS		(<u>2-2</u>
	745 JACKSON VALLEY ROAD Address		RECEIVED
	OXFORD, NEW JEESEY 07863		HIN 2 C 2000
	(908) (089-0318 NLA Phone Fax		JUN 2 5 2009
	Phone Fax		City of Portland Planning Division
5.	Right, Title, or Interest: Please identify the status of t	he applica	nt's right, title, or interest in the subject property:
	OWNER	No. 2011 CONTINUES TO A STREET CONTINUES	
	Provide documentary evidence, attached to this applicate property. (For example, a deed, option or contract to pu	on, of app irchase of	plicant's right, title, or interest in the subject lease the subject property.) DEED ENCLOSED
6.	Vicinity Map: Attach a map showing the subject parcel use. (Applicant may utilize the City Zoning Map or Parc	and abut el Map as	ting parcels, labeled as to ownership and/or current a source.) PARCEL MAP ENCLOSED
7.	Existing Use:		
	Describe the existing use of the subject property: WAC Type of Conditional Use Proposed:	PANT	LOT-Swyle family Suildens
8.	Type of Conditional Use Proposed:	in it	Application pending
	ACCESSORY DWELLING UNIT	person Village E / a man dross por	The same of the sa

Conditional Use Appeal:

90 Crescent Avenue, Great Diamond Island, Kathy Sue & Douglas Roberts & Nancy Jo Connolly, owners, Tax Map 083A, Block E, Lots 007, 008 & 010, IR-2 Island Residential Zone: The appellants are seeking a Conditional Use Appeal under section 14-145.9(a)(1) requesting that an accessory dwelling unit be added to their single family dwelling. Representing the appeal are Nancy Jo Connolly and Attorney Jim Cloutier.

Ann Machado - Re: Memo to ZBA for 90 Crescent Ave., GDI

From: <mainelegal@aol.com>

Ray Colorada Sondra German Colorada Albanda Colorada

To: <AMACHADO@portlandmaine.gov>

Date: 7/9/2009 3:33 PM

Subject: Re: Memo to ZBA for 90 Crescent Ave., GDI

Thanks

Jim C

----Original Message----

From: Ann Machado < AMACHADO@portlandmaine.gov>

To: mainelegal@aol.com Sent: Thu, Jul 9, 2009 3:23 pm

Subject: Memo to ZBA for 90 Crescent Ave., GDI

Jim -

Here is the memo that is going to the ZBA. Feel free to call or email me if you have any questions.

Ann Machado Zoning Specialist (207) 874-8709

Finding the best videos just got easier. Try the NEW Truveo.com.

64 CRESCENT STREET LLC PO BOX 787 FAIRFIELD , CT 06824 BOGDANOVICH PAUL & 22 CLEARWATER DR BAY AVE BECKY L BOGDANOVICH JTS SCARBOROUGH , ME 04074 BROOK JEAN E VAN RAALTE 30 FOREST HILLS DR 64 CRESCEN FARMINGTON, CT 06032 CARR DANIEL J III & BAY AVE 6 GEORGES DANIEL J CARR IV JTS GREAT DIAMOND ISLAND , ME CHAISSON LOLA & 77 WALDEN ST CRESCENT ERIC CHAISSON CONCORD , MA 01742 CONDON JOHN M 111 COMMERCIAL ST SUNSET AVI PORTLAND , ME 04101 DIAMOND ISLAND ASSOC PO BOX 391 SUNSET AVI STRATHAM , NH 03885 FRAGER EDWARD I & MARTHA G 130 SOUTH ST CRESCENT GORHAM, ME 04038 HARRIS MICHAEL A & 184 LONGFELLOW ST 78 CRESCENT	0 NT AVE 1 S ST 1 AVE 1 E 0 AVE 1
BECKY L BOGDANOVICH JTS SCARBOROUGH, ME 04074 BROOK JEAN E VAN RAALTE 30 FOREST HILLS DR FARMINGTON, CT 06032 CARR DANIEL J III & BAY AVE DANIEL J CARR IV JTS GREAT DIAMOND ISLAND, ME CHAISSON LOLA & 77 WALDEN ST CRESCENT ERIC CHAISSON CONCORD, MA 01742 CONDON JOHN M 111 COMMERCIAL ST PORTLAND, ME 04101 DIAMOND ISLAND ASSOC PO BOX 391 SUNSET AVI STRATHAM, NH 03885 FRAGER EDWARD I & MARTHA G GORHAM, ME 04038	NT AVE 1 S ST 1 AVE 1 E 0 AVE 1
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EILEEN R HARRIS JTS PORTLAND, ME 04103	NT AVE 1
HURLEY FRANK E & 213 CLOVER RD CRESCENT A MARYANN B JTS LUDLON , MA 01056	AVE 0
INGRAHAM RICHARD I & 70 CRESCENT AVE CRESCENT A JANET R JTS GREAT DIAMOND ISLAND , ME	AVE 1
LAUGHLIN C STUART 68 PROSPECT ST SUNSET AVI PORTLAND, ME 04103	E 1
LAUGHLIN FREDERICK P & 10 TIGER LILLY LN CRESCENT A F PHILIP LAUGHLIN JTS CAPE ELIZABETH , ME 04107	AVE 1
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MCANDREW FAMILY LLC 210 OAK ST 46 SUNSET A SOUTH WINDSOR, CT 06074	AVE 1
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TUCKER KAREN & SUNSET AVE SUNSET AVE MARK DIDRIKSEN GREAT DIAMOND ISLAND , ME	≣ 1
WEBER ELIZABETH A PO BOX 4804 SUNSET AVE PORTLAND, ME 04112	1

