

1. 06-01-17 - Agenda

Documents:

[06-01-17 AGENDA.PDF](#)

1.I. ZBA Application - 76 Frances Street

Documents:

[CONDITIONAL USE APPEAL APPLICATION - 76 FRANCES ST.PDF](#)
[ZONING MAP - 76 FRANCES ST.PDF](#)

1.II. ZBA Application - 2 Island Avenue

Documents:

[CONDITIONAL USE APPEAL APPLICATION - 2 ISLAND AVE.PDF](#)
[ZONING MAP - 2 ISLAND AVE.PDF](#)

1.III. ZBA Application - 81 Longview Drive

Documents:

[CONDITIONAL USE APPEAL APPLICATION - 81 LONGVIEW DR.PDF](#)
[ZONING MAP - 81 LONGVIEW DR.PDF](#)

1.IV. ZBA Application - 75 Douglass Street

Documents:

[CONDITIONAL USE APPEAL APPLICATION - 75 DOUGLASS ST.PDF](#)
[ZONING MAP - 75 DOUGLASS ST.PDF](#)
[75 DOUGLASS STREET 1992 BUILDING PERMIT.PDF](#)

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Kent Avery, Chair
Donna Katsiaficas, Secretary
Robert Bartels
Eric Larsson
Benjamin McCall
Joseph Zamboni

APPEAL AGENDA

The Board of Appeals will hold a Public Hearing on Thursday, June 1, 2017, at 6:00 p.m. on the Second Floor in Room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeals:

1. New Business:

- A. **Conditional Use Appeal:** 76 Frances Street, Michael and Molly Collin, owners, Tax Map 187, Block E, Lot 018, R-3 Residential Zone: The applicants are seeking a Conditional Use Appeal under Section 14-88(a)(2) to create an accessory dwelling unit as part of an addition to their existing single-family home. This would extend the Conditional Use that was previously approved by the Board on October 6, 2016, so that the applicants can secure a building permit and start construction. Representing the appeal are the owners.
- B. **Conditional Use Appeal:** 2 Island Avenue, Peaks Island, Ten Pin LLC, owner, Tax Map 84, Block R, Lot 030, I-B Island Business Zone: The applicant is seeking a Conditional Use Appeal under Section 14-224(a) to convert an existing two-family dwelling to four-family dwelling. This would extend the Conditional Use that was previously approved by the Board on December 1, 2016, so that the applicant can secure a building permit and start construction. Representing the appeal are Heather Thompson and Mario Proia, members of Ten Pin LLC.
- C. **Conditional Use Appeal:** 81 Longview Drive, Peter Brogan, owner, Tax Map 387, Block A, Lot 011, R-2 Residential Zone: The applicant is seeking a Conditional Use Appeal under Section 14-78(a)(2) to create an accessory dwelling unit as part of an addition to his existing single-family home. Representing the appeal is the owner.
- D. **Conditional Use Appeal:** 75 Douglass Street, Jonathan Bradstreet, owner, Tax Map 078, Block B, Lot 003, R-5 Residential Zone: The applicant is seeking a Conditional Use Appeal under Section 14-118(a)(5) to gain approval for an existing third dwelling unit on the property that is located in a detached garage. The current legal use of the property is a two-family dwelling. Representing the appeal is the owner.

2. Adjournment

Michael and Molly Collin
76 Frances Street
Portland, ME 04102
207-775-9120
michaelcollin@mac.com

To the Zoning Board of Appeals
City of Portland
389 Congress Street
Portland, ME 04101-3509

We are re-applying to alter our single family home at 76 Frances Street to include an additional dwelling unit. We were unable to break ground within the six-month period granted to us following our last application. As a result, this time we would like a 2-year approval period to cover any additional unforeseen delays.

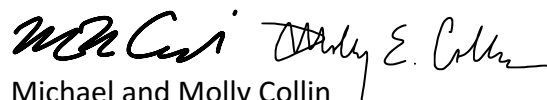
The proposed addition includes a first floor accessory unit for our in-laws and a second floor with two bedrooms and bath accessible through our existing primary dwelling. In addition to the accessory unit, we are proposing to add a workshop, enlarging our living room, and creating a new rear entrance via a mud room.

We believe the proposed plan meets all conditional use standards in R3 Zone. See [pages 3-4](#) (Conditional Use Standards) for additional explanations.

Our proposed plans fall within the City's setback regulations with the exception of the 25-foot setback from the front property line. The foundation of our existing building sits 14 feet from the property line. Using the prescribed calculation of the average setback of our adjacent neighbors we are proposing to build the addition 14.5 feet from our front property line. Our neighbor to the south (72 Frances Street) sits 4 ft. from their front property line and our north neighbor (86 Frances Street) sits beyond the required 25 ft. ($25+4=29$, $29/2=14.5$) See [pages 10-11](#) (Adjacent setbacks) for additional documentation.

We have included many of our neighbors in the process making them aware of our plans and have shared preliminary plans to ensure that they are comfortable with the exterior design and façade.

Best,



Michael and Molly Collin
76 Frances Street, Portland, ME 04102

Enclosure:

1. [Appeal Application \(p. 2\)](#)
2. [Conditional Use Standards \(p. 3-4\)](#)
3. [Plot plan \(p. 5\)](#)
4. [Floor plans \(p. 6-7\)](#)
5. [Tax map \(p. 8\)](#)
6. Property photos
 - a. [Property Photos \(p. 9\)](#)
 - b. [Adjacent setbacks \(p. 10-11\)](#)
 - c. [Parking \(p. 12\)](#)
7. [Deed \(p. 13-14\)](#)



Michael A. Russell, MS, Director
Permitting and Inspections Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Applicant Information:**Michael and Molly Collin**

NAME

-

BUSINESS NAME

BUSINESS ADDRESS

BUSINESS TELEPHONE & E-MAIL

Owner

APPLICANT'S RIGHT/TITLE/INTEREST

R-3

CURRENT ZONING DESIGNATION

EXISTING USE OF THE PROPERTY:

Primary residence**Subject Property Information:****76 France Street**

PROPERTY ADDRESS

187 E 018 & 019

CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

ADDRESS (If Different)

207-775-9120**michaelcollin@mac.com**

PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY

SECTION 14- **88 (a) (2)**

TYPE OF CONDITIONAL USE PROPOSED:

Addition to primary residence with an accessory unit.

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and*
2. *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and*
3. *The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.*

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

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.


SIGNATURE OF APPLICANT

5/8/17

DATE

Conditional Use Standards

Section 14-88 of the City of Portland Zoning Ordinance lists the alteration of a detached single-family dwelling to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants, as an acceptable conditional use in Zone R3 provided that:

- a. "The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of floor-to- ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit."
In the proposed plans the accessory unit measures 876 sf and is 28% of the gross floor area of the principal building (3,121 sf)
- b. "There shall be no open outside stairways or fire escapes above the ground floor."
There are no outside stairways existing or as part of the proposed plans.
- c. "Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling."
The proposed plans have been designed to maintain the appearance of a single-family dwelling while remaining compatible with the architectural style of a cape design.
- d. "A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required"
The property lot of 76 Frances Street (TM 187 E018-19) measures 11,584.4 sf.
- e. "No dwelling unit shall be reduced in size to less than one thousand (1, 000) square feet of floor area, exclusive of common areas and storage in basement or attic."
The proposed plans do not include any reduction in size.
- f. "Parking shall be provided as required by division 20 of this article."
76 Frances currently has 4 parking spaces with three (3) surface parking spaces and an additional space in the garage. See [page 12](#) (Parking) for additional documentation.
- g. "The project shall be subject to article v (site plan) of this chapter for site plan review and approval":
Supplemental documents included with this application are attached to comply with requirements of article V.
 - I. "Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building."
The proposed plans have been designed to maintain the appearance of a single-family dwelling while remaining compatible with the architectural style of a cape design.

Conditional Use Standards

- II. "The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets."

The proposed plan does not include any new surface area of parking, driveway or paved areas.

- h. "Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences."

The Collin family will continue to occupy the principal unit.

It is noted in the Conditional Use Appeal Application that the Board may be concerned with the volume and type of vehicular traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required that the proposed alteration may not be consistent with that which would normally occur at other surrounding uses in the R3 Zone

The applicants of this plan believe that the additional unit will have little effect on neighborhood traffic. Additionally, it is not necessary to increase pavement for additional off street parking spaces as the current site has a total of 4 available parking spaces.

The applicants also believe that this proposed conditional use does not:

"create unsanitary or harmful conditions by reason of noise, glare, dust, sewage, disposal, emissions to the air, odor, lighting, or litter... **nor will** "the design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash and waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone."

SQUARE FOOT CALCULATIONS:

Family 1:	Existing 1st and 2nd floor	1,055 sf
	New 1st and 2nd floor	850 sf
	New workshop	340 sf
Subtotal		2245 sf = 72% of total area

Family 2:	New 1st floor	876 sf
Subtotal		876 sf = 28% of total area

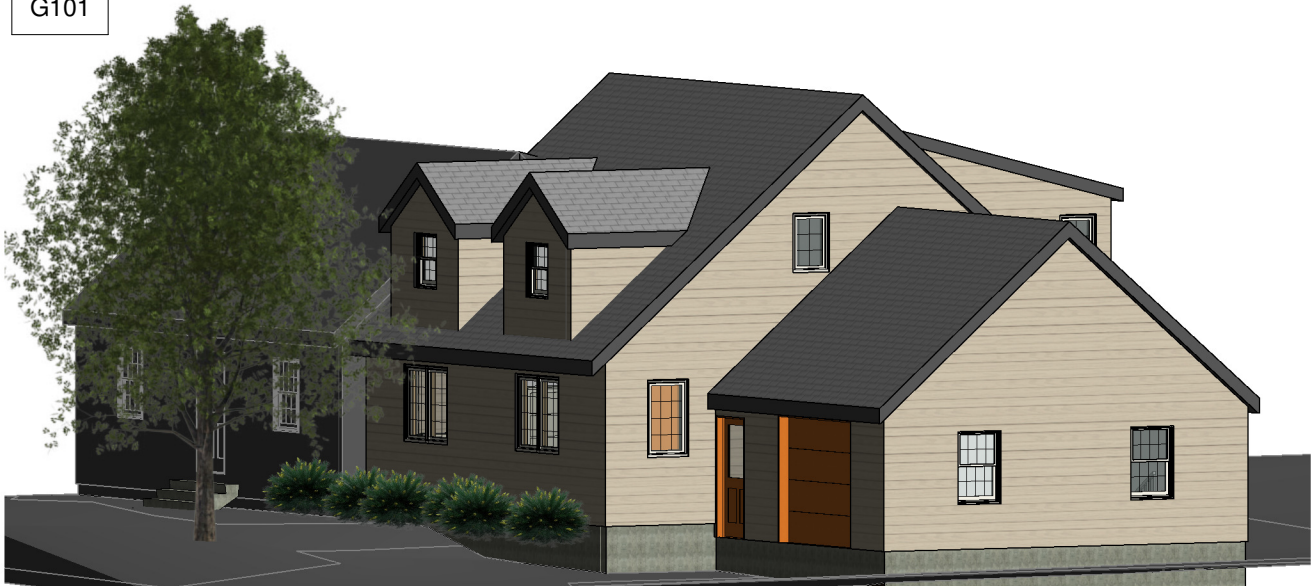
Total SF of dwelling	3121 sf = 100% of total area
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2

NW BIRDSEYE

G101



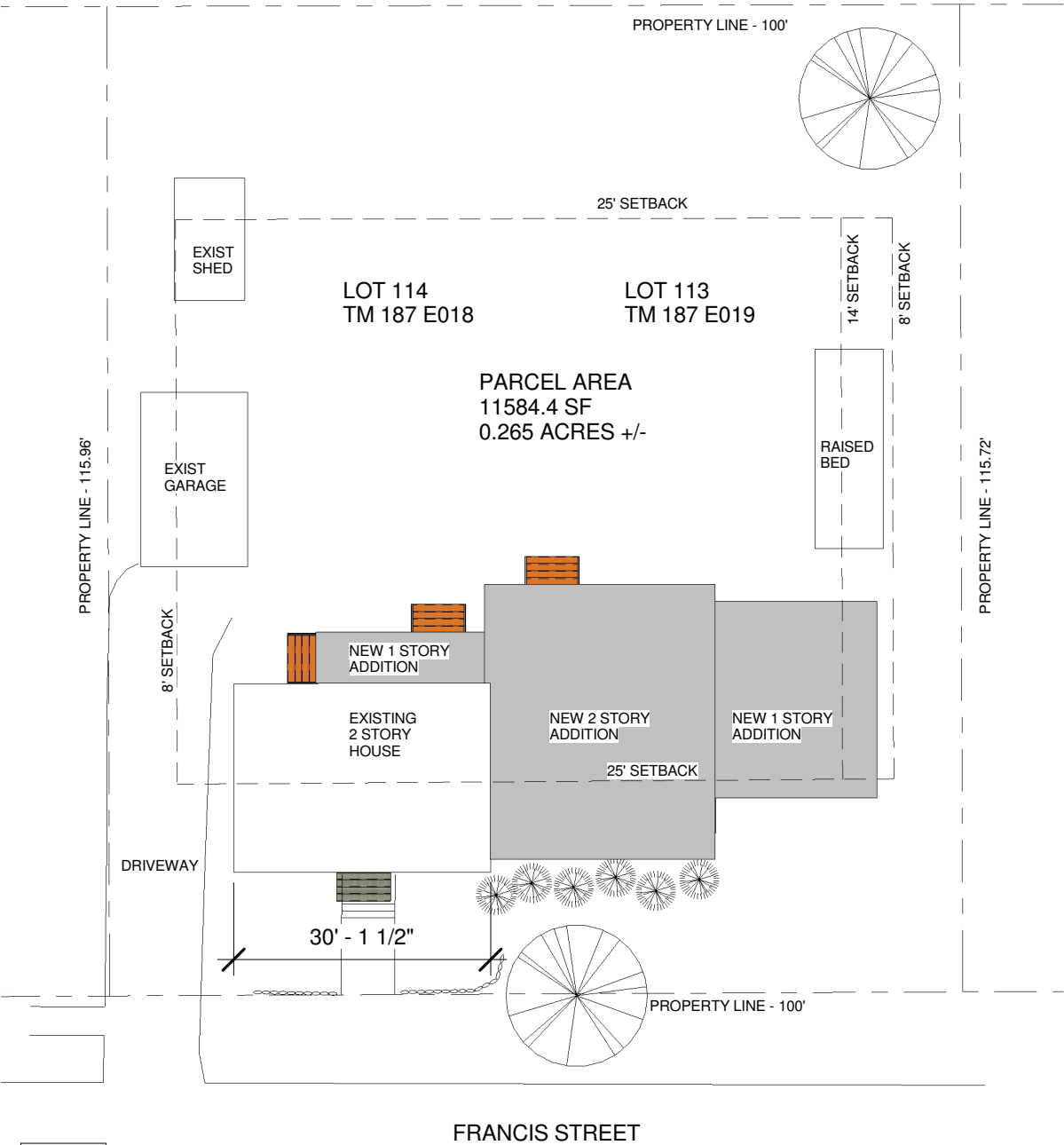
3

NORTH EAST

G101

DRAWING LIST

G101	SITE PLAN
AD100	EXISTING/DEMO PLAN
A100	FOUNDATION PLAN
A101	PROPOSED 1ST FLOOR PLAN
A102	PROPOSED 2ND FLOOR PLAN
A201	EAST AND WEST ELEVATIONS
A202	NORTH AND SOUTH ELEVATIONS
A301	ADDITION BUILDING SECTIONS
A302	WORKSHOP BUILDING SECTION
A303	REAR ENTRY ADDITION SECTION



1

SITE PLAN

G101

1" = 20'-0"

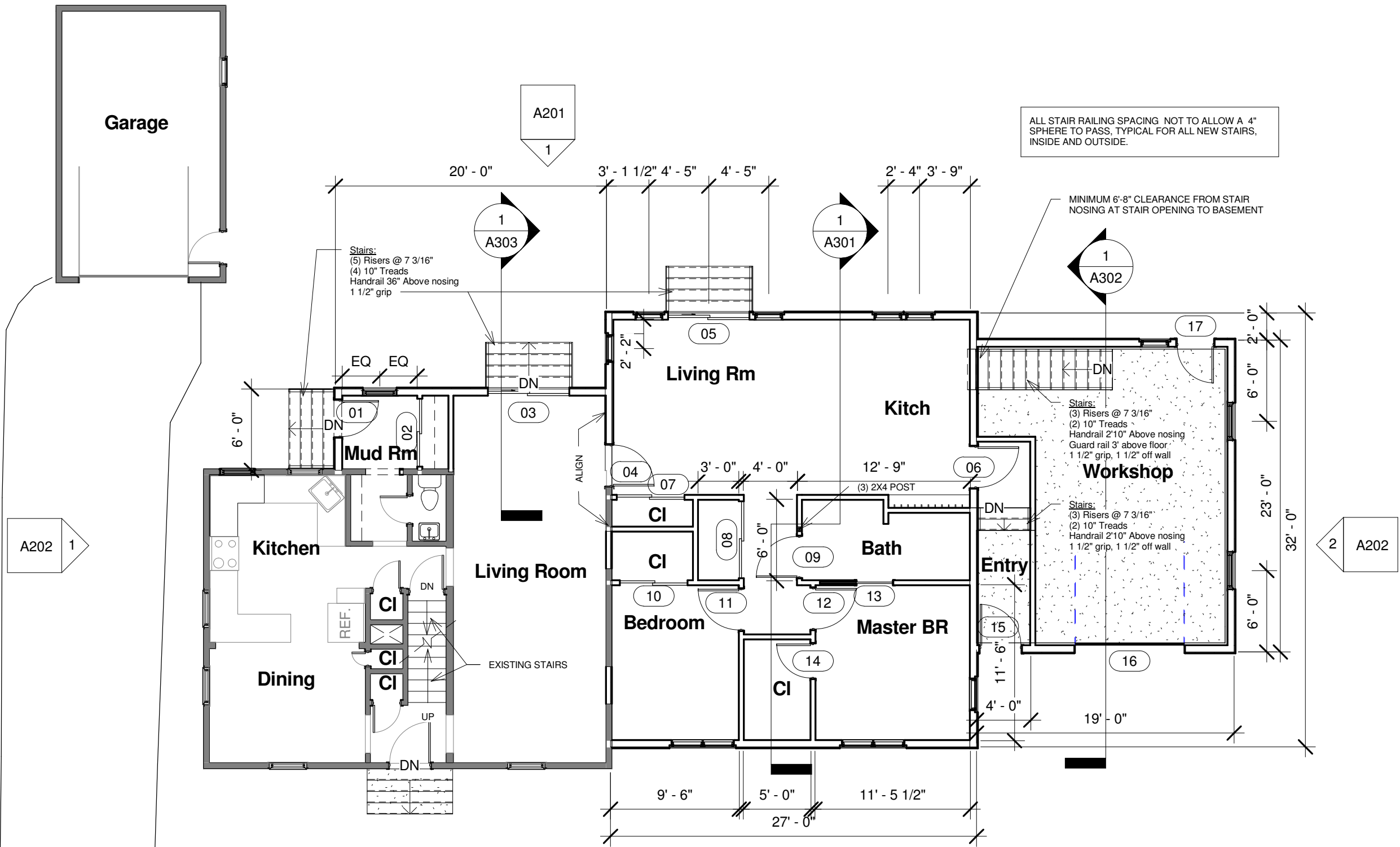
DRAWING TITLE:
PROPOSED 1ST FLOOR PLAN

PROJECT NAME:
COLLIN RESIDENCE
76 FRANCIS ST., PORTLAND MAINE

THIS DRAWING IS THE PROPERTY OF
LINDA BRALEY AND IS NOT TO BE
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WHOLE. 2017 © LINDA BRALEY

DATE OF ISSUE
MAY 10, 2017
DESCRIPTION
CONCEPTUAL
SCALE
1/8" = 1'-0"
PROJECT NUMBER
2015-0400

A101



1 FIRST FLOOR
A101 1/8" = 1'-0"

DRAWING TITLE:

