

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

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

September 22, 2009

Michael & Marleen Denney
8 Arlington Street
Portland, ME 04101

RE: 8 Arlington Street
CBL: 126 F008
ZONE: R-3

Dear Mr. & Ms. Denney:

As you know, at the September 17, 2009 meeting, the Board voted 5-1 to grant your Interpretation Appeal to allow you to expand your laundry room and add a rear deck. They also voted 6-0 to accept the withdrawal of the Practical Difficulty Appeal.

Enclosed please find a copy of the board's decision. Your permit application (#09-0817) has been approved by zoning and is moving forward in the review process.

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 207-874-8709.

Yours truly,



Ann B. Machado
Zoning Specialist

Cc. file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: September 21, 2009
RE: Action taken by the Zoning Board of Appeals on September 17, 2009.

Members Present: Phil Saucier (chair), Gordon Smith (secretary), Jill Hunter, Sara Moppin, Peter Coyne and William Getz.

1. New Business:

A. Interpretation Appeal:

8 Arlington Street, Michael & Marleen Denney, owners, Tax Map 126, Block F, Lot 008, R-3

Residential Zone: The appellants are seeking an interpretation of sections 14-90(b) and 14-388 of the land use ordinance as they relate to their permit application to expand their laundry room and add a rear deck. Representing the appeal are the owners. **The Board voted 5-1 to grant the interpretation appeal.**

B. Practical Difficulty Variance Appeal:

8 Arlington Street, Michael & Marleen Denney, owners, Tax Map 126, Block F, Lot 008, R-3

Residential Zone: The appellants are seeking a variance from section 14-388 which states that “a building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.” Section 14-90(a) requires a minimum lot area per dwelling unit of 6,500 square feet. The lot is 5665 square feet. Representing the appeal are the owners. **The Board voted 6-0 to accept the withdrawal of the appeal.**

Enclosure:

Agenda of September 17, 2009
Original Zoning Board Decision
One dvd
CC: Joseph Gray, City Manager
Penny St. Louis Littell, Director, Planning & Urban Development
Alex Jaegerman, Planning Division
T.J. Martzial, Housing & Neighborhood Services Division

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Denial of Building Permit in R-3 Zone:

Interpretation Appeal

DECISION

Date of public hearing: September 17, 2009

Name and address of applicant: Michael & Marleen Denney
8 Arlington Street
Portland, ME 04101

Location of property under appeal: 8 Arlington St.

For the Record:

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

Michael Denney, Applicant
Ben Weigel, Applicant's contractor
Ruth Jurgelovich, 7 ~~Arlington~~ St. (proponent)

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

Findings of Fact and Conclusions of Law:

The Board's authority to review an interpretation of the building authority is pursuant to Section 14-472 of the zoning ordinance.

The City denied a building permit on August 18, 2009 for an addition to a residence on Arlington St. The addition was denied pursuant to section 14-388 of the City Code. The language of that ordinance states as follows:

Sec. 14-388. Nonconformity as to area of dwelling.

A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.

Section 14-90(b) provides the lot area per dwelling unit required in the R-3 zone as follows:

(b) *Minimum lot area per dwelling unit:*

PRUD: Sixty-five hundred (6,500) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

Other uses: Sixty-five hundred (6,500) square feet.

Whereas applicants' property is not in a Planned Residential Unit Development (PRUD), their single family home falls under "other uses" and they are therefore required to have 6,500 square feet of lot for their single dwelling unit. The applicants' lot is 5,665 square feet.

Appellant has demonstrated that the denial of the building permit was incorrect or improper.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Applicant's lot is a lot of record pursuant to Sec. 14-90(a) and Sec. 14-433 (paragraph 1) and therefore has a minimum lot size and minimum land area per dwelling unit of 5,000 sq. ft.

Applicants' arguments:

1. 14-90(b) and 14-388 do not apply to single family residences in the R-3.

Both 14-90(b) and 14-90(a) apply to applicant, per ordinance scheme.

2. Section 14-87(a)(1) and 14-90(a)(1) apply to single family residences in the R-3.

yes

3. Under the definitions of chapter 14, 8 Arlington St. is a single family detached residential dwelling, not a dwelling unit.

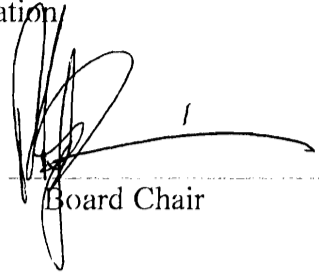
Applicant's case is both a dwelling and a dwelling unit.

Decision: (check one)

☒ Option 1: The Board finds that the Appellant has satisfactorily demonstrated that the Interpretation of the City's Code Enforcement Officer was incorrect or improper, and therefore GRANTS the application.

☐ Option 2: The Board finds that the Appellant has NOT satisfactorily demonstrated that the Interpretation of the City's Code Enforcement Officer was incorrect or improper, and therefore DENIES the application.

Dated: 9.17.09


Board Chair

Members present: Philip Saucier, Jill Hunter, Sara Mappin, Peter Coyne, Bill Getz, Gordon Smith
CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS
members Absent: None

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, September 17, 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:

Called to Order: 6:35 pm -

1. New Business:

A. Interpretation Appeal:

5-1
Granted
8 Arlington Street, Michael & Marleen Denney, owners, Tax Map 126, Block F, Lot 008, R-3 Residential Zone: The appellants are seeking an interpretation of sections 14-90(b) and 14-388 of the land use ordinance as they relate to their permit application to expand their laundry room and add a rear deck. Representing the appeal are the owners.

B. Practical Difficulty Variance Appeal:

6-0
Withdrawn
Accepted
8 Arlington Street, Michael & Marleen Denney, owners, Tax Map 126, Block F, Lot 008, R-3 Residential Zone: The appellants are seeking a variance from section 14-388 which states that "a building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located." Section 14-90(a) requires a minimum lot area per dwelling unit of 6,500 square feet. The lot is 5665 square feet. Representing the appeal are the owners.

2. Adjournment:

8:45

We need to
define "lot of record"



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

TO: ZONING CHAIR AND BOARD MEMBERS
FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR
SUBJECT: INTERPRETATION APPEAL AT 8 ARLINGTON STREET
DATE: SEPTEMBER 11, 2009

This memo is in response to the applicant's memo to the Board.

I disagree on the first point given that "Minimum lot area per dwelling unit" and 14-388 do not apply to single family detached residential dwellings in the R-3 Zone, but apply only to Planned Residential Unit Development(or PRUDs). It is interesting that latter on in the applicant's argument it is stated that the R-3 Zone purpose is characterized as "to provide for two distinct types of housing: (1) single-family homes on individual lots, and (2) planned residential unit developments on substantially sized parcels." I will point out that the wording of section 14-90(b) are for PRUDs and other uses. A single family dwelling is considered an "other use" by this section of the Ordinance. I would also point out that the Courts have ruled that minimum lot area per dwelling unit does apply to single family dwelling units as determined recently in the 38 Torrington, Peaks Island case, Alfred L. Aydelott, et al v. Zoning Board of Appeals, City of Portland, et al.

The second point that is raised by the applicant introduces Section 14-433 in regard to minimum lot size and the reduction allowance for setbacks. I would like to point out that minimum lot size and minimum lot area per dwelling unit are two different concepts and entities within the Land Use Ordinance. As far as I am aware, the applicant is not requesting a reduction in building setbacks for the proposed addition. I believe that this section of the ordinance which refers to a lot on which a principal structure existed as of July 19, 1998, allows an addition to be built closer to property lines if certain conditions existed. There is an assumption by the applicant this section refers to buildings placed upon a lot that is not meeting the minimum lot size or the minimum lot size per dwelling unit. There are many lots within Portland which meet the minimum lot size and the minimum area per dwelling unit. And yet, the existing structure does not meet current setbacks. Such lots are challenged in meeting the current setbacks now in force. I interpret this section of the Ordinance to apply to such lots.

I would also point out that the applicant is trying to somehow apply the allowances for a “lot of record” to a lot which is already developed. The way to apply the “lot of record” allowance is when an existing vacant lot is proposed to be developed and is less than the minimum land area lot size as required under section 14- 90(a). At that point, section 14- 90(a) specifically allows section 14-433 as an avenue to build upon a smaller lot if the rest of the listed conditions are met.

The applicant goes on to the definition section of the Land Use Ordinance to bifurcate the definition of a single family detached residential dwelling from a dwelling unit. He proposes that the two definitions are mutually exclusive. I interpret the two definitions as being supportive and not in opposition to each other.

I understand that most folks are not aware of the complexities within the Land Use Ordinance, but I can not support “pretzel” logic to bypass the Ordinance.

Section 14-388 clearly states that “A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement is made to conform to all the area per dwelling regulations of the zone in which it is located”. This office has disagreed with this section of the Ordinance for several years. I have wanted the City to either eliminate or revise this section of the Ordinance. Section 14-388 of the Ordinance along with a couple other sections is currently advancing through the Courts. The City is not anxious to change the Ordinance at this time because of that action. As soon as there is a final resolution from the Law Court, I will be asking for a revision of this section. It seems to me that single family lots that are legally nonconforming to either lot size or land area per dwelling unit should be allowed to expand as long as all other dimensional requirements are being met.