Page 1 of 3

07/06/2009

90 OCEAN AVENUE, GREAT DIAMOND ISLAND

11:35 AM

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	WENDELKEN CHERIE &	9 PARKWAY PL	84 CRESCENT AVE	1
	JAMES E BROOKS JTS	ITHACA, NY 14850		
	WHEELER DAVID WOODRING &	2650 STATE ST	CRESCENT AVE	1
	DANIEL BINGHAM WHEELER	MACUNGIE, PA 18062		

Page 2 of 3

90 OCEAN AVENUE, GREAT DIAMOND ISLAND 07/06/2009

11:35 AM OWNER MAILING ADDRESS PROPERTY LOCATION CBL OWNER UNITS Total Listed: 28 21

Page 3 of 3

JUE 1

Zoning Board of Appeals City of Portland, Maine 389 Congress Street Portland, Maine 04101

Re:

Conditional Use Application – Addendum Applicant: Nancy Connolly Residential Dwelling, Crescent Ave, Great Diamond Island City of Portland Tax Map 083A, Lots E008, E007 & E010

Dear Members of the Board:

This letter serves as an addendum to the Conditional Use Application that I had submitted on 24 June 2009. Listed below are the requirements as outlined by the City of Portland's Code of Ordinances, Sec 14-145-9(a)1. for an accessory dwelling unit which requires a conditional use permit from the Zoning Board of Appeals. Listed below each requirement, is our response which addresses the criteria outlined by the ordinance.

1. Accessory dwelling unit within and clearly subordinate to a principal single-family detached dwelling provided that:

a. The accessory unit shall be no more than thirty-five (35) percent of the gross floor area of the principal building and shall have a minimum floor area of four hundred (400) square feet;

Response: Gross floor area of principal building = 2,492 SF = proupal dwdl.g = 100 Gross floor area of accessory unit = 815 SF > 400 SF

Percent GFA accessory unit = 815/2,492 = 32.7% < 35%

| 100 | 3963 $= 36^{3/2}$ b. Lot area shall be thirty thousand (30,000) square feet;

Response: Lot area = 32,149.50 SF > 30,000 SF

- c. There shall be no open outside stairways or fire escapes above the ground floor; Response: As depicted on the architectural drawing A-5, Second Floor Construction Plan, there are no open outside stairways or fire escapes above the ground floor.
- d. Any additions or exterior alterations such as façade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single-family appearance of the building. The exterior design of new construction including façade materials, building form, roof pitch and exterior doors shall have a single-family appearance;

Response: As depicted on the architectural drawings A-8, A-9 and A-10, Exterior Elevations and Details, the appearance of the home is that of a single-family dwelling.

e. A lower level dwelling unit shall have a minimum two-thirds of its floor-to ceiling height above the average adjoining ground level;

Response: Not applicable.