PROPOSED 2ND FLOOR PLAN

PROJECT NAME:
COLLIN RESIDENCE
76 FRANCIS ST, PORTLAND MAINE

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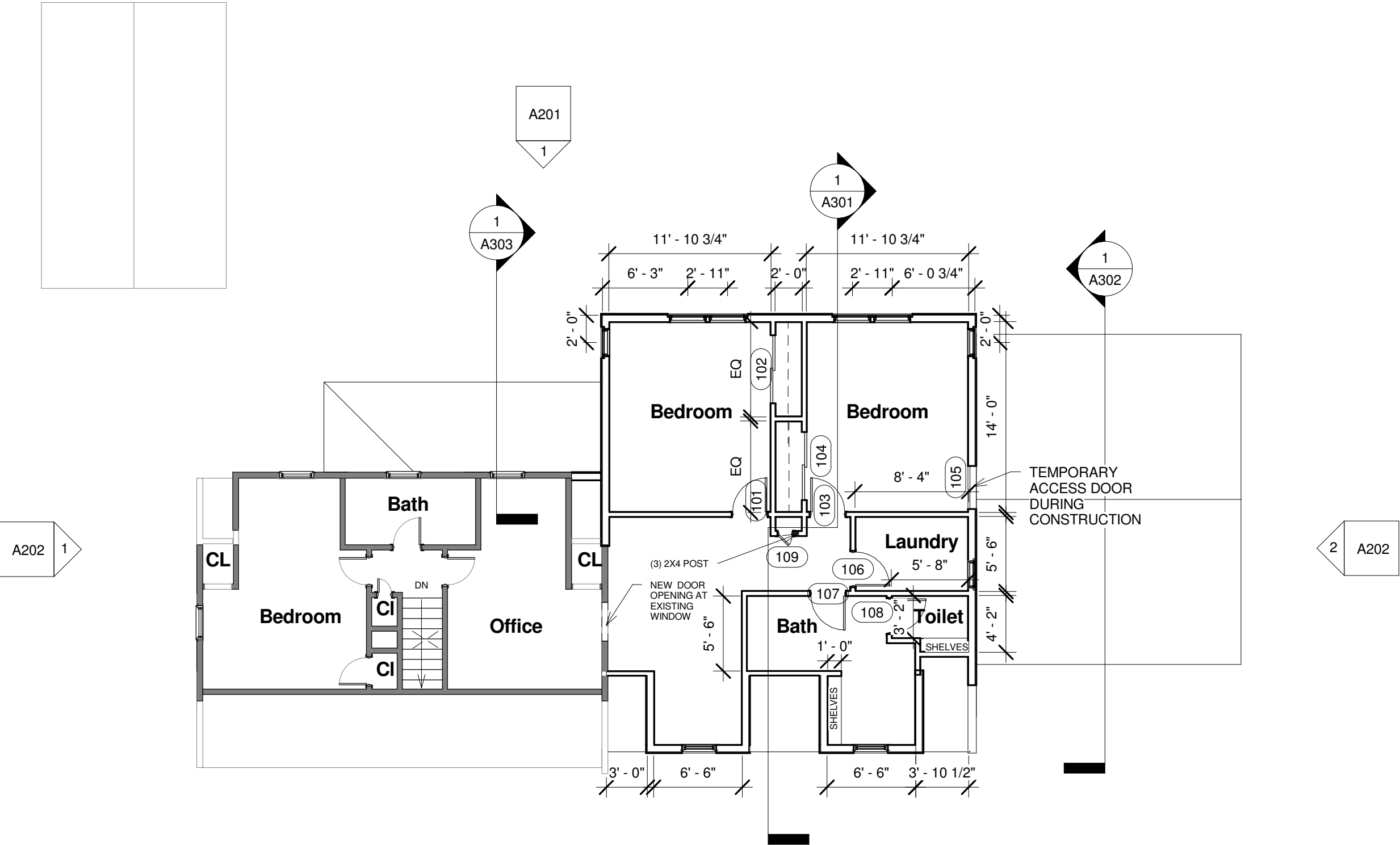
DATE OF ISSUE
MAY 10, 2017

DESCRIPTION
CONCEPTUAL

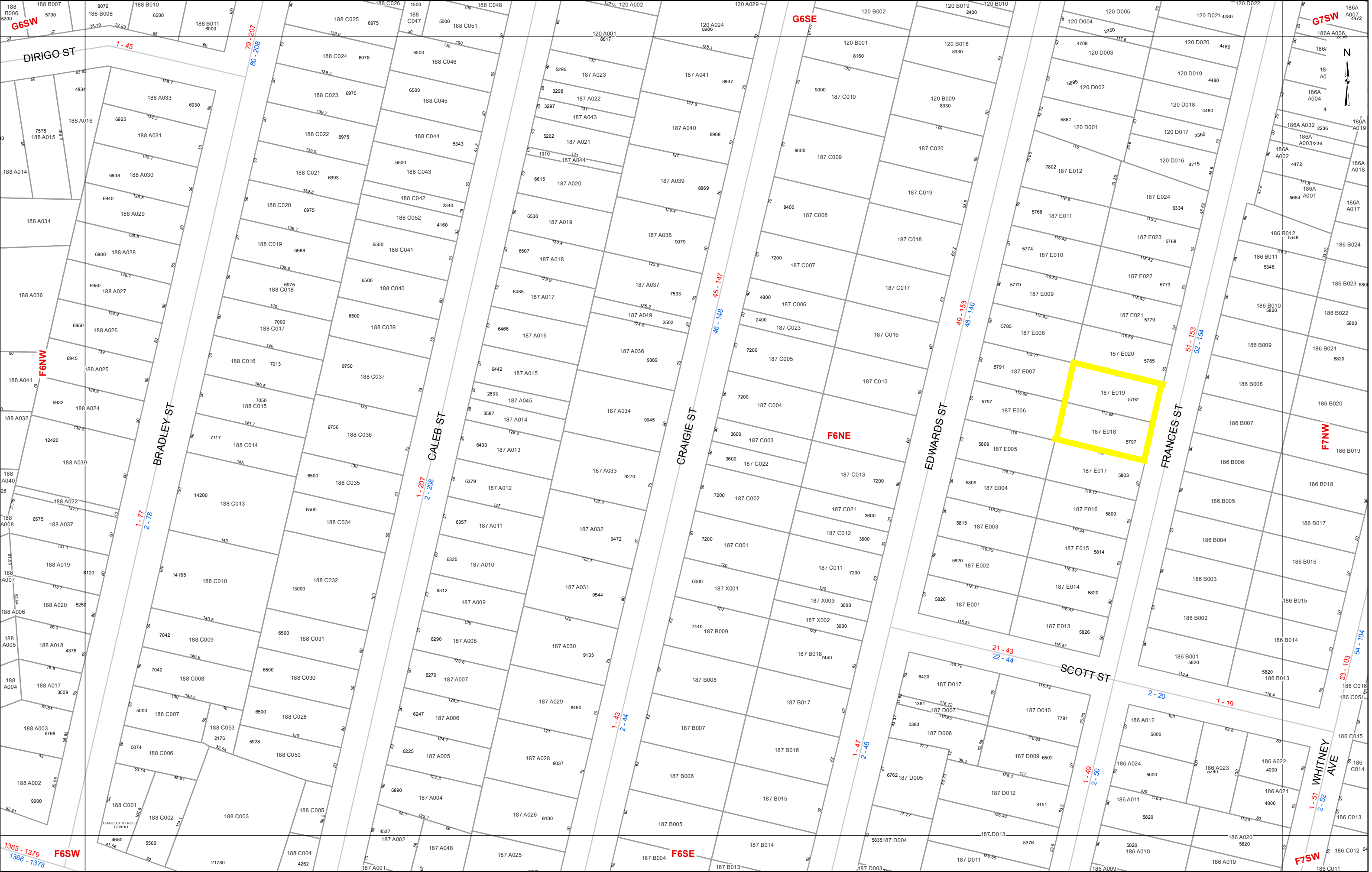
SCALE
1/8" = 1'-0"

PROJECT NUMBER
2015-0400

A102



1	SECOND FLOOR
A102	1/8" = 1'-0"



Property Photos

Collin
76 Frances St.



Front



Rear



Side

Adjoining Setbacks

page 1

Collin
76 Frances St.



Adjoining Setbacks

page 2

Collin
76 Frances St.



Parking

Collin
76 Frances St.



WARRANTY DEED

Susan Johnston n/k/a Susan Parks and Scott Parks

of 76 Frances Street, Portland, ME 04103

for consideration paid, grant to

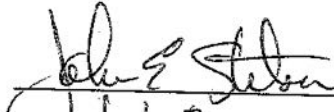
Michael H. Collin and Molly E. Collin

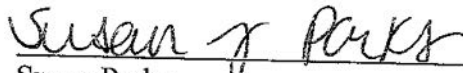
of 123 Glenwood Avenue #2, Portland, ME 04103, as joint tenants and not as tenants in common, with WARRANTY COVENANTS, the following described real property in Portland, County of Cumberland and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS our hands and seals this May 30, 2003.


John E. Stetson
for both


Susan Parks

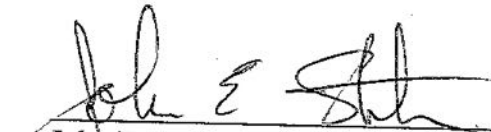

Scott Parks

State of Maine
Cumberland, ss.

May 30, 2003

Personally appeared before me the above-named Susan Parks and Scott Parks and acknowledged the foregoing instrument to be their free act and deed.

Before me,


John E. Stetson, Attorney-at-Law

COLLIN-P

MAINE REAL ESTATE TAX PAID

EXHIBIT A

A certain lot or parcel of land, situated on the westerly sideline of Frances Street, so-called, in the City of Portland, County of Cumberland and State of Maine and being lot numbered 113 on a plan of Congress Park, so-called, said plan being made by Illsley and Cummings, C.E. recorded in the Cumberland County Registry of Deeds in Plan Book 10, Page 113, to which plan reference is hereby made for a more particular description thereof.

This lot is conveyed subject to the restriction that no building shall be erected thereon within 15 feet of the street line.

Also a certain lot or parcel of land situated on the northwesterly side of Frances Street, in said City of Portland, being lot numbered 114 as shown on Plan of Congress Park recorded in said Registry of Deeds in Plan Book 10, Page (SIC) 113, to which plan referenced is hereby made for a more particular description. Said lot has a frontage of 50 feet on Frances Street and extends back northwesterly a distance of 116 feet on the southwesterly side and 115.88 feet on the northeasterly side.

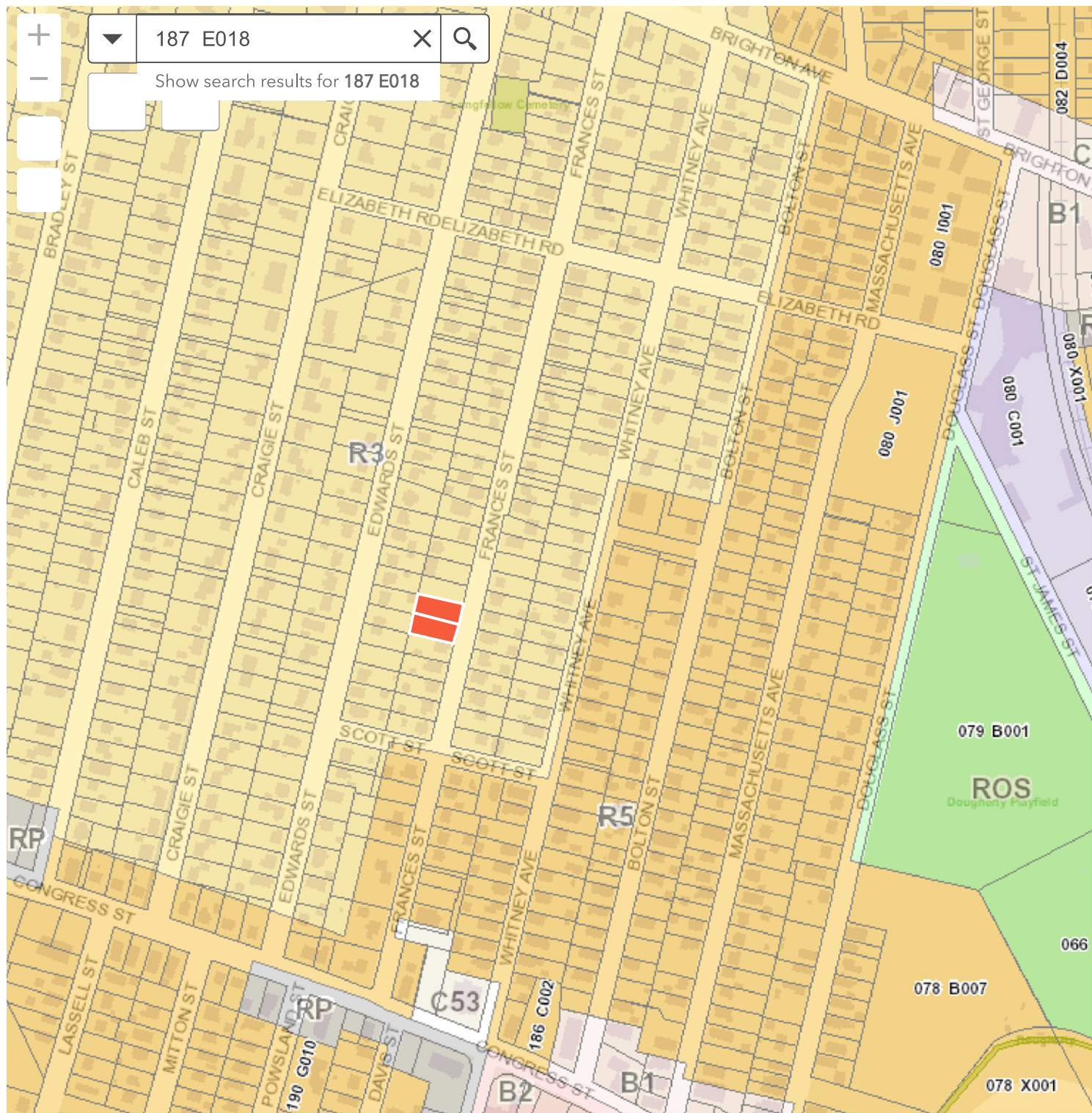
For title reference see deed of Stephen W. Campbell and Robert J. Campbell to Susan Johnston and Scott Parks dated October 16, 1997 and recorded in Cumberland County Registry of Deeds in Book 13387, Page 266.

COLLIN-P

Received
Recorded Register of Deeds
Jun 02, 2003 12:06:30P
Cumberland County
John B. O'Brien

After Recordation, Return Document to:
Hopkinson, Abbondanza & Backer
511 Congress Street, Ste. 801
Portland, Maine 04101
(207) 772-5845

76 Frances St - Conditional Use Appeal





Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Applicant Information:

Heather Thompson / Mario Proia
NAME

Ten Pin LLC
BUSINESS NAME

9 Adams St. Peaks Island
BUSINESS ADDRESS

207-653-1392 heather@tjwhome.com
BUSINESS TELEPHONE & E-MAIL

Owners

APPLICANT'S RIGHT/TITLE/INTEREST

Retail and Personal Service
CURRENT ZONING DESIGNATION

I-B

EXISTING USE OF THE PROPERTY:

2 unit residential

Subject Property Information:

2 Island Ave, Peaks Island
PROPERTY ADDRESS

84-R-30
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

ADDRESS (If Different)

PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED
SECTION 14- 224(a)

14-332

RECEIVED

MAY 15 2017

Dept. of Building Inspections
City of Portland Maine

TYPE OF CONDITIONAL USE PROPOSED:

Mixed use 4 residential apartments, one office + storage
for residential construction company

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter, and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

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

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

Heather Thompson / Mario Proia
SIGNATURE OF APPLICANT

5-15-17

DATE

Ten Pin LLC
9 Adams Street
Peaks Island, ME 04108
heather@tjwhome.com 207-653-1392

Zoning Board of Appeals
389 Congress St, Portland ME 04101

5-15-17

Conditional Use Appeal Application: 2 Island Ave, Peaks Island

To Whom It May Concern:

Please accept this application to change the use of 2 Island Avenue on Peaks Island. The building is currently a legal two-unit residential apartment building in the I-B zone on Peaks Island. We are applying to change the use of 2 Island Ave from a two-unit apartment building to a four-unit residential apartment building with one business office/storage space. The two new apartments and the office/storage area will be built within the existing structure; no additions or expansions of the envelope are required to make space for the additional units. The additional parking required for the new units will be provided by expanding the existing parking area that is shown on the drawings. We are requesting that we are granted 18 months to finalize the conditional use change.

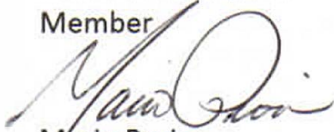
This change of use is permitted under section 14-224 of Portland's zoning ordinance.

Thank you,



Heather Thompson

Member



Mario Proia

Member

Ten Pin LLC
9 Adams Street
Peaks Island, ME 04108
heather@tjwhome.com 207-653-1392

Zoning Board of Appeals
389 Congress St, Portland ME 04101

11-16-16 Rev 5-15-17

Memo Regarding Conditional Use Appeal Application: 2 Island Ave, Peaks Island

To Whom It May Concern:

This memo will describe how the proposed changes to 2 Island Ave meet the conditions for the Conditional Use Appeal.

Conditions:

a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone;

We are proposing 4 residential apartments and one office with storage. Any traffic created by the inhabitants of the apartments and office will be consistent with traffic in the IR-2 zone and the I-B zone which includes the Inn on Peaks Island, the Lions Club (right next door), the Island House Restaurant (2 properties down Island Ave), the Ice Cream Shop, Peaks Café and Hannigan's Island Market. The proximity to the ferry greatly reduces the need for a vehicle for inhabitants of the apartments. The office will operate from 8 to 5, this is consistent with other businesses on the Island and will create very little vehicle traffic.

The proposed office/storage area does not need conditional use approval; it is allowed "by right" under Sec 14-223(b). In addition, the parking requirement is not part of the conditional use review and will be dealt with during the later permitting/subdivision phase.

b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter;

The building is served by public sewer, and the apartments will confirm to City of Portland building code. There will be no excess noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter created by the operation of the office and or the residential apartments.

c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

There are no new proposed structures. All business-related activity will happen during business hours. Waste generation will be consistent with residential activity, office waste will be minimal (paper recycling, minimal trash). Any new signs will be minimal, unlighted. Materials will be stored within the building.

Sec. 14-224. Conditional uses.

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(a) Two-, three- or four-family dwelling, provided that:

1. No open outside stairways or fire escapes above ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;

There is a permitted outside fire escape that serves the 2nd floor apartment in the front of the building. The fire escape was built in 2000.

2. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;

The proposed grade level apartment sits at grade and has direct access to the outside.

3. Density shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where density shall be determined by the City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-224 Rev.1-18-2012 14-289 least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone;

The abutting residential zone, IR-2, does not have a density requirement.

4. Any additions or exterior alterations shall be compatible with the original architecture of the building. The exterior design of new construction, including the architectural style, facade materials, roof pitch, building form, and height shall be compatible with neighboring properties;

There are no exterior alterations currently planned. Any future changes in cladding materials/windows/roof pitch/form/ height will be consistent with the residential buildings on Peaks Island (clapboards/gable end roof) and will meet current building and zoning requirements.

5. No existing dwelling unit shall be decreased to less than one thousand (1,000) square feet of floor area;

The 2 existing apartments will not be reduced from their current sizes.

6. No additional dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;

Both proposed units are larger than 600 sf.

7. All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with all applicable federal, state and local regulations;

The building is served by public sewer and water.

8. The proposed conversion has sufficient water for the needs of the dwellings and will not cause an unreasonable burden on an existing water supply nor adversely affect groundwater resources;

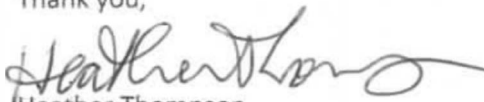
The building is served by public sewer and water.

Additional Notes:

The proposed storage area #2 is meant to be storage for the adjacent apartment, it will not be rented separately from the apartment.

We are requesting that this conditional use change be granted for the maximum time allowable, 18 months from date of approval.