City of Portland, Maine
Planning and Development Department
Zoning Board of Appeals
Interpretation Appeal Application

Applicant Information:

Michael + Marleen Denney
Name

Business Name

8 Arlington St

Address

Portland ME 04101

207-518-9193

Telephone

Fax

cell # 207-543-4474

Applicant's Right, Title or Interest in Subject Property:

(e.g. owner, purchaser, etc.):

Current Zoning Designation:

R-3

Existing Use of Property:

single-family, owner-occupied, residential

Subject Property Information:

8 Arlington St
Property Address

Assessor's Reference (Chart-Block-Lot)

126-F-008-R-3

Property Owner (if different):

Name

Address

Telephone

Fax

Disputed Provisions from Section 14 -

90(b) + 14-388

Order, decision, determination, or interpretation under dispute:

Aug 18, 2009 letter from Zoning Administrator regarding Sec 14-90(b) and Sec. 14-388

Type of Relief Requested:

1) correct interpretation of applicable provision of Zoning Ordinance

2) Approval of Building Permit 09-0817

AUG 31 2009

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for the relief above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Michael + Marleen Denney
Signature of Applicant
Marleen Denney

8/31/09
Date
8/31/09

Michael & Marleen Denney
8 Arlington Street
Portland, ME 04101
207-518-9193

August 31, 2009

Zoning Board of Appeals
City of Portland
389 Congress Street, Room 315
Portland, ME 04101

Re: Interpretation Appeal Application – Permit #09-0817

Dear Board Members:

By a letter dated August 18, 2009 (copy attached), Ms. Marge Schmuckal, Zoning Administrator, City of Portland, advised us, as owners of 8 Arlington Street, Portland, ME, and our contractor, Ben Weigel, Weigel Construction, Inc., that our permit to enlarge the rear addition laundry room from 6' x 17' to 12' x 17' and to erect a 12' x 20' deck on the rear of the property had been denied, based on: (1) inadequate lot size (5665 sq. ft.), in violation of Sections 14-90(b), "Minimum lot area per dwelling unit," and 14-388, "Nonconformity as to area of dwelling," of the City of Portland Land Use Zoning Ordinance ("Ordinance"); and (2) the rear yard setback on the submitted site plan was 21' and not 25', as required by Section 14-90(d)(2)(a) of the Ordinance.

We do not dispute the second allegation regarding rear yard setback, and our contractor, Ben Weigel, has prepared a new site plan that meets that 25' requirement. However, we do dispute the allegations regarding lot size and assert that no violations exists for the following reasons, with a more detailed argument and explanation contained in the attached 8 pages:

1. The sections of the Ordinance cited in the August 18th letter, 14-90(b), "Minimum lot area per dwelling unit," and 14-388, do not apply to single-family detached residential dwellings (i.e. 8 Arlington Street) in the R-3 Zone. Those sections apply only to dwelling units in a Planned Residential Unit Development (PRUD).

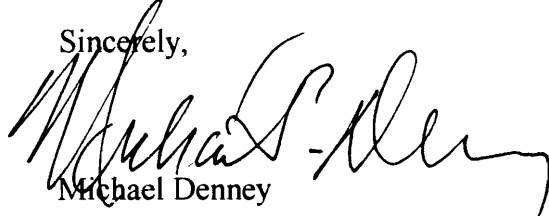
2. The sections of the Ordinance that do apply to single-family detached residential dwellings in the R-3 Zone are Section 14-87(a)(1), "*Residential: Single-family detached dwellings*," and Section 14-90(a)(1) "*Minimum lot size: Residential*," which provides a clear and unambiguous exception to the 6,500 square foot lot size requirement "for lots of record" in section 14-433, which states, in pertinent part, "Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards..." and,

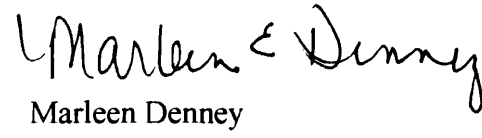
3. Pursuant to Section 14-47, "Definitions," of the Ordinance, 8 Arlington Street is a single-family detached residential dwelling, not a dwelling unit.

In summation, it is our position that 8 Arlington Street is a lot that has a principal structure, a single-family detached residential dwelling, which existed as of July 19, 1988, and therefore, a building addition (expansion of the existing laundry room) and the addition of a deck are allowed, pursuant to Sections 14-90(a)(1) and 14-433 of the Ordinance, and therefore, we respectfully request that the referenced August 18, 2009 letter be rescinded and the requested permit be approved immediately.

Thank you for your attention to this matter of great importance to us and we look forward to your decision.

Sincerely,


Michael Denney


Marleen Denney



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

August 18, 2009

Weigel Construction Inc.
12 Madokawando Landing
Falmouth, ME 04195

Michael & Marleen Denney
8 Arlington Street
Portland, ME 04105

RE: 8 Arlington Street – 126-F-008 – R-3 Residential Zone – Permit #09-0817

Dear Weigel Construction,

I am in receipt of your application to expand the existing 6' x 17' 1 story laundry room to 12' x 17' and to add 12' x 20' deck and steps at the rear of the existing house. Your permit is denied because it can not meet the requirements of the Land Use Zoning Ordinance.

First of all, apparently Michael & Marleen Denney are new owners. Our records show that the property is owned by Phillip M. Hoose. Our office would need a copy of the deed to show that your client has right title and interest to apply for this permit.

The lot at 8 Arlington Street is approximately 5,665 square feet in size. The R-3 Zone requires a minimum lot size of 6,500 square feet. Section 14-90(b) requires a minimum area per dwelling unit of 6,500 square feet. Section 14-388 states:

“A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.”

Because your lot does not meet the requirements of section 14-388, you can not enlarge your current structure, and therefore your permit must be denied.

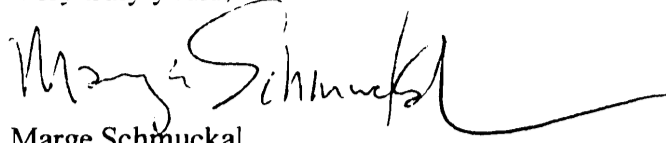
Also the R-3 Zone requires a minimum rear setback of 25 feet under section 14- 90(d)2 instead of the 21 feet shown on your plan submittal. Your permit is also denied because the proposal does not meet the R-3 Zone rear setback.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

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

Feel free to contact me at 874-8695 if you have any questions regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal", with a long horizontal flourish extending to the right.

Marge Schmuckal
Zoning Administrator

CC: File

enclosure

Sec. 14-388

A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.
(Code 1968, § 602.17.H)

Sec. 14-389. Nonconformity as to off-street parking.

A building or structure which is nonconforming as to the requirements for off-street parking shall not be enlarged or altered to create additional dwelling units, or seats as in the case of places of public assembly, or floor area as in the case of industrial, business, manufacturing, institutional or recreational buildings, or accommodations as in the case of hotels, tourist homes and tourist courts, unless required off-street parking is provided for such addition or enlargement.
(Code 1968, § 602.17.I)

Sec. 14-390. Nonconformity as to off-street loading.

A building which is nonconforming as to the requirements for off-street loading shall not be enlarged or added to, unless off-street loading is provided sufficient to satisfy the requirements of this article for both the addition or enlargement and the original building or structure.
(Code 1968, § 602.17.J)

Sec. 14-391. Nonconformity as to number of dwelling units.

(a) *Purpose.* The purpose of this provision is to establish a process whereby certain dwellings which contain more dwelling units than the number permitted by the applicable provisions of the Land Use Code may be recognized as legal, nonconforming uses. This provision shall not apply to rooming units.

(b) *Approval by Zoning Administrator.*

(1) *Application.* Application for validation of such nonconforming dwelling units shall be on a form provided by the Division of Housing and Neighborhood Services, Inspection Services Office. The application fee will be \$300.00 for each dwelling unit which is the subject of the application, and will be accompanied by: (i) a plan, drawn to scale, which shows the location of the building(s) on the lot, parking, easements, dumpsters, fencing, public ways and any other significant feature and (ii) a floor plan for each unit in the dwelling, whether or not it is the subject of the application.

TO: Zoning Board of Appeals

FROM: Michael and Marleen Denney
8 Arlington Street. Portland, ME 04101

RE: Permit No. 09-0817
Interpretation Appeal – Sections 14-90(b) and 14-388

DATE: August 31, 2009

By a letter dated August 18, 2009 (copy attached), Ms. Marge Schmuckal, Zoning Administrator, City of Portland, advised us, as owners of 8 Arlington Street, Portland, ME, and our contractor, Ben Weigel, Weigel Construction, Inc., that our permit to enlarge the rear addition laundry room from 6' x 17' to 12' x 17' and to erect a 12' x 20' deck on the rear of the property had been denied, based on: (1) inadequate lot size (5665 sq. ft.), in violation of Sections 14-90(b), "Minimum lot area per dwelling unit," and 14-388, "Nonconformity as to area of dwelling," of the City of Portland Land Use Zoning Ordinance ("Ordinance"); and (2) the rear yard setback on the submitted site plan was 21' and not 25', as required by Section 14-90(d)(2)(a) of the Ordinance.

We do not dispute the second allegation regarding rear yard setback, and our contractor, Ben Weigel, has prepared a new site plan that meets that 25' requirement. However, we do dispute the allegations regarding lot size and assert that no violation exists for the following reasons:

1. The sections of the Ordinance cited in the August 18th letter, 14-90(b), "Minimum lot area per dwelling unit," and 14-388, do not apply to single-family detached residential dwellings (i.e. 8 Arlington Street) in the R-3 Zone. Those sections apply only to dwelling units in a Planned Residential Unit Development (PRUD).