Meeting Agenda Page 1 of 1

CITY OF PORTLAND, MAINE Zoning Board of Appeals

Zoning Board of Appeals Committee

DATE: 7/16/2009 **TIME:** 6:30:00 PM

LOCATION: 389 Congress Street

AGENDA

1 A. Interpretation Appeal: 38 Torrington Avenue, Peaks Island, Richard & Patricia Ashton, owners, Tax Map 084, Block S, Lot 006, IR-2 Island Residential Zone: The original Interpretation Appeal was heard by the Board on November 13, 2008. An appeal of that decision went to Superior Court who remanded the appeal back to the Board to review the proposal for compliance under section 14-436(a).

- B. Practical Difficulty Variance Appeal: 16 Whitehead Street, Peaks Island, Thomas and Barbara Kipp, owners, Tax Map 084, Block N, Lot 004, IR-2 Island Residential Zone: The appellants are seeking a variance to keep the 6' x 8' enclosed rear entry that was built without a permit. The appellants are requesting a variance for the right side setback from a required 20' to 11' [section 14-145.11(c)(3)]. The appellants are also requesting a variance for the maximum allowable lot coverage of 20% [section 14-145.11(d)]. The lot is 4,109 square feet. The footprint of the building with the 6' x 8' enclosed rear entry is 1,102 square feet which covers 26.8% of the lot. Representing the appeal is Jonathan Goldberg, Esq.
- 1 C. Conditional Use Appeal: 47 Runnells Street, Debra L. R. & Chad M. Flynn, owners, Tax Map 177, Block A, Lot 010, R-5 Zone: The appellant is seeking a Conditional Use Appeal under section 14-118(c)(3) to have a family daycare/nursery school at her home for 8-10 children. Representing the appeal is the owner, Debra Flynn.
- 1 D. Conditional Use Appeal: 90 Crescent Avenue, Great Diamond Island, Kathy Sue & Douglas Roberts & Nancy Jo Connolly, owners, Tax Map 083A, Block E, Lots 007, 008 & 010, IR-2 Island Residential Zone: The appellants are seeking a Conditional Use Appeal under section 14-145.9(a)(1) requesting that an accessory dwelling unit be added to their single family dwelling. Representing the appeal are Nancy Jo Connolly and Attorney Jim Cloutier.

Gayle Guertin - Re: legal ad for zoning board of appeals

From: Joan Jensen <jjensen@pressherald.com>
To: Gayle Guertin <GG@portlandmaine.gov>

Date: 7/8/2009 11:22 AM

Subject: Re: legal ad for zoning board of appeals

Hi Gayle,

All set to run your ad on Friday, July 10. The cost is \$258.63.

If you have any questions, please call or email me.

Thank you, Joan

Joan Jensen
Portland Press Herald/Maine Sunday Telegram
P.O. Box 1460
Portland, ME 04104
Tel. (207) 791-6157
Fax (207) 791-6910
Email classified@pressherald.com

On 7/8/09 9:53 AM, "Gayle Guertin" <GG@portlandmaine.gov> wrote:

Good Morning Joan,

Attached is the Zoning Board of Appeals legal ad for Friday, July 10, 2009 $\,$

Thank You Gayle Guertin @ 874-8701

7/9/2009

Gayle Guertin - legal ad for zoning board of appeals

From: Gayle Guertin

To: classified@pressherald.com

Date: 7/8/2009 9:53 AM

Subject: legal ad for zoning board of appeals

CC: Ann Freeman; Gayle Guertin; Marge Schmuckal

Good Morning Joan,

Attached is the Zoning Board of Appeals legal ad for Friday, July 10, 2009

Thank You Gayle Guertin @ 874-8701

IMPORTANT NOTICE FROM CITY OF PORTLAND TO RESIDENTS AND PROPERTY OWNERS

TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF 90 OCEAN AVENUE, GREAT DIAMOND ISLAND

WHAT

Conditional Use Appeal:

90 Crescent Avenue, Great Diamond Island, Kathy Sue & Douglas Roberts & Nancy Jo Connolly, owners, Tax Map 083A, Block E, Lots 007, 008 & 010, IR-2 Island Residential Zone: The appellants are seeking a Conditional Use Appeal under section 14-145.9(a)(1) requesting that an accessory dwelling unit be added to their single family dwelling. Representing the appeal are Nancy Jo Connolly and Attorney Jim Cloutier.

WHEN

The Zoning Board meeting will be held on Thursday, July 16, 2009 at 6:30pm at Portland City Hall, located at 389 Congress Street. The meeting will take place in room 209, 2nd floor.