Thank you,



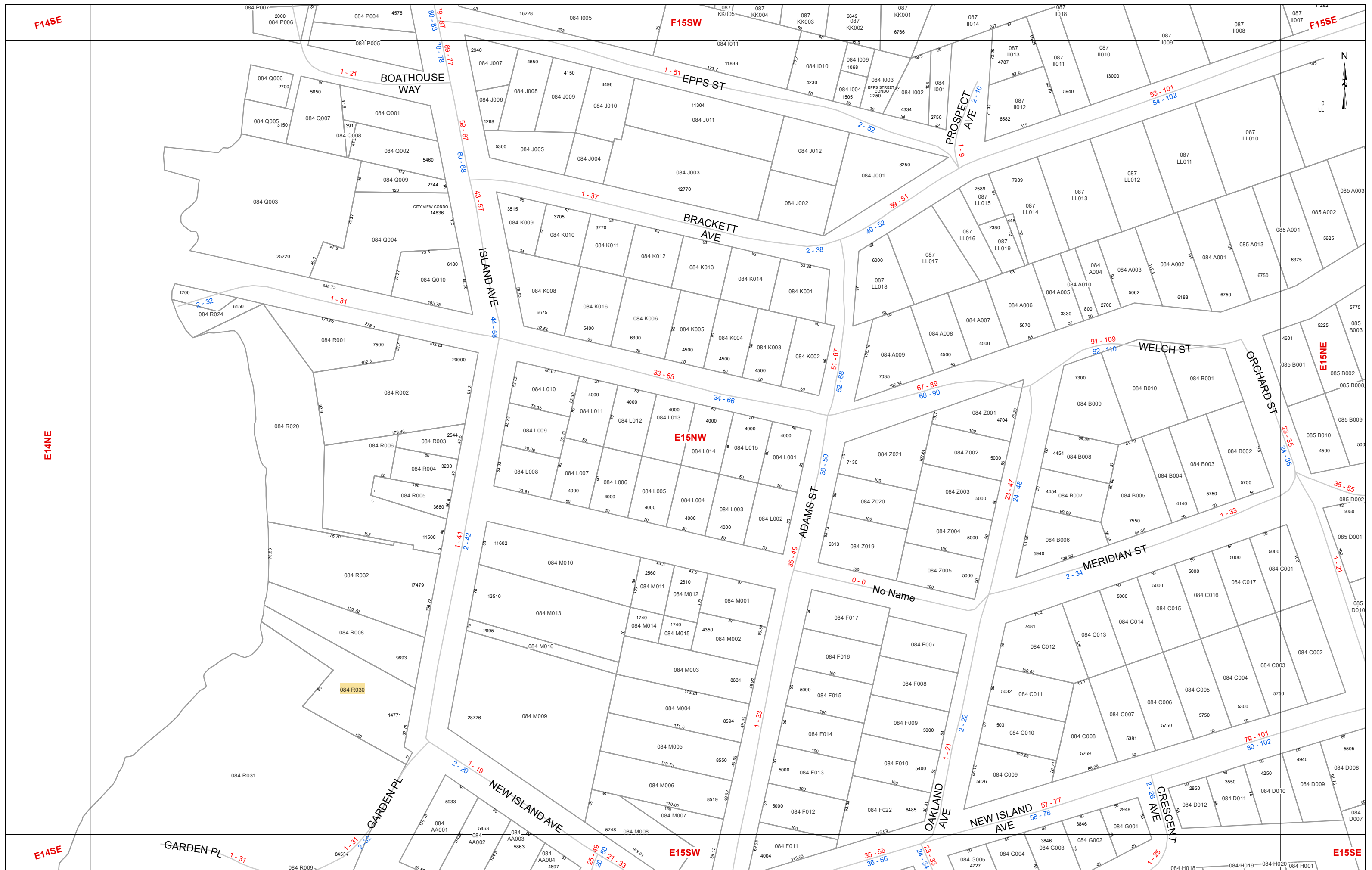
Heather Thompson

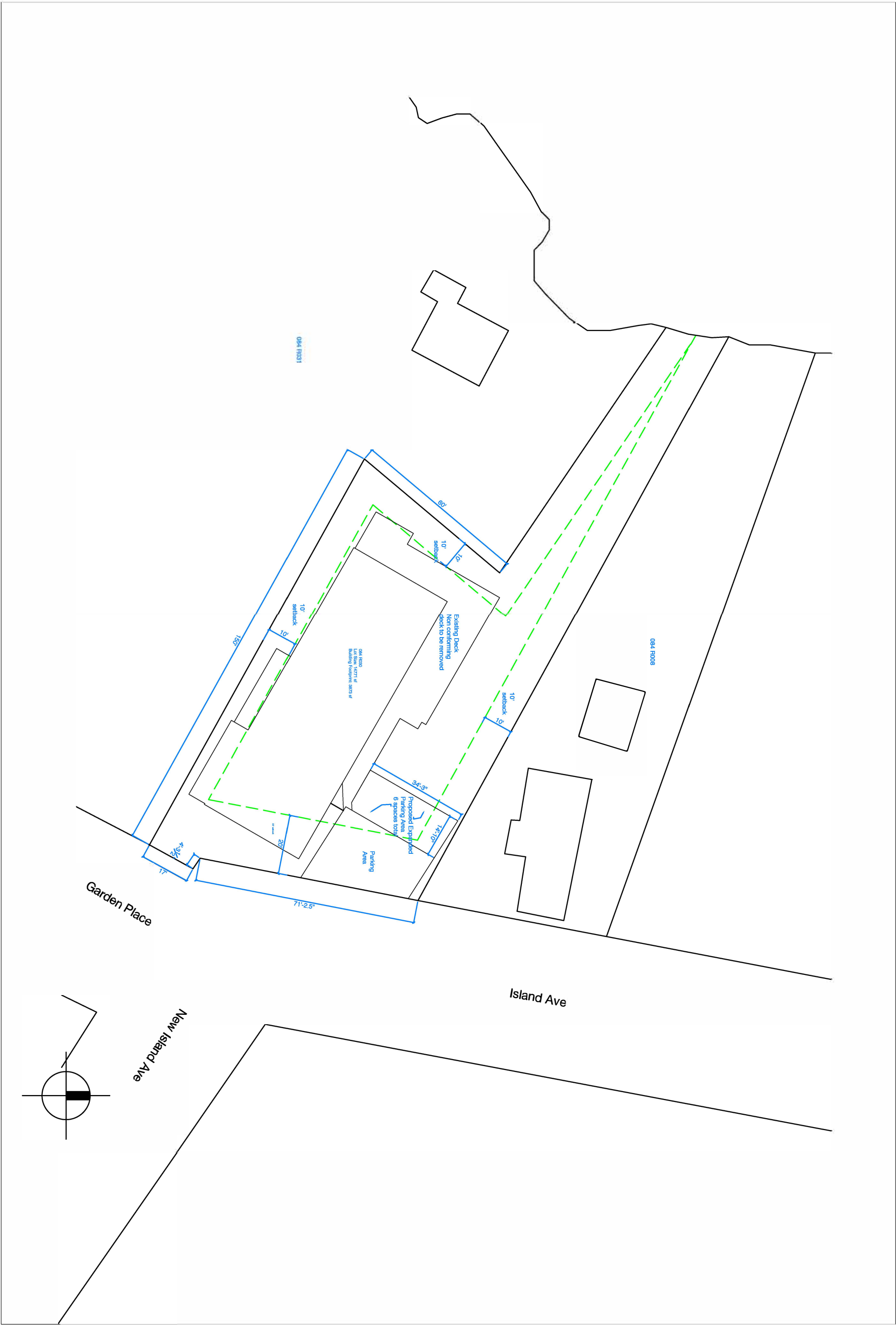
Member



Mario Proia

Member





PROJECT

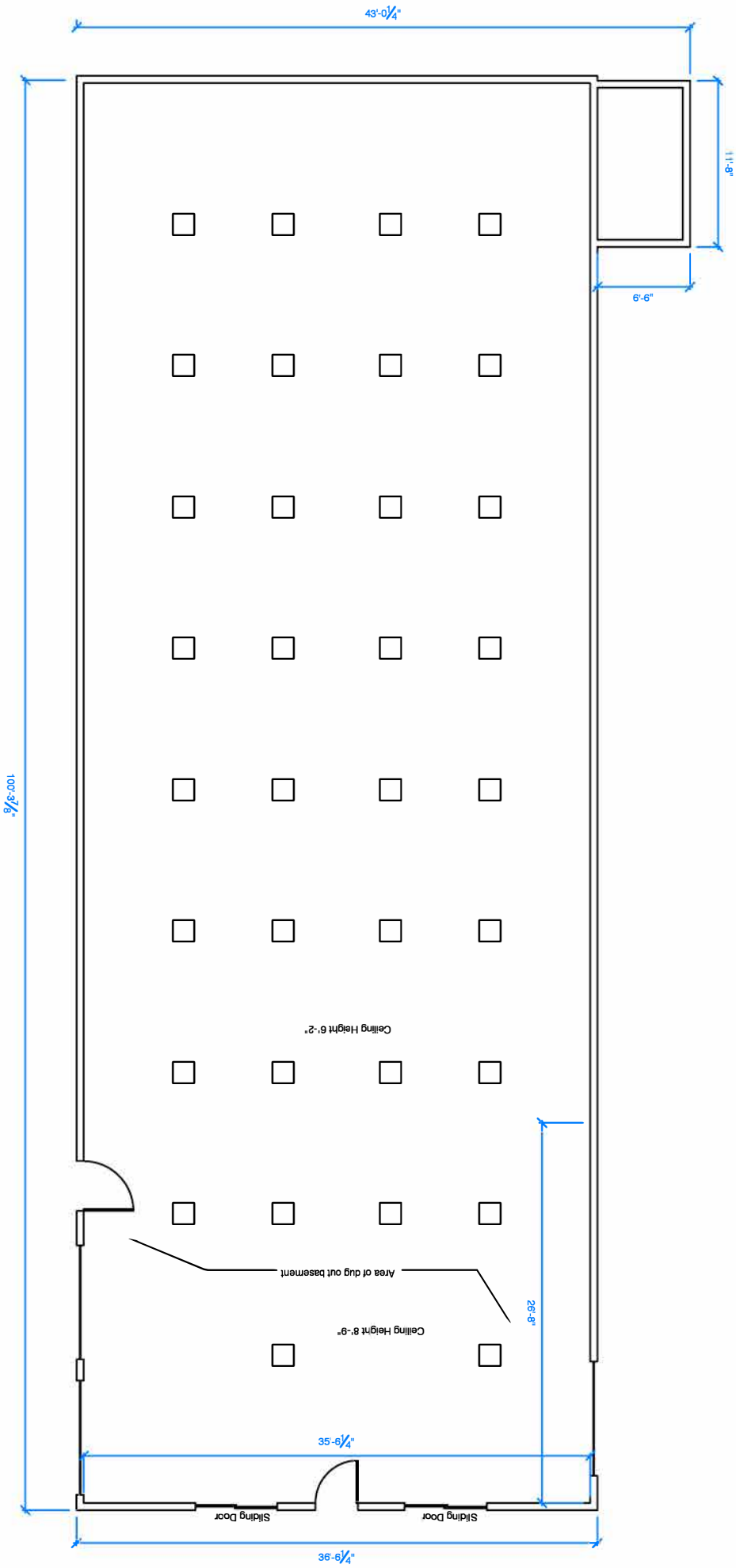
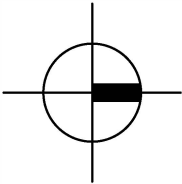
2 Island Ave.
Peaks Island, ME



DATE
11-13-2016
REVISED

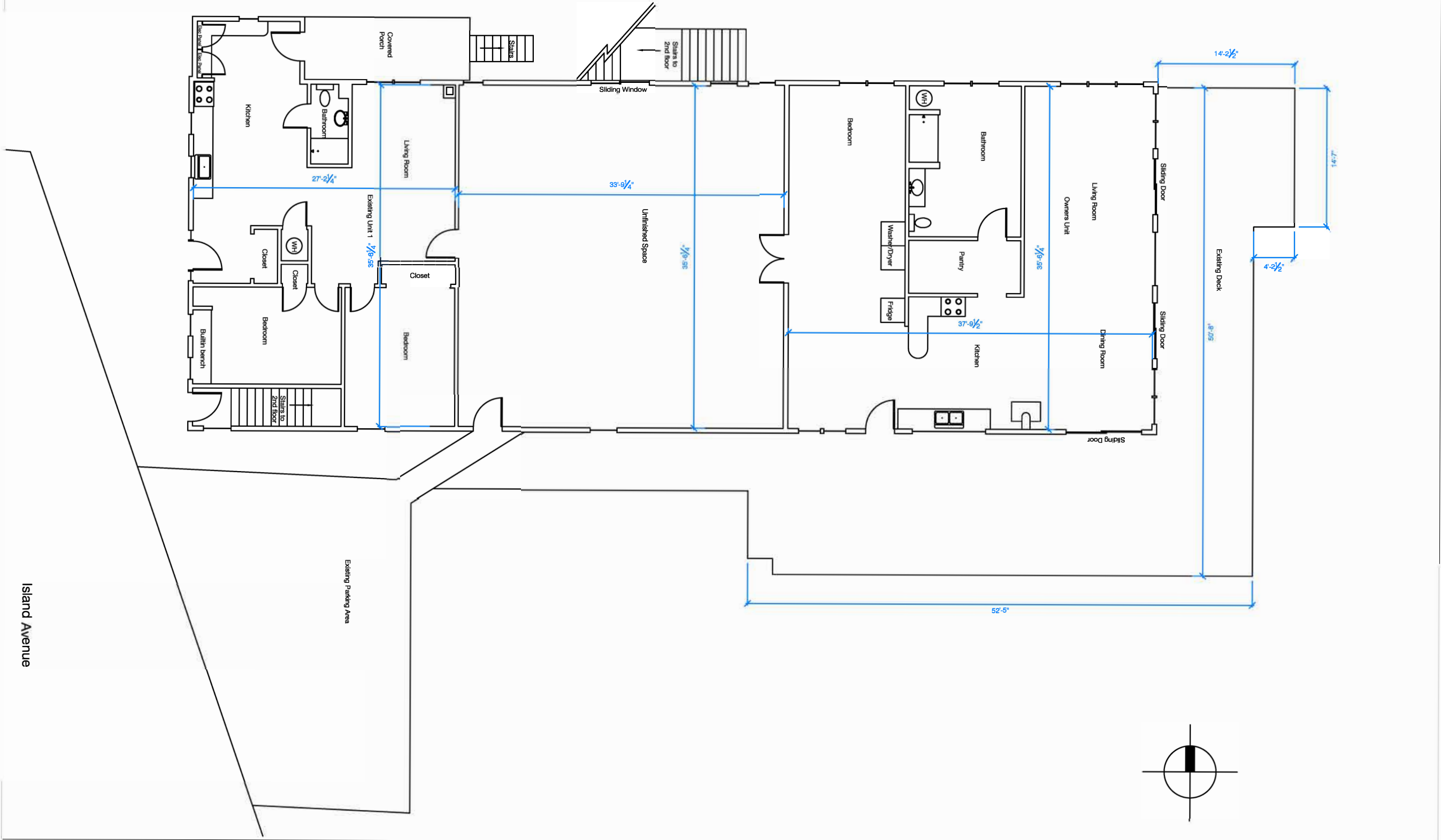
NOTES

Ten Pin LLC
9 Adams St
Peaks Island, ME 04108
207-653-1392
heather@tjwhome.com



DATE	NOTES
11-13-2016	
REVISED	
3/32" = 1'	

A Existing First Floor



3

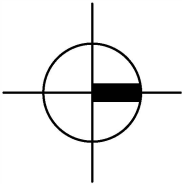
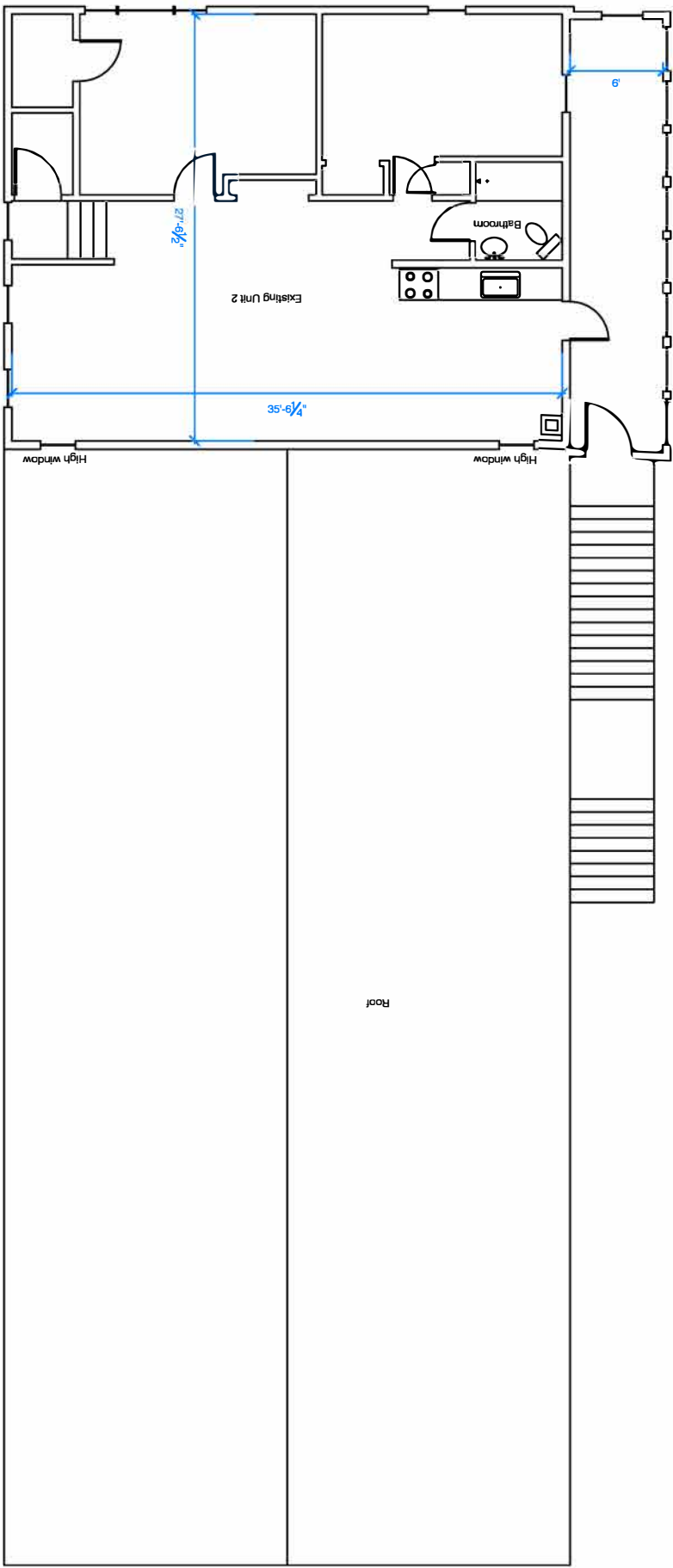
Existing
First Floor

PROJECT
2 Island Ave.
Peaks Island, ME

DATE	NOTES
11-13-2016	
REVISED	

3/32" = 1'

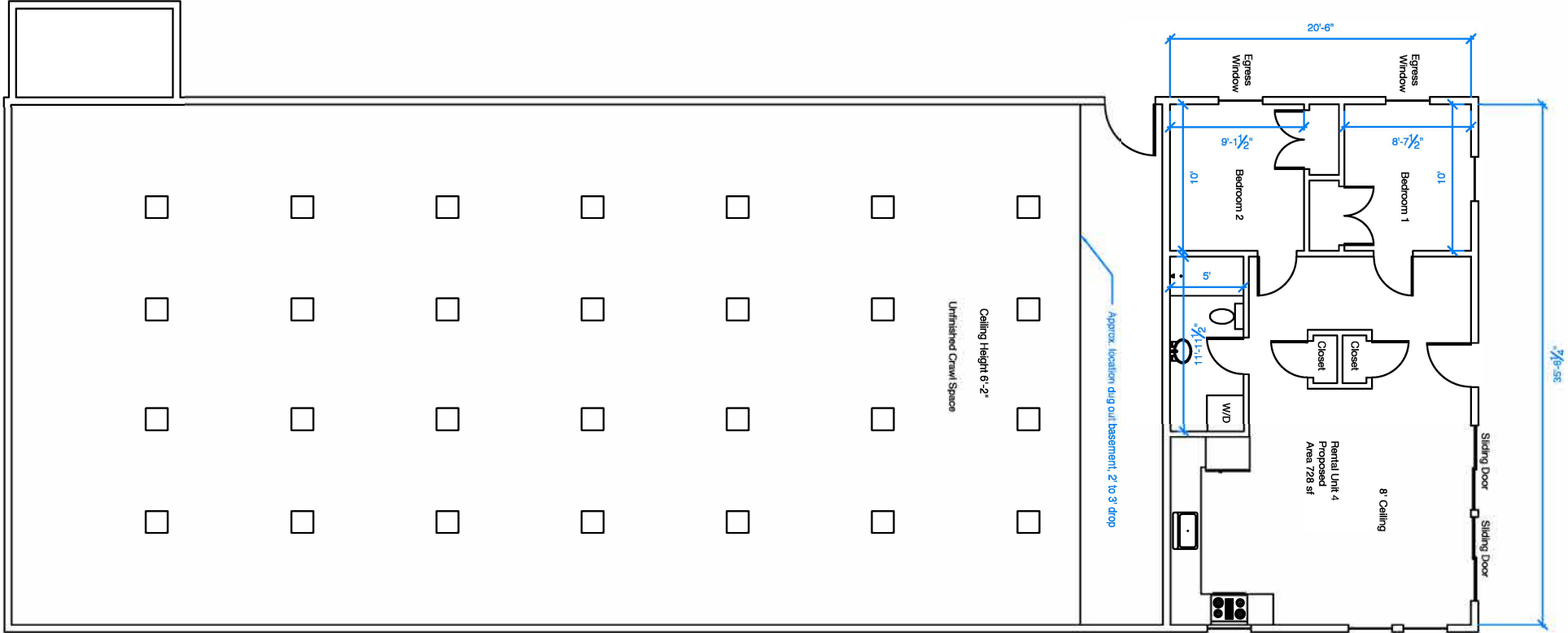
Ten Pin LLC
9 Adams St
Peaks Island, ME 04108
207-653-1392
heather@tjwhome.com



DATE	NOTES
	REVISD
11-13-2016	
3/32" = 1'	