2. The sections of the Ordinance that do apply to single-family detached residential dwellings in the R-3 Zone are Section 14-87(a)(1), "*Residential*: Single-family detached dwellings," and Section 14-90(a)(1) "*Minimum lot size*: Residential," which provides a clear and unambiguous exception to the 6,500 square foot lot size requirement "for lots of record" in section 14-433, which states, in pertinent part, "Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards..." and,

3. Pursuant to Section 14-47, "Definitions," of the Ordinance, 8 Arlington Street is a single-family detached residential dwelling, not a dwelling unit.

I. Section 14-47, "Definitions," of the Ordinance provides the following definitions for *Dwelling*:

Sec. 14-47. Definitions.

The following words shall be defined as set forth below for use in this article. Definitions set forth in the building code of the city shall apply to words not herein defined:

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, but not including hotels, lodging houses, sheltered care group homes or tourist homes.

Dwelling, one-family: A detached building used exclusively for occupancy by one (1) family.

Dwelling, two-family: A detached building or pair of attached buildings used exclusively for occupancy by two (2) families living independently of each other.

Dwelling, multifamily: A building or portion thereof containing three (3) or more dwelling units.

Based on the above, it appears that there are three types of *Dwellings* allowed in the R-3 Zone: (A) one-family (single-family detached); (B) two-family (Duplex); and multifamily (a building, such as an apartment house containing three (3) or more **dwelling units**). Section 14-47 then goes on to define Dwelling unit as follows:

Section 14-47, "Definitions," of the Ordinance defines *Dwelling unit* as follows:

Dwelling unit: One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit.

The Ordinance further distinguishes "*Dwelling*" from "*Dwelling unit*" by defining Apartment and Apartment House as follows:

Apartment: See "dwelling unit."

Apartment house: See "multifamily dwelling."

Based on the preceding, it appears that an apartment house and a Planned Residential Unit Development ("PRUD") may contain **dwelling units**. Here again, the Ordinance clearly differentiates between Dwelling and Dwelling Unit.

II. Section 14-86, "Purpose," of the Ordinance states the two separate and distinct purposes of the R-3 Zone as follows:

Sec. 14-86. Purpose.

The purpose of the R-3 residential zone is: To provide for medium-density residential development characterized by single-family homes on individual lots *and* also to provide for planned residential unit developments on substantially sized parcels.

In other words, the purpose of the R-3 Zone is to provide for two distinct types of housing: (1) "single-family homes on individual lots," and (2) "planned residential unit developments on substantially sized parcels." The phrase "Substantially sized parcels" is not

defined but provides a developer the opportunity to develop a large tract of land with many individual dwelling units. 8 Arlington Street is single-family home on an individual lot, not a dwelling unit in a Planned Residential Unit Development.

III. Section 14-87(a) of the Ordinance lists the following five distinct permitted *Residential* uses the in the R-3 Zone:

Sec. 14-87. Permitted uses.

The following uses are permitted in the R-3 residential zone:

- a) *Residential:*
 - 1. **Single-family detached dwellings.**
 - 2. **Planned residential unit development (PRUD)** consisting of horizontally attached dwelling units or a series of such dwelling units. No dimensional requirements contained in section 14-90 shall apply with respect to such development, except for those requirements specifically denoted for PRUD.
 - 3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
 - 4. Single-family, multiple-component manufactured housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.
 - 5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership ...

Here again, the Ordinance clearly separates and distinguishes permitted residential uses in the R-3 Zone into two categories: (A) *Dwellings*: 4 types – (1) Single-family detached, (2) Handicapped family unit, (3) Single-family, multiple-component manufactured housing, and (4) Single-family, single-component manufactured housing; and (B) *Dwelling Unit*: Planned residential unit development (PRUD) consisting of horizontally attached dwelling units.

Section 14-87(b) of the Ordinance goes on to list the following *Other* uses permitted in the R-3 Zone as follows:

- (b) *Other:*
 - 1. Reserved;
 - 2. Parks, and other active and passive noncommercial recreation spaces;

3. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory uses) of this article;
4. Home occupation, subject to the provisions of City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-87 14-78 Rev.8-20-09 section 14-410 (home occupation) of this article;
5. Municipal uses, excluding those specifically set forth in section 14-88 of this division.

Based on the preceding, it appears that the Ordinance provides for: (1) four types of single-family dwelling use; (2) PRUDs (dwelling units) and (3) Other uses.

IV. Section 14-90, “Dimensional requirements,” of the Ordinance then provides the specific dimensional requirements for each of the permitted uses defined in 14-87 (See Chart):

1. **Residential** (Sec. 14-87(a)(1) – four types of single-family use: 6,500 square feet minimum lot size, with exceptions (see Sec. 14-433 below);
2. **PRUD** (Sec. 14-87(a)(2) – dwelling units: 6,500 square feet minimum lot area per dwelling unit, and
3. **Other uses** (Sec. 14-87(b) – Sixty-five hundred (6,500) square feet.

Sections 14-90(a) and (b) of the Ordinance state, in pertinent part:

Sec. 14-90. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-3 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Sixty-five hundred (6,500) square feet except as provided for lots of record is section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.

(b) *Minimum lot area per dwelling unit:*

PRUD: Sixty-five hundred (6,500) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

Other uses: Sixty-five hundred (6,500) square feet.

Sections 14-90(a)(1), “*Minimum lot size: Residential*,” of the Ordinance requires a minimum lot size of 6,500 square feet for *non exempt* existing residential buildings in the R-3 Zone, and Section 14-90(b) requires a “*Minimum lot area per dwelling unit*” for PRUDs of 6,500 square feet. Once again, the Ordinance clearly distinguishes between *Minimum lot size* for dwellings (single-family detached, etc.), and *Minimum lot area per dwelling unit* for PRUDs. These are very different and distinct residential uses with very different dimensional requirements.

Subsection (a) addresses minimum *lot size* for residential use, including single-family detached, and subsection (b) addresses *minimum lot area per dwelling unit*,” for Planned Residential Unit Development, where the lot size may be substantial, i.e., many acres. It appears that *minimum lot size* refers to individual lots with residential structures, and *minimum lot area per dwelling unit* refers to dwelling units in a PRUD (homeowner association) where there is open space and common elements that are owned/shared by all unit owners with the PRUD.

The subsection of 14-90(b) entitled *Other uses*, clearly references the *Other* uses permitted in the R-3 Zone as defined at Section 14-87(b), and is therefore not applicable to the residential uses defined at Section 14-87(a).

V. As a single-family detached residential structure permitted in the R-3 Zone (Section 14-87(a)), a minimum lot size of 6,500 square feet is required pursuant to Section 14-90(a)(1), “*Minimum lot size: Residential*,” of the Ordinance. However, Section 14-90(a)(1) also provides a clear and unambiguous exception to the 6,500 square foot lot size requirement “for lots of record is section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article,” and states further that “Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards...”

Section 14-433 of the Ordinance states in pertinent part:

Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.

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, R-3, R-4, R-5, R-5A or R-6 zones 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. Sec. 14-432

Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met provided, however, that less restrictive zoning requirements which meet the requirements contained within 14-139(2) for residential small lot development shall apply: City of Portland Land Use Code of Ordinances Chapter 14 Rev.8-4-09 14-568 Side yard: Five (5) feet.

a. *R-1, R-2:*

Rear yard: Ten (10) feet.

Side yard: Five (5) feet.

b. *R-3, R-4, R-5, R-5A, R-6:*

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

It is clear to us that the Ordinance intended to provide owners of building lots and lots with an existing “principal structures,” such as single-family detached residential dwellings, which existed as of July 19, 1988, and have less than 6,500 square feet, the ability to add building additions, decks, etc., within the side and rear yards, as is evidenced by the many building additions and decks that exist in our neighborhood, because it provides a well articulated exception to the minimum lot size requirement.

8 Arlington Street is a lot with an existing “principal structure” which existed as of July 19, 1988, and therefore, pursuant to Section 14-433 of the Ordinance, a building addition (expansion of the laundry room and an addition of a deck are permitted).

The existence and application of this important exception for existing single-family dwellings has thus far been ignored and/or overlooked.

VI. 8 Arlington Street is a building conforming to the use and dimensional requirements of Sections 14-87(a)(1) and 14-90(a)(1) of the Ordinance, and therefore, we assert that the August 18th letter mistakenly cites sections of the Ordinance that do not apply to the subject permit application.

The August 18th letter states, in pertinent part regarding lot size and the alleged violation of Sections 14-90(b) and 14-388 of the Ordinance, that:

“The R-3 Zone requires a minimum lot size of 6,500 square feet. Section 14-90(b) requires a minimum area per dwelling unit of 6,500 square feet. Section 14-388 states:

A building nonconforming as to the regulations governing **area per dwelling unit** shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.”

We argue that Section (b), which deals with minimum lot area per dwelling unit for Planned Residential Unit Development, does not apply. Also, a single-family detached residential dwelling is not an other use as defined in Section 14-87, but it is a permitted residential use and therefore, the second paragraph of Section 14-90(b), “*Other uses*: Sixty-five hundred (6,500) square feet,” also has been mistakenly cited and does not apply. Likewise, Section 14-388 deals with area per dwelling unit requirements and not lot size, and is therefore also not applicable.