FOR MORE INFORMATION

For more information you may contact Marge Schmuckal, Zoning Administrator, at 207-874-8695

TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF 90 OCEAN AVENUE, GREAT DIAMOND ISLAND

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TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF 90 OCEAN AVENUE. GREAT DIAMOND ISLAND

Conditional Use Appeal:

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FOR MORE INFORMATION

For more information you may contact Marge Schmuckal, Zoning Administrator, at 207-874-8695



City of Portland Zoning Board of Appeals

July 9, 2009

Nancy Jo Connolly 82 Salem Street Portland, Maine 04102

Dear Appellant,

Your Conditional Use Appeal has been scheduled to appear before the Zoning Board of Appeals on Thursday, July 16, 2009 at 6:30 p.m. located on the second floor room 209 of City Hall.

Please remember to bring a copy of the packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as the procedures of the meeting for you to familiarize yourself.

I have also included the bill for the legal ad and notices. The check should be written as follows:

MAKE CHECK OUT TO:

City of Portland

MAILING ADDRESS:

Room 315

389 Congress Street

Portland, ME 04101

Please feel free to contact me at 207-874-8701 if you have any questions.

Sincerely,

Gayle Guertin Office Assistant

Cc: Jim Cloutier, Attorney

File

389 Congress St., Portland, Maine 04101 (207) 874-8701 FAX 874-8716 TTY 874-8936

CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, July 16, 2009 at 6:30 p.m. on the second floor in room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1. New Business:

A. Interpretation Appeal:

38 Torrington Avenue, Peaks Island, Richard & Patricia Ashton, owners, Tax Map 084, Block S, Lot 006, IR-2 Island Residential Zone: The original Interpretation Appeal was heard by the Board on November 13, 2008. An appeal of that decision went to Superior Court who remanded the appeal back to the Board to review the proposal for compliance under section 14-436(a).

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C. Conditional Use Appeal:

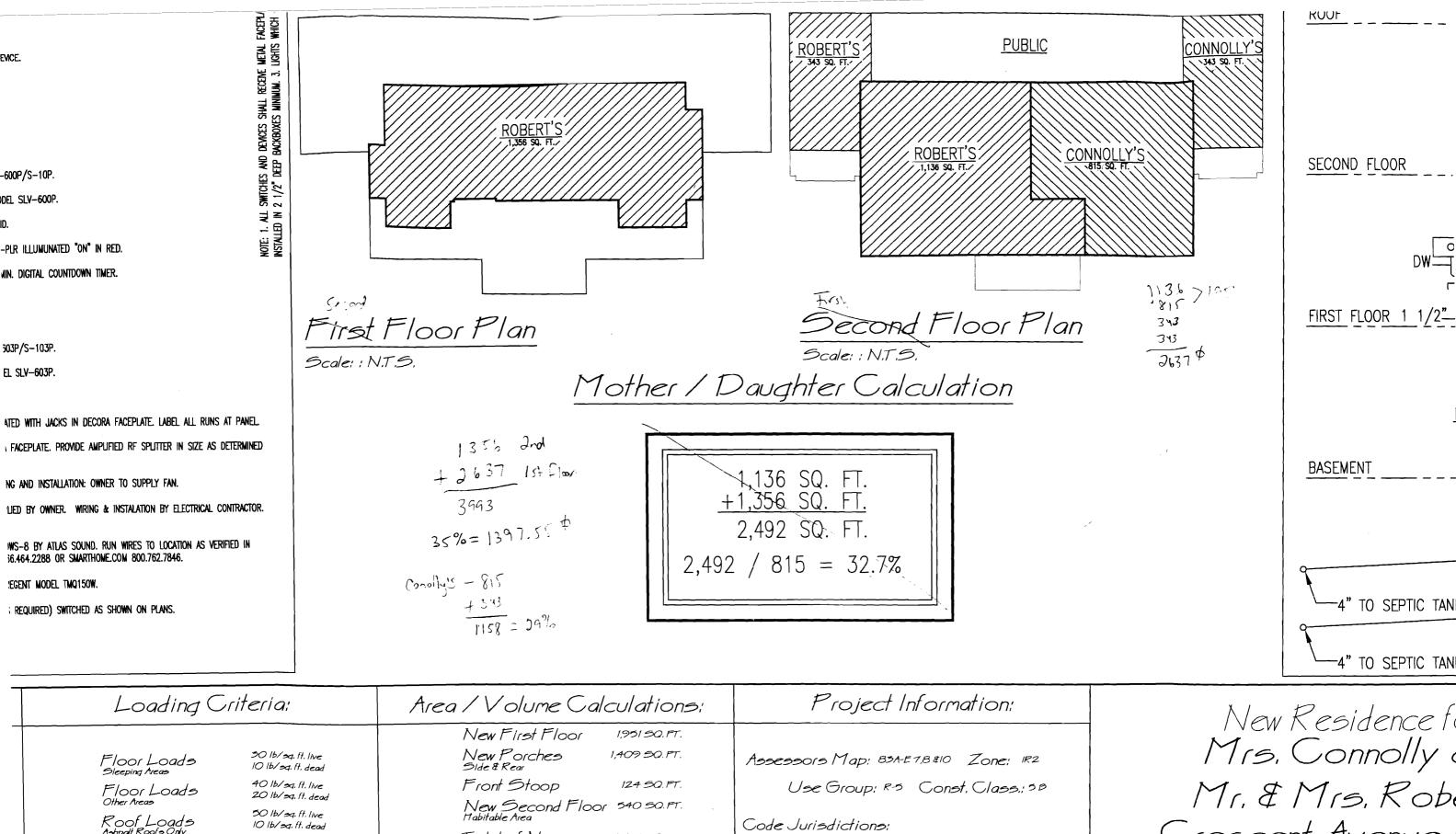
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2. Other Business:

3. Adjournment:



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DEVICE.

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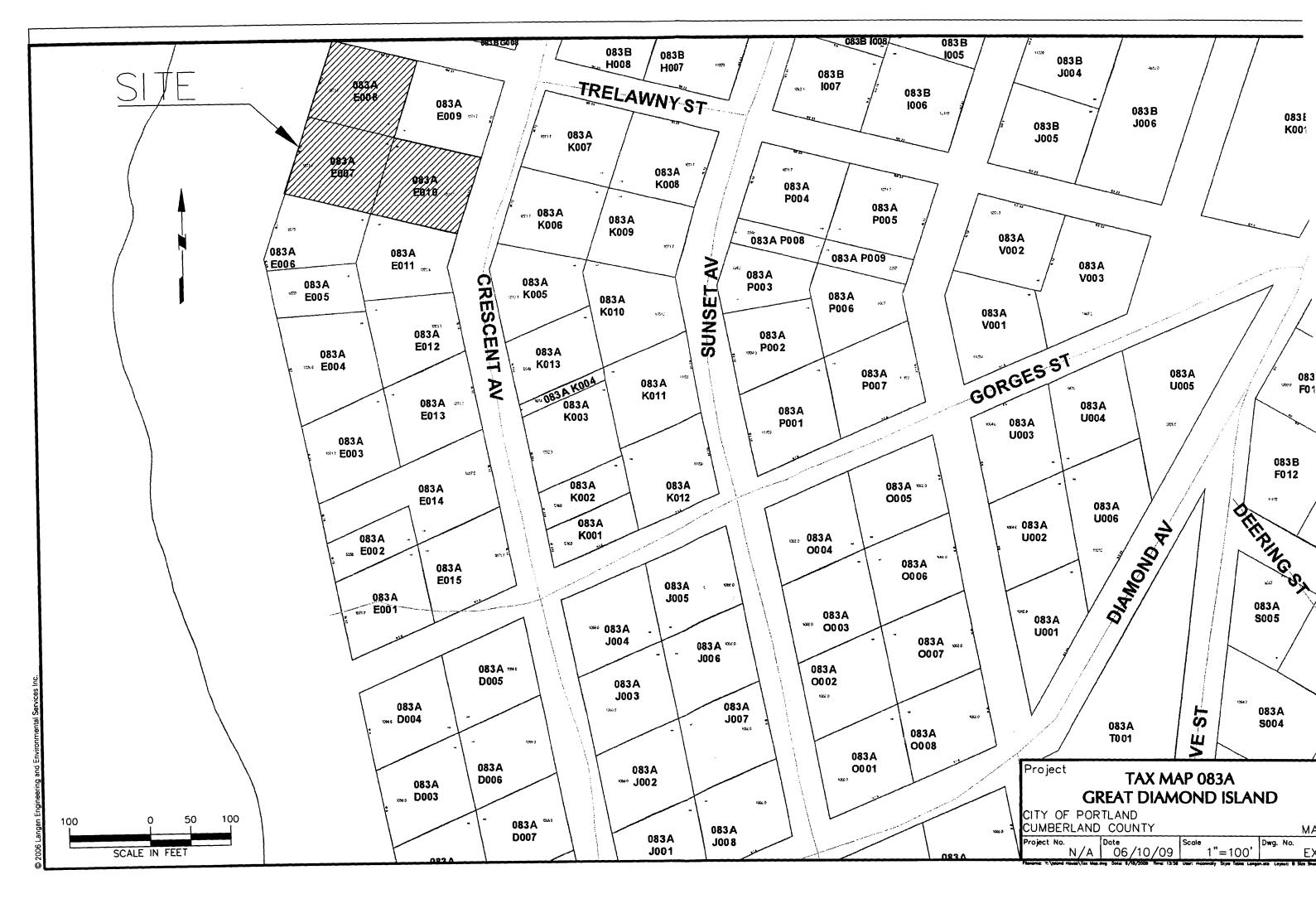