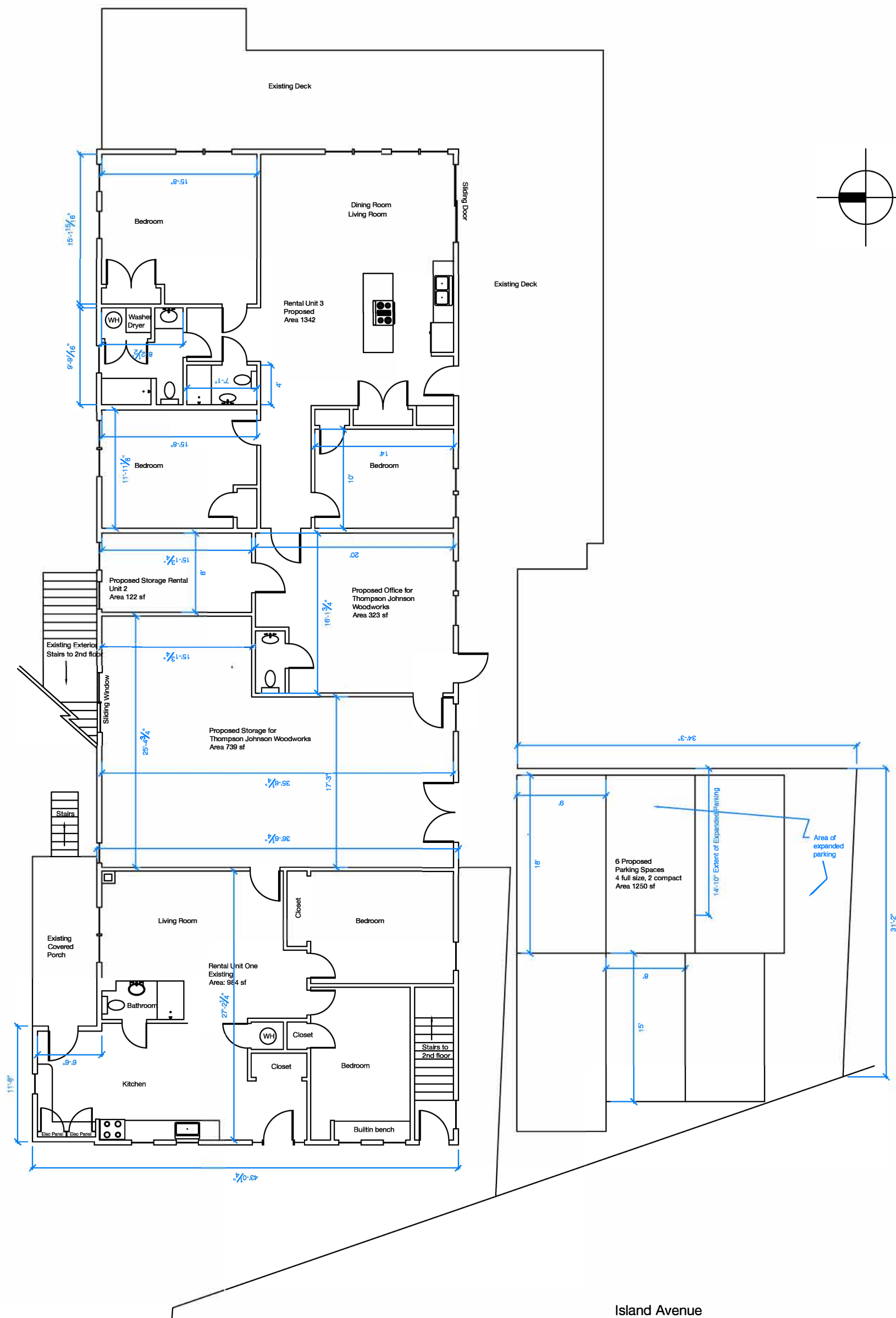
Proposed Basement



DATE	NOTES
11-13-2016	
REVISED	

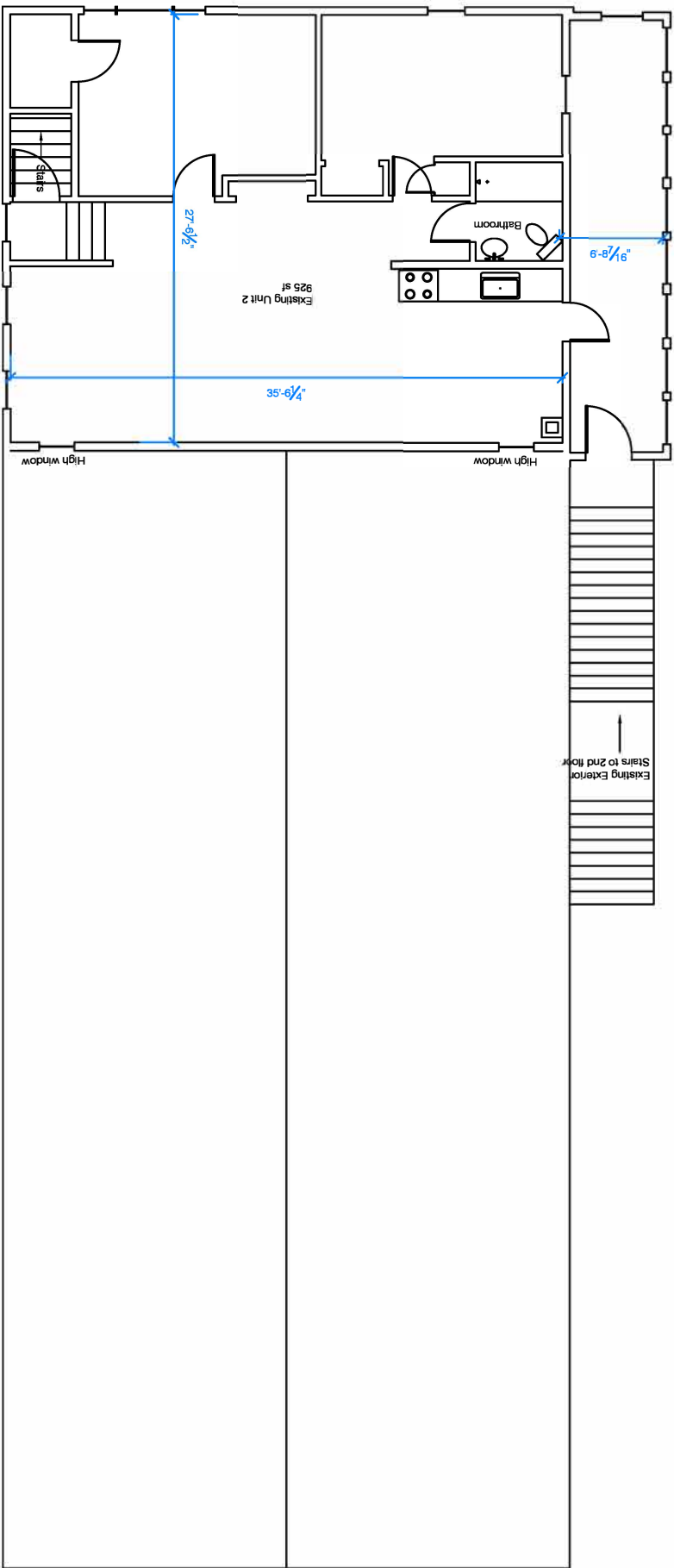
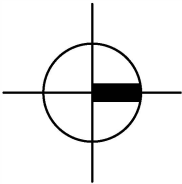
[illegible]

Ten Pin LLC
9 Adams St
Peaks Island, ME 04108
207-653-1392
heather@tjwhome.com



Proposed First Floor

A



DATE	NOTES
11-13-2016	
REVISED	
3/32" = 1'	

2 Island Avenue, Peaks Island Me, 04108



Front (street side)



Front (street side)



Right Side



Right Side

2 Island Avenue, Peaks Island Me, 04108



Back (water side)



Back (water side)



Left Side



Left Side

(SPACE ABOVE RESERVED FOR RECORDING INFORMATION)

WARRANTY DEED

Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS that **Carolyn T. Parker**, of Peaks Island, Cumberland County, State of Maine, for consideration paid, grant to **Ten Pin LLC**, a Maine limited liability company having a mailing address of 9 Adams Street, Peaks Island, Portland, Maine 04108 with **WARRANTY COVENANTS**, the land in the City of Portland, Peaks Island, in the County of Cumberland and State of Maine, described as follows:

CERTAIN LOTS or parcels of land with the buildings thereon, situated on Peaks Island, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

PARCEL ONE: BEGINNING at a point in the westerly sideline of Garden Place, so-called, as delineated on Plan of Greenwood Garden dated January, 1948 and recorded in Cumberland County Registry of Deeds in Plan Book 33, Page 33, which point is seventeen (17') feet southwesterly from the northerly corner of said Garden Place as shown on said plan, said point being the place of beginning in a deed from Henry S. Hoar to A. Franklin Trask; then northeasterly along the westerly sideline of Garden Place seventeen (17') feet to the said northerly corner of Garden Place; then northwesterly four and twenty-seven hundredths (4.27') feet to a stake; thence northeasterly thirty-two and seventy-five hundredths (32.75') feet to a stake; thence northwesterly one hundred twenty five (125') feet to a stake and land sold to said Trask; then southwesterly along the easterly sideline of land of said Trask, sixty (60') feet to a stake; thence southeasterly one hundred fifty (150') feet to the point of beginning.

PARCEL TWO: A CERTAIN LOT or parcel of land beginning at a point marked by a nail in the blacktop on the westerly sideline of Island Avenue, which said point is the most easterly corner of land conveyed to Patrick J. and Patricia M. Keane by Martin L. Childs, Jr. by deed dated April 1, 1974 and recorded in Book 3527, Page 49 of the Cumberland County Registry of Deeds, the description in said deed being corrected by a subsequent deed from the said Martin L. Childs, Jr. to the said Keanes by deed dated September 6, 1978 and recorded in Book 4298, Page 249 of the Cumberland County Registry of Deeds, the description in said deed being further corrected by a subsequent deed from Edward J. DiMillo to said Keanes dated July 7, 1983 and recorded in Book 6233, Page 317; thence northeasterly along the westerly sideline of said Island Avenue a distance of thirty-eight and forty-six hundredths feet (38.46') to a point and land now or formerly owned by Hannah Paine Johnson; thence at an angle of one hundred fourteen degrees thirty minutes

MAINE REAL ESTATE TAX PAID

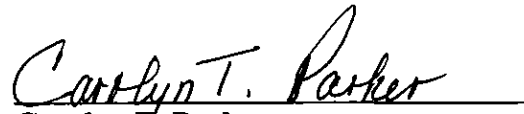
with the aforementioned bound in a northwesterly direction, parallel to the northeasterly bound of said land conveyed to said Keanes by said Martin L. Childs, Jr. and by said Edward J. DiMillo, a distance of two hundred eight feet (208') more or less, to a point in the high water line of Casco Bay; then southwesterly along said high water mark of Casco Bay to a point in land now or formerly owned by the Lions Club, which said point would be situated in line with the northeasterly boundary line of said land conveyed to said Keanes by deed recorded in said registry of deeds in Book 3527, Page 49 if said northeasterly boundary were extended in a northwesterly direction in its same courses to the high water mark of Casco Bay; thence eight-five feet (85') more or less, and parallel to the second mentioned bound herein, in a southeasterly direction to an iron pipe in the most northerly corner of said land conveyed to said Keanes by Martin L. Childs, Jr., thence continuing in the same course along the northeasterly boundary of said land previously conveyed to the said Keanes a distance of one hundred twenty-five feet (125') to the point of beginning.

MEANING AND INTENDING to describe all those same premises conveyed to Carolyn T. Parker by Patrick J. Keane and Patricia M. Keane dated July 28, 1983 and recorded in the Cumberland County Registry of Deeds in Book 6233, Page 314.

The premises are conveyed subject to any easements and restrictions of record, and together with all rights, easements, privileges and appurtenances belonging to the premises described herein.

WITNESS my hand and seal this 20th day of January 2017.

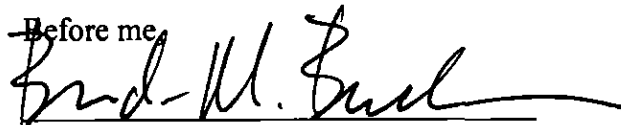

Witness


Carolyn T. Parker

STATE OF MAINE
COUNTY OF CUMBERLAND

January 20, 2017

Personally appeared the above named **Carolyn T. Parker** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Brenda M. Buchanan
Attorney-at-Law
Maine Bar #7042

After recording return to:
Ten Pin LLC
9 Adams Street
Portland, Maine 04108

Received
Recorded Register of Deeds
Jan 20, 2017 12:33:18P
Cumberland County
Nancy A. Lane

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#)
[Home](#)
[Departments](#)
[City Council](#)
[E-Services](#)
[Calendar](#)
[Jobs](#)

This page contains a detailed description of the Parcel ID you selected.

New Search!**Current Owner Information:****Services**[Applications](#)[Doing Business](#)[Maps](#)[Tax Relief](#)[Tax Roll](#)[Q & A](#)[browse city
services a-z](#)[browse facts and
links a-z](#)Best viewed at
800x600, with
Internet Explorer

CBL 084 R030001
Land Use Type RETAIL & PERSONAL SERVICE

Verify legal use with
Inspections Division

Property Location 2 ISLAND AVE
Owner Information TEN PIN LLC
 9 ADAMS ST
 PEAKS ISLAND ME 04108

Book and Page 33775/177

Legal Description 84-R-30
 ISLAND AVE 2
 GARDEN PLACE 1-3
 PEAKS ISLAND 14771 SF

Current Rental Registration Yes**Acres** 0.3391**Current Assessed Valuation:**

TAX ACCT NO.	12832	OWNER OF RECORD AS OF APRIL 2016
LAND VALUE	\$304,900.00	PARKER CAROLYN T
BUILDING VALUE	\$159,600.00	
HOMESTEAD EXEMPTION	(\$15,000.00)	2 ISLAND AVE
NET TAXABLE - REAL ESTATE	\$449,500.00	PEAKS ISLAND ME 04108

TAX AMOUNT \$9,488.96Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).**Building Information:****Building 1**

Year Built 1921
Style/Structure Type
Units 2
Square Feet 4680

[View Sketch](#)[View Map](#) [View Picture](#)**Exterior/Interior Information:****Building 1**

Levels 01/01
Size 2196
Use MULTI-USE STORAGE
Height 14
Walls FRAME
Heating NONE
A/C NONE

Building 1

Levels 01/01
Size 1440
Use APARTMENT
Height 14
Walls FRAME
Heating ELECTRIC
A/C NONE

Building 1**Levels** 02/02

Size 1044
Use APARTMENT
Height 8
Walls FRAME
Heating ELECTRIC
A/C NONE

Other Features:

Building 1
Structure POST OFFICE FIN
Size 7X18

Building 1
Structure PORCH - ENCL
Size 7X11

Building 1
Structure WOOD DECK
Size 12X47

Building 1
Structure PORCH - COVERED UPPER
Size 7X29

Building 1
Structure PORCH - COVERED
Size 7X18

Sales Information:

Sale Date	Type	Price	Book/Page
1/20/2017	LAND + BUILDING	\$643,293.00	33775/177

[New Search!](#)



Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

December 5, 2016

Heather Thompson & Mario Proia
9 Adams Street
Peaks Island, ME 04108

Re: 2 Island Ave, Peaks Island, ME 04108; 84-R-3; I-B Island Business Zone

Dear Ms. Thompson and Mr. Proia:

On December 1, 2016, the Zoning Board of Appeals voted 6-0 to grant the Conditional Use Appeal to convert an existing two-family dwelling to a four-family dwelling. I am enclosing a copy of the Board's decision.

Now that the conditional use appeal has been approved, you will need to apply for a Commercial Change of Use Permit (<http://me-portland.civicplus.com/DocumentCenter/Home/View/2301>) to change the property from a two-family dwelling to a four-family dwelling, and for any necessary interior construction or alterations. Under Section 14-474(f) of the ordinance, you have six months from the date of the meeting (December 1, 2016), to obtain the permit and start any construction work, or your Zoning Board approval will expire.

The addition of new dwelling unit(s) also requires approval under the Site Plan review process, which is handled by the city's Planning Department. Please contact Development Review Manager Barbara Barhydt at (207) 874-8699 or bab@portlandmaine.gov to determine what level of review will be required. The Site Plan approval will be needed before a building permit can be issued.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions, please contact me at (207) 874-8695 or cstacey@portlandmaine.gov.

Sincerely,

Christina Stacey
Zoning Specialist

cc: file

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Mazer
Gavin
hansson
Avery
Katsifias
Zamboni

I-B – Island Business Zone
Conditional Use Appeal

DECISION

Date of public hearing: December 1, 2016

Name and address of applicant: Heather Thompson & Mario Proia
9 Adams Street, Peaks Island
Portland, Maine 04108

Location of property under appeal: 2 Island Avenue, Peaks Island
CBL 084 R030001

For the Record:

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

Heather Thompson
Mario Proia
9 Adams St.
Peaks Island

Jessica Burton
Peaks Island
Supports application

Lawrence Mott
Peaks Island
Supports Application

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

Application and Exhibits

Findings of Fact and Conclusions of Law:

The applicants are seeking a conditional use permit pursuant to § 14-224(a) of the City of Portland Code of Ordinances to convert an existing two-family dwelling to a four-family dwelling. The Board has authority to consider a conditional use permit application pursuant to § 14-474(a).

Four-family dwellings are permitted in the I-B Zone if they meet all of the requirements of § 14-224(a)(1) – (8), as well as the requirements of § 14-474(c).

Findings:

1. No open outside stairways or fire escapes above ground floor will be constructed or has been constructed in the immediately preceding five (5) years. § 14-224(a)(1).

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Application indicates fire escape built in 2000. No other fire escapes planned.

2. A below-grade dwelling unit, if any, must provide access directly to the outside of the building. § 14-224(a)(2).

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Application says there will be at grade dwelling unit and access will be provided.

3. The lot meets the required density. Density shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where density shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone. § 14-224(a)(3).

Satisfied ☒

Not Satisfied ☐

Reason and supporting facts:

Nearest applicable residential zone is IR2, how Court has said there is no legal density requirement. Testimony of 2 witnesses that density is consistent with what is on Island.

4. Any additions or exterior alterations will be compatible with the original architecture of the building. The exterior design of new construction, including the architectural style, facade materials, roof pitch, building form, and height will be compatible with neighboring properties. § 14-224(a)(4).

Satisfied ☒

Not Satisfied ☐

Reason and supporting facts:

No exterior alterations are planned.

5. No existing dwelling unit will be decreased to less than one thousand (1,000) square feet of floor area. § 14-224(a)(5).

Satisfied ☒

Not Satisfied ☐

Reason and supporting facts:

2 existing apartments won't be reduced in size.

6. No additional dwelling unit will have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic. § 14-224(a)(6).

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

new Units will be larger than 600 S.Q.Ft.
(728 sq feet + 1342 sq. ft)

7. All sanitary waste will be disposed of by a public sewer, subsurface sewerage system or other method in compliance with all applicable federal, state and local regulations. § 14-224(a)(7).

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Property is served by public sewer

8. The proposed conversion has sufficient water for the needs of the dwellings and will not cause an unreasonable burden on an existing water supply nor adversely affect groundwater resources. § 14-224(a)(8).

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Property served by public water
No burden on groundwater
resources

9. The proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. This standard is satisfied if all of the following are met. § 14-474(c).

- a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.

Satisfied ☒

Not Satisfied ☐

Reason and supporting facts:

No cars needed due to close proximity to ferry landing. Some of the surrounding uses generate more vehicular traffic than what is proposed.

- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

Satisfied ☒

Not Satisfied ☐

Reason and supporting facts:

Residential use consistent with other residential use in the area. Not likely to cause unsanitary or harmful conditions.

- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

Satisfied ☒

Not Satisfied ☐

Reason and supporting facts:

Design & proposed use will remain residential. No significant alterations planned. Surrounding properties are Quasi-commercial.