The August 18th letter ignores both Sections 14-90(a)(1) and 14-433 of the Ordinance and incorrectly goes on to identify a further violation of Section 14-388 of the Ordinance which states:

“A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.”

In fact, 8 Arlington Street is a conforming building pursuant to Sections 14-90(a)(1) and 14-433 of the Ordinance and therefore, Section 14-388 does not apply. Although the existing lot size is less than the required 6,500 sq. ft. Sec. 14-433 applies and allows for erecting building additions and decks.

We argue that Ms. Schmurkal has mistakenly and incorrectly applied Sections 14-90(b) and 14-388 of the Ordinance to our permit request, and dispute her assertion that paragraph two of subsection (b), “*Other uses*: Sixty-five hundred (6,500) square feet,” applies to both dwelling units and ALL other types of dwellings in the R-3 Zone.

In summation, it is our position that 8 Arlington Street is a lot that has a principal structure, a single-family detached residential dwelling, which existed as of July 19, 1988, and therefore, a building addition (expansion of the existing laundry room) and the addition of a deck are allowed, pursuant to Sections 14-90(a)(1) and 14-433 of the Ordinance, and therefore, we respectfully request that the referenced August 18, 2009 letter be rescinded and the requested permit be approved immediately.

Sec. 14-87. Permitted uses.

The following uses are permitted in the R-3 residential zone:

(a) **Residential:**

1. Single-family detached dwellings.

2. Planned residential unit development (PRUD) consisting of horizontally attached **dwelling units** or a series of such dwelling units. No dimensional requirements contained in section 14-90 shall apply with respect to such development, except for those requirements specifically denoted for PRUD.

(b) **Other:**

1. Reserved;
2. Parks, and other active and passive noncommercial recreation spaces;
3. Accessory uses customarily incidental and subordinate to the location, and operation of principal uses, subject to the provisions of section 14-404 (accessory uses) of this article;
4. Home occupation;
5. Municipal uses, excluding those specifically set forth in section 14-88 of this division.

Sec. 14-90. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-3 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. **Residential:** Sixty-five hundred (6,500) square feet except as provided for lots of record is section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.

(b) *Minimum lot area per **dwelling unit**:*

PRUD: Sixty-five hundred (6,500) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

Other uses: Sixty-five hundred (6,500) square feet.

apparent r/w

555' 1/2"


Tc To / Lot 54906 5660

Total Lot Coverage by Current Structure

TOTAL LOT COVERAGE BY PROPOSED STRUCTURES

1420 sq ft, 25%
1582 sq ft 28%

15825047 28%

 **WEIGEL CONSTRUCTION INC.**
12 MADOKAWA LANDING
FALMOUTH, MAINE 04105

Plot 2.10.11

$$1^2 = 10^1 0^0$$

porch

house

paved
drive

Door

17'0"

150" —

garage

(fence)

 $\Gamma \Gamma^{\dagger} = I$

104, + / -

Not
Lib
are
A l
D a
v c

THIS IS NOT A BOUNDARY SURVEY

Reproduction and/or dissemination after this date is unauthorized
 SECTION OF: DEED BOOK 7924 PAGE 228 COUNTY Cumberland
 PLAN BOOK --- PAGE --- LOT ---

Livingston Street, Portland, Maine

Job Number: 663-65

Buyer: Yvonne E. & Michael T. Denney

Inspection Date: 5-26-09

Scale: 1" = 20'

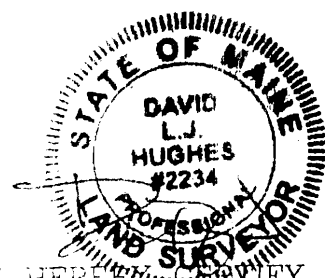
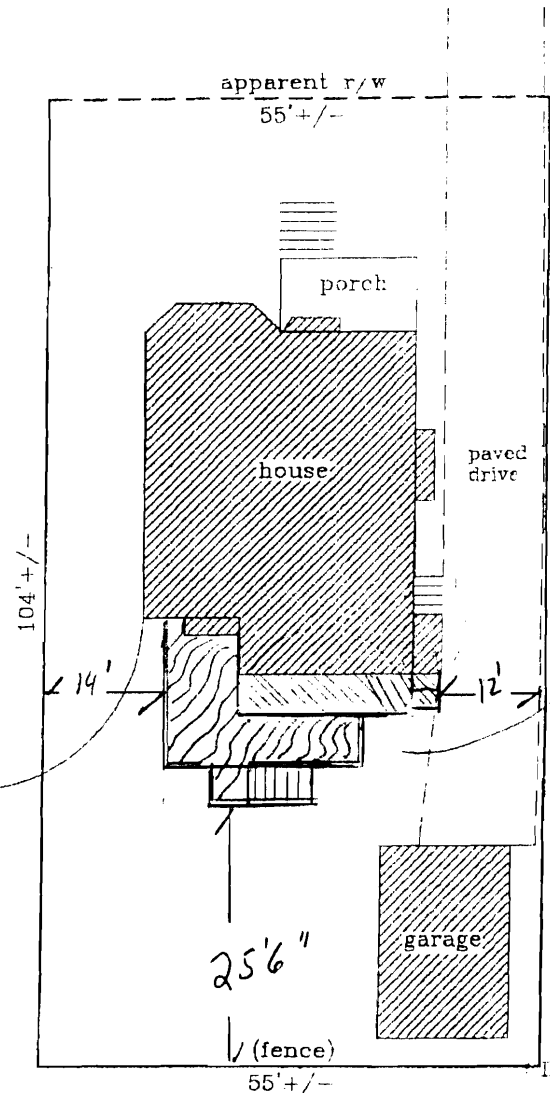
Robert P. M. Hoose

Client File #: 0209-00555

Arlington Street

to Woodford St.

2" x 4" wood
 structure
 stone & masonry
 foundation



HEREBY CERTIFY TO: Market Street Settlement Group, LLC; NE
 Moves Mortgage, LLC and its title insurer.
 Monuments found did not conflict with the deed description.

The dwelling setbacks do not violate town zoning requirements.

As designated on the Federal Emergency Management Agency Community
 Panel 230051-001.

The structures shown fall within the special flood hazard zone.

The land use is not within the special flood hazard zone.

A water survey has not been performed.

APPARENT EASEMENTS AND RIGHTS OF
 WAY ARE SHOWN. OTHER ENCUMBRANCES,
 RECORDED OR NOT, MAY EXIST. THIS
 SKETCH WILL NOT REVEAL ABUTTING
 DEED CONFLICTS, IF ANY.