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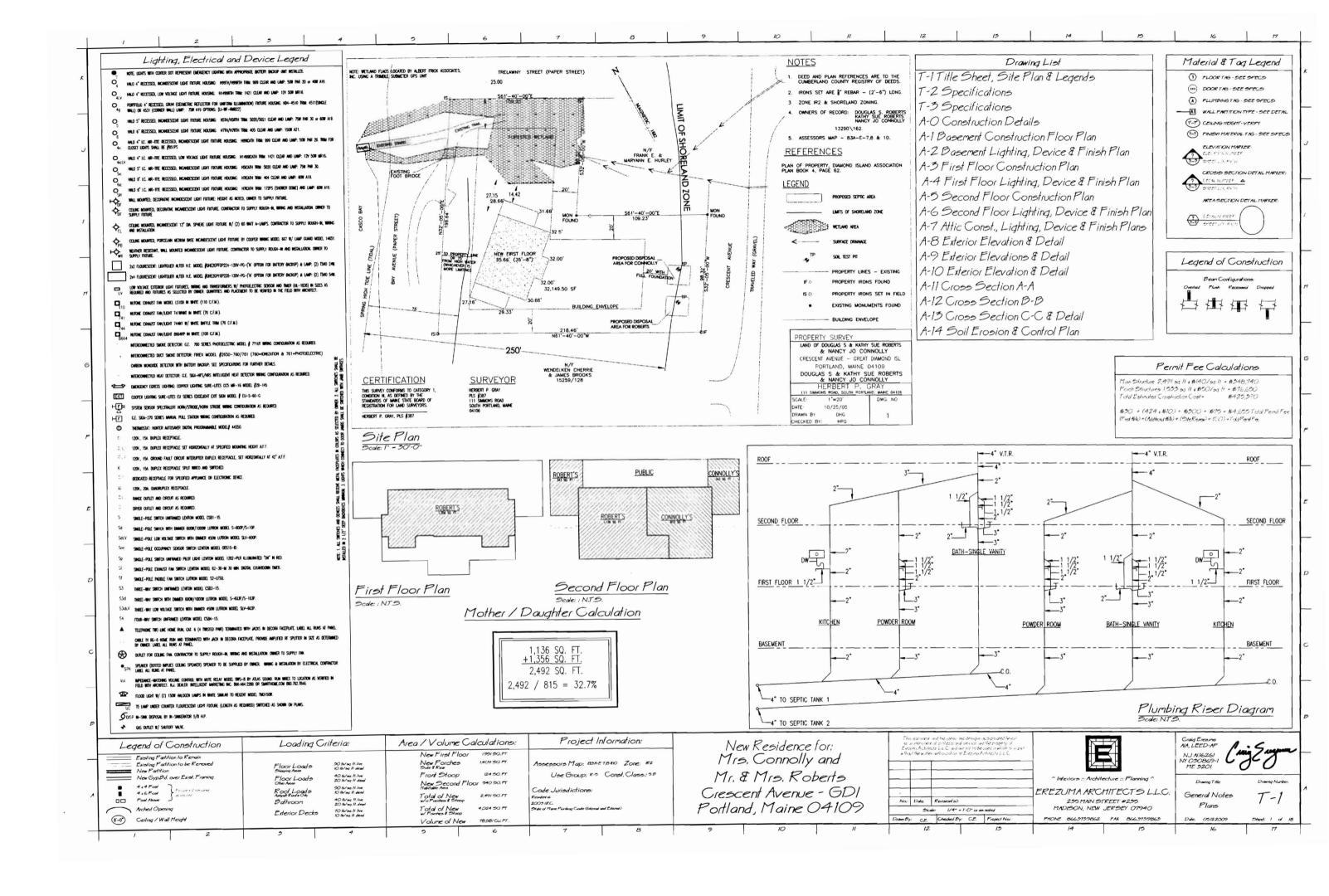
36.464.2288 OR SMARTHOME.COM 800.762.7846.