Conclusions:

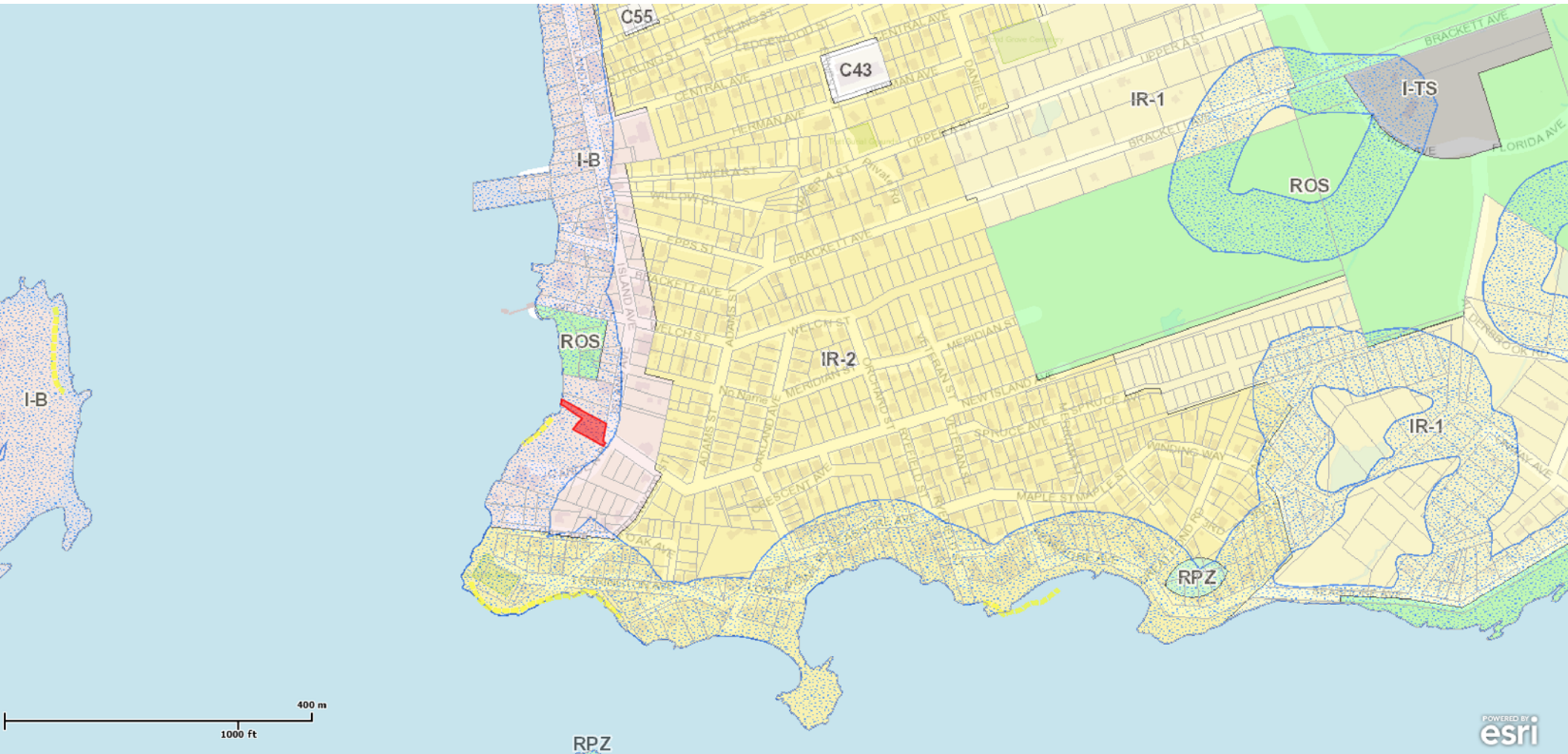
Option 2: Pursuant to § 14-474(d), the Board has the authority to impose conditions on conditional use permits. The Board finds that all of the standards described above have been satisfied, however, certain reasonable conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Dated:

1 = 11 by
Board Chair

2 Island Ave.

Conditional Use Appeal



Portland, Maine



Yes. Life's good here.

Michael A. Russell, MS, Director
Permitting and Inspections Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Applicant Information:

Peter Brogan
NAME

BUSINESS NAME

BUSINESS ADDRESS

BUSINESS TELEPHONE & E-MAIL

APPLICANT'S RIGHT/TITLE/INTEREST

R-2 Residential
CURRENT ZONING DESIGNATION

EXISTING USE OF THE PROPERTY:

Single family

Subject Property Information:

81 Longview Drive
PROPERTY ADDRESS

387-A-11
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

ADDRESS (If Different)

207 409 7568 petebrogan@myfairpoint.
PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY
SECTION 14- 78(a)(2)

MAY 12 2017

Dept. of Building Inspections
City of Portland Maine

TYPE OF CONDITIONAL USE PROPOSED:

Add an "accessory dwelling unit" "In-law Suite"

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

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

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

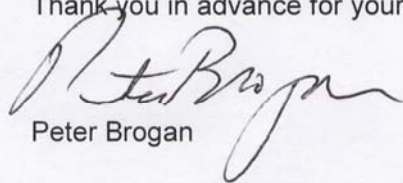
Peter Brogan
SIGNATURE OF APPLICANT

5/15/17
DATE

May 1, 2017

City of Portland Maine
Zoning Board of Appeals
389 Congress St.
Portland, Maine 04101

My name is Peter Brogan. I live at 81 Longview Dr. I am exploring plans to add an in-law suite to my current property. Could you please inform me on what my possibilities are as far as zoning issues are concerned? My phone number is 207-409-7568. I hopefully have attached all required documents needed for this request.
Thank you in advance for your help.

A handwritten signature in dark ink, appearing to read "Peter Brogan", with a stylized, flowing script.

Peter Brogan

Conditional Use (81 Longview Drive)
Compliance with Chapter 14 sec 78 of the City of Portland Code of Ordinances

Accessory Dwelling Unit

2a. I believe that the threshold of the unit being considered of no more than 30% of the gross floor area will be satisfied

Main House:

Upper level 1296 sq. ft.

Lower level (approximately 80% of the 1248 sq. ft. has been estimated to have its floor to ceiling height above the average adjoining ground level

Proposed new garage 988 sq. ft.

Total square footage (1296+1248+988= 3532 sq.ft)

Total square feet of proposed accessory unit (1026 sq.ft.)

Percentage of proposed accessory to total gross area (1026/3532= .29) 29%

2b. Lot Area 15,000 square feet

2c. No open outside stairways or fire escapes above ground floor being considered

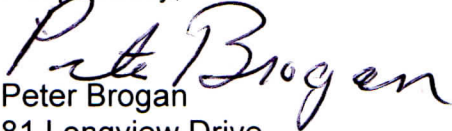
2d. Building design will maintain single family appearance and design will be compatible to current structure

2e. Property landscape and driveway will be arranged to properly screen vehicles from adjacent properties and streets

2f. Unit will be occupied by owner

2g. Parking will be provided as required by division 20 of this article

Respectfully,

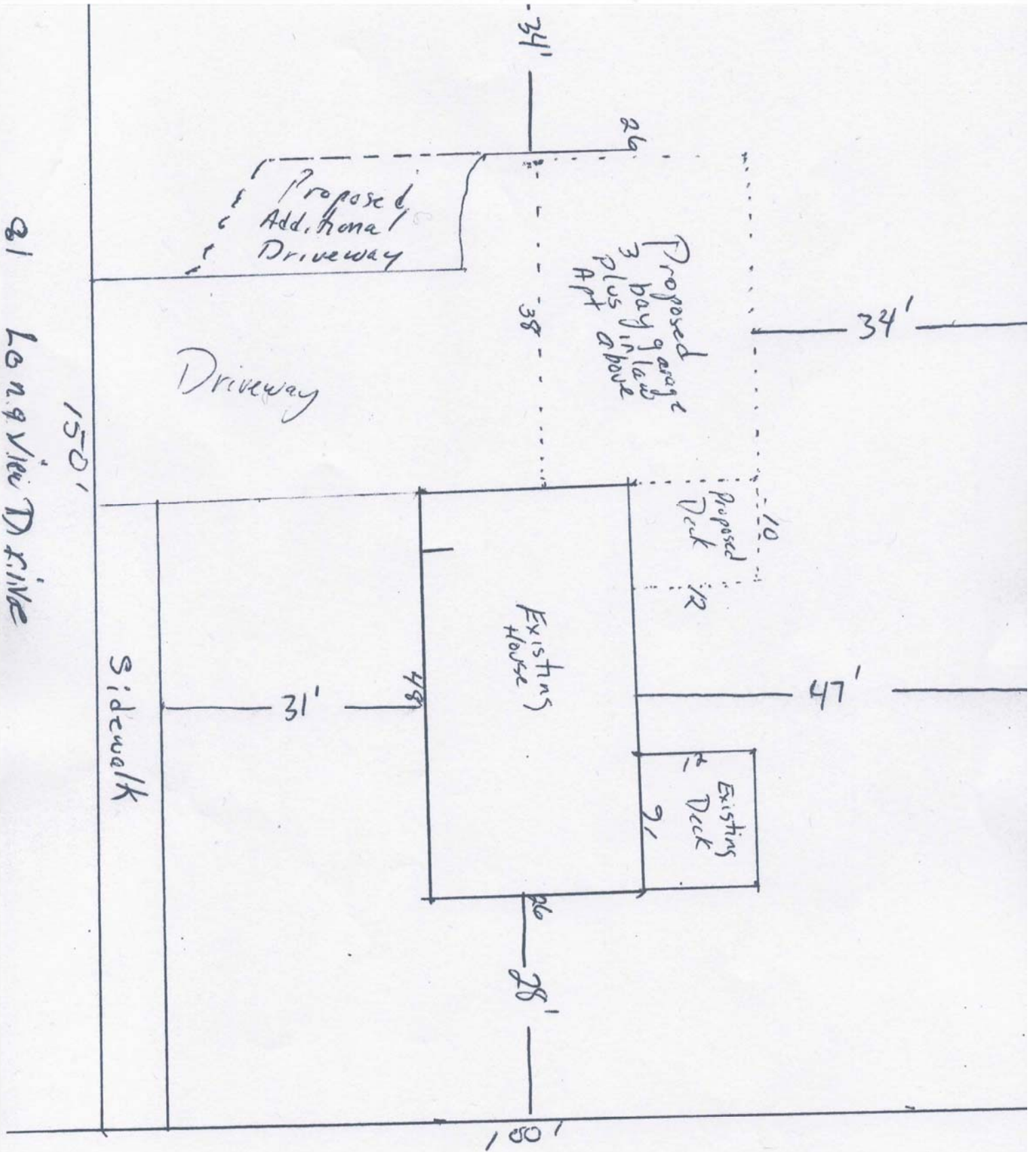


Peter Brogan

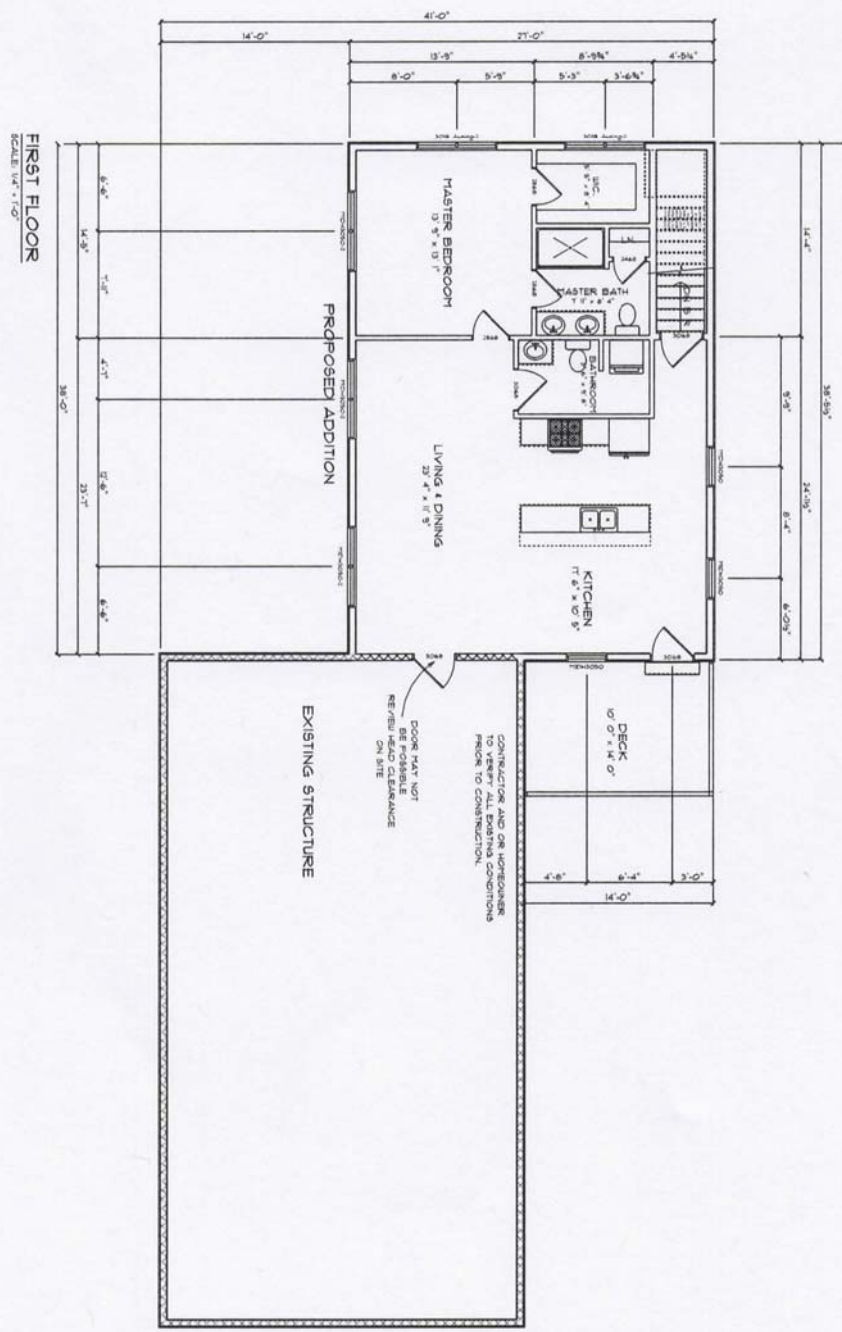
81 Longview Drive

Portland, Maine 04103

21 Longview Drive



**PRELIMINARY DRAWING
NOT FOR CONSTRUCTION**



PETER BROGAN

OWN 26X36 ADDITION PORTLAND

DATE	10/10/01
SCALE	AS NOTED
BY	ABB
CHECKED	KCH
APPROVED	PCB
4	

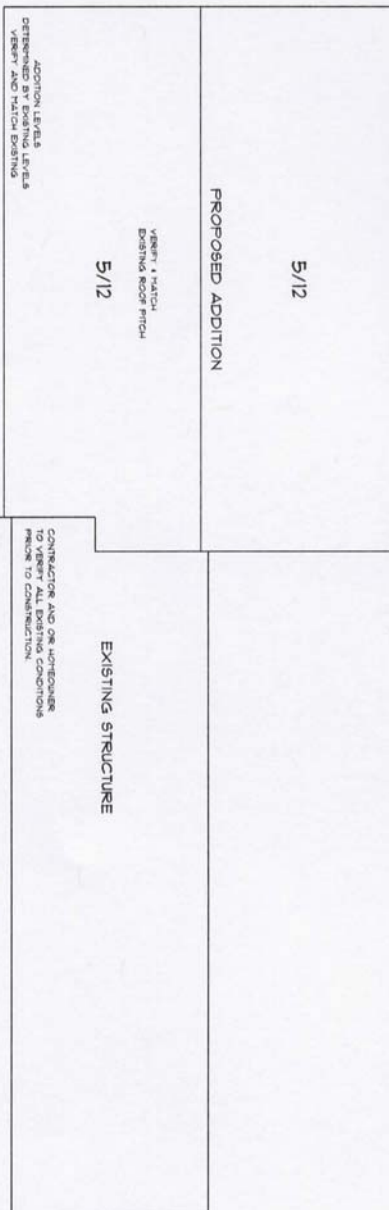
Drawings are prepared by Hammond Lumber Company as a service to its customers and are intended for informational purposes only. They are not to be used for construction without the approval of a professional engineer or architect. Hammond Lumber Company assumes no liability for any errors or omissions in these drawings. The drawings are provided as a guide only and are not to be used as a basis for construction. The drawings are not to be used as a basis for construction and Hammond Lumber Company disclaims any responsibility if they are so used.

Hammond Lumber Company
1-866-HAMMOND
www.hammondlumber.com
Main Office: 10000 1st Avenue, Portland, OR 97201
Branch: 10000 1st Avenue, Portland, OR 97201

PRELIMINARY DRAWING NOT FOR CONSTRUCTION

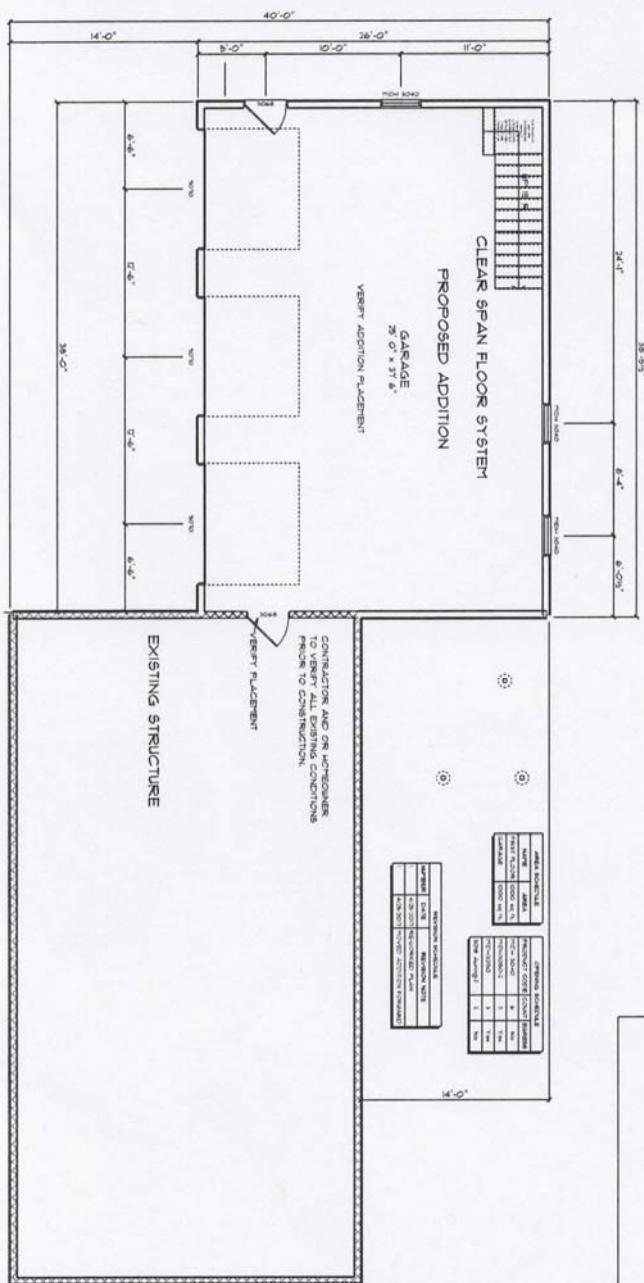
ROOF VIEW

SCALE 1/4" = 1'-0"



FOUNDATION

SCALE 1/4" = 1'-0"



PETER BROGAN

OWN

26'X38' ADDITION

PORTLAND

ADP/10412

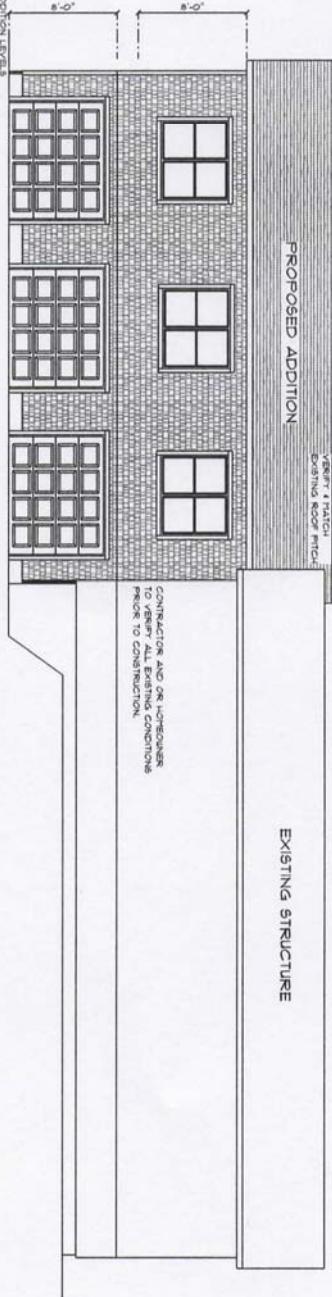
ABB	2001-04-09	ADP/10412
KCH	2001-04-09	ADP/10412
PCB	2001-04-09	ADP/10412
2	4	

Drawings are provided by Hammond Lumber Company as a service to its customers and are intended for informational purposes only. The information presented in these drawings is not intended to be used as a basis for construction. Hammond Lumber Company suggests that its customers seek the services of a professional architect or engineer to obtain technical blueprints if the customer desires to proceed further. Drawings are not to be used as a basis for construction and Hammond Lumber Company disclaims any responsibility if they are so used.