Livingston-Hughes

Professional Land Surveyors

88 Guinea Road

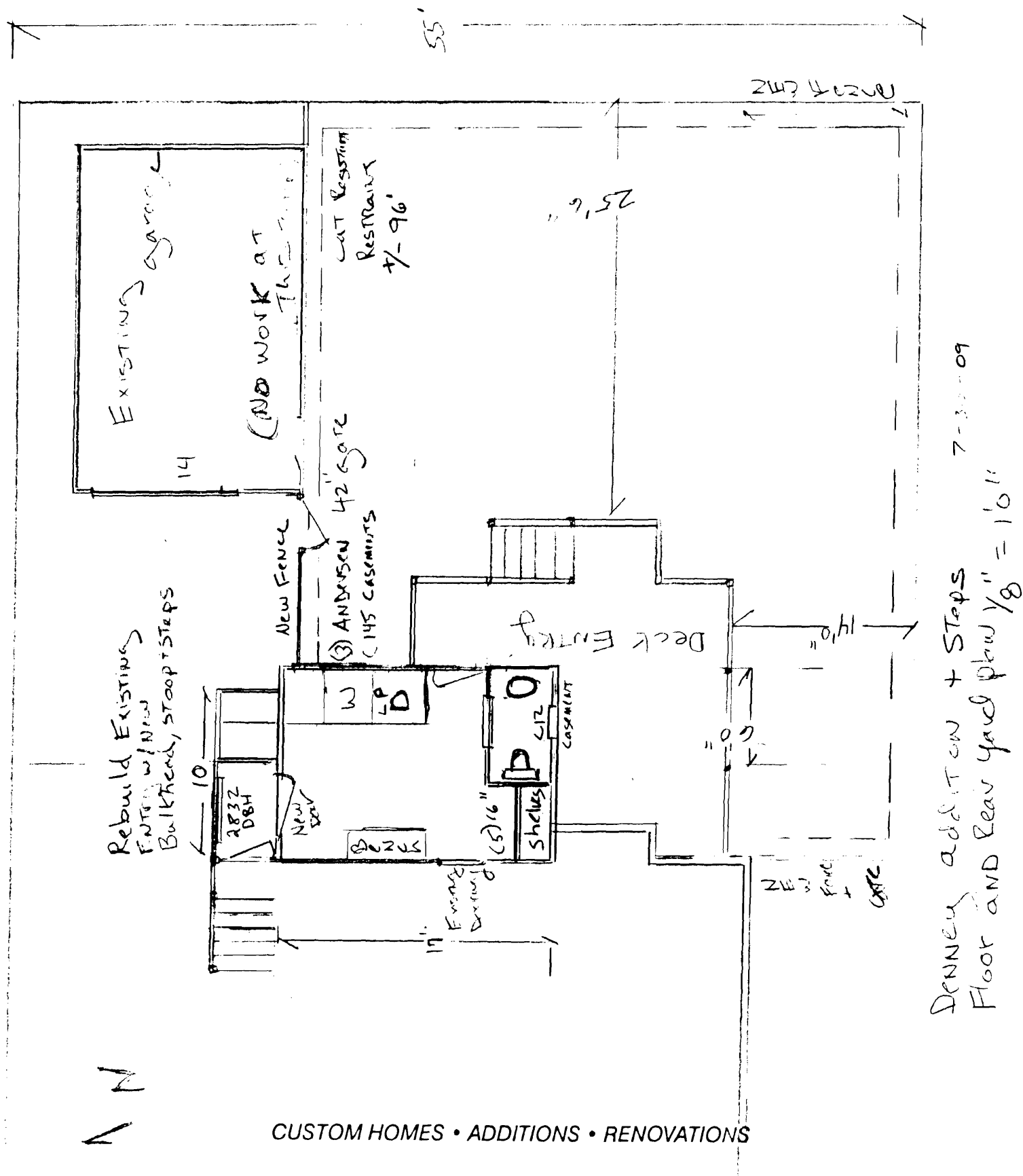
Kennebunkport, Maine 04046

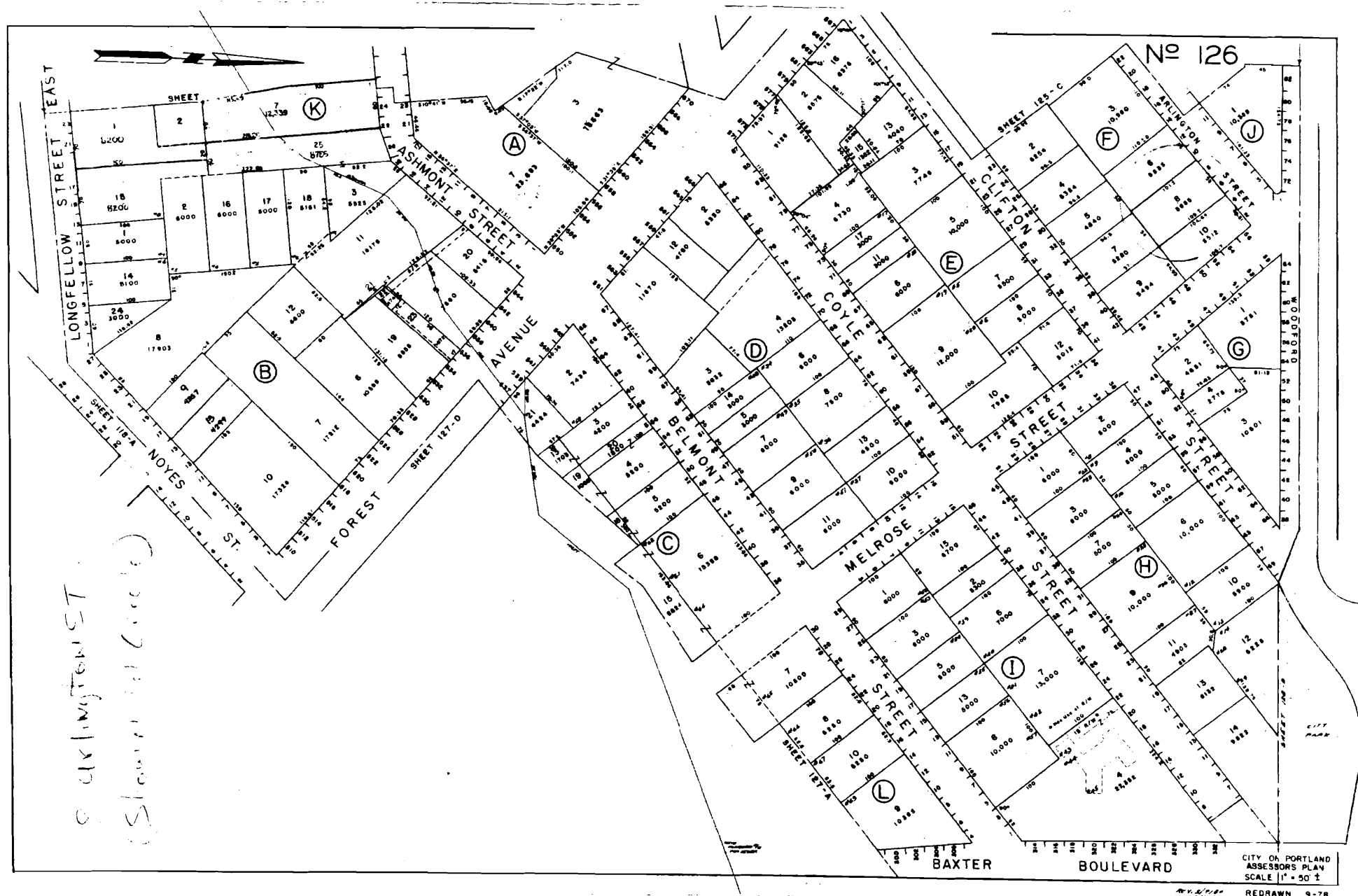
207-967-9761 phone 207-967-4831 fax
 www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY



Ben Weigel • 12 Madokawando Ldg. • Falmouth, ME 04105 (207) 781-5569

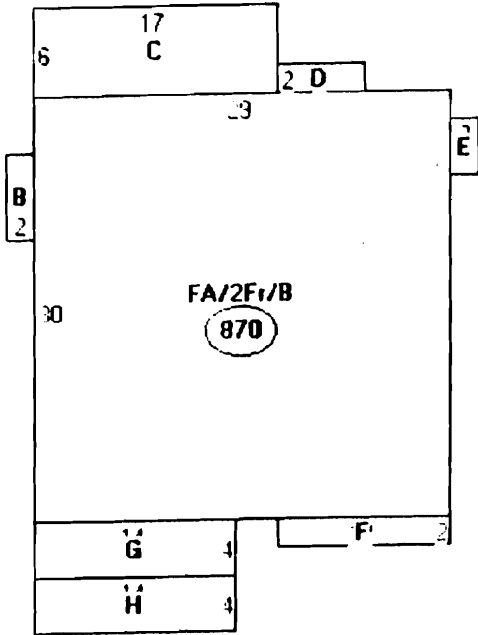




Nº 126

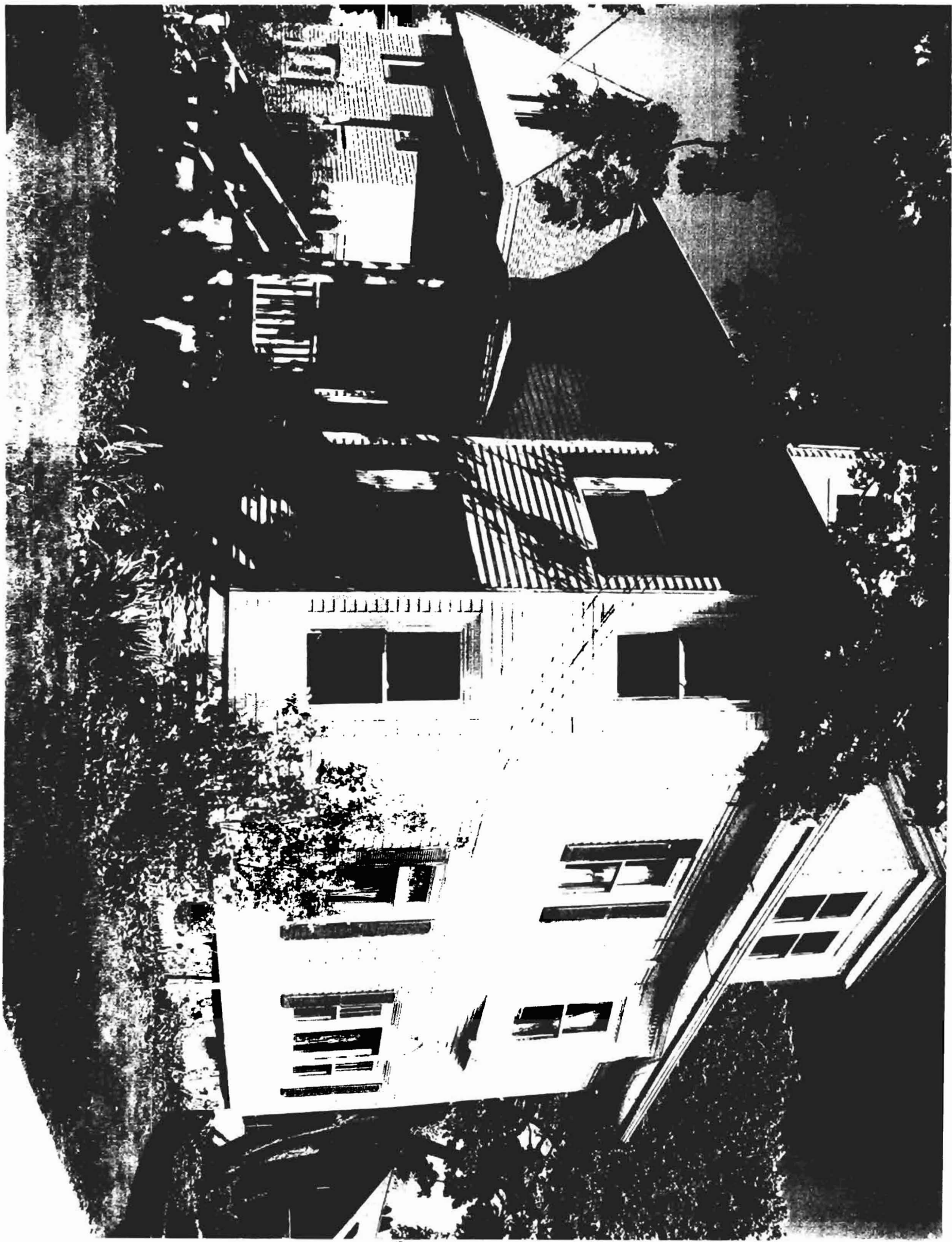
CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1" = 50' 1/2"