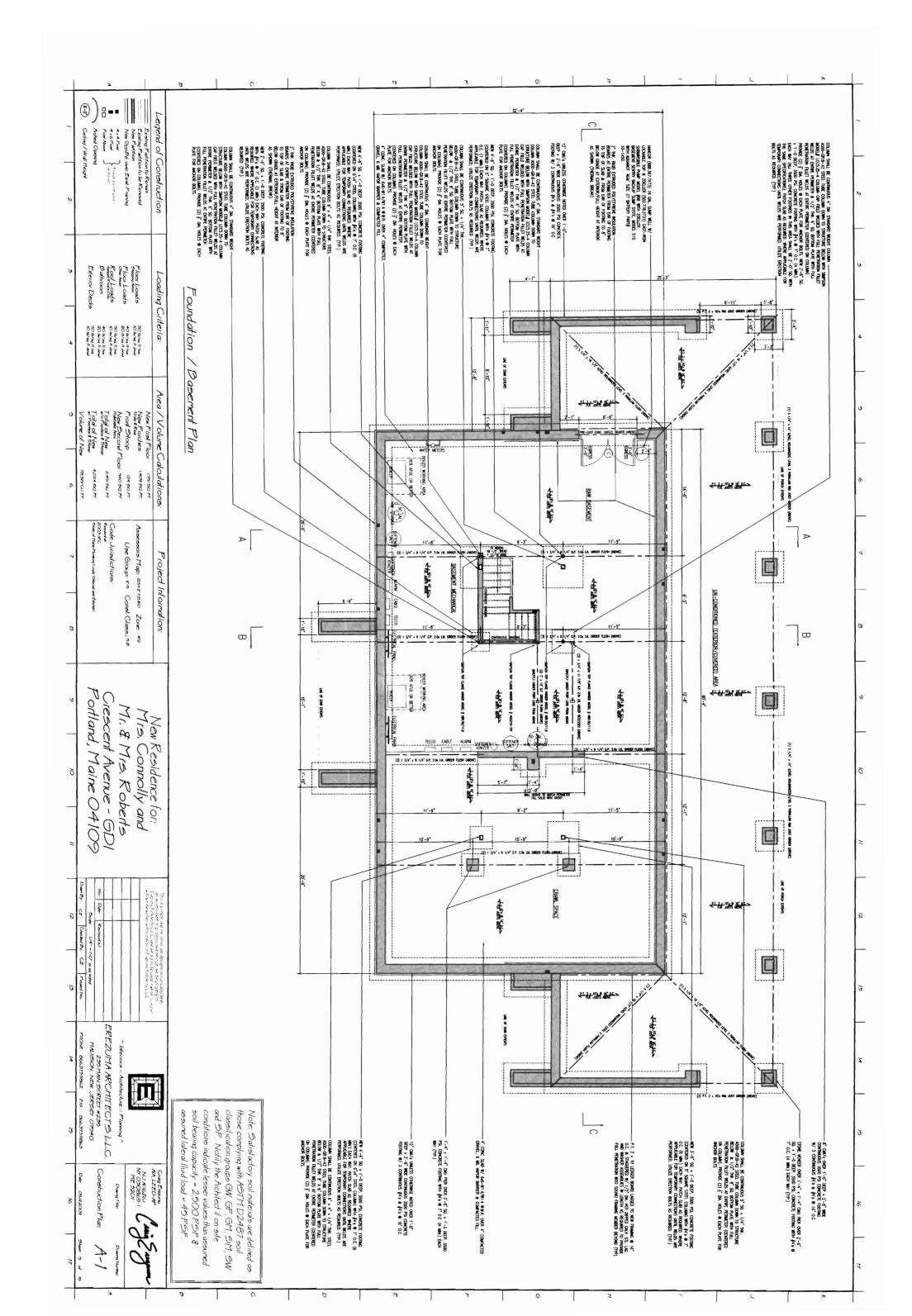
; REQUIRED) SWITCHED AS SHOWN ON PLANS.