**PRELIMINARY DRAWING
NOT FOR CONSTRUCTION**

ADDITION LEVELS
EXISTING AND LEVELS
VERIFY AND MATCH EXISTING
FRONT ELEVATION
SCALE 1/4" = 1'-0"



EXISTING STRUCTURE



LEFT ELEVATION
SCALE 1/4" = 1'-0"



PETER BROGAN

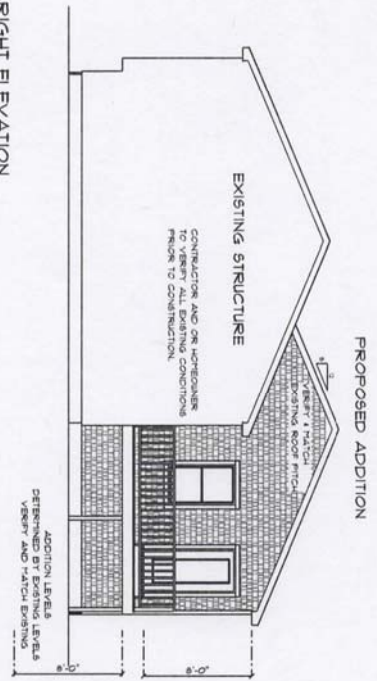
OWN 24X36 ADDITION PORTLAND

DATE	10/10/17
BY	ADT10417
FOR	3 4
SCALE	1/4" = 1'-0"
DATE	10/10/17
BY	ADT10417
FOR	3 4
SCALE	1/4" = 1'-0"

Drawings are provided by Hammond Lumber Company as a service to its customers and are intended for informational purposes only. They are not to be used for construction. These drawings are not prepared or reviewed by a registered architect or engineer and are not to be used as a basis for construction. Hammond Lumber Company warrants that its customers seek the services of a registered architect or engineer for construction. Drawings are not to be used as a basis for construction and Hammond Lumber Company disclaims any responsibility if they are so used.

Hammond Lumber Company
1-866-HAMMOND
www.hammondlumber.com
Main: 503-866-1111
Fax: 503-866-1112
Email: sales@hammondlumber.com
Address: 10000 NE 10th Ave, Portland, OR 97220

PRELIMINARY DRAWING NOT FOR CONSTRUCTION



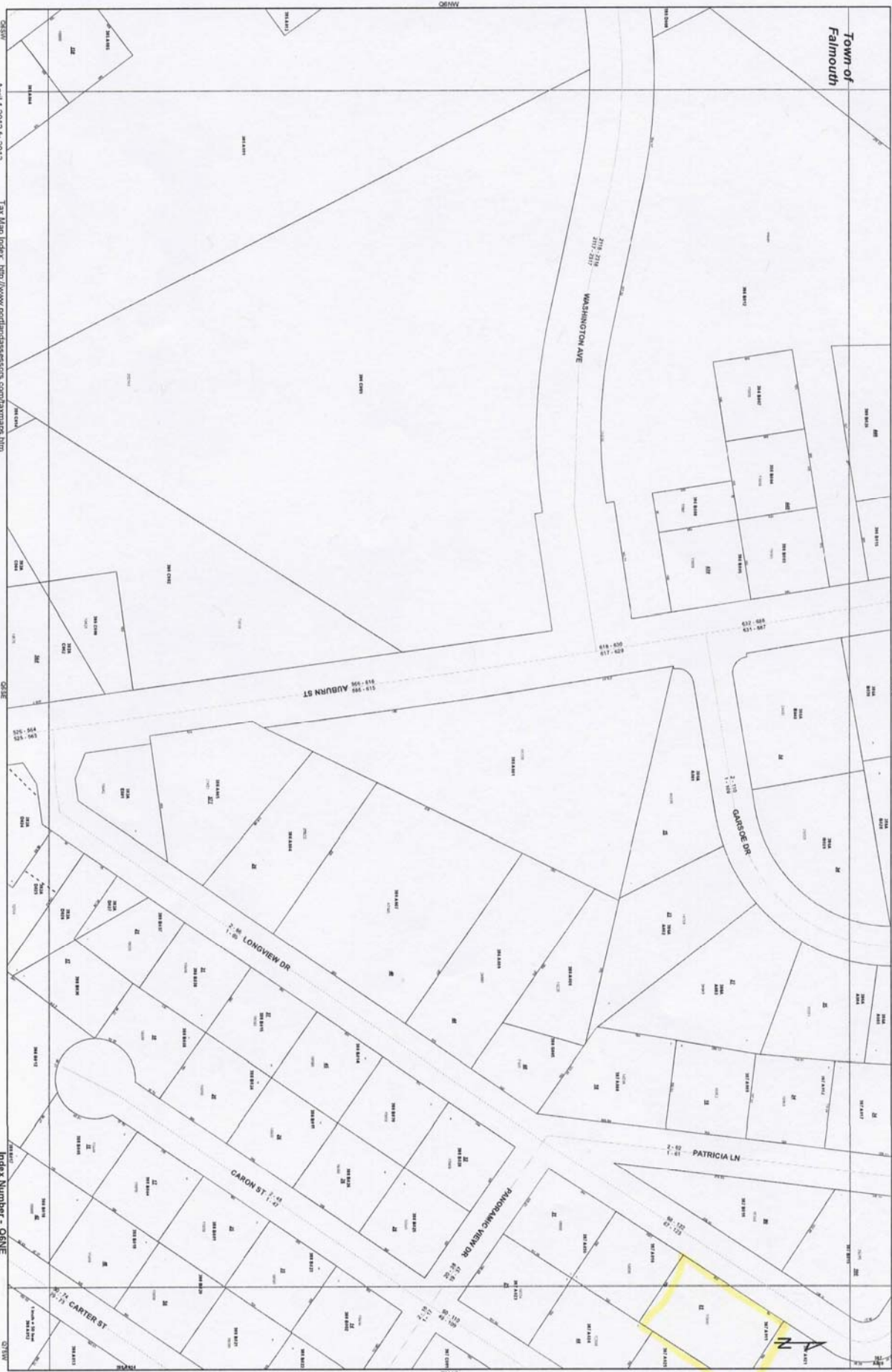
PETER BROGAN

OWN	26X38 ADDITION	PORTLAND
AD110412	4	4

Drawings are provided by Hammond Lumber Company as a service to its customers and are intended for informational purposes only. The information presented in these drawings is not prepared or reviewed by a registered architect and should not be used as a basis for construction. Hammond Lumber Company warrants that its customers seek the services of a registered architect to obtain required, supplements to the customer desired to proceed further. Drawings are not to be used as a basis for construction and Hammond Lumber Company disclaims any responsibility if they are so used.

Hammond Lumber Company
1-866-HAMMOND
www.hammondlumber.com
Main: 503-866-1111
Fax: 503-866-1112
Email: sales@hammondlumber.com

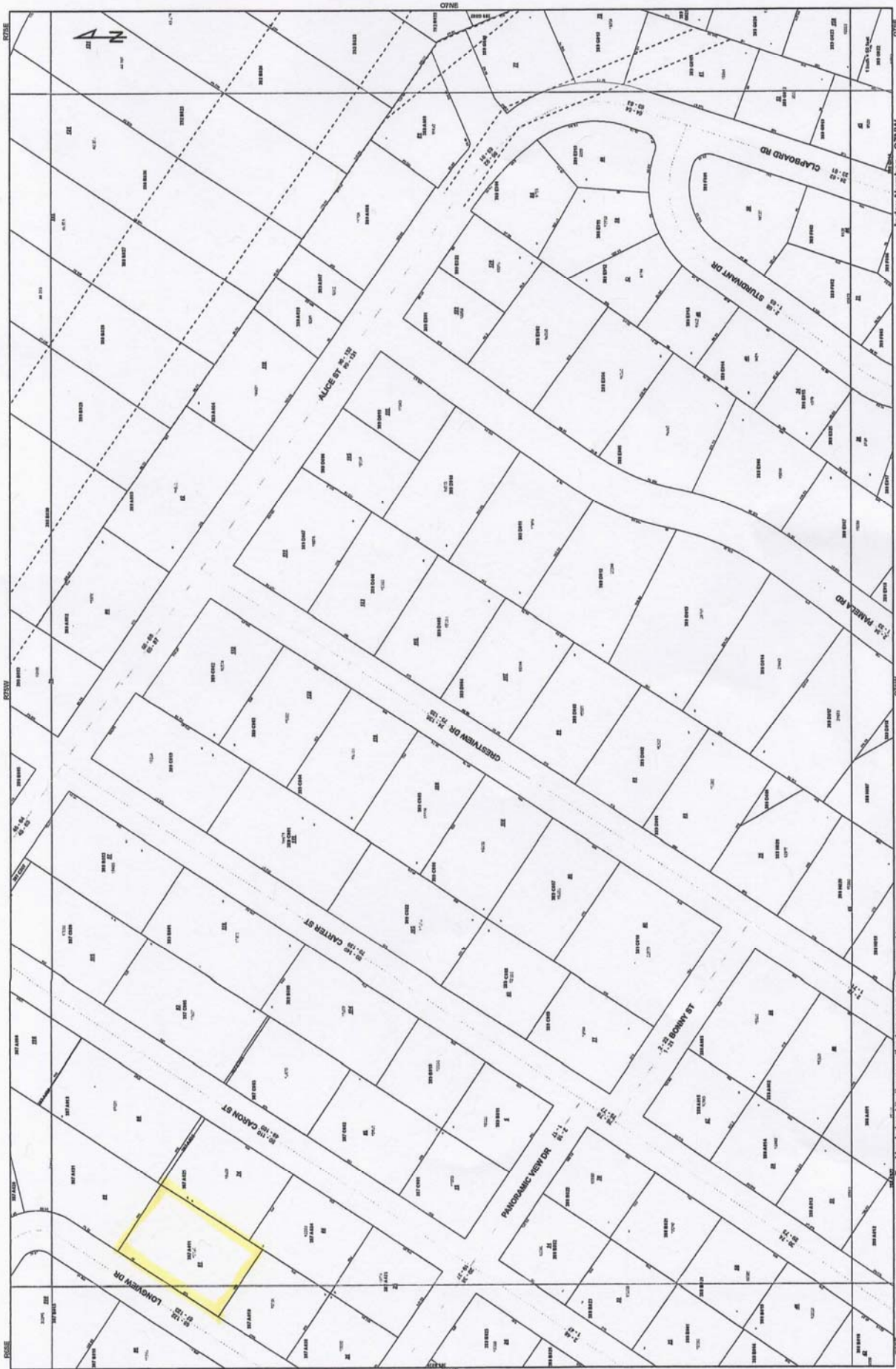
Town of
Falmouth



April 1 2012 by 2013

Tax Map Index, <http://www.portlandassessors.com/taxmap.htm>

Index Number - GENIE



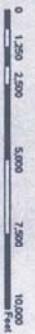
Index Number - Q7NW

Tax Map Index: <http://www.portlandassessor.com/taxmap.htm>

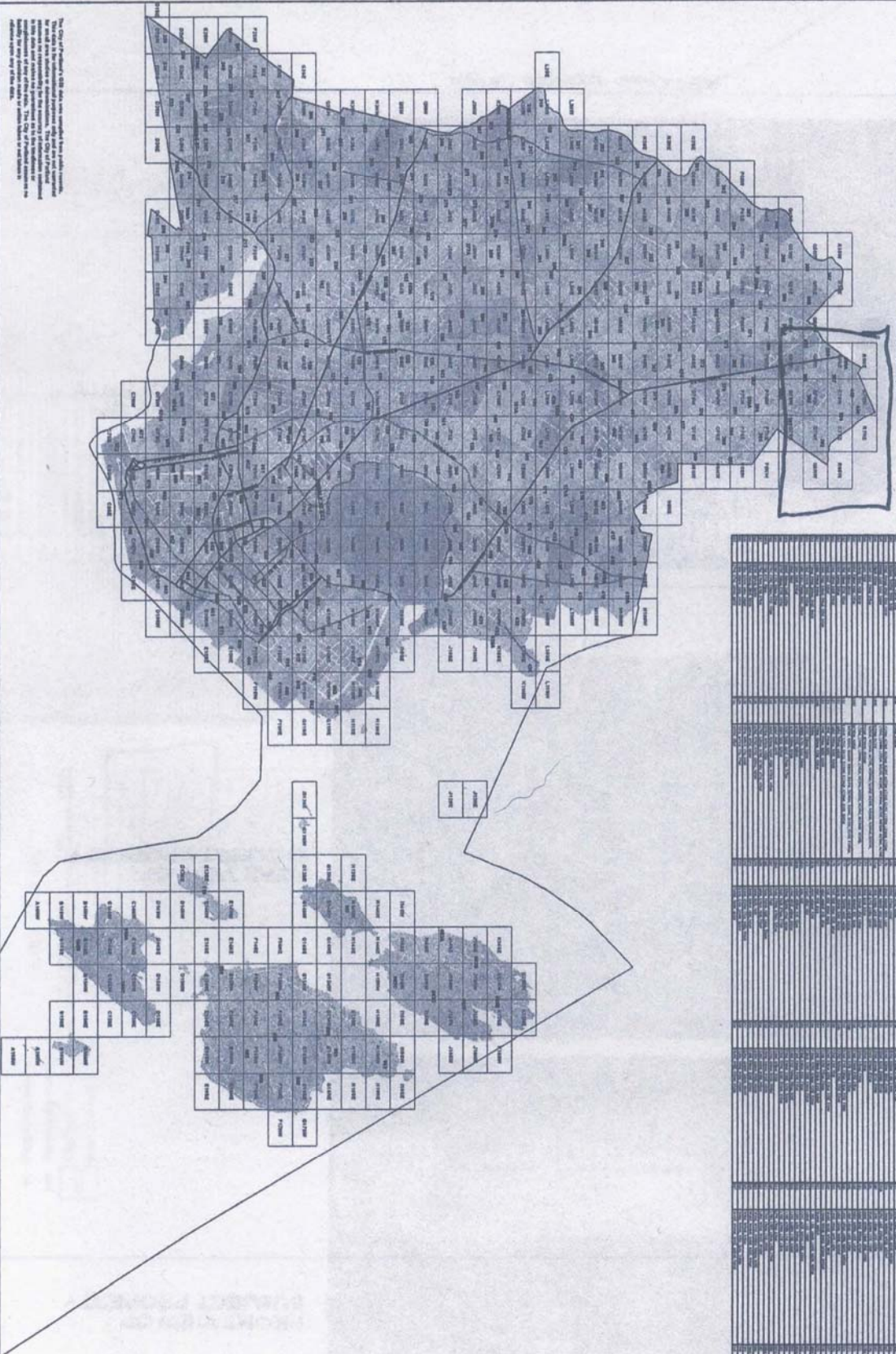
April 1 2012 by 2013

2

1 inch = 2,000 feet



Received 16 October 2, 2005



PHOTOGRAPH ADDENDUM

File No. 12010010

Borrower or Owner **Peter & Vickie Brogan**

Property Address **81 Longview Drive**

City **Portland**

County **Cumberland**

State **ME**

Zip Code **04103**

Client **Ally Bank**



**FRONT VIEW OF
SUBJECT PROPERTY**



**REAR VIEW OF
SUBJECT PROPERTY**



**STREET SCENE OF
SUBJECT PROPERTY**

PHOTOGRAPH ADDENDUM

Borrower or Owner **Peter & Vickie Brogan**

Property Address **81 Longview Drive**

City **Portland**

County **Cumberland**

State **ME**

Zip Code **04103**

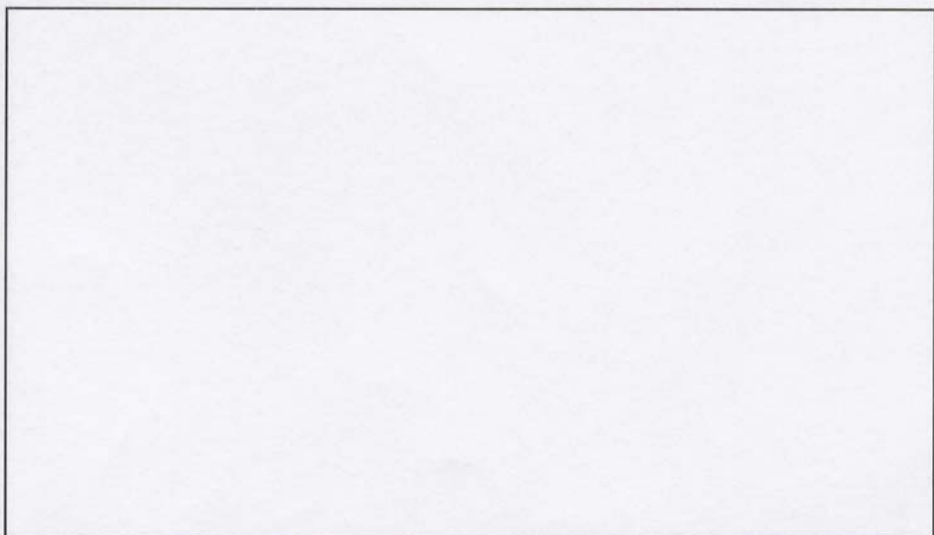
Client **Ally Bank**



ALTERNATE FRONT VIEW



SIDE VIEW OF SUBJECT





File No. 12010010

Borrower or Owner	Peter & Vickie Brogan
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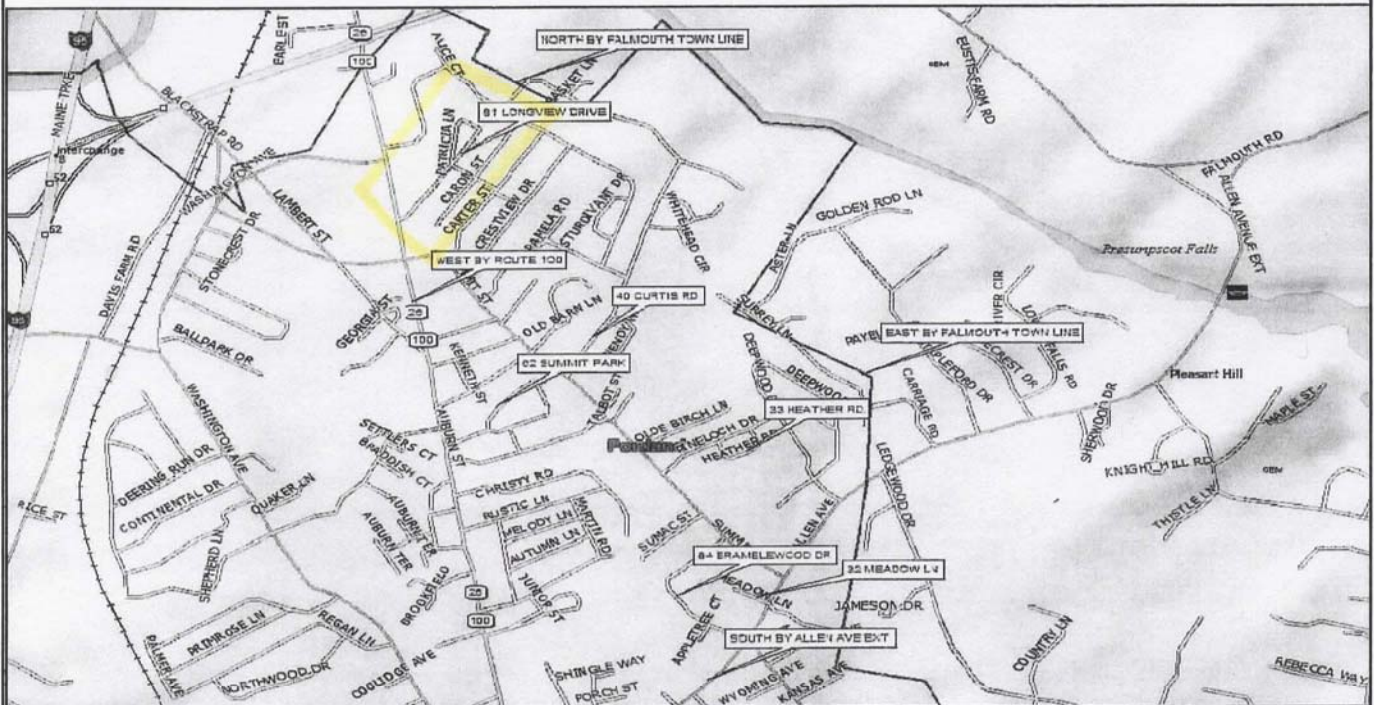
Property Address 81 Longview Drive