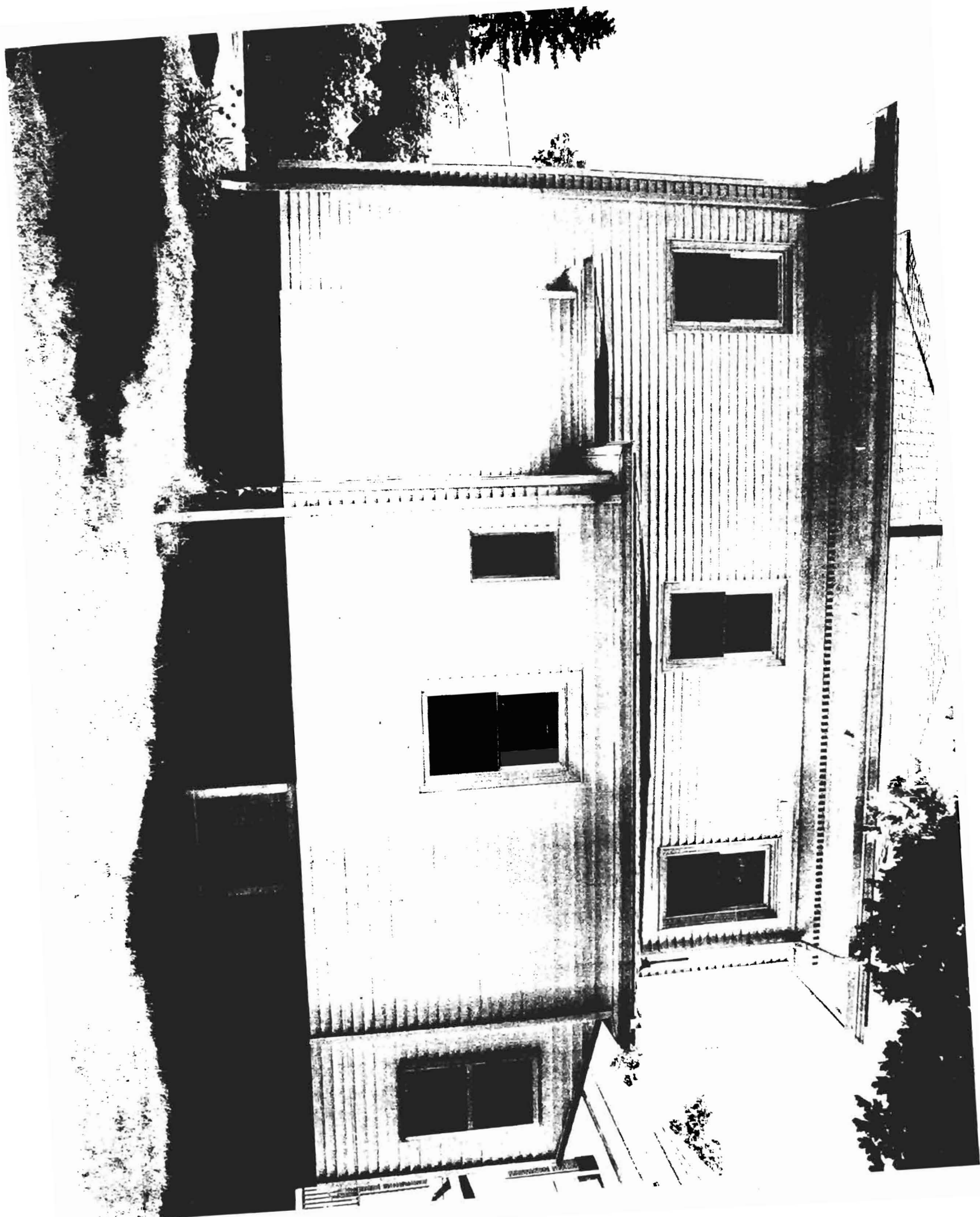
REDRAWN 9-78



Descriptor/Area

- A FA/2Fr/B
870 sqft
- B FBAY
12 sqft
- C 1Fr
102 sqft
- D 1Fr
12 sqft
- E FBAY
8 sqft
- F 2FBAY/B
24 sqft
- G FOH/OP
56 sqft
- H OFP
56 sqft







Return to:

Michael T. Denney and Marleen E. Denney
3 Arlington Street
Portland, ME 04101

MAINE REAL ESTATE TAX PAID

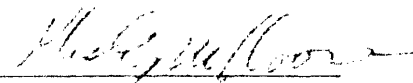
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That I, **Phillip M. Hoose**, of 8 Arlington Street, Portland, ME 04101, for consideration paid, grant to **Michael T. Denney and Marleen E. Denney**, of 541 Kentucky Avenue SE, Washington, DC 20003, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

SEE ATTACHED EXHIBIT A.

MEANING and INTENDING to describe and convey the same premises conveyed to Shoshana Hoose and Phillip M. Hoose by deed of Yves F. Dalvet dated August 14, 1987 recorded at Book 7924, Page 209 in the Cumberland County Registry of Deeds. See also Abstract of Divorce Decree dated September 9, 2003 recorded at Book 20144, Page 113 in the Cumberland County Registry of Deeds.

Executed this 17th day of July, 2009.

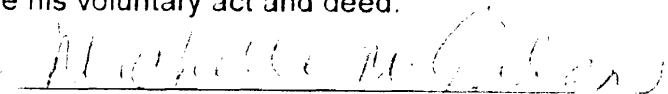

Phillip M. Hoose

State of ME

County of Cumberland

July 17, 2009

Then personally appeared before me the said Phillip M. Hoose and acknowledged the foregoing to be his voluntary act and deed.



Notary Public/Justice of The Peace

Printed Name: Michelle M. G. [illegible]