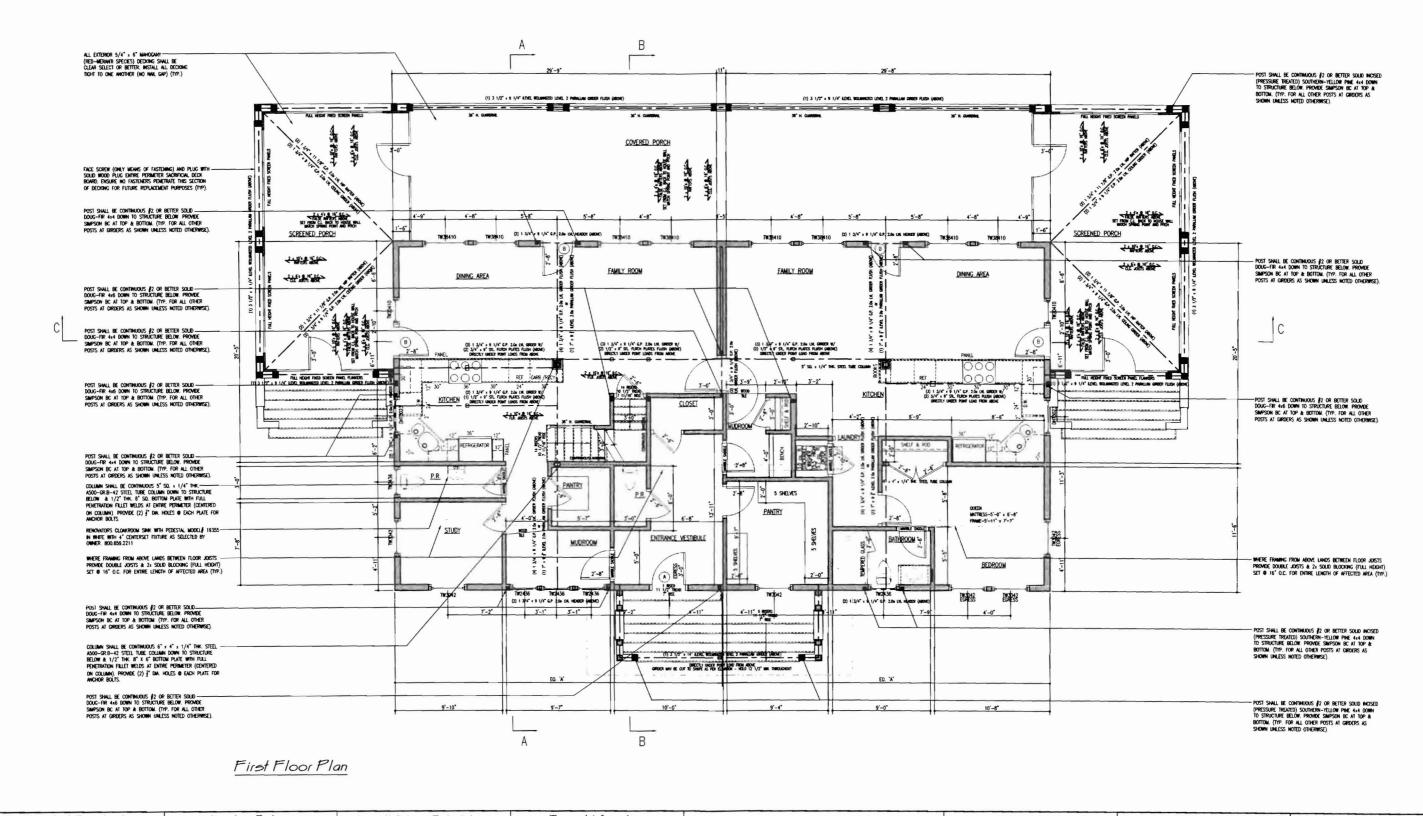
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	Legend of Construction	Loading Criteria:	Area / Volume Calculations:	Project Information:	New Residence for:	This documed are the steen and designs as a product to ex- act an inclusion of product and necessary are the program of	K-1-X	Ciaig Eiezuma NN, LEED-NP	
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