City **Portland** County **Cumberland**

State ME

Zip Code 04103

Client Ally Bank

 **DELORME**

DELORME
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www.delorme.com



FLOOD MAP

Borrower or Owner **Peter & Vickie Brogan**

Property Address **81 Longview Drive**

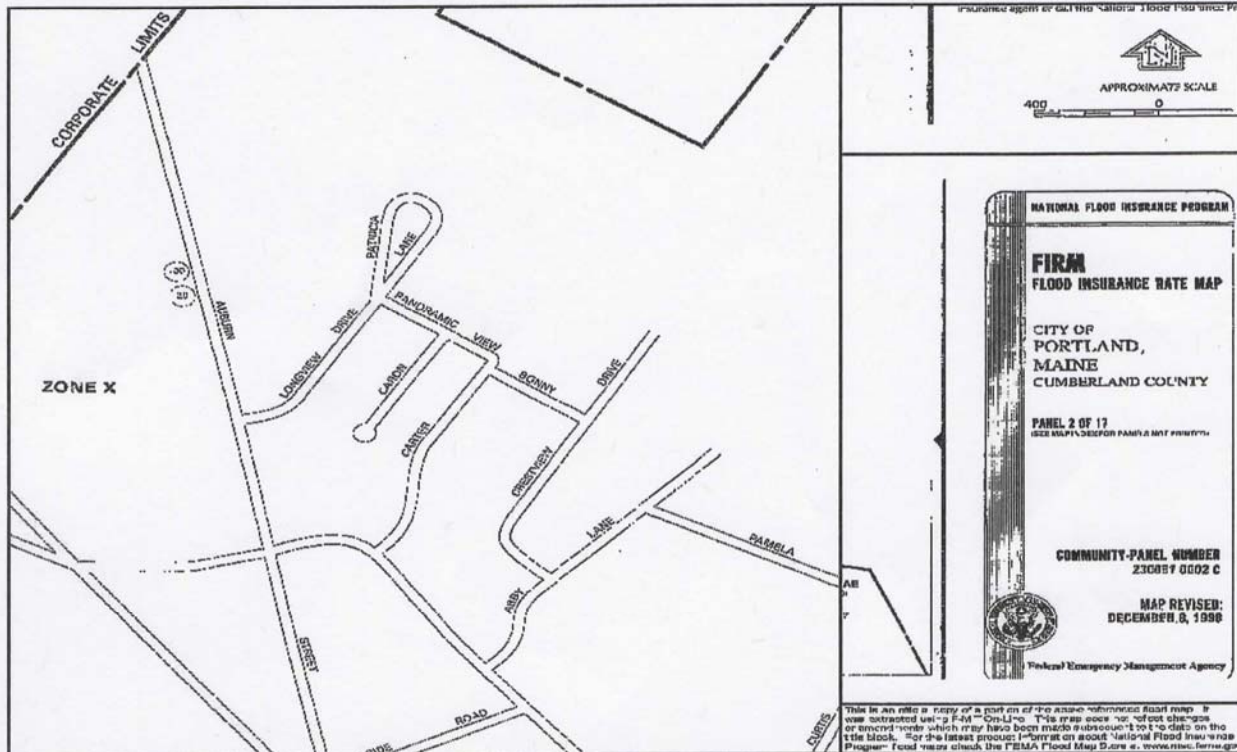
City **Portland**

County **Cumberland**

State **ME**

Zip Code **04103**

Client **Ally Bank**



WARRANTY DEED

Know all Persons by these Presents that I, **Jack S. Wong**, Town of Randolph, State of Massachusetts, in consideration of one dollar and other valuable consideration paid by **Peter J. Brogan and Vickie A. Brogan**, whose mailing address is 138 Roaring Brook Rd., Portland, ME 04103 the receipt whereof I do hereby acknowledge do hereby **give, grant, bargain, sell and convey** unto the said **Peter J. Brogan and Vickie A. Brogan**, as joint tenants, not as tenants in common, their heirs and assigns forever,

A certain lot or parcel of land with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, on the northeasterly side of Long View Avenue, bounded and described as follows:

Beginning at a point on the southeasterly side of Long View Avenue, which point represents the most westerly corner of Lot No. 61 as shown on Plan of Valley View Heights, Extension A, which plan is recorded in the Cumberland County Registry of Deeds in Plan Book 52, Page 36; thence northeasterly by said Long View Avenue, one hundred (100) feet to the most northerly corner of said Lot No. 61; thence continuing in the same course and by a proposed extension of Long View Avenue, fifty (50) feet; thence S 41 degrees 11' East at right angles to the last described course, one hundred (100) feet; thence southwesterly parallel with the first described course, fifty (50) feet to the most easterly corner of said Lot No. 61; thence continuing in the same course by the southeasterly sideline of said Lot No. 61, one hundred (100) feet to the most southerly corner of said Lot No. 61; thence northwesterly by Lot No. 60 as shown on said plan, one hundred (100) feet to Long View Avenue and the point of beginning.

Meaning and intending to convey and hereby conveying all of Lot No. 61, as shown on said plan and a strip of land from the unlotted land lying northeasterly of said Lot No. 61.

This conveyance is subject to a Certificate of Taking of Property by the City of Portland for a sanitary sewer on August 16, 1976, and recorded in said Registry of Deeds in Book 3895, Page 85.

This conveyance is made subject to restrictions, covenants, and easements of record.

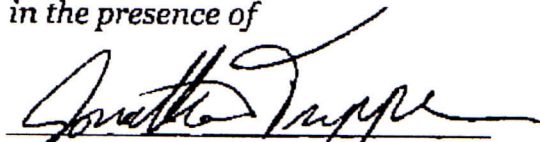
Meaning and intending to convey, and hereby conveying, the premises described in a deed from Shieila C. Wong to Jack S. Wong, dated February 1, 1993, and recorded in the Cumberland County Registry of Deeds in Book 10538, Page 338.

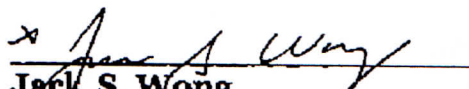
To have and to hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said **Peter J. Brogan and Vickie A. Brogan**, their heirs and assigns, to them and their use and behoof forever.

And I do **covenant** with the said Grantee(s), their heirs and assigns, that I am lawfully seized in fee of the premises, that they are free of all encumbrances, that I have good right to sell and convey the same to the said Grantee(s) to hold as aforesaid; and that I and my heirs shall and will **warrant and defend** the same to the said Grantee(s), their heirs and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I, the said **Jack S. Wong**, have hereunto set my hand and seal this 17th day of November, 2000.

Signed, Sealed and Delivered
in the presence of


Witness

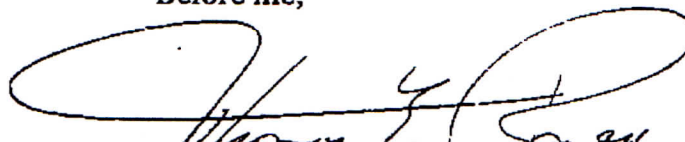
x 
Jack S. Wong

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

Dated: November 17, 2000

Personally appeared the above-named Jack S. Wong and acknowledged the foregoing instrument to be his free act and deed.

Before me,


Attorney at Law/Notary Public

RECEIVED
RECORDED REGISTRY OF DEEDS

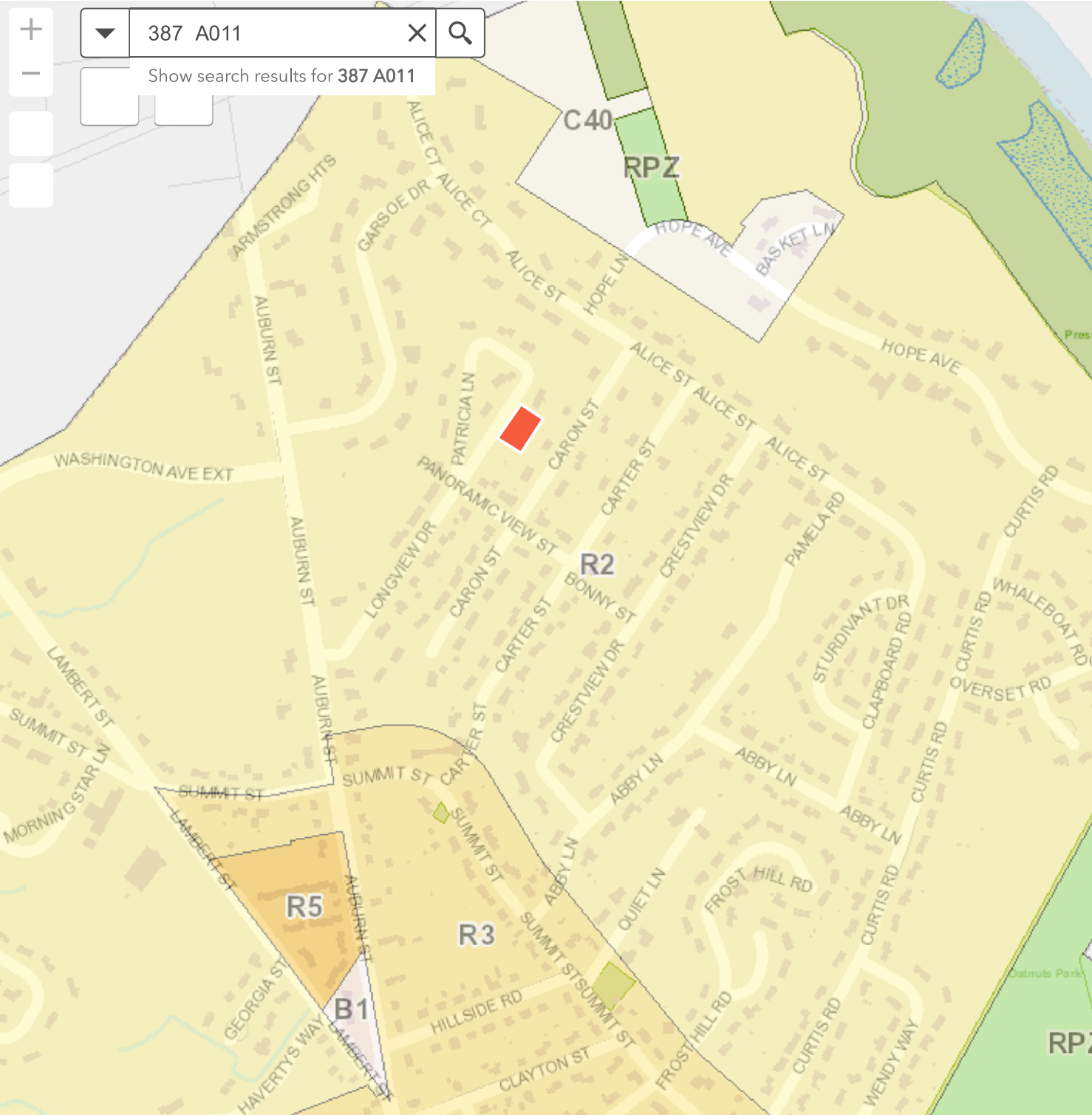
2000 NOV 20 PM 3:42

CUMBERLAND COUNTY

John B. O'Brien

Printed name: Thomas E. Powers

81 Longview Dr - Conditional Use Appeal





Michael A. Russell, MS, Director
Permitting and Inspections Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Applicant Information:

NAME

Jon Bradstreet

BUSINESS NAME

n/a

BUSINESS ADDRESS

n/a

BUSINESS TELEPHONE & E-MAIL

n/a

APPLICANT'S RIGHT/TITLE/INTEREST

Property Owner

CURRENT ZONING DESIGNATION

R5 2 family

Subject Property Information:

PROPERTY ADDRESS

73-75 Douglass Street

CHART/BLOCK/LOT (CBL)

078 B003001

PROPERTY OWNER (If Different)

ADDRESS (If Different)

20 St. South Portland, ME 04106

PHONE # AND E-MAIL

(207) 321-8195 jonbradstreet@gmail.com

CONDITIONAL USE AUTHORIZED BY
SECTION 14- 118

EXISTING USE OF THE PROPERTY:

3 unit dwelling

TYPE OF CONDITIONAL USE PROPOSED:

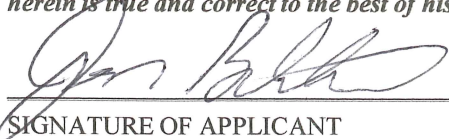
grant approval to legalize third dwelling unit located above the garage.

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

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

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.


SIGNATURE OF APPLICANT

5/6/17
DATE

Portland, Maine



Yes. Life's good here.

Michael A. Russell, MS, Director
Permitting and Inspections Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

NAME

Jon Bradstreet

BUSINESS NAME

n/a

BUSINESS ADDRESS

n/a

BUSINESS TELEPHONE & E-MAIL

n/a

APPLICANT'S RIGHT/TITLE/INTEREST

Property Owner

CURRENT ZONING DESIGNATION

R5 2 family

EXISTING USE OF THE PROPERTY:

3 unit dwelling

Subject Property Information:

PROPERTY ADDRESS

73-75 Douglass Street

CHART/BLOCK/LOT (CBL)

078 B003001

PROPERTY OWNER (If Different)

20 St. South Portland, ME 04106

ADDRESS (If Different)

(253) 321-8195 jonbradstreet@gmail.com

PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY
SECTION 14- 118(a)(5)

RECEIVED

MAY 15 2017

Dept. of Building Inspections
City of Portland Maine

TYPE OF CONDITIONAL USE PROPOSED:

grant approval to legalize third dwelling unit located above the garage.

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

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

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

SIGNATURE OF APPLICANT

[Signature]

DATE

5/6/17

JON BRADSTREET

2 D Street South Portland, ME 04106 | (207)321-8195 | jonbradstreet@gmail.com

May 6, 2017

Zoning Board of Appeals

389 Congress Street
Portland, ME 04101

Dear Zoning Board of Appeals Members:

As the property owner of 73-75 Douglass Street in Portland, I am seeking conditional use approval for an existing one-bedroom apartment that is located above a garage. The apartment was fully operational when I purchased the property in July of 2007 and was built in 1992/1993 when the prior owner erected the garage. I have included copies of the original building permit that was issued for the garage construction. I am unable to prove occupancy prior to 4/1/1995, as a rented apartment, in order to gain approval via the legalization process. Therefore, I am seeking approval via the R5 standards [Section 14-118(a)(5), letters a through h]. I will explain below how I am meeting each of the R5 standards and the three basic conditional use standards from the enclosed application.

R5 Standards [Section 14-118(a)(5)]

- **A. This section shall under no conditions permit more than four dwelling units on a lot and shall not allow more than two additional dwelling units on a lot above what would otherwise be permitted;** The property located at 73-75 Douglass Street is currently a two unit property. I am requesting conditional use approval to add a third dwelling unit to the property.
- **B. Any units created under this section may not be sold as condominium units or otherwise separated from the ownership of at least one of the pre-existing units on the site;** The property does not contain condominiums and will retain ownership as a multi family property.

- **C. Any units created under this section must be affordable to households earning up to 80% of AMI and are subject to income verification as further outlined in implementing regulations;** I understand that if conditional use is approved, I will sign a workforce housing agreement to meet this standard.
- **D. The additional units shall have a minimum floor area of four hundred (400) square feet and may not involve removing more than ten percent of the gross floor area of an existing dwelling unit into a new dwelling unit. Gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level and may include the attic if such space is habitable;** The dwelling is 576 square feet and was built in 1992/1993. It is a free standing building with the dwelling located above the garage. The dwelling did not take any gross floor area away from either of the existing units.
- **E. Modifications to existing structures shall be minimal, and be limited to new doors, windows and other openings;** No modifications are planned since the dwelling unit is already in existence.
- **F. Parking shall be provided as required by Division 20 of this article;** The driveway is approximately 70' by 25' with 4 parking spaces as defined by Division 20 (see enclosed pictures and plot plan). There are also two garage bays for parking.
- **G. There shall be no open, outside stairways or fire escapes above the ground floor;** There are currently no open, outside stairways or fire escapes and no plans or need to construct either.
- **H.**
 - **i. 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;** There will be no additions or exterior alterations as the dwelling is already in existence.
 - **ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped properly to screen vehicles from adjacent properties and streets;** The driveway is already in existence and does not require alteration.

Conditional Use Appeal Application Standards:

1. **The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone;** There will be no increased traffic generated. The property is not a business operation. The property has an existing driveway that is not being altered.

2. **The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter;** The dwelling unit seeking approval is equipped with city water and sewer. It is an existing 1-bedroom apartment located above a garage.
3. **The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone;** No changes are planned for landscaping, adding screening or a sign. The dwelling uses city trash curbside pickup and there are no loading deliveries or materials storage on site.

I would welcome the opportunity to further discuss any questions you may have regarding the contents of the application package.

Sincerely,

Jon Bradstreet

A handwritten signature in black ink, appearing to read 'Jon Bradstreet', with a stylized, flowing script.

ENCLOSURE

THIS IS NOT A BOUNDARY SURVEY

This copyrighted document expires 10-10-07. Reproduction and/or dissemination after this date is unauthorized.

MORTGAGE INSPECTION OF: DEED BOOK 7579 PAGE 41 COUNTY Cumberland
PLAN BOOK --- PAGE --- LOT ---

ADDRESS: 75 Douglass Street, Portland, Maine

Job Number: 600-68

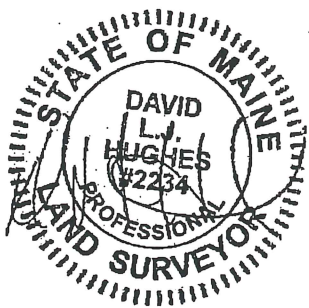
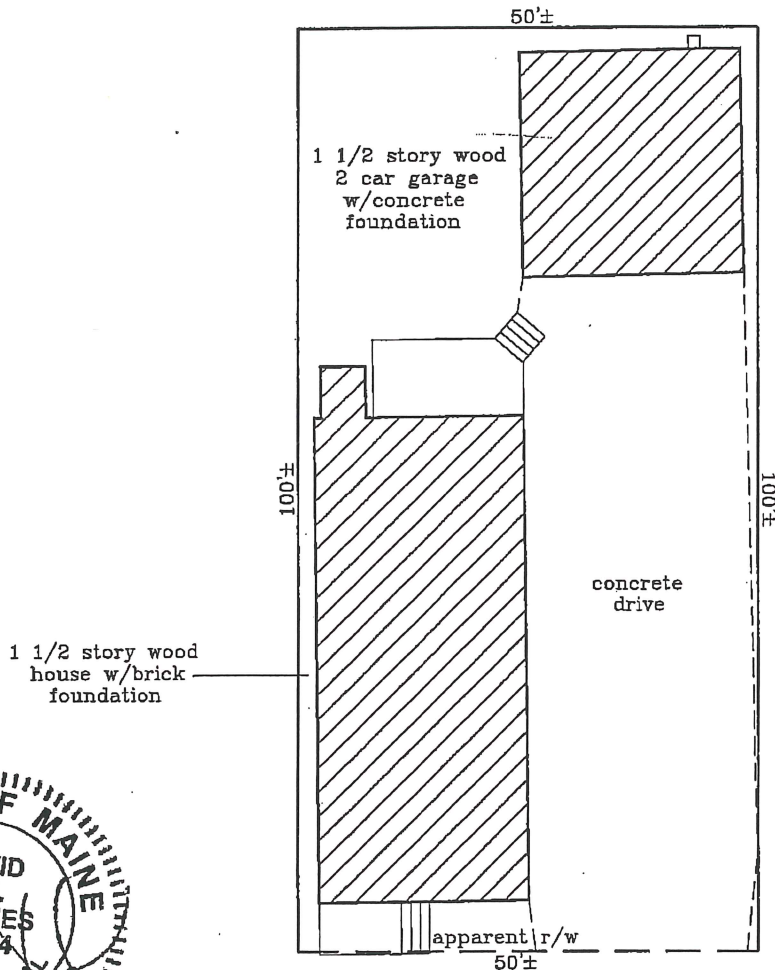
Inspection Date: 07-10-07

Scale: 1" = 20'

Client File #: 0207-00481

Buyer: Jonathan Bradstreet

Seller: Estate of Daniel S. Campbell



I HEREBY CERTIFY TO: Market Street Settlement Group, LLC, NE
Moves Mortgage, LLC & its title insurer.

Monuments found did not conflict with the deed description.

The dwelling setbacks do not violate town zoning requirements.

As delineated on the Federal Emergency Management Agency Community Panel:

The structure does not fall within the special flood hazard zone.

The land does not fall within the special flood hazard zone.