Commission expiration: 11/1/13

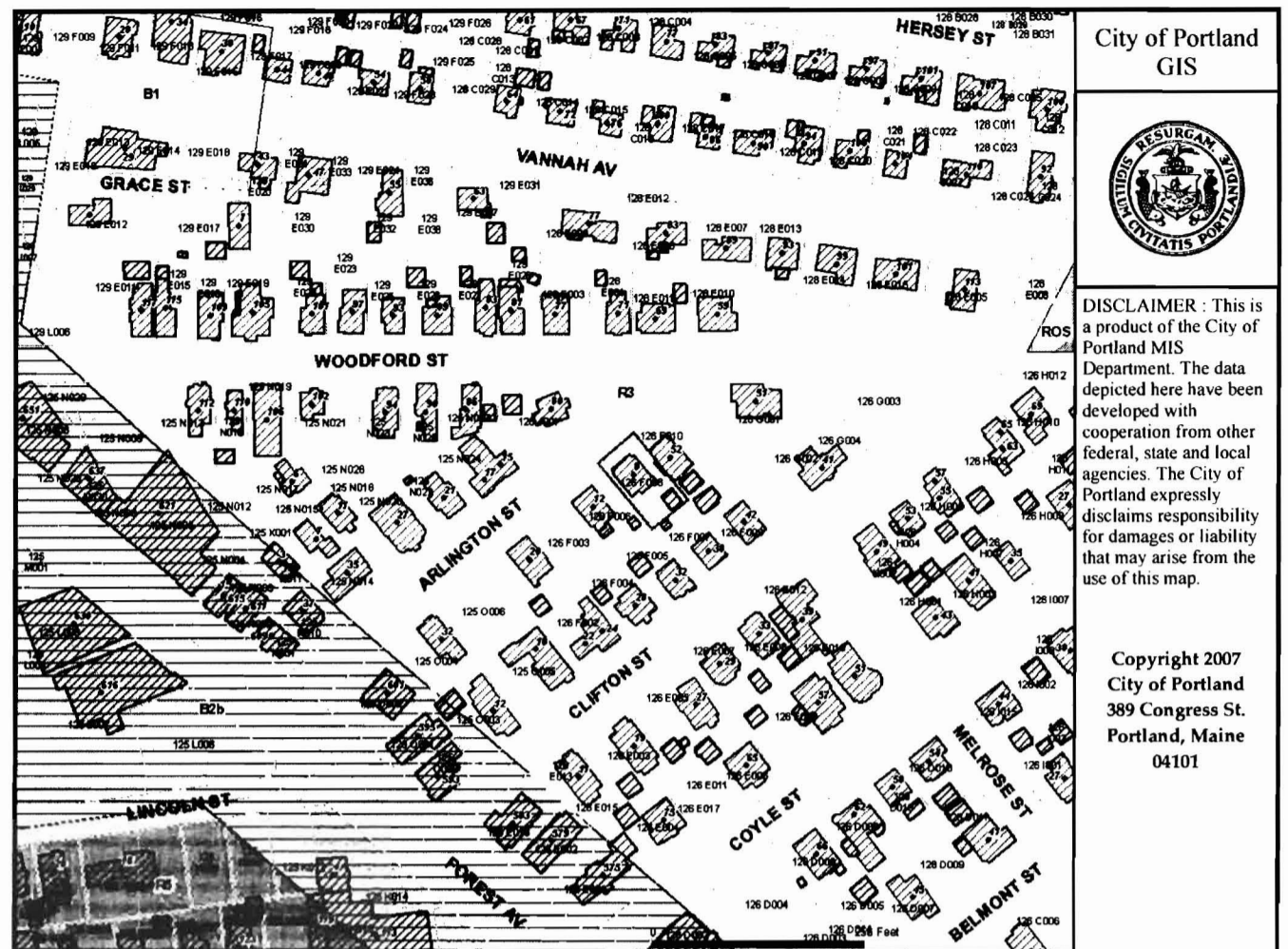
EXHIBIT A

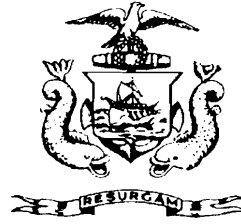
A certain lot or parcel of land, with the buildings thereon, situated on the southeasterly side of Arlington Street at Woodfords, co-called, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on said Arlington Street at the northeasterly corner of the lot of land conveyed to Wilbur C. Whelden by Frank W. Sparrow, and from said corner running on said sideline of said street northeasterly fifty-five (55) feet to a stake and corner, and from these two points extending and running back southeasterly from Arlington Street and adjoining said Whelden land and preserving the uniform width of fifty-five (55) feet a distance of one hundred four (104) feet, more or less, and to the rear line of this land, to wit, the rear line of the lots of land formerly of Ann W. Sparrow situated on the northwesterly side of Clifton Street, together with the right to the use of Arlington Street and also together with and subject to the right to enter and use the main drain, all as more particularly set forth in a deed of the above premises from Patricia A. Townsend to Harold E. Blatt and Antoinette C. Blatt, dated October 20, 1976, recorded in the Cumberland County Registry of Deeds in Book 3926, Page 345.

Received
Recorded Registrar of Deeds
Jul 21, 2009 11:25:24A
Cumberland County
Priscilla E. Lovley

1219 00553 - Denney





City of Portland Zoning Board of Appeals

September 9, 2009

Michael & Marleen Denney
8 Arlington Street
Portland, ME 04101

Dear Appellant,

Your Interpretation Appeal and Practical Difficulty Variance Appeal have been scheduled to be heard before the Zoning Board of Appeals on **Thursday, September 17, 2009 at 6:30 p.m.** in Room 209, located on the second floor of City Hall.

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

I have included an agenda with your appeals highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bills for the Legal Ad, Processing Fee and the 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 207-874-8709 if you have any questions.

Sincerely,

Ann B. Machado
Zoning Specialist

Cc: File

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, September 17, 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:~~

8 Arlington Street, Michael & Marleen Denney, owners, Tax Map 126, Block F, Lot 008, R-3 Residential Zone: The appellants are seeking an interpretation of sections 14-90(b) and 14-388 of the land use ordinance as they relate to their permit application to expand their laundry room and add a rear deck. Representing the appeal are the owners.

B. ~~Practical Difficulty Variance Appeal:~~

8 Arlington Street, Michael & Marleen Denney, owners, Tax Map 126, Block F, Lot 008, R-3 Residential Zone: The appellants are seeking a variance from section 14-388 which states that “a building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.” Section 14-90(a) requires a minimum lot area per dwelling unit of 6,500 square feet. The lot is 5665 square feet. Representing the appeal are the owners.

2. Adjournment:

CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No:	0000-1549	Applicant:	Michael Denney
Project Name:	8 Arlington St	Location:	8 ARLINGTON ST
CBL:	126 F008001	Application Type:	Interpretation Appeal
Invoice Date:	09/09/2009		

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$275.72		\$100.00		\$175.72	On Receipt

First Billing

Previous Balance	\$0.00
------------------	--------

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$79.22
Notices	62	\$46.50
Legal Ad Processing Fee	1	\$50.00
Appeal Fee	1	\$100.00
		\$275.72
Total Current Fees:		+ \$275.72
Total Current Payments:		- \$100.00
Amount Due Now:		\$175.72

Detach and remit with payment

Bill to: Michael Denney
8 Arlington St
Portland , ME 04101

CBL 126 F008001
Application No: 0000-1549
Invoice Date: 09/09/2009
Invoice No: 35475
Total Amt Due: \$175.72
Payment Amount:

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

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No:	0000-1550	Applicant:	Michael Denney
Project Name:	8 Arlington St	Location:	8 ARLINGTON ST
CBL:	126 F008001	Application Type:	Practical Difficulty Variance Appeal
Invoice Date:	09/09/2009		

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$224.97		\$100.00		\$124.97	On Receipt

First Billing

Previous Balance	\$0.00
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Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$79.22
Notices	61	\$45.75
Appeal Fee	1	\$100.00
		\$224.97
Total Current Fees:		+ \$224.97
Total Current Payments:		- \$100.00
Amount Due Now:		\$124.97

Detach and remit with payment

Bill to: Michael Denney 8 Arlington St Portland , ME 04101	CBL 126 F008001
	Application No: 0000-1550
	Invoice Date: 09/09/2009
	Invoice No: 35476
	Total Amt Due: \$124.97
	Payment Amount: <div></div>

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

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No:	0000-1549	Applicant:	Michael Denney
Project Name:	8 Arlington St	Location:	8 ARLINGTON ST
CBL:	126 F008001	Application Type:	Interpretation Appeal
Invoice Date:	09/09/2009		

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$275.72		\$275.72		\$0.00	On Receipt

Previous Balance \$0.00

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$79.22
Notices	62	\$46.50
Legal Ad Processing Fee	1	\$50.00
Appeal Fee	1	\$100.00
		\$275.72
Total Current Fees:		+ \$275.72
Total Current Payments:		- \$275.72
Amount Due Now:		\$0.00

	CBL 126 F008001
	Application No: 0000-1549
	Invoice Date: 09/09/2009
	Invoice No: 35475
	Total Amt Due: \$0.00
Bill to: Michael Denney	Payment Amount: \$275.72
8 Arlington St	
Portland , ME 04101	

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

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1549	Applicant: Michael Denney
Project Name: 8 Arlington St	Location: 8 ARLINGTON ST
CBL: 126 F008001	Application Type: Interpretation Appeal
Invoice Date: 09/09/2009	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$275.72		\$100.00		\$175.72	On Receipt

First Billing

Previous Balance

\$0.00

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$79.22
Notices	62	\$46.50
Legal Ad Processing Fee	1	\$50.00
Appeal Fee	1	\$100.00
		<u>\$275.72</u>

Total Current Fees: + \$275.72

Total Current Payments: - \$100.00

Amount Due Now: \$175.72

Detach and remit with payment

Bill to: Michael Denney
8 Arlington St
Portland, ME 04101

CBL 126 F008001
Application No: 0000-1549
Invoice Date: 09/09/2009
Invoice No: 35475
Total Amt Due: \$175.72
Payment Amount: 175.72

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

Ann Machado - FW: Zoning Board of Appeals Legal Ad

From: Joan Jensen <jjensen@pressherald.com>
To: <AMACHADO@portlandmaine.gov>
Date: 9/9/2009 2:07 PM
Subject: FW: Zoning Board of Appeals Legal Ad
CC: Gayle Guertin <GG@portlandmaine.gov>

Hi Ann,

All set to run your ad on Friday, September 11.
The cost is \$158.44.

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

Thank you,
Joan

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

Joan -

Attached is the Zoning Board of Appeals legal ad for Friday, September 11, 2009.

Could you also copy Gayle Guertin on the cost of the ad?