A wetlands study 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.

copyright©

Livingston-Hughes

Professional Land Surveyors

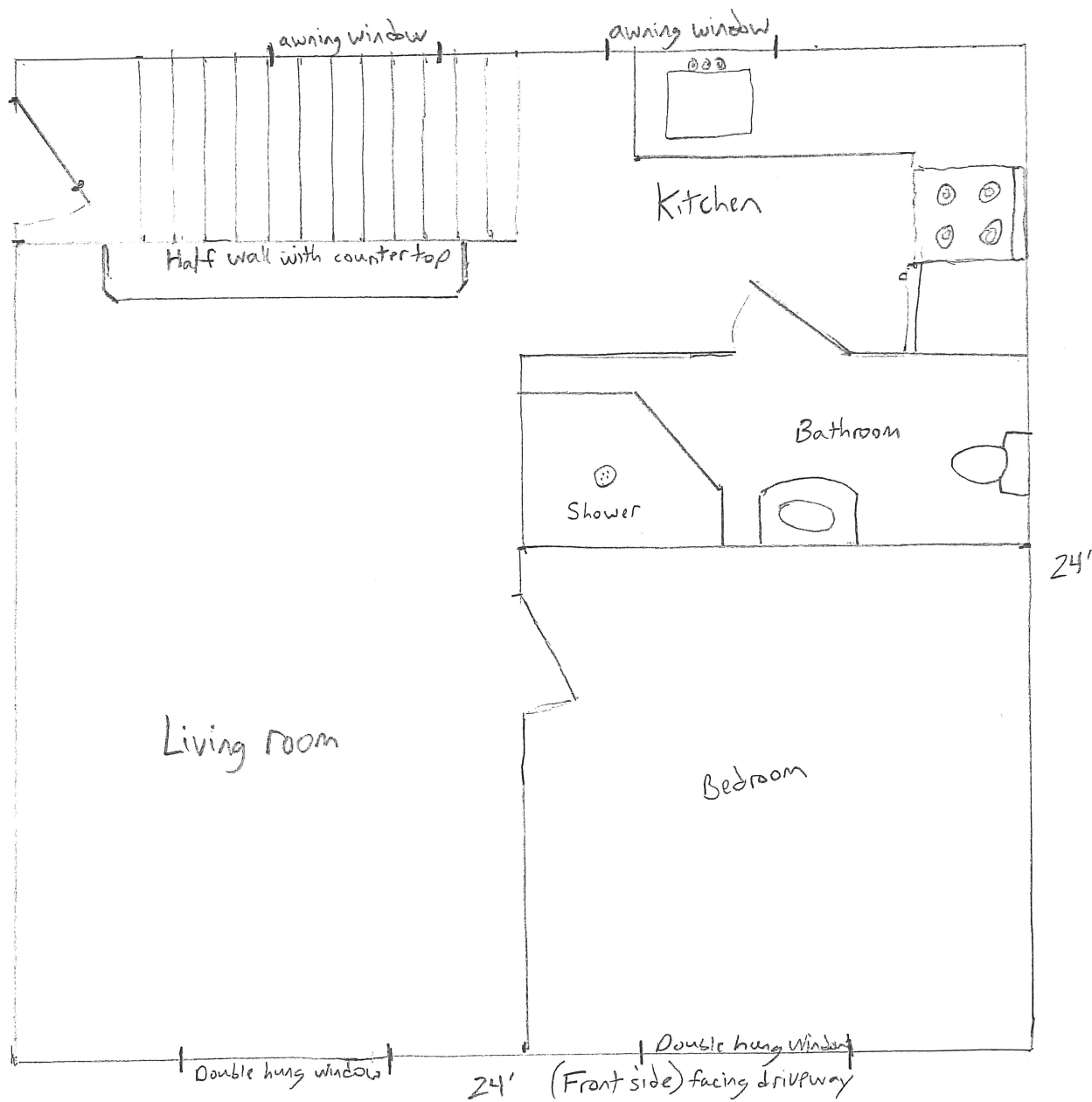
88 Guinea Road

Kennebunkport, Maine 04046

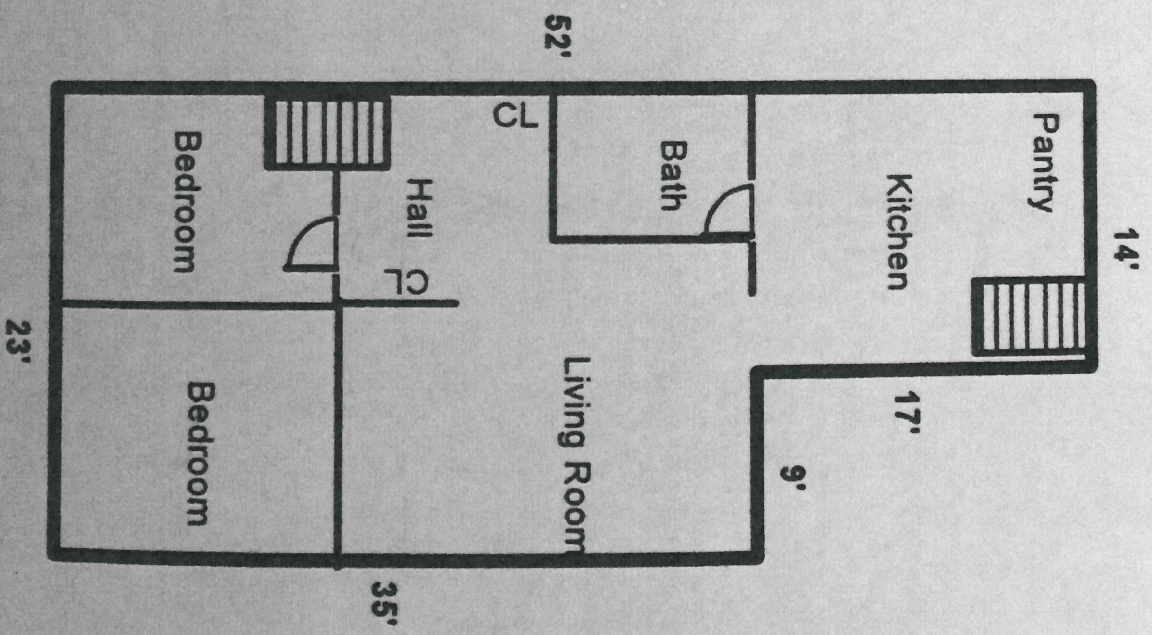
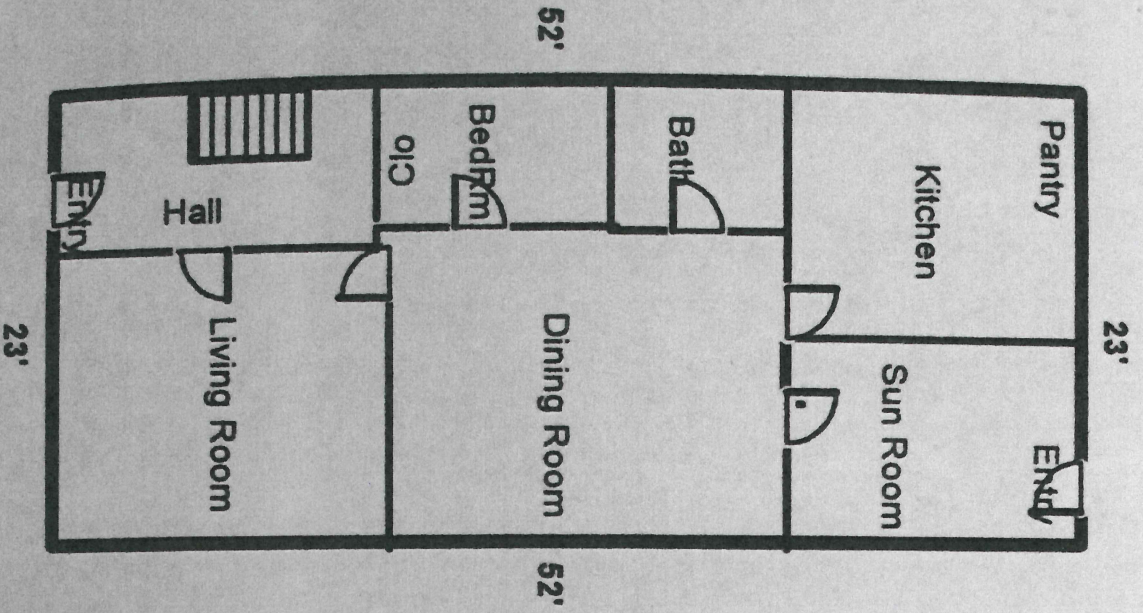
207-967-9761 phone 207-967-4831 fax

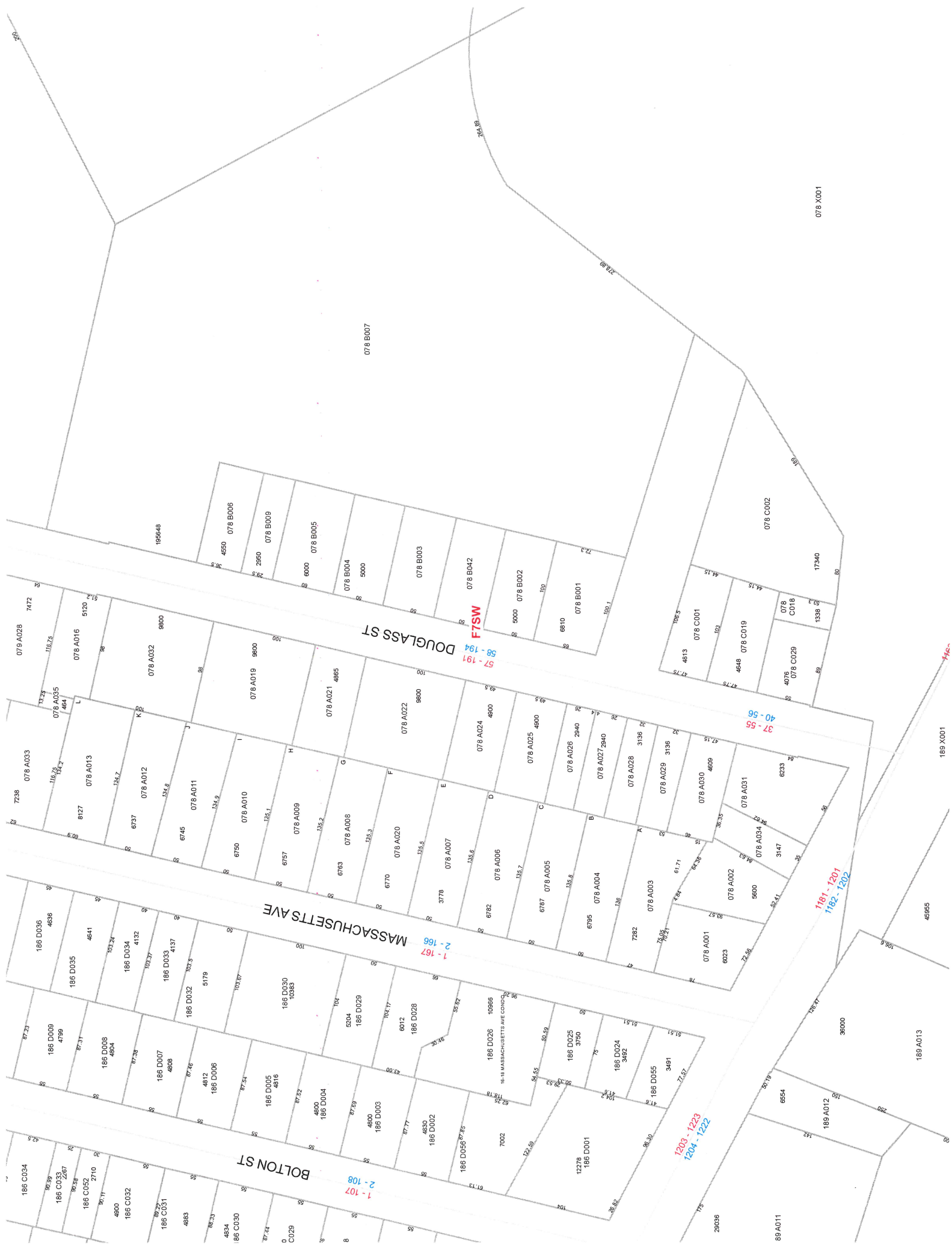
www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY



Scale 1" = 4'
 75 Douglass St. Portland
 Garage 2nd Floor
 Dimensioned Floor Plan







DOUGLAS

ROSSETTS AVE

078 B01

57



**DEED OF SALE BY PERSONAL REPRESENTATIVE
(INTESTATE)**

KNOW ALL MEN AND WOMEN BY THESE PRESENTS, that I, Carol D. Campbell, now of Portland and South Portland, County of Cumberland, State of Maine,

duly appointed and acting Personal Representative of the Estate of Daniel S. Campbell, late of Portland (Intestate), as shown by the probate records of and for Cumberland County, Maine, under docket number 2005/1020,

and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale,

by the power conferred by the Probate Court, and every other power,

for consideration paid, grant to Jonathan Bradstreet, now of Portland, County of Cumberland, State of Maine, whose mailing address is 17 Codman Street, Portland, Maine 04103, the real property in Portland, County of Cumberland, State of Maine, more particularly described as follows:

A certain lot or parcel of land with the buildings thereon situated in said Portland on the easterly side of Douglass Street, bounded and described as follows:

Beginning at a point in the easterly side line of said Douglass Street four hundred thirty-seven (437) feet from the corner made by the junction of the easterly side line of said Douglass Street with the northerly side line of the county road leading from Stroudwater to Portland; thence by said Douglass Street north about twenty-five (25) degrees east, fifty (50) feet to a stake; thence easterly at right angles with said Douglass Street one hundred (100) feet to a stake; thence southerly parallel with said street fifty (50) feet to a stake; thence westerly at right angles with said street one hundred (100) feet to the bounds begun at.

Being the same premises conveyed to the decedent by Personal Representative of the Estate of Loretta A. Campbell, also known as Alice L. Campbell, said deed dated December 31, 1986 and recorded in the Cumberland County Registry of Deeds at Book 7579, Page 41.

IN WITNESS WHEREOF, I, the aforesaid Carol D. Campbell, in my capacity as Personal Representative of the Estate of Daniel S. Campbell, do hereunto set my hand and seal this 27th day of July, 2007.

Signed, sealed, and delivered
in the presence of:

D. S. Turely

Carol D. Campbell
Carol D. Campbell
Personal Representative
Estate of Daniel S. Campbell

STATE OF MAINE
CUMBERLAND, SS.

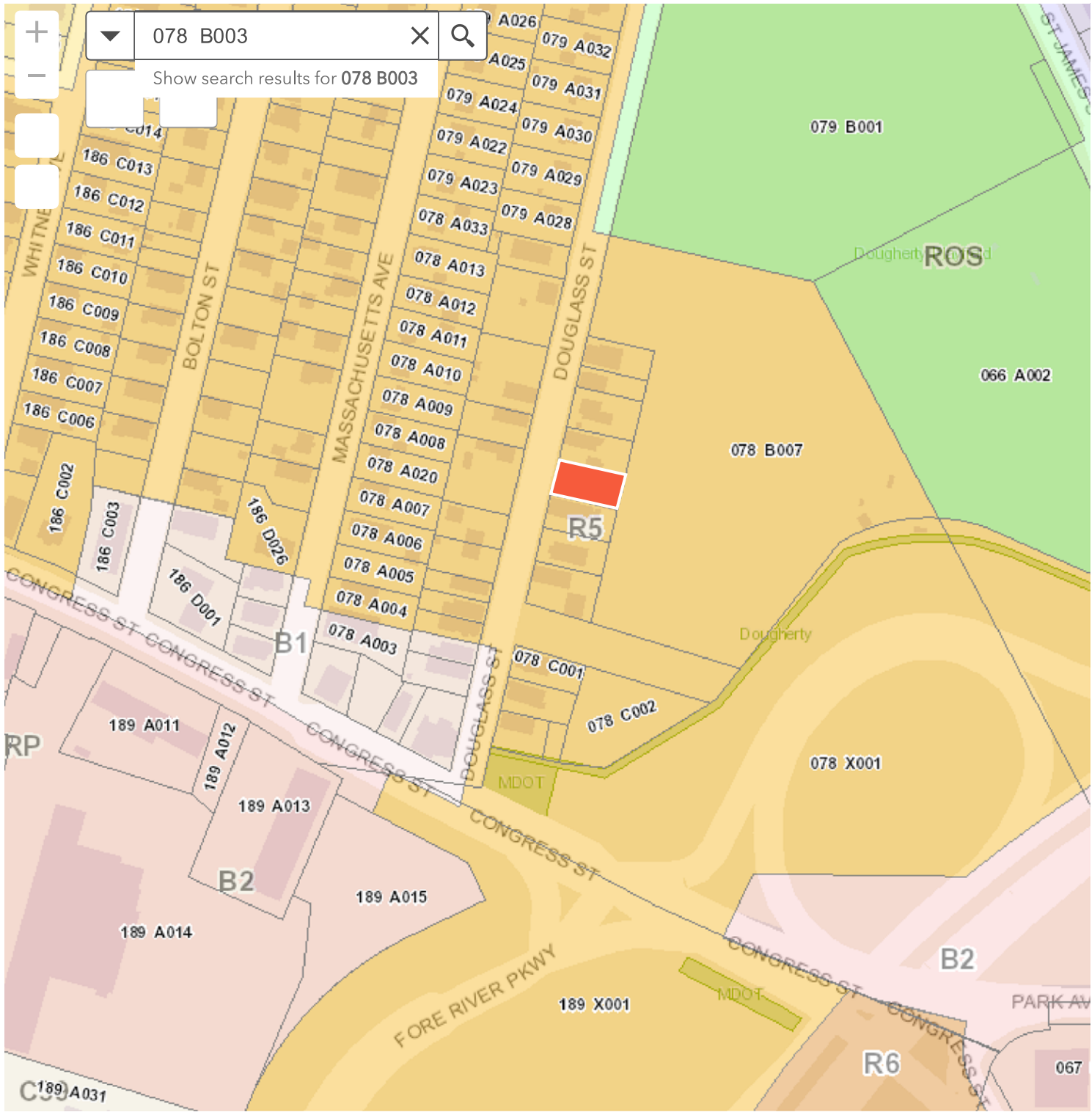
July 27, 2007.

Personally appeared before me the above-named Carol D. Campbell, in her said capacity, and acknowledged the foregoing instrument to be her free act and deed.

D. S. Turely Esq
Notary Public/Attorney at Law

D. S. Turely
Bar Reg # 01926 (Maine)

75 Douglass St - Conditional Use Appeal



Inspection Services
Samuel P. Hoffas
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

November 23, 1992

RE: 75 Douglass St.

Daniel Campbell
75 Douglass St.
Portland, ME 04102

Dear Sir:

Your application to demolish garage and rebuild on same footprint, has been reviewed and a permit is herewith issued subject to the following requirements:

1. This permit is being issued with the understanding that the proposed structure does not encroach any closer to side lot line. The expansion of the garage in width will take place on the inward side of your yard, not the outboard.
2. The length expansion will be in the front of the proposed garage not the rear.
3. As you stated, the existing garage was not 18' X 20' as permit stated but was 19' X 23' and it was built in 1949.
4. Please read and implement items 1, 2, and 15 of the attached building permit report.

If you have any questions regarding these requirements, please do not hesitate to contact this office.

Sincerely,



S. Samuel Hoffas
Chief of Inspection Services

/el

BUILDING PERMIT REPORT

ADDRESS: 75 Douglas StDATE: 23 Nov/92REASON FOR PERMIT: Demolish garage, rebuild sameBUILDING OWNER: Daniel CampbellCONTRACTOR: OwnerPERMIT APPLICANT: 11APPROVED: *1 *2 *15

CONDITION OF APPROVAL:

- ☒ 1.) Before concrete for foundation is placed, approvals from Public Works and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection.)
- ☒ 2.) Precaution must be taken to protect concrete from freezing.
- 3.) All vertical openings shall be enclosed with construction having a fire rating of at least one(1) hour, including fire doors with self-closers.
- 4.) Each apartment shall have access to two(2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units.
- 5.) The boiler shall be protected by enclosing with one(1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. Sprinkler piping serving not more than six sprinklers may be connected to a domestic water supply system having a capacity sufficient to provide 0.15 gallons per minute, per square foot of floor throughout the entire area. An INDICATING shut-off valve shall be installed in an accessible location between the sprinkler and the connection to the domestic water supply. Minimum pipe size shall be 3/4 inch copper or 1 inch steel. Maximum coverage area of a residential sprinkler is 144 square feet per sprinkler.
- 6.) Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside opening without the use of separate tools. Where windows are provided as a means of egress or rescue, they shall have a sill height not more than 44 inches (1118 mm) above the floor. All egress or rescue windows from sleeping rooms must have minimum net clear openings of 5.7 square feet (0.53m²). The minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm).
- 7.) All single and multiple-station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the building code (BOCA National Building Code 1990, and N.F.P.A. 101 Chapter 18 & 19.

- 8.) Private garages located beneath rooms in buildings of Use Groups R-1, R-2, R-3 or R-4 shall have walls, partitions, floors and ceilings separating the garage space from the adjacent interior spaces constructed of not less than 1-hour fire resistance rating. Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of 1/2-inch gypsum board or equivalent applied to the garage side. The sills of all door openings between the garage and adjacent interior spaces shall be raised not less than 4 inches (102 mm) above the garage floor. The door opening protectives shall be 1 3/4-inch solid core wood doors or approved equivalent.
- 9.) A guardrail system located near the open side of deck or elevated walking surfaces shall be constructed. Guards in buildings of Use Group R-3 shall be not less than 36 inches in height. Open guards shall have intermediate rails, balusters or other construction such that a sphere with a diameter of 4 inches cannot pass through any opening. Handrails on stairs shall be no less than 34 inches nor more than 38 inches. Handrails within individual dwelling units shall not be less than 30 inches nor more than 38 inches. For more detail on guards & handrails see Article 8 section 824.0 and 825.0 of the BOCA National Building Code.
- 10.) Section 23-135 of the Municipal Code for the City of Portland states: "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year.
- 11.) The builder of a facility to which Section 4594-C of the Maine State Human Rights Act, Title 5 M.R.S.A. refers, shall obtain a certification from a design professional that the plans of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.
- 12.) Stair construction in Use Group R-3, R-4, is a minimum of 9" tread and 8-1/4" maximum rise.
- 13.) Headroom in habitable spaces is a minimum of 7'6".
- 14.) The minimum headroom in all parts of a stairway shall not be less than 6 feet 8 inches.
- *15.) All construction and demolition debris must be disposed at the RMS by a licensed carrier or solid waste at the City's authorized reclamation site. The fee rate is attached. Proof of such disposal must be furnished to the office of Inspection Services before final certificate of occupancy is issued or demolition permit is granted.

Sincerely,


E. Samuel Hultsey
Chief of Inspection Services

/el

11/16/88-11/27/90-8/14/91-7/2/92-10/14/92