Thank you.
Ann Machado @874-8709

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	18 CLIFTON LLC	18 CLIFTON ST PORTLAND, ME 04101	18 CLIFTON ST	2
	ALLEN JAMES V & MARY E ALLEN	99 VANNAH AVE PORTLAND, ME 04103	99 VANNAH AVE	1
	ANZELC PAMELA	49 CLIFTON ST PORTLAND, ME 04101	49 CLIFTON ST	2
	BABIN DOMINIQUE N & EVAN M KEEFER JTS	71 HERSEY ST PORTLAND, ME 04103	71 HERSEY ST	1
	BARBER MARGARET & PAULA S BARBER	41 COYLE ST PORTLAND, ME 04101	41 COYLE ST	2
	BASS PRISCILLA P & JOHN R BASS II &	101 HERSEY ST PORTLAND, ME 04103	101 HERSEY ST	1
	BLAIS DAVID J & VALERIE M JTS	77 VANNAH AVE PORTLAND, ME 04103	77 VANNAH AVE	1
	BLAKE JEFFREY M	55 CLIFTON ST PORTLAND, ME 04101	55 CLIFTON ST	2
	BLIND FAITH LLC	PO BOX 1008 SCARBOROUGH, ME 04074	102 WOODFORD ST	1
	BLIND FAITH LLC	PO BOX 1008 SCARBOROUGH, ME 04074	106 WOODFORD ST	6
	BRITTON MEGAN R PUTNAM & DANIEL J BRITTON JTS	63 VANNAH AVE PORTLAND, ME 04103	63 VANNAH AVE	1
	BURNS MARK B	12 CLIFTON ST PORTLAND, ME 04101	12 CLIFTON ST	2
	BUZZELL MARGARET F	585 FOREST AVE PORTLAND, ME 04101	583 FOREST AVE	1
	CASPARIUS RUDOLF P K & RENATE A JTS	1231 FOREST AVE PORTLAND, ME 04103	19 CLIFTON ST	2
	CASPARIUS RUDOLPH P K & RENATE A JTS	1231 FOREST AVE PORTLAND, ME 04103	105 WOODFORD ST	5
	CENTER FOR GRIEVING	PO BOX 1438 PORTLAND, ME 04104	555 FOREST AVE	1
	CHAREST KATHRYN L	15 ARLINGTON ST PORTLAND, ME 04103	15 ARLINGTON ST	2
	CHAU SULAN	105 FALMOUTH ST PORTLAND, ME 04103	112 WOODFORD ST	5
	CHURCHILL HELEN E	87 HERSEY ST PORTLAND, ME 04103	87 HERSEY ST	1
	COLTON JOHN M & JANNA R VESEY JTS	55 HERSEY ST PORTLAND, ME 04103	55 HERSEY ST	1
	CROSSROADS FOR WOMEN INC	66 PEARL ST STE 322 PORTLAND, ME 04101	575 FOREST AVE	1
	CROUTER JERROL A & MARY JEAN JTS	51 MELROSE ST PORTLAND, ME 04101	51 MELROSE ST	1
	CUMMINGS LEONARD W JR & MAUREEN J JTS	67 HERSEY ST PORTLAND, ME 04103	67 HERSEY ST	1
	DAMON KATHLEEN S & KENT S DAMON JTS	66 COYLE ST PORTLAND, ME 04101	66 COYLE ST	2
	DASILVA CARLOS A & MARILA R JTS	101 WOODFORDS ST PORTLAND, ME 04103	101 WOODFORD ST	1
	DELEUSE BETSEY W	25 ARLINGTON ST # 1 PORTLAND, ME 04101	25 ARLINGTON ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	HUBBARD HARRIET FORD	29 CLIFTON ST PORTLAND , ME 04101	29 CLIFTON ST	1
	HUGHES RALPH W	52 MELROSE ST PORTLAND, ME 04101	52 MELROSE ST	1
	JACOBS FERRIS & MARY C JACOBS JTS	77 WOODFORD ST PORTLAND , ME 04103	77 WOODFORD ST	1
	JACOBS MARSHA & RICHARD LAFRENAYE &	PO BOX 15 NEWCASTLE , ME 04553	595 FOREST AVE	3
	JURGELEVICH RUTH K WID WWII	80 WOODFORDS ST PORTLAND , ME 04103	80 WOODFORD ST	1
	KEFFER MARC D & ELIZABETH M SELLERS JTS	65 COYLE ST PORTLAND, ME 04101	65 COYLE ST	1
	KEFFER MARC D & ELIZABETH M SELLERS JTS	65 COYLE ST PORTLAND, ME 04101	69 COYLE ST	0
	KOLPACK ANDREA B	90 WOODFORD ST PORTLAND , ME 04103	90 WOODFORD ST	1
	KOW INVESTMENTS LLC	16 GOODRIDGE AVE PORTLAND , ME 04103	615 FOREST AVE	2
	LANDRY THOMAS J	44 COYLE ST PORTLAND , ME 04101	44 COYLE ST	1
	LAWRENCE DONALD R	13 FOX BRIAR CT HILTON HEAD ISLAND , SC 29928	70 COYLE ST	0
	LAWRENCE DONALD R	13 FOXBRIAR CT HILTON HEAD ISLAND , ME 29926	563 FOREST AVE	1
	LE LINH T	97 WOODFORD ST PORTLAND , ME 04103	97 WOODFORD ST	2
	LEONARD CASEY S & LISA W LEONARD JTS	83 VANNAH AVE PORTLAND , ME 04103	83 VANNAH AVE	1
	LEONARD JAMES A	81 WOODFORDS ST PORTLAND, ME 04103	81 WOODFORD ST	1
	LETALIEN PAUL A & JANET M JTS	35 COYLE ST PORTLAND, ME 04101	35 COYLE ST	1
	LEWIS PETER A	93 VANNAH AVE PORTLAND , ME 04103	93 VANNAH AVE	1
	LUCAS DANIEL K & TINA B LUCAS	14 STONY RIDGE RD CUMBERLAND FORESIDE , ME	609 FOREST AVE	1
	MACK ADAM	190 RIVERSIDE ST # B4 PORTLAND , ME 04103	86 VANNAH AVE	1
	MACK ADELE C	750 WARREN AVE PORTLAND, ME 04103	101 VANNAH AVE	1
	MARSHALL LUCY DEG	28 COYLE ST PORTLAND , ME 04101	28 COYLE ST	1
	MARTIN WAYNE D & DEBORAH A	12 ARLINGTON ST PORTLAND, ME 04101	12 ARLINGTON ST	1
	MCARTHUR GILLIAN E	28 CLIFTON ST PORTLAND , ME 04101	28 CLIFTON ST	1
	MCCABE FREDERIC C JR & KAITLIN A BRIGGS JTS	51 COYLE ST PORTLAND, ME 04101	51 COYLE ST	1
	MCKINLEY WILLIAM K & PAULA A JTS	97 HERSEY ST PORTLAND, ME 04103	97 HERSEY ST	1
	MEIER HANNAH M	10 WOODFORD ST PORTLAND , ME 04103	110 WOODFORD ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	RRK LLC	33 PILGRIM RD SOUTH PORTLAND , ME 04106	22 CLIFTON ST	3
	SAVAGE KEITH L VN VET	59 WOODFORD ST PORTLAND, ME 04103	59 WOODFORD ST	2
	SCOTLAND SUSAN J	94 VANNAH AVE PORTLAND , ME 04103	94 VANNAH AVE	1
	SELL MARILYN	90 VANNAH AVE PORTLAND , ME 04103	90 VANNAH AVE	1
	SHAMOS STAVRO & MELPOMENI SHAMOS	80 VANNAH AVE PORTLAND , ME 04103	80 VANNAH AVE	1
	SHAW JEFFREY & AVIVA SHAW JTS	72 VANNAH AVE PORTLAND , ME 04103	72 VANNAH AVE	1
	SHEKINAH REALTY LLC	468 ALLEN AVE PORTLAND , ME 04103	617 FOREST AVE	1
	SHEKINAH REALTY LLC	468 ALLEN AVE PORTLAND , ME 04103	621 FOREST AVE	1
	SHER GERALD M & JONAS E SHER JTS	83 WOODFORD ST PORTLAND, ME 04103	83 WOODFORD ST	1
	SILER JENNY C & KEITH J DUNLAP JTS	54 VANNAH AVE PORTLAND , ME 04103	54 VANNAH AVE	1
	SIMPSON AMY & GREG KORBET	86 WOODFORD ST PORTLAND, ME 04103	86 WOODFORD ST	1
	SINNETT CLIFFORD H & CHARLOTTE M OR SUR	64 VANNAH AVE PORTLAND , ME 04103	62 VANNAH AVE	0
	SINNETT CLIFFORD H WWII VET & CHARLOTTE M JTS	64 VANNAH AVE PORTLAND , ME 04103	64 VANNAH AVE	1
	SMITH AUDREY MAYNARD & KAIGHN SMITH JR JTS	75 COYLE ST PORTLAND , ME 04101	75 COYLE ST	2
	SMITH MICHELLE R	43 VANNAH AVE PORTLAND, ME 04103	43 VANNAH AVE	1
	SNOW JON BARTLETT & JOANNE E JTS	83 HERSEY ST PORTLAND, ME 04103	83 HERSEY ST	1
	SPEAR LARA	20 ARLINGTON ST PORTLAND , ME 04101	20 ARLINGTON ST	1
	SUCIDLO JOSEPH & ANNE WASHBURNE	42 CLIFTON ST PORTLAND , ME 04101	42 CLIFTON ST	1
	TAUTZ BIRGIT	25 ARLINGTON ST # 5 PORTLAND , ME 04101	25 ARLINGTON ST	1
	THOMPSON KENNETH E JR	55 VANNAH AVE PORTLAND, ME 04103	55 VANNAH AVE	1
	THOMPSON KENNETH E JR	55 VANNAH AVE PORTLAND, ME 04103	57 VANNAH AVE	0
	VALCOURT PETER J	7 ARLINGTON PL PORTLAND , ME 04101	7 ARLINGTON PL	2
	WAISMAN SCOTT M & MARINA WAISMAN JTS	61 HERSEY ST PORTLAND , ME 04103	59 HERSEY ST	0
	WAISMAN SCOTT M & MARINA WAISMAN JTS	61 HERSEY ST PORTLAND , ME 04103	61 HERSEY ST	1
	WALLACE REBECCA N	71 WOODFORDS ST PORTLAND, ME 04103	71 WOODFORD ST	2
	WALTER BENEDICT B & CATHERINE C JTS	53 CLIFTON ST PORTLAND, ME 04101	53 CLIFTON ST	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
Total Listed:		133		177



DEERING AV

LINCOLN ST

COYLE ST

FOREST AV

REVERE ST

ARLINGTON ST

CLIFTON ST

COYLE ST

BELMONT ST

MELROSE ST

HERSEY ST

HERSEY ST

VANNAH AV

BAXTER BLVD

128 X001

440 A001

127 A003

128 E008

126 G003

126 G004

125 O006

125 O004

125 L006

125 L007

125 E004

125 F005

129 F001

129 F002

129 F003

129 F004

129 F005

129 F006

129 F007

129 F008

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